



Development Control Plan

Adopted 19 December 2011

As Amended

To be read in conjunction with the Uralla Local Environmental Plan 2012
Gazetted 23 March 2012

Acknowledgements

The Uralla Council recognises the traditional inhabitants of the land and recognises their rich culture and intrinsic connection to the land that stretches back over thousands of years. The Uralla Council also acknowledges Aboriginal Elders past and present and pays respect to them and their heritage.

Uralla Council wishes to thank all interested stakeholders for their valuable contributions towards the development of the Uralla Development Control Plan 2011.

Disclaimer

Information in this document is based on available data at the time of writing this strategic document which deals with technical issues in a summary way. All figures and diagrams are indicative only and should be referred to as such. Whilst Uralla Council has exercised reasonable care in preparing this document it does not warrant or represent that it is accurate or complete. Council or its officers accept no responsibility for any loss occasioned to any person acting or refraining from acting in reliance upon any material contained in this document.

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1	E Cumming & J Wolfenden	19.12.2011	Preparation due to the template Conversion LEP and review of existing DCP's
2	E Cumming	27.8.2012	Housekeeping
3	K Hunter, Consultant	23.3.2015	Bed & Breakfast, Shipping Containers, Flood Controls, Lane Widening, Review Code SEPP Compliance & Housekeeping
4	K Hunter, Consultant	26.10.2015	Detached Dual Occupancy Dwelling
5	K Hunter, Consultant	15.8.2016	Chapter 17 – Barleyfields

Contents (Abbreviated)

Contents (Abbreviated)	3
Contents (Full)	4
List of Tables	14
List of Figures	14
Chapter 1 Introduction and General Provisions	15
Chapter 2 Subdivision	20
Chapter 3 Residential Development	32
Chapter 4 Rural Development	49
Chapter 5 Development in Commercial and Industrial Areas	55
Chapter 6 Access and Parking	63
Chapter 7 Commercial Use of Public Footways	68
Chapter 8 Signage and Outdoor Advertising	74
Chapter 9 Development and Heritage Conservation	82
Chapter 10 Development in Gateway Areas	87
Chapter 11 Floodplain Development and Management	89
Chapter 12 Regulation of Brothels	99
Chapter 13 Notification Procedures	105
Chapter 14 Contaminated Land	111
Chapter 15 Other Matters	115
Chapter 16 Kerbing and Guttering	120
Chapter 17 Barleyfields	122

Contents (Full)

Contents (Abbreviated)	3
Contents (Full)	4
List of Tables	14
List of Figures	14
Chapter 1 Introduction and General Provisions	15
Amendment of the plan.....	15
Interpretation of Legislative References	15
Repeal of the plan.....	15
Relevant Local Environmental Plan	15
Planning Pathways	16
Exempt Development.....	16
Complying Development	16
e-Planning – Electronic Housing Code.....	16
Full Development Application	17
State Environmental Planning Policies (SEPPs).....	17
National Building Code (NBC)	17
Contributions	17
Planting of Vegetation	18
Definitions.....	18
Chapter 2 Subdivision	20
About this Chapter.....	20
Where this Chapter applies	20
General Advice to Applicants for Subdivision.....	20
Subdivision of Bushfire Prone Land	21
Subdivision in Residential Areas	22
Where this Section Applies.....	22
Aims and Objectives	22
Performance Outcomes	22
Acceptable Solutions	22
Alternative Solutions	25
Subdivision in Village Areas	25
Where this Section Applies.....	25
Aims and Objectives	25
Performance Outcomes	25
Acceptable Solutions	25
Alternative Solutions	26
Subdivision in Large Lot Residential Areas	26
Where this Section Applies.....	26
Aims and Objectives	27
Performance Outcomes	27
Acceptable Solutions	27

Alternative Solutions	28
Subdivision in Rural Areas	28
Where this Section Applies.....	28
Aims and Objectives	28
Performance Outcomes	28
Acceptable Solutions	29
Alternative Solutions	30
Subdivision in Commercial and Industrial Areas	30
Where this Section Applies.....	30
Aims and Objectives	30
Performance Outcomes	30
Acceptable Solutions	30
Alternative Solutions	31
Chapter 3 Residential Development	32
About this Chapter	32
Where this Chapter applies	32
General Advice to Applicants for Residential Development	32
Aim.....	32
Application of Controls.....	32
Site Design and Layout.....	32
Aims	32
Performance Outcomes	32
Acceptable Solutions	33
Alternative approaches and design suggestions	33
Density	33
Introduction and General Provisions.....	33
Aims	33
Performance Outcomes	33
Acceptable Solutions	33
Alternative approaches and design suggestions	34
Setbacks and Building Envelopes.....	34
Introduction and General Provisions.....	34
Aims	34
Performance outcomes	34
Acceptable solutions	34
Alternative approaches and design suggestions	36
Open Space	36
Introduction and General Provisions.....	36
Aims	36
Performance Outcomes	36
Acceptable Solutions	36
Alternative approaches and design suggestions	37
Secluded private open space	37
Introduction and General Provisions.....	37
Aims	37
Performance Outcomes	37
Acceptable Solutions	38
Alternative approaches and design suggestions	38

Landscaping of Open Space Areas	38
Introduction and General Provisions.....	38
Aims	38
Performance Outcomes	38
Acceptable Solutions	39
Alternative approaches and design suggestions	40
Privacy.....	40
Introduction and General Principles	40
Aims	40
Performance Outcomes	40
Acceptable Solutions	40
Alternative Approaches and Design Suggestions	41
Fencing.....	41
Introduction and General Principles	41
Aims	41
Performance Outcomes	41
Zone R1 – General Residential & Zone RU5 – Village	41
Acceptable Solutions	41
Alternative Approaches and Design Suggestions	41
Zone R2 – Low Density Residential & Zone R5 – Large Lot Residential	41
Acceptable Solutions	41
Solar Access	41
Introduction and General Principles	41
Aims	42
Performance Outcomes	42
Acceptable Solutions	42
Alternative Approaches and Design Suggestions	44
Dual Occupancy	44
Introduction and General Principles	44
Aims	44
Performance Outcomes	44
Acceptable Solutions	45
Alternative Approaches and Design Suggestions	45
Secondary Dwellings	45
Introduction and General Principles	45
Aims	46
Objectives	46
Acceptable Solutions	46
Multi Dwelling Housing.....	47
Introduction and General Principles	47
Aims	47
Performance Outcomes	47
Acceptable Solutions	47
Alternative Approaches and Design Suggestions	48
Chapter 4 Rural Development	49
About this Chapter.....	49
Where this Chapter applies	49
Biodiversity	49
Aims	49

Performance outcomes	49
Acceptable solutions	49
Alternative approaches and design suggestions	50
Bushfire Management	50
Aims	50
Performance outcomes	50
Acceptable solutions	50
Alternative approaches and design suggestions	50
Access to Rural Properties - General	51
Performance outcomes	51
Acceptable solutions	51
Alternative approaches and design suggestions	51
Access to Rural Properties – Land subdivided for agricultural purposes	51
General	51
Performance Outcomes	51
Acceptable Solutions	52
Rural Dwellings	52
General	52
Note regarding permissibility	52
Note regarding consultation	52
Basic information to be provided – all applications	52
Additional information	52
Performance Outcomes	53
Acceptable Solutions	53
Alternative approaches and design suggestions	53
Dual occupancies in Rural Areas.....	53
Chapter 5 Development in Commercial and Industrial Areas	55
About this Chapter.....	55
Where this Chapter applies	55
General Advice to Applicants.....	55
Aims and Objectives	56
Performance Outcomes.....	56
Acceptable Solutions	56
Change of Use.....	56
Provision of Services.....	57
Access for Persons with Disabilities	57
Height	57
Access and car parking	57
On-site facilities	57
Development on land adjoining land zoned R1 General Residential	58
Energy efficiency	58
Zone B2 – Specific Considerations	58
B2 Local Centre.....	58
Heritage Considerations	58
Building lines and setbacks.....	59
Front Building line	59
Side and rear setbacks	59
Zone B4 – Specific Considerations	59

Building lines and setbacks.....	59
Front setbacks	60
Side and rear setbacks	60
Zone B6 – Specific Considerations	60
Building lines and setbacks.....	60
All street frontages in the zone	60
Side and rear setbacks	61
Development in Gateway Areas	61
Zone IN1 – Specific Considerations.....	61
Building lines and setbacks.....	61
All street frontages in the zone	61
Side and rear setbacks	61
Zone IN2 – Specific Considerations.....	61
Building lines and setbacks.....	62
All street frontages in the zone	62
Side and rear setbacks	62
Chapter 6 Access and Parking	63
About this Chapter	63
Where this Chapter applies	63
Aims and Objectives	63
Access and Traffic Generation	63
Parking Requirements.....	63
General	63
Provision of Parking Spaces	64
Aims	64
Performance Outcomes	64
Acceptable Solutions	64
Alternative approaches and design suggestions	64
Explanatory Notes	67
Chapter 7 Commercial Use of Public Footways	68
About this Chapter	68
Where this Chapter applies	68
General Advice to Applicants for Commercial Use of Public Footways	68
Aims	68
Objectives	68
Gaining Approval	68
Lease Agreement.....	68
Public Liability Insurance	68
Hours of Operation.....	69
Footpath Clearance and Building Access.....	69
Introduction and General Provisions:.....	69
Aims	69
Performance outcomes	69
Acceptable solutions	69
Operation of Outdoor Dining Areas.....	71

Aims	71
Performance Outcomes	71
Acceptable Solutions	71
Alternative approaches and design suggestions	72
Merchandise Displays on Public Footpath Areas.....	72
Aims	72
Performance Outcomes	72
Acceptable Solutions	72
Sandwich Boards.....	72
Aims	72
Performance Outcomes	72
Acceptable Solutions	73
Chapter 8 Signage and Outdoor Advertising	74
About this Chapter.....	74
Where this Chapter Applies.....	74
Aims and Objectives	74
Performance Outcomes.....	74
General advice to Applicants for Development.....	74
No Approval Required for Some Signs	74
Development applications.....	75
Maintenance.....	75
Signs that are not acceptable	75
Illegal signs.....	76
Acceptable Solutions	76
Signs in Heritage Areas or on or near Heritage Buildings	76
Street seat and bus shelter advertising.....	77
Sandwich boards	77
Tourist information/directional signs.....	77
Signs in Residential Zones (R1, R2 & R5)	77
Signs in Business and Industrial Zones (B2, B4, B6, IN1 and IN2).....	77
Area and height of signs	77
Location	78
Number of signs	78
Signs in Rural Zones (RU1 and RU2)	78
Location	78
Controls for signs greater than 20m ² in area.	78
Chapter 9 Development and Heritage Conservation	82
About this Chapter.....	82
Where this Chapter applies	82
General Advice to Applicants for Development	82
Exempt Development.....	82
Complying Development	82
Performance Criteria	83
Acceptable Solutions – Uralla Town Centre	83
Aims and Objectives	83
Significant features.....	83

Material and external appearance	83
Streetscape	83
Colour schemes	83
Infill development	84
Verandahs and awnings	84
Roofs	84
Contributory buildings (includes Heritage items)	84
Acceptable Solutions – Bundarra Town Centre	85
Acceptable Solutions – Rocky River Gold Mining Precinct	85
Acceptable Solutions – Wollun Village Precinct	86
Alternative Solutions	86
Reference	86
Chapter 10 Development in Gateway Areas	87
About this Chapter	87
Where this Chapter applies	87
Aims and Objectives	87
Performance Outcomes	87
General Advice to Applicants for Development	87
Acceptable Solutions	87
Chapter 11 Floodplain Development and Management.....	89
About this Chapter	89
Where this Chapter applies	89
Terms used in this Chapter	89
Relationship to Other Planning Instruments	90
General Advice to Applicants.....	90
Aims and Objectives	90
Performance Outcomes:.....	90
Acceptable Solutions:	91
Flood Planning Controls – Bundarra.....	91
Flood Planning Controls - Uralla	92
Development in Floodways	93
Development in Flood Storage Areas and Extreme Flood Extent	94
Additional Matters for Consideration – Commercial and Industrial Development ...	94
Flood Planning Controls – Unmapped Areas.....	95
Additional Information Required for Development Applications in Unmapped Areas where there is Potentially Flood Liable Land	95
Alternative Solutions and Design Suggestions:	96
Other forms of development	96
Variations to the DCP requirements	96
Decision criteria for variations to the DCP	96
Flood Proofing Guidelines.....	96
Chapter 12 Regulation of Brothels.....	99
About this Chapter	99
Where this Chapter applies	99

General Advice to Applicants for Brothels.....	99
Purpose.....	99
Aims	99
Objectives.....	99
Application of the Chapter	99
Information to be supplied.....	100
Establishment of Brothels.....	101
Introduction and General Provisions.....	101
Aims:	101
Performance outcomes	101
Acceptable solutions	101
Alternative approaches and design suggestions	102
Operation of Brothels	102
Introduction and general provisions	102
Other general provisions:	102
Aims	102
Performance outcomes	102
Acceptable solutions	102
Alternative approaches and design suggestions	104
Chapter 13 Notification Procedures.....	105
About this Chapter of the DCP.....	105
Outline	105
Purpose.....	105
Aims and Objectives	105
Structure of this Chapter	105
Notification Procedures and Guidelines for Applications.....	106
Notification of Applications.....	106
Applications which will not be notified	106
Exempt and Complying Development:	106
Subdivisions:	106
Commercial or Industrial Uses:	106
Houses and Extensions:	106
Swimming Pools:	107
Persons to be Notified.....	107
Other Referrals	107
Notification of Amendments prior to determination & Modification Applications under S96	107
Amendments prior to Determination	107
Modification of an Approval (after Determination) under Section 96	107
Notification Period	108
Form of Submissions from Persons Notified & the General Public.....	108
Consideration of Submissions	108
Applicant to be advised of Objections.....	108
Notification of Determination	108
Advertising of Applications.....	109
Advertising & Notification Costs	109
Integrated, Designated Development and other Categories of Development	109
Integrated Development	109

Public Notification and Exhibition	109
Designated Development	109
Public Notification and Exhibition	109
Other types of Approval	110
Public Notification and Exhibition	110
Chapter 14 Contaminated Land	111
About this Chapter	111
Where this Chapter applies	111
General Advice to Applicants.....	111
Aims and Objectives	112
Performance Outcomes.....	112
Acceptable Solutions	112
SEPP 55 Requirements for Development	112
Other Planning Considerations for Contaminated Land	113
Alternative Solutions	114
Former Pole Treatment Plant	114
Chapter 15 Other Matters	115
About this Chapter	115
Where this Chapter applies	115
Temporary Dwellings	115
Relocation of Buildings	115
Shipping Containers	116
Exempt Development.....	116
General Standards (All zones)	116
Residential, Village or Rural Residential zones:.....	117
Rural and Environmental zones:.....	117
Industrial zones:	117
Business zones:.....	118
Modification of shipping container :	118
Bed and Breakfast Accommodation	118
Objectives	118
Controls	119
Chapter 16 Kerbing and Guttering	120
About this Chapter	120
Where this Chapter Applies	120
Aims and Objectives	120
Performance Outcomes.....	120
Acceptable Solutions	120
Exemptions	121
Alternative Solutions	121
Chapter 17 Barleyfields	122
About this Chapter	122
Where this Chapter applies	122
Masterplan.....	123

Development Lots.....	123
Objectives	123
Controls	123
Low Density Residential Lots	126
Objectives	126
Principles	126
Staging	126
Objectives	126
Controls	126
Servicing.....	128
Objectives	128
Controls	128
Street Trees.....	128
Objective.....	128
Controls	128
Low Density Residential Development	133
Objective.....	133
Controls	133
Boundary Fencing	133
Objectives	133
Controls	133
Acceptable Solutions	134

List of Tables

Table 3.1	Density	33
Table 3.2	Setbacks	34
Table 3.3	Landscaping	37
Table 3.4	Secluded Private Open Space	38
Table 4.1	Rights of Carriageway	51
Table 6.1	Car Park Provision - Acceptable Solutions	65
Table 8.1	Signage	79
Table 9.1	Heritage significance categories	84
Table A.11.1	Flood Compatible Materials	97

List of Figures

Figure 3.1	Example of Concept Landscaping Plan	39
Figure 3.2	Avoid direct viewing of adjacent windows	40
Figure 3.3	Acceptable range for solar orientation	42
Figure 3.4	Placement on lots for best solar access	43
Figure 3.5	Windows and Eaves	44
Figure 7.1	Footpath lease area adjacent to the kerb	70
Figure 7.2	Alternative footpath lease area arrangements	70
Figure 7.3	Blister dining or displays	71
Figure 11.1	Flood Planning Area at Bundarra.	91
Figure 11.2	Flood Planning Area at Uralla	92
Figure 17.1	Land to which Chapter 17 applies	122
Figure 17.2	Masterplan Subdivision Layout	124
Figure 17.3	Masterplan Development Lots	125
Figure 17.4	Masterplan Staging	127
Figure 17.5	Water Servicing Plan	129
Figure 17.6	Sewer Servicing Plan	130
Figure 17.7A	Stormwater Servicing Plan	131
Figure 17.7B	Stormwater Servicing Plan	132

Chapter 1 Introduction and General Provisions

This plan is known as the Uralla Development Control Plan (DCP) 2011. It applies to the Shire of Uralla unless otherwise specified elsewhere in this Plan.

The DCP was adopted by Council on 19 December 2011 and becomes operational upon gazettal of the Uralla Local Environmental Plan 2012 on 23 March 2012.

This DCP repeals the following Development Control Plans:

- Uralla Development Control Plan No. 1 Rural Subdivision
- Uralla Shire Council Development Control Plan No. 2 Rural Building Development
- Uralla Development Control Plan No. 3 Section 18 Town of Uralla Rear Service Lane & Off Street Carpark
- Uralla Shire Council Development Control Plan No. 4 Outdoor Advertising
- Uralla Shire Council Development Control Plan No. 5 Business Development
- Uralla Shire Council Development Control Plan No. 6 Exempt and Complying Development
- Uralla Shire Council Development Control Plan No. 7 Residential Development and the Public Notification of Development Applications
- Uralla Shire Council Development Control Plan Contaminated Land

It may be necessary to refer to more than one chapter in this DCP to ensure that all relevant controls are applied to any specific development. Applicants are encouraged to consult with Council to ensure applicable policies are considered, and to undertake a formal pre-lodgement meeting with Council as part of early considerations for any application.

Where special circumstances exist, the General Manager or Council staff acting under delegation may require standards greater than those specified as acceptable solutions in this DCP. Alternatively, Council may, at its discretion, relax the requirements of this DCP where these are considered unreasonable or unnecessary in the circumstances of the case, and where the DCP's objectives will not be compromised and the performance outcomes of the plan would still be achieved.

Amendment of the plan

The plan may be amended in accordance with the provisions of the Regulations under the *Environmental Planning and Assessment Act 1979*.

This plan was amended by Council on 27 August 2012, 4 May 2015, 26 October 2016 and 15 August 2016.

Interpretation of Legislative References

Various references are made to legislation in this DCP. Legislation may include Acts, Regulations and Environmental Planning Instruments. Where such legislation changes during the currency of this DCP, reference in the DCP to the legislation should be taken as a reference to the most recent version of that legislation or as a reference to legislation that has replaced the referenced legislation.

Repeal of the plan

The plan may be repealed under the provisions of the Regulations under the EP&A Act.

Relevant Local Environmental Plan

The plan relates to Uralla Local Environmental Plan 2012 (Uralla LEP), as amended. In the event of any conflict between this DCP and that Plan, Uralla LEP takes precedence.

Planning Pathways

There are three distinct planning pathways that most developments¹ will need to follow. These are outlined below.

Exempt Development

Under the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) (the Codes SEPP), development of a minor nature can be undertaken without the need for formal approval to be obtained. If undertaking such work without approval, the onus is on the developer to ensure that the works are in fact exempt from approval. This can be done through direct reference to the Codes SEPP, use of the Electronic Housing Code or by contacting Council's planning staff. The Codes SEPP can be downloaded via links provided at the NSW Office of Planning and Environment website (www.planning.nsw.gov.au).

Complying Development

Under the Codes SEPP, a range of specified development can be undertaken via a simplified approvals process called Complying Development. Various conditions must be met for the development to be undertaken as Complying Development including meeting the requirements of the National Building Code.

Specific development types that could be undertaken ***provided that prescribed conditions are met*** include:

- Dwelling construction;
- Housing alterations;
- Commercial and industrial works;
- Subdivision;
- Demolition; and
- Temporary Uses and structures.

Further details about what works would be permissible as Complying Development can be found in the Codes SEPP. To ascertain whether the development is complying development, direct reference to the Codes SEPP, use of the Electronic Housing Code or by contacting Council's planning staff are the best methods.

e-Planning – Electronic Housing Code

The Electronic Housing Code (EHC) is an online system that allows users to investigate, prepare, lodge and track development applications. Users will enjoy a process that's fast, standardised, paperless and available night and day. Council considers that the benefits for applicants in using the EHC includes faster planning approval times, 24/7 application process, removes the need to visit Council for advice as the planning rules can be accessed online, and that applications can be submitted electronically. The system also improves access to user-friendly information on the NSW Housing Code.

From the perspective of both Councils and Certifiers, other advantages of this system includes decreased paper usage and required storage, quality assurance measures to ensure data integrity and to reduce the time spent on incorrect or unnecessary applications and improved consistency in the complying development application processes across the local government area.

If you wish to know more visit: <https://www.onegov.nsw.gov.au/new/agencies/ehc>

Full Development Application

All other development requires approval via a formal development application (DA). Council's DA pro-forma provides details about the information requirements for a DA. This DCP provides additional information about design and planning considerations that must be taken into account as part of the assessment of a DA. Prospective applicants should refer to the relevant chapters of the DCP in order to check what matters they will need to attend to prior to lodgement of a DA.

State Environmental Planning Policies (SEPPs)

Some development types can be undertaken in accordance with the provisions set out within a particular SEPP which would take precedence over both Uralla LEP and this document.

National Building Code (NBC)

The NBC applies for all building construction works. Irrespective of any other control in this document, the NBC will take precedence.

Contributions

Where a development will, or is likely to, increase the demand for public services and amenities then Council may require a contribution towards the cost of providing those services and facilities.

Under Council's Section 94 Contributions Plan, contributions may be required for the following services and amenities:

- **Roads.** Development which will impact on the condition of existing roads, or require construction of new roads, will be required to make a contribution to such works so as to improve or upgrade existing roads or construct new roads. Where the existing population will benefit from these works the cost will be apportioned between new and existing development;
- **Traffic management measures.** Any development which is of such a magnitude as to require upgrading or new traffic management measures will be required to make a contribution towards the cost of providing these measures. Depending on the pressure of new development on existing traffic management measures, Council will consider apportioning the cost of the upgrading of current works or providing new works. Works may include the construction of median strips, shoulder widening and deceleration and overtaking lanes;
- **Car parking.** Contributions for car parking may be required where provision of on-site parking is not able to meet demand. Contributions will be based upon the number of spaces, rate of total parking demand and Council's ability to provide parking;
- **Community facilities.** Provision of any necessary facilities;
- **Rural Fire Service.** Contributions for the provision of necessary infrastructure; and
- **Drainage.** Any internal drainage will be wholly provided by the developer unless otherwise specified by Council. If new development contributes additional undesirable run-off, contributions may be sought for drainage augmentation or provision made for retention structures. Contributions may also be sought in any area where erosion and sedimentation processes result as a consequence of development to provide preventative and controlling measures.

NB. For reticulated water supply and sewerage services, the developer is responsible to meet all of the cost of providing the services including any upgrading of existing facilities.

Planting of Vegetation

As a general rule, any vegetation that is planted should be located so as to avoid present or future interference with infrastructure including roads, buildings, water and sewer lines or service easements. This will require a consideration of the type of the vegetation and its root system.

Definitions

Within this DCP words have the meaning as set in this clause:

adjoining land means land which abuts an application site or is separated from it only by a roadway, pathway, driveway or similar thoroughfare;

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

advertiser in relation to an advertisement or an advertising structure, means

(a) the person who caused the advertisement to be displayed or the advertising structure to be erected; or

(b) the owner of the building or land, or the occupier of land, on which the advertisement is displayed or the advertising structure is erected;

advertising structure means a structure used or to be used principally for the display of an advertisement;

AHD means Australian Height Datum;

ancillary development means development on land for a purpose that is ancillary or incidental to a use under the Uralla LEP 2011;

application site means the parcel of land to which a Development Application relates, and includes all lands required for the carrying out of the application proposal;

area of an advertisement in the form of a sign means the area within the outline of that sign or, where one side is larger than the other, the area within the outline of the larger side; or for any other sign (e.g multi-sides signs), one third of the total surface area of the sign;

asset protection zone (APZ) is a buffer zone between a bush fire hazard and buildings, which is managed progressively to minimise fuel loads and reduce potential radiant heat levels, flame, ember and smoke attack;

building height means the distance from the natural ground level to the ridgeline of the building;

building line see *front building line*;

bushfire prone land means land identified on the Uralla LGA – Bushfire Prone Land Map as published by the NSW Rural Fire Service;

Code SEPP means [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#);

contaminated land means land in, on or under which any substance is present at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment;

directional sign means a sign erected for purposes of directing vehicular or pedestrian traffic, advising or restricting the public;

EP&A Act means the *Environmental Planning and Assessment Act 1979* (as amended);

front building line is a line drawn parallel with the primary street frontage at the point of a building closest to the street. This line is expected to be no closer to the street frontage than specified for the primary street frontage setback;

hazardous material anything that, when produced, stored, moved, used or otherwise dealt with without adequate safeguards to prevent it from escaping, may cause injury or death or damage to life, property or the environment;

integrated development is development (not being Exempt or Complying) that, in order for it to be carried out, requires development consent and one or more approvals set out in Clause 91 of the *Environmental Planning and Assessment Act 1979 (as amended)*;

land includes any building or part building erected on the land;

neighbouring land means any land, other than adjoining land, which is near to a development site (and may include land in a neighbouring local Council area);

notification plan means the plan showing the height and external configuration of buildings, which accompanies a Development Application;

owner means:

- the person or persons who appear on Council's computer property records to be the owner of the land at the date of notification
- in the case of land that is the subject of a strata scheme under the Strata Titles Act 1973, or a leasehold strata scheme under the Strata Titles (Leasehold) Act 1986, the Owners' Corporation
- in the case of land that is community, precinct or neighbourhood parcel within the meaning of the Community Land Development Act 1989, the Association for the parcel;

residential development means dwellings, residential flat buildings, motels, boarding houses, hostels, caravan parks, units for the aged and any place where persons would ordinarily be expected to reside and sleep;

structural adequacy certificate means certification from a practicing structural or civil engineer that a proposed development can withstand expected flood velocities, including scour, debris and buoyancy forces;

temporary sign means an advertisement of a temporary nature which:

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

These signs must not be displayed earlier than 28 days before the day on which the event is to take place and must be removed within 14 days after the event.

Note: Advertisements, such as bill posters, which are not removed by the advertiser within 14 days after the advertised event would not be considered "temporary signs". Temporary signs may include advertisements such as banners, bunting, posters, inflatable structures, etc.;

Uralla LEP means the Uralla Local Environmental Plan 2012.

About this Chapter

Subdivision is a process whereby land is broken up into a number of lots, and a Plan of Subdivision is lodged with the Land and Property Management Authority to provide the legal basis for ownership of the new lots created. It will ultimately result in an intensification of land use and as such it is important that the potential impacts of this intensification are considered as part of the approvals process.

This chapter provides information about the matters that Council is required to consider for this type of development under the provisions of the EP&A Act and the Uralla LEP. The Uralla LEP provide the principal development standards relating to subdivision, while this chapter provides additional information about specific controls that Council has implemented to ensure that the likely environmental impacts of subdivision are managed appropriately.

The matters that need to be considered for subdivision will vary depending on where in the Shire it is to be undertaken. This Chapter provides some general information about subdivision in the section 'General Advice to Applicants for Subdivision' and then provides specific information for particular areas in the sections that follow.

Where this Chapter applies

This Chapter applies to all land within the Uralla Shire.

General Advice to Applicants for Subdivision

Prior to lodging a Development Application for a subdivision, it is strongly recommended that applicants follow these steps:

- Request a Section 149(2) Planning Certificate from Council to provide information about any restrictions on the land (such as bush fire hazard or flooding);
- Identify the land use zone in which it is planned to undertake the subdivision (this information is provided in the Planning Certificate), and then read the relevant section in this Chapter;
- Draw a rough sketch map of the proposed subdivision indicating approximate lot sizes and the location of any new roads;
- Make an appointment for a meeting with Council's Manager of Planning to discuss the proposed subdivision and to determine the particular requirements that will need to be addressed prior to lodgement of the Development Application;
- Arrange for any reports that may be required to be undertaken. The purposes of the reports are:
 - To determine the suitability of the land for the proposed subdivision,
 - To identify any potential adverse environmental impacts and to propose ways to ensure that any such impacts are avoided or mitigated to an acceptable level.

The reports could include some or all of the following depending on the size and location of the land and other circumstances:

- Flora and fauna report
- Archaeological report
- Flood investigation report
- Traffic report
- Bush fire hazard assessment report;
- Prepare a conceptual Plan of Subdivision drawn to an appropriate scale. It is recommended that the Plan of Subdivision be drawn by a surveyor (as this will be required anyway before issue of a

subdivision certificate prior to finalisation of the subdivision), however a less formal drawing is acceptable for Development Application purposes provided it includes the following information:

- Description of the land,
 - Property boundaries of the development site and of the lots immediately adjacent,
 - Direction and degree of slope (or the contours of the land and the contour interval),
 - Location of existing built and natural items on or adjacent to the land (e.g. buildings, roads, sewer, town water, electricity, telephone, trees, streams, dams, depressions, rock outcrops etc),
 - Location of all existing drainage reserves, easements and rights of way affecting or likely to affect the land,
 - The proposed new lots (showing lot size) and any new roads (note that the boundaries of the proposed new lots will need to be relatively accurately shown, as once the consent is issued for the Development Application the plans will be stamped and will form the basis of the subsequent formal Plan of Subdivision to be lodged with the Land and Property Management Authority);
 - Proposed names for new roads,
 - Proposed method for disposing of stormwater from future dwellings or right-of-way or access pavements. Where it is necessary to drain the water from the site across adjoining private property to a suitable discharge point, evidence of a legal agreement with the affected property owners for the creation of appropriate easements will be required prior to subdivision approval being granted,
 - The plan will need to include a north arrow, a scale bar and the date of preparation.
- Prepare a servicing strategy to indicate how the following services will be provided:
 - Water supply
 - Sewer (or alternative solution in non-sewered areas)
 - Storm water drainage

The above steps will usually provide enough information to enable a Development Application to be lodged. When development consent issues, it will include a number of requirements that must be met as part of the development process, including the preparation by a practising civil engineer of engineering plans and specifications for the construction of roads, footpaths, drains and other infrastructure associated with the proposed subdivision. These plans will need to be provided prior to the issue of a construction certificate which then permits the commencement of construction.

Subdivision of Bushfire Prone Land

When designing subdivisions for bushfire prone land, it is important to ensure that steps are taken to ensure that subdivision design facilitates safety of residents and firefighters and the defense of property in case of fire. The following specific objectives for residential and rural residential subdivision are from *Planning for Bushfire Protection 2006* published by the NSW Rural Fire Services. Any development of bushfire prone land will need to meet these objectives.

- minimise perimeters of the subdivision exposed to the bush fire hazard. Hourglass shapes, which maximise perimeters and create bottlenecks, should be avoided;
- minimise bushland corridors that permit the passage of bush fire;
- provide for the siting of future dwellings away from ridge-tops and steep slopes – particularly up-slopes, within saddles and narrow ridge crests;
- ensure that separation distances (Asset Protection Zones - APZ) between a bush fire hazard and future dwellings enable conformity with the deemed to-satisfy requirements of the NCA. In a staged development, the APZ may be absorbed by future stages;
- provide and locate, where the scale of development permits, open space and public recreation areas as accessible public refuge areas or buffers (APZs);
- ensure the ongoing maintenance of asset protection zones;

- provide clear and ready access from all properties to the public road system for residents and emergency services; and
- ensure the provision of and adequate supply of water and other services to facilitate effective firefighting.

Among other things the implementation of these objectives will require that specified performance criteria be met for the provision of the following:

- Asset protection zones;
- Access roads (public, property access, fire trails); and
- Dedicated water supplies (although these are more likely to be implemented as part of building construction rather than at subdivision).

Subdivision in Residential Areas

Where this Section Applies

The Section applies to the following land use zones:

- R1 General Residential
- R2 Low Density Residential

Aims and Objectives

- To provide safe, convenient and attractive neighbourhoods that meet the diverse and changing needs of the community by:
 - Offering a wide choice of good quality housing and associated community facilities,
 - Encouraging walking and cycling,
 - Minimising energy consumption,
 - Promoting a sense of place through neighbourhood focal points and the creation of a distinctive identity which recognises and, where relevant, preserves the natural environment;
- To ensure that subdivision will not result in increased risk from bushfire or other environmental hazards;
- To ensure that the intensification of land use does not result in undesirable environmental consequences; and
- To implement the 'user pays' principle for the provision of services to the subdivision.

Performance Outcomes

- Minimum subdivision size is implemented as per the Uralla LEP; and
- Subdivision design and construction meets Council's relevant engineering guidelines;
- Upgrading of lane width to enable the efficient provision of services.

Acceptable Solutions

- In addition to minimum lot size requirements,
 - Lots shall have a **minimum frontage** of 16 metres,
 - **Lots fronting cul-de-sacs** shall have a minimum frontage of 16 metres at the line of the approved street setback,
 - **Corner lots** shall have a minimum frontage of 18 metres to each street and the minimum lot size shall be met after allowing for area lost at corners which are to be splayed to a minimum of 3 metres and dedicated as public road;
- If the land is **bushfire prone**, then the provisions of the NSW Rural Fire Service's publication *Planning for Bushfire Protection 2006* will need to be considered and implemented as appropriate;

- Where no other alternative is possible, (e.g. access or laneway), Council may **battle axe allotments**. The specifications for these allotments shall be:
 - The access handle is to be excluded from calculation of area of the lot for the purposes of minimum lot size calculations,
 - Minimum width of access handle - 3.65 metres,
 - The access handle is to be concreted or sealed,
 - The access handle shall have a setback of at least that specified for a side setback in the section Setbacks and Building Envelopes in the Residential Development chapter,
 - A maximum of one battle axe lot per existing lot to have access over the handle,
 - The maximum height of the access way fencing shall be 900mm between the front of the adjacent dwelling and the street, and 1800mm between the front of the adjacent dwelling and the rear of the lot,
 - The prime objective in designing the access way is to provide for vehicles to be able to move in a forward direction when entering or leaving the site. However, this does not generally apply to the road frontage lot, unless there is a special problem concerning available sight distance,
 - Turning facilities are to be provided within the terms of the access/right-of-carriageway or within each lot, as determined by the Council. This is to be provided for in a Section 88B Instrument as required;
- In subdivisions involving ten or more lots the subdivider shall be required to provide a financial contribution in accordance with the relevant Section 94 plan with the funds to be applied by the Council in acquiring or improving recreation reserves;
- **New roads** created by the subdivision shall be constructed and sealed according to Council's technical specifications;
- Council may require that a **traffic study** to be undertaken where there is a likelihood of a significant increase in traffic volumes resulting from the subdivision;
- Council may require that **existing roads be upgraded** to a suitable standard to cater for any expected increase in traffic;
- The following **services** shall be provided to each lot at the subdivider's cost:
 - reticulated water,
 - a sewerage connection,
 - electricity,
 - telephone service,
 - the necessary underground conduits for the passage of future service lines,
 - any easements required to facilitate the provision of services and/or inter-allotment drainage;
- **Council will carry out all works associated with connection to the existing reticulated water and sewerage** network with full costs to be met by the developer;
- Proof of **satisfactory arrangements concerning the provision of electricity and telephone service** shall be provided prior to issue of the subdivision certificate;
- In general, for any new lot created by a subdivision, the applicant is to meet 100 percent of the **costs of constructing kerbing and guttering** and all necessary associated stormwater drainage infrastructure. A more detailed treatment of this is provided in Chapter 16 – Kerbing and Guttering;
- **Lane Widening:** Where land facing an existing lane is to be subdivided, Council requires the provision of a strip of land no more than 4.57m wide across the frontage to be dedicated as a public road at no cost to Council, for the purpose of **lane widening**. The width of this strip will depend upon:
 - the width of the pavement required;
 - the width required to locate services in the road reserve; and
 - the logical extension of footpaths on both sides of the road.

Note: Council requires the minimum road reserve width of 13.7 metres to provide services to new lots and to provide a road carriageway and pedestrian footpaths. The consistent application of this

development control will enable Council to continue its policy of upgrading lanes. Road reserve width refers to the width of the whole road area from fence to fence.

Alternative Solutions

Council may consider alternative approaches provided it can be demonstrated that they would meet the aims, objectives and performance outcomes of this Section.

Subdivision in Village Areas

Where this Section Applies

The Section applies to the following land use zones:

- RU5 Village

Aims and Objectives

- To provide safe, convenient and attractive village neighbourhoods that meet the diverse and changing needs of the community by:
 - Offering a wide choice of good quality housing and associated community facilities,
 - Encouraging walking and cycling,
 - Minimising energy consumption,
 - Promoting a sense of place through neighbourhood focal points and the creation of a distinctive identity which recognises and, where relevant, preserves the natural environment,
 - Providing flexibility in land use.
- To ensure that subdivision will not result in increased risk from bushfire or flood;
- To ensure that the intensification of land use does not result in undesirable environmental consequences; and
- To implement the 'user pays' principle for the provision of services to the subdivision.

Performance Outcomes

- Minimum subdivision size is implemented as per the Uralla LEP; and
- Subdivision design and construction meets Council's relevant engineering guidelines.

Acceptable Solutions

- In addition to minimum lot size requirements,
 - Lots shall have a **minimum frontage** of 16 metres,
 - **Lots fronting cul-de-sacs** shall have a minimum frontage of 16 metres at the line of the approved street setback,
 - **Corner lots** shall have a minimum frontage of 18 metres to each street and the minimum lot size shall be met after allowing for area lost at corners which are to be splayed to a minimum of 3 metres and dedicated as public road,
 - Lots shall provide a dedicated area for the installation of effluent disposal facilities which will ideally be installed above the flood planning level. If this cannot be achieved, the effluent disposal system will need to be an aerated system. This will be determined on a case-by-case basis, and could have the effect of significantly increasing the minimum lot size that will be required for the subdivision to be approved (also see Council's On-Site Waste Water Management Strategy);
- If the land is **bushfire prone**, then the provisions of the NSW Rural Fire Service's publication *Planning for Bushfire Protection 2006* will need to be considered and implemented as appropriate;
- Where no other alternative is possible, (e.g. access or laneway), Council may consider **battle axe allotments**. The specifications for these allotments shall be:
 - The access handle is to be excluded from calculation of area of the lot for the purposes of minimum lot size calculations,
 - Minimum width of access handle - 3.65 metres,

- The access handle shall have a setback of at least that specified for a side setback in the section Setbacks and Building Envelopes in the Residential Development chapter,
- A maximum of one battle axe lot per existing lot to have access over the handle,
- The maximum height of the access way fencing shall be 900mm between the front of the adjacent dwelling and the street, and 1800mm between the front of the adjacent dwelling and the rear of the lot.
- The prime objective in designing the access way is to provide for vehicles to be able to move in a forward direction when entering or leaving the site, However, this does not generally apply to the road frontage lot, unless there is a special problem concerning available sight distance,
- Turning facilities are to be provided within the terms of the access/right-of-carriageway or within each lot, as determined by the Council. This is to be provided for in a Section 88B Instrument as required;
- In subdivisions involving ten or more lots the subdivider shall be required to provide a financial contribution in accordance with the relevant Section 94 plan with the funds to be applied by the Council in acquiring or improving recreation reserves;
- **New roads** created by the subdivision shall be constructed and sealed according to Council's technical specifications;
- Council may require that a **traffic study** to be undertaken where there is a likelihood of a significant increase in traffic volumes resulting from the subdivision;
- Council may require that **existing roads be upgraded** to a suitable standard to cater for any expected increase in traffic;
- The following **services** shall be provided to each lot at the subdivider's cost:
 - reticulated water (if a Town Water Supply system is provided by Council),
 - electricity,
 - telephone service,
 - the necessary underground conduits for the passage of future service lines,
 - any easements required to facilitate the provision of services and/or inter-allotment drainage;
- **Council will carry out all works associated with connection to the existing reticulated water and sewerage network** with full costs to be met by the developer;
- Proof of satisfactory arrangements concerning the provision of electricity and telephone service shall be provided prior to issue of the subdivision certificate;
- The provision of kerbing and guttering is not required.

Alternative Solutions

Council may consider alternative approaches provided it can be demonstrated that they would meet the aims, objectives and performance outcomes of this Section.

Subdivision in Large Lot Residential Areas

Land that has been zoned for rural residential purposes (i.e. R5 Large Lot Residential) has been assessed as being generally suitable for such purposes. However, there are still a number of factors which must be considered before subdivision and further development of the land can proceed. This section addresses these factors.

Where this Section Applies

The Section applies to the following land use zone:

- R5 Large Lot Residential

Aims and Objectives

- To ensure that subdivision in Rural Residential Areas is appropriate within the landscape;
- To ensure that subdivision will not result in increased risk from bushfire or other environmental hazards;
- To ensure that the intensification of land use does not result in undesirable environmental consequences; and
- To implement the 'user pays' principle for the provision of services to the subdivision.

Performance Outcomes

- Minimum subdivision size is implemented as the Uralla LEP; and
- Subdivision design and construction meets Council's relevant engineering guidelines.

Acceptable Solutions

- In addition to meeting the lot size requirements of the Uralla LEP, any new lots created in a subdivision must provide at least one building envelope with the following attributes:
 - If bushfire prone land, there must be an existing cleared area or one which can be cleared (subject to restrictions in the *Native Vegetation Act 2003* and the *Threatened Species Conservation Act 1995*) that is suitable to provide an asset protection zone that meets the requirements of the NSW Rural Fire Services as articulated in *Planning for Bushfire Protection 2006*,
 - Should minimize the clearing of existing vegetation,
 - An existing all weather access or a feasible route for one to be constructed,
 - If bushfire prone land, the site may require a second alternative access route in accordance with *Planning for Bushfire Protection 2006*,
 - Not within a known or potential flood planning area (see 0 - Chapter 11 Floodplain Development and Management),
 - Not contaminated land,
 - Must not be on a ridgeline visible from adjacent roads, and
 - Should have suitable locations for the disposal of septic tank overflow (or an alternative aerobic disposal system) (see Council's On-Site Waste Water Management Strategy);
- New roads created by the subdivision shall be constructed and sealed according to Council's technical specifications;
- Council may require that a traffic study to be undertaken where there is a likelihood of a significant increase in traffic volumes resulting from the subdivision;
- Council may require that existing roads be upgraded to a suitable standard to cater for any expected increase in traffic;
- Property accesses must **not** be constructed at points which present traffic difficulties in terms of sight distance, or construction difficulties in terms of stable earthwork slopes in cut or fill batters. They must be in accordance with Council's technical specifications and may require concurrence of the RMS in some circumstances;
- All prominent hilltops and ridges are to be preserved. Subdivisions should be designed so as to:
 - Exclude roads, powerlines and other services and amenities from hilltops,
 - Exclude dams and other earthworks from hilltops,
 - Any tanks and similar structures which are dependent upon gravity for their operation should be designed and located so as to blend in with the natural environment, and
 - Any clearing of vegetation for fence lines, building site, access tracks and asset protection zones shall be undertaken to comply with the provisions of the *Native Vegetation Act 1997*;
- If bushfire prone land, the relevant provisions of *Planning for Bushfire Protection 2006* will need to be addressed, and particular attention is drawn to the following:
 - Rural-residential developments include blocks often associated with lifestyle choices rather than focusing on some form of primary production. Where agricultural pursuits are

undertaken they are considered secondary to the residential component of the use of the land. Consideration should be given, where practical, to grouping of rural-residential buildings into clusters which allow for the establishment of APZs (asset protection zones) around a group of dwellings rather than having to ensure individual protection for a large number of scattered dwellings. The clustering of dwellings provides for better protection with reduced vegetation clearance and hence less environmental impact.

This approach would require the subdivision to be designed in a manner to facilitate the recommended location of dwellings.

- If the lot to be subdivided has an area greater than 1 hectare, or, together with any adjoining land in the same ownership, an area of more than 1 hectare, then the provisions of *State and Environmental Planning Policy 44 Koala Habitat Protection* apply. Among other things, this means that:
 - Council must satisfy itself that the land is not potential or actual koala habitat before giving consent to a development application;
 - Council may only satisfy itself based on information obtained from a person who is qualified and experienced in tree identification;
 - If the land proves to be core koala habitat, then a formal plan of management will need to be prepared by the applicant prior to development consent being granted.

Alternative Solutions

Council may consider alternative approaches provided it can be demonstrated that they would meet the aims, objectives and performance criteria of this Section.

Subdivision in Rural Areas

Subdivision in rural areas will result in the creation of relatively large lots with the minimum lot size constrained by the Lot Size Map which forms part of Uralla LEP. Depending on the particular area, the minimum lot size can be 200ha or 400ha. As such, it is expected that suitable sites for dwellings would be able to be readily found, and undesirable impacts from land use intensification would be kept to a minimum. A fairly flexible approach can thus be taken to planning controls for subdivision in rural areas.

Where this Section Applies

The Section applies to the following land use zones:

- RU1 Primary Production
- RU2 Rural Landscape

Aims and Objectives

- To ensure that subdivision in Rural Areas is appropriate within the rural landscape;
- To minimize fragmentation of agricultural lands;
- To allow for boundary adjustments and subdivision that facilitate flexibility in the arrangement of agricultural holdings;
- To ensure that subdivision will not result in increased risk from bushfire or other environmental hazards; and
- To implement the 'user pays' principle for the provision of services to the subdivision.

Performance Outcomes

- Minimum subdivision size and dwelling permissibility are implemented as per the Uralla LEP;
- If, for any reason, subdivision would result in the creation of a lot of less than 25ha upon which a dwelling would be permissible, then the provisions of the section Subdivision in Rural Residential Areas shall apply; and

- Subdivision design and construction meets Council's relevant engineering guidelines.

Acceptable Solutions

- In addition to meeting the requirements of the Uralla LEP, any new lots created in a subdivision where a dwelling would be permissible must provide at least one building envelope with the following attributes:
 - If bushfire prone land, there must be an existing cleared area or one which can be cleared (subject to restrictions in the *Native Vegetation Act 2003* and the *Threatened Species Conservation Act 1995*) that is suitable to provide an asset protection zone (including inner & outer protection areas) that meets the requirements of the NSW Rural Fire Services as articulated in *Planning for Bushfire Protection 2006*,
 - An existing all weather access or a feasible route for one to be constructed,
 - If bushfire prone land, the site may require a second alternative access route in accordance with *Planning for Bushfire Protection 2006*,
 - Not within a known or potential flood planning area,
 - Not contaminated land,
 - Must not be on a ridgeline visible from adjacent roads,
 - Should have suitable locations for the disposal of tank effluent (or an alternative aerobic disposal system) (see Council's On-Site Waste Water Management Strategy), and
 - Should minimize the clearing of existing vegetation;
- Property accesses must **not** be constructed at points which present traffic difficulties in terms of sight distance, or construction difficulties in terms of stable earthwork slopes in cut or fill batters. They must be in accordance with Council's technical specifications and may require concurrence of the RMS in some circumstances;
- New roads created by the subdivision shall be constructed and sealed according to Council's technical specifications;
- Council may require that a traffic study to be undertaken where there is a likelihood of a significant increase in traffic volumes resulting from the subdivision;
- Council may require that existing roads be upgraded to a suitable standard to cater for any expected increase in traffic;
- All prominent hilltops and ridges are to be preserved. Subdivisions should be designed so as to:
 - Exclude roads, powerlines and other services and amenities from hilltops,
 - Exclude dams and other earthworks from hilltops,
 - Any tanks and similar structures which are dependent upon gravity for their operation should be designed and located so as to blend in with the natural environment, and
 - Any clearing of vegetation for fence lines, building site, access tracks and asset protection zones shall be undertaken to comply with the provisions of the *Native Vegetation Act 1997*;
- If bushfire prone land, other requirements in *Planning for Bushfire Protection 2006* may need to be implemented, or advice in the form a Bush Fire Hazard Assessment Report by a suitably qualified accredited person; and
- The provisions of *State and Environmental Planning Policy 44 Koala Habitat Protection* apply to development of rural land. Among other things, this means that:
 - Council must satisfy itself that the land is not potential or actual koala habitat before giving consent to a development application;
 - Council may only satisfy itself based on information obtained from a person who is qualified and experienced in tree identification;
 - If the land proves to be core koala habitat, then a formal plan of management will need to be prepared by the application prior to development consent being granted.

Alternative Solutions

Council may consider alternative approaches provided it can be demonstrated that they would meet the aims, objectives and performance criteria of this Section.

Subdivision in Commercial and Industrial Areas

Where this Section Applies

The Section applies to the following land use zones:

- B2 Local Centre
- B4 Mixed Use
- B6 Enterprise Corridor
- IN1 General Industrial
- IN2 Light Industrial

Aims and Objectives

- To provide safe, convenient and attractive employment land neighbourhoods that meet the diverse and changing needs of the community by:
 - Offering a wide choice in land for commercial and industrial purposes,
 - Facilitating development that is consistent with the objectives for the Commercial and Industrial zones in the LEP;
- To ensure that the intensification of land use does not result in undesirable environmental consequences; and
- To implement the 'user pays' principle for the provision of services to the subdivision.

Performance Outcomes

- Subdivision design and construction meets Council's relevant engineering guidelines.

Acceptable Solutions

- **Minimum dimensions** for the size and shape of proposed allotments do not apply. However, a development application for subdivision must be able to demonstrate that the size and shape of the allotments are appropriate for their proposed use and are able to accommodate business premises, car parking, landscaping and other requirements of the proposed development;
- **New roads** created by the subdivision shall be constructed and sealed according to Council's technical specifications;
- Council may require that a **traffic study** to be undertaken where there is a likelihood of a significant increase in traffic volumes resulting from the subdivision;
- A **single shared access** for newly created lots fronting the New England Highway should be considered to limit the number of access points onto the highway. The need for a shared access will depend on factors such as the length of the frontages of the proposed lots and the location of the subdivision development. Access to the New England Highway will require the concurrence of the RMS;
- Council may require that **existing roads be upgraded** to a suitable standard to cater for any expected increase in traffic;
- The following **services** shall be provided to each lot at the subdivider's cost:
 - reticulated water,
 - a sewerage connection,
 - electricity,
 - telephone service,
 - the necessary underground conduits for the passage of future service lines,

- any easements required to facilitate the provision of services and/or inter-allotment drainage;
- **Council will carry out all works associated with connection to the existing reticulated water and sewerage network** with full costs to be met by the developer;
- Proof of satisfactory arrangements concerning the provision of electricity and telephone service shall be provided prior to issue of the subdivision certificate;
- In general, for any new lot created by a subdivision, the applicant is to meet 100 percent of the **costs of constructing kerbing and guttering** and all necessary associated stormwater drainage infrastructure. A more detailed treatment of this is provided in *Chapter 16 – Kerbing and Guttering*; and
- For subdivision for the purposes of residential development in zone B4, the provisions about lot frontage, corner lots and battle axe shaped allotments of the section Subdivision in Residential Areas shall also apply.

Alternative Solutions

Council may consider alternative approaches provided it can be demonstrated that they would meet the aims, objectives and performance criteria of this Section.

Chapter 3 Residential Development

About this Chapter

This chapter of the DCP has been prepared as a guide to applicants developing low and medium density residential development (Class 1, 2 and 3 buildings) in Uralla and Bundarra. Together with the LEP, this chapter is intended to provide additional controls and guidance so that development within residential zones is appropriate and serves to enhance the overall character and amenity of neighbourhoods.

Where this Chapter applies

This Chapter applies to the following zones under Uralla LEP:

- R1 General Residential;
- R2 Low Density Residential;
- RU5 Village

This chapter of the DCP uses ideas from the Australian Model Code for Residential Development (Edition 2) and the NSW Office of Planning & Environment's Residential Development Controls No.1.

General Advice to Applicants for Residential Development

Aim

The aim is to enhance and protect the amenity of the new and the existing residential areas by:

- Providing design controls for residential development; and
- Setting reasonable and attainable environmental standards for solar access, privacy, view, vehicular access, and parking and landscaping; while recognising that zones require controls that match the zone objectives, and that lower density development should be subject to less stringent controls as their amenity impacts are lower.

Vehicular access and parking requirements are outlined in Chapter 6.

Application of Controls

In assessing development proposals, Council must consider all the matters specified in Section 79(C) of the EP&A Act. Council may refuse a development, which does not comply with the Heads of Consideration under that Section or may seek to modify a non-complying development by imposing conditions designed to make it comply.

Site Design and Layout

Aims

- To provide flexibility in the layout of buildings;
- To promote good site functioning; and
- To minimise impacts on adjoining properties.

Performance Outcomes

- Site design integrates the controls within this chapter of the DCP to produce attractive and functional development; and
- Development respects neighbouring development, by arranging buildings and uses of areas so as to minimise amenity impacts on neighbours, including noise, overlooking and overshadowing.

Acceptable Solutions

- For two or more dwellings on a lot, a site analysis diagram and design response statement are provided that demonstrate the way in which the site has been developed within the constraints and opportunities of the site;
- Dwellings at the street frontage "address the street" by presenting their front doors and windows to the street; and
- For developments of more than 3 dwellings on a lot,
 - Straight driveways longer than 10m without relief are avoided.
 - A single driveway access may serve a maximum of two dwellings.
 - Walls longer than 10m are avoided.
 - Views down a driveway shall be to a landscaped area at the end of the driveway.

Alternative approaches and design suggestions

Use of a registered architect or experienced designer of multi-unit housing is recommended for developments of 3 or more dwellings.

Density

Introduction and General Provisions

Density is one of the key aspects of the different residential zones, which have varying minimum lot sizes. The density provisions of the DCP are designed to ensure that the density of development reflects the aims and objectives of the zone.

Aims

- To ensure that development respects the density characteristics of the zone; and
- To protect neighbourhood character.

Performance Outcomes

- The minimum site area for a dwelling complements the density of the zone.

Acceptable Solutions

- Density of dwellings is in accordance with **Table 3.1**.

Table 3.1 **Density**

Dwelling Size	Minimum site area per dwelling	
	Zones R1 and RU5	Zone R2
Small (<55m ²)	130m ²	182m ²
Medium (55-84m ²)	200m ²	280m ²
Large (85-125m ²)	290m ²	406m ²
Extra Large (>125 m ²)	<50% site cover	<30% site cover

Alternative approaches and design suggestions

Consideration can be given to variations on the minimum areas, where all other standards in the DCP are fully achieved and, in the opinion of the Council, the aims and performance outcomes of the clause are achieved.

Setbacks and Building Envelopes

Introduction and General Provisions

Setbacks are one of the key determinants of neighbourhood character. The setbacks in this chapter have been designed to reflect the character, aims and objectives of the various residential zones within Uralla Shire. Setbacks are to be measured against the walls of buildings 1.4m above ground level.

Aims

- To minimise impacts on adjoining properties; and
- To maintain streetscape.

Performance outcomes

- The streetscape is maintained with setbacks which are consistent with existing development;
- Buildings with wall heights over 3m have greater side and rear setbacks to improve amenity for adjoining properties;
- Side and rear setbacks respect the density character of the zone to which they are applied; and

Acceptable solutions

- The maximum building height shall be eight (8) metres; and
- Setbacks are provided in accordance with **Table 3.2**.

Table 3.2 Setbacks

Zone R1 – General Residential

Zone RU5 – Village

Standard	Conditions
Street setback (from primary street frontage) – at least the average distance of the setback of the two adjoining dwelling houses located within 40m of the lot on which the dwelling house is to be erected; or, where there are not two dwelling houses located within 40m of the lot, the front setback shall be a minimum of 6m.	Nil
Street setback (from secondary street frontage if applicable) – as per the Codes SEPP.	Nil
Side and rear setback – Build to boundary	Walls less than 3.5m in height; Fire rated (e.g. brick or masonry); No windows; Not more than 10m along the boundary;

	Not more than 50% of the boundary length or the total length of adjoining wall built to boundary, whichever is the greater; Complies with overshadowing requirements of this DCP.
Side setback – 900mm	Walls less than 3.5 m in height
Side setback – as per the Codes SEPP	Walls equal to or greater than 3.5 m in height
Rear setback – 2.4m	Walls less than 3.5 m in height
Rear setback – 2.4m + 0.5m for each metre wall is over 3.5 m	Walls equal to or greater than 3.5 m in height
Projection into setbacks – 450mm	Projection is one of the following: fascias, gutters, downpipes, rainwater tanks, chimneys, flues, domestic fuel tanks, cooling or heating appliances, light fittings, electricity and gas meters, aerials, antennae, pergolas, sun blinds, unroofed terraces, landings, steps and certain ramps. (As per Cl. 3.7.1.7 of the National Building Code Vol. 2)

Zone R2 – Low Density Residential

Standard	Conditions
Street setback (from primary street frontage) – at least the average distance of the setback of the two adjoining dwelling houses located within 40m of the lot on which the dwelling house is to be erected; or, where there are not two dwelling houses located within 40m of the lot, the front setback shall be a minimum of 8m.	Nil
Street setback (from secondary street frontage if applicable) – minimum of 6m.	Nil
Side setback – 1.6 m	Walls less than 3.5 m in height
Side setback – as per the Codes SEPP	Walls greater than 3.5 m in height
Rear setback – 3.2 m	Walls less than 3.5 m in height
Rear setback – 3.2m + 0.5 m for each metre wall is over 3.5 m	Walls greater than 3.5 m in height

Projection into setbacks – 600mm	Projection is one of the following: fascias, gutters, downpipes, rainwater tanks, chimneys, flues, domestic fuel tanks, cooling or heating appliances, light fittings, electricity and gas meters, aerials, antennae, pergolas, sun blinds, unroofed terraces, landings, steps and certain ramps. (As per Cl. 3.7.1.7 of the National Building Code Vol. 2)
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Alternative approaches and design suggestions

Other proposed setbacks may be considered provided that they would achieve the Aims and Performance Outcomes for Setbacks and would satisfy relevant NBC requirements.

Visitor parking (uncovered) may occupy up to 30% of the front setback area (by width) provided that the development is compatible with the existing streetscape, and any parking spaces are set back at least 1m from the front boundary of the property.

Open Space

Introduction and General Provisions

Open space is required with all new residential development to enhance residents' amenity and shall be provided in accordance with the standards in this section. Areas used for driveways, car parking, drying areas and service areas shall not be included as landscaped areas or as part of the usable private open space.

Aims

- To provide a landscaped setting for new development;
- To promote the planting of shade trees; and
- To provide for secluded private open space.

Performance Outcomes

- New development is within a landscaped setting which is compatible with or improves the streetscape of the locality and which softens the appearance of new development;
- Landscaped areas provide for shade trees to enhance the character of the town and to improve solar performance of the development in summer; and
- Open space areas provide adequate area for secluded private open space for each ground floor dwelling and to provide functional private open space for upper floor dwellings. *Note: An upper floor dwelling is a dwelling which, apart from access or parking, is located above another dwelling.*

Acceptable Solutions

- Landscaped areas are provided in accordance with **Table 3.3**.

Table 3.3 Landscaping

Dwelling Size (Ground floor dwelling)	Landscaped area per dwelling		
	Zones R1 and RU5	Zone R2	Zone R5
Small (<55m ²)	45m ²	60 m ²	No minimum
Medium (55-84m ²)	45m ²	60 m ²	No minimum
Large (85-125m ²)	45m ²	60 m ²	No minimum
Extra Large (>125 m ²)	45m ²	60 m ²	No minimum

Dwelling Size (Upper floor dwelling)	Landscaped area per dwelling		
	Zone R1 and RU5	Zone R2	Zone R5
Small (<55m ²)	30m ²	50 m ²	No minimum
Medium (55-84m ²)	45m ²	90 m ²	No minimum
Large (85-125m ²)	100m ²	125 m ²	No minimum
Extra Large (>125 m ²)	125m ²	150 m ²	No minimum

Alternative approaches and design suggestions

Landscaped areas for upper floor dwellings may be varied where the development complies with all other standards in this DCP and where the performance objectives of this chapter are achieved. For example this could include a common area of private open space available for the use of residents, or usable balconies (at least 10m² wide and 2.4m deep) that do not overlook adjoining secluded private open space, or affect the privacy of other dwellings.

Secluded private open space

Introduction and General Provisions

Secluded private open space is an expectation for every private dwelling. This chapter of the DCP outlines the requirements, which differ for ground floor and other dwellings.

Aims

- Access to private open space meets the needs of the residents of the development.

Performance Outcomes

Ground floor dwellings

- Secluded private open space is provided, with at least one usable area for each dwelling, which is directly accessible from a living area,
- Secluded private open space addresses the performance outcomes for solar access in this DCP.

Upper floor dwellings

- Access to outdoor private open space is provided for each dwelling without ground level access.

Acceptable Solutions

- Secluded private open space is provided in accordance with **Table 3.4**, and must be located behind the front building line.

Table 3.4 Secluded Private Open Space

Dwelling Type	Secluded Private Open Space Provision		
	Zone R1 and RU5	Zone R2	Zone R5
Ground Floor	24 m ² (minimum dimension 3.5m)	30 m ² (minimum dimension 4.5m)	No minimum
Upper Floor	10m ² balcony (min depth 2.4m) or access to common open space with provision of amenities, of not less than 15m ² per dwelling	Not applicable	Not applicable

Alternative approaches and design suggestions

Enclosing screen walls or fences should be designed to ensure privacy, both from adjoining communal open space or access ways, and from dwellings and their courtyards.

Secluded private open space areas should, where possible, make provision for canopy trees or other shade devices that permit access of winter sun to dwellings but limit summer sun. Where shade trees are provided (which is encouraged) these should be compatible with the building structure and services, when grown to their full size.

Landscaping of Open Space Areas

Introduction and General Provisions

Landscaping should provide a softening of the development, maintain or enhance the streetscape, and assist to manage solar access. All parts of the site not built upon or paved shall be landscaped with grass, ground covers, shrubs and/or trees. Site design should not result in bare expanses of fencing or driveway with landscaping largely confined to private open space areas. Good quality presentation of public areas is required.

Aims

- To provide an integrated approach to landscaping which achieves the following performance outcomes.

Performance Outcomes

- To contribute to the “greening” of Uralla, in particular through the further development of the urban tree canopy;
- To enhance the streetscape by providing good quality presentation to public areas;
- To provide areas for infiltration of water, to minimise off-site drainage requirements; and
- To improve the microclimate around dwellings.

Acceptable Solutions

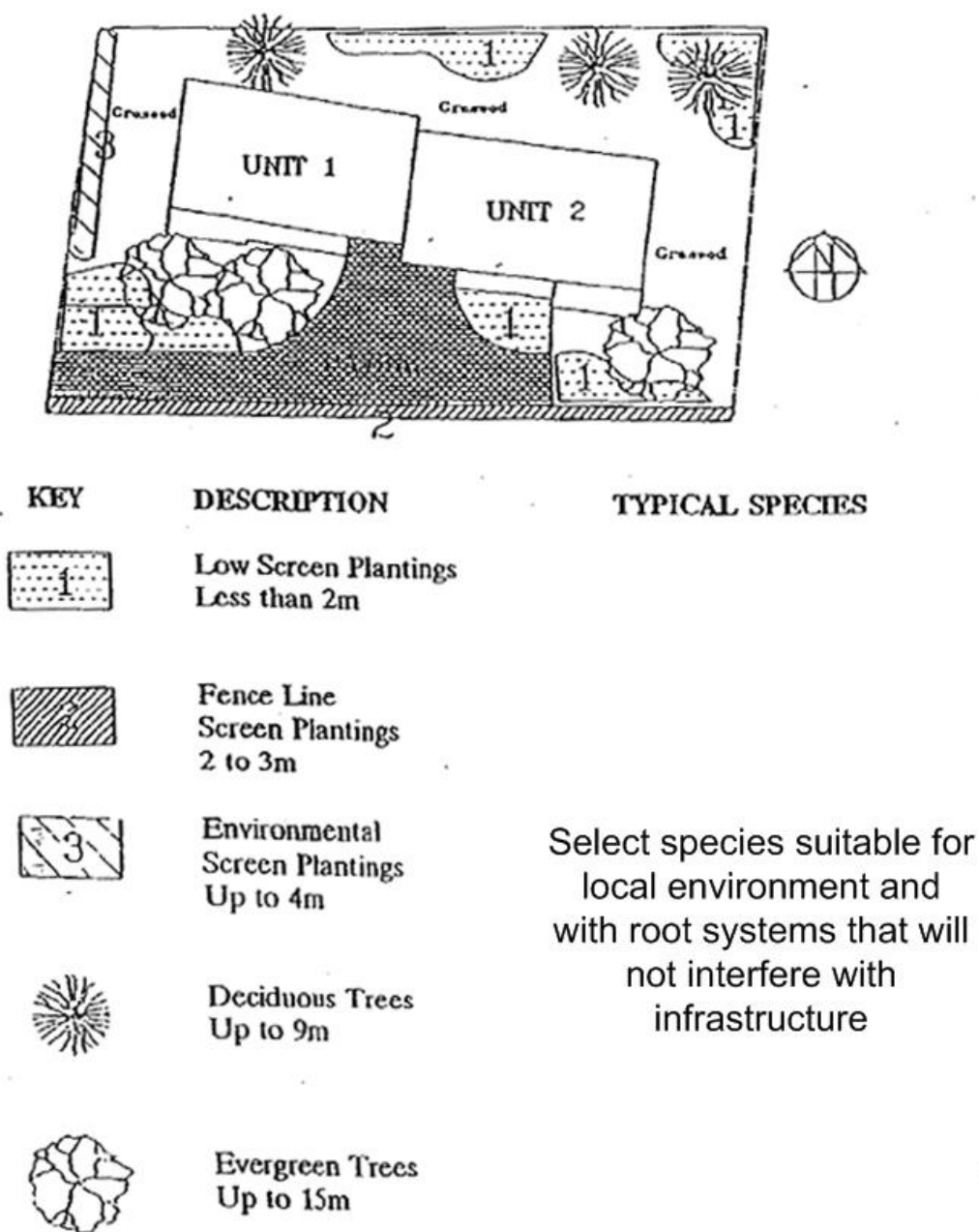
A landscape concept plan (similar to the example given in **Figure 3.1**) is provided with the development application. A mix of exotic and native vegetation may be used noting that:

- Native trees (particularly ones from the local area) can help to enhance biodiversity and provide urban habitat for birds and other wildlife; and
- Exotic deciduous trees have an important role to play as part of managing solar access (i.e. shading in summer, and allowing sunlight to permeate in the winter)

Advisory Note

Local nurseries and/or tree groups can be consulted to determine suitable species for landscaping. Vegetation with root systems which could interfere with infrastructure (e.g. sewer, water, footpaths, roads, buildings) should be avoided.

Figure 3.1 Example of Concept Landscaping Plan



Alternative approaches and design suggestions

A landscape plan that has been prepared by a qualified horticulturalist with experience in the climatic conditions and soils found in Uralla Shire will be accepted as an alternative to the acceptable solution.

In established areas, landscaping should relate to the streetscape and the landscaping of adjoining development. Where possible, landscaped areas should adjoin the landscaped areas of adjacent allotments and should incorporate the drip-line of mature trees planted in adjoining properties.

Regard should be given to the use of sun protection devices (i.e. verandas, pergolas, deciduous trees, etc.) along western-facing walls to produce a comfortable microclimate in and around dwellings.

Careful consideration of the layout of external and internal living spaces can increase the occupants' enjoyment of their dwelling. For example, a deck, terrace or balcony could provide an outdoor extension to an internal living room.

Privacy

Introduction and General Principles

Maintaining privacy within habitable rooms of dwellings and in secluded private open space is an important aspect of providing development that meets the occupants' needs. The requirements of this chapter should be regarded as minimum requirements, and wherever feasible higher levels of privacy should be provided.

Aims

To avoid direct views into windows of dwellings and to ensure that ground level secluded private open space has adequate areas free of overlooking.

Performance Outcomes

- At least 75% of secluded private open space is free from overlooking.
- No direct views occur into habitable rooms of a dwelling.

Acceptable Solutions

Direct facing windows or balconies of dwellings are not within 12m of windows, secluded private open space or balconies of other dwellings (at horizontal angles up to 45 degrees – see **Figure 3.2**).

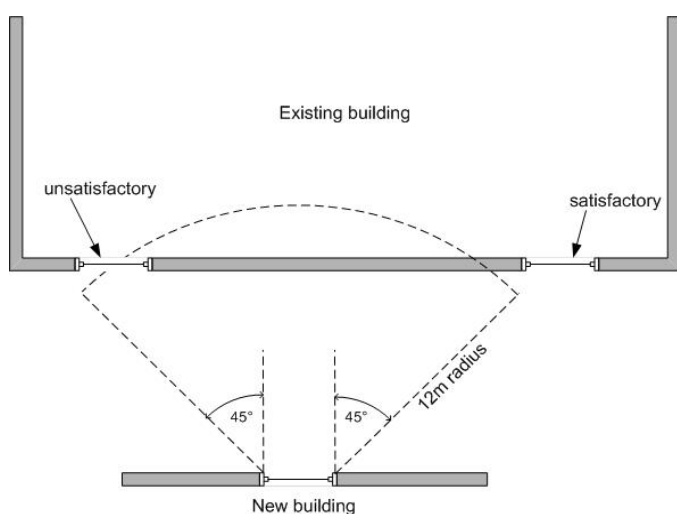


Figure 3.2 Avoid direct viewing of adjacent windows

Windows are not within 4m (horizontal distance) of a communal area.

Alternative Approaches and Design Suggestions

75% of the secluded private open space of a dwelling is not able to be overlooked (This applies to dwellings within the development and dwellings that may be overlooked by the development).

Screening of windows is provided where windows do not meet the acceptable solutions.

Screening can be provided in various ways. These include opaque glass, ensuring sill heights are greater than 1.7m, or the use of lattice or louvre screens attached to the side of windows (maximum permeability of 25%). Screening to common areas and secluded private open space areas can be provided by hedges, fences, courtyard walls or the like.

Fencing

Introduction and General Principles

Fencing of land provides the following benefits:

- It delineates the extent of the property;
- It serves to limit the passage of humans and animals thus enhancing security; and
- It can help to provide privacy.

Aims

To ensure that fencing is appropriate to the streetscape and environment in which it is erected.

Performance Outcomes

- Properties are suitably delineated;
- Privacy is enhanced where relevant;
- Fence construction materials and form are selected to be sympathetic to the location in which the fence is constructed and any neighbour impacts are minimised.

Zone R1 – General Residential & Zone RU5 – Village

Acceptable Solutions

- The maximum height of a side or front fence between the front of the dwelling and the street shall be 900mm. Side or rear fences behind the front building line may be built to a maximum height of 1,800mm.

Alternative Approaches and Design Suggestions

Nil.

Zone R2 – Low Density Residential & Zone R5 – Large Lot Residential

Acceptable Solutions

- Fencing to be constructed of materials and height suitable to the local area.

Solar Access

Introduction and General Principles

In the New England climate, managing access to winter sun is a major objective. This assists to maintain liveable dwellings and to reduce heating costs. Solar access should be considered as an integral and basic aspect of the design. Relatively high ultraviolet levels in summer also demand that adequate shading be provided where required.

Aims

- To manage solar access so as to improve liveability in summer and winter, within the dwelling and in the private open space.

Performance Outcomes

- At least 50% of the secluded private open space receives sun between the hours of 10am and 3pm on 21 June.

Acceptable Solutions

- Dwellings achieve the preferred solar orientation and placement on lots as shown in **Figure 3.3** and **Figure 3.4** below;
- Eaves and window heights achieve the design outcomes shown in Figure 3. below; and
- Secluded private open space is located on the north side of dwellings, and is provided with summer shade.

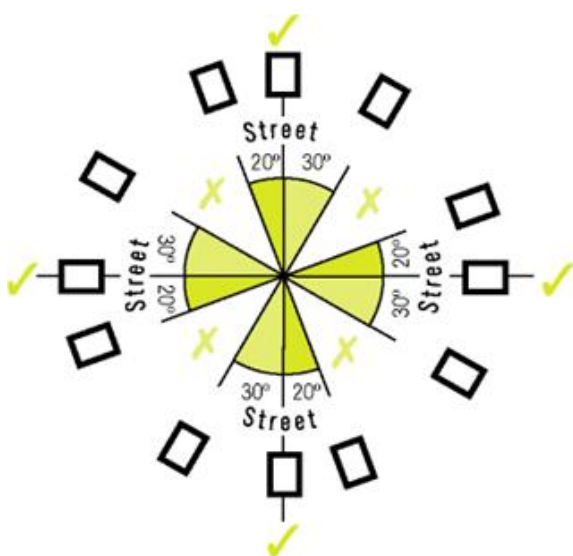
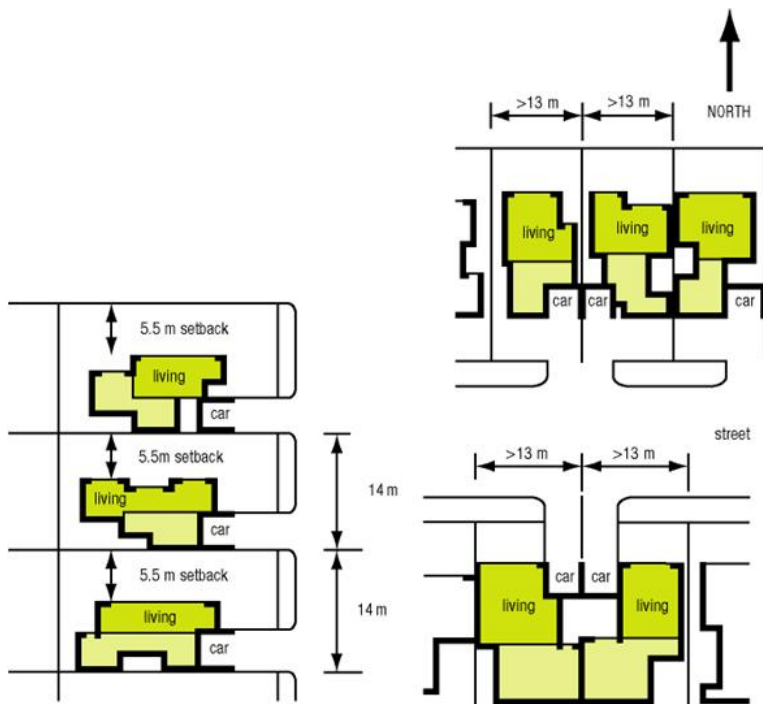
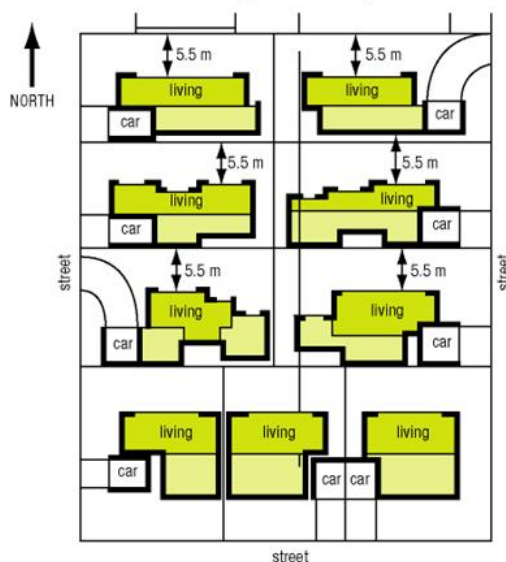


Figure 3.3 Acceptable range for solar orientation

(source: www.sustainability.vic.gov.au/resources/documents/Siting_and_solar_access.pdf)



Blocks that run north-south and east-west can provide good solar access if minimum boundary widths are provided



Wise house placement close to east, west and south boundaries maximises solar access.

Figure 3.4 Placement on lots for best solar access

(source: www.sustainability.vic.gov.au/resources/documents/Siting_and_solar_access.pdf)

The indicated setbacks from the northern boundaries in Figure 3. have been calculated for Victorian latitudes where the minimum winter sun angle is about 30 degrees (for Melbourne). As Uralla is further north, it has a higher minimum winter sun angle of about 36 degrees, and the northern setbacks can thus be reduced to around 4.5 metres. This offset will not always guarantee good solar access, as site conditions such as slope, aspect, vegetation and adjacent structures will also have an impact. In order to achieve the best possible passive solar (and thus energy saving) design, a detailed site plan should be prepared which analyses all of these variables.

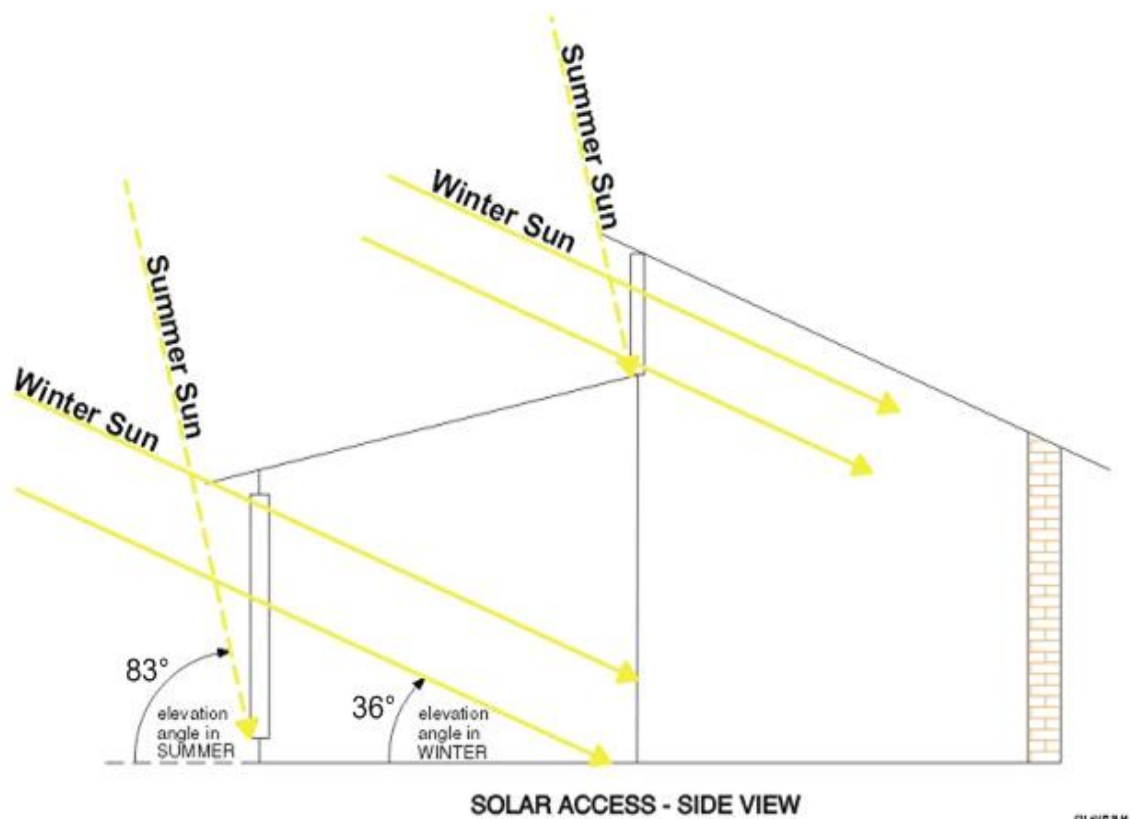


Figure 3.5 Windows and Eaves

(source http://www.bom.gov.au/climate/envirom/housedesign/solar_access.shtml)

Alternative Approaches and Design Suggestions

- Utilise a combination of built elements (e.g. pergolas and eaves) and landscaping to achieve the performance outcomes.

Dual Occupancy

Introduction and General Principles

Dual occupancy (2 dwellings on one lot of land) provides for flexibility in the provision of housing, and enables a higher intensity of use of a lot.

Aims

- To ensure that dual occupancy developments are undertaken so as to provide for good liveability for both dwellings;
- To ensure that developments are undertaken so as to minimise impacts on neighbours; and
- To ensure that developments to be sympathetic to the existing streetscape.

Performance Outcomes

- Dual occupancy developments are undertaken in accord with the aims of this section.

Acceptable Solutions

- Dual occupancies in urban areas may be attached or detached;
- Must comply with all other requirements for dwellings within this Chapter of the DCP;
- The ground floor of an existing dwelling house that is to be altered or added to will not be increased by more than 30 percent as a result of the development where the dwellings would occupy more than 30 percent of the allotment;
- Each dwelling shall be serviced by its own water supply and on-site management system or separately connected to Council's sewer mains;
- Where the development is connected to a reticulated water supply, separate water meters are to be provided to each dwelling and any common property;
- Car parking facilities shall be provided behind the building line for the allotment at a minimum rate of one space per dwelling and served by a driveway having a minimum width of 3 metres;
- A common laundry may be provided only where external access is possible;
- A minimum of 30 % of the total site shall be landscaped area;
- Where available, dwellings must be connected to services (water, sewer and electricity);
- In areas where kerb and gutter is proposed in the future, applicants will be required to provide concrete kerb and gutter to Council's specification for the full frontage of the lot;
- Each dwelling must have its own private open space area in accordance with acceptable solutions given elsewhere in the Chapter;
- The development shall blend and enhance the streetscape of the area; and
- The development must comply with the National Building Code, EP&A Act and the Uralla LEP.

Alternative Approaches and Design Suggestions

Nil.

Secondary Dwellings

Introduction and General Principles

A secondary dwelling, commonly known as a 'granny flat' is a self-contained dwelling:

- Established in conjunction with another dwelling (the principal dwelling); and
- On the same lot of land as the principal dwelling (not being an individual lot in a strata plan or community title scheme); and
- May be located within, or attached to, or separate from, the principal dwelling.

Applications for secondary dwellings may be submitted to Council as either Complying Development or as a Development Application.

Secondary dwellings are permitted in the following zones:

- Zone R1 General Residential
- Zone R2 Low Density Residential
- Zone R3 Medium Density Residential
- Zone R4 High Density Residential
- Zone R5 Large Lot Residential (DA only)
- Zone RU5 Village (DA only)

Complying Development

If the proposed secondary dwelling meets the general and land based requirements of the Codes SEPP (refer Clauses 1.17A, 1.18(1) and (2) and Clauses 1.19(1),(3) and (6)) and complies with the development

standards of the Affordable Housing SEPP (Schedule 1), then a Complying Development application may be lodged.

Secondary dwellings that do not meet the development standards of the Codes SEPP or the Affordable Rental Housing SEPP (AHSEPP) require a Development Application.

Aims

The aims of the AHSEPP are:

- Allowing granny flats to be approved as complying development in 10 days;
- Allowing granny flats to be built in all residential zones; and
- Setting clear standards for the development of granny flats.

The aim of Council's DCP controls are to provide local controls and guidelines and to ensure consistency with the AHSEPP for the assessment of Secondary dwellings that require a Development Application.

Objectives

Lot requirements

- To ensure that secondary dwellings are provided on appropriately sized lots;
- To ensure that development densities are not out of character with adjacent lots;
- To ensure that the amenity of residents is maintained; and
- To ensure that 'oversized' lots are not unnecessarily 'sterilised' from future residential subdivision.

Site Coverage

- To ensure that development maximises permeable surfaces and maintains a balance between built and unbuilt areas;
- To ensure that secondary dwelling development complements the density and built character of the area;
- To facilitate on-site stormwater infiltration and harvesting for re-use; and
- To incorporate suitable measures to minimise run-off directly accessing the lake or its waterways.

Design

- To ensure that secondary dwellings meet relevant design and construction standards; and
- To ensure that the design of secondary dwellings meet the needs of its occupants.

Private Open Space

- To ensure that occupants of secondary dwellings have access to private open space to support independent living; and
- Ensure the private open space is usable, functional and easily accessible for occupants.

Acceptable Solutions

- The site area of the land in which the principal and the secondary dwelling are located must be at least 450 m².
- Secondary dwellings must have only one bedroom.
- Secondary dwellings must be constructed to be adaptable for people with a disability. (*Adaptable housing is designed so that if and when accessible features are required the superstructure is in place to provide them without major work. It will suit future occupants with varying levels of disability. AS 4299 Adaptable Housing provides relevant construction standards.*).
- A lot on which a secondary dwelling is erected must have lawful access to a public road.
- The lot on which a secondary dwelling is located cannot be subdivided.
- A secondary dwelling cannot be located on a single lot of land that is twice the size (200%) of the minimum lot size for that land. The ULEP 2011 specifies the minimum lot size for land.

- The floor area of a secondary dwelling must not be greater than 60 m² or 30% of the total floor area of the principal dwelling.
- The maximum site coverage of the principal dwelling, secondary dwelling and driveways and the like, on a lot must be less than:
 - 50% for lots of at least 450 m² and not more than 900 m² in area;
 - 40% for lots of at least 900 m² and not more than 1,500 m² in area; or
 - 30% for lots more than 1,500m² in area.
- Secondary dwellings must meet the requirements of the National Building Code.
- Secondary dwellings must meet the requirements of SEPP (BASIX) 2004.
- Secondary dwellings attached to or within the principal dwelling must include at least one direct external access.
- External building materials, finishes and colours on the secondary dwelling must complement and be consistent with the principal dwelling.
- Secondary dwellings must have separate private open space (POS), preferably north facing, that is directly accessible from the living area. The minimum area for POS is 24 m² with a minimum dimension of 4 m and is not steeper than a 1:50 gradient.
- Details of garbage bin storage areas must be provided with the Development Application.

The full list of development standards for secondary dwellings is found at [Schedule 1 of the AHSEPP](#). It is noted that if the AHSEPP does not explicitly override a local council DCP control, then the local council planning control applies.

Pursuant to the AHSEPP, a consent authority cannot refuse consent to development for a secondary dwelling on either of the following grounds:

- **site area** if:
 - the secondary dwelling is located within, or is attached to, the principal dwelling, or
 - the site area is at least 450 m²; and
- **parking**; if no additional parking is to be provided on the site.

Multi Dwelling Housing

Introduction and General Principles

Multi dwelling housing (3 or more dwellings on a single lot) provides for flexibility in the provision of housing, and enables a higher intensity of use of a lot.

Aims

- To ensure that multi dwelling housing developments are undertaken so as to provide for good liveability for all dwellings;
- To ensure that developments are undertaken so as to minimise impacts on neighbours; and
- To ensure that developments are sympathetic to the existing streetscape.

Performance Outcomes

- Multi dwelling housing developments are undertaken in accordance with the aims of this section.

Acceptable Solutions

- May be attached or detached;
- Must comply with all other requirements for dwellings within this Chapter of the DCP;
- Must be connected to a reticulated water supply and Council's sewerage system;
- Car parking facilities shall be provided behind the front building line for the allotment at a minimum rate of 1 space per dwelling, and served by a driveway having a minimum width of 3 metres. Also

refer to Chapter 6 Access and Parking. Other specific engineering requirements may also apply (including the provision of parking for visitors);

- A minimum of 30% of the total site shall be landscaped area;
- In areas where kerb and gutter is proposed in the future, applicants will be required to provide concrete kerb and gutter to Council's specifications for the full frontage of the lot;
- The development shall blend and enhance the streetscape of the area;
- Multi dwelling housing development may not be located on 'battle-axe' allotments; and
- The development must comply with the National Building Code, EP&A Act and the Uralla LEP.

Alternative Approaches and Design Suggestions

Nil.

Chapter 4 Rural Development

About this Chapter

This Chapter addresses various aspects of rural development including biodiversity, bushfire management, access to rural properties and dwelling development.

Where this Chapter applies

This Chapter applies to land zoned in the Uralla LEP as

- RU1 – Primary Production
- RU2 – Rural Landscape
- R5 – Large Lot Residential
- E3 – Environmental Management
- E4 – Environmental Living

Note: Development in the village zones is addressed in chapters dealing with Residential Development and Subdivision.

Biodiversity

Aims

- To support Uralla LEP by providing additional detail and guidance on addressing biodiversity issues associated with development.

Performance outcomes

- Biodiversity issues are addressed appropriately in development so that natural environment values are maintained or enhanced as a result of the development; and
- All requirements of relevant environmental legislation have been met.

Acceptable solutions

- Proposals are reviewed against the provisions of the NSW *Threatened Species Conservation Act 1995* and the NSW Office of Planning and Environment publication “*Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 Guide to implementation in NSW May 2007*”, by an appropriately qualified and experienced ecologist or environmental scientist, and, if necessary, appropriate additional environmental investigations are conducted;
- Where proposals would significantly affect areas of native vegetation, a review of the potential impact on wildlife habitat and corridors is undertaken by an appropriately qualified and experienced ecologist or environmental scientist ; and
- If the lot to be developed has an area greater than 1 hectare, or, together with any adjoining land in the same ownership, an area of more than 1 hectare, then the provisions of State and Environmental Planning Policy 44 Koala Habitat Protection apply. Among other things, this means that:
 - Council must satisfy itself that the land is not potential or actual koala habitat before giving consent to a development application;
 - Council may only satisfy itself based on information obtained from a person who is qualified and experienced in koala habitat identification; and
 - If the land proves to be core koala habitat, then a formal plan of management will need to be prepared by the applicant prior to development consent being granted.

Note: It is expected that this provision will be triggered for ALL development in zones RU1, RU2 and R5 as all would involve lots in excess of 1ha in area.

(Note: Under the precautionary principle, persons proposing development that would affect significant areas of native vegetation, including grasses, groundcovers, shrubs and trees should make preliminary enquiries with an appropriately qualified and experienced ecologist or environmental scientist prior to preparing and submitting a development application).

Alternative approaches and design suggestions

None specified.

Bushfire Management

Aims

- To support the Uralla LEP by providing additional detail and guidance on addressing bushfire management issues.

Performance outcomes

- Development of bushfire prone land is undertaken in accordance with the requirements of *Planning for Bushfire Protection 2006*.

Acceptable solutions

- Proposals falling within *bushfire prone land* undertake a review in accordance with the provisions of *Planning for Bushfire Protection 2006* published by the NSW Rural Fire Services and provide the appropriate protection to comply with that document. *(Note: if there is uncertainty as to whether a property or proposal is affected, contact Council's Planning Department for further advice).*
- *Planning for Bushfire Protection 2006* identifies six key Bush Fire Protection Measures (BPMs) that must be implemented for developments on bushfire prone lands:
 - The provision of clear separation of buildings and bush fire hazards, in the form of fuel-reduced Asset Protection Zones (and their subsets, inner and outer protection areas and defensible space),
 - Construction standards and design,
 - Appropriate access standards for residents, fire fighters, emergency service workers and those involved in evacuation,
 - Adequate water supply and pressure,
 - Emergency management arrangements for fire protection and/or evacuation, and
 - Suitable landscaping, to limit fire spreading to a building;
- Details for each of the BPMs are provided in *Planning for Bushfire Protection 2006* which is available for download from the Rural Fire Service website (www.rfs.nsw.gov.au). Applicants will need to access this document and ensure that their development proposal implements the appropriate design and construction elements specified.

Alternative approaches and design suggestions

A report by a recognised bushfire planning consultant may propose alternative solutions to those identified in *Planning for Bushfire Protection 2006*. Such solutions should involve early consultation with the Rural Fire Service prior to submission of an application.

Access to Rural Properties - General

Performance outcomes

- The development provides safe, convenient and readily maintainable access from a public road.

Acceptable solutions

- Access to rural properties is from a dedicated public road; and
- An access point is constructed at the time of creation of an allotment with such access consisting of a gate recessed 20m from the property boundary, together with a table drain crossing in accordance with Council's engineering standards.

Alternative approaches and design suggestions

Rights-of-carriageway to a rural property may only be considered in accordance with **Table 4.1**:

Note: "Right-of-Carriageway" is a strip of land over which one or more parcels of land enjoy certain right of access. Rights-of-Carriageway are private agreements between individual owners of the parcels of land involved and Council does not have responsibilities nor rights with regards to them. Council will require the approval of all owners of land over which a Right-of-Carriageway is proposed prior to a Development Application for subdivision being lodged. Construction and maintenance of a Right-of-Carriageway is not the responsibility of Council but is the full responsibility of the relevant landholders.

Table 4.1 Rights of Carriageway

Benefited lots	Standard of Access	Requirement
Up to ²	Access is maintained at all times to a good trafficable standard suitable for two-wheel drive vehicles	A notation is placed on the title of every benefitting lot such that maintenance of the right-of-carriageway is required, to the standard specified, with the cost being borne proportionally by each owner based on the distance of the access point of their allotment to the public road.
More than ²	Dedicated public road	The access shall be constructed at developer cost to a standard suitable for a dedicated public road.

Access to Rural Properties – Land subdivided for agricultural purposes

General

Council acknowledges that a subdivision which creates land for sale to another owner may not, in some circumstances, warrant the construction of an independent access to that allotment in accordance with the provisions in this section. This is particularly the case when a subdivision is undertaken for agricultural purposes.

Performance Outcomes

- All created allotments have legal access; and
- Adequate physical access is available to a new allotment, being an allotment created for agricultural purposes.

Acceptable Solutions

- Each allotment created has legal access to a dedicated public road either through direct frontage, a right-of-way arrangement, or by consolidation with an existing allotment that has such access;
- A covenant is provided on the title to any allotment created (that does not have constructed physical access provided or already available at the time of creation) to require the construction of such access at such time as the allotment is no longer in the same ownership as a directly abutting allotment; and
- Any such access is constructed prior to transfer of title, and in accordance with Council's Technical Specifications. *Note: this includes provisions relating to rights-of-carriageway where relevant.*

Rural Dwellings

General

Council will give consideration to applications for rural dwellings either as a "right to build" application, or a full application including full design details of the dwelling.

Note regarding permissibility

A dwelling must be permissible with consent under Uralla LEP on the land. This means the dwelling or the "right to build" application must either meet the minimum requirements for the size of land under the LEP or must be permissible with consent under the "existing holding" provisions in the LEP. Applicants are advised to seek legal advice that their proposal is permissible under the LEP prior to submitting an application.

Note regarding consultation

Prior to submitting an application, applicants are encouraged to consult with any neighbours regarding the proposed dwelling site.

Basic information to be provided – all applications

The following information provides a guide to the minimum information requirements that Council will need to assess the application:

- An extract of a topographic (or similar) map showing the property (including the allotment proposed for the dwelling and any holding/overall property boundary), the location of the dwelling and the location of powerlines;
- Evidence of the size of the allotment, property and/or holding (e.g. copy of the Deposited Plan, title certificates or similar);
- The location of the proposed access road to the dwelling, and its proposed point of connection with the public road network. This point of connection must comply with the Uralla LEP and must comply with the access requirements for rural properties;
- A site location that is suitable for providing suitable asset protection zones and related Bushfire Protection Measures if the land is bush fire prone land; and
- The location of dams, streams and the like.

Additional information

- Details of the dwelling including plan and elevations, drawn to an appropriate metric scale, and indicating north point;
- Details of water supply including source of supply, and, where that is from a tank, details of calculations so as to ensure that water supply will be adequate to serve the dwelling. Water supply and storage information also needs to address Planning for Bushfire Protection 2006;
- Details of waste water disposal, including type of system; and
- Submission of a BASIX assessment.

Performance Outcomes

- Dwelling sites are identified and are provided with safe connection to the public road network;
- Visual and other impacts on neighbours are minimised; and
- Adequate area exists for on-site waste water disposal.

Acceptable Solutions

- For RU1 and RU2 zones:
 - The dwelling is not within 50m of any boundary of the holding;
- For R5, E3 and E4 zones:
 - The dwelling is not within 25m of any boundary of the holding;
- The dwelling complies with the bushfire standards indicated elsewhere in this DCP;
- The dwelling complies with the flood provisions of this DCP;
- Access to the dwelling from the public road network complies with the provisions of this DCP relating to access to rural properties;
- The dwelling is located so that effluent disposal can be managed in accordance with Council's On-Site Waste Water Management Strategy (Note: This is to ensure that on-site disposal of waste water – e.g. septic – is not located where there is a risk of contamination of waterways);
- The dwelling is not located adjacent to or within close proximity of:
 - Old sheep and cattle yard sites,
 - Old livestock dip sites,
 - Orchard areas,
 - Disused mining areas; and
- The dwelling is not located adjacent to or within close proximity of an approved feedlot or other similar operation.

Alternative approaches and design suggestions

- Variation to acceptable solutions would need to be supported by a comprehensive statement of environmental effects which addresses the performance outcomes sought for rural dwellings and which demonstrates that the acceptable solutions are unreasonable or unnecessary in the circumstances of the case.

Dual occupancies in Rural Areas

Additional considerations for dual occupancies:

- *Attached* and *detached* dual occupancies are permitted in the RU1, RU2, R5 and E4 zones;
- Dual occupancies are *not* permitted in the E3 zone;
- No additional vehicular access point to the property is permitted;
- Consolidation of separate land parcels so that the primary dwelling and the detached dual occupancy dwelling are located within a single lot.
- A Site Plan is to be submitted to Council clearly show the location of proposed dual occupancy dwellings and the proximity of proposed dwellings to nearby land uses and buildings, including neighbouring dwellings.
- Provision is made on-site for all weather driveway and parking spaces to serve both dwellings;
- The development is adequately landscaped to protect the scenic amenity of the area;
- Any extensions to an original dwelling (to permit dual occupancy) shall have a design relationship with the existing dwelling house;
- Building materials and colours shall blend with any existing buildings and the natural features of the area and landscape;
- Details of water supply including source of supply, and, where that is from a tank, details of calculations so as to ensure that water supply will be adequate to serve both dwellings. Water supply and storage information also needs to address Planning for Bushfire Protection 2006;

- The proposed treatment of waste water must be in accordance with Council's On-Site Waste Water Management Strategy; and
- The development must comply with the provisions of the National Building Code.

About this Chapter

Uralla town includes a number of areas that constitute 'employment lands' – i.e. areas that provide for job creation and ongoing employment within the town. These are zoned for commercial or industrial land uses, and are intended to support the development and operation of various business enterprises.

In conjunction with the Uralla LEP which provides details of the uses permitted and/or prohibited on employment lands areas, this chapter provides further guidance on how development should be conducted for these land use zones.

Additional planning requirements that must also be met in particular circumstances are provided in other chapters of this DCP. Therefore, this chapter should be read in conjunction with other chapters that are relevant for particular developments including: Subdivision, Heritage Conservation, Development in Gateway Areas, Parking, Signage and Outdoor Advertising, and Commercial Use of Public Footways.

Where this Chapter applies

This chapter applies to land zoned Business (B2, B4 or B6) and Industrial (IN1, IN2) under the Uralla LEP.

General Advice to Applicants

Different land uses are permissible within the five employment land zones, and applicants are urged to check with Council's planning staff about the permissibility or otherwise of a proposed development early in the project planning stages.

The employment land zones each have different objectives in terms of the type of enterprise that is appropriate, and developers are encouraged to consider how their proposed development will fit within these.

Part 5A of the Codes SEPP lists certain types of the following development as complying development:

- **Building alterations (internal)** – internal building alterations for all uses (excluding residential accommodation, heavy industry, sex services or restricted premises) including uses such as clubs, hotels, service stations, schools, private hospitals, doctor's offices, medical centres amongst others.
- **Change of use of premises** – change of use of a premises including landscape materials supplies, hardware and building supplies, vehicles sales or hire premises, garden centres, timber yards, packaging industry, medical centre, amusement centre, function centres etc. These uses can only be changed to uses of a similar type which are set out in tables in the SEPP.
- **First use of premises** – approval of a first use and first fitout of a building or tenancy within an approved building will be allowed as complying development. For example, a new commercial office building approved under a development application (DA) may seek to use a part of the building for offices or retail tenancies, as complying development.
- Installation of **mechanical ventilation systems, shop fronts and awnings, skylights and roof windows**.
- Installation of **projecting wall signs, free standing pylon and directory board signs**.
- **Ancillary development** including earthworks and retaining walls, driveways, hardstands, paving, fences and garbage bin enclosures and sheds.
- **Industrial Buildings** – new buildings up to 20,000m² or additions to buildings up to 5,000m². Development that requires clearing of more than 1,000m² of native vegetation cannot be complying development under the code.

- **Commercial buildings** – additions to the rear of existing commercial premises up to 50% of the existing floor area, but not more than 1,000m² for retail and 2,500m² for commercial offices and businesses.

Aims and Objectives

This chapter is intended to achieve the following:

- To reinforce the role of the central business precinct (B2 zone) as the main focus for retail and commercial activity within the town;
- To encourage the design of commercial and industrial developments to complement and conserve the existing streetscape character where there is an established character, and to contribute towards the creation of a desirable streetscape image where a streetscape character has not been established;
- To provide guidelines for elements, such as the external appearance of buildings and landscaping, which contribute towards the preservation or establishment of a streetscape character;
- To ensure that the design of developments provides ease of access for pedestrians, including people with disabilities;
- To ensure that business and industrial development is served by the necessary physical infrastructure, including reticulated water supply and sewerage and drainage systems;
- To ensure that adequate vehicular access and parking is provided so as to protect the safety of other road users; and
- To ensure that the provision of public services and amenities for commercial and industrial development does not place an economic burden on the community.

Performance Outcomes

- Development of existing and new businesses which contribute to the social and economic well-being of Uralla and which enhance the natural and built environments.

Acceptable Solutions

Change of Use

Developers are encouraged to consult with Council's staff prior to undertaking a change of use of premises in order to determine which of the following planning pathways would apply:

- Development consent is not required for a change of use of premises that is exempt development under the Codes SEPP (State Environmental Planning Policy (Exempt and Complying Development Codes) 2008). Although consent is not required for exempt development, it is still a requirement that Council is given written notification of the change of use.
- Change of use may also be permissible as complying development under the Codes SEPP. In this case, an application for a Complying Development Certificate will need to be lodged with Council. The following categories are grouped into types of uses that can be changed to other uses of a similar intensity:
 - *Category one:* bulky good premises and large format retail premises (such as hardware and building supplies and warehouse and distribution centres) can be changed to another commercial business, offices, retail and large retail premises and industry.
 - *Category two:* commercial premises such as shops, business offices and medical centres can be changed to other commercial offices, business, retail or medical centres.
 - *Category three:* industrial warehouse uses can be changed to neighbourhood shops, industry and commercial office uses.

- *Category four:* self-storage units can be changed to neighbourhood shops and industrial and business uses.
 - *Category five:* entertainment facilities can be changed to amusement centres, shops, food and drink premises.
 - *Category six:* amusement centres, functions centres and registered clubs can be changed to shops, food and drink premises.
 - *Category seven:* a wholesale supplier can be changed to neighbourhood shop, industrial retail outlet or warehouse distribution centre.
- For a change of use of a premises that does not fall into the above categories, a Development Application will need to be lodged with Council.

Provision of Services

- Subdivision within the Commercial and Industrial areas of Uralla requires connection to water and sewerage and the provision of appropriate stormwater drainage (see chapter on Subdivision). However, where any existing lots do not presently have connection to sewerage and water supply or appropriate drainage arrangements, then this will need to be brought up to standard approved by Council's Infrastructure & Regulations Department when any development of the lot is undertaken, irrespective of whether subdivision is involved or not.

Access for Persons with Disabilities

- Adequate provision is to be made to enable persons with disabilities to gain access to the development and to the land on which the development is proposed to be carried out;
- The development is to comply with the relevant Australian Standard for access for disabled persons applying at the time the development application is lodged; and
- The NSW *Anti-Discrimination Act 1977 No 48* provides the legal framework for the provision of access for people with disabilities to employees of, and people seeking goods from, business premises. Under this Act, in some instance it may be permissible to not meet the requirements for disabled access. In addition, considerations of 'unjustifiable hardship' (CI 49C) may mean that the requirements may be relaxed. Applicants would need to obtain independent legal advice as to whether 'unjustifiable hardship' would apply in any given case.

Height

- The height limit for development within the business and industrial zones is 8 metres measured from ground level to the roof ridge.

Access and car parking

These requirements are dealt with in the Chapter 6 Access and Parking.

On-site facilities

- On-site facilities for garbage bin and recycling storage and service meters are to be designed to be physically convenient, visually attractive and require minimal maintenance;
- Garbage and recycling bin storage is to be within the site and not located at the street frontage. Where collection is not on the street frontage, adequate loading and turning areas for service vehicles is to be provided within the development; and
- Adequate provision is to be made for the storage and handling of solid wastes generated by the development. The storage area is to be enclosed and the material stored is to be screened from public view.

Development on land adjoining land zoned R1 General Residential

Business development on land adjoining a residential zone should not have a significant adverse impact on the amenity of the residential areas in the vicinity. Adverse impacts which may arise include:

- Noise associated with the amount of traffic generated by the development;
- The type of traffic generated by the development (cars, delivery vehicles etc);
- Location of car parking and loading/unloading areas;
- Hours of operation;
- Headlight glare from vehicles within the site;
- Odour;
- Nuisance caused by illumination of the development for advertising and/or security reasons; and
- Visual impact associated with the setback of the development from the common property boundary and the design and scale of the development.

Possible adverse impacts on the locality, including the above factors, should be considered when choosing the site and designing the development.

Energy efficiency

Opportunities may exist to design layouts for a development which minimise winter heat loss and make use of solar energy. This may be achieved by:

- Locating main office and/or retail areas on the north side of the building. Storage areas, toilets and other rooms requiring minimum climate control could be located away from the north side;
- Walls set back sufficiently from the north site boundaries to enable winter solar access to the main north facing areas;
- Buildings to incorporate window shading devices, such as eaves, verandahs and blinds, to reduce exposure from hot summer sun, especially on the western side of the building; and
- Landscaping that incorporates good solar design principles.

Zone B2 – Specific Considerations

B2 Local Centre

This zone relates to the core of Uralla's business district. The objectives of the zone are:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area;
- To encourage employment opportunities in accessible locations;
- To maximise public transport patronage and encourage walking and cycling; and
- To allow for residential and other accommodation while maintaining active retail, business or other non-residential uses at street level.

It should be noted that there are restrictions on residential uses in this zone, with dwelling houses being prohibited. (Note: existing dwellings remain permissible under 'existing use rights' contained in clauses 106 to 109 of the EP&A Act.)

Heritage Considerations

The majority of the B2 zone is contained within a Heritage Conservation Area and contains a number of listed heritage items. As such, any proposals for development within the B2 zone should be carefully checked to see whether heritage provisions will apply to the development.

As heritage considerations can place significant restrictions on the type of development that can be undertaken, it is strongly recommended that potential developers contact Council planning staff early in the development process to discuss this.

For any development to be undertaken on Heritage Items or with a Heritage Conservation Area, the provisions of Chapter 9 Development and Heritage Conservation will also apply.

Building lines and setbacks

This plan does not specify the setbacks of buildings from the property boundaries within the B2 zone. Each development will be assessed on its individual merits. The following criteria will be used to determine whether the building line and side and rear setbacks for a particular development are acceptable.

Front Building line

The main criteria for determining the front building line for new development is the effect that it will have on the streetscape. A front setback of 0 metres would generally be appropriate given that this is the existing situation in much of the zone.

The front building line for each application will be assessed on its merits taking into account such factors as:

- Consistency or compatibility with the building line for adjoining properties;
- The length of the building and the overall layout of the development;
- The design of the building and the overall layout of the development;
- The purpose for which the development will be used;
- The impact on the streetscape quality of the locality;
- The maximisation of sight distances for drivers using the road, including visibility of points of access to the road;
- The minimisation of distraction to drivers using the road; and
- Any possible future need to alter the road alignment.

Development on corner lots should address both frontages and have regard to the character of the respective streetscapes.

Side and rear setbacks

The side and rear setbacks for a development will be assessed on their individual merits. In determining suitable setbacks for a development proposal Council will take into account:

- The likely impact on adjoining land;
- Fire safety requirements;
- The visual impact of the bulk and scale of the development; and
- The impact on the streetscape quality of the locality.

Zone B4 – Specific Considerations

The B4 zone is located adjacent to the B2 zone and provides for a more diverse range of uses appropriate to land not in the heart of the commercial centre. The objectives of the zone are:

- To provide a mixture of compatible land uses;
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling; and
- To encourage development that supports or complements the primary office and retail functions of the local centre zone.

The permitted land uses in this zone are intended to be more flexible than those in the B2 zone, reflecting the presently more diverse existing land uses and encouraging further development of this area for a range of potential uses. Some relaxation of the restriction on residential uses compared to the B2 zone occurs in this zone, although dwelling houses remain a prohibited use. While there are a number of existing residential buildings in this zone, it is not intended that this becomes a predominantly residential area.

Building lines and setbacks

Front setbacks

As this is a mixed use zone including existing commercial and residential land uses along with a diversity of streetscape character, different requirements exist in the zone as follow:

- Hill Street between Bridge and Maitland Streets - Buildings are permitted to be built with a 0m front setback subject to satisfactory compliance with the factors specified for the front building line in Zone B2;
- Salisbury Street between Bridge and Maitland Streets - Buildings are permitted to be built with a 0m front setback subject to satisfactory compliance with the factors specified for the front building line in Zone B2;
- Other street frontages in the zone - Generally a front setback of 6m applies, although this can be varied subject to consideration of the factors specified for the front building line in Zone B2.

Side and rear setbacks

The side and rear setbacks for a development will be assessed on their individual merits. In determining suitable setbacks for a development proposal Council will take into account:

- The likely impact on adjoining land;
- Fire safety requirements;
- The visual impact of the bulk and scale of the development; and
- The impact on the streetscape quality of the locality.

Zone B6 – Specific Considerations

B6 Enterprise Corridor. This zone is located along the New England Highway to the south of East Street. The objectives of the zone are:

- To promote businesses along main roads and to encourage a mix of compatible uses;
- To provide a range of employment uses (including business, office, retail and light industrial uses); and
- To maintain the economic strength of the (Uralla Town) Centre by limiting retailing (in the Enterprise Corridor).

Building lines and setbacks

All street frontages in the zone

Generally a front setback of 8m applies, although this can be varied subject to consideration of the factors specified for the front building line in Zone B2.

Side and rear setbacks

The side and rear setbacks for a development will be assessed on their individual merits. In determining suitable setbacks for a development proposal Council will take into account:

- The likely impact on adjoining land;
- Fire safety requirements;
- The visual impact of the bulk and scale of the development; and
- The impact on the streetscape quality of the locality.

Development in Gateway Areas

As the B6 zone is a gateway area, the provisions of Chapter 10 Development in Gateway Areas apply.

Zone IN1 – Specific Considerations

The objectives of this zone are:

- To provide a wide range of industrial and warehouse land uses;
- To encourage employment opportunities;
- To minimise any adverse effect of industry on other land uses;
- To support and protect industrial land for industrial uses; and
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

Building lines and setbacks

All street frontages in the zone

Generally a front setback of 8m applies, although this can be varied subject to consideration of the factors specified for the front building line in Zone B2.

Side and rear setbacks

The side and rear setbacks for a development will be assessed on their individual merits. In determining suitable setbacks for a development proposal Council will take into account:

- The likely impact on adjoining land;
- Fire safety requirements;
- The visual impact of the bulk and scale of the development; and
- The impact on the streetscape quality of the locality.

Zone IN2 – Specific Considerations

The objectives of this zone are:

- To provide a wide range of light industrial, warehouse and related land uses;
- To encourage employment opportunities and to support the viability of centres;
- To minimise any adverse effect of industry on other land uses;
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area; and
- To support and protect industrial land for industrial uses.

There are three distinct areas around Uralla that are zoned for light industrial use. One of these is located immediately to the south of the B6 Enterprise Corridor land and provides significant development potential with excellent highway frontage. Together with the B6 land, it is within an important gateway area and as such any development needs to achieve specified visual and amenity outcomes (see Chapter 10 Development in Gateway Areas).

Building lines and setbacks

All street frontages in the zone

Generally a front setback of 8m applies, although this can be varied subject to consideration of the factors specified for the front building line in Zone B2.

Side and rear setbacks

The side and rear setbacks for a development will be assessed on their individual merits. In determining suitable setbacks for a development proposal Council will take into account:

- The likely impact on adjoining land;
- Fire safety requirements;
- The visual impact of the bulk and scale of the development; and
- The impact on the streetscape quality of the locality.

Chapter 6 Access and Parking

About this Chapter

This chapter of the DCP been prepared as a guide to Council's requirements in connection with the provision of car parking, access and loading facilities as part of development works within the Uralla Shire. The chapter supports desired growth while protecting traffic and pedestrian flows.

Where this Chapter applies

This Chapter applies to all zones under the Uralla LEP.

Aims and Objectives

To provide a guide for the provision of access and parking associated with development in Uralla Shire in order that:

- Traffic safety and management are maintained or improved;
- Parking areas are provided that are convenient, functional and sufficient for use;
- Adequate provision is made for access and parking for people with disabilities;
- A balance is achieved between the needs of the proposed use and of vehicular and pedestrian traffic; and
- Parking areas, once established, are maintained in an adequate condition that continues to provide facilities that comply with those required when development consent was granted.

Access and Traffic Generation

The potential of a development to create additional traffic loads on the road network needs to be assessed. For smaller developments, there is unlikely to be any appreciable impact, and it will be sufficient to ensure that safe access (road connection and footpath crossing) is provided as required.

For more significant developments, Council may require a Traffic Impact Study to be undertaken in order to address the following matters:

- The rate of traffic generation associated with the proposed development;
- The impact(s) the traffic generated by the development will have on traffic efficiency, amenity, safety, and road pavement life;
- The cost impacts of traffic generated by the development and how those costs are to be met; and

In addition, consideration must be given as to whether the development constitutes 'traffic generating development' (as per Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007), and thus whether it must be referred to the Roads and Traffic Authority for comment.

Parking Requirements

General

- The provisions of this chapter will be applied to new development. The provisions of this chapter will also be applied to the extension of an existing building or works as if it were an independent development;
- Off-street car parking provision now provided to existing developments shall be retained. Additional parking spaces required for any new development or redevelopment shall comply with the provisions of this chapter;

- In the case of a change in the use of an existing building, Council will apply the provisions of this DCP if it considers that the proposed new use will produce a substantially different parking requirement than those attributable to the existing use;
- The total number of on-site parking spaces provided in association with new development shall be in accordance with the recommended ratios set out in this Chapter as appropriate, subject to any qualifications or exceptions which may be applicable in the circumstances of the case. In this regard parking proposals that provide less parking than required by this Chapter shall be supported by a parking study. *(Note the specific definition of Gross Leasable Floor Area in the notes to the Standard of Provision Table below.); and*
- In the event of a conflict between this chapter and an Australian Standard, the Australian Standard (AS 2890) shall prevail.

Provision of Parking Spaces

Aims

- To provide accessible car parks; and
- To provide sufficient car parks to serve the needs of particular developments.

Performance Outcomes

- New car parks are sufficient in number and design to provide appropriately for the needs of new developments;
- Adequate provision is made for parking for people with disabilities; and
- All parking bays must be readily accessible and an adequate area is provided for the turning and manoeuvring of vehicles.

Acceptable Solutions

- Council will require the provision of on-site car parking at the rate set out in Table 6.3 for any particular type or category of development;
- Car parking is provided on the site of the development;
- The layout and dimensions of car parking areas is in accordance with the design standards and principles as set out in Appendix B;
- Provision of car parks for people with disabilities shall be in accordance with AS 2890.6 (2009);
- All required car parking areas, driveways, turning areas and loading areas are paved in either a bitumen seal coat, asphaltic or bituminous concrete, cement concrete, concrete paving blocks, or brick paving blocks. *Note: The standard of paving required will be dependent upon the type of development proposed, with regard to traffic loadings including turning movements of heavy vehicles;*
- In villages and rural areas paving to driveways, turning areas, loading areas and car parking areas shall be all-weather. *Note: surface materials to be at the discretion of Council's Director of Infrastructure & Regulations;*
- All parking spaces shall be suitably marked by lines, or indicated by other approved means; and
- Free and uninterrupted access to car parking areas shall be maintained at all times.

Note: When assessing car parking spaces provided, no account shall be taken of spaces which do not have direct access to a driveway, or which are double banked (except where specific provision is made for tandem or "stack" spaces) or obstructed in any way.

Alternative approaches and design suggestions

A design that complies with the relevant Australian Standard and/or any relevant State Environmental Planning Policies will be considered.

While the Council would normally expect the provision of car parking to be on the site of the development, Council is prepared to consider the provision on other land owned or leased by the developer provided that the alternate location is convenient to the subject development, and an appropriate legal mechanism is put in place to ensure the ongoing availability of the off-site parking for the life of the development.

Where developers are unable to meet the requirement to provide on-site parking, Council may require a cash contribution in lieu. Contributions will be based upon the number of spaces, rate of total parking demand, cost of provision and Council's ability to provide parking.

Table 6.1 Car Park Provision - Acceptable Solutions

Please Note: Council will require the number of spaces to be rounded up .i.e. 2.4 spaces to 3 spaces unless Council determines otherwise based on individual merits of the proposed development.

Land and building use	Rate of Provision
All educational establishments	Council will require the provision of on-site set-down and pick-up areas for buses and cars taking students to or from the school or colleges. Specific requirements depending on the educational use must also be met. Consultation with Council is strongly suggested as part of the site design process.
Boarding houses, hostels, unlicensed hotels, guests houses and similar uses	1 space per 3 guest rooms, plus 1 space for a manager, plus 1 space per 3 employees or part thereof.
Bowling clubs	30 spaces per green.
Brothels	2 spaces per room used for prostitution plus one 1 space for each employee.
Catering and reception premises	1 space per 3 guests.
Detached dwellings (single units)	2 spaces (stack parking permitted) per dwelling.
Dual occupancy/duplex residential buildings i.e. a building containing two but no more than two flats such as duplex, maisonettes or semi-detached dwellings.	One or two bedroom* unit: 1 on-site car parking space per unit. Three bedroom unit: 2 on-site car parking spaces per unit.
Home for aged persons	1 space per 5 units plus 1 space for resident manager or as per requirements under SEPP (Housing for People with a Disability), whichever is the lesser.
Hospitals, nursing homes and similar institutions	1 space per 3 beds, plus 1 space for each resident or staff doctor, plus 1 space for each three employees or part thereof.
Industrial warehouses	1 space per 100 square metres.

Land and building use	Rate of Provision
Industries (other than motor vehicle repair workshops)	1 space per 2 staff employed, or 1 space per 100 square metres of gross leasable floor area (whichever is the greater).
Licensed hotels, clubs and restaurants	1 space per guest room or unit, plus 1 space for manager, plus 1 space per 7.5 square metres of bar, lounge, restaurant service areas.
Motels	1 space per unit, plus 1 space for manager, plus 1 space per 7.5 square metres of bar, lounge, restaurant service areas.
Motor vehicle repair workshops (includes panel beating and spray painting workshops, general repair or servicing of motor cars and light commercial vehicles and trucks)	1 space per 60 square metres of gross leasable floor area.
Motor vehicle showrooms and display areas	1 space per 100 square metres of gross leasable floor area of the building plus 1 space per 320 square metres of open display area – <i>Note: this assumes one space is required per 16 cars displayed. One car display – equals 20 square metres.</i>
Offices, including banks, professional offices and other similar uses	1 space per 50 square metres of gross leasable floor area.
Places of worship, mortuary, chapels, church halls and similar uses	1 space per 5 seats, or, if no seats, 1 space per 10 square metres of gross leasable floor area likely to be used for seating.
Pre-school, infants and primary schools	1 space per staff employed.
Residential flat buildings i.e. more than two dwellings	One bedroom unit: 1 space per unit Two bedroom unit: 1.2 space per unit Three bedroom unit: 1.5 spaces per unit; Visitors parking: 1 space for every 3 units or part thereof.
Restaurants, refreshments rooms and cafes (where no liquor license is required)	1 space per 10 square metres of service area.
Secondary schools	1 space per staff employed, plus 1 space per 10 senior students (Years 11 and 12).

Land and building use	Rate of Provision
Service stations	3 spaces for service station use, with additional spaces to be provided for other on-site uses in accordance with Table 3.1.
Shops, (not including supermarkets), department stores and the like.	1 space per 35 square metres of gross leasable floor area.
Sports stadium	1 space per 10 seats.
Squash courts, tennis courts and bowling alleys	3 spaces per court or alley.
Supermarkets	1 space per 20 square metres of gross leasable floor area.
Tertiary schools and colleges	1 space per staff employed, plus 1 space per 5 students, plus 1 space per live-in student where residential accommodation is provided.
Theatres, concert halls, cinemas and similar uses	1 space per 10 seats.

Note: This chapter defines parking standards for a number of uses, which are the most frequently encountered. The Council will define a requirement for uses not referred to in the DCP according to the merits of the specific case. The RMS Guide to Traffic Generating Development may be utilised in this instance, noting that this document requires updating and may not be relevant in all instances.

Explanatory Notes

- 1. In this Chapter Gross Leasable Floor Area means the overall usable area of the building excluding amenities, stairways, lift wells and plant rooms.*
- 2. Ancillary or incidental uses will be assessed as part of the main user of the building i.e. the office of a supermarket will be included in the area of the supermarket and will not be treated as a separate office use.*
- 3. A use comprising a combination of two or more uses such as combined motor sales and repairs will be assessed as if the two uses existed independently and the required on-site parking provisions will be the aggregation of the independently derived requirements.*
- 4. For the purpose of Table 6.1, "bedroom" is taken to be any room which would be available for use as a bedroom without structural alteration to the dwelling.*
- 5. The parking provision for restaurants and function rooms may be reduced where it is demonstrated that the time of peak demand for parking associated with each facility does not coincide or where common usage reduces total demand. Each case will be considered on its individual merits.*
- 6. If the calculation of required car spaces results in a non-integer value such as 3.6, then this should be rounded up or down according to the following rule:*
 - a. Partial values less than 0.5 can be rounded down (e.g. 2.4 can be rounded down to 2)*
 - b. Partial values of 0.5 or more should be rounded up (e.g. 2.5 and 2.7 would both be rounded up to 3)*

Chapter 7 Commercial Use of Public Footways

About this Chapter

This Chapter provides a framework for managing the commercial use of public footways.

Where this Chapter applies

This Chapter applies to land zoned Business (B2, B4 and B6) under the Uralla LEP.

General Advice to Applicants for Commercial Use of Public Footways

Aims

- To support the Uralla LEP by providing additional detail and guidance on the regulation of the commercial use of public footways and public spaces; and
- To enable businesses to enter into a lease agreement with Council, for the use of public footways and public spaces within the business zones, for certain commercial purposes in the Uralla Local Government Area.

Objectives

- To manage footpath use by private enterprise in a controlled and safe manner;
- To ensure the commercial use of footways does not compromise safety;
- To permit the provision of outdoor seating in the business zone;
- To minimise the risk of injury to the public;
- To ensure a free path of travel for all pedestrians;
- To ensure access to and from premises is not obstructed;
- To ensure people with a disability are not disadvantaged; and
- To provide additional colour and interest to the business areas of the shire.

Gaining Approval

The following approvals/consents are required to be obtained prior to the use of public footways for commercial purposes:

- Development Consent under Part 4 of the EP&A Act;
- Approval under clauses 125 and/or 138 of the *Roads Act, 1993*;
- Approval under clauses 68 of the *Local Government Act, 1993*.

Should Council determine to grant consent to an application for the commercial use of a public footpath, Council will obtain/issue the abovementioned approvals/consents as part of the development consent process.

Lease Agreement

As well as the abovementioned approvals the applicant shall enter into a lease agreement with Council for the area of public land used by the development. The term of any lease agreement shall not exceed the term of the development consent. The lease charges are detailed in Council's current Management Plan.

Public Liability Insurance

As a condition of any approval Council will request that at all times the applicant shall have in force a Public Liability Insurance policy in the sum of not less than \$10,000,000 or otherwise as specified by Council. The

policy shall include the public area the subject of the development consent and shall indemnify Council in the event of any claim. Council shall be named in the policy as an interested party.

A copy of the policy shall be lodged with Council prior to the release of the development consent and thereafter annually.

Hours of Operation

The hours of operation of any commercial use of a public footpath shall not exceed the hours of operation of the associated premises.

Footpath Clearance and Building Access

Introduction and General Provisions:

The layout of activities and outdoor furniture pertaining to any use of a public footpath should maintain unobstructed pedestrian flows and should not compromise the safety of the footpath's users. It should also enhance or complement the existing neighbourhood character.

Aims

- To ensure the commercial use of footways does not compromise the access or safety of its users and pedestrians.

Performance outcomes

- Commercial use of footpaths is arranged so that there is enough room for its users to move around without obstructing or endangering pedestrians;
- Unobstructed access along the footpath as well as to and from all premises is maintained at all times;
- The width of any required emergency exit is not diminished, obstructed or encroached upon by any use of the footpath;
- Vehicular traffic entitled to cross the footpath is not obstructed by any use of the footpath;
- Access for disabled persons is not obstructed by any use of the footpath; and
- Outdoor furniture or stands are stable and safe.

Acceptable solutions

- Except for blisters (see **Figure 7.3**), commercial uses of footpaths must be located outside the associated premises. In this regard commercial uses of footpaths shall be set back 1 metre from the associated premise's projected side boundaries and 600mm from the kerb;
- A clear pedestrian pathway of at least 2 metres wide must be maintained along the footpath. This clear pathway must be kept clear of obstacles (including sandwich boards) at all times;
- Doorways and crossovers must be maintained clear at all times for a width at least equal to that of the doorway or crossover;
- Outdoor furniture/stands/umbrellas must be stable with no sharp corners, edges or projections;
- Outdoor furniture/stands/umbrellas must not be fixed to the pavement but care must be taken to ensure stability in windy conditions;
- In the Uralla Heritage Conservation Area, outdoor furniture comprising seats and table shall be constructed as per the standard design already in use including the forged end pieces marked 'Uralla 2002'; and
- Freestanding umbrellas may be used in areas without shade only and they must not overhang any pedestrian corridor and must have a minimum clearance of 2.1 metres.

Note: 900mm high (canvas) screens and/or planter boxes of a high standard of appearance may be used to delineate dining areas subject to Council approval.

- Commercial uses along footpaths should generally be arranged as shown in **Figure 7.1** through **Figure 7.3**.

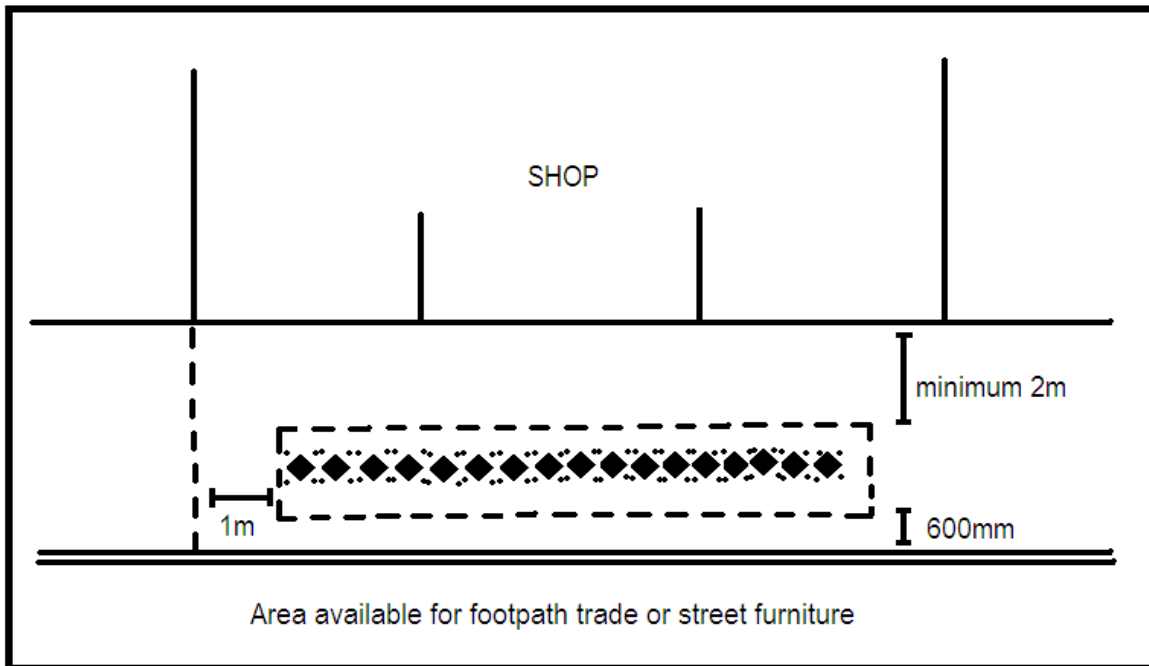


Figure 7.1 Footpath lease area adjacent to the kerb

Additional seating or display space may be available by placing the dining or display area towards the kerb. Where shopkeepers wish to use a combination of shopfront and kerbside dining or display areas, then a transition zone not less than three metres long shall be maintained where a deviation in the pedestrian thoroughfare is required. These facilities shall be located in accordance with **Figure 7.2**.

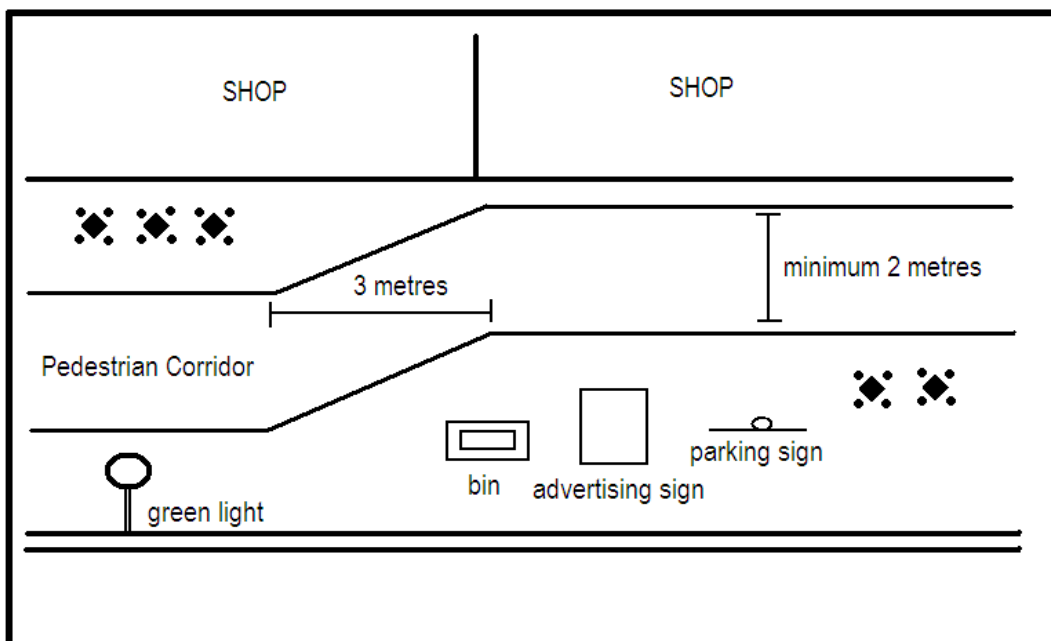


Figure 7.2 Alternative footpath lease area arrangements

Kerb blisters provide ideal areas for commercial activities to take place. Council may consent to the use of kerb blisters for footpath dining or other uses where the use extends in front of adjoining shops where no objection is raised by the adjoining shopkeeper. (**Figure 7.3**).

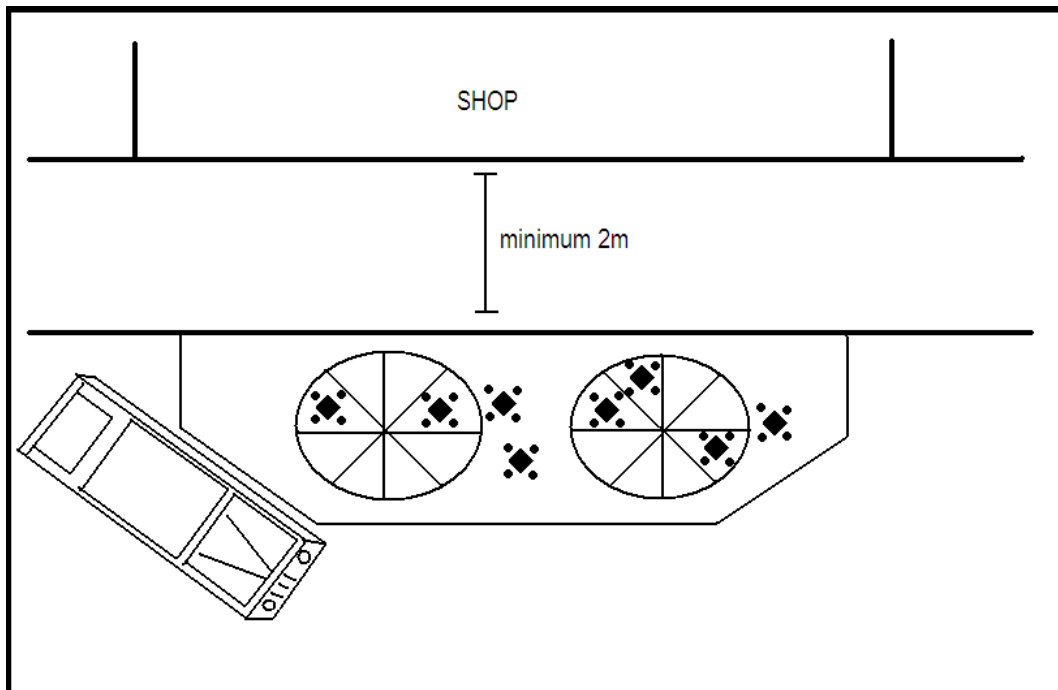


Figure 7.3 Blister dining or displays

Operation of Outdoor Dining Areas

Aims

- To ensure outdoor dining areas maintain good levels of hygiene; and
- To ensure an outdoor dining area does not compromise the access or safety of its users and other pedestrians.

Performance Outcomes

- Outdoor dining areas are to be kept clean and managed as Council approved food premises;
- Outdoor dining areas and their users should not obstruct or endanger pedestrians; and
- Outdoor dining areas should not detract from the existing or preferred neighbourhood character.

Acceptable Solutions

- Outdoor dining areas are provided only in conjunction with Council approved food premises;
- The outdoor dining area is either in front or immediately adjacent to the food premises;
- Outdoor dining areas do not operate beyond the approved hours of operation for the associated food premises;
- Outdoor dining areas are only to be located on sealed surfaces that comply with all of Council's requirements. *Note: Should an applicant propose outdoor dining on an unsealed surface, the applicant will be required to pay the cost of construction for the required sealed surface;*
- Outdoor furniture, other facilities and the pavement are kept clean and free of food scraps or other droppings and litter at all times;
- The lessee provides and maintains litter bins in the dining area;

- An outdoor water point is provided, such being recessed into the wall of the associated food premises and is used for cleaning the outdoor dining area as required;
- The lessee steam cleans the pavement of the outdoor dining area and adjacent pavement immediately if directed to do so by an officer of Council;
- Outdoor furniture is maintained in an aesthetically pleasing condition; and
- Outdoor furniture is kept strictly within a bounding area in compliance with the requirements outlined above in the *Footpath Clearance and Building Access* clause.

Alternative approaches and design suggestions

- Any development within the Uralla town centre Heritage Conservation Area will need to be undertaken in a manner that does not detract from heritage values.

Merchandise Displays on Public Footpath Areas

Aims

- To ensure merchandise displays on public footpath areas do not compromise the access or safety of pedestrians.

Performance Outcomes

- Displays shall not interfere with safe pedestrian use of the footpath.

Acceptable Solutions

No Council approval is required for the placement of merchandise displays within the road reserve (footpath) provided that it complies with the following requirements:

- Merchandise from each business house must be located immediately in front of the subject premises only, and must not obstruct pedestrian or vehicular traffic unnecessarily;
- The merchandise must be located in accordance with Figures 7.1, 7.2 and 7.3 and shall be removed from the road reserve at night;
- The merchandise is to be anchored to the satisfaction of the Council, e.g. suitably designed 5kg weight or an approved recessed ring;
- Shopkeepers/proprietors are responsible for ensure adequate Public Risk Insurance coverage (to a minimum of \$10m) is taken out to indemnify Council against any claims for damages that may arise from claims of damage from the merchandise. A copy of the current Policy is to be submitted to Council annually; and
- A clear pedestrian pathway of 2m shall be maintained at all times between merchandise displays and any street furniture located wholly or partly within the clear pathway.

Sandwich Boards

Aims

- To ensure that the placement of sandwich boards on public footpath areas do not compromise the access or safety of pedestrians.

Performance Outcomes

- Sandwich boards are to be secured to ensure stability; and
- Sandwich boards shall not interfere with safe pedestrian use of the footpath.

Acceptable Solutions

No Council approval is required for the placement of a sandwich board sign within the road reserve (footpath) provided that it complies with the following requirements:

- One (1) sandwich board type sign will be permitted for each business house, with business houses having a street frontage of 10 metres or greater allowed to have one additional sign (total of 2 sandwich board signs);
- The sign(s), when located on the footpath must not obstruct pedestrian or vehicular traffic and shall be located in front of the business premises to which they refer;
- A minimum 2 metre clear pedestrian pathway shall be maintained at all times along the footpath, and a clear space of 2m shall be maintained at all times between a sandwich board and any street furniture located wholly or partly within the clear pathway;
- The sign should not exceed 1m x 1m in size;
- Sandwich board signs must not be located at any time on roadside blisters;
- The sign must be removed from the road reserve (footpath) at night;
- The board is to be anchored to the satisfaction of the Council, e.g. suitably designed weight (minimum 5kg) or an approved recessed ring; and
- Shopkeepers/proprietors are responsible for adequate Public Risk Insurance coverage (to a minimum of \$10m) is taken out to indemnify Council against any claims for damages that may arise from claims of damage from the signs. A copy of the current Policy is to be submitted to Council annually.

Chapter 8 Signage and Outdoor Advertising

About this Chapter

The purpose of this chapter is to provide guidance about the permissible use of signage and outdoor advertising. It provides information from State Environmental Planning Policy 64 – Advertising and Signage, and the Codes SEPP 2008, both of which apply to Uralla Shire.

If there is any inconsistency between the chapter and the above mentioned SEPPs, then the SEPPs take precedence.

Where this Chapter Applies

This Chapter applies to all zones under the Uralla LEP.

Aims and Objectives

- To provide guidance for development involving the erection of signs and advertising structures within Uralla Shire; and
- To ensure that the provisions of the relevant State Environmental Planning Policies are applied within the Uralla Shire.

Performance Outcomes

- Signs provide clear guidance about the type and nature of a business without imparting unacceptable adverse impacts on neighbours or the environment;
- Signs within defined heritage areas or on or near heritage buildings are designed and located so as to minimise visual and other impacts on the heritage values; and
- Signs are to be of a type, size and location appropriate for the land zone and locale in which they are placed.

General advice to Applicants for Development

No Approval Required for Some Signs

Under Code SEPP, the following development is exempt development and thus no approval is required:

The replacement of:

- an existing building identification sign or the content of such a sign, or
- an existing business identification sign or the content of such a sign.

The standards specified are that the development must:

- replace a lawful sign, and
- not be greater in size than the sign that is replaced, and
- not be a sign that is flashing or animated, and
- not involve any alteration to the structure or vessel on which the sign is displayed, and
- not obstruct or interfere with traffic signs.

Note. The Summary Offences Act 1988 regulates or prohibits certain business signs.

Development applications

- All advertising structures (except those listed above as not requiring approval) are subject to a development application prior to being erected;
- A development application fee is payable as specified in Council's current Management Plan; and
- The application shall indicate the sign's position and location, site, size, construction details, if double sided, distance from other signs, wording, and colour. (The sign must be non-flashing and not interfere with traffic.)

In determining an application for a sign, Council shall take into consideration the following matters:

- The aims, objectives and performance outcomes of this chapter;
- The need to limit the number of signs to any one business;
- Requirements for advertisers to maintain their signs in good order and condition as part of the visual environment;
- The need to define the various types of signs;
- The likely impact of the proposed advertising structure on the amenity of the neighbourhood;
- The likely impact of the proposed advertising structure on the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance and its setting as the case may be; and
- The likely impact of the proposed advertising structure on traffic safety in the locality.

A development consent for a sign or advertising structure will usually have a maximum period of 15 years after which time the consent will lapse [as per Cl 14 of State Environmental Planning Policy No 64—Advertising and Signage].

Maintenance

All signs must be professionally painted and maintained in good order and condition, to Council's satisfaction, at all times.

Signs that are not acceptable

The following types of signs are not considered acceptable:

- Signs which project from the building facade and obscure the view of neighbouring buildings or interrupt the perspective view of the streetscape;
- Signs which obstruct any other existing signs;
- Signs fixed to trees or light, telephone or power poles, etc;
- Signs which could reduce road safety by adversely interfering with the operation of traffic lights or authorised road signs;
- Any sign which would, in the opinion of Council, be unsightly, objectionable or injurious to the amenity of the locality, any natural landscape, public reserve or public place;
- Signs on or attached to parked vehicles directing attention to a nearby business or goods for sale;
- Numerous small signs and advertisements carrying duplicate information;
- Any sign not on the land to which it refers or relates within the urban areas (except for tourist / directional signs);
- Overhead banners and bunting, except for:
 - temporary signs related to local festivals, fairs or celebrations; or
 - the opening of a new business, for a duration not exceeding two weeks;
- Signs on bus sheds, seats and waste bins unless approved by Council or for community related purposes; and
- Any sign located over the footpath which is lower than 2.6m above the footpath.

Illegal signs

Council will seek removal of all illegal, redundant and poorly maintained signs as an essential part of the total effort to achieve an orderly and interesting display of signage in the Shire.

Council may order the advertiser to alter, obliterate, demolish or remove an advertisement and any associated advertising structure where:

- The advertisement is unsightly, objectionable or injurious to the amenity of any natural landscape, public reserve or public place at or near where the advertisement is displayed;
- An unauthorised advertisement is displayed;
- An unauthorised advertising structure is erected; or
- Alternatively, where the condition of an advertising structure threatens the safety of the public, Council may order the advertiser to do whatever is considered necessary to remove the threat.

Should the advertiser not comply with the order, Council will undertake the work and charge the advertiser for the cost of the work. In such cases Council will also seek to have fines imposed on the advertiser.

Acceptable Solutions

Signs shall comply with the specifications in **Table 8.1** and can only be erected where they are permissible as detailed in this chapter and Uralla LEP.

Signs in Heritage Areas or on or near Heritage Buildings

The only permissible signs for heritage areas are the following:

- Business identification signs;
- Building identification signs; and
- Replacement of the above signs.

A development application must be lodged for any new business identification or building identifications signs. In addition to the general requirements for a development application for a sign as noted above, a DA for a sign in a heritage area or on or near a heritage building must explicitly address how any undesirable impacts of the sign will be minimised. Council's Heritage Advisor is available by appointment to assist in this process. Additional matters that will need to be considered include:

- Proposed sign location;
- Proposed sign colours and size of lettering;
- Proposed size of sign; and
- Proposed illumination of sign.

The following guidelines, which primarily aim to protect the heritage value of individual buildings and the conservation area, should also be considered for development involving outdoor advertising:

- Applied signs should not obscure the building silhouette presented to the street;
- Original signs should stay insitu wherever possible;
- Where a sign is of cast letters forming part of the architecture of the building but is no longer applicable to the business, it may be painted to match the background colour of the building;
- Signs are not to be painted onto stone or brick walls;
- Signs should not cover architectural details, including windows, doors or cast iron balustrading;
- Signs on modern buildings may be illuminated but may only be lit with continuous light ie, not blinking or intermittent;
- A preferable alternative to electric signage on historic buildings is illumination of the building which advertises its business as well as its heritage qualities;
- Lettering styles should be sympathetic with the architectural style of the building on which the advertisement is to be placed, especially for signage on or above awnings;

- The number of colours should be restricted to the minimum and the colours used should relate to the general colour effect of the building, especially for signage on or above awnings;
- Signs should not be placed on parapets unless it is part of the original design;
- Advertising is permitted on blinds; and
- Signs are to be stationary ie. non-motorised.

Street seat and bus shelter advertising

- A seat and bus shelter including advertising sign when located within the road reserve (on footpath) must not obstruct pedestrian or vehicular traffic unnecessarily;
- The area of any sign will not exceed 1.4m²;
- The advertisement will apply to local business houses only;
- Council will control the location and wording of each sign; and
- The sign is to be of heritage colours and lettering in the Uralla Commercial Precinct Heritage Conservation Area.

Sandwich boards

See Chapter 7 Commercial Use of Public Footways.

Tourist information/directional signs

Notwithstanding any other provision of this Policy, Council may authorise the erection of signs, indicating the location of attractions in the locality including:

- Places of historic, scientific, educational or public interest;
- Picnic areas, parks or rest areas;
- Public buildings, public utilities or essential services;
- Recreational, sporting, charitable or religious facilities, including facilities for the motorist, e.g. caravan parks, camping areas, hotel/motels, service stations, churches and sports clubs; and
- Tourist related facilities or undertakings.

Signs in Residential Zones (R1, R2 & R5)

The only permissible signs for residential zones are the following:

- Business identification signs;
- Building identification signs; and
- Replacement of the above signs.

Signs other than these are prohibited by clause 10 of SEPP 64 Advertising and Signage.

Signs in Business and Industrial Zones (B2, B4, B6, IN1 and IN2)

Development consent will only be granted in respect of an advertising structure or advertisement displaying notices relating to the purpose for which the land is used. Note explicit limitations for signage in heritage areas and on heritage buildings noted above.

Area and height of signs

- No advertising structures will have a surface area greater than 10m² except where such signs are replacement signs. In this case, if the sign is larger than that allowed and was erected prior to the introduction of this policy, Council may approve it provided that the new sign is not larger than the sign it replaces;
- The height of any free-standing sign will not exceed 8m from the ground except where it replaces an existing sign, in which case Council may approve such sign provided that it does not exceed the height of the original sign;

- The height of signs erected on roof lines shall not exceed 1m between the roof line and the bottom of the advertising sign; and
- All advertising signs approved by Council are to comply with State and regional electricity regulations in respect to safety distances from electrical power lines and installations.

Location

- An advertising structure within the Business or Industrial Zones shall be located at the discretion of Council within the boundaries of the same lot to which the sign refers; and
- The location of advertising structures shall also be in compliance with the Roads & Traffic Authority requirements in respect of classified roads and State Rail Authority in respect of railway land. The same conditions shall apply to Council roads to prevent a sign from obscuring or interfering with safety.

Number of signs

There is a limit of two advertising structures in the Business Zones and four advertising structures in the Industrial Zones to each advertiser.

Signs in Rural Zones (RU1 and RU2)

The only permissible signs for rural zones are the following:

- A sign directing the travelling public to -
 - Tourist facilities or activities, or
 - Places of scientific, historical or scenic interest;
- A sign relating to the land on which the sign is to be displayed, or to premises situated on that land or adjacent land, and specifying one or more of the following particulars -
 - The purpose for which the land or premises is or are used,
 - The identification of a person residing or carrying on an occupation or business on the land of premises,
 - A description of an occupation or business in the preceding point, or
 - Particulars of the goods or services dealt with or provided on the land or premises.

Signs other than these are prohibited by clause 10 of SEPP 64 Advertising and Signage.

Location

- The advertising structure shall be erected not less than 5m from the frontage or road frontage of the site on State Rail Authority land or classified roads;
- The location of advertising structures shall also be in compliance with the Roads and Traffic Authority requirements in respect of classified roads and State Rail Authority in respect of railway land. The same conditions shall apply to Council roads to prevent a sign from obscuring or interfering with safety; and
- Concurrence of the RMS may be required.

Controls for signs greater than 20m² in area.

Clauses 17, 18 and 19 of SEPP 64 contain specific provisions for signs with an area in excess of 20m². Applications for such signage will need to comply with these provisions.

Table 8.1 Signage

SIGN TYPE	DEFINITION	REQUIREMENTS
Advertising Panel	Any advertising structure, other than those described below, which is unilluminated, including a hoarding or bulletin board	<ol style="list-style-type: none"> 1. not to extend laterally beyond the wall/boundary 2. projection above the top of the wall not to exceed 2.4m
Awning Sign: under-awning	Sign attached to the underside of an awning (other than the fascia or return end)	<ol style="list-style-type: none"> 1. Shall not exceed 2.5 metres in length 2. Shall not exceed 0.5m in depth 3. Shall be erected horizontal to the ground at right angles to the building and no closer than 2.6 metres from the ground 3. Shall not project beyond the awning 4. Shall be securely fixed by metal support 5. Maximum of 1 sign per 6 metres of street frontage with a maximum of 2 signs per business. Signs shall be spaced at least 6 metres apart from other under-awning signs on the same or adjoining properties
Awning Sign: above-awning	Sign attached to the upperside of an awning (other than the fascia or return end)	<ol style="list-style-type: none"> 1. This form of sign is considered unacceptable in all areas.
Fascia Sign	Sign attached to the fascia or return of an awning	<ol style="list-style-type: none"> 1. Shall not project vertically or horizontally beyond the fascia or return end of the awning to which it is attached 2. Shall not extend more than 300mm from the fascia or return end of the awning
Floodlit Sign	Illuminated (as to any part of the advertising area) by an external light source and whether or not included in any other class of advertising structure	<ol style="list-style-type: none"> 1. Maximum size to be determined by signage type 2. Lighting medium must be at least 2.6 metres above the ground if the sign projects over a footpath 3. Lighting must not create glare to vehicles or pedestrians. 4. Lighting must be located to avoid light spill into residential properties

Flush Wall Sign	Attached to the wall of a building (other than the transom of a doorway or display window)	<ol style="list-style-type: none"> 1. Shall not project more than 300mm from the face of the wall 2. Shall not project beyond the corner of the building or above the parapet or eaves 3. Shall be located to complement the architecture of the building 4. Shall not cover any window or architectural projections 5. Shall not have an advertising area greater than 4.5m² 6. Where the sign projects more than 50mm from the face of the wall, the sign shall have a minimum clearance of 2.6 metres from ground level to the underside of the sign 7. Shall not be illuminated internally
Illuminated Sign	Illuminated (as to any part of the advertising area) by an internal source of artificial light and whether or not included in any other class of advertising structure	<ol style="list-style-type: none"> 1. Maximum size to be determined by signage type 2. Lighting must not create glare to vehicles or pedestrians. 3. Lighting must be located to avoid light spill into residential properties 4. Must not be a flashing sign
Moving Sign	Attached to a building and capable of movement by any source of power (whether or not included in any other class of advertising structure)	<ol style="list-style-type: none"> 1. This form of sign is considered unacceptable in all areas.
Painted Wall Sign	Painted on to a wall of a building	<ol style="list-style-type: none"> 1. Shall not have an advertising area greater than 4.5m².
Painted Blind Sign	A sign painted on a blind attached to the fascia or front underside of an awning	<ol style="list-style-type: none"> 1. Shall not have an advertising area greater than 2.0m² 2. The blind must run parallel with the street frontage
Projecting Wall Sign	Attached to the wall of a building (other than the transom of a doorway or display window) and projecting horizontally more than 300mm	<ol style="list-style-type: none"> 1. Will not generally be permitted unless they can be demonstrated to be of an architectural style which is particularly suited to that building and to the design of that and adjoining buildings 2. Shall not be located above the awning of a building 3. Shall be erected horizontal to the ground at right angles to the building and no closer than 2.6 metres from the ground 4. Shall have a maximum width of 1.2 metres 5. Shall have a maximum depth of 0.5 metres 6. Shall not be within 0.6 metres of the vertical projection of the kerb 7. Maximum of 1 sign per 6 metres of street frontage with a maximum of 2 signs per business. Signs shall be spaced at least 6 metres apart from other under-awning signs on the same or adjoining properties

Roof Sign	Erected above the roof or parapet of a building	1. This form of sign is considered unacceptable in all areas.
Top Hamper Sign	Attached to the transom of a doorway or display window of a building	<ol style="list-style-type: none"> 1. Shall not extend below the level of the head of the doorway or window it is attached to 2. Shall be located on the ground floor and shall not project above the ceiling level 3. Shall not be more than 3 m² in area 4. Shall be painted or fixed flat to and not project more than 50mm from the surface of the wall 5. Shall not be internally illuminated

Reference

Australian Council of National Trusts, 1984. "Lettering and Signs on Buildings, C. 1850-1900", Technical Bulletin 2.2 (Copy available at Council's Office)

Department of Planning (undated). "Outdoor Advertising. An Urban Design-Based Approach", Department of Planning, Sydney. (Copy available at Council's Office)

Jackson, R. and Lawrance, C. 2006. Conserving Historic Signs. Conservation guideline for historic signs and new signs for heritage building, NSW Heritage Office. (Available on the NSW Heritage Office website).

NSW Heritage Office (undated). "Street Smart: Corporate Development in Historic Town Centres", NSW Heritage Office. (Copy available at Council's Office)

Pears, Harry C. 2009. "Decorate with type: Typeface Research". (Example of various type for particular decades) (Copy available at Council's Office)

Chapter 9 Development and Heritage Conservation

About this Chapter

The intent of this chapter is to provide guidance about development within Heritage Conservation Areas or on Heritage Items. Heritage Conservation Areas and Heritage Items are listed in the Uralla LEP and their locations are recorded on the associated Heritage Maps. The Uralla LEP also states objectives for heritage conservation and explicitly addresses requirements for development in heritage areas or on heritage items.

This Chapter provides additional information about development and heritage conservation.

Where this Chapter applies

This Chapter applies to all land identified in the Uralla LEP and associated maps as having heritage significance.

General Advice to Applicants for Development

In order to help assist developers undertake developments that respect and enhance heritage values, Council has a heritage advisor who is available for consultation free of charge to potential developers. Council recommends that developers contact Council early in their design process and seek advice on heritage issues so that the design response can be more cost-effectively worked into the overall design solution.

Exempt Development

- Must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the Heritage Act 1977; however
- Where heritage items listed in Schedule 5 of the LEP are clearly mapped and described, certain types of exempt development can take place on parts of the lot that are not the heritage item;
- Additionally, development that is subject to a specific exemption under s57 of the *Heritage Act 1977* may be carried out as exempt development.

Note: only certain types of development are permitted to be undertaken as Exempt Development and these are specified in the Codes SEPP.

Complying Development

- Complying development cannot be carried out on an item listed on the State Heritage Register (SHR) or that is subject to an interim heritage order under the *Heritage Act 1977*; however
- Complying development may be carried out on such land if the development is located outside of the area of the item as defined on the SHR or if the work is subject to a specific exemption under s57 of the *Heritage Act 1977*;
- Where heritage items are clearly mapped and described, complying development can take place on parts of the lot that are not the heritage item. Additionally, development that is enabled by the Codes SEPP and also identified in specific exemptions under the Heritage Act 1977 is enabled on heritage items;
- Complying development generally cannot take place on heritage items and draft heritage items locally listed on Schedule 5 of the LEP; but if the item is clearly mapped or described, the development can still take place on the land outside the mapped area;

- May be permissible within a Heritage Conservation Area, although not for development under the General Housing Code or the Rural Housing Code unless the development is for a (residential) detached outbuilding or a swimming pool; and
- Certain complying development types are permissible under the General Commercial and Industrial Code in the Codes SEPP (see chapter 5 Development in Commercial and Industrial Areas).

Performance Criteria

- Development that achieves desirable social and economic benefits as well as meeting the heritage objectives of the Uralla LEP.

Acceptable Solutions – Uralla Town Centre

Aims and Objectives

- The objective of conserving the character of the Heritage Conservation Area is to sympathetically accommodate development (change), not to prevent it. The area must be allowed to redevelop and grow to accommodate the needs of the commercial area; and
- These development guidelines aim to promote development that is well sited and designed to be sympathetic with the character of the area.

The following guidelines are based mainly upon the recommendations of the Uralla Main Street Study (R J Ratcliffe, 1997). The information on the heritage value of individual buildings within the town centre has been included on inventory sheets in Volume 2 of the Uralla Main Street Study (1997). A copy of the Study is available for public inspection at Council's office by appointment during ordinary business hours.

Significant features

Features of significance should be conserved or reinstated. Any inappropriate alteration should be removed and the original feature re-constructed as well as possible. The heritage inventory form for the building will assist in identifying any significant features.

Material and external appearance

Insensitive application of new materials or finishes to an old building may ruin its appearance, for example face brickwork should not be painted or rendered.

Streetscape

Colour schemes

Only buildings with high heritage significance should be painted in their original colour schemes. Otherwise a traditional colour scheme which fits in with the street as a whole should be considered, especially for that part of the building from the awning soffit upwards. For different styles and periods of building there are alternative colour schemes available. Refer to two books by Evans, Lucas and Stapleton on Colour Schemes for Old Australian Houses.

Parapets, awning soffits and fascias that are continuous across more than one occupancy should be painted with the same colour(s) irrespective of the different signage.

Infill development

Infill buildings should not pretend to be heritage buildings but must be sympathetic to the period of the buildings surrounding it and fit into the streetscape. Materials for major building elements should relate to the common materials existing in the area. For development within a row of buildings, the new work should try to adopt the existing horizontal lines which run along buildings, such as roof ridges, parapets, gutters, window sills and awnings.

Window and door openings are a major part of a building's design. For infill development the proportions of the openings should be similar to those of adjoining buildings, Long facades should be broken up by windows or recesses, combined with verandahs, awnings or window hoods.

Verandahs and awnings

If a canopy is proposed or is to be altered to a building which originally had post supported verandahs or awnings it should aim to replicate the original style and details. Replacement of suspended awnings with original post supported awnings is encouraged. However, replacement of original suspended awnings with post supported verandahs is inappropriate.

New infill development and most new awnings may be built in the modern style of suspended steel. However, the dimensions and siting of the new awning should consider the pitch, height and depth of verandahs and awnings on neighbouring buildings.

Roofs

Many roofs on heritage buildings cannot be seen from the street because they are hidden by parapets. For new buildings, if the roof is visible the roofing materials and pitch should be sympathetic with neighbouring buildings.

Contributory buildings (includes Heritage items)

The following criteria should be used to determine the extent to which an existing building within a Heritage Conservation Area contributes to the heritage significance of the area, and thus the degree of conservation that is required. Generally buildings will fall into one of the categories outlined in **Table 9.1**.

Table 9.1 Heritage significance categories

Category	Description	Acceptable Solutions
Category 1: Heritage Items & Landmark Buildings	These buildings generally have a high degree of intactness and are significant both as an individual heritage item in their own right and for their high level of contribution to the character of the area. These buildings are often landmarks within the conservation area. The significance of these buildings should not be compromised.	Maintain heritage characteristics and all significant fabric and streetscape intactness. <i>Note: These buildings are listed in the Uralla LEP.</i>
Category 2: Significant Contribution	Buildings of form and character with a high degree of intactness which contribute significantly to the character of the area.	Maintain and where appropriate, restore heritage characteristics and streetscape intactness.

Category	Description	Acceptable Solutions
Category 3: Contribution Compromised	Buildings which contribute to the character of the area but whose significance has been reduced by loss of original materials/details (e.g. roofs, fences, verandahs and unsympathetic changes) or inappropriate decorative treatment.	Reconstruct original features/ remove unsympathetic additions.
Category 4: Complementary In-fill or Neutral Impact Buildings	<p>In-fill buildings which complement heritage characteristics and streetscape qualities.</p> <p>Buildings whose impact on the heritage character of the area is neutral.</p>	<p>Ensure buildings and/ or the site continues to complement its surrounding development with no adverse impact on the heritage significance of the area.</p> <p>Maintain the neutral impact of such buildings and improve as and when appropriate, by reconstruction of original features or removal of unsympathetic additions.</p>
Category 5: Adverse Impact	Buildings which have an adverse impact on the precinct because of their scale, design, assertiveness, materials, or because their original qualities have been altered, removed or destroyed	Encourage the ultimate replacement of the building with one less assertive, or ameliorate their adverse impact by more appropriate colour scheme, etc.

Acceptable Solutions – Bundarra Town Centre

- The relevant parts of the Acceptable Solutions for the Uralla Town Centre shall apply for development within the Bundarra Town Centre.

Acceptable Solutions – Rocky River Gold Mining Precinct

- All development should avoid damaging or impacting upon artefacts such as water races and remains of diggings and structures relating to the historic mining activities; and
- Consent is required for any development that would involve altering a heritage item or a building, work, relic, tree or place.

Acceptable Solutions – Wollun Village Precinct

- This precinct has few specific heritage buildings to be protected, and it does represent an important location in terms of being the site of a former small town that has been subjected to decline through increased mobility and depopulation; and
- Consent is required for any development that would involve altering a heritage item or a building, work, relic, tree or place.

Alternative Solutions

Council will consider alternative approaches providing they meet the heritage objectives of the Uralla LEP and any other relevant legislation and/or planning policies and guidelines.

Reference

Evans, I., Lucas, C. and Stapleton, I. 1984. *Colour schemes for Old Australian houses*, The Flannel flower Press Pty Ltd, Yeronga.

Evans, I., Lucas, C. and Stapleton, I. 1992. *More Colour schemes for Old Australian houses*, The Flannel flower Press Pty Ltd, Yeronga.

Vines, E. 1996. "Streetwise. A practical guide for the revitalisation of commercial heritage precincts and traditional main street in Australian Country Towns", National Trust of Australia (NSW), (Copy available at Council's Office)

Chapter 10 Development in Gateway Areas

About this Chapter

The southern approaches (gateways) to Uralla along the New England Highway and Thunderbolt's Way each have areas of industrial and/or commercial land. It is important that as these sites are developed, an aesthetically pleasing town entrance vista is maintained and where possible enhanced. This chapter provides guidance to help ensure that this is achieved.

Where this Chapter applies

This chapter applies to land zoned B6 Enterprise Corridor and IN2 Light Industrial adjoining the New England Highway and Thunderbolt's Way to the south of Uralla.

Aims and Objectives

- To ensure that the southern gateway areas of Uralla provide an inviting and pleasing vista for those travelling towards Uralla.

Performance Outcomes

- Development in gateway areas serves to enhance the overall landscape and streetscape

General Advice to Applicants for Development

A pre-lodgement meeting with Council is recommended in the conceptual planning stages of any development.

Acceptable Solutions

Development within the southern gateway areas should contribute towards an attractive streetscape and a significant aspect of this is the provision of landscaped areas along site frontages. Given the diversity of developments permitted within the zones, landscaping is one of the few elements which can provide a unifying theme towards creating an established streetscape. A landscaping plan is to be submitted with any development application.

The landscaping requirements and guidelines for development are:

- The area between the front site boundary and the building line is to be landscaped;
- Car parking areas are permitted between the front site boundary and the building line but only if the car park is suitably screened from public view with landscaping;
- High fences or walls along site boundaries adjacent to public roads are not considered desirable. However, where they are required for noise attenuation or security purposes and the like, the fence or wall is to be set back at least 1 metre from the front boundary and the area between the fence or wall and the front boundary is to be landscaped to reduce its visual impact;
- Unutilised parts of the site should be landscaped;
- Existing trees should be retained where possible;
- Since landscaped areas are to be properly established and maintained, particular attention should be given to the types of landscaping materials (including plants, fencing and paving) to be used so as to achieve a durable and low maintenance landscaped area;

- Large car parking areas should use landscaping to break up the visual impact of the expanse of sealed surface and to provide shade; and
- Trees may be planted to shade buildings, especially deciduous trees planted to control north sun entry to windows.

Chapter 11 Floodplain Development and Management

About this Chapter

The purpose of this Chapter is to supplement flood planning provisions of the Uralla LEP. Council's flood studies have been developed in accordance with the NSW Government's Floodplain Development Manual 2005 which provides recommended approaches to the various planning controls that ought to be applied to land within a Flood Planning Area.

Flood studies have been completed for the Bundarra Village and land adjacent to the Rocky and Uralla Creek within the Uralla town area. The remainder of flood susceptible land adjacent to waterways within the LGA have not been studied and are subject to the standard provisions of Clause 6.2(3) of the LEP.

The manual categorises floodplain risk into three hydraulic classifications; "floodways", "flood storage" and "flood fringe", with each category broken down into "high hazard" and "low hazard" flood risk.

Under the standard clauses within the Uralla LEP, Council is required to apply planning controls to the following land:

- land that is shown as "Flood Planning Area" on the Flood Planning Map; and
- other land at or below the Flood Planning Level.

The LEP Flood Planning Map Sheet FLD_001A identifies the Flood Planning Area at Bundarra. Planning controls that apply to this area are indicated in the section in this chapter headed "Flood Planning Controls – Bundarra". Area specific flood planning controls for Uralla are provided in this chapter headed "Flood Planning Controls – Uralla".

Council is also required to apply planning controls to other land in the Shire even if it is not formally identified or mapped through a flood study. This applies to land near waterways within the Shire. Planning controls that apply to these areas are indicated in the section headed "Flood Planning Controls – Unmapped Areas".

Where this Chapter applies

This Chapter applies to all land within the Uralla Shire.

Terms used in this Chapter

Technical terms used in this Chapter are defined below.

Annual exceedance

probability (AEP) the chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage.

Extreme flood has been adopted as the design 1% AEP flood factored by three (3) for emergency management purposes.

Floodway areas: those areas of the floodplain where a significant discharge of water occurs during floods. They are often aligned with naturally defined channels. Floodways are areas that, even if only partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood levels.

Flood storage areas:	those parts of the floodplain that are important for the temporary storage of floodwaters during the passage of a flood. The extent and behaviour of flood storage areas may change with flood severity, and loss of flood storage can increase the severity of flood impacts by reducing natural flood attenuation. Hence, it is necessary to investigate a range of flood sizes before defining flood storage areas.
Flood fringe areas	the remaining area of flood liable land after floodway and flood storage areas have been defined.
Flood planning level	the level of a 1% AEP flood event plus 0.5 metres freeboard.
Flood Planning Map	1. Uralla Local Environment Plan 2012 Flood Planning Map; 2. Figure 11.2 Flood Planning Area at Uralla.

Relationship to Other Planning Instruments

This Chapter has been prepared to be consistent with the aims, objectives and provisions of all relevant State Environmental Planning Policies (SEPP's), the Uralla LEP and the NSW Floodplain Development Manual.

Minor development may be carried out in accordance with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP). Clauses 3A.38 and 3.36C *Development standards for flood control lots* of the Codes SEPP provides controls for complying development carried out in a flood storage area, a floodway and high hazard area.

General Advice to Applicants

Applicants should check with Council staff on whether flood controls would apply in any given situation.

Aims and Objectives

- To provide detailed controls for the assessment of applications lodged in accordance with the EP&A Act for development on flood liable land;
- To facilitate appropriate development for flood liable land;
- To ensure consistency when dealing with applications relating to flood liable land;
- To manage the risk to life, property and minimise the cost to the community as a result of flood events;
- To permit minor extensions to existing development at floor levels consistent with that existing development, where appropriate;
- To provide guidelines for determination of merit of proposed development on flood liable land; and
- To inform the community of Council's policies for the use and development of flood liable land.

Performance Outcomes:

- Development is consistent with the principles of the NSW Floodplain Development Manual and the Uralla LEP;
- Development does not materially increase the risk to life; and
- New development occurs at or above the relevant flood planning level for area.

Flood Planning Controls - Uralla

Flood planning controls are derived from the *Rocky and Uralla Creeks Flood Study* completed in June 2014 by Paterson Consultants Pty Ltd and are summarised as follows:

- There are virtually no areas that would be considered as “flood storage” as separate from “floodway”.
- “Flood fringe” can be defined as where flood depths are less than 0.3 metres. Plotting of the areas of “flood fringe” shows such areas are not more than 4 metres from the design 1% AEP flood extent.
- The flood extent of the design 1% AEP event should be defined as “floodway”.
- Distances between low and high hazard areas are very small, therefore, the flood extent of the design 1% AEP flood is defined as “High Hazard Floodway”.

Figure 11.2 identifies the design 1% AEP flood extents as “High Hazard Floodway” (shown dark blue) with the extent of the “Extreme Flood” for emergency management purposes (shown light blue). Flood planning levels for Uralla are found at Figure 18 of the *Rocky & Uralla Creeks Flood Study* available from Council or on the Council website at <http://www.uralla.nsw.gov.au>.

Before determining an application for development on land within the Flood Planning Area in Uralla, Council must take into account the matters listed in Flood Planning Clause 6.2(3) of the LEP.

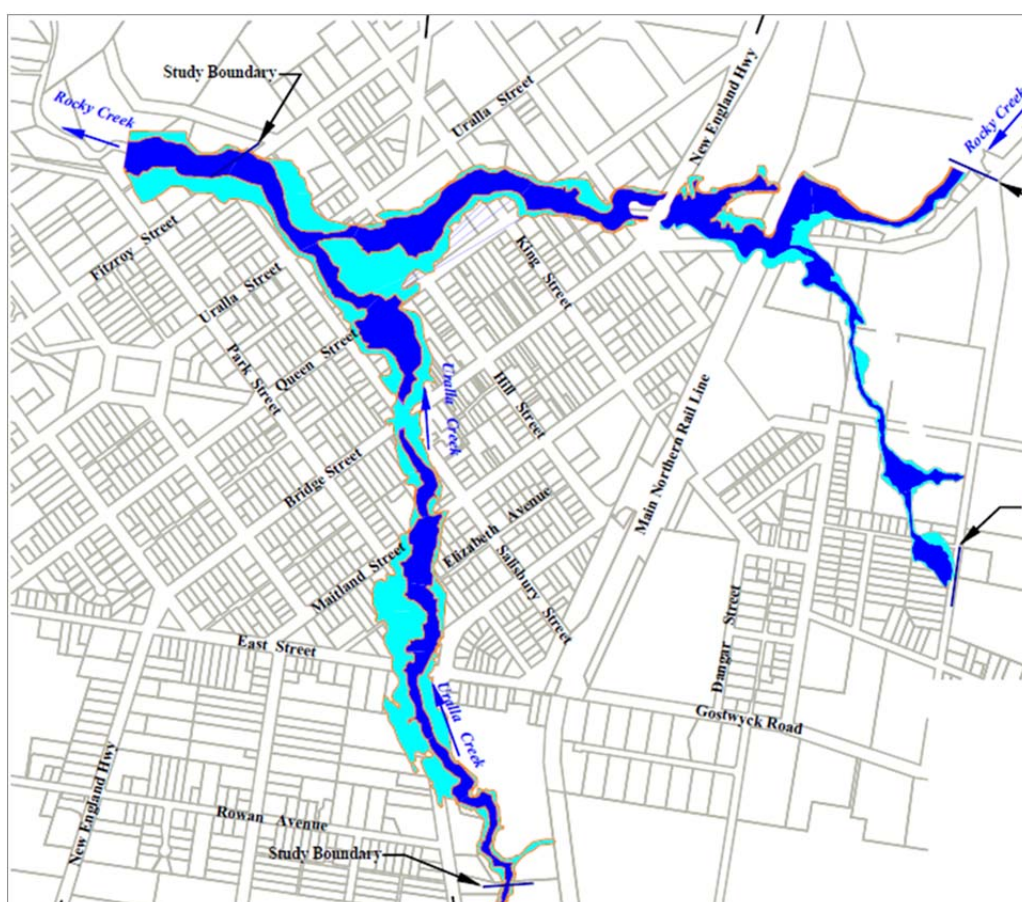
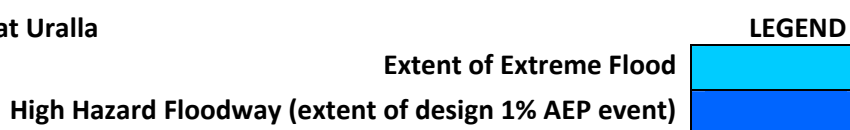


Figure 11.2 Flood Planning Area at Uralla



Development in Floodways

Development in floodways may adversely affect flood levels and velocities due to the potential to block or divert flow. There is also the potential for structures to be damaged or undermined due to the flow of water. In general, it is preferable that structures not be located in a floodway.

Development Generally

- Building floor levels, including non-habitable rooms, shall be at or above the Flood Planning Level;
- Filling of land shall ensure flood flow velocities shall not be increased by more than 10 %;
- Community infrastructure is not to be located in the floodway; and
- Any dangerous goods or chemicals must have adequate and proper storage above the Flood Planning Level.

New Development

- No new buildings are to be constructed in the floodway unless the site has been filled to above the 1% AEP flood level (refer separate controls for filling of land in the floodway) or the development is certified ³ by a qualified engineer that it will not alter flood behaviour to the detriment of other property;
- Filling of land or enclosed building foundations will only be permitted where it can be demonstrated there will be no change to flood behaviour beyond the property boundary;
- Where filling or enclosed building foundations are involved, the proposal shall be accompanied by a certified flood study report (refer footnote #3) which demonstrates that there will be no measurable adverse effect on flood behaviour, over the full range of floods, beyond the property boundary or adverse effects to drainage or surface runoff of adjoining properties;
- Buildings will not be enclosed below the Flood Planning Level, except for the purposes of a garage and laundry facilities and the entry to a maximum enclosed area of 40 square metres;
- Any on-site sewerage management system must be constructed above the Flood Planning Level or must be sealed against flood waters; and
- Development shall be sited to provide safe access (vehicular and pedestrian) to a location above the 1% AEP flood level.

Redevelopment

- Redevelopment and extensions to existing buildings will only be permitted for legal/ authorised structures.
- Consideration will be given to redevelopment and extensions to existing buildings where it can be demonstrated that there is a net public benefit or improvement in the flood impact of the existing structure.
- Floor levels of new work, including non-habitable rooms, shall be equal to or above the Flood Planning Level.
- Consent will not be granted to convert existing sheds, garages or the like that are sited below the Flood Planning Level for habitable purposes.
- Flood proofing shall be provided to all parts of the structure up to the Flood Planning Level by the provision of approved flood proofing measures⁴.

³ Unless instructed otherwise by Council, flood certification and flood studies shall be prepared under the guidelines of the NSW Government's Floodplain Development Manual 2005 and shall be undertaken and certified by a professional Civil / Hydraulic Engineer with qualifications suitable for admission as a corporate Member of Engineers Australia.

⁴ Refer Appendix 11.1 Flood Proofing Guidelines

- Extensions to existing buildings:
 - May result in an additional area floor area less than 75% of the existing floor area of the building.
 - Building extensions are not to be sited to cause further intrusion into the floodway.
 - The floor level of attached extensions will match or be no lower than the existing building floor level.
 - The floor level of detached extensions shall be at or above the Flood Planning Level.
 - Building material requirements for extensions shall be consistent with the material listed in Table A.11.1 (Appendix).
 - Building extensions will require structural engineer's certification (refer footnote #3) that the structure can withstand the force of floodwater, debris and buoyancy in a PMF flood and that cladding and other non-structural components are designed to cater for the force of floodwater, debris and buoyancy up to the FPL.

Fencing

- Fencing in floodways shall be permeable to the flow of flood water and designed to minimise the accumulation of debris.
- Post and wire or collapsible fencing is preferred. Alternatively, fencing shall have a maximum obstruction up to 900mm to the flow of 15%, openings of no less than 125mm and a maximum height of 1.2m (the use of open mesh with 100mm minimum openings is permitted for swimming pool fences).

Development in Flood Storage Areas and Extreme Flood Extent

Prior to giving consent to any development with these areas, Council shall take into consideration the following:

- Any adverse influence on the passage of flood waters;
- Depths of inundation and possible duration;
- Access during a major flood event;
- The structural adequacy of any structure which is the subject of the application and the structure's ability to withstand flooding (refer footnote #3);
- A mound consisting of suitable consolidated fill at least of a height equivalent to the Flood Planning Level and with top dimensions at least three metres larger in all directions than the dwelling. The fill shall have batters of 3:1 or flatter, adequately protected by pitching or grass to prevent erosion and be contained within the allotment, or other approved method of construction;
- Any on-site sewerage management system must be constructed above the Flood Planning Level or must be sealed against flood waters; and
- Community infrastructure for the purpose of emergency services is not to be located in these areas.

Additional Matters for Consideration – Commercial and Industrial Development

When considering an application to carry out development for commercial or industrial purposes within flood liable land (floodway, flood storage or extreme flood extent), Council shall consider the following additional matters:

- The floor level of any structure or building shall be at or above the Flood Planning Level;
- The likely depth of water and the proposed floor level;
- Measures to store or remove goods and plant above the Flood Planning Level;
- Whether any development below natural ground level is capable of being adequately drained;

- Whether satisfactory egress is provided from the building during times of a major flood event; and
- Any dangerous goods or chemicals must have adequate and proper storage above the Flood Planning Level.

Flood Planning Controls – Unmapped Areas

As noted above, land outside of the Uralla and Bundarra flood planning areas in the proximity of waterways are also subject to inundation during flood events. However, in the absence of a flood study it is not possible to accurately identify the location of a Flood Planning Level for the various waterways involved. The only recourse is to base analysis on historical data and qualitative assessment. Unfortunately, historical flood information gives an incomplete picture of flood risk. The scant information often available does not provide an understanding of the range of potential flood risk, their likely frequency, nor a good understanding of the variation in hazard across the floodplain. Hence exposure to hazard and the cumulative impacts of development decisions would not be fully understood.

The Floodplain Management Manual provides the following advice:

Until a flood study is completed (providing a better understanding of flood behaviour and hazard) it is important that consideration and implementation of appropriate limits and controls for different scales of development are set. These could include:

- Small scale and infill development outside known significant flow areas. These may require minimum fill and floor levels based upon known historical flood levels and a freeboard allowance, typically 0.5m for residential development though a higher freeboard may be considered appropriate due to the degree of uncertainty. For infill development minimum fill levels may not be feasible and it may be more appropriate to require minimum floor level and structural certification of below floor components;
- Larger scale developments or developments in areas known or expected to have significant flood flows. The proponent may be required to submit a flood assessment to determine potential impacts on flood behaviour, set appropriate minimum floor and fill levels. No significant impacts on flood behaviour on other properties should be acceptable. Emergency management should be considered in relation to the local flood plan, with self-sufficient evacuation a requirement; and
- Additions and extensions to existing development should be considered in light of the philosophy of merit based decision making and the information available on flood risk.

Additional Information Required for Development Applications in Unmapped Areas where there is Potentially Flood Liable Land

Depending on the circumstances, Council may require an applicant to provide a Flood Investigation Report by a suitably qualified and experienced professional to determine whether the proposed site for a development would be within the FPL in a 1% AEP flood event. If it would be, then the appropriate controls would be applied.

The appropriate controls for this section are the same as the general controls for the Bundarra Flood Planning Area, and the specific controls for Flood Control Area A at Bundarra.

Alternative Solutions and Design Suggestions:

Other forms of development

Any forms of development not covered by the acceptable solutions need to demonstrate consistency with the principles of the NSW Floodplain Development Manual 2005 and the Aims, Objectives and Performance Outcomes of this Chapter.

Note: An applicant may determine the category of hazard pertaining to a particular site by applying the methodology detailed in the NSW Government Floodplain Development Manual, 2005. Any such application and calculations shall be accompanied by certification from an appropriately qualified practising engineer that the principles of the Floodplain Development Manual, and this Chapter of the DCP have been adopted.

Variations to the DCP requirements

Council may give consideration to varying the requirements of this plan where these are considered unreasonable or unnecessary in the circumstances of the case (such as where infill development or replacement of existing buildings is proposed) and where the Aims, Objectives and Performance Outcomes of this Chapter will not be compromised.

Any request for variation must be accompanied by sufficient calculations and documentation to allow Council's Director of Infrastructure & Regulations to give the proposed variation full consideration in deciding to recommend to Council approval or refusal of the variation.

Decision criteria for variations to the DCP

In assessing all such applications Council will have regard to:

- The relevant provisions of the *EP&A Act 1979* as applicable in the circumstances;
- The likely effect of the development on the depth, velocity and distribution of flood waters and flood behaviour;
- The potential for damage to the development and the likely damage to stock, machinery and equipment to be located in the development;
- The number of persons expected to be housed or employed in the development and the measures to be established for their evacuation and the social disruption and financial loss arising from such evacuation;
- The availability of alternative flood free sites and reasonable alternative uses for the land;
- The potential for cumulative adverse impact if the proposed variation sets, or is likely to set a precedent; and
- The relationship to adjoining development.

Flood Proofing Guidelines

Flood proofing refers to any combination of measures incorporated in the design, construction and alteration of individual buildings or structures subject to flooding, to reduce or eliminate flood damages.

Flood proofing by filling of the site is generally preferable where:

- practical;
- if below the GFPL, compensatory works are provided to ensure there is no net loss in flood storage at any flood level;
- if in a floodway, compensatory works are provided to ensure there is no increase in adjacent flood levels nor redistribution of flow; and

- otherwise permitted.

Retrofitting removable shutters and the like to doors and windows may be a viable option for existing development however this form of flood proofing is generally not viable for new development or extensions to development as it relies on ongoing maintenance of the equipment and timely intervention by the building occupiers. Notwithstanding, removable shutters and the like would be a valuable adjunct to the measures described below.

Therefore, when flood proofing is specified in this Plan and flood proofing by filling is not suitable, the following basic guidelines shall be complied with.

The guidelines in Table A.11.1 provide an outline of basic construction materials for development below the applicable Flood Planning Level. It should be noted that compliance with these guidelines does not guarantee the performance of a structure under flood conditions. Further structural details and certification may be required by Council for specific proposals.

Table A.11.1 Flood Compatible Materials

Component	Flood Compatible Material
Flooring and Sub-floor	Concrete slab-on-ground monolith construction Suspended reinforced concrete slab
Wall Structure	Solid brickwork, blockwork, reinforced, concrete or mass concrete
Wall and Ceiling Linings	Fibro-cement Brick, face or glazed Clay tile glazed in waterproof mortar Concrete Concrete block Steel with waterproof applications Stone, natural solid or veneer, waterproof grout Glass blocks Glass Plastic sheeting or wall with waterproof adhesive
Roof Structure	Reinforced concrete construction Galvanised metal construction
Doors	Solid panel with water proof adhesives Flush door with marine ply filled with closed cell foam Painted metal construction Aluminium or galvanised steel frame
Insulation	Closed cell solid insulation Plastic/polystyrene boards
Windows	Aluminium frame with stainless steel rollers or similar corrosion and water resistant material.
Nails, Bolts, Hinges and Fittings	Brass, nylon or stainless steel Removable pin hinges Hot dipped galvanised steel wire nails or similar

Component	Flood Compatible Material
Main Power Supply	Subject to the approval of the relevant authority the incoming main commercial power service equipment, including all metering equipment, shall be located above the designated flood level. Means shall be available to easily disconnect the dwelling from the main power supply.
Wiring	<p>All wiring, power outlets, switches, etc., should be located above the designated flood level. All electrical wiring installed below this level should be suitable for continuous underwater immersion and should contain no fibrous components.</p> <p>Earth leakage circuit-breakers (core balance relays) or Residual Current Devices (RCD) must be installed.</p> <p>Only submersible type splices should be used below maximum flood level.</p> <p>All conduits located below the relevant designated flood level should be so installed that they will be self-draining if subjected to flooding.</p>
Electrical Equipment	All equipment installed below or partially below the designated flood level should be capable of disconnection by a single plug and socket assembly.
Heating and Air Conditioning Systems	Heating and air conditioning systems should be installed in areas and spaces of the house above the designated flood level.
Fuel storage for heating purposes	<p>Heating systems using gas or oil as a fuel should have a manually operated valve located in the fuel supply line to enable fuel cut-off.</p> <p>The heating equipment and related fuel storage tanks should be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. The tanks should be vented to an elevation of 600 millimetres above the designated flood level.</p>
Ducting for heating/cooling purposes	All ductwork located below the relevant flood level should be provided with openings for drainage and cleaning. Self-draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a water-tight wall or floor below the relevant flood level, a closure assembly operated from above relevant flood level should protect the ductwork.

Chapter 12 Regulation of Brothels

About this Chapter

Brothels require development consent from Council before they can operate and must also comply with Council's planning controls. These controls are contained within the Uralla LEP and this chapter of the Development Control Plan.

The planning controls are designed to ensure that brothels operate in appropriate locations and in an appropriate manner so that their effects on the community are minimised and do not result in the loss of any community amenity.

Where this Chapter applies

This Chapter applies to any application for a brothel in the Uralla Shire.

General Advice to Applicants for Brothels

Purpose

The purpose of this chapter is to provide detailed planning controls and guidance for the operation of brothels.

Aims

This aims of this chapter are to:

- Provide guidelines and planning controls for the determination of development applications for brothels in the Uralla Shire; and
- Ensure that the operation of brothels meets community standards and does not adversely affect the amenity of land used for educational, recreational, residential, cultural, religious or community purposes or neighbourhood business.

Objectives

The objectives of this chapter of the DCP are:

- To ensure that brothels are appropriately located to minimise offence to the community and mitigate any adverse social impacts;
- To ensure that the access to brothels is safe for patrons and staff;
- To ensure that brothels are designed to minimise the impact and presence of the development in the locality;
- To ensure that there is adequate provision for off street car parking;
- To ensure the safe and healthy operation of brothels;
- To ensure that brothels operate at times where they will have least impact on the community and surrounding neighbourhood; and
- To allow Council to monitor the operation of approved brothels in terms of compliance with conditions of consent and complaints from the general public.

Application of the Chapter

Council shall take the provisions of this chapter into consideration in determining applications for the operation of brothels. Compliance with the provisions of this Chapter does not necessarily mean

that Council will consent to an application. Council must consider the full range of matters listed under Chapter 79C(1) of the EP&A Act. Each application will be considered on its merits.

Note that Council may give consideration to a time-limited consent, in particular where Council is of the opinion that a limited period of operation is necessary to fully assess whether a brothel could operate in a compliant manner. Within this period the applicant shall be entitled to seek an amendment under Section 96(2) of the EP&A Act to allow an extension to the operation of the brothel. Council may then decide to either allow the brothel to operate for a further period or decline to amend the period of operation, in which case the brothel shall cease operation on the expiration of the consent.

Information to be supplied

The following information as a minimum must accompany any development application for a brothel:

- Plan Information:
 - I. A fully dimensioned location plan, drawn to scale, showing proximity and location to nearby churches, schools, community facilities, hospitals, bus stops, parks and recreation facilities used by children, such as amusement arcades, sporting fields etc and distance from any residential zone or from properties used or partly used or capable of being lawfully used for residential purposes (other than ancillary dwellings); and
 - Type of land uses carried out on adjacent and nearby properties; and
 - The location of any other brothel in the vicinity;
 - II. A fully dimensioned site plan drawn to scale which locates the proposed brothel accurately in relation to the boundaries of the subject land;
 - III. A floor plan and elevation plans of the building drawn to scale which indicates the proposed use of each room and shows compliance with the National Building Code and the *Disability Discrimination Act 1992*; and
 - Entrances to and exits from the site; and
 - Location, number and layout of off-street car parking; and
 - The exterior colour scheme of the proposed brothel; and
 - Details of the existing and proposed external lighting.
- Written Information:

The application shall include a Statement of Environmental Effects detailing the proposed use and indicating the following:

- Name of occupier of the premises or contact person;
- Number of employees, including the number of sex workers;
- Proposed hours of operation;
- Number of rooms in the premises proposed to be used for prostitution;
- Car parking facilities;
- Method of laundering linen/towels;
- Sanitary facilities to be provided;
- Health and hygiene control;
- Ventilation and lighting; and
- Security provisions.

The Statement of Environmental Effects submitted with the application shall also demonstrate how the proposal complies with Council's planning requirements and the matters to be assessed under Section 79C(1) of the EP&A Act.

- (b) A Waste Management Plan is to be prepared in accordance with the NSW Health Department's guidelines.

Note: Failure to comply with this Plan or submit the information detailed above will usually mean that the application will be delayed or refused.

Establishment of Brothels

Introduction and General Provisions

Brothels are only to be located within the industrial zones (IN1 and IN2) as identified in the Uralla LEP.

Aims:

- To ensure brothels and associated activities remain discreet and dispersed; and
- To prevent safety problems for staff and patrons.

Performance outcomes

- Brothels are not located in such concentration (either alone or in combination with other sex-related businesses) as to result in the creation of a "red light" district;
- Access to or from a brothel is not near or within view from a church, hospital, bus stop, school or any place frequented by children for recreational or cultural activities;
- Patrons of brothels do not loiter outside the premises;
- Access to the premises is clearly illuminated in order to discourage loitering and to ensure the safety of patrons and staff;
- Brothel premises are designed to be compatible with the built form of adjacent premises; and
- Disabled persons are able to access the development (as per requirements of the National Building Code).

Acceptable solutions

- The brothel is not located within 100 metres (by pedestrian travel paths) of any other brothel;
- The brothel is not in a "shop front" premises;
- The brothel is not located within 150 metres (by pedestrian travel paths) of existing dwellings and hospitals;
- The brothel is not located within 200 metres (by pedestrian travel paths) from churches, schools, recreation areas and childcare centres;
- The brothel does not adjoin a residential flat, a residential flat building, an activity operated by a religious institution, a restaurant, a supermarket, a video shop, or amusement parlours and/or arcades;
- The brothel is not be located in or adjoining licensed premises, motels, boarding or guest houses;
- The brothel does not contain more than 4 separate rooms for the purposes of sex services;
- The brothel is provided with a waiting room of at least 20 square metres in size;

- The brothel is fitted with the necessary facilities and services for Class 6 buildings under the National Building Code;
- All windows are covered with blinds or curtains at all times;
- Outdoor lighting complies with Council's requirements; and
- Access for disabled persons is provided to the development in accordance with the *Disability Discrimination Act, 1992* and the National Building Code.

Alternative approaches and design suggestions

N/A.

Operation of Brothels

Introduction and general provisions

The premises must be kept in a clean condition at all times. Cleaning is to be carried out by staff as required. Particular attention must be paid to showers, baths and toilets (which may harbour and spread fungi if inadequately disinfected and ventilated), linen, and swimming and spa pools.

Other general provisions:

- Hours of operation are to avoid times of peak community activity in the locality;
- Signs indicating that any premises are used for, are available for use, or that a person is available, for the purposes of sex services are not to be erected;
- No food or alcohol shall be served or consumed by clients on the premises; and
- In addition to emergency service providers, the brothel must allow entry to Police and authorised persons from Uralla Shire Council (planning, health and building sections) or the NSW Department of Health immediately upon request.

Aims

- To ensure the health and safety of patrons and staff; and
- To ensure the brothel and associated activities remain discreet.

Performance outcomes

- Adequate sanitary facilities are provided for staff and patrons;
- Showers, baths and toilets are kept clean and free of mould and fungus;
- Linen provided to patrons and staff is clean;
- Contaminated waste is appropriately managed and disposed of;
- Good levels of hygiene are maintained for swimming and spa pools;
- The use of the premises does not give rise to transmission of noise to any place of different occupancy or an offensive noise as defined in the *Protection of the Environment Operations Act 1997*; and
- The brothel maintains a discreet profile.

Acceptable solutions

Sanitary facilities:

- Sanitary facilities are provided in accordance with the requirements of the National Building Code Part F. Separate toilet facilities are provided for staff;
- Each room contains its own sanitary facilities comprising shower, toilet and hand basin for the use of both sex workers and their clients. All required hand basins shall be provided

with an adequate supply of potable water, at a temperature of at least 40°C, delivered through an approved mixing device which can be adjusted to enable hands to be washed under hot running water;

- The proprietor ensures that baths, toilets, and showers are cleaned and disinfected after each use with a hypochlorite based disinfectant; and
- Soap and single use towels are provided at all hand basins required in the premises.

Linen:

- The proprietor provides clean linen or clean cover; and clean towels for the use of individual clients and sex workers;
- All linen, including towelling, which comes into contact with sex workers or clients, is changed immediately after use;
- Two receptacles are provided for the separate storage of clean and used linen;
- Linen is washed by category in a hot water wash (water temperature a minimum of 70 degrees Celsius) using laundry detergent; and
- All linen items are thoroughly dried after washing.

Note : It is recommended that proprietors use private contractors to launder towels, sheets etc. When laundering is carried out on the premises, commercial/industrial equipment must be used.

Contaminated waste:

- Contaminated waste is disposed of by Environment Protection Authority licensed waste collectors. Used condoms must be double bagged in plastic and placed in a suitable waste receptacle on the premises.

Spa and swimming pools:

- Spa baths are drained after each use so they can be cleaned and refilled with fresh water.
Note: Officers of Council and the NSW Health Department may carry out periodic tests to ensure the pool water is suitable for bathing purposes;
- The proprietor keeps on the premises an accurate kit used for the testing of pool water. The kit is able to determine the concentration of:
 - free chlorine, total chlorine, and combined chlorine; or
 - total bromine; or
 - baquacil;
 - pH; and
 - reserved alkalinity.
- Swimming and spa pools comply with the NSW Health Department Guidelines for Disinfecting Public Swimming Pools and Spa Pools; and
- All swimming or spa pools are disinfected by a method approved by the NSW Health Department.

Note: Approved methods include:

- chlorine, or
- bromine, or
- salt water chlorination, or
- ozone.
- Spa pools are drained each day so they can be cleaned and refilled with fresh water;
- Swimming or Spa pools are provided with a system of automatic analysis and dosage control equipment that will maintain the level of disinfectant;

- Tests are conducted on every swimming pool or spa pool before the pool or spa is opened each day, and every four (4) hours thereafter when the pool or spa is in use; and
- A log book of the pool or spa water quality is kept by the proprietor and is available for inspection by Council's officers.

Note : The temperature of the water in the bathing area of a spa pool should not be allowed to exceed 40°C. The guidelines for disinfecting public swimming and spa pools can be obtained from Council's Infrastructure & Regulations Department.

Ventilation and Lighting:

- The premises are ventilated in accordance with the requirements of the National Building Code; and
- The premises are provided with adequate lighting in accordance with Australian Standard AS 1680.

Noise:

- The use of the premises does not give rise to sound levels at any point on the boundary of a site greater than 5dBA above the background levels specified in Australian Standard 1055, Acoustic Description and Measurement of Environment Noise.

Alternative approaches and design suggestions

N/A.

Chapter 13 Notification Procedures

About this Chapter of the DCP

Outline

This Chapter of the DCP:

- Supplements the provisions of the Uralla LEP; and
- Provides policies and guidelines on the notification of Development Applications.

Purpose

This Chapter of the DCP outlines Council's policy for community notification in the assessment of development applications and the formulation of development guidelines and policies. The Chapter also outlines the necessary procedures involved in carrying out such notification.

Aims and Objectives

- Set out Council's requirements for the notification of development applications and formulation of guidelines and policy;
- Provide for public participation in the consideration of applications that may detrimentally affect the enjoyment of property or the public interest;
- Ensure the community is consulted during the formulation of guidelines and policies;
- Ensure that policy formulation is undertaken in a wider and more informed context;
- Allow for a reasonable time for inspection and making submissions on applications while recognising the obligations of the Council to determine applications within prescribed periods;
- Provide a direct avenue of access to the application process by affected residents and owners who wish to express their concerns about proposals to Council staff, Councillors or the relevant Council Committee;
- Set out matters for which the Council will have regard when forming its opinion as to whether or not the enjoyment of adjoining land may be detrimentally affected by a proposed development;
- Specify the circumstances when notification is not required; and
- Detail the form that notification will take and an applicant's responsibility to provide a notification plan.

Structure of this Chapter

This Chapter is divided into the following parts:

- About this Chapter - Outlines the purpose, principal aims and contents of this Section;
- Notification and Advertising Procedures and Guidelines - This sets out the level of public consultation required for various development applications. Detailed guidelines regarding public notification and advertising procedures are also provided;
- Integrated, Designated and other categories of Development - This deals specifically with the notification and advertising requirements of the above categories of development; and
- Policy Formulation - Outlines the community consultation guidelines that must be followed when formulating a range of planning policies. These guidelines have been set to ensure that policy formulation is undertaken in a wider and more informed context.

Notification Procedures and Guidelines for Applications

This section provides detailed guidelines on procedural processes that must be followed when notifying the community of applications. This plan provides for two levels of public consultation that an application may be subject to, these are notification and advertising.

Notification of Applications

Adjoining landowners will be given notice of an application if, in the opinion of Council, the enjoyment of land adjoining the development may be detrimentally affected by the proposed development.

The following issues will be considered in forming an opinion as to whether or not the enjoyment of land may be detrimentally affected by a proposed development:

- The views to and the views from the land;
- Overshadowing of the land;
- The privacy of the land;
- The likelihood of the land being detrimentally affected by the proposed use, such as noise, odour or other polluting emissions;
- Proposed hours of use for the development;
- The scale or bulk of the proposed development; and
- The siting of the development in relation to site boundaries.

Upon the lodgement of an Application, the Planning Manager will determine who may be detrimentally affected in terms of the matters to be considered.

Note: Council may also broaden the extent of notification following any inspection of the development site, or increase the length of notification.

Applications which will not be notified

The following Applications will not be notified as per the provisions of this document:

Exempt and Complying Development:

- Exempt or complying development as set out in [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) (the Codes SEPP).

Subdivisions:

- Minor boundary adjustments, which do not require physical works; and
- Strata subdivision proposals.

Commercial or Industrial Uses:

- The change of use of buildings (in a commercial and industrial zone), except at Council's discretion.

Houses and Extensions:

- Detached single-storey dwellings in a Residential Zone (other than second-hand dwellings);
- Ancillary structures associated with residential developments, including carports, pergolas, garden sheds and the like, which are sited 1m from any boundary, sited behind or in-line with the existing building line and comply with Council's building setbacks;
- Alterations to an existing residential building where the works will not result in any change to the height, external configuration or external façade of the existing building;

- Single rural dwellings on properties of greater than 10 hectares, where the proposed dwelling is located a minimum of 20m from the boundaries of the property;
- Alterations and extensions to rural dwellings on properties of greater than 10 hectares, where the proposed dwelling is located a minimum of 20m from the boundaries of the property; and
- Rural workers accommodation on properties greater than 100 hectares where the proposed accommodation is located a minimum of 20 m from the boundaries of the site.

Swimming Pools:

- Private swimming pools.

Persons to be Notified

Written notice of a Development Application will be sent to those persons who appear to the Council to own or occupy adjoining land and neighbouring land if, in the Council's opinion, the enjoyment of the land may be detrimentally affected by the development proposal. This could include land opposite or otherwise distanced from the application site.

Other Referrals

Certain Development Applications will attract a need for notification of other government authorities and the seeking of their comments.

Notice will also be given to relevant Councils listed below, if the proposed development is located in proximity to the Local Government Area boundaries of:

- Armidale Dumaresq Council;
- Tamworth Regional Council;
- Walcha Shire Council;
- Gwydir Shire Council; or
- Guyra Shire Council.

In the case of an Integrated Development Application, the application is to be referred to the relevant authority in accordance with Clause 52A of the Environmental Planning and Assessment Regulation 2000.

Notification of Amendments prior to determination & Modification Applications under S96

Amendments prior to Determination

An applicant may make amendments to an application at any time ***before its determination***, subject to Council's acceptance of those amendments. In these circumstances, Council will re-notify:

- Those persons who made submissions on the original application; and
- Any persons who own adjoining or neighbouring land (including those persons who were previously notified of the application) who may in Council's opinion potentially be detrimentally affected by the proposal as amended.

NOTE: If re-notification is required, further sets of plans for this purpose must be provided by the applicant.

Modification of an Approval (after Determination) under Section 96

An applicant may lodge an application to modify an approval (under Section 96 of the EP&A Act) if Council is satisfied that the development, as proposed to be modified, remains substantially the

same development as that originally approved. Council will re-notify persons who made submission on the original application and any persons who own adjoining or neighbouring land only where in Council's opinion those persons could be detrimentally affected by the proposal as amended.

Submissions received in relation to the modified proposal will be considered in Council's assessment of the application.

Notification Period

A person may inspect a plan and make a submission within the notification period which will be a minimum of 14 days.

NOTE: For "advertised" and "designated development" the length of the notification period varies and will be in accordance with the advertising requirements of the Environmental Planning and Assessment Regulations (2000), unless a longer period is determined by Council.

Form of Submissions from Persons Notified & the General Public

Submissions made in respect of applications must be in writing and addressed to the General Manager. Submissions must clearly indicate the name and address of the person making the submission and details of the proposal to which the submission relates. Should an objection be part of the submission, the reasons for the objection are to be provided. All submissions are to be accompanied by a form declaring any donations or gifts to an elected member of Council or a Council staff member (as set out in the form available for such declarations available from Council or Council's website).

Note: Information regarding the making of a submission shall be provided with the notification letter.

Consideration of Submissions

Council will consider all submissions received within the specified time period before determining a Development Application. In making a determination the content of a submission must be balanced with the Council's statutory obligations. Submissions form a part of the assessment of an application and each application will be assessed on its merits.

When determining a development application, Council will take into consideration any submissions it has received during the notification period. Delegated authority will not be used to determine a development application that has received a written objection to the proposal. Development applications that have had a written objection submitted will be referred to the relevant standing Council Committee for comment prior to being referred to Council for determination discussion.

Applicant to be advised of Objections

Written submissions cannot remain confidential as they may be used to assist in negotiations with the owner/applicant of the proposal or be included in Council business papers. The applicant, on request, will be advised of the terms of any objection and is entitled to read all submissions received. Where applications are amended in response to objections received, comments may be sought from previous objector/s.

Notification of Determination

Following determination of an application each person who made a submission will be advised in writing of Council's decision in determining an application as soon as practical.

Advertising of Applications

Where Council considers a given development may have the potential to have a much wider impact than just on nearby property owners or have a community interest, Council may decide that the development application should be advertised in the local print media (i.e. newspapers). A person may inspect a plan and make a submission within the advertising period which will be a minimum of 14 days.

Advertising & Notification Costs

The applicant shall pay the Council a fee in accordance with Council's adopted Schedule of Fees and Charges to cover the cost of advertising and notification of the application and any amendment or modification of it.

Integrated, Designated Development and other Categories of Development

Statutory notification requirements exist under the EP&A Act for certain categories of development such as:

- Integrated Development;
- Designated development; and
- Other types of Approvals, including assessment of "activities" under Part 5 of the EP&A Act.

These must be advertised and exhibited in line with the requirements as outlined in the EP&A Act and the Regulations.

NOTE: The requirements of the EP&A Act and Regulations are mandatory

Integrated Development

This is defined as a category of development (not being Exempt or Complying) that, in order for it to be carried out, requires development consent and one of more approvals set out in Clause 91 of the EP&A Act 1979.

Public Notification and Exhibition

The advertising and exhibition period is a minimum of 21 days. Written notice is to be provided to neighbouring owners surrounding the application site. The written notice shall contain all information as outlined in the Regulations to the Act. The relevant government authority is to be forwarded a written notice of application and notification plan within 2 days of receiving the application. The notice shall also clearly state that the application is an Integrated Development.

Designated Development

Designated Developments are developments, which have major impacts on the environment. Schedule 3 of the EP&A Regulations outlines what types of Development are classified as Designated Development.

Public Notification and Exhibition

The advertising and exhibition period is a minimum of 30 days. Written notice is to be given to neighbouring owners surrounding the application site. The written notice shall contain all information as outlined in the Regulations to the EP & A Act. The relevant government authority is to be forwarded a written notice and notification plan. The notice shall also clearly state that the application is a Designated Development. Notice must include:

- A minimum of 2 public notices in local newspaper circulated in the area; and
- A notification sign placed on the property (application site).

Other types of Approval

“Activities” under Part 5 of the EP&A Act must be notified and exhibited in accordance with the requirements of Section 113(1) of that act.

Public Notification and Exhibition

The advertising and exhibition period is a minimum of 30 days and advertising must include:

- A minimum of 2 public notices in a local newspaper circulated in the area.

Chapter 14 Contaminated Land

About this Chapter

Development on land that is contaminated is a significant planning issue. At its worst, contamination can be a risk to the health of users of land and/or the environment, and this risk can be exacerbated when a change of land use occurs. All development is subject to controls contained in the following documents:

- *Contaminated Land Management Act 1997*;
- State Environmental Planning Policy No 55 – Remediation of Land; and
- Managing Land Contamination – Planning Guidelines, SEPP 55-Remediation of Land.

This Chapter provides a summary of the planning controls relating to development activity.

Where this Chapter applies

This Chapter applies to all land within the Uralla Shire.

General Advice to Applicants

There is a requirement that prior to issuing development consent for any development (including both Complying Development and Development Applications), Council is required to consider whether the land is (or might be) contaminated, and if it is to ensure that appropriate investigatory and/or remedial action is undertaken prior to consent being issued.

The onus is on the developer of the land to take the necessary steps to determine whether the land is actually or potentially contaminated prior to lodgement of an application. Among other things, this will entail consideration of whether any of the land uses identified in **Table 14.11** have ever been undertaken on the subject land.

Table 14.1 Potential land contaminating activities

- acid/alkali plant and formulation
- agricultural/horticultural activities
- airports
- asbestos production and disposal
- chemicals manufacture and formulation
- defence works
- drum re-conditioning works
- dry cleaning establishments
- electrical manufacturing (transformers)
- electroplating and heat treatment premises
- engine works
- explosives industry
- gas works
- iron and steel works
- landfill sites
- metal treatment
- mining and extractive industries
- oil production and storage
- paint formulation and manufacture

- pesticide manufacture and formulation
- power stations
- railway yards
- scrap yards
- service stations
- sheep and cattle dips
- smelting and refining
- tanning and associated trades
- waste storage and treatment
- wood preservation

The above uses are those referred to in Table 1 of Managing Land Contamination-Planning Guidelines. The Guidelines make the following important note about this list:

It is not sufficient to rely solely on the contents of this Table to determine whether a site is likely to be contaminated or not. The Table is a guide only. A conclusive status can only be determined after a review of the site history and, if necessary, sampling and analysis.

Aims and Objectives

- To provide a consistent basis for Council in dealing with land use planning and development matters, as well as requests for information from the public, where land is, or may potentially be, contaminated as a result of existing or previous land use activities;
- To ensure that land use changes will not increase the risk to human health or to the environment;
- To minimise the potential for adverse social and economic consequences which may arise from a failure to identify and respond to issues of potential or actual contamination as part of the land use planning and development process;
- To avoid inappropriate restrictions on land use as a consequence of existing or previous land use activities;
- To ensure that Council fulfils its legal obligation of duty of care in relation to land contamination issues; and
- To provide effective risk management for Council and community by reference to the law, industry best practice literature and protocols, having regard in particular to the EP&A Act.

Performance Outcomes

- Contaminated lands are identified and remediated as required as part of the development process.

Acceptable Solutions

As noted above, Council is required to ensure that any contamination on land is appropriately addressed as part of any development process.

SEPP 55 Requirements for Development

The following is drawn directly from the relevant section of State Environmental Planning Policy No 55 – Remediation of Land:

1. Council will not consent to the carrying out of any development on land unless:
 - a. it has considered whether the land is contaminated, and

- b. if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
 - c. if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.
- 2. Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), Council will consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.
- 3. The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to Council. Council may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.
- 4. The land concerned is:
 - a. land that is within an investigation area,
 - b. land on which development for a purpose referred to in **Table 14.1** is being, or is known to have been, carried out,
 - c. to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:
 - i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in **Table 14.1** has been carried out, and
 - ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Other Planning Considerations for Contaminated Land

In addition to the specific requirements for a development, Council is also required to consider contaminated lands issues in a number of other situations including:

- Making of a Local Environmental Plan;
- Spot rezoning; and
- Making a Development Control Plan.

Alternative Solutions

Any alternative solutions must comply with the provision of:

- Contaminated Land Management Act 1997;
- State Environmental Planning Policy No 55 – Remediation of Land; and
- Managing Land Contamination – Planning Guidelines, SEPP 55-Remediation of Land.

Former Pole Treatment Plant

The Environment Protection Authority (EPA) have given specific regulatory advice to Council regarding this land known as the former Koppers Timber Treatment Site Lot 385 DP 755846.

While the EPA considers that regulatory intervention on this former timber site is not warranted and that the site is suitable for industrial use in principle, this site is nevertheless a contaminated land. Council, as a development consent authority, is advised to observe State Environmental Planning Policy No.55 (SEPP 55) – Remediation of land. In this regard, the EPA offers the following specific advice:

- 1. Should any part of the land be redeveloped for a use more sensitive than commercial/industrial use, that specific area must be subject to a formal contaminated site assessment to confirm its suitability of the intended use.*
- 2. There has been no groundwater assessment carried out on the site in the past. The EPA believes that the risk that the site will be subject to extensive groundwater contamination is relatively low. This potential risk should not predicate the in-principle suitability of the site for industrial use. However, we recommend that Council requires a preliminary groundwater assessment on the areas where the timber treatment facilities were located and were subsequently remediated to a soil standard suitable for industrial use. The general location of these areas can be found in the EES 1994 Validation Report. The findings may assist Council in determining whether an environmental management plan (EMP) is required in managing any residual contamination left on the site, for example, whether onsite extraction of groundwater for a particular use is permitted. The EPA should be provided with a copy of the findings.*

Letter to Council from the NSW Environment Protection Authority dated 14 February 2012.

Chapter 15 Other Matters

About this Chapter

This chapter provides information about additional matters not covered elsewhere in this DCP.

Where this Chapter applies

This Chapter applies to all land within the Uralla Shire.

Temporary Dwellings

The following applies to the use of a building as a temporary dwelling while a permanent dwelling is being erected and where both dwellings are located on the same parcel of land.

Where it is proposed to reside in a moveable dwelling, such as a caravan, Council approval is required.

Occupation of a temporary dwelling cannot commence until:

- Development consent for the erection of the permanent dwelling and the use of a temporary dwelling has been granted;
- A construction certificate for the erection of the permanent dwelling has been issued, footing/slabs poured and inspected by Certifier; and
- A compliance certificate has been issued to confirm that washing, bathing, cooking and toilet facilities have been provided for the temporary dwelling.

If the temporary occupancy is undertaken without Council's approval, the dwelling must be vacated prior to consideration of the application.

The following criteria will be taken into account when Council's delegated officer determines whether to approve an application for temporary occupation:

- The circumstances of the case;
- The standard and type of temporary dwelling proposed and its location; and
- Matters relating to health and convenience.

The initial period of occupation of the temporary dwelling is to be no longer than twelve (12) months. Council will extend the period if:

- Satisfactory progress is being made in the construction of the permanent dwelling within the twelve (12) month period; and
- The circumstances of the case justify an extension to the period.

Upon completion and occupation of the permanent dwelling, the use of the temporary dwelling for residential purposes must cease.

Relocation of Buildings

The following provisions apply to the relocation of a building to land within Uralla Shire. A proposal to relocate a building requires development consent from Council and a construction certificate.

The development application is to be supported by a detailed report of an inspection of the dwelling to be relocated, including photographs. The inspection is to be carried out by a suitably qualified person such as an architect, building surveyor, building consultant or engineer.

In determining whether to grant development consent Council must take into consideration:

- The condition and acceptability of the building;
- The purpose for which the building is to be used;
- Compliance with the National Building Code; and
- The suitability of the building for the proposed site and to adjacent development.

Within 12 months of the building being sited on the land, a compliance certificate must be applied for which confirms that the development has been completed and all conditions of the development consent have been satisfied. Where the development will not be completed within twelve (12) months, the applicant may apply, at least one month prior to the expiration of the 12 month period, for an extension of time to complete the development. The request is to be made in writing and give reasons for seeking the extension. Council will take these reasons into consideration in determining whether to extend the period for completion of the project.

Prior to the structure being relocated on the site a bond is to be lodged with Council. Lodgement of the bond is to ensure satisfactory completion of all external works within twelve (12) months, or later period if council has granted an extension, of the building being sited on the land. The bond can be a Deed, bank guarantee or joint account. The amount of the bond shall be determined as per Council's management plan.

A refund of the bond and occupation of the building cannot occur until a compliance certificate has been issued confirming that the development has been completed and all conditions of consent of the development have been satisfied.

Shipping Containers

Shipping containers are considered a 'building' under the EP&A Act and as such may require development consent unless the development is Exempt Development.

Exempt Development

The [State Environmental Planning Policy \(Exempt and Complying Development\) 2008](#) (the Code SEPP) has some exemptions from the requirement to obtain development consent for the placement of shipping containers. These exemptions relate to:

- Some farm buildings (see Subdivision 16 of the Code SEPP)
- Building site shed, office or associated structure (temporary) (see Subdivision 39 of the Code SEPP)

If the proposed shipping container development meets the development standards of the SEPP then development consent is not required.

Shipping containers are not permitted on land zoned E1 National Parks and Nature Reserves or E2 Environmental Conservation.

If the proposal is not exempt development then development consent is required prior to the installation of any shipping and/or storage container on any land. In assessing a Development Application, the following controls are applicable.

General Standards (All zones)

- Containers must comply with the criteria specific to the zone of the property (below);
- Containers must not be located over water, wastewater or stormwater mains or dedicated drainage easements;
- Containers must not be located over effluent treatment disposal areas/systems;

- Containers must not be located over gas lines or underground power lines;
- Setbacks to overhead powerlines must comply with the requirements of the relevant electricity authority;
- Containers must be screened from the streetscape by suitable vegetation or other appropriate screening;
- Containers will not be permitted in flood liable areas;
- Containers must be painted a neutral colour to blend with the surrounding natural environment and built structures, with the proposed colour to be approved by Council;
- Containers must not be stacked;
- Containers will not be permitted in Heritage Conservation Areas or on lots containing a Heritage Item unless they are approved on a short-term basis (less than 2 years) in conjunction with an approved Development Application and Construction Certificate for specific works;
- Containers must not contain sanitary facilities or be used for the collection of rainwater;
- Containers must be placed on flat, solid ground. Any associated earthworks (cut and fill) must be in accordance with the [State Environmental Planning Policy \(Exempt and Complying Development\) 2008](#) (Subdivision 15 – Earthworks and retaining walls); and
- Containers must not be used to store contaminated or hazardous materials.

Residential, Village or Rural Residential zones:

(R1 General Residential Zone, R2 Low Density Residential, RU5 Village Zone, R5 Large Lot Residential Zone)

- A maximum of one (1) container with a maximum size of 12.2m x 2.2m (40 x 7 feet) per property;
- Containers must not be located within the front building setback (6m from the boundary facing a road). Note: This applies to both frontages for corner allotments;
- Containers must not be located forward of the building line on any parcel of land within the zone (building line being the setback associated with an existing dwelling erected on the property);
- Containers must not be located any closer than one (1) m from side and/or rear boundaries;
- Containers must be located within any building envelope associated with the lot; and
- Containers must be used for domestic storage purposes only.

Rural and Environmental zones:

(RU1 Primary Production Zone, RU2 Rural Landscape, E3 Environmental Management Zone, E4 Environmental Living)

- A maximum of one (1) container per allotment is permissible if it is in accordance with Subdivision 16 of the Code SEPP. Additional containers require Development Consent;
- Containers must not be located within 50 m of the front, side or rear boundaries of a property and must comply with setback standards that apply to the particular parcel of land and be within any specified building envelope for that parcel; and
- Containers must be used for domestic or agricultural storage purposes only.

Industrial zones:

(IN1 and IN2 Industrial Zone)

- Containers being stored on industrial land for the purpose of re-sale or hire will not be required to meet all setback requirements provided they are not being used for storage or other purposes. If used for storage or other purposes, approval is required and the requirements of the National Building Code (NBC) and Council will apply; and

- The placement and use of shipping containers in Industrial zones shall be assessed on a case-by-case merit basis following submission of a Development Application.

Business zones:

(B2 Local Centre Zone, B4 Mixed Use Zone, B6 Enterprise Corridor Zone)

- Containers will only be approved on a temporary basis, for a maximum of 12 months;
- Containers must not encroach upon any existing car-parking spaces; and
- Containers will be assessed as a NBC Class 7 building and as such will be assessed for fire rating and essential services.

Modification of shipping container :

- Any shipping container modified for residential purposes, ie dwelling, dual occupancy, secondary dwelling and granny flat must be compliant with the provisions of the National Construction Code and BASIX.

Bed and Breakfast Accommodation

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

- meals are provided for guests only, and
- cooking facilities for the preparation of meals are not provided within guests' rooms, and
- dormitory-style accommodation is not provided.

The Codes SEPP provides that certain Bed and Breakfast Accommodation may be carried out as Complying Development, however, land based exclusions including bush fire prone land, critical habitat and certain heritage listings means that some development for Bed and Breakfast Accommodation will require a Development Application.

This section of the DCP provides controls for Bed and Breakfast Accommodation that requires a Development Application.

Bed and Breakfast Accommodation is permissible with consent in the following zones:

- RU1 Primary Production
- RU2 Rural Landscape
- RU5 Village
- R1 General Residential
- R2 Low Density Residential
- R5 Large Lot Residential
- B2 Local Centre
- B4 Mixed Use
- SP3 Tourist
- E3 Environmental Management
- E4 Environmental Living

Clause 5.4 of the ULEP limits guest accommodation to no more than four (4) bedrooms.

Objectives

- To promote the use of dwellings for the purposes of providing small scale tourist accommodation;
- To ensure that Bed and Breakfast Accommodation does not adversely affect the character of the surrounding neighbourhood or rural area;

- To ensure that potential impacts to the amenity of neighbours is minimized; and
- To ensure that Bed and Breakfast Accommodation provides an acceptable level of amenity to guests, and maintains adequate health and safety standards.

Controls

- Bed and Breakfast accommodation must:
 - Be operated by the permanent residents of the dwelling house,
 - Be used for short term guests only,
 - Have at least one (1) guest bathroom (separate to the bathroom serving the permanent occupants of the dwelling),
 - Have a fire extinguisher and fire blanket in the kitchen,
 - Have at least one (1) off-road car parking space per guest bedroom, and
 - Not be carried out on Strata or Community Title dwelling houses without the prior approval of the owner's corporation or the neighbourhood association;
- Comply with the relevant provisions of the National Building Code, including fire safety, the provision of sanitary facilities and safety of swimming pools;
- Signage must not exceed a single sign with a maximum area of 1.2 m²;
- Signage must not be illuminated and the style and materials of the sign must be compatible with the character of the area;
- No stacked car parking will be permitted;
- Parking spaces must be provided to an all-weather, dust free standard and suitably drained to prevent drainage nuisance to an adjoining property;
- Parking spaces must be suitably screened and planting is to be provided between the car parking area/s and adjoining properties;
- In the case of proposals in rural areas, access must be provided to 2-wheel drive all weather standard; and
- Where reticulated sewerage is not available, the existing or proposed onsite sewerage disposal system is to be designed (or upgraded) to ensure that all effluent can be disposed of onsite having regards to any increase in expected effluent loadings and capacity of soils to accept wastewater.

Chapter 16 Kerbing and Guttering

About this Chapter

This chapter provides details about various requirements for kerbing and guttering.

Where this Chapter Applies

This chapter applies to the following land use zones within Uralla Shire:

- R1 & R2
- IN1 & IN2
- B2, B4 & B6

Aims and Objectives

- To ensure that the 'user pays' principle is implemented in an appropriate manner; and
- To ensure that kerb and gutter infrastructure is provided for new developments.

Performance Outcomes

- Kerbing and guttering is provided as a routine component of subdivision developments.

Acceptable Solutions

The following are particular provisions in relation to the costs of kerbing and guttering:

- Where subdivision is not involved, owners are to contribute 50 percent of the total cost of the kerb and gutter when it is constructed as part of Council's Works Programme;
- Where a subdivision creates any new allotment, the applicant is to meet 100 percent of the costs of construction of all kerbing and guttering and all necessary associated stormwater drainage;
- Where a subdivision creates a drainage problem, the applicant is to pay 100 percent of the costs involved in rectifying that problem;
- Where Council requires as a condition of approval to a subdivision that kerb and gutter must be constructed in order to achieve any of the following:
 - overcome a drainage problem,
 - connect to existing nearby kerb and gutter,
 - prevent a drainage problem,
 - overcome or prevent a traffic problem,
 - improve the amenity of the allotments created,

the applicant is to pay 100 percent of the cost of the kerbing and guttering involved;

- The subdivision of corner blocks can create confusion and the method of dealing with them needs to be clear. In such cases the need to construct kerb and gutter will be considered by Council for each of the road frontages as follows:
 - If the conditions in 4 above occur in either or both road frontages and Council consequently requires that kerb and gutter must be constructed, as a condition of approval to the subdivision, then the applicant is to contribute 100 percent of the

cost of kerb and gutter in either or both frontages in which the need for the kerb and gutter is identified.

- If the conditions in 4 above do not apply to both road frontages or only apply to one road frontage and Council does not require kerb and gutter to be constructed in one or both frontages, the applicant will contribute 50 percent to the cost of kerb and gutter when the work is included in Council's Works Programme, as per item 1 above.
- Alternatively, if the applicant wishes kerb and gutter to be constructed in any case, then the conditions as per item 6 below apply;
- Where a subdivision is involved and Council does not require kerbing and guttering to be constructed but the applicant wishes kerbing and guttering to be constructed, then the applicant shall make a 100 percent contribution to the costs of doing so;
- Where a subdivision creates a situation which can best be solved by extending kerbing and guttering beyond the boundaries of the land to be subdivided, Council will consider meeting the cost of that extension in its works programme. If associated funds are not available to Council to solve the problem, the costs will need to be fully met by the applicant or the application may be refused;
- In the above clauses a reference to the cost of kerbing and guttering refers also to the cost of associated road pavement, shoulder and sealing works and footpath construction works required to be undertaken as part of the kerbing and guttering works; and
- Where an applicant is required to dedicate land to Council for public road or open space purposes, no special consideration is to be given in the matter of kerbing and guttering costs.

Exemptions

An applicant may be exempt from the requirement to construct kerbing and guttering if such construction is impractical because of site conditions. Any such exemption would be subject to Council approval.

Alternative Solutions

Nil.

Chapter 17 Barleyfields

About this Chapter

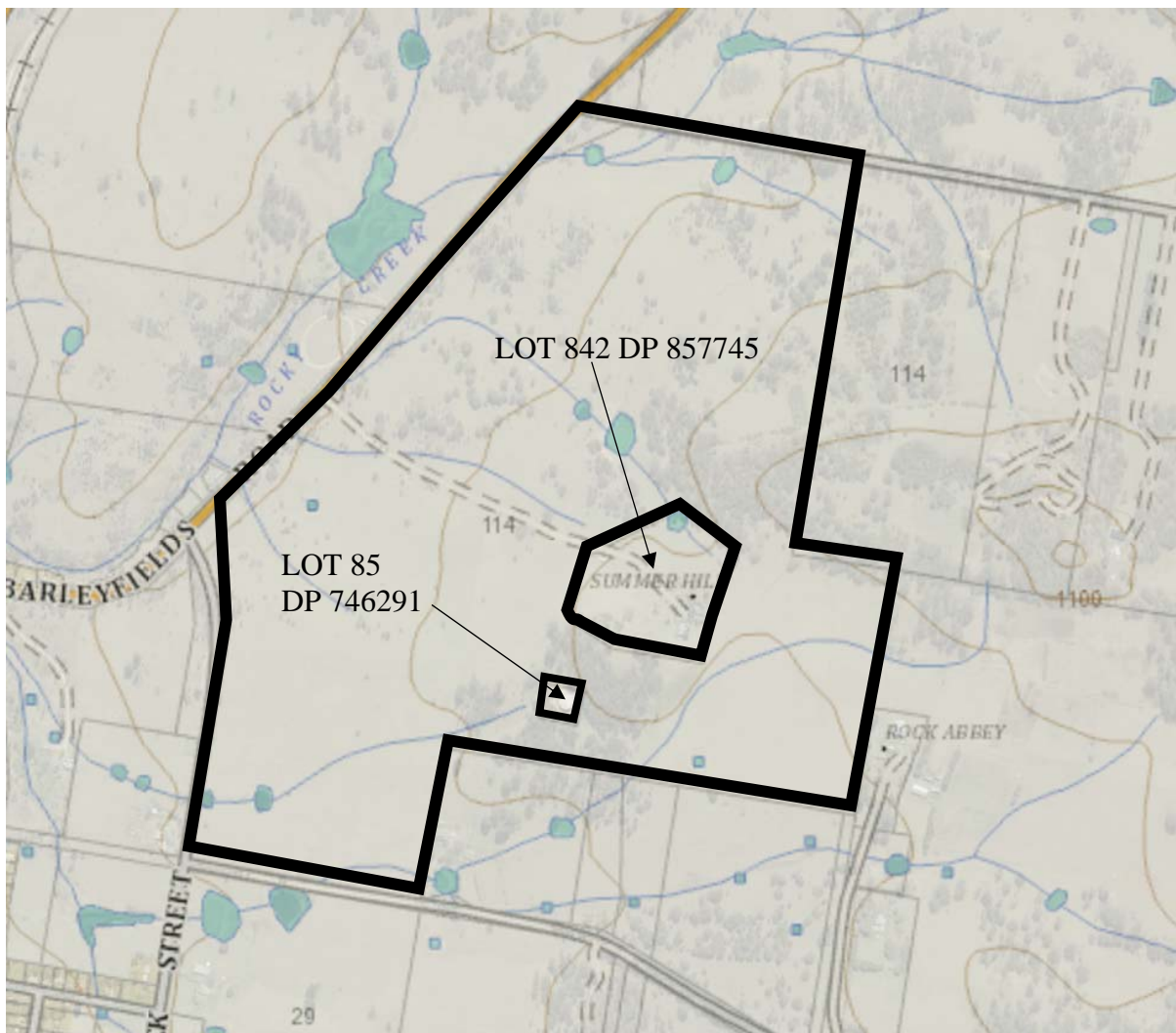
This chapter provides the development Masterplan, principles and site controls for development within the land known as 'Barleyfields'.

The purpose of this chapter is to provide a logical, master planned framework for the efficient staged release of low density residential land in a socially, economically and environmentally sustainable manner.

Where this Chapter applies

This Chapter applies to the land within the heavy black edging shown in **Figure 17.1**.

Figure 17.1 Land to which Chapter 17 applies



Lot 842 DP 857745 and Lot 85 DP 746291 are excluded from the land to which this Chapter applies.

Masterplan

A Masterplan has been prepared for Barleyfields that sets out a logical subdivision layout in consideration of the following key elements:

- Efficient staging of the subdivision
- Road network
- Stormwater and servicing strategy
- Urban design controls

The preferred subdivision layout Masterplan is shown in **Figure 17.2 - Barleyfields Masterplan**.

Development Lots

Development lots are also known as 'super lots'. Development lots can be further subdivided into smaller lots. The Barleyfields developments lots are:

Lot 1	4.04 ha
Lot 2	4.28 ha
Lot 3	4.42 ha
Lot 4	4.13 ha
Lot 5	4.21 ha
Lot 6	5.07 ha
Lot 7	5.35 ha

These lots are shown on **Figure 17.3 - Development Lots**.

Objectives

- To maintain the semi-rural residential character of the area;
- To enable low density residential development;
- To maintain the integrity of the Barleyfields Masterplan low density subdivision layout; and
- To ensure that development does not compromise future development for low density residential purposes in accordance with the Barleyfields Masterplan.

Controls

- Future dwellings and buildings within the development lots:
 - Must be located within the lot boundaries of the Barleyfields Masterplan low density subdivision layout.
 - Be set out by a surveyor.
 - Serviced by an aerated rather than a transpiration wastewater system.
- Metal (colourbond) or paling fencing is not permitted as lot boundary fencing.
- Access driveways are to be to Council's minimum rural residential standards.
- All mature native canopy trees with a diameter at breast height (dbh) greater than 200 mm are to be retained.

Figure 17.2 Masterplan Subdivision Layout

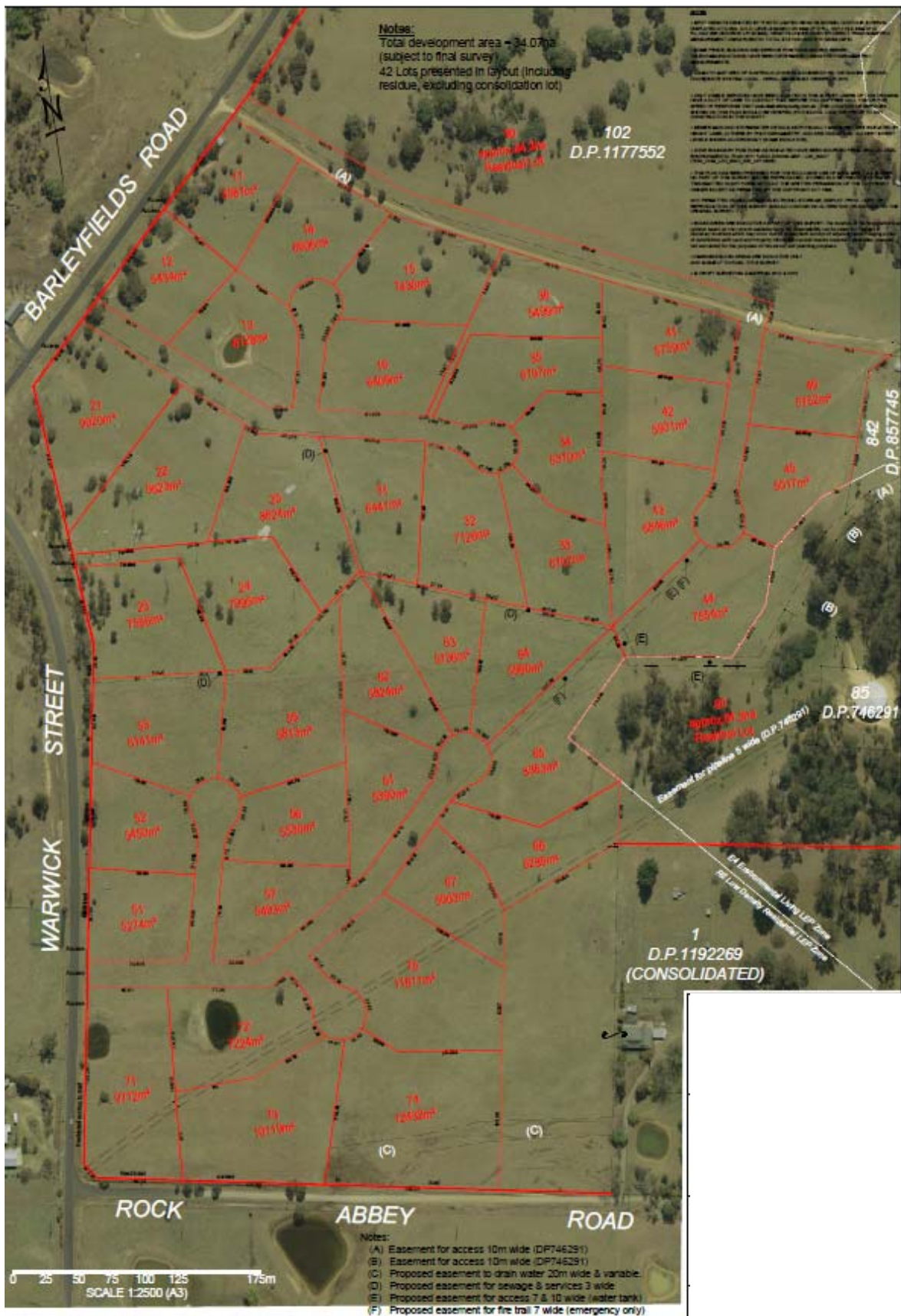


Figure 17.3 Masterplan Development Lots



Low Density Residential Lots

The Barleyfields Masterplan provides for the creation of 41 low density residential lots over eight (8) stages. Development proposals are to be consistent with the Barleyfields Masterplan and the staging strategy shown in **Figure 17.4**.

Objectives

- Barleyfields will provide a variety of low density lot sizes to facilitate housing diversity and to meet the housing needs and choice for rural character living within a low density residential environment.
- Residential development is to be of a scale and character consistent with a low density residential environment.

Principles

- to create a road and lot layout suitable for low density detached residential housing;
- to retain and enhance existing stands of trees as remnant native vegetation;
- to integrate stormwater management into landscape approaches for the site;
- to create a landscape of a high visual amenity with a distinct landscape character;
- to consider the interface between future residential lots and the adjacent rural land; and
- to utilise plant species with a low water requirement and longevity.

Staging

Objectives

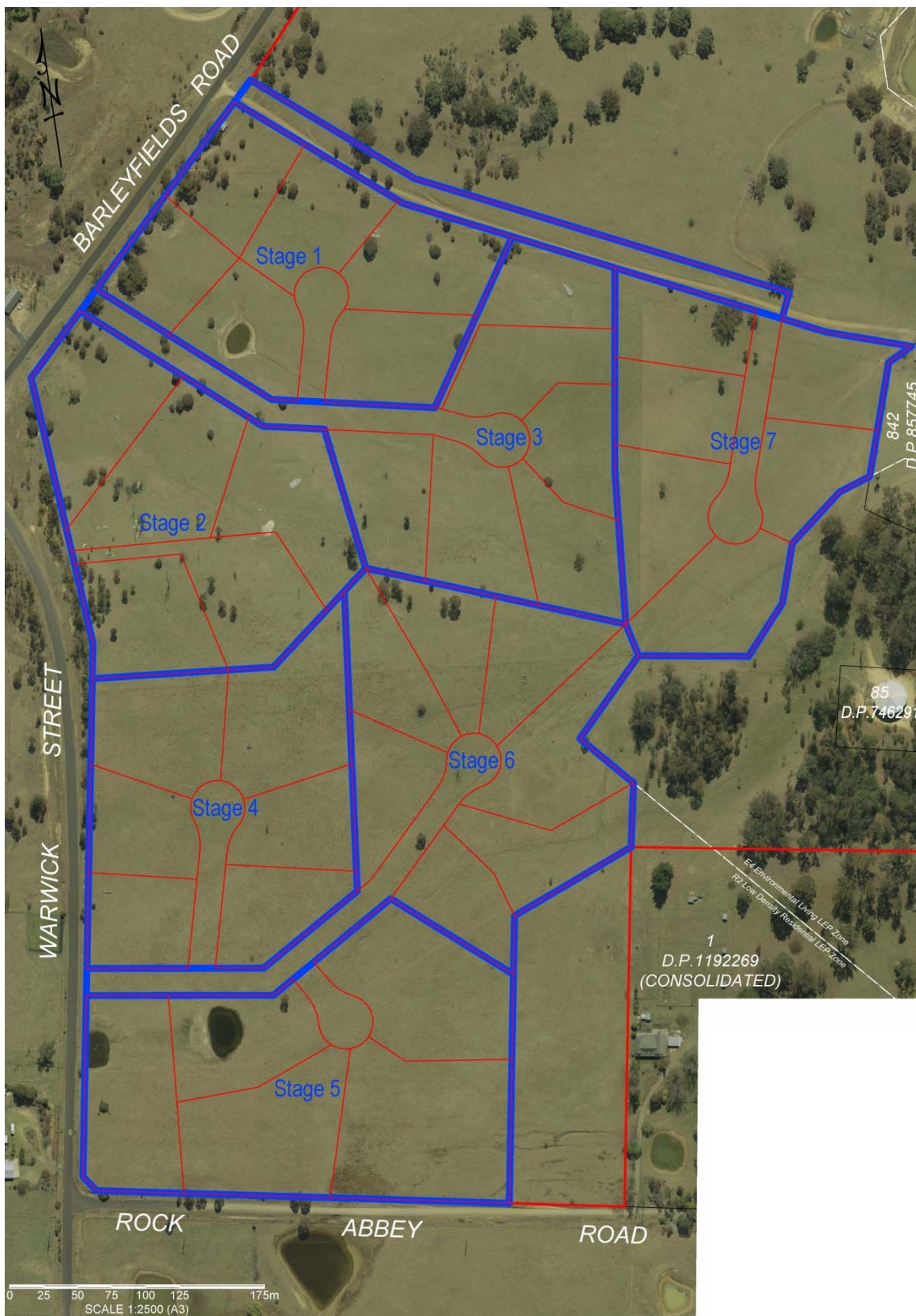
Development staging aims to:

1. Enable the gradual release of land to meet the low density housing needs of the Uralla area.
2. Enable the progressive provision of internal road, sewer and water reticulation connections.
3. Enable the progressive provision of stormwater detention measures.

Controls

1. Development is to occur in logical stages, generally as shown in **Figure 17.4**.

Figure 17.4 Masterplan Staging



Servicing

Objectives

- To incorporate best practice urban water management techniques relating to stormwater quality and quantity.
- Ensure that the provision and management of servicing is in accordance with “best practice” standards.

Controls

- Developers will be required to extend water and sewer infrastructure as identified in **Figures 17.5 and 17.6**.
- Stormwater infrastructure will be provided as shown in **Figures 17.7A and 17.7B**.
- Where services identified in **Figures 17.5, 17.6 and 17.7(A & B)** are not in place, it will be the developer’s responsibility to forward fund these services.
- Existing dams are to be retained for stormwater detention and water quality purposes.

Street Trees

Objective

- Street tree planting will comprise “New England” species and will provide Autumn colour and reflect the character of Uralla streetscapes.

Controls

- One (1) street tree will be planted every 20 metres of road frontage.
- Street trees will be selected from the following species:
 - *Acer x freemanii* ‘Celzam’ Celebration (Red Maple).
 - *Fagus sylvatica* f. *purpurea* (Copper Beech).
 - *Quercus palustris* (Pin Oak).
 - *Fraxinus* ‘pennsylvanica’ Wasky’ Skyward (Green Ash).
 - *Pyrus calleryana* Chanticleer (Ornamental Pear)
 - *Pistacia chinensis* (Pistacio)
 - *Prunus cerasifera* ‘Nigra’ (Flowering Plum)
 - *Acer negundo* ‘Sensation’ (Box Elder)

Figure 17.5 Water Servicing Plan

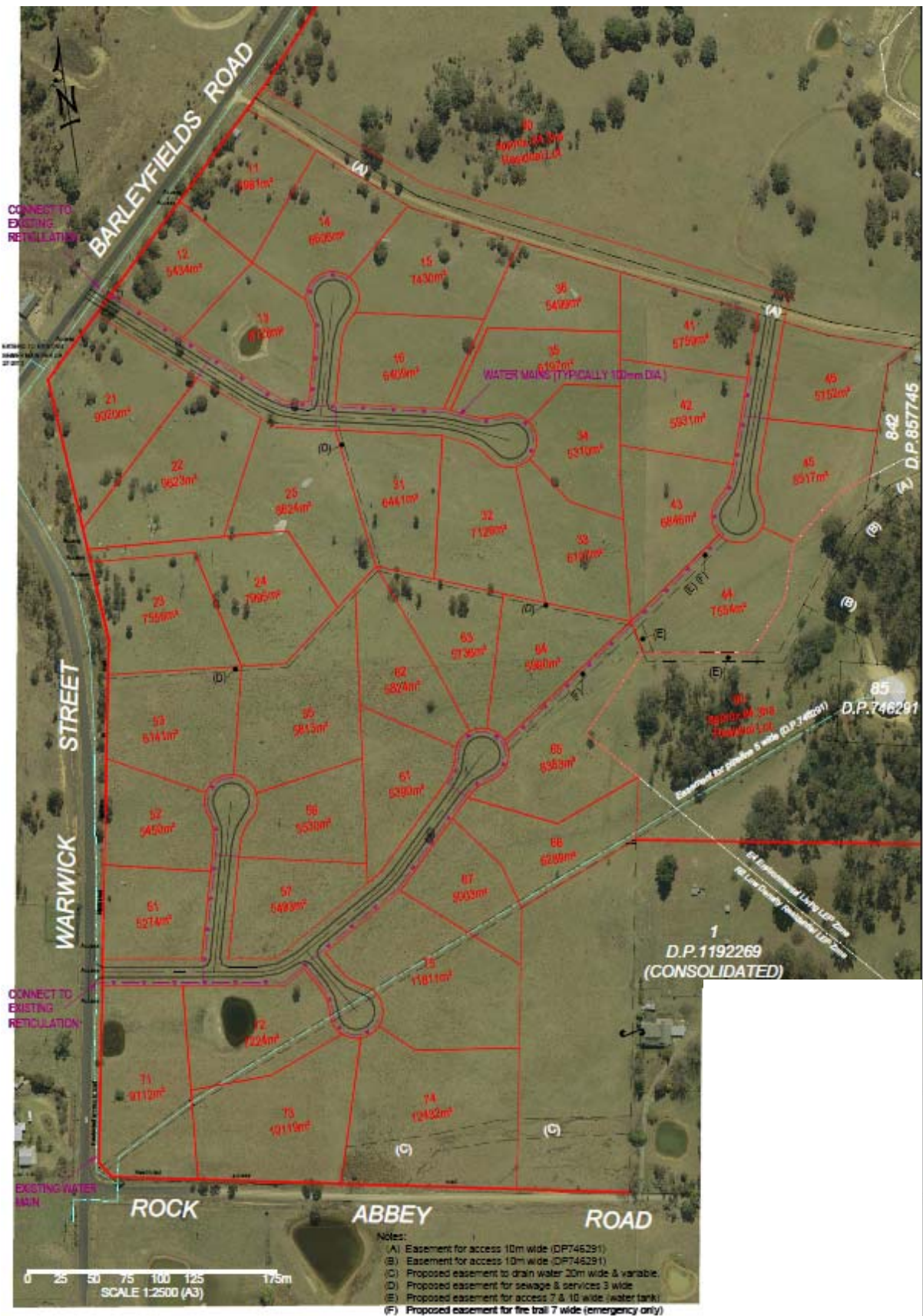


Figure 17.6 Sewer Servicing Plan



Figure 17.7A Stormwater Servicing Plan



Figure 17.7B Stormwater Servicing Plan



Low Density Residential Development

'Dwellings' and 'dual occupancies' (attached and detached) are permissible with consent in the R2 Low Density Residential zone.

Objective

Residential development is to be of a scale and character consistent with a low density residential environment.

Controls

1. *Density*

Minimum site area per:	
Dwelling	2,500 m ²
Dual Occupancy – Detached	2,500 m ²
Dual Occupancy - Attached	2,500 m ²

2. *Building Setbacks*

STREET	SIDE/REAR
10 m to main frontage –if corner allotment 6 m to secondary frontage.	3 m

3. *Height of buildings* - must not exceed two storeys (8.5 m).

Boundary Fencing

Objectives

- To maintain the semi-rural character of the neighbourhood.
- To encourage permeable fencing to maintain view lines within the Barleyfields DCP area.

Controls

- These controls apply equally to the development lots and the low density residential lots.
 - Metal or paling fencing is not permitted within the Barleyfields DCP area.

Acceptable Solutions

The following types of fencing are considered suitable within the Barleyfields DCP area.



Street front fencing



Side and rear fencing

Uralla Shire Council Development Control Plan

Adopted: 19 December 2011

Amended: 15 August 2016

Version: v15082016

For further information:

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