



Development Control Plan 2023

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in a vibrant, caring and sustainable community.

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Record of approval & amendment

DCP title

Upper Hunter Development Control Plan 2023

Edition No.

Edition No 1 - Final adopted by Council 30 January 2023

Amending DCPs

This version incorporates the following amending DCPs:

Edition No.	Amendment No.	Date approved	Date commenced	Affected sections & summary
Exhibition draft	–		NA	All sections - draft for public exhibition
1	–	30 January 2023		All sections - replaces Upper Hunter Development Control Plan 2015
2	Amend. No 1			
3	Amend. No 2			
4	Amend. No 3			



Abbreviations

Council	Upper Hunter Shire Council
DCP	Upper Hunter Development Control Plan 2023
DPE	NSW Department of Planning and Environment
LEP	Local Environmental Plan
OSMS	On-site Sewage Management System
LGA	Local Government Area
UHLEP	Upper Hunter Local Environmental Plan 2013
UHSC	Upper Hunter Shire Council

Part 1 Preliminary

Explanatory outline

Part 1 sets out the general context and framework for the DCP. The following matters are covered:

- statutory context
- purpose of the DCP
- how the DCP applies to development
- determination of development applications
- structure of the DCP and how to use it.

1a Statutory context

1a.1 Title

This plan is *Upper Hunter Development Control Plan 2023* ('the DCP').

1a.2 Status

The DCP is a development control plan prepared under Part 3 Division 3.6 of the Environmental Planning and Assessment Act 1979 as amended.

1a.3 Relevant LEP

The DCP supplements the provisions of the *Upper Hunter Local Environmental Plan 2013*.

1a.4 Commencement and updates

This DCP was originally adopted by Council on 25 May 2015 (and titled 'Upper Hunter Development Control Plan 2015') and commenced on 5 June 2015. This version of the DCP (titled 'Upper Hunter Development Control Plan 2023') was adopted on 30 January 2023 and commenced on xx February 2023. All amendments adopted by Council are outlined on the inside cover of this DCP.

1a.5 Previous policies & plans

The DCP repeals 'Upper Hunter Development Control Plan 2015'.

1a.6 Relationship to other environmental planning instruments

In the event of an inconsistency between any environmental planning instrument and the DCP, the provisions of the environmental planning instrument prevail.

1a.7 Relationship to Council's Engineering Design Guidelines, Masterplans and other Council policies

This DCP references Council's *Upper Hunter Engineering Guidelines for Subdivisions and Developments*, as amended, and a range of Council Masterplans and Policies.

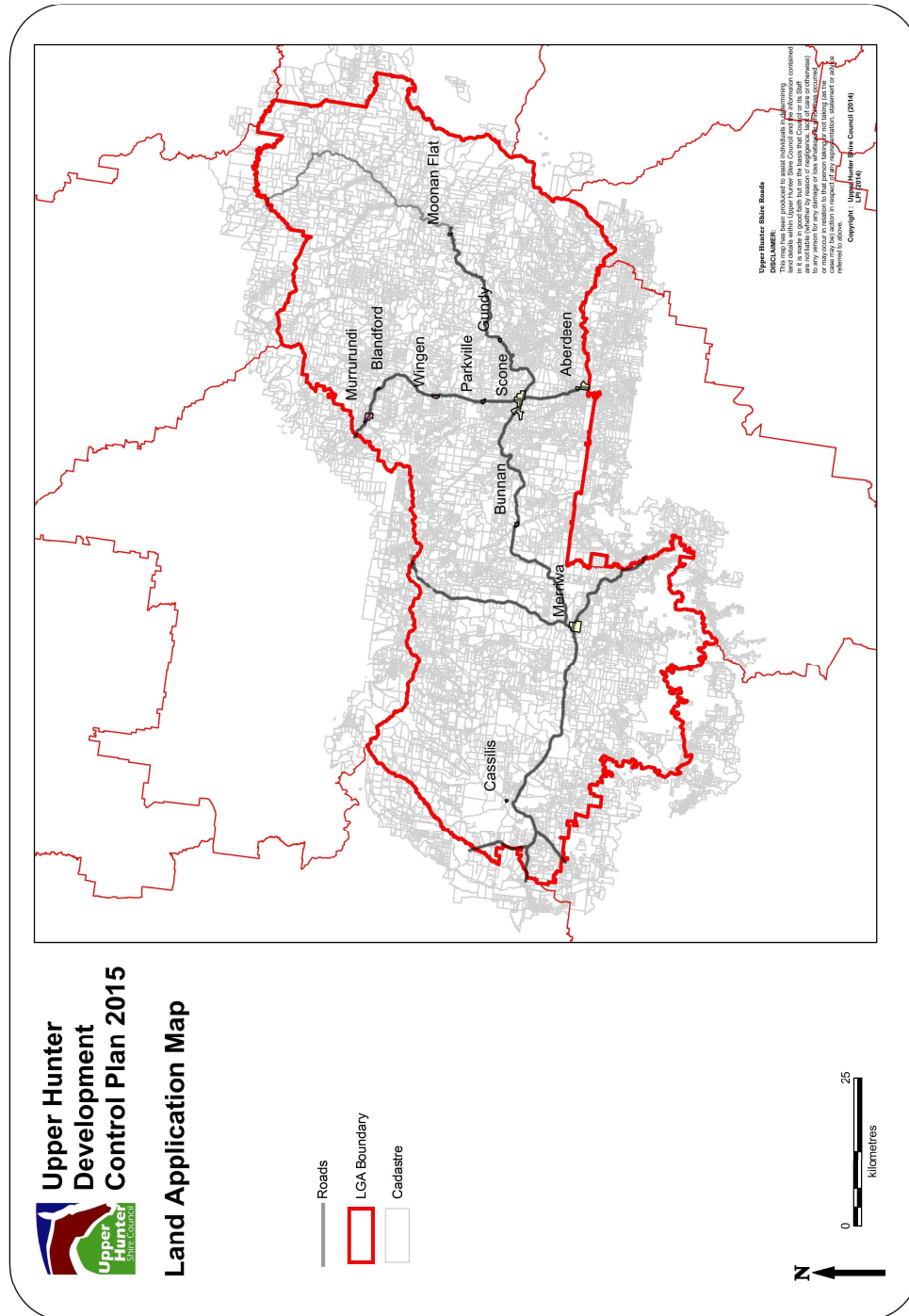


Where there is an inconsistency between this DCP and any of the referenced Engineering Guidelines, Masterplans or Council Policies, the provisions of this DCP prevail.

1a.8 Where the DCP applies

The DCP applies to all land within the Upper Hunter local government area, as shown in Figure 1 on the following page.

Map 1 Upper Hunter Local Government Area



1b Purpose of the DCP

The purpose of the DCP is to:

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

1c How the DCP applies to development

1c.1 Development that needs consent

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

1c.2 Exempt & complying development

The DCP does not apply to:

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

except in situations where specified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, for example Clause 1.9 'Land on which complying development may not be carried out'

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

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

1c.3 Development that does not need consent

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

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

1c.4 Requirement for other approvals

There may be other approvals, licences or the like that are required for some activities, either from Council or from other agencies. It is the responsibility of the proponent to ensure that all necessary approvals are obtained.

1d Determination of development applications

1d.1 Development application process

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

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

When determining a development application, the Council (or other relevant consent authority) is required to take into consideration the matters listed in section 4.15 of the *Environmental Planning and Assessment Act 1979*. These may be summarised as:

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

1d.3 How this DCP applies to development applications

When determining a development application, the Council (or other relevant consent authority) will take into consideration the extent to which any applicable objectives or development outcomes specified by this DCP will be satisfied or achieved by the design, construction or operation of the proposal. Further information on this is given in section **1e.3** below under ‘**Assessment Considerations**’.

However, compliance with the provisions of this DCP does not necessarily imply that Council will consent to an application. Council must consider the full range of matters listed under Section 4.15 of the *EP&A Act*. Each application will be considered on its merits.

Council may consent to an application that departs from the provisions of this DCP. Where applicants seek a departure or variation from the provisions of this DCP, the request must be in writing (either as part of the Statement of Environmental Effects, or a separate submission) and justify the reasons for the departure. Such justification may necessitate the submission of additional information to Council in addition to that specified in this DCP.

Any variation or departure will only be considered where it can be demonstrated to Council's satisfaction that there is a clear case for variation of the provisions, and that the overall zone objectives and any specific provisions of the *Upper Hunter LEP 2013* and this DCP (including the relevant Part(s)) will be satisfied.

1e Structure and application of the DCP

This DCP contains Parts relevant to the different types of land uses permitted in the various zones as specified in *Upper Hunter LEP 2013*, as well as specific issues that need to be addressed by all types of land uses.

The following summarises the structure of the DCP.

Relevant cross references to other Parts are given in each section.

1e.1 Preliminary (Part 1)

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

Section 1h Sustainability contains matters to ensure that Council's commitment to the achievement of Ecologically Sustainable Development is identified and considered in all development applications

1e.2 Development application process (Part 2)

Part 2 sets out procedural requirements that apply to preparing and lodging a development application.

1e.3 Assessment considerations (Parts 3 to 13)

Parts 3 to 13 of the DCP each relate to a matter that apply to broad classes of development, particular issues or specific locations, as given below.

Council may use its discretion to apply appropriate Part(s) of this DCP to any type of development where the development proposal does not 'fit' any specific Part listed below.

- **Part 3: Subdivision**—matters that apply to the subdivision of land.
- **Part 4: Urban residential**—matters that apply to residential accommodation and ancillary development (other than rural dwellings at Part 7).
- **Part 5: Commercial and mixed use development**—matters that apply to commercial and Town Centre development in Scone, Murrurundi, Aberdeen and Merriwa.
- **Part 6: Industrial development**—matters that apply to industrial development (but not rural industries).
- **Part 7: Rural development**—matters that apply to a range of rural land uses, activities and rural dwellings.
- **Part 8: Other development**—matters that apply to other types of development, including tourist and visitor accommodation, advertising and signage, extractive industries, sex services premises and wind energy systems.
- **Part 9: Heritage**—matters that apply to heritage items, heritage conservation areas, and development that may affect Aboriginal cultural heritage.
- **Part 10: Natural hazards**—matters that apply to development likely to be affected by natural hazards, including flood risk, bushfire risk, geotechnical hazard and others.
- **Part 11: Environment protection**—matters that need to be considered to ensure adequate protection of the environment, including:
 - trees and vegetation
 - biodiversity conservation



- watercourses and riparian land
- groundwater protection
- drinking water catchments
- soil and water management
- wastewater management
- waste minimisation and management
- buffer areas and separation distances.
- **Part 12: Specific infrastructure issues**—including access and car parking.
- **Part 13: Specific localities**—matters that apply to miscellaneous localities or precincts.

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

- **Application of this section**—specifies the circumstances in which the section applies, based on the type and location of development.
- **Relevant planning instruments & legislation**—identifies other statutory instruments that may be relevant.
- **Definitions**—identifies specialised terms that are relevant to the section. These terms are defined in the Dictionary.
- **Objectives**—specifies the general objectives that the section seeks to promote.
- **Supporting plans & documentation**—identifies information or other matters that are to be provided with development applications, usually as part of a statement of environmental effects. This information is necessary to enable a proper assessment of the proposal.
- **Assessment criteria**—specifies two types of criteria that the Council will take into consideration when determining a development application:
 - **Design outcomes**—these are ‘performance-based criteria’ that must be satisfied or achieved by the design, construction or operation of the proposal. They indicate what is to be achieved, rather than the manner in which it is to be achieved.
 - **Design guidelines**—these are suggested design and operational guidelines that, if followed, would assist in achieving the design outcomes. The guidelines do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

(Note: *Part 10a Floodplain Management* uses prescriptive requirements and performance-based criteria rather than the above assessment criteria)
- **Supplementary guidance**—identifies reference documents that provide further advice or information.

1e.4 Vegetation permits -

Part 14 Vegetation permits outlines requirements for approval for vegetation clearing and activities affecting vegetation. Its key role is to define regulatory provisions under *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, and to integrate these with other Parts of the DCP.



1e.5 Dictionary and definitions

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

Where terms are not otherwise defined in this DCP, they have the same meaning as that given in the *Environmental Planning & Assessment Act, 1979* (as amended).

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

1e.6 Schedules

The Schedules (if any) provide additional detail to issues referenced in previous sections.

1f DCP Maps

1f.1 Reference to maps

Any maps referred to in this DCP refer to the set of DCP electronic maps named '*Upper Hunter Development Control Plan 2022 Maps*' held at the offices of Council. The maps included in this document are copies only.

1g Assessment of development applications on council owned or controlled land

Assessment of Council applications

When considering an application for land that Council owns or controls, and where Council would normally be the decision-maker, an independent assessment of the application will be undertaken by:

- a) appropriately qualified and delegated Council Officers not involved in preparing or commissioning the application; and/or
- b) appropriately qualified Consultants; and/or
- c) appropriately qualified officers of another Council.

In deciding whether to use outside assistance, Council will consider the estimated cost of the development, the public interest in the matter and the extent of any public concern that may be evident to Council on the matter. For example, small-scale, uncontroversial applications would normally be processed 'in-house'. Consultants, or the staff of another Council, would normally be used where there are inadequate internal resources to separate Council's functions or the matter is considered significant in size, cost or in terms of public interest

1h Sustainability

Explanatory outline

Part 1h seeks to ensure Council's commitment to the achievement of Ecologically Sustainable Development is identified and considered in all development applications.

This Part is an overarching statement of Council's commitment to efficient urban form, maintenance of rural land capabilities, protection of environmental values, increased utilisation of renewable energy and energy efficiency, and reduced resource consumption and waste generation.

This Part applies to all development and is supported by detailed requirements in other Parts of the DCP

1h.1 Application of this Part

This Part applies to all development on all land, however the requirement for a Sustainability Assessment only applies to certain types of development, as outlined in section **1h.6**.

1h.2 Purpose

The purpose of this section is to integrate and apply Upper Hunter Council's *Sustainability Action Plan 2018 to 2021* relating to sustainability within the DCP.

1h.3 Sustainability principles & considerations

Ecologically sustainable development (ESD) is an object of the *Environmental Planning and Assessment Act 1979* and is recognised as a fundamental consideration in development proposals. Provisions relevant to the achievement of sustainability are included throughout this DCP.

This DCP integrates sustainability through:

1. recognising and applying ESD principles in the development assessment framework.
2. identifying development guidelines that are important for achieving ESD in Upper Hunter LGA.
3. requiring applicants to undertake a sustainability assessment for certain types of development.
4. identifying key sections of this DCP that offer important opportunities for implementing ecologically sustainable development (ESD) within Upper Hunter Shire.

1h.4 Ecologically sustainable development principles

The following interpretation of 'ecologically sustainable development' will be used for the purposes of the DCP:

Ecologically sustainable development requires the effective integration of social, economic and environmental considerations in decision-making processes.

Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

- a) the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by:

- i. careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
 - ii. an assessment of the risk-weighted consequences of various options,
- b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,
- c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,
- d) improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:
 - i. polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,
 - ii. the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,
 - iii. environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

Note: at April 2020, this definition was the same as that in the *Protection of the Environment Administration Act 1991* and therefore the *Environmental Planning and Assessment Act 1979* as amended.

1h.5 Objectives

The objectives of this Part are to:

1. encourage a more compact urban form and increase housing choices with an overall increase in densities in urban areas.
2. facilitate increased opportunities for utilisation of public transport including rail and bus.
3. encourage increased accessibility for pedestrians and cyclists in all urban areas.
4. ensure subdivision layouts allow optimum solar access to buildings.
5. encourage opportunities for off-grid subdivision layouts or incentives for renewable energy generation at the neighbourhood scale.
6. ensure rural land subdivision reflects land capability and facilitates long term productive use of the land and conservation of natural environmental assets such as native vegetation and biodiversity, soils and water.

1h Sustainability

7. ensure new development maintains and facilitates preservation of local environmental values, has a neutral or beneficial effect on water quality and quantity, and protects and improves watercourses through urban areas.
8. ensure that all new development complies with the requirements of BASIX and utilises energy constrained design to increase use of renewable energy and improve energy efficiency.
9. ensure that all new development considers reduced resource consumption and minimisation of waste.
10. ensure no net loss of biodiversity within the LGA.
11. facilitate transition to net zero carbon emission development, landuse and transport.

1h.6 Supporting plans & documentation

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

Item	When required	Plans or information to be provided
A. Sustainability analysis	<p>An application to subdivide land into 3 or more lots and/or</p> <p>An industrial development, or an extension or alteration to an industrial development and/or</p> <p>A development with a development footprint of 1,500 square metres or greater and/or</p> <p>Residential accommodation comprising 3 or more dwellings and/or</p> <p>Tourist and visitor accommodation comprising 3 or more units and/or</p> <p>Seniors housing</p>	<p>A report, prepared by a suitably qualified professional, containing:</p> <ul style="list-style-type: none"> • A brief statement as to how the objectives in Section 1h.5 are met • Details of the considerations and relevant supporting information used to reach the conclusions in the statement. The sustainability analysis should be guided by relevant considerations included in Table 1: Sustainability analysis considerations, as applicable to the type of development proposed • quantification of relevant considerations (eg carbon emissions, energy and water balance) <p><i>Note that many of these considerations are required by other Parts of this DCP, as shown in the Table below, and that some are already required by BASIX or other State legislation or policy.</i></p>



Table 1: Sustainability analysis considerations

Sustainability topic	Matters to address in Sustainability analysis	Minimum acceptable standard (where relevant)	Examples of other Part(s) of DCP with relevant requirements
Urban form, housing choice & density	<ul style="list-style-type: none"> Does the development lead to a more compact urban form, or increase housing choice? How does the development affect urban density? Does the development provide affordable housing options? 	-	Subdivision Urban residential
Land disturbance and capability	<ul style="list-style-type: none"> How much land is physically disturbed by the development? Is cut and fill minimised? To what extent does the development sterilise future productive agricultural land? Does the development have direct or indirect impacts on native vegetation, and how has this been assessed? How does the development interfere with natural drainage flow and patterns (both surface and underground)? Have suitable buffer areas been identified to separate inappropriate land use interactions, and to protect important natural features and environmental assets, such as waterways? Has the development taken consideration of natural hazards such as flood, fire, geotechnical issues? 	-	Rural development Biodiversity Soil and water management Groundwater Riparian land Buffer areas Floodplain management Bushfire risk Geotechnical hazards
Energy efficient subdivision and building alignment	<ul style="list-style-type: none"> Are roads and lots in a subdivision close to an east-west alignment, so buildings can be oriented with close to north facing walls allowing efficient building sun control measures such as awnings and shading, and orientation for solar panels? 	<p>For residential subdivision proposals of 3 or more lots, the new residential lots are to have at least two major boundaries oriented within 10 degrees of true north, south, east or west to facilitate future building orientation that optimises solar access.</p> <p>Lots facing east-west oriented streets are to have a minimum 25m frontage and lots</p>	Subdivision

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Sustainability topic	Matters to address in Sustainability analysis	Minimum acceptable standard (where relevant)	Examples of other Part(s) of DCP with relevant requirements
		in north-south oriented streets are to have a frontage of between 15m to 20m.	
Renewable energy options in development design	<ul style="list-style-type: none"> How has the development incorporated renewable energy facilities in its design? What passive energy measures have been incorporated in the design, such as thermal mass for heat storage, passive solar gain for heating, use of light coloured materials in roofing or paved surfaces, shading or use of vegetation for temperature control? 	Buildings are to provide a roof plane facing north or west with a minimum dimension of 3m by 2m to allow for future rooftop photovoltaic system installation(s)	Part(s) relevant to particular land use
Carbon emissions (during construction and operation)	<ul style="list-style-type: none"> Have carbon emissions during construction and operation of the development been calculated? Have carbon emission calculations been made using accepted and relevant methodologies (eg NABERS https://nabers.gov.au)? What measures have been taken to avoid and reduce carbon emissions over the life of the development? 	-	Part(s) relevant to particular land use
Energy balance (electricity, heating & cooling)	<ul style="list-style-type: none"> Does the development utilise energy efficient design principles, and improved energy outcomes? Does the development go further than BASIX in achieving desired efficiency targets? 	-	Part(s) relevant to particular land use
Water balance	<ul style="list-style-type: none"> Water quality, quantity, and watercourses – what are the impacts of the development on water? Does the development go further than BASIX in achieving water efficiency targets? 	-	Soil and water management Groundwater Riparian land Floodplain management
Transport & access	<ul style="list-style-type: none"> Is public transport currently available to the development? Would the development facilitate future access to public transport? What is the distance from the development to 	-	Subdivision Access and parking

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Sustainability topic	Matters to address in Sustainability analysis	Minimum acceptable standard (where relevant)	Examples of other Part(s) of DCP with relevant requirements
	<p>the nearest public transport services, and what is the frequency of these services? Has the developer consulted with public transport providers about access?</p> <ul style="list-style-type: none"> • Walking and cycling access- what are the pedestrian and cycling metrics for the site (eg walking distance to nearest school, shop, bus stop, railway station, etc)? Are there barriers discouraging walking or cycling to the development and how could they be overcome (eg paths, parking facilities, shade, dangerous roads or crossings, noise and dust, etc)? 		and Part(s) relevant to particular land use
Resource consumption and waste minimisation	<ul style="list-style-type: none"> • How has the development ensured that construction materials are minimised and waste is eliminated as far as possible? • What is the design life of the building or development? • How has the development incorporated durability and adaptability measures in the design to avoid future waste and management costs? Such measures could include durable materials, recycling, flexible design and adaptable layout. 	-	Waste minimisation and management and Part(s) relevant to particular land use
Biodiversity	<ul style="list-style-type: none"> • What methodology has been used to assess biodiversity impacts? • Have biodiversity impacts been avoided or minimised, and if so what measures have been taken? • Does the development achieve no net loss of natural biodiversity? • Have suitable buffer areas been identified to protect biodiversity values and natural areas from adjacent development and land use? 	<p>No net loss of biodiversity values</p> <p><i>Note: the NSW Government's Biodiversity Assessment Methodology (BAM) prepared under the Biodiversity Conservation Act 2016 provides a method to determine no net loss of biodiversity values.</i></p>	11b Biodiversity
Vegetation clearing	<ul style="list-style-type: none"> • Has the vegetation clearing from the development been quantified (eg area and carbon dioxide emissions)? • Have vegetation waste disposal arrangements been specified? 	<p>Vegetation waste is to be re-used (eg rehabilitation, landscaping, or habitat augmentation)</p> <p>Carbon emissions from vegetation clearing are to be offset</p>	11a Vegetation (including trees) 11b Biodiversity

1h Sustainability



1h.7 Assessment criteria

In the design and assessment of development proposals, priority should be given to the implementation of measures that:

1. achieve the sustainability objectives in section **1h.5** above; and
2. are consistent with relevant ESD principles as given in section **1h.4** above; and
3. satisfactorily address the considerations in Table 1: Sustainability analysis considerations.

To achieve this, applications should demonstrate that:

- consideration has been given to relevant sustainability matters; and
- they also address relevant objectives and outcomes relating to sustainability in other relevant Parts of the DCP.

Where the Council determines that there is a high and reasonable likelihood that ESD principles will be achieved, and the development achieves substantial community sustainability benefits substantially higher than minimum standards, the Council may consider opportunities for incentives to support the development.

Outline

Part 2 Preparing and lodging a Development Application

Explanatory outline

Part 2 sets out some procedural requirements that apply to preparing & lodging development applications.

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

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

Note that the previous DCP Part 2b Public Participation was repealed when Council adopted its Community Participation Plan in 2019



2a Preparing & lodging a development application

Explanatory outline

Section 2a outlines the general requirements for preparing and lodging a development application with Council.

The following matters are covered:

- general advice regarding the submission of development applications
- pre-lodgement advice
- supporting plans and documentation that are to be provided with development applications

2a Preparing & lodging a development application

2a.1 Application of this section

This section applies to all development applications.

2a.2 Relevant planning instruments & legislation

Clause 24 of the *Environmental Planning and Assessment Regulation 2021* sets out minimum submission requirements for development applications (as described later).

Various *State Environmental Planning Policies* relating to specific types of development may also be relevant.

2a.3 Pre-lodgement advice

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

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

2a.4 Using a design professional

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

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



2a Preparing & lodging a development application

your requirements and has the capability to produce a design and development application that complies with all requirements.

2a.5 Fees and Charges

All Development Applications attract fees and charges for the administration and assessment of the proposal, including public notification and advertising if required. Council's *Fees and Charges* document contains all the relevant information and is updated each financial year. Applicants should ensure they have consulted the current document -see <https://upperhunter.nsw.gov.au/do-it-online/read-it.aspx> .

2a.6 Developer Contributions

Sections 7.11 and 7.12 of the *EP&A Act* permits Council to levy certain developer contributions towards the cost of facilities and amenities in the LGA. These are applicable to most types of subdivision.

This contribution may be a financial contribution, dedication of land and/or provision of a material public benefit made by a developer to provide for or upgrade public services or facilities for which the development is likely to create a demand.

Details relating to the amount of a monetary contribution, other forms it may take and when the contribution is required are contained in:

- *Upper Hunter Shire Council Section 94 Contributions Plan 2017.*
- *Upper Hunter Shire Council Section 94A Contributions Plan*

Depending upon the likely demand for public services or facilities that a development proposal is likely to generate, Council may also require preparation of a specific Contributions Plan, or may enter into a Voluntary Planning Agreement with the developer prior to determining a particular development proposal.

Similar contributions for water and sewer services are collected under *Section 64* of the *Local Government Act* and are detailed in Council's *Development Servicing Plan for Water Supply & Sewerage 2016*.

2a.7 Required plans & documentation

The information and documentation for a development application must be:

- consistent with:
 - Clause 24 of the *Environmental Planning and Assessment Regulation 2021*; then
 - Relevant requirements of this DCP
- of a sufficient standard and content to enable assessment of compliance with this DCP, relevant Acts, Regulations, Environmental Planning Instruments and standards.

Applications will not be accepted without the required documentation.

The type of supporting plans and information required with a development application will vary depending on the type of development, site conditions and other factors.



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Clause 24 of the *Environmental Planning and Assessment Regulation 2021* requires a minimum amount of information to be submitted with a Development Application. These requirements are given at <https://www.planningportal.nsw.gov.au/onlineDA> - see particularly ‘*Application Requirements*’ (2022) at <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/Assess-and-Regulate/Application-requirements---March-2022.pdf?la=en>

Requirements for specific development types

The actual information required by Council will vary according to the type and location of development. **Table 1 Development Matrix - information required** (on the following page) gives a guide to the appropriate information that Council requires to be included with a development application. Most of these items are to be presented as individual documents, separate to the *Statement of Environmental Effects*.

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

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Table 1 Development Matrix - information required

Key ✓ Required information ■ Please check with Council staff	Documentation required ↓															
	A Site analysis	B Site plan	C Floor plans, elevations and section	D Statement of environmental effects (SEE)	E BASIX Certificate	F Landscape plan	G Subdivision plan	H Shadow diagram	I Visual Impact Assessment	J Soil and water plan	K Bushfire assessment report	L Biodiversity and native vegetation reports, plans or assessments	M Statement of heritage impact	N Traffic impact report	O Acoustic assessment report	P Onsite Sewage management system form
↓ Development type																
Dwelling: new, major addition	■	✓	✓	✓	✓	■		■		✓	■	■	■		■	■
Dwelling: alterations and additions	■	✓	✓	✓	✓						■	■	■		■	■
Multiple housing & dual occupancy etc	■	✓	✓	✓	✓	✓		■	■	✓	■	■	■	■	■	■
Garage, carport or outbuilding/shed		✓	✓	✓							■	■	■			■
Home employment		✓	✓	✓							■					■
Childcare, school, hospital, church	■	✓	✓	✓		✓		■	✓	✓	■	■	■		■	■
Business/Industrial: new, major addition	■	✓	✓	✓		✓		■	✓	✓	■	■	■		■	■
Business/Industrial: change of use		✓	✓	✓											■	■
Business/Industrial: interior fit out			✓	✓												✓

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Key ✓ Required information ■ Please check with Council staff	Documentation required ↓																	
	Site analysis	Site plan	Floor plans, elevations and section	Statement of environmental effects (SEE)	BASIX Certificate	Landscape plan	Subdivision plan	Shadow diagram	Visual Impact Assessment	Soil and water plan	Bushfire assessment report	Biodiversity and native vegetation reports, plans or assessments	Statement of heritage impact	Traffic impact report	Acoustic assessment report	Onsite Sewage management system form	Site Contamination Report	Fire safety measures
Recreation, entertainment, tourist	■	✓	✓	✓		✓		■	■	✓	■	■	■	■	■	■	■	
Earthworks, filling		✓	■	✓		■				✓		■	■	■			■	
Demolition of a structure		✓		✓						■			■				■	
Advertising sign		✓	✓	✓				■	✓				■					
Change of building use for an existing building if there is no rebuilding or alteration of the building																		✓
Land subdivision		✓		✓		■	✓			■	■	■		■	■	■	✓	
Strata subdivision		✓		✓			✓							■				



2a Preparing & lodging a development application

General information required with a development application

Table 2 Required general plans & supporting information below lists the details that are required to be submitted with most common types of development applications. In addition to this general information, each section in this DCP outlines additional information and reports that are required in specific circumstances.

Table 2 Required general plans & supporting information

Item	When required	Plans or information to be provided
A. All plans & drawings	All applications	<p>Plans must be drawn to scale in ink and preferably on A3 or A4 size paper. Free hand or illegible drawings will not be accepted. The following information must be included:</p> <ul style="list-style-type: none"> <input type="checkbox"/> applicant's name, house/unit number, street name, town or locality. <input type="checkbox"/> lot, section, DP/SP number <input type="checkbox"/> measurements in metric <input type="checkbox"/> true north <input type="checkbox"/> building or parts of building to be demolished (to be indicated in outline) <input type="checkbox"/> name of designer or architect <input type="checkbox"/> scale <input type="checkbox"/> date <input type="checkbox"/> plan name and number <input type="checkbox"/> BASIX commitments (if required) <input type="checkbox"/> alterations and additions (proposed work to be shown by distinct colouring)
B. Site analysis	Most applications (discuss at pre-lodgement)	<p>Drawings to a suitable scale (for example, 1:100 OR 1:200).</p> <p>General</p> <ul style="list-style-type: none"> <input type="checkbox"/> location <input type="checkbox"/> north point <input type="checkbox"/> site boundaries and dimensions <input type="checkbox"/> site contours (usually at 1 metre intervals), to be shown to the lot boundaries or 30 metres out from the development site. <input type="checkbox"/> site area (m² or ha) <input type="checkbox"/> location and uses of existing buildings on the land and adjoining land, including (where relevant) window locations and what room they service. <p>Site characteristics</p> <ul style="list-style-type: none"> <input type="checkbox"/> Sun path across the site. <input type="checkbox"/> Prevailing wind direction and, if in an exposed area, likely wind speed. <input type="checkbox"/> Planning zone (and zone boundaries if multiple zones). <input type="checkbox"/> Slopes greater than 20% (1 in 5) and the direction or fall of drainage from those areas. <input type="checkbox"/> Type and location of existing vegetation.



2a Preparing & lodging a development application

Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> <input type="checkbox"/> Noxious or environmental weeds. <input type="checkbox"/> Significant natural features such as cliffs, rock outcrops, water holes. <input type="checkbox"/> For bush fire prone land – see information in 'Statement' below. <input type="checkbox"/> photos showing the character of the surrounding area (nearby buildings and streetscapes) <input type="checkbox"/> photos showing any significant site features, such as views to and from the land, vegetation, etc <p>Drainage</p> <ul style="list-style-type: none"> <input type="checkbox"/> existing stormwater controls (easements, trenches, etc.) <input type="checkbox"/> drainage pattern, areas of concentrated runoff, ponding, possible flooding. <input type="checkbox"/> watercourses, creeks or wetlands on the site or within 40 metres from the site. <p>Services</p> <ul style="list-style-type: none"> <input type="checkbox"/> location of above- or below-ground services, including power, water, gas, sewer, wastewater systems, land application areas. <p>Existing Development</p> <ul style="list-style-type: none"> <input type="checkbox"/> set backs, height and location of buildings on adjoining lands. <input type="checkbox"/> potential noise sources, private open space areas or windows from any adjoining buildings which may overlook the site. <input type="checkbox"/> any areas of land degradation, identify likely causes. <input type="checkbox"/> location of buildings or structures on the site including swimming pools, retaining walls and other hard surface areas <input type="checkbox"/> existing access to the site, including pathways, tracks, driveways, and number and location of car parking spaces. <input type="checkbox"/> for 'bushfire prone land' show the existing and proposed road network, including the width of roads and whether they are connector roads or cul-de-sacs. <p>Statement to be provided with application</p> <ul style="list-style-type: none"> <input type="checkbox"/> whether there are any restrictions recorded on the Certificate of Title, such as a covenant or section 88B restriction. <input type="checkbox"/> the zoning of the land under the Upper Hunter LEP 2013, and whether the type of development proposed is permitted within that zoning. <input type="checkbox"/> whether the land is shown as 'bushfire prone land' on the bushfire prone land map. (viewable on the Council's web site).
C. Site plan	All applications	A site plan is a bird's-eye view of the existing and proposed development on the site and its position in relation to boundaries.



2a Preparing & lodging a development application

Item	When required	Plans or information to be provided
		<p>A site plan should include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> drawings to a suitable scale (for example, 1:100 or 1:200). <input type="checkbox"/> location of the new and existing buildings in relation to site boundaries <input type="checkbox"/> existing and proposed fences and landscaping features such as swimming pool, retaining walls, paved areas and driveways <input type="checkbox"/> contour lines of site and spot levels at all the corners of the building <input type="checkbox"/> vehicle access and car parking (indicating gradients) <input type="checkbox"/> stormwater drainage pipes including downpipes and gutter, connection and discharge points <input type="checkbox"/> above or below ground services, including sewer, power, water and telephone <input type="checkbox"/> rainwater tanks (volume and distance to boundaries to be noted) <input type="checkbox"/> outdoor clothes drying area (not required for commercial and industrial developments) <input type="checkbox"/> cut and fill areas <input type="checkbox"/> alterations and additions (proposed work to be shown by distinct colouring) <p>Measurements are to include (where relevant):</p> <ul style="list-style-type: none"> <input type="checkbox"/> length, width and site area of land (existing and proposed) <input type="checkbox"/> width of road reserve <input type="checkbox"/> distance from the external walls and the outermost parts of the proposed building to all boundaries <input type="checkbox"/> driveway location showing distance to side boundary. <input type="checkbox"/> driveway profile in accordance with AS2890.1 – Off-Street Car Parking.
D. Floor plans, elevations & sections	Applications involving building work	<p>A floor plan is a bird's-eye view of the existing and proposed layout of rooms within the development.</p> <p>Floor plans should include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> drawings to a suitable scale (for example, 1:100 or 1:200). <input type="checkbox"/> outline of existing buildings (shown dotted or coloured) <input type="checkbox"/> room names and dimensions <input type="checkbox"/> window and door locations and sizes <input type="checkbox"/> floor levels and steps in floor levels (RLs) <input type="checkbox"/> wall structure type and thickness <input type="checkbox"/> total floor area for each level if applicable <input type="checkbox"/> BASIX commitments if applicable <input type="checkbox"/> alterations and additions (proposed work to be shown by distinct colouring) <p>Elevation plans should include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> drawings to a suitable scale (for example, 1:100 or 1:200)



2a Preparing & lodging a development application

Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> <input type="checkbox"/> window/opening sizes and location <input type="checkbox"/> location/position of all buildings and structures <input type="checkbox"/> exterior cladding type and roofing material and colour <input type="checkbox"/> chimneys, flue exhaust vents, duct inlet or outlet, solar heating appliances <input type="checkbox"/> reduced levels to Australian Height Datum (AHD) (where available) for roof ridge, floor and ceiling. Note: where AHD is not available, an assumed datum is to be provided <input type="checkbox"/> indicate natural ground level and proposed finished floor level <input type="checkbox"/> BASIX commitments if applicable <input type="checkbox"/> proposed cladding materials specifications and colour. <p>Sections should include:</p> <ul style="list-style-type: none"> <input type="checkbox"/> drawings to a suitable scale (for example, 1:100 or 1:200) <input type="checkbox"/> outline of existing buildings (shown dotted or coloured) <input type="checkbox"/> section names and where they are shown on plan (that is, A/A, B/B, etc). <input type="checkbox"/> room names. <input type="checkbox"/> room and window heights. <input type="checkbox"/> details of chimneys, fire places and stoves. <input type="checkbox"/> roof pitch and covering. <input type="checkbox"/> site works, finished and proposed floor and ground levels in long section (indicate cut, fill and access grades). <input type="checkbox"/> construction material details (dimensions to be in millimetres). <input type="checkbox"/> BASIX commitments if applicable.
E.Notification plan	Applications that are required to be publically notified as specified in Council's Community Participation Plan 2019 .	<p>An A4 plan showing:</p> <ul style="list-style-type: none"> <input type="checkbox"/> the height and external configuration of the proposed building in relation to the site and adjoining buildings; or <input type="checkbox"/> in the case of a development proposal that does not involve the erection of a building, the general arrangement of the proposed development in relation to the site and adjoining buildings.
F. Statement of Environmental Effects (SEE)	All applications	<p>The SEE must:</p> <ul style="list-style-type: none"> • demonstrate that you have considered the environmental impact of the development • explain how these impacts were identified • outline the proposed measures to mitigate any likely impacts. <p>Refer to Attachment A of the Upper Hunter Shire Council <i>Application Guide</i> for further details.</p>
G. Fire safety measures	For any changes of building use for an existing	A list of existing and proposed fire safety measures in the building is required. Measures may include (but are not limited to) fire



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Item	When required	Plans or information to be provided
	building if there is no rebuilding or alteration of the building (as per the requirements of Section 62 of the <i>EP&A Regulation 2021</i>)	<p>extinguishers, fire blankets, exit signs, fire hose reels, smoke alarms and fire suppressions system (sprinklers).</p> <p>This information is required so that Council can:</p> <ul style="list-style-type: none"> “consider whether the fire protection and structural capacity of the building will be appropriate to the building’s proposed use” and can be “satisfied that the building complies, or will, when the development is completed, comply, with the Category 1 fire safety provisions that are applicable to the building’s proposed use” <p>(as per the requirements of Section 62 of the <i>EP&A Regulation 2021</i>).</p>
H. BASIX Certificate	For all residential developments that require a BASIX Certificate	<p>For further details, refer to:</p> <ul style="list-style-type: none"> Upper Hunter Shire Council <i>Application Guide</i>, Attachment A. www.basix.nsw.gov.au

Other information will also be required by this DCP, as indicated under the heading ‘**Supporting plans & documentation**’ throughout this DCP.

In addition to the general information above, individual parts of this DCP outline additional information or reports required by Council that are specific to the type of development proposed, or to the particular features of the development site. **Table 3** summarises these additional information types and lists the information that is required to be submitted with the application. The detail of these documents will depend on the scale and complexity of the proposal.

These requirements should be discussed at pre-lodgement meetings with council officers. Each item must be presented as an individual document, separate to the *Statement of Environmental Effects*.

Table 3 Required site-specific plans & supporting information

Item	When required	Plans or information to be provided
A. Sustainability analysis	<p>An application to subdivide land into 3 or more lots and/or</p> <p>An industrial development, or an extension or alteration to an industrial development and/or</p> <p>A development with a development footprint of 1,500 square metres or greater and/or</p>	A report and plans as required by Part 1h Sustainability



2a Preparing & lodging a development application

Item	When required	Plans or information to be provided
	Residential accommodation comprising 3 or more dwellings and/or Seniors housing	
B. Landscape plan and report	Where required by type of development (see separate DCP sections for each development type)	<p>Plan and report, prepared by a suitably qualified professional, showing:</p> <ul style="list-style-type: none"> description of ground preparation and on-going maintenance of landscaping areas of private open space, proposed turf and areas of established gardens. location and species of trees and shrubs to be retained or removed. schedule of plantings, cross-referenced to the site plan indicating species, massing and mature height. details of restoration and treatment of earth cuts, fills, mounds, retaining walls, fencing and screen walls. consistency with any requirements required in 11a Vegetation (including trees) and/or 11b Biodiversity. Other information as specified in any other section of this DCP.
C. Shadow diagram	<p>Applications that potentially involve overshadowing of the proposed development, or of adjoining or nearby development; or</p> <p>Developments two storeys or greater in height</p>	<p>Plan and report, prepared by a suitably qualified professional, showing:</p> <ul style="list-style-type: none"> extent of shadows cast by existing and proposed buildings, including buildings on adjoining land. position of existing and proposed buildings on the site and on adjoining land shadows cast by existing and proposed buildings at the winter solstice (22 June) for 9am, 12noon and 3pm.
D. Shade diagram	<p>Applications for:</p> <ul style="list-style-type: none"> development that adjoins the public domain development within open space any type of public building (for example but not limited to government administration, education, information facility) 	<p>Plan and report, prepared by a suitably qualified professional, showing:</p> <ul style="list-style-type: none"> the position of existing and proposed buildings and any natural or built shade on the site and on adjoining land shade cast by existing and proposed natural and built shade at 12 noon at the winter and summer solstices (22nd December and June)



2a Preparing & lodging a development application

Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> extent of useable shade by the public, both on the site and on adjoining land in the public domain
E. Visual Impact Assessment	Development applications that potentially alter views or propose materials and colours with reflective qualities – in the opinion of Council.	<p>Plan and report, prepared by a suitably qualified professional, showing:</p> <ol style="list-style-type: none"> 1. Introduction <ol style="list-style-type: none"> 1.1. Background 1.2. The site and context 2. Methodology <ol style="list-style-type: none"> 2.1. Background 2.2. Existing visual environment 2.3. Assessment criteria 2.4. Viewing zones 3. Proposal <ol style="list-style-type: none"> 3.1. Proposed Development 4. Visual impact assessment <ol style="list-style-type: none"> 4.1. Viewpoint Analysis 4.2. Visual impact assessment summary 5. Visual impact mitigation measures <ol style="list-style-type: none"> 5.1. Recommendations
F. Subdivision plan	Applications for subdivision of land	Include the matters required under Part 3 Subdivision
G. Soil & water management plans or reports	Applications for which soil and water management plans or reports are required (refer to section 11f Soil & water management)	<p>Prepare applicable soil and water management plans or reports, as specified in section 11f Soil & water management. These could include:</p> <ul style="list-style-type: none"> cut and fill details erosion and sediment control plan (ESCP) erosion and sediment control strategy (ESCS) soil and water management plan (SWMP) comprehensive water cycle strategy (CWCS).
H. Bushfire assessment report	Applications that relate to Bush Fire Prone Land as specified in section 10b Bushfire risk	Prepare a Bushfire Assessment Report in accordance with the current version of <i>Planning for Bush Fire Protection</i> , as specified in section 10b Bushfire risk
I. Vegetation (including trees) reports	Applications affecting vegetation (including trees), as specified in	Applicable reports or plans, prepared by a suitably qualified person, as specified in section 11a Vegetation (including trees) . These must be consistent with other elements of the



2a Preparing & lodging a development application

Item	When required	Plans or information to be provided
	section 11a Vegetation (including trees) .	development application, including Site plans, Bushfire assessment report and Landscaping plans. Depending on the site circumstances, these may include: <ul style="list-style-type: none"> written description and plans arborist's report ecological report heritage report safety or biosecurity risk report
J. Biodiversity and native vegetation reports, plans or assessments	Applications for which biodiversity and/or native vegetation reports, plans or assessments are required (refer to section 11b Biodiversity conservation) These will be required for development on land with high biodiversity values, or proposals that require significant disturbance to, or clearing of, native vegetation or potential habitat for native species	Applicable reports, plans or assessments, prepared by a suitably qualified person, as specified in section 11b Biodiversity conservation . These may include: <ul style="list-style-type: none"> Native vegetation clearing threshold report, and/or Biodiversity (flora & fauna) assessment report, and/or Biodiversity development assessment report (BDAR), and/or Biodiversity management plan, and/or Biodiversity offset information, strategy or plan
K. Heritage, aboriginal cultural heritage or archaeological plans & reports including Due Diligence Report	Applications that will potentially impact on land that is listed as or contains: <ul style="list-style-type: none"> a heritage item a heritage conservation area an archaeological site an Aboriginal object an Aboriginal place of heritage significance. 	Include the matters required under Part 9 Heritage .
L. Traffic & parking plans & reports	Applications involving vehicle access, car parking or loading facilities.	Include the matters required under section 12a Access & vehicle parking . Actual requirements will depend on the type of development and level and type of traffic generation.
M. Acoustic assessment report	Applications involving the potential for noise impacts on adjoining development.	Include the matters required under section 11i Buffer areas & separation distances or any other part as required.
N. On-site sewerage management	Applications for development that will generate sewage waste in	Include the matters required under section 11g On-site waste water management .



2a Preparing & lodging a development application

Item	When required	Plans or information to be provided
system plans & form	locations that are not connected to a reticulated sewerage system	
O. Geotechnical hazard & salinity assessment	Applications potentially subject to geotechnical hazards (refer to section 10c Geotechnical hazard)	Include the matters required under section 10c Geotechnical hazard .
P. Flood information	Applications that relate to flood prone land	Include the matters required under section 10a Floodplain management .
Q. Mine subsidence	Applications within a declared Mine Subsidence District	Include the matters required under section 10d Mine Subsidence
R. Contaminated Land Report	Any type of development applicable to <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Prepared in accordance with the requirements of <i>Managing Contaminated Land: Planning Guidelines SEPP 55 – Remediation of Land</i> and the <i>Upper Hunter Contaminated Lands Policy 2017</i> . Include the matters required under section 10e Land contamination
S. Hazardous or offensive development	Any development that is potentially hazardous or offensive as specified in <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Include the matters required under section 10f Hazardous and offensive development
T. Other reports	As relevant to the circumstances and as required by Council	As specified in individual sections of this DCP or as required by Council.

2a.8 Applications for modifications to a development consent

An application for a modification to a development consent under section 4.55 of the *Environmental Planning and Assessment Act 1979* must be accompanied by the information that is required by s115 of the *Environmental Planning and Assessment Regulations 2000* and the following:

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



2a Preparing & lodging a development application

2a.9 Community participation in development applications

Council's requirements for community participation in the development application process are given in the *Upper Hunter Shire Council Community Participation Plan 2019*.

Part 3 Subdivision

Explanatory outline

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

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

3a Subdivision

3a.1 Application of this Part

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

Column 1:	Type of development	Column 2:	Applicable land
	Subdivision of land		Any land

3a.2 Relevant planning instruments, legislation, policies & strategies

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

- *Upper Hunter Local Environmental Plan 2013*
- *Local Government Act 1993*
- *Rural Fires Act 1997*
- *Roads Act 1993*
- *Conveyancing Act 1919*
- *Crown Land Management Act 2016*
- *Strata Schemes Development Act 2015*
- *Community Land Development Act 1989*

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

3a.3 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended. The Dictionary to this DCP provides additional definitions that are relevant to this Part.

3a.4 Objectives

The objectives of this Part are to:

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

3a.5 Developer Contributions

Sections 7.11 and 7.12 of the *EP&A Act* permits Council to levy certain developer contributions towards the cost of facilities and amenities in the LGA. These are applicable to most types of subdivision.

This contribution may be a financial contribution, dedication of land and/or provision of a material public benefit made by a developer to provide for or upgrade public services or facilities for which the development is likely to create a demand.

Details relating to the amount of a monetary contribution, other forms it may take and when the contribution is required are contained in:

- *Upper Hunter Shire Council Section 94 Contributions Plan 2017*

Part 3 Subdivision



- *Upper Hunter Shire Council Section 94A Contributions Plan*

Depending upon the likely demand for public services or facilities that a development proposal is likely to generate, Council may also require preparation of a specific Contributions Plan, or may enter into a Voluntary Planning Agreement with the developer prior to determining a particular development proposal.

Similar contributions for water and sewer services are collected under *Section 64* of the *Local Government Act* and are detailed in Council's *Development Servicing Plan for Water Supply & Sewerage 2016*.

3a.6 Relationship to engineering specifications

The *Upper Hunter Engineering Guidelines for Subdivisions and Developments*, as amended, may be relevant to the development, depending on its circumstances.

Some specifications are referenced throughout this part and may be relevant to the development, depending on its circumstances.

Where there is an inconsistency between the DCP and the *Guidelines*, the provisions of this DCP will prevail.

3a.7 Supporting plans & documentation

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

Sufficient engineering analysis and design shall be required by Council at the development application stage to demonstrate the feasibility of the development. More detailed engineering designs will be required at the Subdivision Works Certificate stage.

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Subdivision plan	All applications	Plan prepared by a suitably qualified professional showing: <ul style="list-style-type: none">• land title details• configuration, boundary dimensions and site area of all proposed allotments• water, sewage, electricity and telephone services• points of entry and exit for each lot• proposed method of stormwater disposal• Proposed new roads (if any) where site gradients are greater than 15%, provide details of gradients of any new roads• site analysis including environmental constraint areas, zone boundaries, usable land area (if applicable) and extent of existing vegetation• proposed development and indicative 'building envelope' on each new lots, showing that there is a sufficient area to place a future dwelling and its associated infrastructure (such as on-site effluent disposal area)

Part 3 Subdivision



Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> location and current use of existing buildings contour information and relative levels for both the subject site (and in urban areas, adjacent streets and footpaths) location and current use of buildings on adjoining sites that are likely to be affected by the development arrangements for provision or amplification of utility services conceptual drawings indicating proposed infrastructure including roads, drainage, water, sewage and earthworks (sufficient to allow assessment of the practicality of these works).
C. Zone MU1 Mixed Use Masterplan	All applications within or partly within Zone MU1 Mixed Use	<p>An indicative plan must be prepared for the site, and any adjoining land in the same ownership, showing:</p> <ul style="list-style-type: none"> likely future uses location of future buildings and structures proposed vehicular access <p>on each lot.</p> <p>Depending on the site, Council may require other information to be provided in this Masterplan. This should be discussed early with Council officers.</p>
D. Zone E1 Local Centre Masterplan	Applications within or partly within Zone E1 Local Centre, as required by Council	<p>An indicative plan must be prepared for the site, and any adjoining land in the same ownership, showing:</p> <ul style="list-style-type: none"> likely future uses location of future buildings and structures proposed vehicular access <p>on each lot.</p> <p>Depending on the site, Council may require other information to be provided in this Masterplan. This should be discussed early with Council officers.</p>
E. Draft 88B instrument	All subdivisions (where relevant)	Must include the terms of the 88B instrument (including maintenance responsibilities) and restrictions as to user in relation to any proposed right of carriageway.
F. Community title subdivision	All applications for community title subdivision	Draft Management Statement
G. Engineering drawings	As required by Council	<p>Preliminary engineering drawings of the work to be carried out, indicating general compliance with the relevant provisions of Council's current <i>Upper Hunter Engineering Guidelines for Subdivisions and Developments</i>, as amended. Design details for access roads may be required during DA assessment.</p> <p>Council will require design documentation to be certified by a suitably qualified person as being in accordance with relevant provisions within <i>Upper Hunter Engineering Guidelines for Subdivisions and Developments</i>, as amended.</p>

Part 3 Subdivision



Item	When required	Plans or information to be provided
H. Sustainability assessment	All applications to subdivide land into 3 or more lots	Report, prepared by a suitably qualified professional, addressing the requirements of Part 1f Sustainability .
I. Servicing strategy	All applications Required prior to the release of the subdivision certificate	Provide evidence of satisfactory arrangements for the provision of the following services to the development: <ul style="list-style-type: none"> reticulated water or on-site water supply reticulated sewerage or on-site waste water management. (see the provisions of Part 11g On-site waste water management). electricity telecommunications Please discuss site-specific requirements with council officers.
J. Visual impact assessment	Applications for subdivision of visually sensitive or prominent areas, in the opinion of Council	Plan and report, prepared by a suitably qualified professional, showing how the proposal responds to the ' Outcomes to be achieved ' for Visual Amenity in this section.
K. Due Diligence Assessment Report	Subdivision of land where subdivision work is required.	In accordance with the <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i> (NSW Department of Environment, Climate Change and Water, 2010) or relevant updated version.
L. Heritage, aboriginal cultural heritage or archaeological plans & reports	Applications that will potentially impact on land that is listed as or contains: <ul style="list-style-type: none"> a heritage item a heritage conservation area an archaeological site an Aboriginal object an Aboriginal place of heritage significance As required under part 9 Heritage	Include the matters required under part 9 Heritage
	In addition, for applications for subdivision of, or adjacent to, a heritage item	A Curtilage Study, prepared by a professional heritage consultant listed on the Heritage NSW website, including: <p>Maps showing:</p> <ul style="list-style-type: none"> the location(s) of the heritage item(s) the curtilage(s) of the heritage item(s) the existing and proposed property boundaries and any easements <p>A report including:</p> <ul style="list-style-type: none"> the significance of the item(s) the implications of the current and proposed curtilage(s)

Part 3 Subdivision



Item	When required	Plans or information to be provided
M. Soil & water management reports	Applications for which soil and water management plans or reports are required (refer to section 11f Soil & water management)	Applicable soil and water management plans or reports, as specified in section 11f Soil & water management . These could include: <ul style="list-style-type: none"> • cut and fill details. • erosion and sediment control plan (ESCP) • erosion and sediment control strategy (ESCS) • soil and water management plan (SWMP) • comprehensive water cycle strategy (CWCS).
N. Geotechnical hazard & salinity assessment	Applications potentially subject to geotechnical hazards (refer to section 10c Geotechnical hazard)	Include the matters required under section 10c Geotechnical hazard .
	Applications on land mapped or otherwise identified as of Very High/High to Moderate salinity risk in Hydrogeological Landscapes (HGL) mapping by the NSW Department of Planning, Industry & Environment (Nicholson 2021)	Provide a salinity investigation report and other relevant requirements as specified in section 10c Geotechnical hazard .
O. Mine subsidence	Applications within a proclaimed Mine Subsidence District	Include the matters required under part 10d Mine subsidence
P. Flooding information	Applications that relate to flood prone land	Include the matters required under section 10a Floodplain management .
Q. Bushfire assessment report	Applications that relate to Bush Fire Prone Land	Prepare a Bushfire Assessment Report in accordance with the current version of <i>Planning for Bush Fire Protection</i> , as specified in section 10b Bushfire risk .
R. Vegetation (including trees) reports	Applications affecting vegetation (including trees), as specified in section 11a Vegetation (including trees) .	Applicable reports or plans, prepared by a suitably qualified person, as specified in section 11a Vegetation (including trees) . These must be consistent with other elements of the development application, including Site plans, Bushfire assessment report and Landscaping plans. Depending on the site circumstances, these may include: <ul style="list-style-type: none"> • written description and plans • arborist's report • ecological report • heritage report • safety or biosecurity risk report

Item	When required	Plans or information to be provided
S. Biodiversity and native vegetation reports, plans or assessments	<p>Applications for which biodiversity and/or native vegetation reports, plans or assessments are required (refer to section 11b Biodiversity conservation)</p> <p>These will be required for development on land with high biodiversity values, or proposals that require significant disturbance to, or clearing of, native vegetation or potential habitat for native species.</p>	<p>Applicable reports, plans or assessments, prepared by a suitably qualified person, as specified in section 11b Biodiversity conservation. These may include:</p> <ul style="list-style-type: none"> • Native vegetation clearing threshold report, and/or • Biodiversity (flora & fauna) assessment report, and/or • Biodiversity development assessment report (BDAR), and/or • Biodiversity management plan, and/or • Biodiversity offset information, strategy or plan
T. Landscape plan	<p>Applications that include new public roads or public open space</p>	<p>Plan and report, prepared by a suitably qualified professional, showing:</p> <ul style="list-style-type: none"> • description of ground preparation and on-going maintenance of landscaping • location and species of trees and shrubs to be retained or removed. • schedule of plantings, cross-referenced to the site plan indicating species, massing and mature height. • details of restoration and treatment of earth cuts, fills, mounds, retaining walls, fencing and screen walls. • consistency with any requirements required in sections 11a Vegetation (including trees) and/or 11b Biodiversity conservation
U. Access & parking plans & reports	<p>Applications that raise significant access or parking issues.</p>	<p>Include the matters required under section 12a Access & vehicle parking. Actual requirements will depend on the expected level and type of traffic generation.</p>
V. Onsite sewage management report	<p>Applications for land that will not be serviced by reticulated sewer.</p>	<p>Include the matters required under section 11g On-site sewage management</p>
W. Traffic impact assessment	<p>Developments listed under Clause 2.122 and/or Schedule 3 of <i>SEPP (Transport and Infrastructure) 2021</i> that require concurrence from the Roads and Maritime Services (RMS). Such developments include subdivisions:</p> <ul style="list-style-type: none"> • located within 90m of a classified road or that connect directly to a classified road, 	<p>The Traffic impact assessment is to be prepared by a suitably qualified and experienced traffic engineer and demonstrate compliance with the NSW Roads and Maritime Service's <i>Guide to Traffic Generating Development and SEPP (Transport and Infrastructure) 2021</i>.</p>

Part 3 Subdivision



Item	When required	Plans or information to be provided
	<ul style="list-style-type: none"> • of more than 200 lots. • Where specific site related conditions present the need. 	
X. Walk and cycle plan	Major urban subdivisions, as required by Council	Plan and report, prepared by a suitably qualified professional, showing the location and linkages of walking and cycling infrastructure, especially in consideration of the location and connection to existing and future infrastructure shown in <i>Upper Hunter Bicycle Plan 2015</i> .
Y. Public transport plan	Applications that require the need for public transport design, as required by Council	<p>Include the matters required under P - Public Transport in section 3a.8 Assessment criteria - Movement & access networks.</p> <p>Actual requirements will depend on the size and location of the subdivision.</p>
Z. Crown Road consent	Where the development is proposed to open, close or use a Crown Road	The written consent of the NSW Department of Planning, Industry and Environment (Crown Lands) (or relevant organisation) to the making of the development application
AA. Property Management Plan	Applications for rural subdivision pursuant to <i>Upper Hunter Local Environmental Plan 2013 Clause 4.2 Rural Subdivisions and Clause 4.2A Exceptions to minimum subdivision lot sizes for certain rural subdivisions</i>	<p>A report, prepared by a suitably qualified person, which includes the following:</p> <ul style="list-style-type: none"> • details of the most suitable agricultural uses for the site taking into account soil type, agricultural land classification, slope, pasture/grass type, drainage characteristics of the site, microclimate and proximity to dwellings on adjoining lands • the agricultural use to be undertaken on each proposed lot • the nomination of an agricultural envelope within each lot which demonstrates that sufficient land is available for the nominated agricultural use for that lot. The agricultural envelope shall exclude areas of the site required for boundary setbacks, services (including on-site wastewater disposal), drainage and other infrastructure and the like • evidence that the lots are large enough to prevent the onset of rural land use conflict by way of odour, spray drift etc from the proposed agricultural use • the source of water supply for the use • Economic Feasibility Assessment of the intended agricultural uses on each of the lots, including vision and goals for the property and its resources and the farm business enterprise • evidence that the use of the land, including storage of equipment, will be satisfactory from a security perspective if the lots do not have a dwelling to provide supervision.

Part 3 Subdivision



Item	When required	Plans or information to be provided
		The following publication may assist: Department of Primary Industries (2012) <i>A Practical Handbook: Property Planning</i> , Department of Primary Industries, Tocal.
AB. Contaminated Site Investigation Report	All applications	Include the matters required under part 10e Land contamination

3a.8 Assessment criteria

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

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

Part 3 Subdivision



This section is structured in the following way:

1. Subdivision layout and general design	
A	Subdivision purpose & general considerations
B	Adjoining development
C	Lot size, shape & orientation
D	Visual amenity
E	Natural site features
F	Biodiversity
G	Vegetation (including trees)
H	Natural hazards
I	Landform modification
J	Heritage
2. Movement & access networks	
K	Street / road network
L	Vegetation in road reserves
M	Crown roads
N	Future road widening & upgrading
O	Access to lots from public roads
P	Public transport
Q	Pedestrian & cyclist access
3. Infrastructure	
R	General
S	Water supply
T	Reticulated sewerage
U	On-site waste water management
V	Stormwater management
W	Street lighting
X	Electricity & telecommunications
Y	Public open space
4. Strata and community title subdivision	
Z	Management of strata and community subdivision

Within each topic listed above, specific provisions may be given for the following *Upper Hunter Local Environmental Plan* land use zones:

- Rural & Environmental (Zones RU1 & C3)
- Residential & Village (R1, R5 & RU5)
- Employment (E1 or E4) or Mixed Use MU1

Outcomes to be achieved

Design guidelines

1. Subdivision layout & general design

A. Subdivision purpose & general considerations

- The subdivision pattern will accommodate future and existing structures and be suitable for appropriate likely future land uses and site activities.
 - The subdivision proposal responds to the existing site attributes and constraints.
 - In or adjoining rural zones, the subdivision proposal minimises the impact on future agricultural viability of adjoining rural land.
- In Zone MU1 Mixed Use, and in some instances in Zone E1 Local Centre, a Masterplan will be required to indicate the likely future uses and structures to be placed on the site (see information requirements above)

B. Adjoining development

- The design and layout is compatible with adjoining or nearby development, especially in relation to:
 - possible land use conflicts
 - the need for any buffer areas or separation distances
 - heritage conservation
 - primary production
 - public open space (such as potential security, surveillance and visual amenity issues)
 - industrial uses
 - mining or extractive industries
 - significant public infrastructure facilities including waste water treatment plants, waste disposal facilities, water treatment plants and recycling facilities and electricity generating facilities.
 - noise
 - salinity and groundwater impacts
 - Adequate buffer areas or separation distances are provided between the proposal and adjoining areas, considering likely future land uses on the development site. responding to part 11i Buffer areas & separation distances)
 - Where relevant, the proposal meets the provisions of parts:
 - 13a St Aubins Estate, Scone
 - 13d Scone Memorial Airport
 - 13e Hunter Valley Equine Precinct
 - 13f Scone Bypass
- Future land uses on **Industrial** subdivision should be compatible with adjacent commercial and/or residential areas. The applicant may be required to indicate how the industrial land will be developed and also show the location of landscaping, building and other site planning techniques with the aim of minimising impact on adjoining commercial and or residential uses.

C. Lot size, shape & orientation

Outcomes to be achieved

Design guidelines

- Each lot in the proposal has a sufficient size and shape to:
 - accommodate future and existing structures
 - accommodate anticipated site activities, including private open space for residential subdivisions
 - allow sufficient off-street car parking and access for vehicles
 - allow the provision of infrastructure
 - maximise solar access, summer shade and thermal comfort for residents of future dwellings
 - minimise the impact on watercourses
 - minimise land degradation
 - provide for effective management of salinity hazards

Note: Minimum lot sizes are specified in Upper Hunter LEP 2013 clause 4.1 and associated series of Maps 'Lot size'.

Rural & Environmental (Zones RU1, RU4, C3)

- Each lot must be configured to promote sustainable primary production.
 - Long, narrow lots are not permitted
 - Each lot in the proposal should be able to accommodate a building envelope of 1 hectare, with a minimum dimension of 40 metres. Building envelopes should be located a minimum of 10m from significant trees and other significant vegetation or landscape features. The building envelope should contain an area for a future dwelling house, outbuildings, landscaping and onsite effluent disposal.

Residential & Village (R1, R5 & RU5)

- For proposals of **3 or more lots**:
 - the new residential subdivision lots are to have at least two major boundaries oriented within 10 degrees of true north, south, east or west to facilitate future building orientation that optimises solar access.
 - Lots facing east-west oriented streets are to have a minimum 25m frontage and lots in north-south oriented streets are to have a frontage of between 15m to 20m.

(NB these are also specified in **Part 3 Sustainability Table 1: Sustainability analysis considerations**)
- For proposals of **more than 10 lots**:
 - Each lot within the proposal should:
 - have a minimum width of 20 metres at the building line (lots which front a cul-de-sac head should have a minimum frontage of 10 metres) with the exception of battleaxe shaped lots.
 - be not less than 20 metres in depth
 - be able to accommodate a building envelope of 200 m² with a minimum dimension of 10 metres and to allow the construction of a dwelling with a maximum cut or fill of 1 metre from natural ground level
 - The lot layout (orientation, size and dimensions) should facilitate the future siting of dwellings to take advantage of:
 - micro-climatic benefits;
 - on-site solar access and access to breezes;

Outcomes to be achieved

- the housing density requirements of Part 4a **Urban Dwellings** must be achieved
- the location of lots nominated for future dual occupancy or multi dwelling housing lots must be shown
- less than 20% of lots in the subdivision must be nominated for future dual occupancy or multi dwelling housing

Design guidelines

- the local climatic conditions; and
- conservation of non-renewable energy sources
- The width to depth ratio of allotments should not exceed 1:4. If lots are too elongated, land uses in rural or rural-residential areas may be restricted (e.g. the shape of long lots may preclude the establishment of farm dams.)

Solar access, thermal comfort and lot orientation:

- Roads running east-west are encouraged to facilitate good lot orientation for solar access whilst minimising lot frontage. On roads running north-south, lots may need to be widened to provide for solar access and to prevent overshadowing of dwellings and private open space.
- Residential lots should be orientated to allow the living and private open space areas of future dwellings to be provided with good solar access.
- Staggering of lots and extensive use of landscaping is encouraged to reduce adverse wind impacts and create streetscape variety and interest.
- Take into account the various types of dwellings which may be constructed on each lot. Ensure that potential indoor living and related private open space areas of future dwellings can be orientated to the north. Consider the possible overshadowing impact.

Battle-axe or 'hatchet' shaped lots should have:

- access handles dimensions meeting the requirements of Table 1: Minimum access handle and sealed driveway widths for residential battle-axe lots
- not more than 3 lots served by a shared private accessway

Corner allotments should:

- be provided with a building envelope to identify the primary and secondary setbacks.
- nominate a vehicular access point to allow the safety of the access point to be assessed with reference to any nearby intersection

Zero lot lines:

- Lots may be created where a building envelope allows for one boundary as a zero lot line boundary. If such a boundary is to be created then satisfactory easements must be provided on the adjoining lot for eave

Part 3 Subdivision



Outcomes to be achieved

Design guidelines

Employment Zone E1

overhang, drainage, maintenance and any other relevant matter. The subject easement must be registered as a restriction on the title of the burdened lot prior to the issue of any Subdivision Certificate for the land

Employment Zone E4 (General Industrial)

- Each lot in the proposal should have a minimum width of 30 metres at the building line.
- Each lot be of a sufficient shape and size to allow:
 - the safe and efficient forward movement of vehicles
 - provision for off-street car parking, deliveries, storage and bin areas, landscaping and boundary setbacks.
 - for likely industrial operations and buildings envisaged for the site
 - possible future expansion of activities on site
- If the subdivision involves the creation of a significant number of lots, then provision should be made for a variety of lot sizes, including larger lot sizes.

Table 1: Minimum access handle and sealed driveway widths for residential battle-axe lots

Number of dwelling units	Minimum access handle width	Minimum sealed driveway width	Maximum access handle length
1	4.0m	3.0 m	60 m
2	5 m + widening 2.5m	3.0 m + additional widening of 2.5m is required over the first 6m into the property to allow vehicles to pass so that an entering vehicle vehicle does not need to reverse back on to the road. Refer to AS2890.1. Additional width or passing bays may be required where access is to a major road.	
3	6m + widening 2.5m		

Note: Where future development of a lot is likely to involve multi-dwelling housing greater than 10 dwellings/units, greater access way widths should be considered (refer to Section 4a Urban Dwellings)

Outcomes to be achieved

Design guidelines

D. Visual amenity

- Subdivision proposals are designed so that subsequent development will have minimal impact on significant views and vistas.
- Building envelopes, accessways and roads should avoid ridge tops and steep slopes.
- Subdivision of escarpments, ridges, and other visually interesting places are managed in such

Outcomes to be achieved	Design guidelines
<ul style="list-style-type: none"> Subdivisions are designed to complement the landscape rather than altering the landscape to suit a subdivision layout. Subdivisions are compatible with the cultural and landscape characteristics of the locality 	<p>a way that the visual impact rising from development on newly created allotments is minimal.</p> <ul style="list-style-type: none"> Subdivisions are designed so that, when subsequently developed, visually significant vegetation, such as that found on ridge tops and other visually prominent locations will be retained.
<p>E. Natural site features</p> <ul style="list-style-type: none"> The design and layout takes into account natural site features such as significant native vegetation, wildlife corridors, topography and rock outcrops Lot layouts minimise the number of lots that have direct access to rivers, creeks, or streams The design and layout ensures that salinity hazards can be effectively managed to minimise adverse impacts 	<ul style="list-style-type: none"> The design should respond to the following DCP sections: <ul style="list-style-type: none"> 10c Geotechnical hazards 11a Vegetation (including trees) 11b Biodiversity conservation 11c Riparian land & watercourses 11d Groundwater protection 11f Soil & water management
<p>F. Biodiversity</p> <ul style="list-style-type: none"> The subdivision avoids and minimises impacts on biodiversity The development meets the provisions of part 11b Biodiversity conservation. 	<ul style="list-style-type: none"> In avoiding impacts on biodiversity, refer to the <i>Biodiversity Conservation Act 2016</i> and regulatory requirements under that Act, as discussed in part 11b Biodiversity conservation.
<p>G. Vegetation (including trees)</p> <ul style="list-style-type: none"> The subdivision maximises the retention of vegetation, including trees. The development meets the provisions of part 11a Vegetation (including trees). 	<ul style="list-style-type: none"> Vegetation is retained in groundwater recharge areas in hydrogeological landscapes (HGL) identified as Very High/High to Moderate salinity risk
<p>H. Natural hazards</p> <ul style="list-style-type: none"> The design and layout takes into account natural hazards such as bushfire, flooding, geotechnical conditions (including salinity) and land contamination. 	<ul style="list-style-type: none"> The design should respond to the following DCP sections: <ul style="list-style-type: none"> 10a Floodplain management 10b Bush fire risk 10c Geotechnical hazard 10d Mine subsidence 10e Land contamination
<p>I. Landform modification</p> <ul style="list-style-type: none"> The design and layout takes into account site topography, geological conditions, existing soils and drainage and minimises the need for landform modification when buildings are placed on the site. Landform modification and earthworks are minimised in identified salinity risk areas 	<ul style="list-style-type: none"> Lots should be designed to allow for the construction of future buildings which do not involve more than 1 metre cut or fill of 1 metre measured from natural ground level. In areas of salinity hazard with Very High/High to Moderate salinity risk, a maximum 0.5 metre cut or 0.5 metre fill is applicable.

Outcomes to be achieved

Design guidelines

- The design should respond to the following DCP sections:
 - **10c Geotechnical hazard.**
 - **11f Soil & water management.**
- Prior to the placement of fill on land, a validation report may be required by the council, prepared by a suitably qualified person.

J. Heritage

- Potential impacts on the heritage significance of the site are adequately considered as per part 9 Heritage
- Heritage items and their curtilage are retained where possible, or curtilages maximised.
- Subdivision is sympathetically designed to minimise the impact on heritage items of the subject land or adjoining lands.
- Subdivisions should be sympathetically designed to ensure that the existing heritage value of the streetscape and character of the area is maintained.
- The design should respond to part 9 Heritage

2. Movement & access networks

K. Street / road network

- The street and access network is designed so as to:
 - respond to site features such as topography, drainage, salinity hazard and vegetation
 - provide a logical hierarchy of streets
 - provide convenient linkages to open space, public transport, schools and local centres
 - encourage healthy communities by providing safe and convenient pathways for pedestrians and cyclists
 - allow sufficient access and manoeuvring for garbage collection services.
 - allow for public transport where applicable
 - minimise impacts on adjoining residents from new road or access way works
 - minimise cut and fill
- The subdivision complies with **Table 1: Minimum access handle and sealed driveway widths for residential battle-axe lots.**
- The subdivision complies with **Table 2: Road and movement network design specifications**
- Where development involves access via railway level crossings, it is to be in accordance with the provisions of Clause 2.97 of *SEPP (Transport and Infrastructure) 2021*.

Urban streets

- Intersections should be either T-junctions or roundabouts. Four way intersections should be avoided.
- The layout of the road and movement network should be designed to:
 - provide for the safe and efficient movement of all road users.
 - facilitate walking and cycling within the neighbourhood and to local centres.
 - facilitate the use of public transport.
 - maximise solar access to allotments.
 - provide road links to adjoining properties.
 - allow on-street car parking.
 - provide efficient access for service vehicles (for example, emergency vehicles and garbage trucks).
 - ensure safe vehicle speeds.
 - provide adequate sight distances.
 - provide for utility services, driveways, street lighting and landscaping.
 - be compatible with the existing road pattern in the locality.

Outcomes to be achieved

- All public roads must be sealed in accordance with *Upper Hunter Engineering Guidelines for Subdivisions and Developments* as amended.

Design guidelines

- Cul-de-sacs for residential roads should have a minimum sealed radius of 8.5 metres and boundary radius of 12.0 metres.
- Cul-de-sacs for residential roads should service no more than 25 lots.

Rural roads

- Design specifications for public rural roads should be in accordance with **Table 2: Road and movement network design specifications**
- Rural roads that are to revert to Council's care and control should be designed and constructed in accordance with *UHSC Engineering Guidelines for Subdivisions and Developments* (as amended).
- Cul-de-sacs should be avoided, but if used should be less than 200 metres in length, and be consistent with acceptable bushfire risk (refer to section **10c Bushfire risk**).

Industrial roads

- The proposal should comply with **Table 2: Road and movement network design specifications**.
- Cul-de-sacs for industrial roads should have a minimum kerb radius of 13.5 metres and boundary radius of 17.0 metres and should be surfaced with asphaltic concrete.

Table 2: Road and movement network design specifications

Part 3 Subdivision



Element	Urban streets & roads				Rural roads		Industrial
	Access street (< 10 lots or up to 300 veh trips per day)	Local street (10-200 lots or up to 2000 veh trips per day)	Collector (200-400 lots or up to 3000 veh trips per day)	Distributor (>400 lots or up to 6000 veh trips per day)	Rural	Rural Residential	(Zone E4)
Road reserve width (metres)	15.0 m	18.0 m	20.0 m	22.0 m	20.0 m	20.0 m	22.0 m
Minimum carriageway width	6.0 m	9.0 m	11.0 m	13.0 m	8.0 m	8.0 m	11.0 m
Verge	2 x 4.5 m	2 x 4.5 m	2 x 4.5 m	2 x 4.5 m	N/A	N/A	2 x 4.5 m
Kerb Type	Rollover	Rollover/ barrier	Barrier	Barrier	N/A	Rollover/ flush	Rollover/ barrier
Footpath requirement (metres)	Nil	1.5 m (on one side of street)	1.5 m (both sides of street)	2.2 m shared with cycleway on one side or dedicated lanes on carriageway	N/A	N/A	N/A
Cycleway requirement	Nil – unless part of adopted network	Nil – unless part of adopted network	Nil – unless part of adopted network	As above	Nil – unless part of adopted network	Nil – unless part of adopted network	N/A

Outcomes to be achieved

Design guidelines

L. Vegetation in road reserves

- Road alignments and road reserves should be located and designed so as to maximise the retention of trees.
- In areas of identified salinity hazard, retention and replanting of trees must be considered in salinity investigation reports, management plans, and stormwater and groundwater management.

M. Crown roads

- In accordance with the transfer protocols for Crown roads, the road must be transferred from Crown Lands to Council prior to the commencement of any road works at no cost to Council.
Note: the transfer of the road to Council does not necessarily change the extent of Council's adopted road maintenance areas.
- Crown Roads transferred to Council are to be constructed to an acceptable standard, to prevent future generations bearing the cost of roadworks that should have been provided at the time of subdivision.
- Where new allotments gain access from a Crown road, the road is to be upgraded and constructed to meet the minimum standards specified in UHSC *Engineering Guidelines for Subdivisions and Developments* (as amended), and with **Table 2: Road and movement network design specifications**.
- All existing public roads fronting or within the proposed allotments must be wholly within the road reserve.

Outcomes to be achieved

Design guidelines

N. Future road widening & upgrading

- Existing roads reserves are upgraded and/or widened to accommodate increased traffic flow resulting from the subdivision proposal.

O. Access to lots from public roads

- The road network design:
 - enables safe and efficient movement of vehicles to and from individual lots.
 - has no adverse impacts on the visual amenity of the neighbourhood.
 - minimises impacts on adjoining properties and the environment.
 - ensure there is adequate space for essential service infrastructure and landscaping
 - responds to the movement and access provisions in section 12a Access and vehicle parking.
- The subdivision complies with **Table 1: Minimum access handle and sealed driveway widths for residential battle-axe lots.**

General

- All urban lots should have direct frontage to a public road and should not rely solely on an easement or right of way access. However, individual applications will be considered on their merits.
- A maximum of 3 rural lots may gain access from a right of carriageway within the subdivision, which should connect directly to a dedicated public road under the care and control of Council. A draft 88B instrument setting out the terms of the right of carriageway (including maintenance responsibilities) shall be submitted to Council with the development application.
- Access driveways should be provided to all new allotments fronting a road without kerb and gutter in accordance with Council's *Standard Vehicle Access Specification* (found within *UHSC Engineering Guidelines for Subdivisions and Developments* as amended).
- Laybacks in vertical kerb and gutter are to be constructed in accordance with Council's *Standard Vehicle Layback (SVL-001) diagram* (found within *UHSC Engineering Guidelines for Subdivisions and Developments* as amended) and AS2890.1.
- Driveway crossings should be provided to all new allotments fronting a road without kerb and gutter in accordance with Council's *Rural Property Access (RPA-001) diagram* (found within *UHSC Engineering Guidelines for Subdivisions and Developments* as amended).
- Internal driveways shall be sited away from noise and visually sensitive components of existing and future development.
- Where the site is steep or fronts a local collector or higher order road (greater than 3,000 vehicles per day) or an area with high pedestrian traffic, internal driveways are to be designed so that vehicles can be driven both onto and off the property in a forward direction.
- Where vehicles would otherwise have to reverse more than 50 metres, a turning area is to be provided to enable the vehicles to enter and leave the site in a forward direction and reduce the need to reverse over long distances.
- Passing bays shall be provided every 30 metres in accordance with AS 2890.1
- All rights of carriageway that are longer than 100m and servicing 2 or more lots shall be named in accordance with

Outcomes to be achieved

Design guidelines

Council's *Road Naming Policy* and *Geographical Names Board* requirements.

Rural & Environmental (Zones RU1, RU4 & C3)

- The right of carriageway should be constructed to a standard that will allow all weather two wheel drive access and is to be constructed prior to the issue of a Subdivision Certificate.
- All-weather, two wheel drive access should be provided to all new allotments.
- All lots that are 200m or more from a public road (ie where a right of way or battle axe is more than 200m in length) should have an alternative egress, for use in cases of emergency.

Residential (Zones R1, R5 & RU5)

- Private access ways (access handles) should be designed in accordance with *UHSC Engineering Guidelines for Subdivisions and Developments (as amended)* and *AS2890.1*.
- Access ways should be nominated as reciprocal rights of way on the plan of subdivision where they service two (2) or more lots.

Industrial (Zone E4)

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

P. Public transport

Applicable to large subdivisions in Zones R1, R5 & RU5, as determined by Council

- Public transport access is possible, comfortable and convenient to residents
- New public transport services link to adjoining areas, activity centres, and other public transport routes, including train stations (where relevant) and future bus routes.

Bus routes:

- Where necessary, consultation with Upper Hunter's local bus transport provider(s) and Transport for NSW is required to determine whether a bus service is required.
- Where the size of the subdivision is likely to require bus movements throughout the internal road network, road widths external to and within the subdivision must be designed to cater for potential bus service provision.
- All bus routes are to be designed in accordance with the *Upper Hunter Guidelines for Subdivisions and Developments*, as amended.
- Road networks must be designed to allow buses to access and move through the street network without complicated turning manoeuvres.
- The position of the bus route should ensure at least 90% of dwellings are within 400m safe walking distance from an existing or potential bus route

Bus stop location and design:

- Bus stops must be designed in accordance with *AUSTROADS Guidelines*.

Outcomes to be achieved

Design guidelines

- Bus stops are, or are planned for, 300 m spacings where the route serves residential development. The bus stop bay is to be designed to meet the current relevant *AUSTROADS* Guidelines.
- Bus stops are to be designed to prevent vehicles from overtaking a stationary bus, or vehicle speeds are reduced to ensure safe pedestrian crossing.
- The siting of bus stops should relate to the pedestrian path network.
- Key bus stops may be located and designed to provide shelter, shade, seats, adequate lighting, and timetable information, and to minimise adverse impact on nearby dwellings

Q. Pedestrian & cyclist access

- Safe and convenient pathways is provided for pedestrians and cyclists to maximise connectivity of neighbourhoods; access to local facilities and services and to encourage healthy communities.
- Pedestrian and cycle paths should be designed in accordance with:
 - *UHSC Engineering Guidelines for Subdivisions and Developments (as amended).*
 - *Upper Hunter Bicycle Plan 2015*
 - *And any other relevant strategic plans adopted by Council*
- Footpaths and cycleways should be provided in accordance with **Table 2: Road and movement network design specifications** and any relevant strategic plans adopted by Council.
- Pedestrian and cycle paths should be designed to allow retention of existing vegetation and other natural features whilst ensuring ease of maintenance.
- Pedestrian and cycle paths should be designed to allow retention of existing vegetation and other natural features whilst ensuring ease of maintenance.
- The location of footpaths or cycle paths should be defined using the following parameters:
 - Demand for footpaths and cycle paths
 - Opportunities to link open space networks and communities including public transport, local activity centres and schools
 - Topography
 - Shade opportunities
 - Cyclist and pedestrian safety, including Crime Prevention Through Environmental Design (CPTED) guidelines
- The alignment of footpaths should allow safe and convenient use by pedestrians and cyclists and should be variable enough to accommodate trees and other significant features.

Outcomes to be achieved

Design guidelines

- Paths should be designed to enable widening at certain points to allow passing facilities for pedestrians/cyclists.
- Pedestrian and cyclist paths should be constructed to provide a stable and attractive surface for projected users which is easily maintained.

3. Infrastructure

R. General

- The design and provision of public utilities conform to the cost effective criteria of the relevant servicing authority.
- Adequate buffers are maintained between utilities and houses to protect residential amenity and health.
- Compatible public utility services should be located in common trenches so as to minimise the land required, soil erosion and the cost of providing the services.

S. Water supply

- Reticulated water is provided to all new allotments on land zoned R1, R5, E1, MU2, RU5 (where reticulated water is available), E4 or as otherwise agreed with Council.
- Easements (benefiting UHSC) shall be provided for all existing and proposed public water mains within the site.
- Adequate water supplies for both domestic and firefighting purposes must be available.
- In salinity hazard areas, the location and construction of service infrastructure shall consider and minimise likely salinity impacts on the infrastructure, and apply appropriate durability standards for construction.

T. Reticulated sewerage

- Gravity drained reticulated sewerage services are provided to all new allotments:
 - within Council's sewer service areas; or
 - on land zoned R1, R5, E1, E4 or MU1 (where reticulated sewer is available); or
 - where a sewer service is available within 75m of the subdivision; or
 - or as otherwise agreed with Council.
- Easements (benefiting UHSC) shall be provided for all existing and proposed public sewer mains within the site.
- In salinity hazard areas, the location and construction of service infrastructure shall consider and minimise likely salinity impacts on the infrastructure, and apply appropriate durability standards for construction.

U. On-site waste water management

Outcomes to be achieved

- Onsite wastewater management systems are not permitted within sewerred areas.
- Proposed allotments within unsewered areas that are to be used for a purpose that is likely to generate sewage should have sufficient area to accommodate an on-site waste water management system in accordance with:
 - section 11g On-site waste water management.
 - AS1547-2012.
 - Environment and Health Protection Guidelines – Onsite Sewage Management for Single Households 1998 or as updated.

Design guidelines

- The use of on-site sewage management systems should not contribute to an adverse cumulative impact on soils, salinity and ground and surface water in the area

V. Stormwater management

- The subdivision proposal and each individual lot within the proposal should dispose of on-site stormwater in accordance with section 11f Soil & water management.
 - The quality and quantity of stormwater runoff from the site is managed to minimise impacts on the environment.
 - All new lots in Residential and Employment zones should be able to drain to the Council's reticulated stormwater system directly or via an inter-allotment drainage system (with appropriate easements). On-site water conservation measures cannot be used in lieu of appropriate connections to the reticulated stormwater system.
 - Easements (benefiting UHSC) shall be provided for all existing and proposed Council stormwater infrastructure within the site.
- In salinity hazard areas, the location and construction of service infrastructure shall consider and minimise likely salinity impacts on the infrastructure, and apply appropriate durability standards for construction.
 - Stormwater design and management shall seek to maintain the pre-existing surface and groundwater balance.

W. Street lighting

- Adequate street lighting is provided in urban areas to promote the safety and security of neighbourhoods.
- Street lighting is provided in all streets fronting land zoned R1, R5, E1, E4, MU1 and RU5, in accordance with the requirements of the energy authority.

X. Electricity & telecommunications

Outcomes to be achieved

- Each new lot has direct access to a suitable telecommunications and electricity supply. Satisfactory arrangements are made with the relevant utility provider.
- Underground power must be provided to all lots in new release areas, dependent on servicing authority requirements.

Design guidelines

- Lots considered by Council to be 'remote' may be able to have an alternative supply and the requirement for direct connection to a reticulated supply may be waived and a covenant placed on the title of the land where possible. This will only apply to subdivisions creating one additional lot; not for multiple lot subdivision. Applicants must provide a plan or information showing where the proposed lots are in relation to the electricity and telecommunications network.

Y. Public open space

- Adequate open space is provided to urban residential subdivisions that:
 - meets the recreational needs of residents of new subdivisions.
 - encourages healthy communities.
 - contributes to the character and amenity of new subdivisions.
 - provides a safe and healthy environment for all users.
- Open space is conveniently located and accessible to pedestrians, cyclists and maintenance vehicles.
- Open space should respond adequately to the site topography and surrounding subdivision pattern, and should minimise soil disturbance.
- Open space is provided in accordance with any relevant Council strategy or site-specific plan
- Adequate natural and built shade is provided to all open space, to allow comfortable year round use by residents.
- Open space (parks) are provisioned upon creation with public amenities including toilets, playground equipment and tables, shading and seating.
- The provision and retention of native vegetation is to be encouraged within public open space, and shall take into account geotechnical hazards, including salinity.
- Open space links can be provided to ensure connectivity between any open space proposed in the development, other existing and proposed areas of public open space and places, commercial centres and schools.
- Open space areas should be designed to allow casual surveillance from surrounding streets and residential properties.
- All lots in a residential subdivision proposal should be within 400 metres walking distance of a local park or reserve.
- Open space areas are required to be embellished and dedicated to Council as follows:
 - Casual open Space (parks) for community recreation, social needs and passive enjoyment are required to be dedicated and embellished.
 - Local or neighbourhood public open space is to be provided within the proposed subdivision at a rate of 1.0ha per 1,000 people (or part thereof) based on a dwelling occupancy rate of 2.63 persons per lot, in accordance with **Table 3** Local public open space requirements.
 - Aquatic environments, natural watercourses, riparian buffers and foreshores within the development site must be dedicated to the public as reserve, and not as open space on any proposed plan of subdivision.
 - Dual use of drainage facilities for open space purposes is encouraged as a means of establishing a linked open space network, however only those parts of the drainage areas that is in excess of that required for riparian management and buffers will be credited towards open space commitments. The linear shaped land which is used and predominantly occupied by connecting pedestrian/cycle paths will not be accepted as casual open space.
 - Environmentally sensitive areas and visually significant topographical/landform features within the development site should be dedicated to the public unless their environmental/scenic/visual values and appropriate

Outcomes to be achieved

Design guidelines

management can be guaranteed in perpetuity in private ownership.

- Well located and designed natural and built shade should be provided to all open space. The Cancer Council NSW's 'Guidelines for Shade' provides a useful resource - www.cancercouncil.com.au/shade and <https://www.cancer.nsw.gov.au/prevention-and-screening/preventing-cancer/preventing-skin-cancer/shade-and-uv-protection>
- The Heart Foundation's 'Healthy Active by Design' tools and guidelines provide resources for planning open space: <https://www.healthyactivebydesign.com.au/resources/healthy-active-by-design-master-checklists>

Table 3 Local public open space requirements

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

Outcomes to be achieved Design guidelines

4. Strata and community subdivision

Z. Management of strata and community subdivision

■ Strata and community subdivision proposals:

- meet all relevant legislative standards
- result in practical and achievable forms of development
- are set up to meet the needs of end users/owners

Relating to community title subdivision:

- Communal open areas should be designed to meet user needs and determined by:
 - (a) overall housing density
 - (b) non-discriminatory access and use
 - (c) the quality and extent of alternative, proximate open space.
- Privacy is maintained between dwellings.
- Appropriate vehicular access is provided having regard to the road hierarchy of the proposed movement network.
- Essential services are provided to all proposed allotments.
- Suggestions for managing **body corporate activities**:
 - Create separate sites for each dwelling with their own public street frontage.
 - Limit communal land to driveways and utilities areas only.
 - Design dwellings to minimise the need for corporate building management.
 - Ensure that communal open space or shared facilities are designed to be cost effective to maintain and service.
- Strata subdivision of an existing building may require the building to be upgraded to comply with the provisions of the Building Code of Australia (BCA).
- Definition of public, communal and private areas :
 - Private open space areas are to be attached to a specific dwelling unit.
 - Private open space areas are to be clearly defined.
 - Communal spaces are to be accessible to all residents of the strata building.
- Car parking spaces:
 - Car parking spaces must be assigned to a specific dwelling.
 - Visitor car parking spaces are to be maintained as common property.
 - Visitor car parking spaces are to be signposted as such.
- Utility service meters:
 - A separate water meter, or a private sub meter may be required for each strata unit/dwelling.
 - For new construction, sewer connections must comply with the requirements of Clause 162 of the Local Government (General) Regulation 2005.
 - Where there is a large amount of common property, including gardens and landscaped areas, swimming pools and the like, separate metering is to be provided for the common area.
 - A separate electricity meter is to be provided for each strata unit/dwelling.

Outcomes to be achieved

Design guidelines

- Before a Subdivision Certificate on the relevant title plan is issued, either:
 - a Construction Certificate must be issued for the proposed building and work completed to the point where the boundaries can be defined by survey; or,
 - in the case of subdivision of an existing building, a Building Certificate may be required to ensure compliance with the relevant building standards.

3a.9 Supplementary guidance

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

- *UHSC Engineering Guidelines for Subdivisions and Developments*, as amended.
- Department of Primary Industries (2012) *A Practical Handbook: Property Planning*, Department of Primary Industries, Tocal.
- NSW Department of Urban Affairs and Planning (1998) *Managing Land Contamination Planning Guidelines* and land contamination part of *SEPP (Resilience and Hazards) 2021*
http://www.epa.nsw.gov.au/resources/clm/gu_contam.pdf
- Cancer Council NSW: Guidelines for Shade - www.cancercouncil.com.au/shade and <https://www.cancer.nsw.gov.au/prevention-and-screening/preventing-cancer/preventing-skin-cancer/shade-and-uv-protection>
- Heart Foundation: 'Healthy Active by Design' tools and guidelines - resources for planning open space:
<https://www.healthyactivebydesign.com.au/resources/healthy-active-by-design-master-checklists>
- Government Architect NSW resources regarding open space and green spaces - <https://www.governmentarchitect.nsw.gov.au/resources>
- Sustainable Energy Development Authority (undated) *Solar Access for Lots – Guidelines for Solar Efficient Residential Subdivision in New South Wales*.

Outline

Part 4 Urban residential development

Explanatory outline

Part 4 specifies outcomes, design guidelines and other requirements for all types of residential accommodation on land within urban residential areas.

There are separate sections for each of the following matters:

4a Urban dwellings

4b Ancillary residential structures & activities

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

4.1 Relevant planning instruments & legislation

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

- *Upper Hunter Local Environmental Plan 2013*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*
- *State Environmental Planning Policy (Housing) 2021*
- *Building Code of Australia*
- *Local Government Act 1993*
- *Roads Act 1993*

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

4.2 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended. The Dictionary to this DCP provides additional definitions that are relevant to this Part, including the following:

- | | |
|----------------------------|---------------------------|
| • adaptable housing units | • primary road frontage |
| • building line or setback | • private open space |
| • corner lots | • relocated dwelling |
| • existing building line | • secondary road frontage |
| • landscaped area | • living area |
| • multiple housing | |

Note that this Part also references different **types of housing** that are already defined in *Upper Hunter Local Environmental Plan*.

Outline

4.3 Objectives

The objectives of this Part are to ensure that:

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

4.4 Supporting plans & documentation

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

Applications subject to section **4b Ancillary residential structures & activities** may not need as higher level of detail to be provided as those subject to section **4a Urban dwellings**.

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 preparing & lodging a development application .
B. BASIX certificate	All applications where relevant	Refer to <i>UHSC Application Guide</i> regarding BASIX certificates and also to the on-line assessment tool at https://www.planningportal.nsw.gov.au/basix
C. Requirements of Low Rise Housing Diversity Design Guide for DAs	Dual occupancies, manor housing, multi dwelling housing, semi-detached dwellings	Any information required by the <i>Low Rise Housing Diversity Design Guide for DAs</i>
D. Requirements of Apartment Design Guide	Residential flat buildings	Any information required by the <i>Apartment Design Guide 2015</i> (or its subsequent update)
E. Zone MU1 Mixed Use Masterplan	Any application in Zone MU1 Mixed Use where residential development is proposed and: <ul style="list-style-type: none"> • a Masterplan has already been prepared for the site, or adjoining site (usually as part of a subdivision or a 	An indicative plan must be prepared for the site, and any adjoining land in the same ownership, showing: <ul style="list-style-type: none"> • likely future uses • location of future buildings and structures • proposed vehicular access on each lot. If a Masterplan has previously been prepared as part of a subdivision or previous development on the site or adjoining

Outline

Item	When required	Plans or information to be provided
	<p>previous development); or</p> <ul style="list-style-type: none"> where the proposal is the first development proposed for the site as determined by Council 	<p>land, then that Masterplan, and any proposed changes to it, should be submitted to Council.</p> <p>Depending on the site and circumstances, Council may require other information to be provided in either of these Masterplans. This should be discussed early with Council officers.</p>
F. Shadow diagram	<p>Applications that potentially involve overshadowing of the proposed development, or of adjoining or nearby development</p> <p>Any development of two or more storeys</p>	<p>Prepare a plan illustrating:</p> <ul style="list-style-type: none"> extent of shadows cast by existing and proposed buildings, including buildings on adjoining land position of existing and proposed buildings on the site and adjoining land shadows cast by existing and proposed buildings at the winter solstice (22 June) for 9am, 12noon and 3pm.
G. High glare building materials	Applications involving the use of high glare building materials	<p>Prepare a report and accompanying plan showing the alternative options considered in the design process, orientation of the buildings/proposed material, the roof pitch, sun angles, the location of properties and public places that may be affected by glare either in the immediate vicinity or within a wider area likely to be affected, and any measure to be incorporated into the works to mitigate any potential impacts (for example, landscaping, screens and the like).</p>
H. Servicing strategy	All applications where relevant	<p>Demonstrate the availability and feasibility of providing the following services appropriate for the scale and nature of development:</p> <ul style="list-style-type: none"> reticulated water, including the size and location of water services, and any proposed fire service reticulated sewerage (R1 and R5 zones) on site wastewater management (where applicable) electricity telecommunications.
I. Vegetation (including trees) reports	Applications affecting vegetation (including trees), as specified in section 11a Vegetation (including trees) .	<p>Applicable reports or plans, prepared by a suitably qualified person, as specified in section 11a Vegetation (including trees). These must be consistent with other elements of the development application, including Site plans, Bushfire assessment report and Landscaping plans. Depending on the site circumstances, these may include:</p> <ul style="list-style-type: none"> written description and plans arborist's report ecological report heritage report safety or biosecurity risk report
J. Biodiversity and native vegetation reports, plans or assessments	Applications for which biodiversity and/or native vegetation reports, plans or assessments are required	<p>Applicable reports, plans or assessments, prepared by a suitably qualified person, as specified in section 11b Biodiversity conservation. These may include:</p> <ul style="list-style-type: none"> Native vegetation clearing threshold report, and/or

Outline

Item	When required	Plans or information to be provided
	<p>(refer to section 11b Biodiversity conservation)</p> <p>These will be required for development on land with high biodiversity values, or proposals that require significant disturbance to, or clearing of, native vegetation or potential habitat for native species.</p>	<ul style="list-style-type: none"> Biodiversity (flora & fauna) assessment report, and/or Biodiversity development assessment report (BDAR), and/or Biodiversity management plan, and/or <p>Biodiversity offset information, strategy or plan</p>
K. Landscape plan & report	Applications for dual occupancies, secondary dwellings, semi-detached dwellings or multiple housing	<p>Plan and report, prepared by a suitably qualified professional, showing:</p> <ul style="list-style-type: none"> description of ground preparation and on-going maintenance of landscaping areas of private open space, proposed turf and areas of established gardens. location and species of trees and shrubs to be retained or removed. schedule of plantings, cross-referenced to the site plan indicating species, massing and mature height. details of restoration and treatment of earth cuts, fills, mounds, retaining walls, fencing and screen walls.
L. Soil & water management plans or reports	Applications for which soil and water management plans or reports are required (refer to section 11f Soil & water management)	<p>Prepare applicable soil and water management plans or reports, as specified in section 11f Soil & water management. These could include:</p> <ul style="list-style-type: none"> cut and fill details. erosion and sediment control plan (ESCP) erosion and sediment control strategy (ESCS) soil and water management plan (SWMP) comprehensive water cycle strategy (CWCS).
M. Geotechnical hazard & salinity assessment	Applications potentially subject to geotechnical hazards (refer to section 10c Geotechnical hazard)	Include the matters required under section 10c Geotechnical hazard .
N. Flooding information	Applications that relate to flood prone land	Include the matters required under section 10a Floodplain management .
O. Access & parking plans & reports	Applications for multiple housing	Include the matters required under section 12a Access & vehicle parking .
P. Traffic impact assessment	Applications likely to have a significant impact on traffic generation (such as, a substantial quantity of multiple unit housing)	Include the matters required under section 12a Access & vehicle parking . Actual requirements will depend on the expected level and type of traffic generation.
Q. Adaptable housing units	Applications for developments of 5 or more dwellings	Show the location of adaptable housing units on plans

Outline

Item	When required	Plans or information to be provided
R. Site waste minimisation & management plan	All applications where relevant	<p>A Plan and report addressing the requirements outlined in Section 11h Waste minimisation & management, as well as:</p> <p>For single dwellings, dual occupancy and semi-detached dwellings, show the locations of:</p> <ul style="list-style-type: none"> an onsite waste/recycling storage area for each dwelling, that is of sufficient size to accommodate Council's waste, recycling and garden waste bins. <p>For multi-unit dwellings, show:</p> <ul style="list-style-type: none"> the location of individual waste/recycling storage areas (such as for townhouses and villas) or a communal waste/recycling storage room(s) able to accommodate Council's waste, recycling and garden waste bins. the location of any garbage chute/s and interim storage facilities for recyclable materials. the location of any service rooms (for accessing a garbage chute) on each floor of the building. the location of any waste compaction equipment. the on-site path of travel for collection vehicles (if collection is to occur on-site), taking into account accessibility, width, height and grade.
S. Heritage, aboriginal cultural heritage or archaeological plans & reports	Applications that will potentially impact on land that is listed as or contains: <ul style="list-style-type: none"> a heritage item a heritage conservation area an archaeological site an Aboriginal object an Aboriginal place of heritage significance. 	Include the matters required under section 9a Heritage conservation .
T. Bushfire assessment report	Applications that relate to Bush Fire Prone Land	Prepare a Bushfire Assessment Report in accordance with the current version of <i>Planning for Bush Fire Protection</i> , as specified in section 10b Bushfire risk .
U. Acoustic assessment report	Applications for land adjacent to a rail corridor or New England Highway and ANEF contour associated with Scone airport	The report should address and indicate measures to mitigate potential impacts from noise and vibration
V. 'Safer by design' information	Applications for multiple housing	An outline of the development's consideration of 'Safer by design' principles.
W. Relocated dwelling report	Applications for re-located dwellings	<p>A report and appropriate plans indicating:</p> <ul style="list-style-type: none"> a description of the dwelling to be moved the location of the dwelling at present and its age photographs of each elevation of the building at its current address dimensioned elevation drawings

Outline

Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> the location to which the building is to be moved details and specifications of all new work including footings, repairs, alterations, renovations and the installation of services details of termite protection, bracing and tie down schedule of existing building materials and condition A report from a qualified structural engineer: <ul style="list-style-type: none"> certifying that the existing building is able to withstand the wind loads and specifying any additional wind bracing and tie-down necessary to ensure the structural integrity of the relocated dwelling. This is only required where the dwelling is to be relocated into an area of high wind velocity i.e. N2, N3, AS 4055-Wind Loads for Housing. specifying the proposed method of rejoining the various sections of the structure. specifying whether any dilapidated or rotted structural members or cladding is to be replaced. specifying the method of support of any existing concrete floor/s within the building. Certifying that the existing building is able to be relocated.

Explanatory outline

Section 4a outlines application requirements and design criteria for all types of dwellings within urban areas. The following matters are covered:

Design & siting:

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

Access & infrastructure:

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

4a Urban dwellings

- relocated dwellings

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

4a Urban dwellings

4a.1 Application of this section

This section applies to development (as defined in *Upper Hunter Local Environmental Plan*) described in Column 1 when carried out on land described in Column 2. It does **not** apply to proposals for which a complying development certificate is sought under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Column 1: Type of development	Column 2: Applicable land
<ul style="list-style-type: none"> attached dwellings boarding houses co-living housing dual occupancies dwelling houses (including relocated dwellings) group homes hostels multi dwelling housing residential flat buildings* secondary dwellings semi-detached dwellings seniors housing shop top housing. 	<p>Land within the following zones:</p> <ul style="list-style-type: none"> R1 Residential R5 Large Lot Residential RU5 Village MU1 Mixed Use

* Note that the requirements of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* and the accompanying *Apartment Design Guide (2015)*, or its subsequent update **will apply to residential flat buildings**.

4a.2 Assessment criteria

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

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

4a Urban dwellings

This section is structured in the following way:

Design & siting	
A	Density
B	General design considerations
C	Floor space ratio
D	Battle-axe lots
E	Building setbacks - front
F	Building setbacks - side & rear
G	Multiple housing – general design
H	Building height & scale
I	Solar access
J	Building materials
K	Visual & acoustic privacy
L	Natural site features
M	Vegetation (including trees)
N	Private open space & landscaping
O	Accessibility & adaptability
P	Heritage
Q	Relocated dwellings
Access & infrastructure	
R	Off street parking & access
S	Water
T	Sewer
U	Electricity & telecommunications
V	Stormwater management
W	Waste minimisation & management
X	Clothes drying facilities
Y	Numbering
Z	Outdoor lighting
Z1	Mailboxes

4a Urban dwellings



Outcomes to be achieved

If there is an inconsistency between any part of this section and SEPP 65 —Design Quality of Residential Apartment Development and the accompanying Apartment Design Guide 2015 (or its subsequent update), SEPP 65 / Apartment Design Guide will prevail.

Design guidelines

In this section '**multiple housing**' means 3 or more dwellings in a development

Design & siting

A. Density

- Residential density for multiple housing must be no greater than one (1) bedroom for every 150 m² of site area, for example:
 - One (1) bedroom dwelling = 150 m²
 - Two (2) bedroom dwelling = 300 m²
 - Three (3) bedroom dwelling = 450 m²
 - Four (4) or more bedroom dwelling = 600 m².

B. General design considerations

- The site layout and building design responds to the site context and attributes and constraints of the site.
- The design of dwellings relates to the slope of the land to minimise earthworks and the extent of cut and fill (refer to section 11f **Soil & water management**)
- The building design is consistent with the dominant character of the local area.
- The development enhances the existing streetscape and contributes to the creation of an attractive residential environment.
- The design provides suitable amenity for the dwelling occupants and not adversely impact on the amenity of adjoining landowners.
- Safe access is provided to dwellings and the design facilitates security for residents.
- Buildings are designed to address street frontages. Entries to dwellings are readily apparent from the street and convey a sense of address.
- The development incorporates appropriate buffer areas (refer to section 11i **Buffer areas**)
- The development meets the requirements of section 4b **Ancillary residential structures & activities** relating to the siting and design of garages fronting the street.
- The development should respond to the attributes and constraints identified in the site analysis.
- Windowless facades should not be provided at the street frontage.
- Long stretches of unbroken wall should be avoided by articulation of wall planes, provision of openings, use of contrasting surface treatments or landscaping.
- Create an address to the street or any public access-point by incorporating the front door or windows of habitable rooms in the façade facing the street or public access-point.
- Provide an entry that is clearly identifiable from the street, has adequate lighting and has direct access to the street frontage – do not conceal or recess dwelling entries.
- Use building materials/finishes which are 'textured' rather than bland, through the use of light and shade, diversity in materials and finishes and appropriate decorative treatments.
- The dwelling design should respect nearby buildings' design details including the size, location and proportions of window and door openings, parapets, eaves and roofwater guttering detailing.

For Multi-Dwelling Housing

This element applies to all applications for 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building

- Dwellings are located on lots that are predominantly regular, rectangular or square in shape.

For dual occupancies and multi-dwelling housing:

- The application should follow the design principles and design guidance given in Department of Planning, Infrastructure & Environment (2021). *Low Rise Housing Diversity Design Guide for Development Applications*.

4a Urban dwellings



Outcomes to be achieved

If there is an inconsistency between any part of this section and SEPP 65 —Design Quality of Residential Apartment Development and the accompanying Apartment Design Guide 2015 (or its subsequent update), SEPP 65 / Apartment Design Guide will prevail.

- The development is designed and constructed in a form and scale that resembles the detached character of dwelling houses in the surrounding neighbourhood.
- Each dwelling is designed so that the access way to the front door is clearly identifiable from the public street.
- Each dwelling provides a ground level with at least one habitable room with an adjacent external living area located on the ground. A ground level comprising solely car parking is not acceptable.
- Buildings and sites are designed with consideration for the placement of windows, doors and fences so as to achieve best 'safer by design' practice.

Design guidelines

In this section 'multiple housing' means 3 or more dwellings in a development

For Residential Flat Buildings:

Refer to NSW Apartment Design Guide (2015) or its subsequent update.

C. Floor space ratio

Note: floor space ratios for some areas in the LGA are specified in Upper Hunter LEP 2013 clause 4.4 and associated series of Maps 'Floor space ratio'.

D. Building height & scale

Note: building height controls are specified in Upper Hunter LEP 2013 clause 4.3 and associated series of Maps 'Height of Buildings'.

- The development provides continuity of character with local building height and scale.
- The dwelling design should respect nearby buildings' scale, including their roof mass to wall ratio, roof pitch and design and length of unbroken ridgelines.
- The amount and length of unbroken roof ridge lines, unpunctuated facades, fencing and repetitive form should be minimised.
- **For dual occupancies and multi-dwelling housing**, the application should follow the design principles and design guidance given in Department of Planning, Infrastructure & Environment (2021). *Low Rise Housing Diversity Design Guide for Development Applications*.

E. Building setbacks - front

- The building setback from the primary road frontage matches the alignment of the primary road frontage facades of existing adjoining buildings. Where different setbacks occur, consideration will be given to the average of the setbacks of those primary facades.
- Minimum building setbacks ('building lines') where there are no adjoining dwellings within 40 metres of the lot are in accordance with **Table 1 Minimum front building setbacks – urban residential development** and accompanying **Figure 1 Urban and village residential zones (R1 and**
- **For dual occupancies and multi-dwelling housing**, the application should follow the design principles and design guidance given in Department of Planning, Infrastructure & Environment (2021). *Low Rise Housing Diversity Design Guide for Development Applications*

4a Urban dwellings



Outcomes to be achieved

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Design guidelines

In this section 'multiple housing' means 3 or more dwellings in a development

RU5) – minimum building setbacks to boundary (building lines) and Figure 2 Large lot residential zone (R5)– minimum building setbacks to boundary (building lines).

- Minimum building setbacks ('building lines') from a secondary road frontage on a corner lot are in accordance with **Table 1 Minimum front building setbacks – urban residential development** and accompanying Figure 1 Urban and village residential zones (R1 and RU5) – minimum building setbacks to boundary (building lines) and Figure 2 Large lot residential zone (R5)– minimum building setbacks to boundary (building lines)..
- Variation of the building setback will be considered on merit.
- New development establishes a characteristic setback pattern to provide a consistent and landscaped setback that reduces the visual impact of buildings on the public domain.
- The front setback provides a transitional zone from public to private space and allow for car parking and landscaping.
- The garage width on allotments does not exceed 50% of the site frontage, the remainder of which is to be landscaped.

F. Building setbacks - side & rear

- Adequate side and rear building setbacks are provided for landscaping, privacy, natural light and ventilation between dwellings.
 - Side and rear building setbacks are proportional to the height, scale and character of the proposed development.
 - Minimum side and rear setbacks of dwellings are to comply with Table 2 Minimum side and rear building setbacks – urban residential development and accompanying Table 3 Minimum access handle and sealed driveway widths for battleaxe lots
- Walls may be built to the side or rear boundaries where:
 - the maximum wall height is 3 m and there will be no impact on privacy, use of private open space and solar access to adjoining properties
 - any openings comply with the fire resistance levels of the Building Code of Australia and are in filled with translucent or opaque materials
 - the wall height and length match an existing or similarly constructed wall on the adjoining site
 - satisfactory arrangements are in place for the maintenance of the wall or gutters.
 - Separation fencing should be provided between development land and any adjoining rail corridor.

4a Urban dwellings



Outcomes to be achieved

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Design guidelines

In this section '**multiple housing**' means 3 or more dwellings in a development

Table 1 Minimum front building setbacks – urban residential development

Street type	Residential development type	Minimum front building setback ('building line')
Local Street in Zones: R1 General Residential RU5 Village	Single dwellings, secondary dwellings, dual occupancies and semi detached dwellings	4.5 metres for primary road frontage 4.5 metres for secondary road frontage on a corner lot Minimum 5.5 metres to any garage or carport
	(NB the following are applicable to R1 zone only): Multi-dwelling housing, residential flat buildings and attached dwellings	6.0 metres for primary road frontage 6.0 m for secondary road frontage on a corner lot
Local Street in R5 Large Lot Residential Zone	All types of Residential Development	10 metres
Properties fronting New England Highway in any zone	All types of Residential Development	10 metres

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

Table 2 Minimum side and rear building setbacks – urban residential development

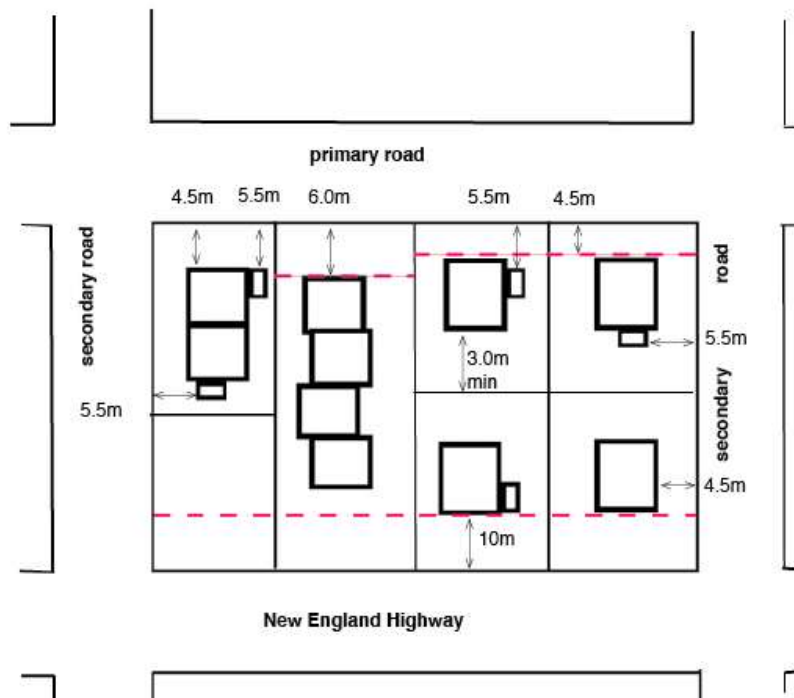
Residential development type	Minimum side setback	Minimum rear setback
Single dwellings and secondary dwellings	1.0 metre single storey 1.5 metre two storey	3.0 metres
Dual occupancies and semi-detached dwellings	1.0 metres single storey 1.5 metres two storey	3.0 metres
Multi-dwelling housing, Residential flat buildings and attached dwellings	1.5 metres single storey 3.0 metres two storey	3.0 metres

Note: See figures following for graphic representation of these requirements

4a Urban dwellings

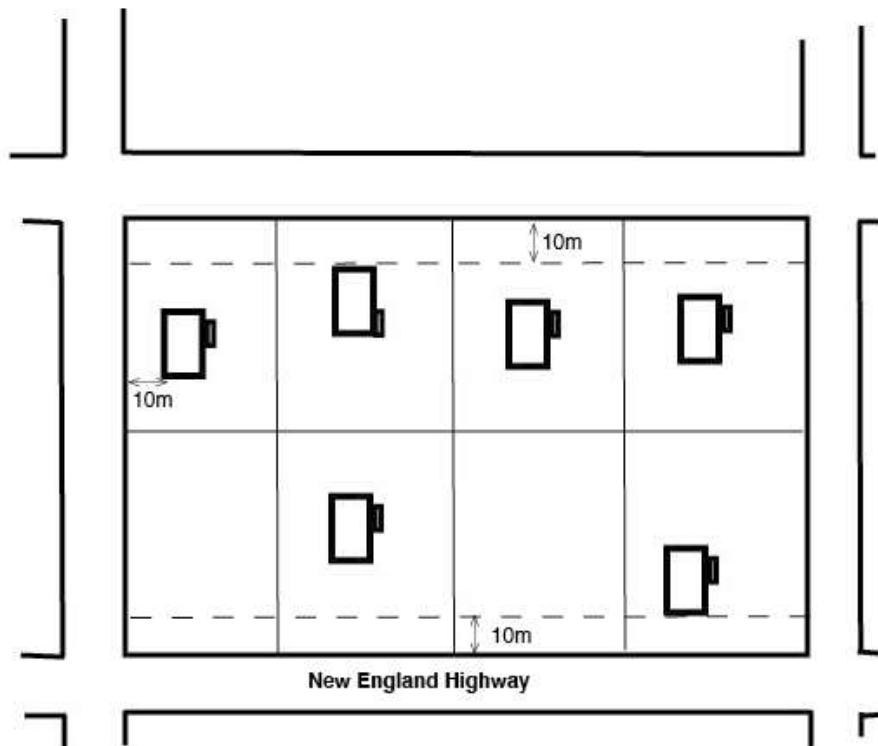


Figure 1 Urban and village residential zones (R1 and RU5) – minimum building setbacks to boundary (building lines)



4a Urban dwellings

Figure 2 Large lot residential zone (R5)– minimum building setbacks to boundary (building lines)

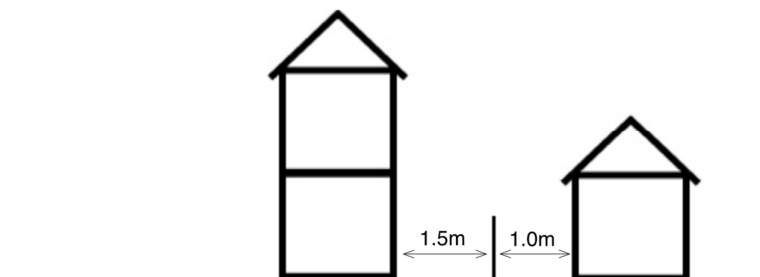


4a Urban dwellings

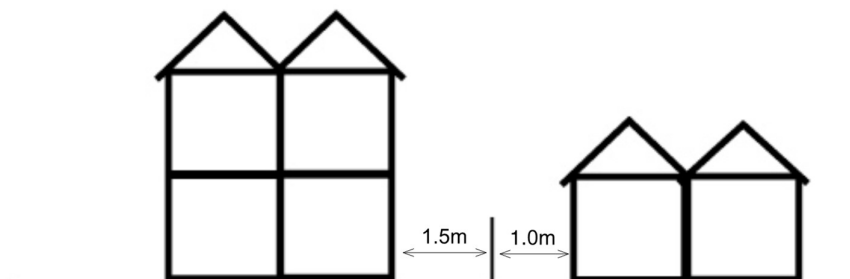


Figure 3 Urban residential development - minimum building setbacks to side boundary

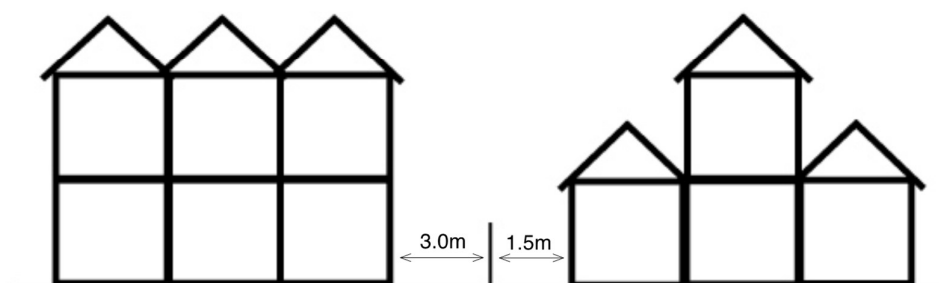
A - Single dwellings and secondary dwellings



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



C - Multi dwelling housing, residential flat buildings and attached dwellings (more than 2 dwellings)



4a Urban dwellings



Outcomes to be achieved

If there is an inconsistency between any part of this section and SEPP 65—Design Quality of Residential Apartment Development and the accompanying Apartment Design Guide 2015 (or its subsequent update), SEPP 65 / Apartment Design Guide will prevail.

Design guidelines

In this section '**multiple housing**' means 3 or more dwellings in a development

G. Battle-axe lots

- Minimum access handle width, handle length and sealed driveway widths for residential developments proposed on battle-axe allotments are in accordance with Table 3 below.

Note: Vehicle cross-overs within the road reserve shall be constructed in accordance with Standard Vehicle Layback in the UHSC Engineering Guidelines for Subdivisions and Development as amended.

Table 3 Minimum access handle and sealed driveway widths for battleaxe lots

Number of dwelling units	Minimum access handle width	Minimum sealed driveway width	Maximum access handle length
1	4.0m	3.0 m	60 m
2	5 m + widening 2.5m	3.0 m + additional widening of 2.5m is required over the first 6m into the property to allow vehicles to pass so that an entering vehicle vehicle does not need to reverse back on to the road. Refer to AS2890.1. Additional width or passing bays may be required where access is to a major road.	
3	6m + widening 2.5m		

Outcomes to be achieved

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Design guidelines

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H. Solar access

- Dwellings receive adequate daylight and natural ventilation to habitable rooms and adequate sunlight to private open spaces.
 - There is not significant overshadowing of habitable rooms and private open spaces on adjoining land.
 - The minimum hours of direct sunlight required for each dwelling must meet **Table 4: Solar access minimum requirements**.
 - The development minimises disruption to solar access to solar panels on adjoining properties
- The following measures may be required to reduce overshadowing:
 - the building resited or setbacks increased
 - reduced height
 - amended roof design
 - For dual occupancies and multi-dwelling housing**, the application should follow the design principles and design guidance given in Department of Planning, Infrastructure & Environment (2021). *Low Rise Housing Diversity Design Guide for Development Applications*.

4a Urban dwellings



Table 4: Solar access minimum requirements

Dwelling type	Minimum hours of direct sunlight* required between 9 am and 3 pm on the winter solstice (June 21)	The sunlight must reach the following area of the development:
Single dwelling	4	Principal area of ground level private open space. If existing overshadowing by buildings and fences is greater than this, sunlight should not be reduced by more than 20%.
Dual occupancy	3	Principal private open space of each dwelling
Multi dwelling housing	2	Living room or private open space of each dwelling
Residential flat building	See <i>Apartment Design Guide 201</i>	
Any adjacent residential properties	4	Principal area of ground level private open space of each dwelling. If existing overshadowing by buildings and fences is greater than this, sunlight should not be reduced by more than 20%.

* Direct sunlight is achieved when 1m² of direct sunlight on the glass is achieved for at least 15 minutes. To satisfy 2 hours direct sunlight, 8 periods of 15 minutes will need to be achieved - however the periods do not need to be consecutive

Outcomes to be achieved

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Design guidelines

In this section '**multiple housing**' means 3 or more dwellings in a development

I. Building materials

- Colours and materials used in new buildings:
 - respond positively to the existing character of the locality
 - do not result in adverse impacts to adjoining or nearby premises
 - does not result in glare nuisance.

Note: in the event of glare nuisance, Council will require materials to be treated.

- Use natural colours, muted and earth tones for major areas of the building, such as walls and roof, and restrict stronger colours to smaller features such as window frames, doors and decorative woodwork.
- Avoid use of highly reflective glass, highly reflective metal cladding (such as Zinalume and white Colorbond) and plastics on the exterior of buildings. Use factory pre-coloured materials with low reflective properties.
- Reflective materials should not be used.

J. Visual & acoustic privacy

- Visual and acoustic privacy is maintained for all residents, both of the proposed development and of adjoining or nearby properties.
- The proposal does result in adverse amenity impacts arising from noise generation.

For Dual Occupancies (Side by Side) and Multi-Dwelling Housing

- Visual and environmental impacts of car parking and garages do not dominate the streetscape and have an appropriate scale in relationship with the dwelling.

- Locate windows and outdoor spaces to avoid direct or close views into the windows, balconies or private open space of adjoining dwellings.
- Provide suitable permanent screening structures or mature planting to minimise overlooking from proposed dwellings to the windows, balconies or private open space of adjacent dwellings, or to windows, balconies or private open space of dwellings within the same development.
- Mechanical plant or equipment should be designed, located or enclosed to minimise noise nuisance.

4a Urban dwellings



Outcomes to be achieved

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Design guidelines

In this section '**multiple housing**' means 3 or more dwellings in a development

For Dual Occupancies (Side by Side) and Multi-Dwelling Housing

- The application should follow the design principles and design guidance given in Department of Planning, Infrastructure & Environment (2021). *Low Rise Housing Diversity Design Guide for Development Applications*
- Garages, carports and car parking spaces must be located behind the building line.

K. Natural site features

- The development protects natural features within or adjoining the site (refer to section **11b Biodiversity conservation**).
- The development minimises disturbance of natural ground levels, particularly in the vicinity of significant trees (refer to section **11f Soil & water management**).
- The development is consistent with any bushfire risk present at the site (refer to section **10b Bushfire risk**).
- The development is consistent with any flood risk present at the site (refer to section **10a Floodplain management**).
- The development is consistent with any geotechnical risk present at the site (refer to section **10c Geotechnical hazard** and the provisions of *UHSC Engineering Guidelines for Subdivisions and Developments*, as amended).
- Existing mature vegetation and trees outside the building footprint should be retained and measures are to be implemented to protect this vegetation during construction.

L. Vegetation (including trees)

- The development maximises the retention of vegetation, including trees.
- The development meets the provisions of part **11a Vegetation (including trees)**.
- Mature trees should be retained, particularly those along the boundary

M. Private open space & landscaping

- Sufficient and accessible open space is provided for the reasonable recreational needs of residents.
- Principal private open space and balconies are appropriately located to enhance liveability for residents.
- A minimum of 35% of the total site area is 'landscaped area'.
- The requirements of **Table 5: Private open space minimum requirements** are met.
- Private open space should not be broken up into small fragmented areas.
- Screening should be provided where necessary to maintain privacy.
- Landscaping should comply with **Table 6: Minimum Soil Standards for Plant Types and Sizes**
- The landscape plan is to provide for a combination of tree planting - for shade, mid height shrubs, lawn and ground covers.
- At least 50% of the overall number of trees and shrubs should be species native to the region

4a Urban dwellings



Outcomes to be achieved

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Design guidelines

In this section '**multiple housing**' means 3 or more dwellings in a development

- Private open space should meet the requirements for privacy of the user and adjoining properties, safety, access, outdoor activities and landscaping.
- The location of private open space should take account of natural features of the site, neighbouring buildings and the location of nearby public open space.
- Private open space provides a landscaped buffer between adjoining properties.
- Private open space is located to maximise the retention and absorption of surface drainage water on site. (refer to section 11f **Soil & water management** and the provisions of *UHSC Engineering Guidelines for Subdivisions and Developments*, as amended).
- Landscape design supports healthy plant and tree growth and provides sufficient space for the growth of medium sized trees.
- Existing natural features of the site that contribute to neighbourhood character are retained, and visual and privacy impacts on existing neighbouring dwellings are reduced.
- Landscape design contributes to a local sense of place and creates a micro climate.

For Dual Occupancies and Multi-Dwelling Housing

- The application should follow the design principles and design guidance given in Department of Planning, Infrastructure & Environment (2021). *Low Rise Housing Diversity Design Guide for Development Applications*

Table 5: Private open space minimum requirements

Dwelling type	What type of space?	Minimum amount per dwelling	Minimum dimension of space	Other requirements (in addition to other requirements in this section)
Single dwelling	Principal private open space	50 sqm	3m	To be located behind the front building line, at or near ground level and be directly accessible from a living area of the dwelling
Dual occupancy	Principal private open space	30 sqm	3m	<p>To be located behind the front building line, at or near ground level and be directly accessible from a living area of the dwelling</p> <p>25% of the private open space is to be covered to provide shade and protection from rain</p> <p>At least 25% of the area forward of the building line is to be landscaped area. At least 50% of the required landscaped area must be behind the building line.</p>

4a Urban dwellings

Dwelling type	What type of space?	Minimum amount per dwelling	Minimum dimension of space	Other requirements (in addition to other requirements in this section)
Multi dwelling housing at ground level	Principal private open space	30 sqm	1.5m	8m ² of the private open space should be covered to provide shade and protection from rain. 50% of the area forward of the building line is to be landscaped area.
Multi dwelling housing above ground level	Balcony	8sqm	2m	To have direct access from the main living area of the dwelling
Multi dwelling housing of more than 10 dwellings	Active communal open space	5% of the site area	8m	Located at least 3m from a habitable room of a dwelling on the lot. To receive at least 2hrs of direct sunlight between 9am and 3pm at the winter solstice (June 21) to 50% of the required area.
Residential flat building	See Apartment Design Guide			

Table 6: Minimum Soil Standards for Plant Types and Sizes

Tree Size	Height	Spread	Min. Soil Area	Min. Soil Depth
Large Trees	>12m	>8m	10m x 10m	1.2m
Medium Trees	1.0m	8-12m	4-8m	6m x 6m
Small trees	5-8m	<4m	3.5 x 3.5m	0.8m
Shrubs	-	-	-	0.5-0.6m
Groundcover	-	-	-	0.3-0.45m
Turf	-	-	-	0.2m

Outcomes to be achieved

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Design guidelines

In this section '**multiple housing**' means 3 or more dwellings in a development

N. Accessibility & adaptability

This element only applies to multiple housing proposals.

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

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

4a Urban dwellings



Outcomes to be achieved

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Design guidelines

In this section 'multiple housing' means 3 or more dwellings in a development

resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps.

O. Heritage

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

P. Relocated dwellings

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

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

4a Urban dwellings



Outcomes to be achieved

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Design guidelines

In this section '**multiple housing**' means 3 or more dwellings in a development

- a pressure test is carried out by a licensed plumber and any defective pipes and fittings are repaired or replaced prior to connection to the water supply or sewerage system.

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

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

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

Access & infrastructure

Outcomes to be achieved

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Design guidelines

In this section '**multiple housing**' means 3 or more dwellings in a development

Q. Off street parking & access

- Adequate on-site car parking is provided for residents, in accordance with Table 7 Minimum parking requirements for urban dwellings.
- Car parking, driveways and access are provided on site to a standard that ensures safe and convenient manoeuvring of vehicles (refer to section 12a Access & vehicle parking).
- The development is consistent with *UHSC Engineering Guidelines for Subdivisions and Developments*, as amended.

Multiple housing proposals

- Formed kerb and gutter is provided to the development, as specified in *UHSC Engineering Guidelines for Subdivisions and Developments*, as amended.

For Dual Occupancies and Multi-Dwelling Housing

- The application should follow the design principles and design guidance given in Department of Planning, Infrastructure & Environment (2021). *Low Rise Housing Diversity Design Guide for Development Applications*

4a Urban dwellings



Outcomes to be achieved

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Design guidelines

In this section '**multiple housing**' means 3 or more dwellings in a development

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

Table 7 Minimum parking requirements for urban dwellings

Dwelling type	Gross Floor Area (GFA)/Bedrooms per dwelling	No of spaces per dwelling*	Visitor spaces	Other requirements
Single Dwelling	<125m ²	1	N/A	N/A
	>125m ²	2		
Dual Occupancy	<125m ²	1		
	>125m ²	2		
Multi-Dwelling Housing and Residential Flat Building	1 bed	1	1 per every 5 dwellings or part thereof	<i>Disabled parking</i> 1 space for every adaptable housing unit in accordance with AS4299 <i>Bicycles</i> Residents: Minimum 1 space per 5 units or part thereof Visitors: Minimum 1 space per 10 units or part thereof <i>Car Wash Bay</i>
	2 beds	1.5		
	3 beds or more	2.0		

4a Urban dwellings



Any development containing 10 dwellings or more shall provide a minimum of 1 car wash bay/area

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

Outcomes to be achieved

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Design guidelines

In this section 'multiple housing' means 3 or more dwellings in a development

R. Water

- Reticulated water is provided to all dwellings on land zoned (or proposed to be zoned) residential (R1 and R5) or as otherwise agreed with Council.
 - A suitable on site water supply is provided to all dwellings where a reticulated supply is not available, incorporating the following measures:
 - Each dwelling is provided with roof water storage tanks having a minimum capacity of 100,000 litres. This water may be used principally for domestic and potable use and must encompass water storage of a minimum of 20,000 litres for fire fighting purposes (if the dwelling is >90 metres from a hydrant) and relevant fire fighting equipment and fittings.
 - Developments shall not adversely impact on Council's water service infrastructure.
 - Easements (benefiting UHSC) shall be provided for all existing and proposed public water mains within the site.
 - Dwellings shall not be directly connected to the low-pressure reticulated main servicing allotments within the **Bakewell Circuit subdivision on Gundy Road, Scone**. Dwellings must be serviced by a water tank having a minimum capacity of 25,000 litres which is connected to the low-pressure reticulated water main. The tank shall incorporate backflow prevention in the form of an 'air-gap' together with a service cock for fire fighting.
- Compliance with Council policy: *Building Near Water and Sewer Services*.

S. Sewer

- Dwellings are connected to Council's reticulated sewerage system if the property is within 75 m of the system.
 - If the property is not within 75 m of a reticulated sewerage system, an appropriately designed and sized on site wastewater treatment system must be provided to the development (refer to section **11g On-site waste water management**).
 - Developments shall not adversely impact on Council's sewer service infrastructure.
 - Easements (benefiting UHSC) shall be provided for all existing and proposed public sewer mains within the site.
- Compliance with Council policy: *Building Near Water and Sewer Services*.

4a Urban dwellings



Outcomes to be achieved

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Design guidelines

In this section ‘multiple housing’ means 3 or more dwellings in a development

Multiple housing proposals

- All dwellings are connected to the reticulated sewerage system.

T. Electricity & telecommunications

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

Multiple housing proposals

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

U. Stormwater management

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

For Dual Occupancies and Multi-Dwelling Housing

- The application should follow the design principles and design guidance given in Department of Planning, Infrastructure & Environment (2021). *Low Rise Housing Diversity Design Guide for Development Applications*

V. Waste minimisation & management

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

- Waste storage facilities meet the needs of the residents, are easy to use and access and enable efficient collection of waste
- Waste containers are stored in a suitable location so as to avoid vandalism, nuisance and adverse visual impacts.
- The waste storage area is easily accessible and has unobstructed access to Council's usual collection point.

- Waste management solutions should be taken into account early in the design process. Systems should be designed to maximise source separation and recovery of recyclables.
- The Department of Environment and Climate Change (2008) *Better Practice Guide for Waste Management in Multi-Unit Dwellings* (Website: <http://www.epa.nsw.gov.au/warr/BetterPracticeMUD.htm>) will provide advice for individual site solutions

Multi-Dwelling housing

- The following *minimum collection and storage facilities* are provided:
- Where a development site has limited street frontage (e.g., cul-de-sac, battle-axe lots, or higher density developments) and the area available for kerbside bin storage on collection day is limited, the

4a Urban dwellings



Outcomes to be achieved

If there is an inconsistency between any part of this section and SEPP 65 —Design Quality of Residential Apartment Development and the accompanying Apartment Design Guide 2015 (or its subsequent update), SEPP 65 / Apartment Design Guide will prevail.

Design guidelines

In this section '**multiple housing**' means 3 or more dwellings in a development

provision of a communal waste/recycling storage facility may be required.

- For developments that include 5 or more dwellings, a communal facility in the form of a waste/recycling storage room/s is provided in accordance with the *Better Practice Guide for Waste Management in Multi-Unit Dwellings*.
- The following location and design criteria apply to collection and storage facilities:
 - In townhouse and villa developments with individual waste/recycling storage areas, such areas should be located and designed in a manner which reduces adverse impacts upon neighbouring properties and upon the appearance of the premises.
 - Where bins cannot be collected from a kerbside location or from a temporary holding area located immediately inside the property boundary, the development must be designed to allow for on-site access by garbage collection vehicles. In these instances, the site must be configured so as to allow collection vehicles to enter and exit the site in a forward direction and so that collection vehicles do not impede general access to, from or within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles.
 - Potential site impacts (eg relating to odour, early morning noise/lighting from garage truck) upon occupants of the proposed and adjacent developments are addressed in accordance with *Better Practice Guide for Waste Management in Multi Unit Dwellings*.
 - Should a collection vehicle be required to enter a property, access driveways and internal roads are designed in accordance with *Australian Standard 2890.2 Parking*

4a Urban dwellings



Outcomes to be achieved

If there is an inconsistency between any part of this section and SEPP 65 —Design Quality of Residential Apartment Development and the accompanying Apartment Design Guide 2015 (or its subsequent update), SEPP 65 / Apartment Design Guide will prevail.

Design guidelines

In this section '**multiple housing**' means 3 or more dwellings in a development

Facilities – Off-Street Commercial
Vehicle Facilities – 2002

W. Clothes drying facilities

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

X. Numbering

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

Y. Outdoor lighting

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

Z. Mailboxes

- A lockable mail box is provided for each dwelling, close to each ground floor dwelling entry, or a mail box structure located close to the major pedestrian entry to the site.
- Mailboxes comply with requirements of Australia Post.

4a.3 Supplementary guidance

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

- NSW Department of Planning & Environment (2015). *Apartment Design Guide*. Available at <https://www.planning.nsw.gov.au/Policy-and-Legislation/Housing/Apartment-Design-Guide>
- Department of Planning, Infrastructure & Environment (2021). *Low Rise Housing Diversity Design Guide for Development Applications*. Available at <https://www.planning.nsw.gov.au/Policy-and-Legislation/Housing/Low-Rise-Housing-Diversity-Code/Design-Guides-for-Low-Rise-Housing-Diversity>
- UHSC *Engineering Guidelines for Subdivisions and Developments*, as amended.
- Department of Environment and Climate Change (2008). *Better Practice Guide for Waste Management in Multi-Unit Dwellings*.

4b Ancillary residential structures & activities

Explanatory outline

Section 4b outlines assessment criteria for ancillary residential structures and activities. The following matters are covered:

- general design considerations
- outbuildings, carports and detached garages
- fences, screens and courtyard walls
- cut and fill including retaining walls and terracing

Note: these criteria do not apply where:

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

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

4b Ancillary residential structures & activities

4b.1 Application of this section

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

Column 1: Type of development	Column 2: Applicable land
<ul style="list-style-type: none"> • Ancillary developments or other minor structures associated with a dwelling – for example garages, sheds, retaining walls etc. • Activities undertaken within a dwelling or its associated outbuildings or curtilage. <p>Does not apply to exempt development or proposals for which a complying development certificate is sought under <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p>	<p>Land within the following zones:</p> <ul style="list-style-type: none"> • R1 Residential • R5 Large Lot Residential • RU5 Village

4b.2 Assessment criteria

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

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

4b Ancillary residential structures & activities

Outcomes to be achieved

Design guidelines

A. General design considerations

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

B. Outbuildings, carports & detached garages

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

C. Fences, screens & courtyard walls

Fencing

- Fence construction is compatible with the natural topography and landform, and minimises the amount of excavation required.
- Do not obscure views of the building and garden from the street with high front fences.



4b Ancillary residential structures & activities

Outcomes to be achieved

Design guidelines

- Front fences are designed so as to contribute to the character pattern of the streetscape.
- Front fences are well designed, do not dominate the street, and contribute to the garden setting.
- Semi-transparent front fences (with no more than 50% solid construction – e.g. open picket fences) are to be no higher than 1.5 m.
- Solid front fences (such as masonry, lapped and capped timber, brushwood) are to be no higher than 1.0 m.

Screens and courtyard walls

- The design of screen walls, courtyard walls or similar structures takes the following matters into account:
 - the purpose for which the fence or wall is required
 - position of the fence or wall in relation to allotment boundaries and building alignments
 - height, materials and design of the proposed structure
 - general scale and appearance of the proposal, relative to the general streetscape and amenity of the neighbourhood and the existence of similar structures in the area
 - structural stability
 - possible effects on traffic conditions on adjoining streets and roads and the safety of pedestrians
 - existing and proposed landscaping, and effects on the construction and embellishment of the proposal
 - possible impacts on overland flow and drainage
-

4b Ancillary residential structures & activities

D. Cut and fill works (including terracing or retaining walls)

- Any cut and fill, including retaining walls or terracing structures complies with part 11f **Soil and Water Management**, particularly section **C Structural stability including terracing or retaining walls**
- The structure must also be in accordance with Table 8: Requirements for cut and fill works and Figure 4: Cut and fill for a dwelling

Table 8: Requirements for cut and fill works

(This table should be read in conjunction with Figure 4: Cut and fill for a dwelling following)

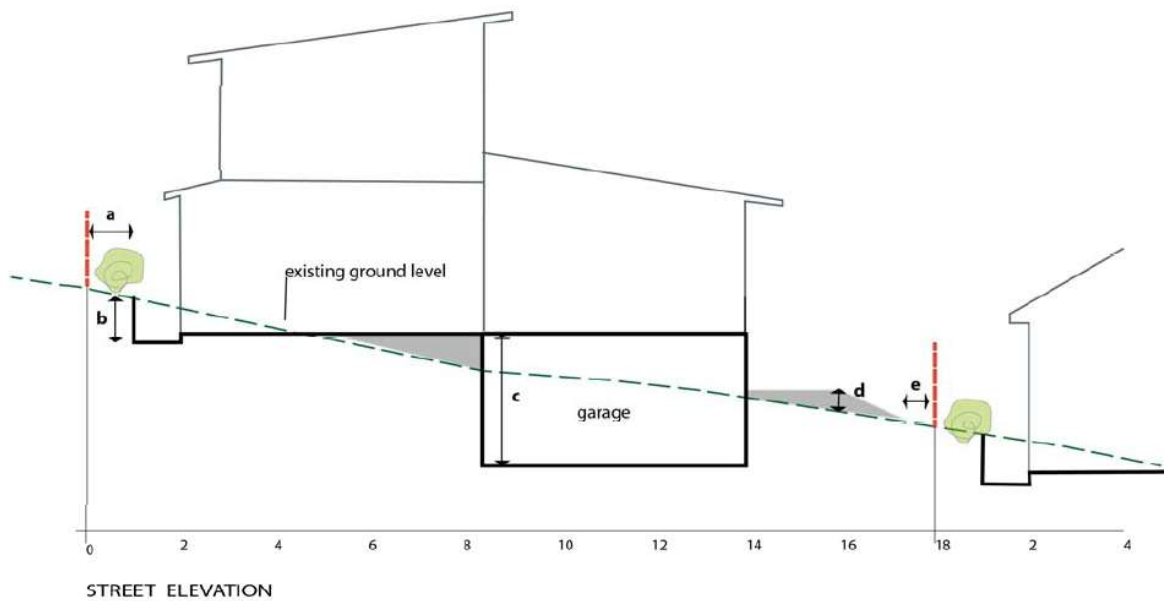
Location	Type of Works	Requirement	Other Requirements
Within building footprint	Cut and/or fill - retained	c = 3 m max	
Outside building footprint	Cut and/or fill - retained	1.0m max	
In R5 zone Outside building footprint, where building is within 5m of a boundary	Cut and/or fill - unretained	1.0m maximum	Batter slope not to exceed 1 vertical to 4 horizontal
In R5 zone Outside building footprint, where building is more than 5m from a boundary	Cut and/or fill - unretained	1.0m, plus cut and/or fill may be increased by 250mm for each additional metre from the boundary in excess of 5.0m maximum to a maximum depth of 3.0m	Batter slope not to exceed 1 vertical to 4 horizontal
Near common boundary	Cut and/or fill - retained	a = 450mm min* b = 1m max	Landscape planting to area between boundary fence and retaining wall
Near common boundary	Fill – unretained batter	e = 450mm	Side and rear fences built on existing ground level
Remainder of site	Cut and/or fill - retained	1.0m max	Retaining walls on or near a front boundary do not exceed 1.0m.
All of site	Fill – unretained batter	d = 600mm max	Batter slope not to exceed 1 vertical 4 horizontal

Note *: distance to a boundary is measured from the face of the retaining wall

4b Ancillary residential structures & activities

Figure 4: Cut and fill for a dwelling

(This figure should be read in conjunction with Table 8: Requirements for cut and fill works above)



Source: Lake Macquarie DCP 2014 Part 3 – Development within Residential Zones, Revision 16 July 2017

Outline

Part 5 Commercial and mixed use development

Explanatory outline

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

5a Commercial and mixed use development - general

5b Scone Town Centre

5c Merriwa Town Centre

5d Aberdeen Town Centre

5e Murrurundi Town Centre

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

Note that requirements for commercial subdivision are at **Pt 3 Subdivision**.

5a Commercial and mixed use development - general

Explanatory outline

Section 5a outlines application requirements and assessment criteria for general commercial and mixed use development.

5a Commercial and mixed use development - general

5a.1 Application of section

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

Column 1: Type of development	Column 2: Applicable land
Any development that requires development consent.	Land within Zone E1 Local Centre
Commercial premises Any other development that is <i>not</i> residential accommodation	Land within MU1 Mixed Use
Does not apply to proposals for which a complying development certificate is sought under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.	

5a.2 Relevant planning instruments & legislation

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

- *Upper Hunter Local Environmental Plan 2013*
- *Local Government Act 1993*

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

5a.3 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended. The Dictionary to this DCP provides additional definitions that are relevant to this Part, including:

- building height
- setback
- storey

5a.4 Objectives

The objectives of this section are to:

1. encourage viable retail and commercial activity in the LGA to support community need
2. ensure the application of Ecologically Sustainable Development (ESD) principles at all stages of development including demolition, design, construction and ongoing use over time
3. provide for the integration of new development into local commercial / business centres



5a Commercial and mixed use development - general

4. ensure the design of buildings complements and enhances existing local commercial / business centres
5. maintain the heritage character/ value and streetscape of the business centre of each town in the LGA
6. ensure that commercial development in mixed use zones is compatible with existing and likely future residential development
7. ensure the height and scale of buildings is consistent with the character of the streetscape.
8. maintain solar access to public places and adjoining properties
9. provide shelter and shade for pedestrians and footpath activity
10. ensure the siting of buildings provides for adequate separation between buildings for the amenity of the development and adjoining properties
11. ensure signage is compatible with the scale of surrounding buildings and the locality
12. maximise the effectiveness of advertising whilst minimising visual clutter through the proliferation of signs
13. ensure signage complements the character and amenity of the locality and the development on which advertisements are displayed
14. ensure that development on public land does not impact on the safety of users of the land
15. ensure that equitable access is provided to new commercial buildings and existing buildings undergoing a change of use or alterations and additions
16. provide landscaping which enhances the amenity of a development by allowing for adequate open space, sunlight and shade
17. ensure the safe and efficient movement of pedestrians and vehicles through each town centre
18. ensure that developments provide simple, safe and direct vehicular access
19. provide sufficient and convenient parking for employees and visitors
20. ensure all commercial development is appropriately serviced.

5a.5 Supporting plans & documentation

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

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application.
B. Specific requirements for Town Centres	Any application applicable to section 5b (Scone), 5c (Merriwa), 5d (Aberdeen) or 5e (Murrurundi) Town Centre	Include the matters required under relevant Town Centre section - 5b (Scone), 5c (Merriwa), 5d (Aberdeen) or 5e (Murrurundi)
C. Zone MU1 Mixed Use Masterplan	Any application in Zone MU1 Mixed Use where:	An indicative plan must be prepared for the site, and any adjoining land in the same ownership, showing: <ul style="list-style-type: none"> likely future uses

5a Commercial and mixed use development - general

Item	When required	Plans or information to be provided
	<ul style="list-style-type: none"> a Masterplan has already been prepared for the site, or adjoining site (usually as part of a subdivision or a previous development); or where the proposal is the first development proposed for a site that is likely to consist of staged development as determined by Council. 	<ul style="list-style-type: none"> location of future buildings and structures proposed vehicular access on each lot. <p>If a Masterplan has previously been prepared as part of a subdivision or previous development on the site or adjoining land, then that Masterplan, and any proposed changes to it, should be submitted to Council.</p> <p>Depending on the site and circumstances, Council may require other information to be provided in either of these Masterplans. This should be discussed early with Council officers.</p>
D. Sustainability assessment	A development with a development footprint of 1,500 square metres or greater	<p>Report, prepared by a suitably qualified professional, addressing the requirements of Part 1h Sustainability, including but not limited to the following:</p> <ul style="list-style-type: none"> identifying how the proposed land use will meet the objectives of cleaner production, conservation and minimisation of resources and waste production, including details any photovoltaic systems or other technologies to be installed, demonstrating where viable ecologically sustainable measures are proposed demonstrating how the development responds to Section E Sustainability
E. Shadow diagram	<p>Applications that potentially involve overshadowing of the proposed development, or of adjoining or nearby development.</p> <p>Any development of two or more storeys.</p>	<p>A plan illustrating:</p> <ul style="list-style-type: none"> extent of shadows cast by existing and proposed buildings, including buildings on adjoining land. position of existing and proposed buildings on the site and adjoining land. shadows cast by existing and proposed buildings at the winter solstice (22 June) for 9am, 12noon and 3pm.
F. Visual Impact Assessment	Development applications that potentially alter views or propose materials and colours with reflective qualities – in the opinion of Council.	<p>The Visual Impact Assessment (VIA) must be prepared by a suitably qualified landscape architect and include the following:</p> <ol style="list-style-type: none"> Introduction <ol style="list-style-type: none"> 1.1. Background 1.2. The site and context Methodology <ol style="list-style-type: none"> 2.1. Background 2.2. Existing visual environment 2.3. Assessment criteria 2.4. Viewing zones Proposal <ol style="list-style-type: none"> 3.1. Proposed Development Visual impact assessment <ol style="list-style-type: none"> 4.1. Viewpoint Analysis



5a Commercial and mixed use development - general

Item	When required	Plans or information to be provided
		4.2. Visual impact assessment summary 5. Visual impact mitigation measures 5.1. Recommendations
G. Materials & colour palettes	All applications	Details of external materials and colours, with reference where relevant to the colour and materials requirements specified in sections 5b (Scone) , 5c (Merriwa) , 5d (Aberdeen) or 5e (Murrurundi)
H. Servicing strategy	All applications	Information is required to demonstrate the availability and feasibility of providing the following services appropriate for the scale and nature of development: <ul style="list-style-type: none"> • reticulated water, including the size and location of water services including any proposed fire service • reticulated sewerage • liquid trade waste (where applicable) • electricity • telecommunications.
I. Heritage, aboriginal cultural heritage or archaeological plans & reports	Applications that will potentially impact on land that is listed as or contains: <ul style="list-style-type: none"> • a heritage item • a heritage conservation area • an archaeological site • an Aboriginal object • an Aboriginal place of heritage significance. 	Include the matters required under section 9 Heritage .
J. Landscape plan & report	All applications	Plan and report, prepared by a suitably qualified professional, showing: <ul style="list-style-type: none"> • description of ground preparation and on-going maintenance of landscaping • areas of private open space, proposed turf and areas of established gardens. • location and species of trees and shrubs to be retained or removed. • schedule of plantings, cross-referenced to the site plan indicating species, massing and mature height. • details of restoration and treatment of earth cuts, fills, mounds, retaining walls, fencing and screen walls.
K. Soil & water management plans or reports	Applications for which soil and water management plans or reports are required (refer to section 11f Soil & water management)	Prepare applicable soil and water management plans or reports, as specified in section 11f Soil & water management . These could include: <ul style="list-style-type: none"> • cut and fill details. • erosion and sediment control plan (ESCP) • erosion and sediment control strategy (ESCS)



5a Commercial and mixed use development - general

Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> soil and water management plan (SWMP) comprehensive water cycle strategy (CWCS).
L. Geotechnical hazard & salinity assessment	Applications potentially subject to geotechnical hazards (refer to section 10c Geotechnical hazard)	Include the matters required under section 10c Geotechnical hazard .
M. Flooding information	Applications that relate to flood prone land (refer to section 10a Floodplain management)	Include the matters required under section 10a Floodplain management .
N. Traffic impact assessment	Applications that are likely to have significant traffic impacts in the locality.	Include the matters required under section 12a Access & vehicle parking .
O. Vehicle parking & loading details	Applications involving off-street parking or loading facilities.	Include the matters required under section 12a Access & vehicle parking .
P. Acoustic assessment report	Applications that involve the potential for noise impacts on adjoining or nearby residential development, or that are located adjacent to a rail corridor.	The report should address and indicate measures to mitigate potential impacts from noise and vibration
Q. Outdoor eating areas	Applications that involve outdoor eating areas.	Plan and written description of the position of tables, chairs, planter boxes, bollards and other objects to be used or displayed.
R. Crime Risk Assessment	Applications as determined by Council	An outline of the development's consideration of 'Safer by design' principles: <ul style="list-style-type: none"> Surveillance Access Territorial Reinforcement Space Management
S. Site waste minimisation & management plan	All applications.	A Plan and written description including: <ul style="list-style-type: none"> the location of designated waste and recycling storage room(s) or areas sized to meet the waste and recycling needs of all tenants. Waste should be separated into at least 3 streams, paper/cardboard, recyclables, general waste. the location of temporary waste and recycling storage areas within each tenancy. These are to be of sufficient size to store a minimum of one day's worth of waste. an identified collection point for the collection and emptying of waste, recycling and garden waste bins.



5a Commercial and mixed use development - general

Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> the on-site path of travel for collection vehicles (if collection is to occur on-site). all other requirements outlined in Section 11h Waste minimisation & management

5a.6 Assessment criteria

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

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

5a Commercial and mixed use development - general

This section is structured in the following way:

Architectural and urban design	
A	Building setbacks
B	Building height
C	Floor space ratio
D	Siting & building general design
E	Sustainability
F	Building near water & sewer services
G	Heritage
H	Designing for accessibility
I	Solar and shade access
J	Natural Ventilation
K	Privacy
L	Safer by design
M	Outdoor lighting
N	Noise
	Advertising & signage
P	Landscaping, public art and street furniture
Q	Post supported verandahs & balconies
R	Outdoor eating areas
Access, infrastructure & services	
S	Off street parking & access
T	Water supply
U	Sewerage & waste water
V	Electricity & telecommunications
W	Stormwater management
X	Waste minimisation & management



5a Commercial and mixed use development - general

Outcomes to be achieved

Design guidelines

Architectural & urban design

A. Building setbacks

- Building setbacks are compatible with the existing streetscape.
 - New development respects the setbacks of other buildings along the streetscape.
 - Building setbacks are in accordance with any strategic plan for the commercial area as produced by Council (including any adopted Town Centre Masterplan).
 - In the MU1 Mixed Use zone, building setbacks are informed by any Masterplan for the site.
- The front of buildings should be aligned to provide a continuous street frontage.
 - In some cases, front setbacks should allow for street landscaping and footpath widening where necessary.

B. Building height

Note: building height controls are specified in Upper Hunter LEP 2013 clause 4.3 and associated series of Maps 'Height of Buildings'.

- The height of buildings is consistent with the character of the area.
 - The height of buildings does not result in unreasonable overshadowing or compromise the privacy of adjoining properties.
 - In the MU1 Mixed Use zone:
 - building heights are informed by any Masterplan for the site; and
 - views from neighbouring dwellings are not unduly compromised; and
 - building height does not overwhelm the public street
 - Building heights are in accordance with any strategic plan for the commercial area as produced by Council (including any adopted Town Centre Masterplan).
- Building heights should consider roof parapets where that is a characteristic in the surrounding streetscape.

C. Floor space ratio

Note: floor space ratio controls are specified in Upper Hunter LEP 2013 clause 4.4 and associated series of Maps 'Floor space ratio'.

D. Siting & building general design

- The design reflects and enhances the existing character of the local centre.
 - The building design relates to its retail/ commercial/ office function.
 - Building materials and finishes are of high quality and harmonise with surrounding development.
 - The building facade relates to the context of buildings in the area to achieve continuity and harmony.
- Buildings can provide for 'activated street frontages' by incorporating active uses at street level including cafes and other retail activities.
 - The use of reflective materials is discouraged.
 - Materials and colours should not dominate the streetscape.
 - The selection of colours and materials must be used to express building massing, articulation or detail elements. Single colour buildings are not acceptable.



5a Commercial and mixed use development - general

Outcomes to be achieved

- Blank walls to primary or secondary street frontages do not exceed 5 metres. Exceptions may be considered for laneways with adequate pedestrian lighting and visibility from adjoining streets.
- Awnings are designed to integrate with the architecture of the building façade and provide for continuous shelter for pedestrians. Awnings follow consistent heights above the footpath with a minimum height to the underside of the awning of 2.7 metres.
- In Zone E1 Local Centre, new residential development is located above street level.
- In the MU1 Mixed Use zone, the location and form of proposed residential development is informed by section **4a Urban dwellings** and any Masterplan for the site.
- Buildings and structures are located clear of utility infrastructure.
- Separation fencing is provided between development land and any rail corridor.
- In the MU1 Mixed Use zone, non-residential and residential land uses in the same development shall be sited and designed to not adversely affect the residential amenity of building occupants.

Design guidelines

- The continuity of commercial frontages should not be broken by parking areas, service and delivery areas etc.
- Blank building facades to streets or public places are to be avoided.
- The placement of windows should provide visual interest and variation to the building façade and relate to those of adjacent buildings.
- Building designs should allow for passive surveillance of public places and streets.
- Building entrances should be well defined and well lit.
- Incorporate areas for future signage into the building design.
- Building design should be informed by any strategic plan for the commercial area as produced by Council (including any adopted Town Centre Masterplan).

E. Sustainability

- Rainwater collection tank(s) to collect rainfall and runoff from roof areas is provided for all development resulting in more than 200 square metres of new gross floor area (GFA). The minimum volume of the tank(s) is 1,000 litres per 100m² (rounded down to the nearest 100m²) of new GFA. Such tank(s) must have their overflows connected to a point for suitable integration with the natural or constructed stormwater drainage system.
- All plumbing fittings connected to potable water supply are Triple A or higher rated devices.
- Connection to recycled water is required if serviced by a dual reticulation system. Such water shall be used for all of the purposes listed above. The requirement to provide water tank(s) does not apply if the development is connected to a recycled water system.
- A photovoltaic system to complement consumption of electricity from the grid system is installed on all commercial developments where the capital investment value is more than \$500,000 and where more than 100m² of new GFA is proposed. The capacity of the system must be no less than 5kW per 100m² of new GFA.
- Water from rainwater collection tank(s) should be used for at least one of the following:
 - a) Irrigation and maintenance of landscaped areas;
 - b) Cleaning and maintenance of built development;
 - c) Toilet flushing;
 - d) Laundry purposes; or
 - e) Car washing.



5a Commercial and mixed use development - general

Outcomes to be achieved

Design guidelines

F. Building near water & sewer services

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

G. Heritage

- The development considers the provisions of section 9 Heritage.

H. Designing for accessibility

- New buildings or buildings undergoing alterations and additions or a change of use are required to provide equitable provision of access to and circulation within the premises for people with disabilities in accordance with the provisions of AS1428.1 2009 - Design for Access and Mobility.
- Continuous accessible paths should be provided as follows:
 - from parking spaces, public streets and walkways to building entrance(s)
 - between buildings, facilities and spaces that are on the same site
 - to connect the building entrance(s) with all spaces and facilities within the building
 - to minimise travel distance between each accessible element of the building and of facilities within it.
- For the purposes of the previous point, access should be provided to and within all the areas or facilities of the building where there is a reasonable expectation of access by any owner, occupier, employee, or visitor. It does not include any area if access would be inappropriate because of the particular purpose for which the area is used.
- Council may vary these provisions if compliance will cause major difficulties or unjustifiable hardship to a person or organisation. Each claim for unjustifiable hardship is determined on a case by case basis taking into account the following:
 - Whether there is a benefit or a detriment to any person concerned.
 - How it affects the disability of the person concerned; and.
 - The financial cost and considering the following circumstances:
 - technical limits.
 - topographical restrictions.
 - safety, design and construction issues; and.
 - does not rely on the 'public domain' to solve access issues within the site.

I. Solar and shade access

- Buildings and structures should not compromise reasonable solar access to adjoining residential development or public open space.
- Buildings on sites adjoining residential buildings or public open space must not cast a shadow onto more than one third of the building's private open space or



5a Commercial and mixed use development - general

Outcomes to be achieved

- The design of buildings and structures adjoining public places maximises access to summer shade surrounding the development.
- **For development with a development footprint of 1,500 square metres or greater:**
 - Buildings are to provide a roof plane facing north or west with a minimum dimension of 3m by 2m to allow for future rooftop photovoltaic system installation(s).

(NB this is also specified in **Part 1f Sustainability Table 1: Sustainability analysis considerations**)

Design guidelines

- the public open space, between the hours of 10am and 2pm during the winter solstice (measured at ground level).
- The following provides advice on designing and locating built and natural shade: *Guidelines to Shade*, Cancer Council NSW. Sydney, 2013. Available from: https://www.cancercouncil.com.au/wp-content/uploads/2011/04/Guidelines_to_shade_WEB2.pdf

J. Natural ventilation

- Development design provides opportunities for cross ventilation and maximum natural ventilation.

K. Privacy

- The privacy of adjoining and nearby dwellings is maintained.

L. Safer by design

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

M. Outdoor lighting

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

N. Noise

- In the MU1 Mixed Use zone, hours of operation of commercial development are restricted to avoid any noise nuisance on surrounding existing or proposed residential areas.

O. Advertising & signage

- The development considers the provisions of section **8b Advertising & signage**.
 - The number and size of signs should be limited to avoid clutter and unnecessary repetition.



5a Commercial and mixed use development - general

Outcomes to be achieved

- Signage is compatible with the scale and character of development in the area and with the scale of the building it is placed upon.
- Signage is not placed on a building wall abutting or facing a residential area.

Design guidelines

- Signage should form an integrated part of the building façade, architectural design and scale of the building

P. Landscaping, public art & street furniture

- Landscaping reflects the size and height of buildings and is consistent with the character of the area.
- Landscaping is used to soften the impact of hard surfaces where necessary.
- Landscaping, public art and street furniture is consistent with any strategic plan for the commercial area as produced by Council (including any adopted Town Centre Masterplan).
- In the MU1 Mixed Use zone:
 - the location and form of landscaping is informed by any Masterplan for the site.
 - if there is a building setback from the front boundary, landscaping must be provided within this setback

- Where appropriate, landscaping should be incorporated into building design to enhance the character of the streetscape and the amenity of buildings and public places.

Q. Post supported verandahs & balconies

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

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

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

R. Outdoor eating areas

- Outdoor eating areas are designed so as to:
 - enhance the character of the town centre.
 - provide lively and active streetscapes without compromising the safe and efficient movement of pedestrians.
- Any outdoor eating areas are located directly adjacent to cafes or restaurants.
- A clear space is provided on the footpath to allow free flow of pedestrian traffic.

Note: separate approvals under the Roads Act and Local Government Act are also required.



5a Commercial and mixed use development - general

Outcomes to be achieved

Design guidelines

- Furniture is strong, durable and of sufficient weight such as not to be moveable by strong gusts of wind. Lightweight plastic chairs and tables are not permitted.
- Outdoor eating areas are required to comply with Council's Policy – *Use of Public Footpaths*.

Access, infrastructure & services

S. Off street parking & access

- The development, including all car parking, access and loading facilities considers the provisions of section **12a Access & vehicle parking**, and the provisions *UHSC Engineering Guidelines for Subdivisions and Developments*, as amended.
- Car parking is screened from residential areas.
- Vehicular access to properties fronting the New England Highway is from laneways or shared driveways.
- Carparking and access is consistent with any strategic plan for the commercial area as produced by Council (including any adopted Town Centre Masterplan).
- In the MU1 Mixed Use zone, the location and form of access and off street parking is informed by any Masterplan for the site

T. Water supply

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

U. Sewerage & waste water

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

V. Electricity & telecommunications

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

W. Stormwater management

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

5a Commercial and mixed use development - general

Outcomes to be achieved

Design guidelines

X. Waste minimisation & management

This section aims to ensure new commercial developments and changes to existing developments are designed to maximise resource recovery (through waste avoidance, source separation and recycling); and to ensure appropriate well-designed storage and collection facilities are accessible to occupants and service providers.

- A designated waste/recycling storage area or room/s are provided.
- Convenient access from each tenancy to the waste/recycling storage room/s or area/s is provided. Step-free access is provided between the point at which bins are collected/emptied and the waste/recycling storage room/s or area/s.
- Arrangements are in place in all parts of the development for the separation of recyclable materials from general waste. Arrangements must be in all parts of the development for the movement of recyclable materials and general waste to the main waste/recycling storage room/area. For multiple storey buildings, this might involve the use of a goods lift.
- The waste/recycling storage room/area is able to accommodate bins that are of sufficient volume to contain the quantity of waste generated between collections.
- The waste/recycling storage room/area provides separate containers for the separation of recyclable materials from general waste. Standard and consistent signage on how to use the waste management facilities should be clearly displayed.
- Waste management facilities are suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system.
- Where possible, waste/recycling containers is collected from a rear lane access point. Consideration should be given to the time of day at which containers are collected so as to minimise adverse impacts upon residential amenity, pedestrian movements and vehicle movements.
- A waste/recycling cupboard is provided for each and every kitchen area in a development, including kitchen areas in hotel rooms, motel rooms and staff food preparation areas. Each waste/recycling cupboard must be of sufficient size to hold a minimum of a single day's waste and to hold separate containers for general waste and recyclable materials.
- Premises that discharge trade wastewater must do so only in accordance with a written agreement from the local sewer authority. Trade wastewater may be defined as "any liquid, and any substance contained in it, which may be produced at the premises in an industrial and commercial activity, but does not include domestic wastewater (e.g. from hand-basins, showers and toilets)."
- Premises which generate at least 50 litres per day of meat, seafood or poultry waste must have that waste collected on a daily basis or must store that waste in a dedicated and refrigerated waste storage area until collection.



5a Commercial and mixed use development - general

Outcomes to be achieved

Design guidelines

- Arrangements are in place regarding the regular maintenance and cleaning of waste management facilities. Tenants and cleaners must be aware of their obligations in regards to these matters.
- Any garbage chutes are designed in accordance with the requirements of the *Building Code of Australia* and *Better Practice Guide for Waste Management in Multi-Unit Dwellings*. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.
- Food and drink premises that use disposable wrappers or containers provide waste bins that are appropriate to the waste materials generated. In particular containers that are recyclable should be able to be recycled at the premises of origin.
- Recyclable receptacles are provided in premises that provide food and drinks in recyclable containers, either pre-packaged or prepared in store. The following items should be recycled within the receptacles:
 - glass bottles
 - paper
 - cardboard
 - aluminium cans
 - steel cans
 - plastic bottles and containers
 - milk and juice cartons
- All waste receptacles are coloured in conformance with the Australian Standard.
- Signage should be provided that assists patrons in the proper sorting of waste and food scraps.
- Appropriate collection services are contracted to ensure well sorted waste is disposed of accordingly



5b Scone Town Centre

Explanatory outline

Section 5b outlines assessment criteria relating to the Scone Town Centre.

These requirements are in *addition* to those given in section 5a
Commercial and Mixed Use development – general.

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

5b Scone Town Centre

5b.1 Application of this section

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

Column 1: Type of development

Any development that requires development consent.

Column 2: Applicable land

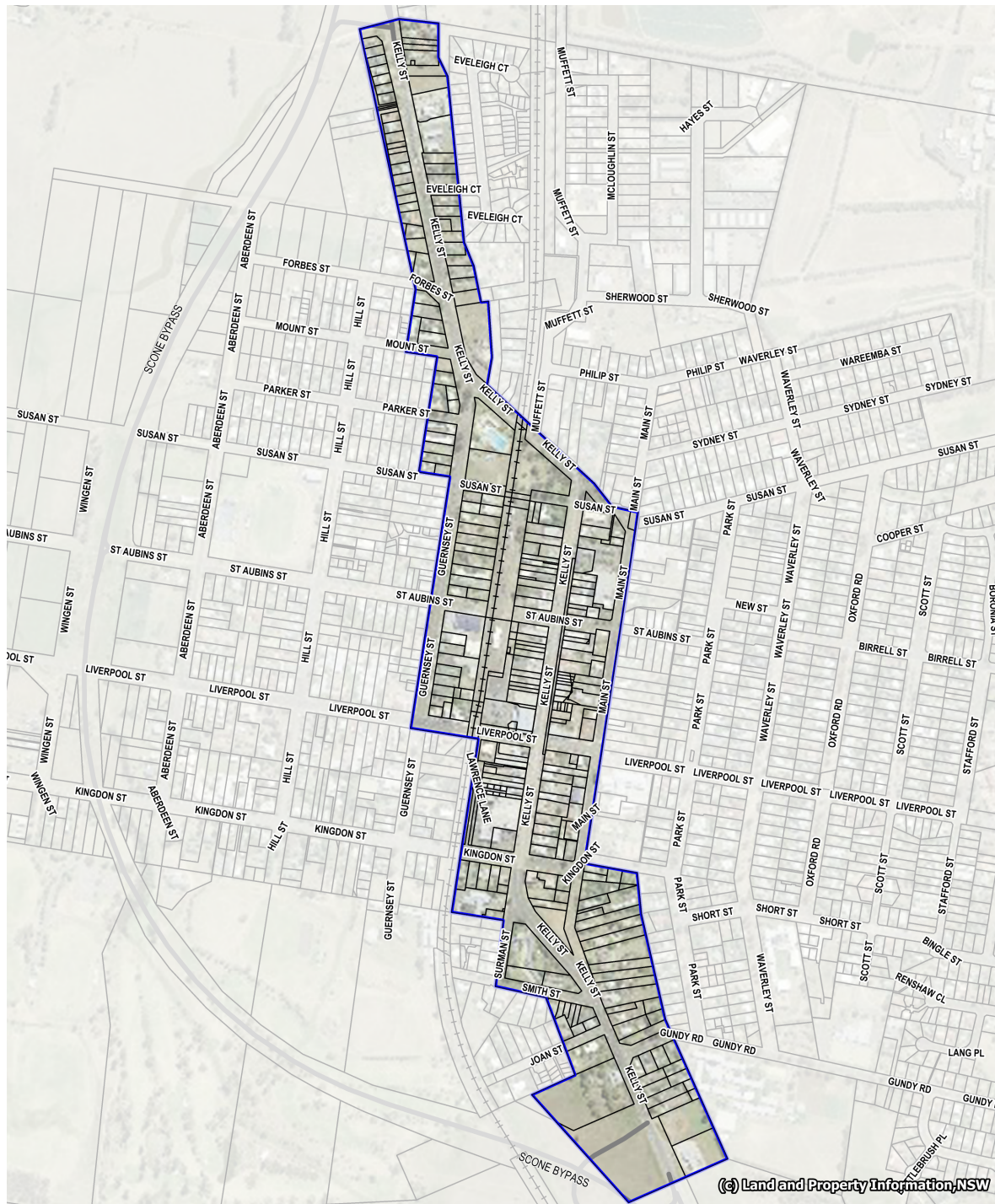
Land located in the Scone Town Centre as shown on **Map 1: Scone Town Centre**.

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

5b Scone Town Centre

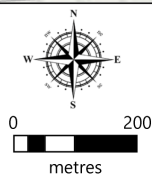


Map 1: Scone Town Centre



Legend

- Scone Town Centre
- Railway
- Cadastre



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5b Scone Town Centre

5b.2 Objectives

The specific objectives of this section are to:

1. encourage the orderly development of land in Scone Town Centre;
2. ensure that development is consistent with the *Scone Town Centre Masterplan 2016*;
3. ensure as far as possible that the existing rural town character and charm of the Scone Town Centre is retained and enhanced;
4. encourage the reinstatement of historical facades where possible;
5. encourage continuous awnings with posts in commercial development;
6. encourage a co-ordinated palette of external materials and colours; and
7. encourage signage that generally reinforces the character of Scone whilst providing adequate opportunity for commercial display.

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

5b.3 Supporting plans & documentation

Development applications that are subject to this section should be supported by the plans and documentation that are specified in the general commercial development section requirements listed previously (**Section 5a**).

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

5b.4 Assessment criteria

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

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

These requirements are *in addition to* those in section **5a Commercial and mixed use development – general** and any other section which may apply.

5b Scone Town Centre

Outcomes to be achieved

Design guidelines

A. Scone Town Centre Masterplan

- Development is consistent with the *Scone Town Centre Masterplan 2016*, particularly:
 - Principles (p17),
 - the 'Illustrative Masterplan' (p18), and
 - specific items in the Action Plan (from p49).
- Development is consistent with any future design guidelines or plans developed by Council as a result of the *Scone Town Centre Masterplan 2016*.
- The principles, details, drawings and photographs contained in the *Scone Town Centre Masterplan 2016* should be considered in the design of the development. The following sections will assist:
 - C-01 Kelly Street transformation (from p21)
 - C-02 St Aubins Square (p27)
 - C-03 Southern Gateway (pp28-29)
 - C-04 Town Centre branding (p30)
 - C-05 Upper Hunter branding (p30)
 - C-06 Colours and Materials (p31) (see also section **E Colours and Materials** below)
 - C-07 Heritage and Landmarks (p31) (see also section **C Heritage** below)
 - C-08 Public Art (p32)
 - C-09 Signage and Town Map (p32)
 - C-10 Tourist Information (p33)
 - C-11 The Horse Silhouettes (p33)
 - C-12 Gateways & Entries (p34)
 - C-13 Amenities & Facilities (p34)
 - C-14 Attractions for Everyone (p35)
 - C-15 Night time economy (p35)
 - C-16 Civic Theatre Precinct Upgrade (p36)
 - C-17 Clustering of Uses (p37)
 - C-18 Events and pop-ups (p37)
 - C-19 Outdoor seating and interactions (p38)
 - C-20 Civic facilities (p38)
 - C-21 Green streetscapes (p39)
 - C-22 Street trees (p39)
 - C-23 Footpath upgrades (p40)
 - C-24 Public toilets (p40)
 - C-25 Awning and corner elements (p41)
 - C-26 Street furniture (p41)
 - C-27 Town Heart (p42)
 - C-28 Facades and shopfronts (p42)
 - C-29 Safety and security (p43)
 - C-30 Low speed environment (p43)
 - C-31 Car parking (p44)
 - C-32 Pedestrian priority (p44)
 - C-33 Intersections (p45)
 - C-Cycling (p45)

5b Scone Town Centre

Outcomes to be achieved

Design guidelines

B. Height of buildings

- The low scale of buildings fronting commercial streets is maintained.

Note: building height controls are specified in Upper Hunter LEP 2013 clause 4.3 and the associated 'Height of Buildings' maps.

- Achieve a limited height at the frontage of the lot, extending to maximum height towards the rear of the allotment by 'stepping back' upper storeys. This will assist in preserving the attractive human scale of the streets and will allow balcony landscaping.
- Upper levels can be designed to allow residential (studio) one bedroom flats or office accommodation.

C. Heritage

- The development considers the provisions of section 9 Heritage and particularly to **Item B. Significance of Heritage conservation areas & heritage items.**

D. Awnings & facades

- The development makes a positive contribution to the current style of commercial development, with continuous awnings with posts and historical facades

- The reinstatement of historical facades and the development of continuous awnings with posts is encouraged.
- Awnings may be used for mounting pavement lights, advertising signs, all weather protection of pedestrians and the placement of litter bins, seats etc provided they do not interfere with the operation of the footpath and pedestrian safety.

E. Colours & materials

- The selection of external colours and materials is used to express building massing, articulation or detail elements and considers the existing streetscape.
- Single colour buildings are not acceptable.
- External finishes take into consideration the specifications of Table 1 Scone Town Centre – Colour and materials below.

- A co-ordinated palette of materials and colours are recommended for external finishes. A broad range of colours are included in Table 1 Scone Town Centre – Colour and Materials below which will retain and enhance the essential streetscape elements. The colours recommended permit individual flexibility of choice within a defined colour range.
- Unsympathetic colours and materials can create a detrimental impact and weaken the urban design concept.
- Particular attention should be paid to the external finish of building facades above awning height - an area often neglected.

F. Advertising & signage

- The development considers the provisions of section 8b Advertising & signage.
- Fascia signs are restricted to painted signs. The colours are to comply with Table 1 Scone Town Centre – Colour and Materials below.

- Shopfront signs: No restrictions on painted window and door signs, internal illuminated signs under awning painted or illuminated hanging signs have no restrictions.
- Threshold and pavement plaques are encouraged.
- Other sign types not already mentioned in this section need to be appropriate to the period style of building or its special use.

5b Scone Town Centre

Outcomes to be achieved

Design guidelines

- Upper fascia signs are restricted to one painted non-illuminated sign per shopfront, complying with Table 1 Scone Town Centre – Colour and Materials below. The sign must either be painted on or fixed flat against the wall with a protrusion width not greater than 5 mm. The length of the sign to be limited to 2.4 metres or not greater than two-thirds of the width of the wall of the building immediately above awning level. The height of the sign is not to be greater than 600 mm. The design of the sign lettering is to be approved by Council.

G. Vehicle parking

- Public carpark areas are formalised (as proposed at p56 of *Scone Town Centre Masterplan* and as indicated on Illustrative Masterplan at p19).

H. Pedestrian priority and vehicular access

- Pedestrians are given priority where possible along footpaths in commercial areas
- Vehicle access to development is provided from rear lanes or carparks where possible. Driveways from either Kelly or Main Streets into commercial development must be avoided.

I. Existing public urban improvements

- The development complements and augments the existing public urban improvements within Scone Town Centre, and considers likely future improvements as outlined in *Scone Town Centre Masterplan 2016*.
- Any damage to urban improvements listed above is restored at the completion of any new development.

J. Urban salinity

- The development considers the provisions of section **10c Geotechnical hazards**, specifically the sections within it relating to urban salinity.

Note that some parts of Scone Town Centre are identified as having a Very High/High to Moderate salinity risk which needs specific assessment and management.

5b Scone Town Centre

Outcomes to be achieved

Design guidelines

Table 1 Scone Town Centre – Colour and Materials Schedule

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

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



5b Scone Town Centre

5b.5 Supplementary guidance

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

- Evan, Lucas and Stapleton, 1984. *Colour Schemes for Old Houses*. Flannel Flower Press, Sydney.
- *Scone Town Centre Masterplan*, prepared for Upper Hunter Shire Council by Studio GL, 2016 – available at <https://upperhunter.nsw.gov.au/our-shire/economic-development/town-centre-revitalisation-masterplans.aspx>
- UHSC Engineering Guidelines for Subdivisions and Developments, as amended



5c Merriwa Town Centre

Explanatory outline

Section 5c outlines assessment criteria relating to the Merriwa Town Centre.

These requirements are in *addition* to those given in section **5a Commercial and mixed use development – general**.

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

5c Merriwa Town Centre

5c.1 Application of this section

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

Column 1: Type of development

Any development that requires development consent.

Column 2: Applicable land

Land within the Merriwa Town Centre as shown on **Map 1: Merriwa Town Centre**

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

5c Merriwa Town Centre



Map 1: Merriwa Town Centre

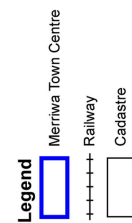


Upper Hunter
Development Control Plan 2021
Merriwa Town Centre

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Date: 28/09/2021



0 200
metres



5c Merriwa Town Centre

5c.2 Objectives

The specific objectives of this section are to:

1. facilitate development that contributes to achieving the principles of the *Merriwa Town Centre Masterplan Report 2016*;
2. encourage the orderly development of land in Merriwa Town Centre;
3. ensure as far as possible that the existing rural town character and charm of the Merriwa Town Centre is retained and enhanced;
4. encourage the reinstatement of historical facades where possible;
5. encourage a co-ordinated palette of external materials and colours; and
6. encourage signage that generally reinforces the character of Merriwa whilst providing adequate opportunity for commercial display.

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

5c.3 Supporting plans & documentation

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

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

5c.4 Assessment criteria

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

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

These requirements are *in addition to* those in part 5a **Commercial and mixed use development – general**.

Outcomes to be achieved

Design guidelines

A. Merriwa Town Centre Masterplan

- | | |
|--|---|
| <ul style="list-style-type: none"> ■ Development is consistent with the <i>Merriwa Town Centre Masterplan 2016</i>, particularly: <ul style="list-style-type: none"> • Principles (p17), • the 'Illustrative Masterplan' (p18), and • specific items in the Action Plan (from p45). | <ul style="list-style-type: none"> • The principles, details, drawings and photographs contained in the <i>Merriwa Town Centre Masterplan 2016</i> should be considered in the design of the development. The following sections will assist: <ul style="list-style-type: none"> • C-01 Vennacher St intersection (p21) • C-02 'Town Heart' (p26) • C-03 Silo Art (p28) • C-04 Town Centre branding (p29) |
|--|---|



5c Merriwa Town Centre

Outcomes to be achieved

- Development is consistent with any future design guidelines or plans developed by Council as a result of the *Merriwa Town Centre Masterplan 2016*.

Design guidelines

- C-05-Upper Hunter branding (p29)
- C-06 Colours and Materials (p30) (see also section **E Colours and Materials** below)
- C-07 Heritage and Landmarks (p30) (see also section **C Heritage** below)
- C-08 Public Art (p31)
- C-09 Signage and Town Map (p31)
- C-10 Blank wall treatment (p32)
- C-11 Gateways & Entries (p33)
- C-12 Amenities & Facilities (p33)
- C-13 Attractions for Everyone (p34)
- C-14 Clustering of uses (p34)
- C-15 Events and pop-ups (p35)
- C-16 Outdoor seating and interactions (p35)
- C-17 Civic facilities (p36)
- C-18 Green streetscapes (p37)
- C-19 Pedestrian priority (p37)
- C-20 Footpath upgrades (p38)
- C-21 Street furniture (p38)
- C-22 Awning and corner elements (p39)
- C-23 Facades and shopfronts (p39)
- C-24 Safety and security (p40)
- C-25 Low speed environment (p40)
- C-26 Car parking (p41) (see also section **G Vehicle Parking** below)
- C-27 Cycling (p41)

B. Height of buildings

- The low scale of buildings fronting commercial streets is maintained.

Note: building height controls are specified in Upper Hunter LEP 2013 clause 4.3 and the associated 'Height of Buildings' maps.

- Achieve a limited height at the frontage of the lot, extending to maximum height towards the rear of the allotment by 'stepping back' upper storeys. This will assist in preserving the attractive human scale of the streets and will allow balcony landscaping.

C. Heritage

- The development considers the provisions of section 9 **Heritage** and particularly to Item B. **Significance of Heritage conservation areas & heritage items**.

D. Awnings & facades

- The development makes a positive contribution to the current style of development, with continuous awnings with posts and historical facades
- The reinstatement of historical facades and the development of continuous awnings with posts is encouraged.
- Awnings may be used for mounting pavement lights, advertising signs, all weather protection of pedestrians and the placement of litter bins, seats etc provided they do not interfere with the operation of the footpath and pedestrian safety.



5c Merriwa Town Centre

Outcomes to be achieved

Design guidelines

E. Colours & materials

- The selection of external colours and materials takes into consideration the specifications of section 'C-06 Colours and Materials' in the *Merriwa Town Centre Masterplan*.
- Unsympathetic colours and materials can create a detrimental impact and weaken the urban design concept.
- Single colour buildings are not acceptable.
- Particular attention should be paid to the external finish of building facades above awning height - an area often neglected.

F. Advertising & signage

- The development considers the provisions of section 8b **Advertising & signage**.

G. Vehicle parking

- Provision is made for a public carpark (as proposed at p50 of *Merriwa Town Centre Masterplan*).

H. Pedestrian priority and vehicular access

- Pedestrians are given priority where possible along footpaths in commercial areas
- Vehicle access to development is provided from rear lanes or car parks where possible. Driveways from Bettington Street into commercial development must be avoided.
- Development considers a direct pedestrian link from Bettington Street to Sollys Lane (p50 of *Merriwa Town Centre Masterplan*).

I. Public domain improvements

- The development complements and augments the existing public domain improvements within Merriwa Town Centre, and considers likely future improvements as outlined in *Merriwa Town Centre Masterplan 2016*.
- Any damage to urban improvements listed above is restored at the completion of any new development.
- Street trees are retained and planted at gateways and in locations indicated on *Merriwa Town Centre Masterplan*.
- Where possible, sustainable urban drainage (SUD) features such as rain gardens and permeable paving are incorporated into the development.

J. Council Chamber building

- Specific uses are considered for the former Council Chamber building as specified in p48 of the *Merriwa Town Centre Masterplan 2016*.



5c Merriwa Town Centre

5c.5 Supplementary guidance

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

- *Merriwa Town Centre Masterplan*, prepared for Upper Hunter Shire Council by Studio GL, 2016 – available at <https://upperhunter.nsw.gov.au/our-shire/economic-development/town-centre-revitalisation-masterplans.aspx>
- UHSC Engineering Guidelines for Subdivisions and Developments, as amended.



5d Aberdeen Town Centre

Explanatory outline

Section 5d outlines assessment criteria relating to the Aberdeen Town Centre.

These requirements are in *addition* to those given in section **5a Commercial and Mixed Use development – general**.

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

5d Aberdeen Town Centre

5d.1 Application of this section

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

Column 1: Type of development

Any development that requires development consent.

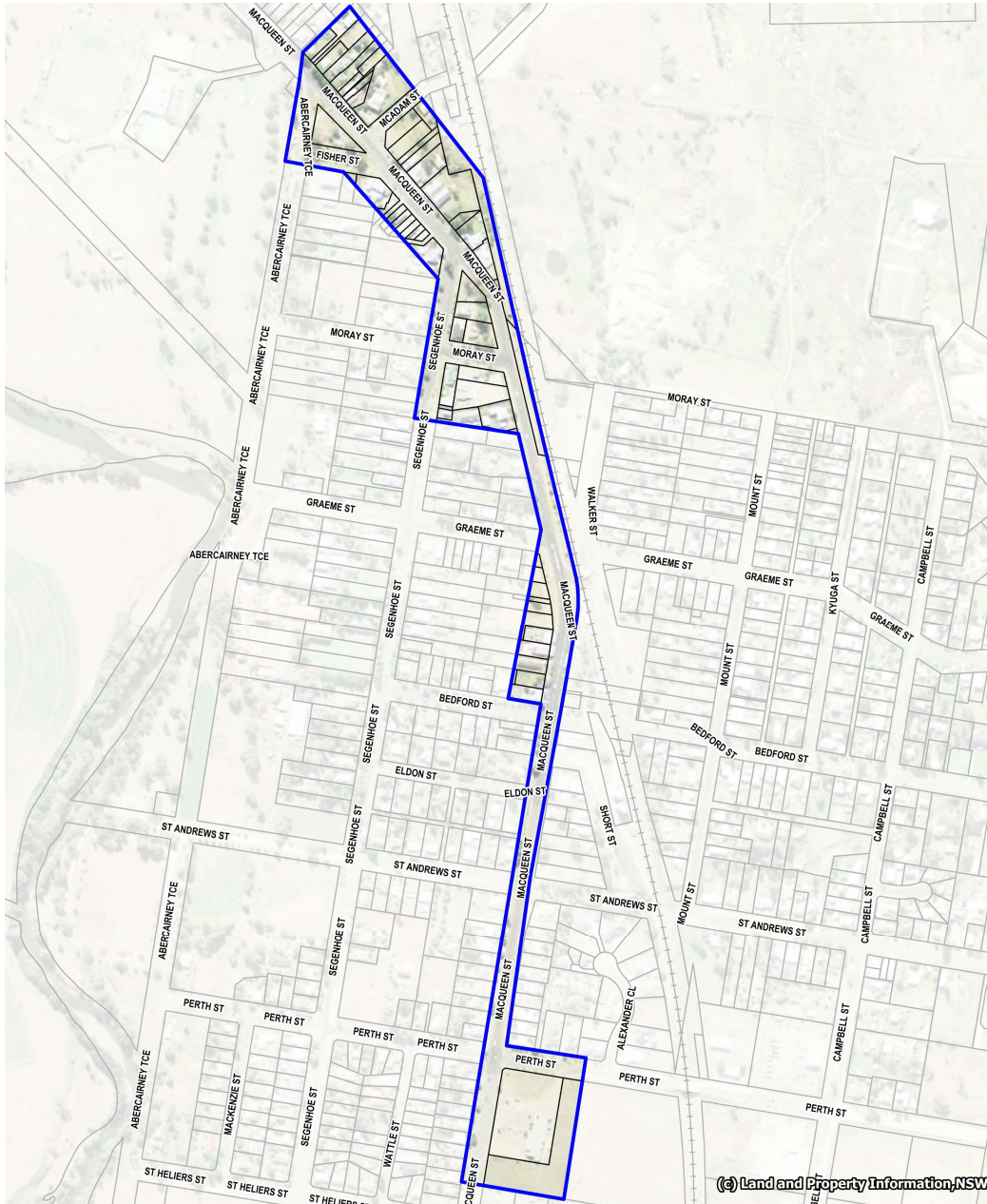
Column 2: Applicable land

Land within the Aberdeen town centre as shown on **Map 1 Aberdeen Town Centre**.

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

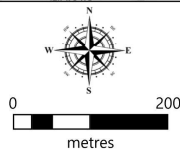
5d Aberdeen Town Centre

Map 1 Aberdeen Town Centre



Legend

- Aberdeen Town Centre
- Railway
- Cadastre



**Upper Hunter
Development Control Plan 2021
Aberdeen Town Centre**

Filename: UHSC_DCP_Aberdeen_Sep2021
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5d Aberdeen Town Centre

5d.2 Objectives

The specific objectives of this section are to:

1. facilitate development that contributes to achieving the principles of the *Aberdeen Town Centre Masterplan Report 2016*;
2. encourage the orderly development of land in Aberdeen Town Centre;
3. ensure as far as possible that the existing rural town character and charm of the Aberdeen Town Centre is retained and enhanced;
4. encourage the reinstatement of historical facades where possible;
5. encourage a co-ordinated palette of external materials and colours; and
6. encourage signage that generally reinforces the character of Aberdeen whilst providing adequate opportunity for commercial display.

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

5d.3 Supporting plans & documentation

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

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

5d.4 Assessment criteria

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

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

These requirements are *in addition to* those in part 5a **Commercial and mixed use development – general**.

Outcomes to be achieved	Design guidelines
A. Aberdeen Town Centre Masterplan <ul style="list-style-type: none"> ■ Development is consistent with the <i>Aberdeen Town Centre Masterplan 2016</i>, particularly: <ul style="list-style-type: none"> • Principles (p17), • the 'Illustrative Masterplan' (p18), • Indicative streetscape concept (p23) • specific items in the Action Plan (from p45). 	<ul style="list-style-type: none"> • The principles, details, drawings and photographs contained in the <i>Aberdeen Town Centre Masterplan 2016</i> should be considered in the design of the development. The following sections will assist: <ul style="list-style-type: none"> • C-01 Reinforcing the Core (p21) • C-02 'Town Heart' (p26) • C-03 Abercainey Art Trail (p27) • C-04 Town centre branding (p28) • C-05 Upper Hunter branding (p28)

5d Aberdeen Town Centre



Outcomes to be achieved

- Development is consistent with any future design guidelines or plans developed by Council as a result of the *Aberdeen Town Centre Masterplan 2016*.

Design guidelines

- C-06 Colours & Materials (p29) (see also section **E Colours and Materials** below)
- C-07 Heritage & Landmarks (p29) (see also section **C Heritage** below)
- C-08 Signage & Town Map (p30)
- C-09 Amenities & Facilities (p30)
- C-10 Public Art (p31)
- C-11 Gateways & Entries (p32)
- C-12 Attractions for everyone (p33)
- C-13 Clustering of uses (p33)
- C-14 Events & Pop Ups (p34)
- C-15 Activation (p34)
- C-16 Green streetscapes (p35)
- C-17 Street trees (p35)
- C-18 Footpath upgrades (p36)
- C-19 Public toilets (p36)
- C-20 Awning & Corner Elements (p37)
- C-21 Street Furniture (p37)
- C-22 Facades & Shopfronts (p38)
- C-23 Safety & Security (p39)
- C-24 Low-speed environment (p39)
- C-25 Car parking (p40)
- C-26 Pedestrian priority (p40)
- C-27 Intersections (p41)

B. Height of buildings

- The low scale of buildings fronting commercial streets is maintained.

Note: building height controls are specified in Upper Hunter LEP 2013 clause 4.3 and the associated 'Height of Buildings' maps.

- Achieve a limited height at the frontage of the lot, extending to maximum height towards the rear of the allotment by 'stepping back' upper storeys. This will assist in preserving the attractive human scale of the streets and will allow balcony landscaping.

C. Heritage

- The development considers the provisions of section 9 **Heritage** and particularly to Item B. **Significance of Heritage conservation areas & heritage items**.

D. Awnings & facades

- The development makes a positive contribution to the current style of development, with continuous awnings with posts and historical facades

- The reinstatement of historical facades and the development of continuous awnings with posts is encouraged.
- Awnings may be used for mounting pavement lights, advertising signs, all weather protection of pedestrians and the placement of litter bins, seats etc provided they do not interfere with the operation of the footpath and pedestrian safety.



5d Aberdeen Town Centre

Outcomes to be achieved

Design guidelines

E. Colours & materials

- The selection of external colours and materials takes into consideration the specifications of section 'C-06 Colours and Materials' in the *Aberdeen Town Centre Masterplan*.

- Unsympathetic colours and materials can create a detrimental impact and weaken the urban design concept.
- Single colour buildings are not acceptable.
- Particular attention should be paid to the external finish of building facades above awning height - an area often neglected.

F. Advertising & signage

- The development considers the provisions of section 8b **Advertising & signage**.

G. Vehicle parking

- Provision is made for additional public carparking at the northern end of the Town Centre, as proposed at p18 of *Aberdeen Town Centre Masterplan*.

H. Pedestrian priority and vehicular access

- Pedestrians are given priority where possible along footpaths in commercial areas
- Vehicle access to development is provided from rear lanes or carparks where possible. Driveways from Macqueen Street into commercial development must be avoided.

I. Public domain improvements

- The development complements and augments the existing public domain improvements within Aberdeen Town Centre, and considers likely future improvements as outlined in *Aberdeen Town Centre Masterplan 2016*.
- Any damage to urban improvements listed above is restored at the completion of any new development.
- Street trees are retained and planted at gateways and in locations indicated on *Aberdeen Town Centre Masterplan*.

5c.5 Supplementary guidance

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

- *Aberdeen Town Centre Masterplan*, prepared for Upper Hunter Shire Council by Studio GL, 2016 – available at <https://upperhunter.nsw.gov.au/our-shire/economic-development/town-centre-revitalisation-masterplans.aspx>
- UHSC Engineering Guidelines for Subdivisions and Developments, as amended.



5e Murrurundi Town Centre

Explanatory outline

Section 5e outlines assessment criteria relating to the Murrurundi Town Centre.

These requirements are in *addition* to those given in section **5a Commercial and Mixed Use development – general**.

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

5e Murrurundi Town Centre

5e.1 Application of this section

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

Column 1:	Type of development	Column 2:	Applicable land
	Any development that requires development consent.		Land within the Murrurundi town centre as shown on Map 1:Murrurundi Town Centre .

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

5e Murrurundi Town Centre



Map 1: Murrurundi Town Centre



(c) Land and Property Information NSW



Upper Hunter
Development Control Plan 2021
Murrurundi Town Centre

0 200
metres

Filename: UHSC_DCP_Murrurundi_Sep2021
Date: 28/09/2021



- Legend**
- Murrurundi Town Centre
 - Railway
 - Cadastre



5e Murrurundi Town Centre

5e.2 Objectives

The specific objectives of this section are to:

1. facilitate development that contributes to achieving the principles of the *Murrurundi Town Centre Masterplan Report 2016*.
2. encourage the orderly development of land in Murrurundi Town Centre;
3. ensure as far as possible that the existing rural town character and charm of the Murrurundi Town Centre is retained and enhanced;
4. encourage the reinstatement of historical facades where possible;
5. encourage a co-ordinated palette of external materials and colours; and
6. encourage signage that generally reinforces the character of Murrurundi whilst providing adequate opportunity for commercial display.

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

5e.3 Supporting plans & documentation

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

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

5e.4 Assessment criteria

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

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

These requirements are *in addition to* those in part 5a **Commercial and mixed use development – general**.

Outcomes to be achieved	Design guidelines
A. Murrurundi Town Centre Masterplan	
<ul style="list-style-type: none"> ■ Development is consistent with the <i>Murrurundi Town Centre Masterplan 2016</i>, particularly <ul style="list-style-type: none"> • Principles (p17), • the 'Illustrative Masterplan' (p18-19), • Indicative Streetscape concept (p23) • specific items in the Action Plan (from p43). 	<ul style="list-style-type: none"> • The principles, details, drawings and photographs contained in the <i>Murrurundi Town Centre Masterplan 2016</i> should be considered in the design of the development. The following sections will assist: <ul style="list-style-type: none"> • C-01 Adelaide St intersection (p 21) • C-02 Public Art Walk (p26) • C-03 Town Centre Branding (p28) • C-04 Upper Hunter branding (p28)



5e Murrurundi Town Centre

Outcomes to be achieved

- Development is consistent with any future design guidelines or plans developed by Council as a result of the *Murrurundi Town Centre Masterplan 2016*.

Design guidelines

- C-05 Colours & Materials (p29) (see also section **E Colours and Materials** below)
- C-06 Heritage & Landmarks (p 29) (see also section **C Heritage** below)
- C-07 Public Art (p 30)
- C-08 Signage & Town Map (p 30)
- C-09 Gateways & Entries (p31)
- C-10 Amenities & Facilities (p 31)
- C-11 Attractions for everyone (p 32)
- C-12 Outdoor seating & interactions (p 32)
- C-13 Clustering of uses (p33)
- C-14 Events & Pop Ups (p33)
- C-15 Activation (p 34)
- C-16 Green streetscapes (p 35)
- C-17 Facades & Shopfronts (p35)
- C-18 Awning & Corner Elements (p36)
- C-19 Street Furniture (p 36)
- C-20 Safety & Security (p37)
- C-21 Low-speed environment (p37)
- C-22 Car parking (p 38)
- C-23 Pedestrian priority (p38)
- C-24 Truck Stop upgrade (p39)
- C-25 Cycling (p39)

B. Height of buildings

- The low scale of buildings fronting commercial streets is maintained.

Note: building height controls are specified in Upper Hunter LEP 2013 clause 4.3 and the associated 'Height of Buildings' maps

- Achieve a limited height at the frontage of the lot, extending to maximum height towards the rear of the allotment by 'stepping back' upper storeys. This will assist in preserving the attractive human scale of the streets and will allow balcony landscaping.

C. Heritage

- The development considers the provisions of section 9 **Heritage** and particularly to Item B. **Significance of Heritage conservation areas & heritage items**.

- Investigate opportunities for adaptive reuse of the Court House Precinct (as noted in *Murrurundi Town Centre Masterplan* at section C-06 and the actions at p44).

D. Awnings & facades

- The development makes a positive contribution to the current style of continuous awnings with posts and historical facades

- Buildings on corner locations or where the side elevation is visible from the street, should be designed to 'turn the corner' through the use of paint treatments or other options that continue the 'look and feel' of the building onto the side elevation.
- The reinstatement of historical facades and the development of continuous awnings with posts is encouraged.
- Awnings may be used for mounting pavement lights, advertising signs, all weather protection of pedestrians and the placement of litter bins, seats etc provided they do not interfere with the operation of the footpath and pedestrian safety.

5e Murrurundi Town Centre



Outcomes to be achieved

Design guidelines

E. Colours & materials

- The selection of external colours and materials takes into consideration the specifications of section 'C-06 Colours and Materials' in the *Murrurundi Town Centre Masterplan*.
- Unsympathetic colours and materials can create a detrimental impact and weaken the urban design concept.
- Single colour buildings are not acceptable.
- Particular attention should be paid to the external finish of building facades above awning height - an area often neglected.

F. Advertising & signage

- The development considers the provisions of section 8b **Advertising & signage**.

G. Vehicle parking

- Provision is made for public car parks as shown at p23, p38 and C22 at p48 of *Murrurundi Town Centre Masterplan*.

H. Pedestrian priority and vehicular access

- Pedestrians are given priority where possible along footpaths in commercial areas
- Vehicle access to development is provided from rear lanes or car parks where possible.

I. Public domain improvements

- The development complements and augments the existing public domain improvements within Murrurundi Town Centre, and considers likely future improvements as outlined in *Murrurundi Town Centre Masterplan 2016*.
- Any damage to urban improvements listed above is restored at the completion of any new development.
- Street trees are retained and planted at gateways and in locations indicated on *Murrurundi Town Centre Masterplan*.
- Where possible, sustainable urban drainage (SUD) features such as rain gardens and permeable paving are incorporated into the development.

5c.5 Supplementary guidance

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

- *Murrurundi Town Centre Masterplan Report*, prepared for Upper Hunter Shire Council by Studio GL, 2016 – available at <https://upperhunter.nsw.gov.au/our-shire/economic-development/town-centre-revitalisation-masterplans.aspx>
- UHSC Engineering Guidelines for Subdivisions and Developments, as amended

Outline

Part 6 Industrial development

Explanatory outline

Part 6 specifies outcomes, design guidelines and other requirements for industrial development in zones IN1 General Industrial and IN2 Light Industrial, and for particular types of industrial development in zone RU5 Village, as well as specific circumstances of 'existing industrial uses'

There are separate sections for each of the following matters:

6a Industrial development - general

6b Scone Business Park

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

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

6a Industrial development - general

Explanatory outline

Section 6a specifies outcomes, design guidelines and other requirements for industrial development in zones E4 General Industrial, and for particular types of industrial development in zone RU5 Village, as well as specific circumstances of 'existing industrial uses'.

Note: this Part **does not apply to** some types of industrial development where approval is sought by way of a complying development certificate under *State Environmental Planning Policy (Exempt and Complying Development) Codes 2008*. In such cases, the requirements of the SEPP will apply instead.

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

6a Industrial development - general

6a.1 Application of this section

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

Column 1: Type of development	Column 2: Applicable land
Any development that requires development consent.	Land within the following zones: <ul style="list-style-type: none"> • IN1 General Industrial. • IN2 Light Industrial
Depots Electricity generating works Emergency services facilities Freight transport facilities Light industries Passenger transport facilities Rural industries Service stations Storage premises Transport depots Truck depots Vehicle body repair workshops Vehicle repair stations Veterinary hospitals Wholesale supplies	Land within the RU5 Village zone
Existing industrial development on land not zoned for industrial purposes where that development can establish existing use rights in accordance with the relevant legislation.	Any zone
Any land use types that are partly of an industrial nature, as considered appropriate by Council, that are not specifically stated in other parts of this DCP.	Any zone

6a Industrial development - general

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

6a.2 Relevant planning instruments & legislation

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

6a.3 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended. The **Dictionary** to this DCP provides additional definitions that are relevant to this Part, including

- building height
- floor area
- gross floor area
- setback
- storey

6a.4 Objectives

The objectives of this section are to:

1. promote industrial development that is consistent with the zone objectives
2. encourage innovative and imaginative design which is both functional and aesthetically pleasing
3. achieve the highest possible standard of visual and environmental quality, over the whole of a project site, by way of landscaping which is complementary to buildings and other site works
4. minimise the impact of industrial development through careful site planning and ensure that adequate environmental safeguards are implemented
5. reduce potable water mains demand of industrial development
6. facilitate industrial development that responds to energy efficiency and ecologically sustainable development principles
7. ensure that industrial development proposed in close proximity to residential areas does not have a materially detrimental impact on these areas
8. ensure that industrial development is adequately serviced with infrastructure

6a.5 Supporting plans & documentation

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

Some of this information (where plans are not required) may be provided in the Statement of Environmental Effects (SoEE) which is described in section Part 2 **Lodging a development application**.

Depending on the development and the site and locality characteristics, other information may also be required. This should be discussed in pre-lodgement discussions with Council officers.

6a Industrial development - general

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Servicing strategy	All applications	<p>Provide evidence of satisfactory arrangements for the provision of the following services to the development:</p> <ul style="list-style-type: none"> reticulated water or on-site water supply where reticulated water is required - size and location of the service required, and details of any proposed fire service reticulated sewerage or on-site waste water management electricity telecommunications. <p>Please discuss site-specific requirements with council officers.</p>
C. On site sewerage management	Where reticulated sewerage is not available to the development	As required by part 11e On site sewerage management .
D. Liquid trade waste	Applications involving the disposal of liquid trade waste into the reticulated sewerage system or into an on-site effluent disposal system	<p>A plan and report illustrating:</p> <ul style="list-style-type: none"> The nature, quantity and rates of discharge of the proposed effluent Detailed plans and specifications of the work to be done and details of the equipment or devices to be used.
E. Site waste minimisation & management plan	All applications.	<p>A plan and report illustrating:</p> <ul style="list-style-type: none"> the location of designated waste and recycling storage rooms or areas sized to meet the waste and recycling needs of all tenants. Waste should be separated into at least 4 streams, paper/cardboard, recyclables, general waste, industrial process type wastes. Evidence of compliance with any specific industrial waste laws/protocols. For example, those related to production, storage and disposal of industrial and hazardous wastes as defined by the <i>Protection of the Environment Operations Act 1997</i> the on-site path of travel for collection vehicles. all other requirements outlined in Section 11h Waste minimisation & management.
F. Shadow diagram	Applications that potentially involve overshadowing of residential development, sensitive land uses, or a public place	<p>A plan illustrating:</p> <ul style="list-style-type: none"> extent of shadows cast by existing and proposed buildings, including buildings on adjoining land. position of existing and proposed buildings on the site. shadows cast by existing and proposed buildings at the winter solstice (22 June) for 9am, 12noon and 3pm.

6a Industrial development - general

Item	When required	Plans or information to be provided
G. External lighting scheme	Applications adjacent to a residential zone or that potentially impact residences or sensitive land uses	An external lighting scheme, designed by a suitably qualified lighting engineer or similar professional.
H. Sustainability assessment	All applications	<p>A report, prepared by a suitably qualified professional, addressing the requirements of Part 1h Sustainability, including but not limited to the following:</p> <ul style="list-style-type: none"> identifying how the proposed land use will meet the objectives of cleaner production, conservation and minimisation of resources and waste production. demonstrating where viable ecologically sustainable measures are proposed, which may incorporate some or all of the building design items included in Assessment Criteria - section E Sustainability
I. Landscape plan & report	All applications	<p>Plan and report, prepared by a suitably qualified professional, showing:</p> <ul style="list-style-type: none"> description of ground preparation and on-going maintenance of landscaping areas of private open space, proposed turf and areas of established gardens. location and species of trees and shrubs to be retained or removed. schedule of plantings, cross-referenced to the site plan indicating species, massing and mature height. hard landscaping such as paving or fencing details of restoration and treatment of earth cuts, fills, mounds, retaining walls, fencing and screen walls.
J. Vegetation (including trees) reports	Applications affecting vegetation (including trees), as specified in section 11a Vegetation (including trees) .	<p>Applicable reports or plans, prepared by a suitably qualified person, as specified in section 11a Vegetation (including trees). These must be consistent with other elements of the development application, including site plans, Bushfire assessment report and Landscaping plans. Depending on the site circumstances, these may include:</p> <ul style="list-style-type: none"> written description and plans arborist's report ecological report heritage report safety or biosecurity risk report
K. Biodiversity and native vegetation reports, plans or assessments	<p>Applications for which biodiversity and/or native vegetation reports, plans or assessments are required (refer to section 11b Biodiversity conservation)</p> <p>These will be required for development on land with high biodiversity values, or</p>	<p>Applicable reports, plans or assessments, prepared by a suitably qualified person, as specified in section 11b Biodiversity conservation. These may include:</p> <ul style="list-style-type: none"> Native vegetation clearing threshold report, and/or Biodiversity (flora & fauna) assessment report, and/or Biodiversity development assessment report (BDAR), and/or Biodiversity management plan, and/or

6a Industrial development - general

Item	When required	Plans or information to be provided
	proposals that require significant disturbance to, or clearing of, native vegetation or potential habitat for native species.	<ul style="list-style-type: none"> Biodiversity offset information, strategy or plan
L. Soil & water management plans or reports	Applications for which soil and water management plans or reports are required (refer to section 11f Soil & water management)	Prepare applicable soil and water management plans or reports, as specified in section 11f Soil & water management . These could include: <ul style="list-style-type: none"> cut and fill details. erosion and sediment control plan (ESCP) erosion and sediment control strategy (ESCS) soil and water management plan (SWMP) comprehensive water cycle strategy (CWCS).
M. Geotechnical hazard & salinity assessment	Applications potentially subject to geotechnical hazards (refer to section 10c Geotechnical hazard)	Include the matters required under section 10c Geotechnical hazard .
N. Flooding information	Applications that relate to flood prone land	Include the matters required under section 10a Floodplain management .
O. Traffic & parking plans & reports	Applications involving vehicle access, car parking or loading facilities.	Include the matters required under section 12a Access & vehicle parking . Actual requirements will depend on the type of development and level and type of traffic generation.
P. Crime Risk Assessment	All applications for new buildings/uses, external alterations and additions.	An outline of the development's consideration of 'Safer by design' principles: <ul style="list-style-type: none"> Surveillance Access Territorial Reinforcement Space Management
Q. Storage details	Applications involving external storage of materials or products.	The location and detail of any materials or products that are to be stored outside buildings
R. Advertising and signage	Any application requiring consent for advertising or signage as per part 8b Advertising & Signage	Include the matters required under part 8b Advertising & Signage
S. Acoustic assessment report	Applications involving the potential for noise impacts on adjoining or nearby residential development or sensitive land uses	A report and plans, prepared by a suitably qualified professional, with content in accordance with relevant environmental protection guidelines, as explained in part 11i Buffer areas and separation distances . Must address the issues in Assessment criteria- section K Noise .

6a Industrial development - general

6a.6 Assessment criteria

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

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

This section is structured in the following way:

Development design	
A	Lot size, dimensions & shape
B	Building setbacks
C	Building height
D	Building general design
E	Sustainability
F	Vegetation (including trees)
G	Landscaping
H	Building near infrastructure and water & sewer services
I	Industrial retail outlets
J	Fencing
K	Noise
L	Outdoor lighting
M	Advertising and signage
Access & infrastructure	
N	Traffic and access
O	Off street parking
P	Utilities & services
Q	Stormwater management
R	Geotechnical
S	Waste minimisation and management

Outcomes to be achieved

Design guidelines

Development design

A. Lot size, dimensions & shape

Note: minimum lot sizes are specified in Upper Hunter LEP 2013 clause 4.1 and associated series of Maps 'Lot Size'.

Note: Requirements regarding industrial lots shape and dimensions are given in section 3a Subdivision.

6a Industrial development - general

Outcomes to be achieved

Design guidelines

B. Building setbacks

- The bulk and visual impact of industrial buildings from public roads and places is reduced.
- Adequate sight distance for road users is maintained.
- The development meets the following:

Site Area	Setbacks		
	Front boundary	Side and Rear boundaries	Secondary Frontage for Corner Lots
Less than 2000m ²	6m	3m	4m
Over 2,001m ²	10m	3m	6m

- Front setbacks can be varied based on assessment of the following criteria:
 - Minimum 6 metres landscaping across the frontage of the site.
 - Provision of car parking facilities (refer to **12a Access & vehicle parking**).
 - Building height, bulk and layout. Setbacks may be increased for buildings of substantial height, bulk etc.
 - The nature and needs of the industrial activity.
 - The existing character of the streetscape.

C. Building height

- Building heights do not exceed two storeys or 20 metres above ground level, whichever is the higher.
- Buildings of more than one storey should not have blank, featureless facades facing the street or a public place.

D. Building general design

Note:

Floor space ratio controls are specified in Upper Hunter LEP 2013 clause 4.4 and associated series of Maps 'Floor space ratio'. At 2022, the floor space ratio was 1:1 for all industrial zones in the LGA

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

6a Industrial development - general

Outcomes to be achieved

Design guidelines

E. Sustainability

- Ecologically sustainable measures are incorporated into the building design as appropriate to the scale and type of development
 - Where relevant, adequate site restoration, rehabilitation or remediation measures are achieved.
 - Buildings are to provide a roof plane facing north or west to allow for future rooftop photovoltaic system installation(s).
- Some or all of the following could be incorporated in the site and building design:
 - Potential for effluent re-use
 - Water minimisation techniques, including water recycling
 - Waste minimisation techniques, including recycling
 - Incorporate water efficient design principles. Rainwater must be collected and stored for re-use as on-site irrigation
 - Use porous paving materials to minimise runoff
 - Use drainage swales to slow down stormwater runoff and increase on-site infiltration
 - Comfort levels and reduction on artificial lighting and ventilation. Orientate buildings to the north with overhang measures to protect from summer sun
 - Sun shades, screens or canopies should be provided, particularly for windows with a westerly aspect to contribute to shading and energy efficiency of the building.
 - A selection of an energy efficient heating/cooling system
 - Heating/cooling systems must target only those spaces which require heating or cooling and ensure efficient distribution/redistribution of warm/cool air.
 - Where a space heating or cooling system is installed, it must be selected for maximum energy efficiency
 - Light switches at room exits, dimmer switches, motion detectors for lighting doorways, entrances or outdoor security lighting, automatic turn-off switches used for outdoor purposes
 - If evergreens are planted within the northern quadrant of the building, they must be spaced well away from the building so as not to obstruct the winter sun of any building.
 - Connection to recycled water if serviced by a dual reticulation system for non-potable uses (i.e. toilet flushing, irrigation, car washing, firefighting and certain industrial purposes where applicable).
 - Installation of 3 star WELS (the Federal Government's 'Water Efficiency Labelling and Standards) rated water efficient

6a Industrial development - general

Outcomes to be achieved

Design guidelines

showerheads, 6 star WELS rated water tap outlets, 5 star WELS rated urinals and 4 star WELS rated toilet cisterns are required for all amenities.

F. Vegetation (including trees)

- The subdivision maximises the retention of vegetation, including trees.
- The development meets the provisions of part 11a **Vegetation (including trees).**

G. Landscaping

- Landscaping of the development contributes to a high standard of environmental quality of both the development and to enhancing the general streetscape and amenity of the industrial area in which the development is placed.
 - Landscaping provides visual relief.
 - Landscaping is provided across the full frontage of the site (excluding driveways) having a minimum depth of:
 - 6 metres in Zone IN1 General Industrial
 - 3 metres in Zone IN2 Light Industrial
- Landscaping areas should be planted and maintained with suitable drought tolerant trees, shrubs and groundcovers.
 - Landscaping should take into account the screening of electricity infrastructure.
 - Low maintenance landscaping should be used, incorporating species appropriate for the scale of buildings on the site.
 - Landscaping should use locally indigenous species.
 - Parking areas should incorporate landscaping to provide shade and soften the visual impact of parking facilities.
 - The provision of landscaping across the frontage of the site having a minimum depth of 6 metres.
 - The side and rear setback areas should be landscaped if visible from a public area.

H. Building near infrastructure and water & sewer services

- The development considers the provisions of Council's policy: *Building Near Water and Sewer Services*.
- Buildings and structures are located clear of all utility infrastructure.

I. Industrial retail outlets

- *Maximum retail floor area for industrial retail outlets is prescribed in Upper Hunter LEP 2013 clause 5.4. At 2022, the maximum area of the retail floor area of an industrial retail outlet was:*
 - 33% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or.
 - 400 square metres

whichever is the lesser

J. Fencing

- Fences are designed to complement the development and to form an important security role taking into account 'safer by design' principles.
 - Fences are a maximum height of 3 metres .
- Masonry fences are to be articulated, or include infill panels of appropriate decorative materials. Solid masonry fences will not be permitted.

6a Industrial development - general

Outcomes to be achieved

- Gates are located behind the designated landscape area and must not swing towards the roadway

K. Noise

- Noise generated from the site does not affect the amenity of nearby residential areas or sensitive land uses
- Development complies with the *NSW Industrial Noise Policy*.

L. Outdoor lighting

- Outdoor lighting does not affect the amenity of nearby residential areas.
- Outdoor lighting complies with *AS4282 Control of Obtrusive Effects of Outdoor Lighting*

M. Advertising & signage

- The development considers the provisions of section 8b Advertising & signage.

Access, infrastructure & services

N. Traffic & access

- Ensure adequate facilities are provided within industrial developments for the loading and unloading of goods, collecting garbage and trade waste and for the off-street parking of vehicles associated with that development.
 - The development considers the provisions of section 12a Access & vehicle parking, and the provisions *UHSC Engineering Guidelines for Subdivisions and Developments*, as amended.
 - Driveway crossovers are in locations and at levels which are both safe and convenient, in accordance with Council and Transport for NSW requirements.
 - Each industrial premises is provided with a loading and unloading area on site.
- In some cases, a combined ingress and egress may be permitted.
 - Where possible, separate heavy and light traffic movements.

O. Off street parking

- The development considers the provisions of section 12a Access & vehicle parking, and the provisions *UHSC Engineering Guidelines for Subdivisions and Developments*, as amended.
- Large expanses of parking are to be avoided and landscaping should be employed to provide visual relief.
- Landscaping should be employed to provide visual relief and shading.

Design guidelines

- Green or black plastic coated chain wire fencing may be erected behind the designated landscape area.
- Galvanised chain wire, untreated metal, Colorbond and wooden fencing will not be permitted as fencing in front of the building line.

- Noise sources should be located away from residential areas and sensitive land uses
- External plant (generators, air conditioning plant etc.) should be enclosed to minimise noise nuisance where adjoining a residential area.
- Noise mitigation measures such as fencing, earth mounding and other acoustic measures should be considered within the development.
- These measures must not compromise any other provision in this DCP or on the achievement of minimum solar access requirements of neighbouring properties.

6a Industrial development - general

Outcomes to be achieved

Design guidelines

- All parking is provided off-street and is designed and constructed in accordance with Council's relevant Engineering Guidelines and *AS2890.1 Provision of Off-Street Parking*, including but not limited to sealing, draining and line-marking.
- A sign indicating customer parking is displayed at the entrance to the development.
- Access driveways, car parks and loading areas must provide for the safe and efficient movement of vehicles and pedestrians.
- Car parking areas are located behind the landscaped front setback.

P. Utilities & services

- All industrial development is serviced by electricity, telephone, reticulated water and sewerage.
 - Satisfactory arrangements are made with the Council's Water and Sewer section for the connection of water and sewerage services to the land.
 - Each lot that includes a building incorporates a minimum 40,000 litre water storage that is capable of providing a non-potable supply for toilet flushing and garden watering purposes
 - The development shall have adequate capacity for fire fighting purposes.
 - Satisfactory arrangements are made with the relevant utility provider for the provision of underground electricity and telecommunications services.
 - The impact of trade waste on Council's sewerage infrastructure is minimised.
 - Easements (benefiting UHSC) shall be provided for all existing and proposed public sewer and water mains within the site.
- Gas - applicants should approach the appropriate gas supply authority to ascertain the availability of natural gas to the site.
 - The use of renewable energy is encouraged, particularly solar and wind electricity generation, subject to appropriate visual and other relevant considerations

Q. Stormwater management

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

R. Geotechnical

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

6a Industrial development - general

Outcomes to be achieved

Design guidelines

S. Waste minimisation & management

This section aims to ensure new developments and changes to existing developments are designed to maximise resource recovery (through waste avoidance, source separation and recycling) and to ensure appropriate, well-designed storage and collection facilities are accessible to occupants and service providers.

- The development shows evidence of compliance with any specific industrial waste laws/protocols, for example, those related to production, storage and disposal of industrial and hazardous wastes as defined by the *Protection of the Environment Operations Act 1997*.
- A designated general waste/recycling storage area or room/s as well as designated storage areas for industrial waste streams is provided (designed in accordance with specific waste laws/protocols).
- Between collection periods, all waste/ recyclable materials generated on site must be kept in enclosed bins with securely fitted lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room/s or area/s.
- Arrangements are in place in all parts of the development for the separation of recyclable materials from general waste and for the movement of recyclable materials and general waste to the main waste/recycling storage room/area.
- Premises that discharge trade wastewater must do so only in accordance with a written agreement from the local sewer authority.

6a.7 Supplementary guidance

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

- UHSC *Engineering Guidelines for Subdivisions and Developments*, as amended
- Department of Urban Affairs and Planning (2001)
https://www.police.nsw.gov.au/safety_and_prevention/policing_in_the_community/safer_by_design#sbdrl



6b Scone Business Park

Explanatory outline

Section 6b outlines additional assessment criteria relating to the Scone Business Park.

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

6b Scone Business Park

6b.1 Application of this section

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

Column 1:	Type of development	Column 2:	Applicable land
	Any development that requires development consent.		Land within the Scone Business Park, as shown on Map 1 Scone Business Park.

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

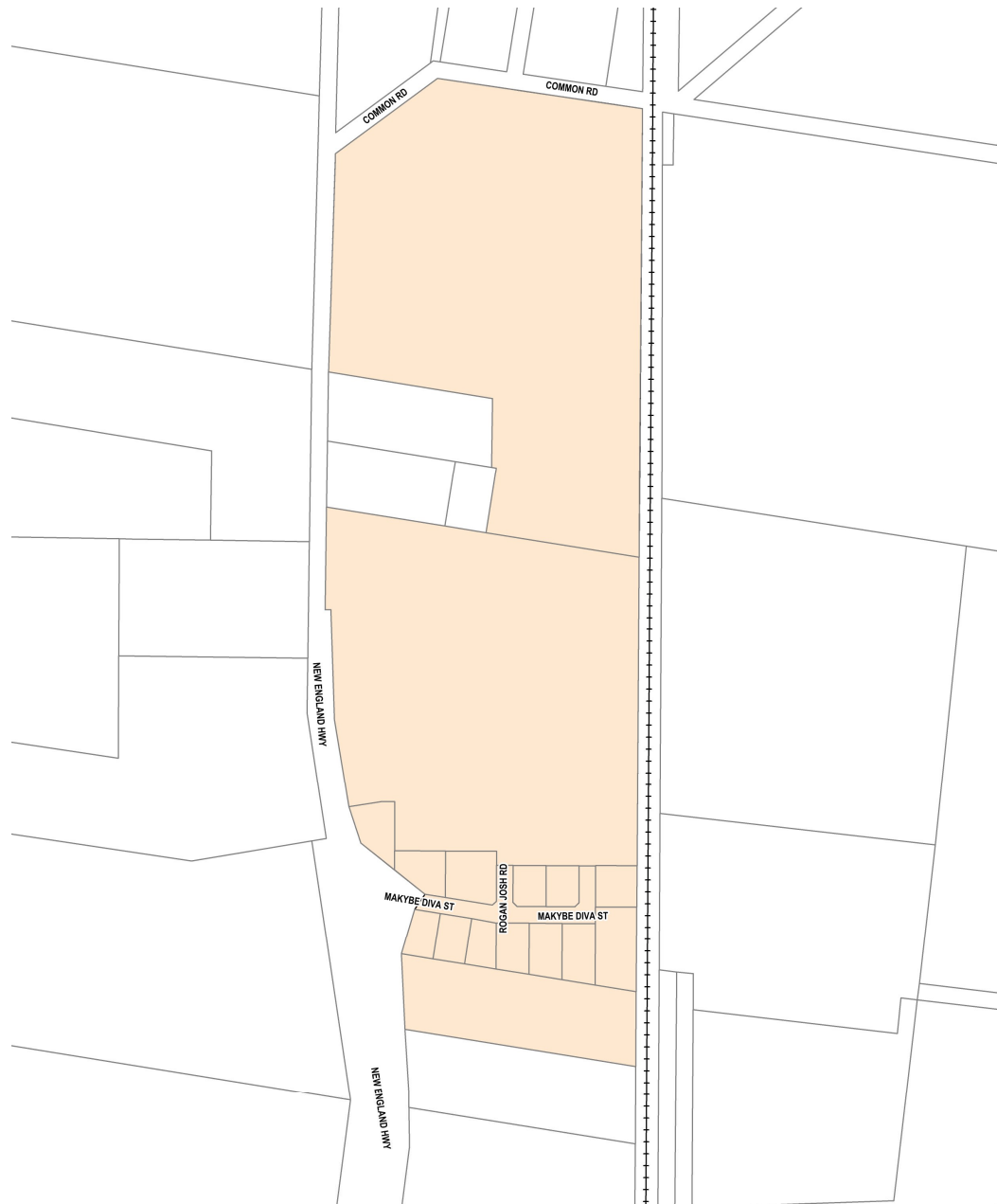
6b.2 Related sections

Section **6a Industrial development - general** will generally also apply to development to which this section applies. In the event of any inconsistency, requirements or criteria contained in this section will prevail.




6b Scone Business Park

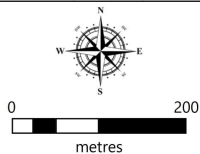


Map 1 Scone Business Park



Legend

-  Scone Business Park
-  Railway
-  Cadastre



**Upper Hunter
Development Control Plan 2022
Scone Business Park**

Filename: UHSC_DCP_SconeBusPark_Mar2022
Date: 2/3/2022





6b Scone Business Park

6b.3 Objective

The objective of this section is to encourage appropriate industrial development while maintaining a high quality character and appearance to the northern approach to Scone.

In the event of any inconsistency with the objectives under section **6a Industrial development - general**, this section will prevail.

6b.4 Supporting plans & documentation

Development applications that are subject to this section should be supported by the requirements set out in section **6a Industrial development - general**.

In addition, for development subject to the 'Activation of the New England Highway' development outcome below, landscaping plans shall be submitted showing the details of the landscaping proposed in the vegetation buffer fronting the highway.

6b.5 Assessment criteria

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

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

Outcomes to be achieved	Design guidelines
A. Building setbacks	
<ul style="list-style-type: none"> ■ Front building setbacks are sufficient to ensure that adequate area is available at the front of buildings to accommodate landscaping, access, parking and manoeuvring of vehicles, and to reduce the visual impact of industrial development on the streetscape. ■ The following front setbacks from the front property boundary are observed: <ul style="list-style-type: none"> • front setback to an office component minimum 5 metres. • front setback to an industrial component minimum 11 metres. ■ Building setbacks on corner sites are sufficient to reduce the bulk and visual impact of industrial buildings from public roads and should enable adequate sight distances for road users. ■ For corner lots, the following setbacks are observed: <ul style="list-style-type: none"> • primary road frontage to an office component - minimum 5 metres and industrial components - 11 metres 	<ul style="list-style-type: none"> • Front setback areas should not be used for the storage or advertising of products.

6b Scone Business Park



Outcomes to be achieved

Design guidelines

- secondary road frontage to an office component - 3 metres and industrial components may be constructed with a minimum setback of 3 metres providing that the entire setback is appropriately landscaped.

B. Fence along rail corridor

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

C. Landscaping

- Landscaping of the development contributes to a high standard of environmental quality of both the development and to enhancing the general streetscape and amenity of the industrial area in which the development is placed.
- Landscaping provides visual relief.
- A minimum of 50% of the front setback area of development is utilised for landscaping.
- For new developments, a minimum depth of 3.0 metres of landscaping is provided within the front setback area (excluding driveway) across the full frontage of the site.
- Landscaping areas should be planted and maintained with suitable drought tolerant trees, shrubs and groundcovers.
- Landscaping should take into account the screening of electricity infrastructure.
- Low maintenance landscaping should be used, incorporating species appropriate for the scale of buildings on the site.
- Landscaping should use locally indigenous species.
- Parking areas should incorporate landscaping to provide shade and soften the visual impact of parking facilities.
- The side and rear setback areas should be landscaped if visible from a public area.

D. Activation of the New England Highway

This section applies to all allotments that:

- have frontage to the New England Highway; or.
- adjoin the cemetery at Lot 58 DP 1096974.
- Site and building design and landscaping creates and maintains an attractive northern entry to the Scone township.
- Vehicular access is provided from the rear of the allotment where it is generally not visible from the New England Highway (no vehicular access is to be provided from the New England Highway).
- Car parking areas are located behind buildings so they are generally not visible from the New England Highway.
- A 10 metre wide vegetation buffer is provided and maintained along the highway and cemetery frontage at the developer's expense, which

6b Scone Business Park

Outcomes to be achieved

Design guidelines

- retains the existing tree plantings
 - includes new plantings with species of moderate height that “filter” as opposed to “hide” the views into and out of the industrial estate
 - comprise of low maintenance vegetation.
- Security fencing is provided behind the vegetation buffer.

E. Open storage & work areas

- Open storage areas are screened and are out of sight from a public road.
- In the case of applications that do not include buildings, screen walls or landscaping or other approved screen devices are erected in order to effectively prevent the use of the land being viewed from a public road, nearby public reserve, or dwelling.
- Screening devices are designed to harmonise with any existing or proposed landscaping. Landscaping is used to break up large expanses of screen walls.
- In the case of applications for consent to undertake the repair or wrecking of motor vehicles, the operation of junk yards, or recycling of metal and other waste materials, Council may impose special conditions on outdoor storage. In such cases, early consultation with Council (before applications are lodged) is advisable.

Outline

Part 7 Rural development

Explanatory outline

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

7a Rural development - general

7b Rural dwellings

7c Rural industry & intensive agriculture

Note: see also the following parts for requirements specific to these activities which may occur in rural zones:

8a Tourist & visitor accommodation

8c Wind energy systems

8d Extractive Industry

7a Rural development - general

Explanatory outline

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

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

7a Rural development - general

7a.1 Application of this Part

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

Column 1: Type of development	Column 2: Applicable land
Any development that requires development consent. Does not apply to proposals for which a complying development certificate is sought under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. (particularly the 'Inland Code')_	Land within the following zones: <ul style="list-style-type: none"> • RU1 Primary Production • RU3 Forestry • RU4 Primary Production Small Lots • C3 Environmental Management.

7a.2 Relevant planning instruments & legislation

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

- *Upper Hunter Local Environmental Plan 2013*
- *State Environmental Planning Policy (Primary Production) 2021*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, particularly Part 3D Inland Code*

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

7a Rural development - general

7a.3 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended. The Dictionary to this DCP provides additional definitions that are relevant to this Part.

7a.4 Objectives

The objectives of this section are to:

1. ensure building design that is compatible with the rural character of the area and does not detract from the natural or rural setting of the site
2. ensure that development is sympathetic to the environmental qualities and environmental capability of the land
3. ensure that development respects the scenic qualities of the site and the local area
4. minimise the disturbance of land and preserve natural landforms
5. ensure that developments have adequate regard for site topography
6. ensure development does not adversely impact on natural resources and ecological processes
7. ensure that rural development is located to minimise visual and acoustic impacts on public places and sensitive land uses
8. ensure development incorporates measures to avoid or mitigate natural hazards
9. ensure rural development is appropriately serviced.
10. encourage the use of building materials that are energy efficient, non-harmful and environmentally sound.

7a.5 Supporting plans & documentation

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

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Buffer areas & separation distances	All applications	A plan showing the location of the proposed development and property boundaries, and distances to adjoining and nearby agricultural, industry or resource developments (refer to section 11i Buffer areas & separation distances)
C. Additional information relating to a specific type of rural development	More specific information may be required for particular types of rural development.	Include the matters required under relevant sections (refer to section 7b Rural dwellings and 7c Rural industry & intensive agriculture).
D. Sustainability assessment	A development with a development footprint of 1,500 square metres or greater	Report, prepared by a suitably qualified professional, addressing the requirements of part 1h Sustainability .
E. Servicing strategy	All applications	Provide evidence of satisfactory arrangements for the provision of the following services to the development: <ul style="list-style-type: none"> • water supply – including domestic water supply, fire fighting provisions and any supply licensed under the <i>Water Management Act 2000</i>

7a Rural development - general

Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> sewerage disposal (see part 11g On-site Waste Management) electricity telecommunications. waste removal. <p>Please discuss site-specific requirements with council officers.</p>
F. Shadow diagram	Applications that potentially involve overshadowing of the proposed development, or of adjoining or nearby development, in the opinion of Council.	<p>A plan illustrating:</p> <ul style="list-style-type: none"> extent of shadows cast by existing and proposed buildings, including buildings on adjoining land. position of existing and proposed buildings on the site. shadows cast by existing and proposed buildings at the winter solstice (22 June) for 9am, 12noon and 3pm.
G. High glare building materials	Applications involving the use of high glare building materials	A report and plan showing the alternative options considered in the design process, orientation of the buildings/proposed material, the roof pitch, sun angles, the location of properties and public places that may be affected by glare either in the immediate vicinity or within a wider area likely to be affected, and any measure to be incorporated into the works to mitigate any potential impacts (for example, landscaping, screens and the like).
H. Soil & water management plans or reports	Applications for which soil and water management plans or reports are required (refer to section 11f Soil & water management)	<p>Prepare applicable soil and water management plans or reports, as specified in section 11f Soil & water management. These could include:</p> <ul style="list-style-type: none"> cut and fill details. erosion and sediment control plan (ESCP) erosion and sediment control strategy (ESCS) soil and water management plan (SWMP) comprehensive water cycle strategy (CWCS).
I. Geotechnical hazard & salinity assessment	Applications potentially subject to geotechnical hazards (refer to section 10c Geotechnical hazard)	Include the matters required under section 10c Geotechnical hazard.
J. Flooding information	Applications that relate to flood prone land	Include the matters required under section 10a Floodplain management.
K. Bushfire assessment report	Applications that relate to Bush Fire Prone Land	Prepare a Bushfire Assessment Report in accordance with the current version of <i>Planning for Bush Fire Protection</i> , as specified in section 10b Bushfire risk
L. Native vegetation clearing threshold report	All applications involving clearing or likely future clearing of native vegetation (unless subject to a vegetation permit)	Include the matters required under section 11b Biodiversity conservation.

7a Rural development - general

Item	When required	Plans or information to be provided
M. Biodiversity (flora & fauna) assessment report	Applications that relate to land with high biodiversity values, or that require significant disturbance or removal of native vegetation or potential habitat for native species, including listed threatened species or their habitats, or ecological communities or populations (refer to section 11b Biodiversity conservation).	Include the matters required under section 11b Biodiversity conservation .
N. Vegetation (including trees)	For circumstances as specified in Section 14a.7 Vegetation permits OR For proposals directly or indirectly affecting vegetation, including ancillary vegetation clearing that are specified in Pt 11a (Vegetation including trees)	Include the matters required under: <ul style="list-style-type: none"> section 11a Trees (including vegetation) OR <ul style="list-style-type: none"> Pt 11a (Vegetation including trees)
O. Acoustic assessment report	Applications involving the potential for noise impacts on adjoining development, OR For developments: <ul style="list-style-type: none"> adjoining a rail corridor within the vicinity of Scone Memorial Airport (as specified in Pt 13d Scone Memorial Airport) or for new residential and noise sensitive building developments with a clear line-of-sight to a busy road corridor and/or the Scone Bypass 	Include the matters required under section: <ul style="list-style-type: none"> 11i Buffer areas 13d Scone Memorial Airport 13f Scone Bypass as relevant. The report must be prepared by a relevant qualified and experienced professional and must contain the requirements as set out in either/or (as relevant to the application): <ul style="list-style-type: none"> Department of Planning, 2008. <i>Development Near Rail Corridors and Busy Roads – Interim Guideline</i> <i>NSW Noise Policy for Industry (2017)</i> (or any subsequent updated reference document).
P. Traffic impact assessment	Applications likely to have a significant impact on traffic generation	Include the matters required under part 12a Access & vehicle parking . Actual requirements will depend on the expected level and type of traffic generation.
Q. Heritage, aboriginal cultural heritage or archaeological plans & reports	Applications that will potentially impact on land that is listed as or contains: <ul style="list-style-type: none"> a heritage item a heritage conservation area an archaeological site an Aboriginal object an Aboriginal place of heritage significance. 	Include the matters required under section 9a Aboriginal Cultural Heritage and/or 9b Heritage conservation .

7a Rural development - general

7a.6 Assessment criteria

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

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

These criteria are applicable to **all** rural development applicable to this part. There are **additional** requirements for the following in subsequent parts: **7b Rural dwellings** and **7c Rural industry & intensive agriculture**.

This section is structured in the following way:

A	Siting considerations, buffer areas and separation distances
B	General building design
C	Building height
D	Building setbacks
E	Building materials
F	Farm buildings
G	Basic amenities for farm buildings
H	Biodiversity and vegetation (including trees)
I	Bushfire
J	Flood prone land
K	Groundwater
L	Riparian land
M	Access & car parking
N	Water supply
O	On-site wastewater management
P	Rural addressing
Q	Telecommunications & electricity

Outcomes to be achieved

Design guidelines

A. Siting considerations, buffer areas and separation distances

- The development is located on a property of sufficient size to accommodate the landuse without unacceptably impacting on adjoining properties, and in doing so meets the provisions of section 11i **Buffer areas & separation distances**.
- The proposal should not significantly reduce the agricultural productivity of any Biophysical Strategic Agricultural Land identified by the *Upper Hunter Strategic Regional Land Use Plan* (NSW Department of Planning and Infrastructure, September 2012) or equivalent land identified in any updates,

- Development should be sited in areas with the least topographical constraints (that is, not on steep slopes).
- Development should minimise cut and fill and buildings can be stepped with the slope of the land, in accordance with part 11f **Soil and water management**.

7a Rural development - general

Outcomes to be achieved

Design guidelines

for example the Department of Primary Industries' draft *State Significant Agricultural Land (SSAL) map*.

This should be based on a consideration of:

- (a) Impacts on the land through surface area disturbance and subsidence;
- (b) Impacts on:
 - (i) soil fertility
 - (ii) rooting depth, or
 - (iii) soil profile materials and thicknesses;
- (c) Increases in land surface microrelief or soil salinity, or significant changes to soil pH, and
- (d) Impacts on Highly Productive Groundwater.
- The proposal should have no significant impacts on any **'critical industry cluster'** identified by the *Upper Hunter Strategic Regional Land Use Plan* (NSW Department of Planning and Infrastructure, September 2012) through:
 - (a) surface area disturbance,
 - (b) subsidence,
 - (c) reduced access to agricultural resources,
 - (d) reduced access to support services and infrastructure,
 - (e) reduced access to transport routes, or
 - (f) loss of scenic and landscape values
- A suitable separation distance is provided between the development and nearby agricultural or other operations, in accordance with section 11i **Buffer areas & separation distances**.
- Development responds to the site topography.
- All buildings are sited on land identified as being suitable for construction and free from geotechnical hazards, contamination, flooding and bushfire risk and biodiversity considerations.
- The privacy of and views from neighbouring dwellings is reasonably retained.

B. General building design

- Development is consistent with the rural character of the area, including roof pitch, colours, materials, textures and window placement.
- The privacy of neighbouring dwellings is reasonably retained.
- Views from neighbouring dwellings is not reasonably obstructed.
- All structures are designed having consideration to:
 - the topography and landscape features of the site.
 - energy efficiency.
 - any hazards, in accordance with **Part 10 Natural Hazards**.
- Particular consideration is given to building location, form, colour and construction materials.
- For **development with a development footprint of 1,500 square metres or greater**:
 - All external finishes shall be of tones similar to those inherent in the landscape. Generally all buildings, ancillary structures, including sheds, garages and water tanks are to be of natural earthy colours in the mid tonal range or darker and are to be of a non-reflective finish.

7a Rural development - general

Outcomes to be achieved

Design guidelines

- Buildings are to provide a roof plane facing north or west with a minimum dimension of 3m by 2m to allow for future rooftop photovoltaic system installation(s).

(NB this is also specified in **Part 1h Sustainability Table 1: Sustainability analysis considerations**)

C. Building height

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

Note: building height controls are specified in Upper Hunter LEP 2013 clause 4.3 and associated series of Maps 'Height of Buildings'.

D. Building setbacks

- Rural buildings should respect the rural amenity of the area.
- Rural buildings are sited such that they are not impacted by dust generated from unsealed public roads.
- Buildings are set back to roads and side and rear boundaries as shown in **Table 1: Minimum Structure Setbacks - Rural and Environmental Management Zones**

Table 1: Minimum Structure Setbacks - Rural and Environmental Management Zones

Zone	Road Frontage	Side/Rear minimum setback
RU1 Primary Production	50 m to bitumen sealed road	30 m
RU4 Primary Production Small Lots	100 m to unsealed road	
C3 Environmental Management	50 m to bitumen sealed road 100 m to unsealed road	30 m

Outcomes to be achieved

Design guidelines

E. Building materials

- Building colours and materials do not result in adverse visual impacts to road users or nearby properties.
- Building colours and materials blend in with and do not dominate the surrounding landscape.

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

F. Farm buildings

- Farm buildings do not dominate the rural landscape.

- Farm buildings and structures shall be set back a minimum of 50 metres from a dwelling on an adjoining

7a Rural development - general

Outcomes to be achieved

Design guidelines

property and from a natural waterbody.

- Farm buildings should not be located on prominent ridgelines or knolls or close to property boundaries.
- The design of farm buildings should be in keeping with the character and design of typical rural buildings in the area.

G. Basic amenities for farm buildings

- Farm buildings should not incorporate any internal partitions or amenities that could be adapted for residential use.
- An amenities outbuilding consisting of a toilet, tub/hand basin and shower may be permitted in a separate outbuilding not attached to the farm building and having an area of up to approximately 10 square metres.
- Where an amenities outbuilding is provided, the development must consider the provision of section **11g On-site waste water management**. The system is installed and fully operational prior to use of the amenities.
- The amenities outbuilding is located clear of any likely site flooding
- A rainwater storage tank with a minimum storage capacity of 20,000 litres is provided

H. Biodiversity and vegetation (including trees)

- The development meets the provisions of parts **11a Vegetation (including trees)**, **11b Biodiversity conservation** and **14a Vegetation permits**
- The spread of weed species is minimised

I. Bushfire

- The development considers the provisions of section **10b Bushfire risk**.

J. Flood prone land

- Development on flood prone land considers the provisions of part **10a Floodplain management**

K. Groundwater

- The development considers the provisions of section **11d Groundwater protection**.

L. Riparian land

- The development considers the provisions of section **11c Riparian land & watercourses**.

M. Access & car parking

- The development considers the provisions of section **12a Access & vehicle parking**.
- Direct two-wheel drive all-weather access is provided from the site to a public road.
- Rural property accesses shall be designed to comply with:

7a Rural development - general

Outcomes to be achieved

Design guidelines

- Council's current specification for *Rural Property Access – Standard Drawing RPA-001*
- *Planning for Bushfire Protection*
- *Managing Urban Stormwater – Soils and Construction – Vol 2C Unsealed Roads*
- Entry gateways/grids are set back from the front boundary and fence splayed to allow vehicles to pull up off the public road carriageway.
- New access driveways do not compromise the safety of road users.
- The environmental impacts and ongoing maintenance costs of access roads and driveways are minimised.
- Access driveways connecting with a sealed road are sealed from the existing road seal to the boundary alignment (boundary of road reserve) to minimise gravel being deposited on the road surface.
- Internal access roads may require a two coat dust seal surface treatment in circumstances where there is likely to be an adverse impact on adjoining land uses or environmentally sensitive areas (for example, waterways, wetlands).
- Rural property accesses and internal roads are designed so that sediment laden stormwater run-off does not discharge down the access road and onto public roads or cause soil erosion and sedimentation. The development considers the requirements of section **11f Soil & water management**.

N. Water supply

- The development is provided with a suitable water supply, if relevant.

*Note: requirements for water supply for dwellings are included at section **7b Rural dwellings**.*

O. On-site wastewater management

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

P. Rural addressing

- Properties are to be provided with suitable identification as per Council's Rural Addressing system.

Q. Telecommunications & electricity

- The development is provided with a suitable telecommunications and electricity supply if relevant.

7b Rural dwellings

Explanatory outline

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

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

Note: these criteria do not apply where approval is sought by way of a complying development certificate under *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Inland Code) 2018*. In such cases, the criteria under that SEPP will apply instead.

7b Rural dwellings

7b.1 Application of this section

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

Column 1: Type of development	Column 2: Applicable land
<ul style="list-style-type: none"> • dwelling houses (including relocated dwellings) • dual occupancies • rural workers' dwellings • secondary dwellings. 	Land within the following zones: <ul style="list-style-type: none"> • RU1 Primary Production • RU4 Primary Production Small Lots • C3 Environmental Management

Does not apply to proposals for which a complying development certificate is sought under *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Inland Code) 2018*

7b.2 Relevant planning instruments & legislation

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

- *Upper Hunter Local Environmental Plan 2013*
- *Local Government Act 1993*
- *State Environmental Planning Policy (Primary Production and Rural Development) 2019*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, particularly Part 3D Inland Code*

7b Rural dwellings

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

7b.3 Objectives

The objectives of this section are to:

1. ensure dwellings are compatible with the rural character of the area
2. ensure suitable amenity is provided to dwellings adjacent to major roads and railways
3. ensure relocated dwellings respect and enhance the overall amenity and character of the area in which they are to be located
4. ensure that the design and siting of rural housing incorporates environmentally sustainable and energy efficient principles

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

7b.4 Supporting plans & documentation

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

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Rural development – general requirements	All applications	All relevant requirements specified in section 7a Rural development - general .
C. BASIX Certificate	All applications where relevant	Refer to <i>UHSC Application Guide</i> regarding BASIX certificates and also to the on-line assessment at www.basix.nsw.gov.au
D. Rural workers' dwelling report	Applications for rural workers' dwellings	<p>A report and plans demonstrating:</p> <ul style="list-style-type: none"> • that the existing or future uses of the land are of a nature and scale that will require the ongoing employment of additional rural workers on a permanent or seasonal basis. A Business Plan demonstrating this need should be submitted. • that the nature of the existing or future uses of the land is such that, if workers would be required to live off-site, there would be a significant adverse impact to the relevant agricultural or rural industry. • that the number of proposed rural worker's dwellings is compatible with the nature and scale of existing or future uses of the land,. • that the proposed dwelling will be located on the same lot as the principal residence and share a common access to a public road.
E. Relocated dwelling report	Applications for re-located dwellings	<p>A report and appropriate plans indicating:</p> <ul style="list-style-type: none"> • a description of the dwelling to be moved • the location of the dwelling at present and its age

7b Rural dwellings

Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> photographs of each elevation of the building at its current address dimensioned elevation drawings the location to which the building is to be moved details and specifications of all new work including footings, repairs, alterations, renovations and the installation of services schedule of existing building materials and condition details of termite protection, bracing and tie down A report from a qualified structural engineer: <ul style="list-style-type: none"> certifying that the existing building is able to withstand the wind loads and specifying any additional wind bracing and tie-down necessary to ensure the structural integrity of the relocated dwelling. This is only required where the dwelling is to be relocated into an area of high wind velocity i.e. N2, N3, AS 4055-Wind Loads for Housing. specifying the proposed method of rejoining the various sections of the structure. specifying whether any dilapidated or rotted structural members or cladding is to be replaced. specifying the method of support of any existing concrete floor/s within the building. certifying that the existing building is able to be relocated.

7b.5 Assessment criteria

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

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

These requirements are *in addition to* those in part **7a Rural development - general**.

7b Rural dwellings

The section is structured in the following way:

Rural dwellings generally	
A	Siting
B	General building design
C	Water supply
D	On site wastewater management
Secondary dwellings	
E	Siting of secondary dwellings
Rural workers' dwellings	
F	Design of Rural workers' dwellings
Temporary occupation of farm buildings	
G	Temporary occupation of farm buildings
Relocated dwellings	
H	Relocated dwellings
Ancillary buildings & structures	
I	General design considerations

Outcomes to be achieved

Design guidelines

Rural dwellings generally

Note: these requirements are in addition to those in section **7a Rural development - general**.

A. Siting

- Setbacks meet the minimum requirements under Table 1: Minimum Structure Setbacks - Rural and Environmental Management Zones.
 - Dwellings are sited such that the impact of dust generated from unsealed public roads is minimised.
 - The siting of dwellings adjacent to a rail corridor or the New England Highway takes into account the proximity of the railway or highway and associated acoustic and visual issues
- Setback from intermittent or permanent watercourses is 50 m.

Note: see also SEPP (Transport and Infrastructure) 2021 and Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning, 2008).

B. General building design

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

- Habitable buildings are designed in accordance with solar design and energy efficiency principles.
 - Dwellings are constructed of materials that are compatible with the bush fire risk (refer to section **10b Bushfire risk**).
- Dwellings should be designed to locate living rooms to take advantage of winter solar radiation whilst minimising the extent that summer solar radiation enters windows on the northern and western facades of the buildings.
 - Verandas (including front and side where appropriate) are encouraged, with the depth of verandas in proportion to the main building.
 - All external finishes for dwellings should be of tones similar to those inherent in the landscape. Generally all buildings,

7b Rural dwellings

Outcomes to be achieved

- The scale, form and external finish of buildings recognises the rural vernacular style of country dwellings.

Design guidelines

ancillary structures, including sheds, garages and water tanks are to be of natural earthy colours in the mid tonal range or darker and are to be of a non-reflective finish.

C. Water supply

- Each dwelling is provided with roof water storage tank(s) having a capacity of not less than 100,000 litres. This water may be used principally for domestic and potable use but may encompass water storage tanks dedicated for fire fighting purposes.
- Each dwelling is to provide water storage dedicated for fire fighting purposes and access to that water as required by Planning for Bush Fire Protection 2006.
- Guidance on the relevant size of water tanks for domestic and potable use can be found in *Guidance on Use of Rainwater Tanks* (Commonwealth of Australia, 2011)

D. On site wastewater management

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

Secondary dwellings

E. Secondary dwellings

Note: provisions regarding secondary dwellings are specified in Upper Hunter LEP 2013 clause 5.5 'Controls relating to secondary dwellings on land in a rural zone' which specifies that:

- The total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is greater-*
60 square metres, or
50% of the total floor area of the principal dwelling, and
 - The distance between the secondary dwelling and the principal dwelling must not exceed 100 metres.*
- Secondary dwellings should:
 - be on the same lot as the principal dwelling.
 - share a common access with the principal dwelling.
 - be behind the building line of the principal dwelling to a public road

Rural workers' dwellings

F. Design of rural workers' dwellings

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

- The number and design of proposed rural workers' dwellings is compatible with the nature and scale of existing or future uses of the land,.
- Rural workers dwellings should only be provided where there is a genuine need to accommodate a rural worker by reason that:
 - the existing or future uses of the land are to be of a nature and scale that will require the ongoing employment of additional rural workers on a permanent or seasonal basis; and
 - the nature of the existing or future uses of the land is such that, if workers would be required to live off-site, there

7b Rural dwellings

Outcomes to be achieved

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

Design guidelines

would be a significant adverse impact to the relevant agricultural or rural industry

Temporary occupation of farm buildings

G. Temporary occupation of farm building

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

Relocated dwellings

H. Relocated dwellings

- The appearance of a relocated dwelling is compatible with or complementary to the existing streetscape, character and standard of surrounding development in the area.
- The appearance of a relocated dwelling is in keeping with the likely standard of future new development in the locality.
- It may be necessary to add to the building or change the design of the proposed relocated dwelling. For example, a flat roof may have to be replaced with a pitched roof or a verandah/awning may be attached to enhance or add character to the relocated dwelling so that it is compatible with the existing streetscape or the character of an area.
- External finishes are required to be compatible or complementary to surrounding development and the established character of the area. All external surfaces are to

7b Rural dwellings

Outcomes to be achieved

- Relocated dwellings are in a sufficiently safe and pest free condition

Design guidelines

- be repainted. Within areas predominantly brick veneer, finish with a tiled roof may be required.
- Prior to the building being relocated, all materials containing asbestos are to be removed and disposed of in accordance with AS2601-2001 The Demolition of Structures.
- Evidence must be given that the structure is not affected by pests
- All zincalume or galvanised surfaces are to be removed or the sheets must be painted or replaced with corrugated Colorbond sheets.
- Flat fibre cement sheeting is to be removed and replaced with an approved external cladding.
- Any defective, deteriorated or otherwise damaged materials, structural components or cladding are to be replaced.
- Where there is an existing concrete floor within the building, the slab is to be demolished.
- Rejoining local bearing structural members by use of a cleat or fish plate connection is unacceptable in most circumstances.
- Existing water supply pipes, house drainage pipes and fittings may be reused provided that:-
 - the system complies with the current standards; and
 - a pressure test is carried out by a licensed plumber and any defective pipes and fittings are repaired or replaced prior to connection to the water supply or sewerage system.

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

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

Ancillary buildings & structures

- *Note that these requirements do not apply where State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Inland Code) 2018 applies*

I. General design considerations

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

Proposed development should consider all relevant aspects of this DCP.

7c Rural industry & intensive agriculture

Explanatory outline

Section 7c outlines assessment criteria for rural industries, intensive agriculture and related types of development. These requirements are in addition to those in section **7a Rural development - general**.

The following matters are covered:

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

These requirements are *in addition to* those in part **7a Rural development - general**.

7c Rural industry & intensive agriculture

7c.1 Application of this section

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

Column 1: Type of development

- rural industry, including:
 - agricultural produce industries
 - livestock processing industries
 - sawmill or log processing industries
 - stock and sale yards
- intensive livestock agriculture
- intensive plant agriculture
- animal boarding or training establishments.

Column 2: Applicable land

Any land

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

7c.2 Objectives

The objectives of this section are to:

1. promote and encourage rural and agricultural enterprises in appropriate locations
2. ensure that new rural industries and intensive plant and livestock agriculture have minimal impact on the landscape, the natural environment and the amenity of surrounding properties.
3. encourage the development of sustainable rural industries compatible with the rural character of the area and other local industries.



7c Rural industry & intensive agriculture

4. ensure that the opportunity for long term sustainable agricultural production is maximised.
5. ensure that biosecurity risk is appropriately assessed and mitigated

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

7c.3 Supporting plans & documentation

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

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Rural development requirements	All applications	All requirements specified in section 7a Rural development - general .
C. Rural industry requirements	Applications for rural industries	<p>A report and plans prepared by a suitably qualified and experienced professional, outlining as a minimum all construction and operation details, including:</p> <ul style="list-style-type: none"> • Description of activities • Hours of operation • Production volumes/output • Waste Management • Staffing • Input/raw materials • Environmental Management • Biosecurity risks and management • Access and parking arrangements • Noise assessment (as part of the Acoustic Assessment required in section 7a Rural Development above) <p>And any other information required by Council. The requirements of any relevant guidelines produced by State or Federal government agencies will be taken into account, including any relevant information produced by the NSW Department of Primary Industry</p>
D. Intensive agriculture requirements	Applications for intensive plant or livestock agriculture	<p>A report and plans prepared by a suitably qualified and experienced professional, outlining as a minimum:</p> <ul style="list-style-type: none"> • Construction and operation details, as per guidelines relevant to the type of proposal: <ul style="list-style-type: none"> ○ <i>Planning Guidelines: Intensive Livestock Agriculture Development</i> (Department of Planning, and Environment, 2019)

7c Rural industry & intensive agriculture



Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> ○ Best Practice Management for Meat Chicken Production in NSW (NSW Department of Primary Industry 2012) ○ Better site selection for meat poultry developments, 2011 (NSW Department of Primary Industry) ○ <i>Preparing Intensive Plant Agriculture Developments</i> (NSW Department of Primary Industries, 2011) ○ <i>Planning for turf farms Primefact 1320, first edition</i> (NSW Department of Primary Industries, 2014) ○ or any relevant document(s) that update these publications. • Any other information required by Council. The requirements of any relevant guidelines produced by State or Federal government agencies will be taken into account, including any relevant information produced by the NSW Department of Primary Industry
E. Animal boarding or training establishments requirements	Applications for animal boarding or training establishments	<p>A report and plans prepared by a suitably qualified and experienced professional, outlining as a minimum:</p> <p>Details of the construction and operation of the establishment, including:</p> <ul style="list-style-type: none"> • plans of animal keeping areas • noise assessment (as part of the Acoustic Assessment required in part 7a Rural development above) • waste management assessment • odour assessment • biosecurity assessment <p>And any other information required by Council. The requirements of any relevant guidelines produced by State or Federal government agencies will be taken into account, including any relevant information produced by the NSW Department of Primary Industry</p>

7c.4 Assessment criteria

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

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

These requirements are *in addition to* those in part **7a Rural development - general**.

7c Rural industry & intensive agriculture

Outcomes to be achieved

Design guidelines

A. Siting & adjoining land

- The development is located on a property of sufficient size to accommodate the industry without unacceptably impacting on adjoining properties.
- The development meets the provisions of section 11i **Buffer areas & separation distances**.
- Mitigation measures such as landscaped buffers, acoustic bunds/walls and odour control measures are incorporated into the design of a rural industry to protect the amenity of surrounding properties.

B. Biosecurity

- The potential for biosecurity risks to the site and surrounding development in the construction and operation of the development is minimised, and appropriate mitigations put in place to mitigate these risks.
 - The requirements of any legislation and guidelines regarding biosecurity must be followed. Relevant guidelines produced by State or Federal government agencies or recognised industry bodies should be consulted. For intensive livestock agriculture, the biosecurity information in *Planning Guidelines - Intensive Livestock Agriculture Development* gives guidance in this regard

C. Best practice

- The development addresses the requirements of any relevant industry guidelines produced by State or Federal government agencies or recognised industry bodies, as determined by Council and the NSW Department of Primary Industries (Agriculture), including but not limited to:
 - **Intensive Livestock Agriculture** proposals should address the range of issues outlined in the NSW Department of Primary Industry's *Planning Guidelines - Intensive Livestock Agriculture Development*
 - **Beef cattle feedlot proposals** should also address the range of issues outlined in the range of [documents published by Meat and Livestock Australia Ltd](#), including *National Guidelines for Beef Cattle Feedlots in Australia 3rd Edition 2012*.
 - **Poultry farm proposals** should also address the NSW Department of Primary Industry references:
 - [Best Practice Management for Meat Chicken Production in NSW](#), 2012
 - [Better site selection for meat poultry developments, 2011](#)

7c Rural industry & intensive agriculture



Outcomes to be achieved

Design guidelines

- **Intensive plant agriculture proposals** should address the range of issues outlined in the NSW Department of Primary Industry's [Assessing intensive plant agriculture developments](#)
- **Turf farm proposals** should also address the range of issues outlined in *Planning for turf farms Primefact 1320, first edition* (NSW Department of Primary Industries, 2014)
- Any relevant document(s) that update the publications above.

C. Loading & unloading facilities

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

D. Vehicle access & parking

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

7c.5 Supplementary guidance

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

- *Upper Hunter Strategic Regional Land Use Plan* (NSW Department of Planning and Infrastructure, September 2012) at <https://www.planning.nsw.gov.au/-/media/Files/DPE/Plans-and-policies/strategic-regional-land-use-plan-upper-hunter-2012-09.pdf?la=en>
- *Draft State Significant Agricultural Land (SSAL) map* at <https://www.dpi.nsw.gov.au/agriculture/lup/agricultural-mapping>
- *Noise Policy for Industry (2017)* at [https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-\(2017\)](https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017))
- The broad range of advice and publications available from NSW Department of Primary Industries (Agriculture), at: <https://www.dpi.nsw.gov.au/agriculture/lup> including (but not limited to):
 - [Planning Guidelines - Intensive Livestock Agriculture Development](#)
 - [Preparing intensive plant agriculture development applications](#)
 - [Assessing intensive plant agriculture developments](#)
 - [Planning for turf farms](#)
 - [Best Practice Management for Meat Chicken Production in NSW](#)
 - [Better site selection for meat poultry developments](#)
 - [Reference material to assist in the management of horse establishments](#)

7c Rural industry & intensive agriculture



- Documents published by Meat and Livestock Australia Ltd, downloadable at <https://publications.mla.com.au/login/redirectFrame>:
 - *National Guidelines for Beef Cattle Feedlots in Australia 3rd Edition (2012)*
 - *National Beef Cattle Environmental Code of Practice (2012)*
 - *Beef Cattle Feedlot Design Manual (2016)*
 - *Beef Cattle Feedlots: Waste Management and Utilisation (2016)*
- *There may also be further relevant publications referenced on the websites above, or in the documents listed above. The documents above may also be superseded by more recent guidelines or information*

Outline

Part 8 Other development

Explanatory outline

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

8a Tourist & visitor accommodation

8b Advertising & signage

8c Wind energy systems

8d Extractive industries

8e Sex services & restricted premises

8a Tourist & visitor accommodation

Explanatory outline

Section 8a outlines assessment criteria for tourist and visitor accommodation. The following matters are covered:

- site location and development design
- access and parking
- waste water treatment
- water supply
- electricity and telecommunications
- stormwater management
- waste minimisation and management
- food preparation location
- bed and breakfast accommodation
- farm stay accommodation
- eco-tourist facilities.

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

8a Tourist & visitor accommodation

8a.1 Application of this section

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

Column 1:	Type of development	Column 2:	Applicable land
•	tourist and visitor accommodation, including: <ul style="list-style-type: none"> - backpackers' accommodation. - bed and breakfast accommodation. - camping grounds. - caravan parks. - eco-tourist facilities. - farm stay accommodation. - hotel or motel accommodation. - serviced apartments. 	Any land.	

8a Tourist & visitor accommodation

8a.2 Relevant planning instruments & legislation

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

- *Upper Hunter Local Environmental Plan 2013*
- *SEPP (Exempt and Complying Development) Codes 2008* – particularly Part 4A General Development Code – Subdivision 1 – Bed and breakfast accommodation
- *Food Act 2003 and Food Regulation 2015*
- *Local Government Act 1993*

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

8a.3 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended. The Dictionary to this DCP provides additional definitions that are relevant to this Part.

8a.4 Objectives

The objectives of this section are to:

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



8a Tourist & visitor accommodation

8a.5 Supporting plans & documentation

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

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Sustainability assessment	Tourist and visitor accommodation comprising 3 or more units; or A development with a development footprint of 1,500 square metres or greater	Report, prepared by a suitably qualified professional, addressing the requirements of part 1h Sustainability .
C. Shadow diagram	Applications that potentially involve overshadowing of the proposed development, or of adjoining or nearby development.	A plan illustrating: <ul style="list-style-type: none"> • extent of shadows cast by existing and proposed buildings, including buildings on adjoining land. • position of existing and proposed buildings on the site and adjoining land. • shadows cast by existing and proposed buildings at the winter solstice (22 June) for 9am, 12noon and 3pm.
D. Servicing strategy	All applications	Information that demonstrates the availability and feasibility of providing the following services appropriate for the scale and nature of development: <ul style="list-style-type: none"> • reticulated water, including the size and location of water services including any proposed fire service • reticulated sewerage or on-site treatment (meeting the requirements of section 11g On-site waste water management where applicable) • liquid trade waste (where applicable) • electricity and telecommunications.
E. Landscape plan & report	All applications	Plan and report, prepared by a suitably qualified professional, showing: <ul style="list-style-type: none"> • description of ground preparation and on-going maintenance of landscaping • areas of private open space, proposed turf and areas of established gardens. • location and species of trees and shrubs to be retained or removed. • schedule of plantings, cross-referenced to the site plan indicating species, massing and mature height. • details of restoration and treatment of earth cuts, fills, mounds, retaining walls, fencing and screen walls.
F. Soil & water management plans or reports	Applications for which soil and water management plans or reports are required (refer to	Prepare applicable soil and water management plans or reports, as specified in section 11f Soil & water management . These could include:



8a Tourist & visitor accommodation

Item	When required	Plans or information to be provided
	section 11f Soil & water management)	<ul style="list-style-type: none"> cut and fill details. erosion and sediment control plan (ESCP) erosion and sediment control strategy (ESCS) soil and water management plan (SWMP) comprehensive water cycle strategy (CWCS).
G. Geotechnical hazard & salinity assessment	Applications potentially subject to geotechnical hazards (refer to section 10c Geotechnical hazard)	Include the matters required under section 10c Geotechnical hazard .
H. Flooding information	Applications that relate to flood prone land	Include the matters required under section 10a Floodplain management .
I. Traffic & parking plans & reports (various)	Applications that raise significant access, traffic or parking issues.	Include the matters required under section 12a Access & vehicle parking . Actual requirements will depend on the type of development and level and type of traffic generation.
J. Heritage, aboriginal cultural heritage or archaeological plans & reports	Applications that will potentially impact on land that is listed as or contains: <ul style="list-style-type: none"> a heritage item a heritage conservation area an archaeological site an Aboriginal object an Aboriginal place of heritage significance. 	Include the matters required under Part 9 Heritage .
K. Vegetation (including trees) reports	Applications affecting vegetation (including trees), as specified in section 11a Vegetation (including trees) .	Applicable reports or plans, prepared by a suitably qualified person, as specified in section 11a Vegetation (including trees) . These must be consistent with other elements of the development application, including Site plans, Bushfire assessment report and Landscaping plans. Depending on the site circumstances, these may include: <ul style="list-style-type: none"> written description and plans arborist's report ecological report heritage report safety or biosecurity risk report
L. Biodiversity and native vegetation reports, plans or assessments	Applications for which biodiversity and/or native vegetation reports, plans or assessments are required (refer to section 11b Biodiversity conservation).	Applicable reports, plans or assessments, prepared by a suitably qualified person, as specified in section 11b Biodiversity conservation . These may include: <ul style="list-style-type: none"> Native vegetation clearing threshold report, and/or Biodiversity (flora & fauna) assessment report, and/or Biodiversity development assessment report (BDAR), and/or

8a Tourist & visitor accommodation

Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> Biodiversity management plan, and/or Biodiversity offset information, strategy or plan.
M. Bushfire assessment report	Where the land is identified as Bush Fire Prone Land	Prepare a Bushfire Assessment Report in accordance with the current version of <i>Planning for Bush Fire Protection</i> , as specified in section 10b Bushfire risk
N. Acoustic assessment report	Applications that involve the potential for noise impacts on adjoining development, or that are located adjacent to a rail corridor or the New England Highway	The report should address and indicate measures to mitigate potential impacts from noise and vibration
O. Site waste minimisation & management plan	All applications	A Plan and report addressing the requirements outlined in part 11h Waste minimisation & management
P. Outdoor eating areas	Applications that involve outdoor eating areas.	Plan and written description of the position of tables, chairs, planter boxes, bollards and other objects to be used or displayed.
Q. Quality Assurance Program - Untreated Rainwater	For applications involving the use of untreated rainwater	Plan as set out at http://www.health.nsw.gov.au/environment/water/Pages/quality-assurance-program-untreated-rainwater.aspx

8a.6 Assessment criteria

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

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

Outcomes to be achieved	Design guidelines
A. Site location & development design <ul style="list-style-type: none"> The siting and design of accommodation facilities is compatible with the attributes and constraints of the site and locality. Accommodation facilities are sited and designed to minimise impacts on the amenity of adjoining properties. 	<ul style="list-style-type: none"> Screen planting should be provided to filter views into the site from adjoining properties and public roads, particularly if it is likely that adjoining farms have the potential to disturb or annoy guests. In rural areas, if appropriate, signage should be displayed within the main reception area that advises to the following effect:

8a Tourist & visitor accommodation

Outcomes to be achieved

- Accommodation facilities comply with the buffers prescribed by section **11i Buffer areas & separation distances** in order to minimise impacts of from existing rural activities.
- Proposals in rural areas comply with the controls relating to rural building design, building setbacks and materials and finishes in **Part 7 Rural development**.
- Proposals in urban areas satisfy relevant criteria relating to building design, building setbacks and materials and finishes in **Part 4 Urban residential** and **Part 5 Commercial and mixed use development**.
- The use of manufactured or relocated homes will not be permitted in urban areas.

Design guidelines

- “This accommodation is located in an agricultural area. Farm activities may cause nuisance or inconvenience from time to time, but such activities are essential to the maintenance of the prosperity and character of our local area”.
- Colours and materials should suit the character of the site and of adjoining and nearby buildings

B. Rural scenic character

- Development in rural areas is compatible with the rural or natural setting and local visual character.
- Accommodation facilities should not be located on prominent ridgelines or knolls or close to property boundaries.
- If the proposed development can be viewed from adjoining properties or roads, screen planting should be provided to filter views into the site.
- Colours and materials for a proposed development should suit the character of the site and be of dark natural colours of low reflective quality.
- Lighting of outdoor areas should take into consideration neighbouring properties

C. Outdoor advertising

- The development considers the provisions of section **8b Advertising & signage**.

D. Heritage

- The development considers the provisions of section **9 Heritage**.

E. Access & parking

- Convenient and sufficient safe access, egress and parking is provided to service the development.
- On site car parking facilities and access is provided in accordance with section **12a Access & vehicle parking** and with *UHSC Engineering Guidelines for Subdivisions and Developments*, as amended.
- On rural properties where there is a significant distance from the road boundary to the accommodation destination, appropriate reinforcement signage along the internal access road should be provided.
- Access to developments in rural areas should be:
 - via a single point of access to a public road
 - flood free
 - able to accommodate a two wheel drive vehicle in all weather conditions
 - suitable for its intended use.
- Internal access roads must be designed and constructed in accordance with relevant *AUSPEC* criteria based on predicted traffic flows sourced

8a Tourist & visitor accommodation

Outcomes to be achieved

Design guidelines

from the *RTA Guidelines for Traffic Generating Development*, or in accordance with a civil engineer certified design.

F. Accessibility

- Access to proposals must meet the requirements of the *Disability Discrimination Act 1992*.

G. Facilities & Services

- Tourist and visitor accommodation facilities provide services and facilities to meet the demands of the development.
- Reticulated water is provided to all developments within 75 m of a reticulated water supply, otherwise a suitable on-site water supply must be provided.
- If the development is not within 75 m of a reticulated sewerage system, an appropriately designed and sized on site waste water treatment system must be provided to the development in accordance with section **11g On-site waste water management**.
- Satisfactory arrangements are made with the relevant utility provider(s) for the provision of electricity and telecommunications services.
- Easements (benefiting UHSC) shall be provided for all existing and proposed public sewer and water mains and Council stormwater infrastructure within the site.

H. Biodiversity conservation

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

I. Bushfire

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

J. Soil & water management

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

K. Waste minimisation and management

- The development meets the requirements of section **11h Waste minimisation & management**.

L. Health requirements

- Food storage and meal preparation areas and processes are conducive to the preparation and consumption of food which is safe for guests.
- Any kitchen used for the preparation or storage of guests food is to comply with the requirements of the *Food Act* and *AS4674 (Design, Construction and Fit out of Food Premises)*.



8a Tourist & visitor accommodation

Outcomes to be achieved

Design guidelines

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

M. Bed & breakfast accommodation

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

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

N. Farm stay accommodation

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

O. Eco-tourist facilities

Note: Matters for considerations in determining approval for eco-tourist facilities are specified in Upper Hunter LEP 2013 clause 5.13 'Eco-tourist facilities'.

8b Advertising and signage

Explanatory outline

Section 8b outlines assessment criteria for outdoor advertising and signage.

Note: these criteria **do not apply** where the advertising or signage is:

- **‘Exempt’ development**, under either:
 - *Advertising and Signage Exempt Development Code* - Division 2 of *SEPP (Exempt and Complying Development Codes) 2008*; or
 - *Muswellbrook Local Environmental Plan* - Schedule 2 Exempt Development
- **‘Complying’ development** under *SEPP (Exempt and Complying Development) Codes 2008* (particularly *Part 5 Commercial and Industrial Alterations Code*).
- **Prohibited or otherwise regulated** under *State Environmental Planning Policy (Industry and Employment) 2021* - Chapter 3 *Advertising & signage*

In such cases, the criteria under the relevant SEPP or Local Environmental Plan will apply instead.

8b Advertising & signage

8b.1 Application of this section and relevant planning instruments and legislation

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

Column 1: Type of development

Construction, erection, placement, alteration, illumination, relocation, attachment, painting or repainting of:

- advertising structures; or
- signage.

Column 2: Applicable land

Any land.

Despite the information above, this part **does not apply to** any advertising structure or signage where it is:

- **‘Exempt’ development**, under either:
 - *Advertising and Signage Exempt Development Code* - Division 2 of *SEPP (Exempt and Complying Development Codes) 2008*; or
 - *Upper Hunter Local Environmental Plan 2013* - Schedule 2 Exempt Development

8b Advertising and signage

- **‘Complying’** development under *SEPP (Exempt and Complying Development) Codes 2008* (particularly *Part 5 Commercial and Industrial Alterations Code*).
- **Prohibited or otherwise regulated** under *State Environmental Planning Policy (Industry and Employment) 2021 - Chapter 3 Advertising & signage*

In such cases, the criteria under the relevant *SEPP* or *Local Environmental Plan* will apply instead.

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

- *Upper Hunter Local Environmental Plan 2013*
- *State Environmental Planning Policy (Industry and Employment) 2021 - Chapter 3 Advertising & signage*
- *Local Government Act 1993*
- *Roads Act 1993*

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

A sign must not be altered in any way (except for removal) without consent after approval has been granted.

8b.2 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended. The Dictionary to this DCP provides additional definitions that are relevant to this Part.

8b.3 Objectives

The objectives of this part are to:

1. provide a consistent approach to the control, location and design of advertisements and information signage
2. ensure that signs complement the architecture of the buildings to which they are attached and their surroundings
3. reduce the visual complexity of the streetscape by providing fewer, more effective signs
4. promote effective and visually interesting advertising of goods and services and ensure that signage is of a high quality design and finish
5. ensure that advertisements do not adversely affect the safety of motorists and pedestrians.
6. ensure that signs do not affect the amenity of residents by way of shadow or illumination effects
7. facilitate the placement of signs that promote businesses in a manner appropriate to the scale and design of the existing built environment
8. permit adequate business advertising and identification



8b Advertising and signage

8b.4 Supporting plans & documentation

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

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Advertising signage details	All applications <i>Note: the seeking of Council's consent as owner is separate from the development application process.</i>	The following information is to be provided: <ul style="list-style-type: none"> • A site plan showing the position of the proposed sign on the property. The plan should be dimensioned and drawn to scale and must include property boundaries and the distance from the sign to the property boundary and nearest road. • A dimensioned sketch of the sign in the form of a drawing or photograph. This needs to detail the sign face dimensions, overall height of the sign, height of the lowest part of the sign above natural ground level and information applied to the signs (fonts, colours, logos, diagrams). • A plan showing how the sign is to be supported. Detail of post footings, description of materials and the dimensions of any structural members or building specifications and the method of fixing to the existing structures. • Details regarding the lighting or illumination of the sign, where relevant. • A report addressing each criteria listed in Schedule 5 'Assessment criteria' of <i>State Environmental Planning Policy (Industry and Employment) 2021 - Chapter 3 Advertising & signage</i> • Council may require a maintenance plan indicating the proposed methods of cleaning, replacement of defective lighting and a detailed maintenance schedule to ensure the ongoing upkeep of the sign. • If the sign is to be erected on land other than the applicant's, then written consent from the landowner is required. If Council is the landowner, then written consent from Council as the landowner must be provided.
C. Visual Impact Assessment	Applications that potentially impact adjoining and surrounding areas, as advised by Council.	Plans showing detail of the sign(s) and its relationship to adjoining and surrounding areas, addressing relevant criteria in Schedule 5 'Assessment criteria' of <i>State Environmental Planning Policy (Industry and Employment) 2021 - Chapter 3 Advertising & signage</i> , particularly: <ul style="list-style-type: none"> • Impacts on view corridors • Impacts on adjoining or nearby residences • Lighting impacts

8b Advertising and signage

Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> Cumulative impact of signage on the property or neighbourhood
D. Heritage plans or reports	Applications that will potentially impact on land that is listed as or contains: <ul style="list-style-type: none"> a heritage item a heritage conservation area an archaeological site an Aboriginal object an Aboriginal place of heritage significance. 	Include the matters required under section 9a Heritage conservation .

8b.5 Assessment criteria

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

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

This section is structured in the following way:

A	Compliance with <i>State Environmental Planning Policy (Industry and Employment) 2021 - Chapter 3 Advertising & signage</i>
B	Locations of signage
C	Inappropriate forms of signage
D	Maximum number of signs
E	General restrictions
F	Post, pole or pylon signs (including banners & flags)
G	Heritage
H	Signage in rural and non-urban areas
I	Signage design and scale
J	Visual impact & scenic quality
K	Illumination & noise
L	Safety
M	Quality

8b Advertising and signage

Outcomes to be achieved

Design guidelines

A. Compliance with *State Environmental Planning Policy (Industry and Employment) 2021 - Chapter 3 Advertising & signage*

- The signage must comply with *State Environmental Planning Policy (Industry and Employment) 2021 - Chapter 3 Advertising & signage*.
- The signage must satisfy the assessment criteria of Schedule 5 of *State Environmental Planning Policy (Industry and Employment) 2021 - Chapter 3 Advertising & signage*, to the satisfaction of Council, being issues relating to:
 - the character of the area.
 - special areas.
 - views and vistas.
 - streetscape, setting or landscape.
 - site and building.
 - associated devices and logos with advertisements and advertising structures.
 - illumination.
 - safety.

These issues are included in the Development Outcomes and Development Guidelines below.

Notes:

- under the SEPP, Council cannot grant consent unless it is consistent with the aims of the SEPP and satisfies the assessment criteria listed in Schedule 5 of the SEPP.
- where there is an inconsistency between the SEPP and any other provisions of this part, the provisions of the SEPP prevail.

B. Locations of signage

- Signage is located on the actual property that contains the lawful business or activity identified or promoted on the sign itself.
 - The location of signage and advertising structures takes into account the site, existing structures on the site, adjoining and surrounding sites, and the general impact on the streetscape.
 - Signage and advertising structures are not situated in the following locations:
 - locations where there would be an adverse effect on the traffic signals, road sign or sight distances available to pedestrians and motorists.
 - trees, electricity or telephone poles or any other inappropriate structures
 - locations that would obscure any significant architectural features of a building
 - bridges
 - illuminated signage within residential zones
- Consideration should be given to surrounding vegetation and whether the trees or plant species will grow to obscure the sign from view.
 - Signs should have adequate clearance around poles and electricity wires.
 - Signs should be placed where they will not impact on visibility for motorists or pedestrians.
 - All signs should form an integral part of the development and its design.
 - Signs should, where practical, be located at least one metre behind the property boundary.

8b Advertising and signage

Outcomes to be achieved

Design guidelines

- locations that would impact on the visual character of a building or an area with environmental heritage values.
- public property or footpaths
- signs within the road reserve or on council land (with the exception of A-Frame / Sandwich Board signs)

C. Inappropriate forms of signage

- Signage must not be of any of the following forms:
 - a. Above awning signs (attached to the top surface of awning)
 - b. Horizontal projecting wall signs are not favoured and shall not be permitted except in exceptional circumstances.
 - c. Flag pole signs
 - d. Inflatable signs
 - e. Moving and flashing signs
 - f. Video Signs
 - g. Roof or sky signs
 - h. Large signs (>20m² or higher than 8m) including billboards

D. Maximum number of signs

- The maximum number of signs per lot is as specified in **Table 1: Maximum number of signs per lot**. Where there is more than one business present per lot, the numbers specified in **Table 1: Maximum number of signs per lot** shall be per business.

8b Advertising and signage

Table 1: Maximum number of signs per lot

Upper Hunter LEP 2013 Zone	Sign type	Maximum number of signs
Employment (E1 and E4) or Mixed Use (MU1)	Post supported	2
	Wall	2
	Entrance	2
	Fascia	2
	Below awning	No limit
	A-frame	1 (2 for corner blocks)
	Business directory	1
	Window	No limit
Rural (RU1, RU3, RU4)	Post supported	2
	Wall	2
	Business directory	1
	Entrance	2
Conservation (C3)	Post supported	2
	Wall	2
	Business directory	1
	Entrance	2
Special Activities and Infrastructure (SP1, SP2)	The type and number of signs should be on a case-by-case basis	
Recreation (RE1, RE2)	The type and number of signs should be on a case-by-case basis	
Residential (R1, R5, RU5)	Business identification	1
	Window	1
	Fascia	On merit
	Business directory	1
	Below awning	1
	Post-supported and gateway (only for businesses operating under existing use rights –see above table)	On merit

8b Advertising and signage

Outcomes to be achieved

E. General restrictions

- Under awning signs must be located 2.6m above natural ground level, not exceed 2.5 m in length or 0.5 m in height.
- Only one directory board permitted for multiple occupancy buildings.

Design guidelines

- Avoid advertising products that are not sold on the premises.
- No advertising structure should be erected closer than 3 metres in a horizontal plane to any other advertising structure.

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

This section relates to an advertisement on a pole or pylon independent of any building structure.

The sign must comply with the following:

- Shall not project beyond the boundary of a property.
- Where two signs are proposed the second sign should have the same setback and be of uniform design and spacing.
- Maximum advertising area and maximum height must not exceed:-
 - 3 square metres and 2 metres high in rural areas.
 - 8 square metres and 8 metres high in business areas, and.
 - 10 square metres and 8 metres high in industrial areas.
- Signs for businesses operating in residential areas under existing use rights will be assessed on their merits. Maximum advertising area is 2 m² and maximum height above ground is 2 m.
- Notwithstanding the above, the height of the structure must not protrude above the dominant skyline (including any buildings, structures or tree canopies) when viewed from ground level within a visual catchment of 1 kilometre.

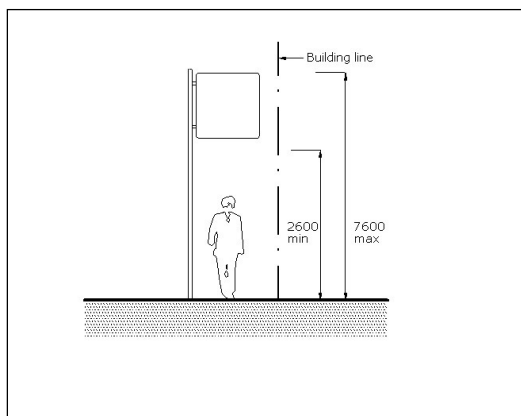


Figure 1 Post, pole or pylon sign

G. Heritage

- Impact from advertising structures or signage on any heritage item or Heritage Conservation Area is considered (refer to section 9a **Heritage conservation**).
 - The sign responds to the character, style, colour, design and materials and fixing methods of the relevant heritage item or to the architecture of the Conservation Area.
- Avoid new signs on side walls of buildings.
 - Provide a high standard of materials and graphics.
 - Use traditional designs, colours, lettering and construction methods.
 - Avoid placing illuminated signs on heritage items

8b Advertising and signage

Outcomes to be achieved

- Only one sign per property is permitted which is a minor element and restrained in design.
- Original signs are retained and conserved at the site.

Design guidelines

H. Signage in rural and non-urban areas

This provision applies to zones RU1 Primary Production, RU4 Primary Production Small Lots and C3 Environmental Management and W1 and takes precedence over any other provision in this part.

- Signage must only contain:
 - an advertisement relating to the land on which the advertisement is to be displayed, or to premises situated on that land or adjacent land, and
 - specify one or more of the following particulars:
 - (A) the purpose for which the land or premises is or are used,
 - (B) the identification of a person residing or carrying on an occupation or business on the land or premises,
 - (C) a description of an occupation or business referred to in sub-paragraph (B),
 - (D) particulars of the goods or services dealt with or provided on the land or premises,
 - or
 - a notice directing the travelling public to tourist facilities or activities or to places of scientific, historical or scenic interest.

I. Signage design and scale

- Signage enhances the architecture of existing buildings, streetscapes and vistas.
 - Signage is visually interesting and integrated with architecture of the building.
 - Signage is not located where it will obstruct views, vistas or cause significant overshadowing.
 - Signage does not dominate the building or protrude above any parapet or eaves.
- Use lettering, materials and colours that complement the existing building or place.
 - Avoid signage that dominates the building.
 - Provide an appropriate scale, form and similar proportions to the desired character of the streetscape.
 - Avoid locating advertisements over a window, other openings or which covers significant architectural detail of the building.
 - Avoid freestanding signs that dominate the skyline when viewed from the ground within one kilometre
 - Signage should respect the proportions of the façade of the host building, for example:
 - subdivide the facade into a series of vertical or horizontal panels on which the signage can be placed - see Figure 2: Signage design and scale #1
 - Join together two smaller panels to form a more usable horizontal or vertical panel. – see Figure 3: Signage design and scale #2

Project lines from the adjacent buildings across the façade of the building to

8b Advertising and signage

Outcomes to be achieved

Design guidelines

identify horizontal panels where signs can be located to achieve visual continuity with neighbouring buildings – see

- Figure 4: Signage design and scale #3

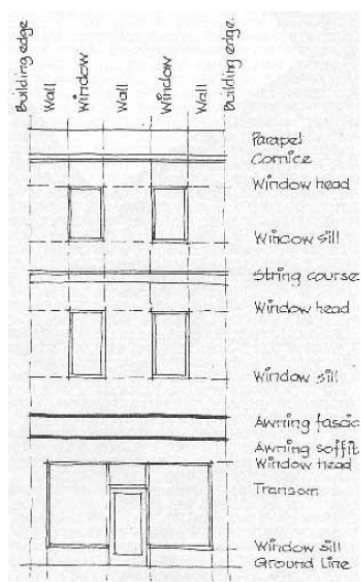
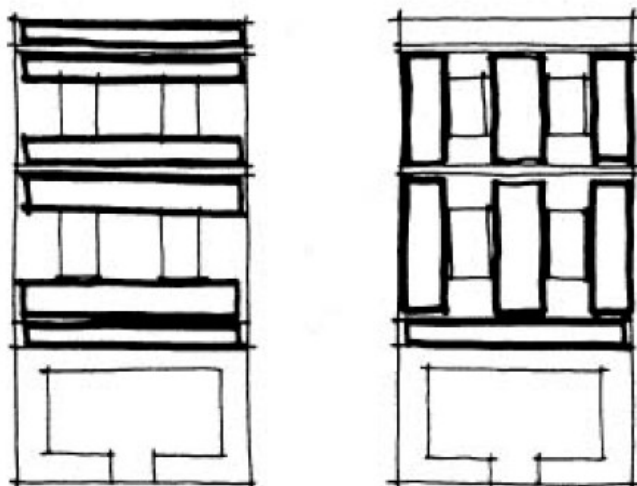


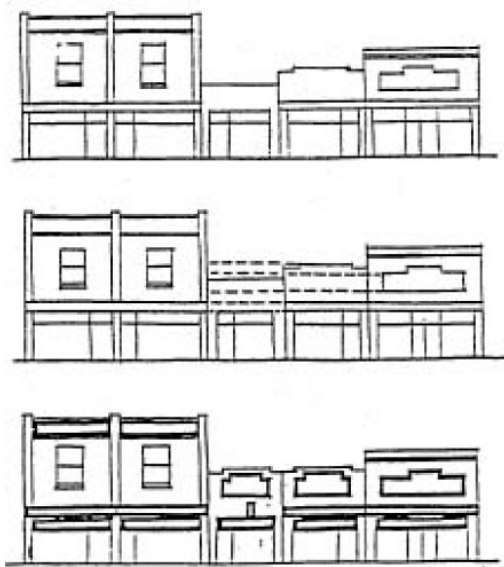
Figure 2: Signage design and scale #1

Figure 3: Signage design and scale #2



8b Advertising and signage

Figure 4: Signage design and scale #3



Outcomes to be achieved

Design guidelines

J. Visual impact & scenic quality

- Signage and advertising structures is designed so as to consider the following matters:
 - nature and density of existing current approved signs on the property and on any adjoining properties and the potential for clutter
 - scale of the sign relevant to nearby buildings and to viewing distances
 - style of the sign relative to the style of existing development within the visual catchment area of the proposed sign
 - impact of the sign on adjoining development or on the use or enjoyment of nearby buildings or land
 - existing and future likely character and amenity of the area.
 - impact of the sign on the landscape or scenic quality of the area
 - integration of the sign(s) with buildings or other landscape elements
 - visibility of the sign above the horizon or with the landscape as a backdrop
 - effect of the proposal on the natural and man-made landscape.
- The design of signs should respect the character of the landscape or streetscape in which it is placed e.g. urban, commercial, remote rural etc.
- Sign materials should be compatible with the Shire's rural character and high scenic value.

8b Advertising and signage

Outcomes to be achieved

Design guidelines

- Text and graphics are compatible with accepted community standards.

K. Illumination & noise

- Illuminated signs minimise the impact on the surrounding development and environment in terms of external lighting intensity, duration of illumination and light scatter/ spill.
- Moving, flashing and running light signs that project glare and light spillage are undesirable.
- Any noise emitted from electrical equipment in the advertising structure is minimised where there would be potential for noise nuisance.

- Council will generally not favour applications for high intensity illuminated signs.
- Council may require illuminated signs to be fitted with an automatic timing device to extinguish the illumination during specified hours to avoid light spill into surrounding areas.
- Avoid positioning illuminated signs on properties fronting laneways between residential and commercial areas.
- Illumination of signs is to be concealed or integral to the sign. Up lighting of signs is prohibited. Any external lighting of signs is to be downward pointing and focused directly on the sign to prevent or minimise the escape of light beyond the sign.

L. Safety

- The design takes into consideration:
 - impact on vehicle and pedestrian movement and safety.
 - structural integrity, with particular emphasis on the ability to withstand wind forces.

- The placement of signs should be appropriate to the horizontal and vertical alignments of the road(s) addressed by the sign and the traffic speeds and volumes specific to the road(s).
- Provide signage that avoids confusion with road traffic signs or signals. Do not use the word "stop" or other traffic directions.
- Do not obscure a road hazard, oncoming vehicles or pedestrians.

M. Quality

- Signage and advertising structures are to achieve high standards of visual quality

- Signs should be designed for low maintenance and minimum chance of vandalism.

8b.6 Further information

Duration of Approval

Development consent granted under *State Environmental Planning Policy (Industry and Employment) 2021 - Chapter 3 Advertising & signage* will last for 15 years as per the SEPP. On expiration of this period, a new development application will need to be submitted and approved by Council.

Unsafe or unsightly signs

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

8b.7 Supplementary guidance

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

- *State Environmental Planning Policy (Industry and Employment) 2021 - Chapter 3 Advertising & signage*
- [Transport Corridor Outdoor Advertising and Signage Guideline \(Department of Planning, 2007\)](#)

8b Advertising and signage



8c Wind energy systems

Explanatory outline

Section 8c outlines assessment criteria for wind energy systems.

8c Wind energy systems

8c.1 Application of this section

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

Column 1: Type of development	Column 2: Applicable land
<ul style="list-style-type: none"> electricity generating works that generate electricity from wind energy, including: <ul style="list-style-type: none"> small wind turbines; and small wind turbine systems. 	Any land where electricity generating works are permissible with consent, either through <i>Upper Hunter LEP 2013</i> or through <i>SEPP (Transport and Infrastructure) 2021</i> .
<ul style="list-style-type: none"> Modifications to existing consents previously approved by Council for any electricity generating works that generate electricity from wind energy 	Any land

This section **does not apply** to small wind turbines that are exempt development, or complying development for which a complying development certificate is sought under *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

Note. Depending on the scale of the proposal or the sensitivity of the site, development to which this section applies may be designated development, integrated development or State significant infrastructure. Each of these development categories have detailed procedural and assessment requirements that are beyond the scope of this DCP. It is suggested that proponents seek expert advice. See the NSW Government's Wind Energy Framework at <https://www.planning.nsw.gov.au/Policy-and-Legislation/Renewable-Energy/Wind-Energy-Framework>

8c.2 Relevant planning instruments & legislation

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

- Upper Hunter Local Environmental Plan 2013*
- State Environmental Planning Policy (Transport and Infrastructure) 2021*, particularly *Division 4 Electricity generating works or solar energy systems*

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

The key guideline document for wind energy systems in NSW is *Wind Energy Guideline for State significant wind energy development - December 2016* (NSW Department of Planning and Environment 2016). Although it relates to State Significant Development wind energy systems, its principles and requirements are referenced in this part.

8c Wind energy systems

8c.3 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended, or within *State Environmental Planning Policy (Transport and Infrastructure) 2021*. The Dictionary to this DCP provides additional definitions that are relevant to this Part.

8c.4 Objectives

The objectives of this section are that wind energy systems:

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

8c.5 Supporting plans & documentation

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

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Site & context plan	All applications	<p>The following details are to be shown on site plans:</p> <ul style="list-style-type: none"> • location of proposed wind turbine envelopes • site and property boundaries • land contours • native and existing vegetation • land uses within and adjoining the proposal area • the location and uses of all buildings on the site • power and transmission lines, sub-stations(s) • fences • temporary structures including accommodation • extent of ground disturbance • route of any proposed transmission lines.
C. Wind turbine details		<p>The following details are to be given:</p> <ul style="list-style-type: none"> • mast and hub heights • blade widths • generating capacity • life span

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Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> • colour • manufacturer's operating specifications
D. Sustainability assessment	A development with a development footprint of 1,500 square metres or greater	Report, prepared by a suitably qualified professional, addressing the requirements of section 1h Sustainability
E. Servicing strategy	<p>For electricity and telecommunications requirements – all applications.</p> <p>For water or sewerage management - where the development involves associated buildings requiring associated infrastructure</p>	<p>Provide evidence of satisfactory arrangements for the provision of the following services to the development:</p> <ul style="list-style-type: none"> • reticulated water or on-site water supply • reticulated sewerage or on-site waste water management • electricity • telecommunications <p>Please discuss site-specific requirements with council officers.</p>
F. Vegetation (including trees) reports	Applications affecting vegetation (including trees), as specified in section 11a Vegetation (including trees) .	<p>Applicable reports or plans, prepared by a suitably qualified person, as specified in section 11a Vegetation (including trees). These must be consistent with other elements of the development application, including Site plans, Bushfire assessment report and Landscaping plans. Depending on the site circumstances, these may include:</p> <ul style="list-style-type: none"> • written description and plans • arborist's report • ecological report • heritage report <p>safety or biosecurity risk report</p>
G. Biodiversity and native vegetation reports, plans or assessments	<p>Applications for which biodiversity and/or native vegetation reports, plans or assessments are required (refer to section 11b Biodiversity conservation)</p> <p>These will be required for development on land with high biodiversity values, or proposals that require significant disturbance to, or clearing of, native vegetation or potential habitat for native species.</p>	<p>Applicable reports, plans or assessments, prepared by a suitably qualified person, as specified in section 11b Biodiversity conservation. These may include:</p> <ul style="list-style-type: none"> • Native vegetation clearing threshold report, and/or • Biodiversity (flora & fauna) assessment report, and/or • Biodiversity development assessment report (BDAR), and/or • Biodiversity management plan, and/or <p>Biodiversity offset information, strategy or plan</p>

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Item	When required	Plans or information to be provided
H. Landscape plan & report	All applications	<p>Plan and report, prepared by a suitably qualified professional, showing:</p> <ul style="list-style-type: none"> description of ground preparation and on-going maintenance of landscaping areas of private open space, proposed turf and areas of established gardens. location and species of trees and shrubs to be retained or removed. schedule of plantings, cross-referenced to the site plan indicating species, massing and mature height. details of restoration and treatment of earth cuts, fills, mounds, retaining walls, fencing and screen walls. <p>This plan must be consistent with any other plans required for vegetation (including trees) or Biodiversity and native vegetation as above.</p>
I. Soil & water management plans or reports	Applications for which soil and water management plans or reports are required (refer to section 11f Soil & water management)	<p>Prepare applicable soil and water management plans or reports, as specified in section 11f Soil & water management. These could include:</p> <ul style="list-style-type: none"> cut and fill details. erosion and sediment control plan (ESCP) erosion and sediment control strategy (ESCS) soil and water management plan (SWMP) comprehensive water cycle strategy (CWCS).
J. Geotechnical hazard & salinity assessment	All applications	Include the matters required under section 10c Geotechnical hazard .
K. Bushfire assessment	All applications	<p>The assessment, prepared by a suitably qualified bushfire consultant should include:</p> <ul style="list-style-type: none"> potential for the wind farm to trigger or influence a bushfire. potential for bushfire damage and proposed bushfire management strategies provision of fire retardant devices within the nacelle. matters required under section 10b Bushfire risk.
L. Site waste minimisation & management plan	All applications	A Plan and report addressing the requirements outlined in part 11h Waste minimisation & management .
M. Traffic & road management impact report	All applications	<p>The assessment, prepared by a suitably qualified and experienced consultant should include:</p> <ul style="list-style-type: none"> proposed haulage routes new roads required

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Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> proposed upgrading of local roads whether private or Council owned existing road and bridge weight limits strategies to overcome deficiencies in the road network. matters required under section 12a Access & vehicle parking.
N. Acoustic assessment report	All applications	<p>The report must be prepared by a suitably qualified and experienced consultant and should include a comprehensive noise impact survey and modelling of the proposed development (worst case scenario) in relation to the existing environmental surroundings. Noise modelling shall as a minimum include all residential dwellings and other likely noise receptors within in a 3 km radius of a proposed wind turbine.</p> <p>Refer to <i>Wind Energy: Noise Assessment Bulletin For State significant wind energy development</i>, December 2016 (NSW Government, Department of Planning and Environment) available at https://www.planning.nsw.gov.au/-/media/Files/DPE/Bulletins-and-Community-Updates/wind-energy-noise-assessment-bulletin-2016-12.pdf</p>
O. Noise agreements	All applications	<p>Copies of all agreed and proposed noise agreements that have been entered into or are intended to be entered into. See <i>Noise Assessment Bulletin</i> above.</p>
P. Aviation impact report		<p>The assessment must be prepared by a suitably qualified and experienced consultant and should include an assessment of likely impacts on Scone Regional Airport, and any other airstrips, helipads and aviation facilities in operation in the locality.</p> <p>Include the matters required under section 13d Scone Regional Airport</p>
Q. Communications infrastructure impact report		<p>The assessment must be prepared by a suitably qualified and experienced consultant and should include an assessment of the likely impacts on the local, regional and state communications networks (television, radio, mobile phones and two way radios) in operation within the locality, including the establishment of benchmarks on quality and service.</p>
R. Visual impact assessment	Where wind turbines are proposed to be placed on ridgelines or part of the wind turbine structures will be visible above a ridgeline	<p>The assessment must be prepared by a suitably qualified and experienced consultant and should include, but is not limited to:</p> <ul style="list-style-type: none"> computer assisted modelling to a minimum distance of 10 km from the affected ridgelines. photomontages, which should also depict night lighting in accordance with any requirements of the Civil Aviation Safety Authority (CASA)

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Item	When required	Plans or information to be provided
		Refer to <i>Wind Energy: Visual Assessment Bulletin</i> For available at https://www.planning.nsw.gov.au/-/media/Files/DPE/Bulletins-and-Community-Updates/wind-energy-visual-assessment-bulletin-2016-12.pdf
S. Heritage impact assessment	All applications	<p>ie assessment must be prepared by a suitably qualified and experienced consultant and should include an assessment of the heritage significance of the subject site, nearby sites and surrounds including but not limited to indigenous and non-indigenous cultural, archaeological and built environment issues/items.</p> <p>Include the matters required under section 9a Heritage conservation.</p>

8c.6 Other information

Public notification

Requirements for public notification of wind energy systems are outlined in Council's *Community Participation Plan*. Applicants are encouraged to actively consult with non-hosting adjoining owners during the design process.

Developer contributions

The following may be applicable to the proposal:

- *Upper Hunter Shire Council Section 94 Contributions Plan 2017.*
- *Upper Hunter Shire Council Section 94A Contributions Plan*

Depending upon the likely demand for public services or facilities that a development proposal is likely to generate, Council may also require preparation of a specific Contributions Plan or may enter into a Voluntary Planning Agreement with the developer prior to determining a particular development proposal.

Consultation

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

- NSW Department of Planning and Environment
- NSW Department of Primary Industries
- Department of Regional NSW.
- Transport for NSW
- Civil Aviation Safety Authority (CASA)
- Australian Rail Track Corporation
- NSW Rural Fire Service
- Department of Defence

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8c.7 Assessment criteria

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

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

This section is structured in the following way:

A	General design, construction & operation
B	Surrounding environment
C	Cumulative impact
D	Distances from dwellings & surrounding development
E	Distances from public roads & boundaries
F	Visual impact
G	Acoustic impact
H	Biodiversity
I	Vegetation (including trees)
J	Water quality
K	Bush fire hazard
L	Impacts on communications networks
M	Impacts on aviation facilities
N	Tourism
O	Environmental management
P	Decommissioning

Outcomes to be achieved

Design guidelines

A. General design, construction & operation

- The proposal shall meet the requirements of the following guidelines and documents (as amended or updated):
 - *Wind Energy Guideline for State significant wind energy development - December 2016* (NSW Department of Planning and Environment 2016)
 - Best Practice Guidelines for implementation of Wind Energy Projects in Australia (Auswind, 2006).
 - Draft National Wind Farm Development Guidelines (The Environment Protection and Heritage Council July 2010).

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Outcomes to be achieved

Design guidelines

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

B. Surrounding environment

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

C. Cumulative impact

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

D. Distances from dwellings & surrounding development

- Distances between proposed wind turbine locations in relation to any dwellings shall give due consideration to the issues of excessive noise, shadow flicker, infrasound and visual amenity.
- The requirements of *Wind Energy Guideline for State significant wind energy development - December 2016* (NSW Department of Planning and Environment 2016) (or the appropriate updated document) should be met with regard to distances to neighbouring dwellings and properties.

E. Distances from public roads & boundaries

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

F. Visual impact

- The visual impact of the proposal on surrounding development and on the locality is minimised
- All transmission lines associated with the development are to be placed underground
- The requirements of *Wind Energy Guideline for State significant wind energy development - December 2016* (NSW Department of Planning and Environment 2016) (or the appropriate updated document) should be met with regard to visual impact to neighbouring dwellings and properties.
- Refer to Refer to *Wind Energy: Visual Assessment Bulletin For State significant wind energy development, December 2016* (NSW Government, Department of Planning and Environment) available at <https://www.planning.nsw.gov.au/-/media/Files/DPE/Bulletins-and-Community-Updates/wind-energy-visual-assessment-bulletin-2016-12.pdf/media/Files/DPE/Bulletins-and-Community-Updates/wind-energy-visual-assessment-bulletin-2016-12.pdf>

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Outcomes to be achieved

Design guidelines

[Community-Updates/wind-energy-visual-assessment-bulletin-2016-12.pdf](#)

G. Acoustic impact

- The acoustic impact of the proposal on surrounding development and on the locality is minimised
- The requirements of *Wind Energy: Noise Assessment Bulletin for State significant wind energy development - December 2016* (NSW Department of Planning and Environment 2016) (or the appropriate updated document) should be met
- Refer also to 'General' references listed in the 'Supplementary Information section below.

H. Biodiversity

- The proposal avoids and minimises impacts on biodiversity
- The development meets the provisions of part 11b **Biodiversity conservation**.
- In avoiding impacts on biodiversity, refer to the *Biodiversity Conservation Act 2016* and regulatory requirements under that Act, as discussed in part 11b **Biodiversity conservation**.

I. Vegetation (including trees)

- The proposal maximises the retention of vegetation, including trees.
- The development meets the provisions of part 11a **Vegetation (including trees)**.

J. Water quality

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

K. Bush fire hazard

- The development considers the provisions of section 10b **Bushfire risk**.

L. Impacts on communications networks

- Impacts on communications networks (internet, television, radio, mobile phones and two way radios) are minimised. Any reduction in either quality or service has been suitably addressed to overcome the loss.

M. Impacts on aviation facilities

- Likely impacts on aviation facilities is minimised.
- The development complies with the provisions of section 13d **Scone Regional Airport**

Note: Upper Hunter Shire Council operates a regional airport in Scone. In addition it is likely that there are other private airstrips, helipads or aviation facilities within the Shire.

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Outcomes to be achieved

Design guidelines

N. Tourism

- Where a proposal includes 25 or more wind turbines, an area where vehicles and pedestrians (the public) can manoeuvre safely is provided in a position which allows for the safe viewing of the wind farm and provides information on the development. Consultation with Council and the RMS (where applicable) must be undertaken to identify a suitable location.

O. Environmental management

- If development consent is granted for the proposal, an environmental management plan (EMP) for the proposal is prepared. It will comprise in detail the construction, commissioning, operation and post monitoring of the development.

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

P. Decommissioning

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

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

8c.8 Supplementary guidance

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

General

Wind Energy Guideline for State significant wind energy development - December 2016 (NSW Department of Planning and Environment 2016) available at <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/wind-energy-guideline-for-state-significant-wind-energy-development-2016-12.pdf>

Resources from the National Wind Farm Commissioner - <https://www.nwfc.gov.au/resources>

Best Practice Guidelines for implementation of Wind Energy Projects in Australia (Clean Energy Council, 2013)

Best Practice Guidelines for implementation of Wind Energy Projects in Australia (Auswind, 2006)

Draft National Wind Farm Development Guidelines (The Environment Protection and Heritage Council July 2010)



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Noise

Wind Energy: Noise Assessment Bulletin For State significant wind energy development, December 2016 (NSW Government, Department of Planning and Environment) available at <https://www.planning.nsw.gov.au/-/media/Files/DPE/Bulletins-and-Community-Updates/wind-energy-noise-assessment-bulletin-2016-12.pdf>

Visual

Wind Energy: Visual Assessment Bulletin For State significant wind energy development, December 2016 (NSW Government, Department of Planning and Environment) available at <https://www.planning.nsw.gov.au/-/media/Files/DPE/Bulletins-and-Community-Updates/wind-energy-visual-assessment-bulletin-2016-12.pdf>

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

Ecology

Cumulative Risk for Threatened and Migratory Species (Commonwealth Department of Environment and Heritage, March 2006)

Wind Farms and Birds: Interim Standards for Risk Assessment, (Auswind, July 2005)

Assessing the impacts on Birds - Protocols and Data Set Standards (Australian Wind Energy Associations)

(Note that more relevant, updated guidelines are probably available for this subject)

Aviation Hazard

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

Wind farm Policy (Aerial Agricultural Association of Australia, December 2009)

Powerlines Policy (Aerial Agricultural Association of Australia, December 2009)

Information Sheet - Airport Related Development (Air services Australia)

(Note that more relevant, updated guidelines are also probably available for this subject)

Water Quality

National Water Quality Management Strategy: Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000)

NSW State Groundwater Quality Protection Policy (DLWC, 1998)

NSW State Groundwater Dependent Ecosystems Policy (DLWC 2002)

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

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



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- Riparian Corridors

(Note that more relevant, updated guidelines are probably available for this subject)

Managing Urban Stormwater: Soils and Construction, Volume 1, 4th edition (Landcom 2004)

Managing Urban Stormwater: Soils and Construction, Volume 2C unsealed roads (DECC)

8d Extractive industry

Explanatory outline

Section 8d outlines assessment criteria relating to extractive industry.

Note that this part DOES NOT apply to mining proposals.

This part should be read in conjunction with *State Environmental Planning Policy (Resources and Energy) 2021*.

8d Extractive industry

8d.1 Application of this section

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

Column 1: Type of development

Development that involves establishment or modification of an extractive industry (not including mining)

Column 2: Applicable land

Land zoned RU1 Primary Production, and any other land zone under *Upper Hunter Local Environmental Plan 2013* or another environmental planning instrument where extractive industry is a permissible use; or
On land where an existing use right for extractive industry has been established

8d.2 Objectives

The objective of this part is to enable the establishment and operation of extractive industries to efficiently extract deposits of extractive materials where:

1. the agricultural production potential of adjacent and surrounding land will not be significantly adversely affected; and
2. the development is compatible with existing and likely future uses on the surrounding land; and
3. surface and groundwater resources are managed to minimise off-site impacts as a result of changes in water quantity, flow or quality; and
4. no significant adverse impacts on biodiversity, biodiversity connectivity, native vegetation or riparian vegetation arise as a result of the development, and any impacts are mitigated or suitably offset; and
5. noise, vibration and dust levels are managed to minimise adverse impacts on local amenity; and
6. the extractive industry does not visually intrude into its surroundings, unless it is mitigated by suitable screening; and
7. the transportation of quarry product is within the capability of the local road network and transportation amenity issues are effectively managed; and

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8. impacts on flood behaviour are minimised in accordance with the *NSW Floodplain Development Manual 2005*.

8d.3 Relevant planning instruments, legislation & other policies

The following environmental planning instruments and other legislation (or instruments under the legislation) may be relevant to development to which this section applies:

- *Upper Hunter Local Environmental Plan 2013*
- *State Environmental Planning (Resources and Energy) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *Water Management Act 2000* (regulates water planning and licensing)
- *Protection of the Environment Operations Act 1997*
- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*

Additional permits or approvals may be required from relevant State agencies that administer the above, and other, legislation.

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

The *NSW Noise Policy for Industry (2017)* is also relevant.

8d.4 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended. The Dictionary to this DCP provides additional definitions that are relevant to this Part.

8d.5 Developer Contributions

Sections 7.11 and 7.12 of the *EP&A Act* permit Council to levy certain developer contributions towards the cost of facilities and amenities in the LGA. These are applicable to extractive industry.

Details relating to the amount of a monetary contribution, other forms it may take and when the contribution is required are contained in *Upper Hunter Section 94 Contribution Plan 2017*.

Depending upon the likely demand for public services or facilities that a development proposal is likely to generate, Council may also require preparation of a specific Contributions Plan, or may enter into a Voluntary Planning Agreement with the developer prior to determining a particular development proposal.

8d.6 Relationship to engineering specifications

Council's *Engineering Guidelines for Subdivision and Development* as amended may be relevant to the development, depending on its circumstances.

Where there is an inconsistency between the DCP and the *Guidelines*, the provisions of this DCP will prevail.

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8d.7 Supporting plans & documentation

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

The applicant should consult with Council staff to determine any other additional information that may be required in addition to this section.

All plans and documentation required by the table below must cover the whole site that the extractive industry is located on and adjacent transportation corridor, as relevant to the issue, and not be solely restricted to the proposed area of extraction or area of immediate impact.

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Site Plan	All applications	<p>A specific site plan (prepared by a registered surveyor) that shows:</p> <ul style="list-style-type: none"> • Location of the land • Boundary dimensions • Site area • Existing extraction areas and other disturbed area(s) (if relevant) • Proposed extraction area(s) • Existing vegetation and trees on the land • Location of existing buildings on the land • Proposed location of waste/rehabilitation material stockpiles • Existing levels (contours and spot levels) • Watercourses <p>The plan must be clear and legible and drawn to a suitable scale (eg 1:100 or 1:200)</p>
C. Environmental impact statement (EIS)	Designated development identified in the <i>Environmental Planning and Assessment Act 1979</i> , regulations and State environmental planning policies.	<p>The EIS must be prepared by a suitably qualified person and contain all information complying with the <i>Environmental Planning and Assessment Regulation 2000</i> and any accompanying guidelines.</p> <p>The EIS must include all information required in the Regulation and any guidelines, as well as all information specified in other parts of this table</p>
D. Statement of Environmental Effects (SEE)	Development Application for extractive industries that is not identified as Designated development.	<p>The SEE must be prepared by a suitably qualified environmental specialist in accordance with the requirements of the <i>Environmental Planning and Assessment Regulation 2000</i> and include:</p> <ul style="list-style-type: none"> • Description of the proposed development • Statutory requirements

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Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> • Description of the environment • Likely impacts of the development • Mitigation measures <p>The key issues and recommendations identified in the relevant supplementary reports (specified in this table) must be summarised in the SEE.</p>
E. Sustainability assessment	A development with a development footprint of 1,500 square metres or greater	Report, prepared by a suitably qualified professional, addressing the requirements of section 1h Sustainability .
F. Social and economic impact assessment	As required by Council	<p>A report, prepared by a suitably qualified and experienced professional, including as a minimum the following:</p> <ul style="list-style-type: none"> • Hours of operation, tonnages per year and daily truck movements and expected life of the development • evidence of consultation with neighbouring residents, landholders and relevant community groups • potential impacts on the community such as emissions and haulage route impacts • employment sources • resource markets • costs and benefits to the local community <p>The report should cross reference and analyse the social impacts of information given in other specialist reports submitted as part of the Development Application.</p>
G. List of other approvals required	All applications	<p>A list of all licences, permits or approvals required by other agencies</p> <p>A list of all licences, permits or approvals currently held for the operation (if an existing development exists on site).</p>
H. Extraction program	All applications	<p>Plans and reports, prepared by a suitably qualified professional, showing the extraction programs in an orderly sequence which provides for the progressive rehabilitation of extracted areas and where possible the minimisation of disturbed areas.</p> <p>As a minimum, the application should show the area(s) planned for extraction over the term of the approval period. Where extraction is planned to move over the approval period, the area of the extraction should be identified in regular periods, reflective of the speed the extraction area is moving. Where the extraction plan allows, areas where no further extraction is planned are to be rehabilitated and the rehabilitation areas identified in plan, with indicative times the rehabilitation occurs.</p>

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Item	When required	Plans or information to be provided
I. Haulage and road network impacts assessment	All applications	<p>A report and plans, prepared by a suitably qualified and experienced professional detailing the extraction and transportation of material to and from the proposed site, including as a minimum:</p> <ul style="list-style-type: none"> • a traffic survey and study undertaken by a suitably qualified person regarding any potential impacts of the proposed development; • proposed methods of haulage of material within the site; • proposed haulage routes of material from the site to markets within and outside the Shire, including a map; • specifications of the internal haulage road and access intersection to be established and/ or maintained, including a site plan drawn to scale; • method of extraction and stockpiling of material; • maximum capacity of haulage vehicles; • frequency of heavy vehicle movements to and from the site; • proposed safety controls to be implemented on the local road network; • proposed method and location of a weighbridge or similarly suitable weighing device. <p>Include also any other matters required under part 12a Access & vehicle parking. Actual requirements will depend on the expected level and type of traffic generation from the site.</p>
J. Riparian land assessment	Applications subject to part 11c Riparian land and watercourses	Include the matters required under part 11c Riparian land and watercourses
K. Water strategy, surface and groundwater assessment	All applications	<p>A report and plans, prepared by a suitably qualified and experienced professional detailing the management of water resources (including ground and surface) within and around the site, including as a minimum:</p> <ul style="list-style-type: none"> • the drainage patterns of water before and those expected after the development of the proposal; • any requirements of the <i>Water Management Act 2000</i> • water quality parameters of the groundwater and surface water located on or adjacent to the site prior to the development of the site; • the effect on the proposed development on flooding and this is to include any predicted changes to flood heights or the flow path of flood waters. • any proposed capture devices such as dams, tanks etc including the associated capacity and use; • calculations of the surface water catchment associated with the site and the proposed management of this flow;

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Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> any proposals to extract or discharge surface or ground water; any additional information required by part 11d Groundwater protection; any additional information in relation to water required by part 11f Soil and water management; controls to be implemented to ensure the maximisation of water reuse onsite, maintenance of water quality and the ongoing provision of water resources to users which are located down stream from the proposed extractive industry site. risks, safeguards and contingency plans for extreme climatic conditions or operational hazards including breach or contamination any further applicable information as required by Council as required by part 11f Soil & water management.
L. Erosion and soil management report	All applications (refer to section 11f Soil & water management)	Prepare applicable soil management plans or reports, as specified in part 11f Soil & water management .
M. Geotechnical hazard & salinity assessment	Applications potentially subject to geotechnical hazards (refer to part 10c Geotechnical hazards)	Include the matters required under part 10c Geotechnical hazards .
N. Flood information	Applications that relate to flood prone land	A Minor or Major Flood Assessment Report, as required by part 10a Floodplain management .
O. Vegetation (including trees) reports	Applications affecting vegetation (including trees), as specified in section 11a Vegetation (including trees) .	<p>Applicable reports or plans, prepared by a suitably qualified person, as specified in section 11a Vegetation (including trees). These must be consistent with other elements of the development application, including Site plans, Bushfire assessment report and Landscaping plans. Depending on the site circumstances, these may include:</p> <ul style="list-style-type: none"> written description and plans arborist's report ecological report heritage report safety or biosecurity risk report
P. Biodiversity and native vegetation reports, plans or assessments	Applications for which biodiversity and/or native vegetation reports, plans or assessments are required (refer to	<p>Applicable reports, plans or assessments, prepared by a suitably qualified person, as specified in section 11b Biodiversity conservation. These may include:</p> <ul style="list-style-type: none"> Native vegetation clearing threshold report, and/or Biodiversity (flora & fauna) assessment report, and/or

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Item	When required	Plans or information to be provided
section 11b Biodiversity conservation) These will be required for development on land with high biodiversity values, or proposals that require significant disturbance to, or clearing of, native vegetation or potential habitat for native species		<ul style="list-style-type: none"> Biodiversity development assessment report (BDAR), and/or Biodiversity management plan, and/or Biodiversity offset information, strategy or plan
Q. Landscaping plan	All applications	A report and plans, prepared by a suitably qualified and experienced professional containing adequate landscaping detail to demonstrate how the visual aspects of the proposal are to be managed. The following is to be included, as a minimum: <ul style="list-style-type: none"> A site plan for the entire site drawn to scale indicating set backs, visual screens and landscaping areas Description and location of any site lighting, identifying any possible nearby receivers that could be affected and processes for mitigation Location and height of any earthen bunds to screen the development Location of proposed vegetated screens to address all identified sight lines Proposed species list Proposed planting density Proposed method of maintenance Time line as to the planting of screens and their expected period of establishment Consistency with any requirements required in sections 11a Vegetation (including trees) and/or 11b Biodiversity
R. Bushfire assessment report	Applications that relate to Bush Fire Prone Land	Prepare a Bushfire Assessment Report in accordance with the current version of <i>Planning for Bush Fire Protection</i> , as specified in section 10b Bushfire risk
S. Acoustic assessment report	Applications involving the potential for noise impacts, in the opinion of Council, on adjoining or nearby development	A report, prepared by a relevant qualified and experienced professional containing the requirements as set out in the <i>NSW Noise Policy for Industry (2017)</i> , or any subsequent updated reference document. Include the matters required under section 11i Buffer areas & separation distances . Information must include at a minimum:

8d Extractive industry

Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> An impact assessment of the identified noise sources and modelled noise emissions the proposed measures which may be introduced to address the acoustic amenity of the area.
T. Blasting report	All applications where blasting activities are proposed	A report, prepared by a relevant qualified and experienced professional containing, as a minimum, a blasting program that satisfies the aims, objectives and requirements of relevant standards or best practice guidelines (eg <i>Australian and New Zealand Environment Council: Technical Basis for Guidelines to Minimise Annoyance Due to Blasting Overpressure and Ground Vibration (Sept. 1990)</i>).
U. Air quality and dust management report	All applications as required by Council	A report, prepared by a relevant qualified and experienced professional, to the standards required by the relevant NSW State Government legislation and guidelines, containing as a minimum, identification of the sources and potential impacts of emissions to the atmosphere
V. Heritage, aboriginal cultural heritage or archaeological plans & reports	Applications that in the opinion of Council, will potentially impact on land that is listed as or contains: <ul style="list-style-type: none"> a heritage item a heritage conservation area an archaeological site an Aboriginal object an Aboriginal place of heritage significance. 	<p>Include the matters required under part 9 Heritage.</p> <p>The plans and report must encompass the entire site of the proposed extractive industry and not be limited to the proposed area of extraction.</p>
W. Due Diligence Assessment Report	All applications	In accordance with the <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i> (NSW Department of Environment, Climate Change and Water, 2010) or relevant updated version.
X. Rehabilitation strategy	All applications	<p>A report and plans, prepared by a relevant qualified and experienced professional containing (as a minimum) the rehabilitation objectives and general approach to be taken in rehabilitating the site, including:</p> <ul style="list-style-type: none"> outcomes expected land shapes visual expectations monitoring and maintenance approach nomination of post-closure land use

8d Extractive industry

Item	When required	Plans or information to be provided
		to ensure that the objectives are achieved/ This strategy should have some commonality with the landscaping plan required at Q. above.
Y. Post-extraction uses		<p>A report and plans, prepared by a relevant qualified and experienced professional containing as a minimum:</p> <ul style="list-style-type: none"> the closure objectives for the site the potential post-extraction uses of the site

8d.8 Assessment criteria

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

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

This section is structured in the following way:

A	Compatibility with and relationship to surrounding land uses
B	Access, transport and haulage
C	Erosion and soil management
D	Visual amenity and landscaping
E	Water management
F	Riparian land
G	Groundwater
H	Flood prone land
I	Biodiversity
J	Vegetation (including trees)
K	Bushfire
L	Acoustic Management
M	Blasting
N	Air quality and dust management
O	Waste
P	Rehabilitation
Q	Closure and post-extraction land use

8d Extractive industry

Outcomes to be achieved

Design guidelines

A. Compatibility with and relationship to surrounding land uses

- The development is compatible with surrounding existing or proposed land uses, particularly any residential, special uses (such as schools, hospitals, community buildings) and any sites of outstanding natural or environmental value or high tech industries
- The proposal is designed to accommodate the following:
 - provision of habitat and corridors for the movement of wildlife throughout the Shire (in accordance with the part **11b Biodiversity conservation**);
 - maintenance or enhancement of the visual and acoustic amenity within the local area;
 - setbacks to roads and adjacent property boundaries capable of maintaining a landscape buffer to enhance the visual environment of road users and residents;
 - provision of setbacks to electricity transmission lines capable of maintaining an effective buffer for safety and access for maintenance purposes
- The development meets the provisions of part **11i Buffer areas and separation distances**

B. Access, transport and haulage

- All access and vehicle parking must meet the requirements of part **12a Access and vehicle parking**
 - The design and development of access and haulage roads must be consistent with the relevant requirements of the following standards:
 - *Austroad - Guide to Traffic Engineering Practice*;
 - *Transport for NSW - Road Design Guide*;
 - *Transport for NSW - Guide to Traffic Generating Developments*;
 - Or other designs agreed to by Transport for NSW
 - Internal access and haulage routes must be set back no less than:
 - 10m from adjoining property boundaries;
 - 50m from environmentally sensitive areas including water courses and habitats of threatened species;
 - 100m from residences not associated with the extraction.
- The location of any internal haulage or access routes may be flexible and may be subject to change depending upon alternative routes, environmental and physical constraints and the nature & value of the underlying resource.

8d Extractive industry

Outcomes to be achieved

Design guidelines

C. Erosion and soil management

- The conservation of soil resources is adequately managed, in particular those soil resources which are not the extraction material
- The basic elements of the conservation of soil resources are met, which are to minimise the extent of cleared areas, implement controls on those areas which are cleared or disturbed and rehabilitate all areas as soon as possible.
- Haulage roads and site access points are managed so as to minimise the opportunity for erosion and dust nuisance to occur, including adequate maintenance and sealing and/or wetting down to ensure that dust and soil does not migrate from the site
- The development meets the provisions of part 11f **Soil and water management** and *Managing Urban Stormwater: Soils and Construction Volume 2E Mines and Quarries*

D. Visual amenity and landscaping

- The development meets the provisions of part 11i **Buffers areas and separation distances.**
- The visual impact of the extractive industry is minimised or effectively mitigated.
 - Mitigation measures should be relevant to the distance of the visual receiver.
 - Setbacks and buffers can assist in minimising the visual impact of extraction and processing sites, particularly when viewed from surrounding private and public places.
 - In some areas the setbacks must be adequately landscaped/vegetated to the satisfaction of Council in order to maintain or enhance the visual amenity of the surrounding area, in particular to nearby properties and road users. This landscaping should utilise native plant species that must be established and maintained by the proponent.

E. Water management

- The development meets the provisions of part 11f **Soil and water management**

F. Riparian land

- The development meets the provisions of part 11c **Riparian land and watercourses**

G. Groundwater

- The development meets the provisions of part 11d **Groundwater protection.**

8d Extractive industry

Outcomes to be achieved

Design guidelines

H. Flood prone land

- The development meets the provisions of part 10a
Floodplain management

I. Biodiversity

- The subdivision avoids and minimises impacts on biodiversity
- The development meets the provisions of part 11b
Biodiversity conservation.

- In avoiding impacts on biodiversity, refer to the *Biodiversity Conservation Act 2016* and regulatory requirements under that Act, as discussed in part 11b **Biodiversity conservation.**

J. Vegetation (including trees)

- The subdivision maximises the retention of vegetation, including trees.
- The development meets the provisions of part 11a
Vegetation (including trees).

K. Bushfire risk

- The development meets the provisions of part 10b
Bushfire risk.

L. Acoustic Management

- Noise emissions from the proposed operations should achieve minimum acoustic criteria and standards as contained in the *NSW Noise Policy for Industry (2017)*
- The proposal meets the requirements of part 11i
Buffer areas and separation distances

- Measures for noise mitigation may include but are not limited to the following (in priority order):
 1. effective noise control measures where noise emissions exceed maximum average background noise level
 2. use of noise attenuated equipment
 3. appropriate noise barriers to address equipment noise emissions
 4. limitation of the hours of operation between 7.00 am and 6.00 pm Monday to Friday and 7:00am to 12noon Saturday, with no operations to occur on Sundays or public holidays (this may be flexible depending on suitable site details)
 5. effective acoustic buffers to residences and public places not associated with the operation
- Consideration should be given to the use of noise monitoring equipment for the use of management and/or compliance

M. Blasting

- The proposal meets the requirements of *Australian and New Zealand Environment Council: Technical Basis for Guidelines to Minimise Annoyance Due to Blasting Overpressure and Ground Vibration (Sept.*
- Measures to limit the effect of blasting should include but is not limited to:

8d Extractive industry



Outcomes to be achieved

1990) (or any updated document) and any other requirements contained in an Environment Protection Licence issued by the EPA.

Design guidelines

- A buffer is to be provided of not less than 500m from any non-quarry owned property to protect against the risk of fly rock;
- Blasting is to be designed to protect against overpressure or vibration damage to property not owned by the development including both private property and public infrastructure.
- The timing of blasting is to be chosen to avoid adverse atmospheric conditions and times that may cause unnecessary concern to nearby residents. Blasting should generally only occur between the hours of 9:00am to 5:00pm Monday to Friday. Blasting should not take place on Public Holidays.
- Blast design and timing should be designed to minimise the generation of dust off site.

N. Air quality and dust management

- The proposal meets the requirements of the *Protection of the Environment Operations Act 1997*.
- The proposal meets the objectives of NEPM (Federal Government's *National Environmental Protection Measures*).
- Potential sources of air emissions may include but are not limited to:
 - blasting;
 - removal of overburden;
 - site clearing;
 - extraction and haulage;
 - stockpiles;
 - mobile earthmoving equipment;
 - loading and transport vehicles;
 - crushing and screening operations
- Effective measures must be implemented, capable of controlling air pollution caused by dust, particularly during dry and windy weather conditions and machinery emissions. These controls must also be extended to the transportation of material from the site, requiring the coverage of all loads leaving the operation.
- Consideration should be given to the use of air monitoring equipment for the assessment of dust generated by the development for management and/or compliance purposes

O. Waste

- The proposal meets the requirements of part 11h **Waste minimisation and management**

8d Extractive industry

Outcomes to be achieved

Design guidelines

P. Rehabilitation

- The rehabilitation of extraction areas are undertaken progressively throughout the life of an operation.
 - Rehabilitation is integrated with the surrounding area, incorporating shape, form, contour, land use, drainage characteristics, topography, landscape quality and biodiversity.
 - Rehabilitation activities are commenced as soon as an area becomes available for stabilisation and revegetation
- Where possible the quarry should be designed to allow progressive rehabilitation.
 - During the preparation of a site prior to extraction, the topsoil must be stripped and stockpiled for use during rehabilitation works. Permanent ground cover should be established on areas (including stockpiles) which are proposed to be disturbed for more than 30 days.
 - No waste material is to be used for backfilling of voids without NSW EPA approval

Q. Closure and post-extraction land use

- The final landform proposed to remain following the completion of extraction activities must be consistent with the surrounding landform and proposed land use.
- The final landform is consistent with the biodiversity of the surrounding landscape having regard to the proposed post- extraction land use.
- The site is suitably operated, managed, rehabilitated and designed to be usable for other permissible post-development land uses.
- Post extractive land uses do not sterilise or conflict with any possible extraction operations on adjoining lands.

8d.9 Post-approval advice

If Council consents to the development, a range of conditions may be placed on the consent, which could include any of the following, or additional items as Council sees fit:

- Community Consultative Committee
- Environmental Management Strategy, including but not limited to the following issues:
 - Water Management
 - Landscaping
 - Rehabilitation
 - Soil and water management
 - Noise and blasting impacts
 - Extraction management program
 - Air quality and dust management
 - Waste management
 - Post extraction land use

8d Extractive industry

- Biodiversity
- Heritage management

These may also be required by other approval agencies.

8d.10 Supplementary guidance

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

- NSW Department of Primary industries, 2012: *Agriculture Industry Issues for Extractive Industry Development Factsheet*
http://www.dpi.nsw.gov.au/_data/assets/pdf_file/0005/367763/Agriculture-issues-for-extractive-industry-development.pdf
- NSW Office of Water, 2014: Quarrying and extractive industries – NSW Aquifer Interference Policy Fact Sheet 7
http://www.water.nsw.gov.au/_data/assets/pdf_file/0010/549163/law_key_aquifer_interference_factsheet_7_quarries-extractive-industries.pdf
- NSW Department of Urban Affairs and Planning, 1996: *Extractive Industries – Quarries –EIS Guideline*
- NSW Department of Environment, Conservation and Climate Change (2008): *Managing Urban Stormwater: Soils and Construction Volume 2E Mines and Quarries* <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Water/Water-quality/managing-urban-stormwater-soils-construction-volume-2e-mines-quarries-08208.pdf>
- National Environment Protection Measures (NEPMs)
<http://www.nepc.gov.au/nepms>
- NSW *Noise Policy for Industry* (2017) and related technical guidelines [https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-\(2017\)](https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017))



8e Sex services & restricted premises

Explanatory outline

Part 8e outlines assessment criteria that relate specifically to land uses relating to sex services and restricted development.

Note: the requirements of this part are in addition to those specified in other parts for particular development types, for example part **5 Retail and commercial development** or part **6 Industrial development**.

8e. Sex services & restricted premises

8e.1 Application of this part

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

Column 1:	Type of development	Column 2:	Applicable land
	Restricted premises, including sex shops and similar premises		Any land
	Sex services premises		
	This part does not apply to Home occupation (sex services)		

8e.2 Objectives

The objectives of this part are to:

1. appropriately locate sex services premises and restricted premises and ensure that such activities are at a suitable distance from a church, school, hospital, community facility or any premises or thoroughfare frequented by young people
2. ensure that sex services premises and restricted premises do not disrupt the amenity of the neighbourhood or locality
3. ensuring that the appearance of sex services premises and restricted premises are discrete and compatible with adjoining owners
4. ensure that all signage is discreet and in keeping with the streetscape
5. ensure that adequate carparking is provided for staff and clients
6. ensure that sex services premises and restricted premises integrate with adjoining land uses and do not create a “red light district”
7. ensure maintenance of hygiene and safe sex practices
8. prevent under age prostitution
9. uphold public safety and security, inclusive of sex industry workers
10. provide access to public transport

8e.3 Relevant planning instruments & legislation

Upper Hunter Local Environmental Plan 2013 is relevant to development to which this part applies. Further planning instruments and legislation may also be relevant.



8e Sex services & restricted premises

In the event of any inconsistency, the above listed instrument(s) will prevail over requirements or criteria contained in this part.

Note that the terms *Restricted premises* and *Sex services premises* are defined in *Upper Hunter Local Environmental Plan 2013*.

8e.4 Relationship to other parts of this DCP

In the event of any inconsistency between this part and other parts of this DCP, the provisions of this part will prevail over requirements or criteria contained in other parts.

8e.5 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended. The Dictionary to this DCP provides additional definitions that are relevant to this Part.

8e.6 The role of other organisations

Other agencies have a role to play in ensuring the health and safety standards of commercial sex services premises, as set out below:

NSW Health

NSW Health has primary responsibility for dealing with complaints related to public health and for monitoring health standards as set out in the NSW Health and WorkCover NSW document [Health and Safety Guidelines for Sex Services Premises in NSW](#).

SafeWorkNSW

SafeWork NSW has responsibility for administering the legislation relating to the health, safety and welfare at work of all employees and other people at the workplace under the *Work Health and Safety Act and Regulations 2011*.

NSW Police Service

Council may seek NSW Police advice on, or may refer certain applications (e.g. large commercial sex services premises) to Police to gain an appreciation of any safety and security issues in the neighbourhood so that appropriate safety and security measures are included in the proposed commercial sex services premises. In some cases Police may be requested to assist with a formal Crime Prevention Through Environmental Design risk assessment in accordance with the NSW Department of Infrastructure, Planning and Natural Resources (2001) guidelines [Crime Prevention and the Assessment of Development Applications](#).

8e.7 Supporting plans & documentation

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

Requirements listed below are *in addition* to requirements relating to the relevant type of development e.g. part 5 **Commercial and mixed use development** or part 6 **Industrial development**.

8e Sex services & restricted premises



Item	When required	Plans or information to be provided
A. General requirements	All applications	<p>Refer to part 2 Preparing and lodging a development application.</p> <p>The Statement of Environmental Effects should include the following details:</p> <ul style="list-style-type: none"> • Number of sex workers and details of support staff (e.g. receptionist, security etc); • Number, size and use of the rooms in the premises; • Hours and days of operation of the premises; • On site car parking; • Security and lighting; • Security and money handling measures; • Description of the anticipated impact on the surrounding area; • Waste storage and removal and details of compliance with part 11h Waste minimisation & management; • Access for people with a disability and details of compliance with this DCP; and • Current uses of adjoining properties and any other uses established on the subject property. <p>The detailed Floor Plans/Elevations/Sections should show:</p> <ul style="list-style-type: none"> • The use of each room including staff areas, reception areas etc; • All sanitary facilities including toilets, showers and hand basins; • Details of any spas or swimming pools; • Entrances to, and exists from, the building; • Details of food preparation areas; • Details of contaminated waste storage; • Any on-site laundry facilities; • Any proposed building alterations or additions (a Construction Certificate Application may also be required); • External colour scheme, if intended to change; • Access for people with a disability including: accessible entry/exits, sanitary facilities and showers; pathway and circulation details to common areas and facilities and to designated accessible suite(s) capable of use by a person with a disability; • Details of any advertising signs or structures (location, size, number, colour and content); and • Details of existing and proposed external lighting.



8e Sex services & restricted premises

Item	When required	Plans or information to be provided
B. Draft Plan of Management	All applications for sex services premises	A report including the detailed measures to be employed in operating the premises. This report should address all issues within this part of the DCP and be based on that given in <i>Sex services premises Planning guidelines December 2004</i> , prepared by the Sex Services Premises Planning Advisory Panel.
C. Crime Prevention	All applications	A report addressing the issues outlined in Department of Infrastructure, Planning and Natural Resources (2001) guidelines <i>Crime Prevention and the Assessment of Development Applications</i> .

8e.8 Assessment criteria

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

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

Outcomes to be achieved	Design guidelines
A. Location <ul style="list-style-type: none"> ■ Sex services premises and restricted premises are located where they are least likely to offend ■ Sex services premises are not permitted in shop front premises. ■ Access to or exit from a sex services premises or restricted premises shall not be located in close visual or physical proximity to the entry of a premises used as a dwelling house. ■ Access to or exit from a sex services premises or restricted premises shall not be near or within view from a church, community facility, transport terminal or stop, school, pedestrian thoroughfare or any place regularly frequented by children. 	<ul style="list-style-type: none"> • Council will generally not grant development consent to a sex services premises having more than 5 rooms where sex services are provided at any one time.
B. External appearance <ul style="list-style-type: none"> ■ Sex services premises and restricted premises are discreetly integrated into the surrounding streetscape. ■ The entrance, exit and external appearance of the premises should be well lit but not to the extent where it becomes a prominent feature in the streetscape. ■ The interior of the premises is not to be visible from a public place ■ Sex services premises are designed to be compatible with the built form of adjoining premises. 	



8e Sex services & restricted premises

Outcomes to be achieved

Design guidelines

- The paint finishes on the external walls of the building should not be such that the building becomes a prominent feature in the streetscape (e.g. fluorescent or excessively bright colours).
- The access to sex services premises should be discreet and discourage clients gathering or waiting on the street.

C. Noise

- Any adverse physical impact, such as noise disturbance and overlooking is minimized
- The use of the premises shall not give rise to:
 - Transmission of vibration to any place of different occupancy; and
 - A sound level at any point on the boundary of a site greater than the background levels specified in Australian Standard 1055 "Acoustic - Description and Measurement of Environmental Noise"; or
 - An "offensive noise" as defined in the Protection of the Environment Operations Act.

D. Security and public safety

- A private security company is to be engaged to monitor and regularly check entrances and exits
- No alcohol is to be provided or offered for sale

E. Access & vehicle parking

- Adequate car parking facilities are provided to service the use, as specified in part **12a Access and vehicle parking**, including allocated disabled parking spaces.
- Sex services premises and restricted premises do not result in adverse traffic and parking impacts to the surrounding locality – the requirements of part **12a Access and vehicle parking** are met.

F. Signage

- Signage for sex services premises and restricted premises is discreetly sized and located
- Signs do not display words or images which are sexually explicit or otherwise sexually aggressive
- Any signage meets the requirements of part **8b Advertising & signage**, subject to consideration of the following:
 - The sign does not exceed 0.5m x 0.3m in size and identifies only the name of the person who conducts the business or the registered name of the business. The address and telephone number may also be displayed if necessary;
 - There is only one sign per premises;
 - The content, illumination, size and shape of the sign is not likely to interfere with the amenity of the neighbourhood.



8e Sex services & restricted premises

Outcomes to be achieved

Design guidelines

- The sign is compatible with the design of the building it is attached to.

G. Health requirements for sex services premises

- Premises are maintained and operated in a manner that protects the health of workers and patrons.
- The requirements of all applicable legislation and NSW Health and SafeWork NSW guidelines are complied with, including matters relating (but not limited) to:
 - *Cleanliness*
 - *Showers, Baths and Toilets*
 - *Linen*
 - *Disinfection of Swimming and Spa Pools*
 - *Storage and Handling Of Waste*
 - *Bars and Food Preparation Areas*
 - *Adequate Sanitary Facilities*
 - *Health of Sex Workers*
 - *Education of Workers and Clients*
 - *Provision, Storage and use of Condoms, Latex and Other Equipment*

H. Waste minimisation and management

- The development meets the requirements of part 11h **Waste minimisation & management**

I. Building requirements

- Buildings are designed and constructed to an acceptable standard.
- All sex services premises shall be fitted with the necessary services and facilities which are currently required for Class 5 Buildings (Office Building) under the Building Code of Australia;
- Disabled access is to be provided where practicable and in accordance with *the Building Code of Australia, AS1428.1 and the Disability Discrimination Act*.

J. Limit on development consent

- All development consents granted to a sex services premises application shall be initially limited to a period of 12 months. At the completion of this period, Council will re-evaluate the proposal in terms of any complaints received regarding the operation of the business, and in terms of compliance with conditions of consent.
- Council may also impose conditions of consent relating to the hours of operation. This will also be subject of review after the 12 month trial. If, after the 12 month trial, any hours of operation are shown to be causing a nuisance or disturbance in the neighborhood, the approved hours of operation may be further restricted.



8e Sex services & restricted premises

8e.9 Supplementary guidance

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

[*Sex services premises Planning guidelines December 2004*](#), prepared by the Sex Services Premises Planning Advisory Panel

9 Heritage

Part 9 Heritage

Explanatory outline

Part 9 specifies outcomes, design guidelines and other requirements relating to aboriginal cultural heritage, built heritage and historical archaeology.

- **Section 9a** relates to aboriginal cultural heritage
- **Section 9b** relates to built heritage, including:
 - heritage items
 - heritage conservation areas
 - archaeological sites.

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

9.1 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended. The Dictionary to this DCP provides additional definitions that are relevant to this Part.

Part 9a Aboriginal cultural heritage

Explanatory outline

Part 9a specifies outcomes, design guidelines and other requirements relating to aboriginal cultural heritage.

Note that Part 9b specifies requirements for **built & archaeological heritage** (often referred to as 'European heritage').

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

9a Aboriginal cultural heritage

9a Aboriginal cultural heritage

9a.1 Application of this section

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

Column 1: Type of development	Column 2: Applicable land
Development that will, or is likely to affect, the heritage significance of an Aboriginal object or an Aboriginal place of heritage significance <i>Note: clause 5.10 of Upper Hunter Local Environmental Plan 2013 specifies where development consent is required for Aboriginal objects or places of significance</i>	All land

9a.2 Relevant key planning instruments & legislation

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

- *Upper Hunter Local Environmental Plan 2013*
- *National Parks and Wildlife Act 1974*
- *Aboriginal Land Rights Act 1983*
- *Federal and NSW Native title legislation*

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

9a.3 Objectives

The objectives of this section are to:

1. facilitate the implementation of the provisions relating to heritage conservation, which are contained within the *Upper Hunter Local Environmental Plan 2013*;
2. ensure that aboriginal cultural heritage is conserved and managed in consultation with the Aboriginal community.
3. ensure that Aboriginal objects and places are identified and managed as part of the development application process to ensure that impact is avoided or minimised as far as practicable and to ensure appropriate mitigation and management outcomes where impacts cannot be avoided.
4. respect that conservation of Aboriginal objects and places is the preferred approach to the management of aboriginal cultural heritage
5. respect that opportunities for interpretation of Aboriginal cultural heritage is facilitated, to enhance the understanding of Aboriginal cultural heritage in the Upper Hunter Shire.
6. ensure that new development is compatible with the significance of aboriginal cultural heritage;

9a Aboriginal cultural heritage

7. ensure that development is carried out sensitively with respect to its impact on aboriginal cultural heritage values

9a.4 Supporting plans & documentation

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

Applicants should contact Council's Heritage Advisor to discuss information requirements for complex development applications.

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application.
B. Additional location, site plans, sections elevations and site analysis	The requirement for additional information will depend on the application and the requirements of the 'Due Diligence Assessment Report' and/or Aboriginal Cultural Heritage Assessment Report' as described below.	As required by either the 'Due Diligence Assessment Report' and/or Aboriginal Cultural Heritage Assessment Report' as described below.
C. Due diligence assessment report	Subdivision of land where subdivision work is required or any other developments involving excavation or land disturbance or where Council has determined that the development is proposed on land which has been identified in any draft or final Aboriginal Heritage Study. (You will need to apply to Council to determine if your proposal is on land identified in a Study)	Provide information in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (NSW Department of Environment, Climate Change and Water, 2010) or relevant updated version. This should include documentation of the applicant's search of the Aboriginal Heritage Information Management System (AHIMS) for Aboriginal objects and places within or in the immediate vicinity of the development application. It is recommended that a 200-metre buffer is applied to searches to account for errors in the recorded location of Aboriginal objects and places recorded on the AHIMS and to provide a broader understanding of the nature and distribution of Aboriginal objects and places within the immediate area.
D. Aboriginal cultural heritage assessment report	For the following types of development, or as advised by Council: <ul style="list-style-type: none"> subdivision of undeveloped land 	The application should follow the requirements given in Chapter 3 'Preparing an Aboriginal cultural heritage assessment report' of the document Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW, 2011 , and Aboriginal cultural heritage consultation requirements for proponents 2010 , both administered by

9a Aboriginal cultural heritage

Item	When required	Plans or information to be provided
	<ul style="list-style-type: none"> where the scale of the development is likely to result in significant ground disturbance where the proposal is located within 100m of a waterhole, river or stream where the site contains rock outcrops, caves, platforms 	<p>Heritage NSW (or updates of those documents as advised by the NSW Government).</p> <p>In preparing reports, consultation will be required with the Aboriginal community, as advised by Council and/or Heritage NSW.</p>

9a.5 Assessment criteria

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

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

Outcomes to be achieved	Design guidelines
A. Aboriginal cultural heritage	
<ul style="list-style-type: none"> ■ Development does not reduce aboriginal cultural heritage and values. ■ The assessment of impact on aboriginal cultural heritage follows the matters referred to in: <ul style="list-style-type: none"> • <i>Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW</i>, prepared by the NSW Office of Environment and Heritage, 2011, and • <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i>, 2010. Department of Environment, Climate Change and Water 	<ul style="list-style-type: none"> • Interpretation of Aboriginal cultural heritage should be considered where a significant site is proposed for development. This should be done in consultation with relevant Aboriginal group(s).

9a Aboriginal cultural heritage

9a.6 Supplementary guidance

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

Various **NSW Government heritage information**. Some publications may be available from Heritage NSW, available at:

<http://www.environment.nsw.gov.au/Heritage/aboutus/index.htm> and

<http://www.environment.nsw.gov.au/heritage/publications/index.htm>

- [Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW, 2011](#), NSW Office of Environment and Heritage, 2011
- [Aboriginal cultural heritage consultation requirements for proponents 2010](#), NSW Office of Environment and Heritage
- [Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales, 2010](#). Department of Environment, Climate Change and Water. <https://www.environment.nsw.gov.au/research-and-publications/publications-search/due-diligence-code-of-practice-for-the-protection-of-aboriginal-objects-in-new-south-wales>
- Aboriginal Heritage Information Management System: <https://www.heritage.nsw.gov.au/search-for-heritage/aboriginal-heritage-information-management-system/>

Local information

- Wanaruah Local Aboriginal Land Council - https://alc.org.au/land_council/wanaruah/
- Information on specific items on the NSW AHIMS Database at <https://www.environment.nsw.gov.au/awssapp/login.aspx> and <https://www.heritage.nsw.gov.au/protecting-our-heritage/record-aboriginal-sites/>
- Scone and Upper Hunter Historical Society - <https://sconehistorical.org.au/>
- *Upper Hunter Heritage Study Thematic History March 2017* (prepared by Mark Dunn for Upper Hunter Shire Council)

9b Built & archaeological heritage

Part 9b Built & archaeological heritage

Explanatory outline

Part 9b specifies outcomes, design guidelines and other requirements relating to built and archaeological heritage (often referred to as 'European heritage').including for:

- heritage items
- development near heritage items
- heritage conservation areas
- archaeological sites.

Note that Part 9a specifies requirements for **Aboriginal cultural heritage**.

Note: Where development approval is not required for vegetation or tree clearing, a vegetation permit under **Part 14a Vegetation Permits** may still be required.

9b Built & archaeological heritage

9b.1 Application of this section

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

Column 1: Type of development	Column 2: Applicable land
<p>Any development that requires development consent.</p> <p><i>Note: clause 5.10 of Upper Hunter Local Environmental Plan 2013 specifies where development consent is required for:</i></p> <ul style="list-style-type: none"> • Aboriginal objects or places of significance • heritage items • conservation areas, and • archaeological sites • altering the exterior or interior of structures. <p><i>Note: Schedule 2 Exempt Development of Upper Hunter Local Environmental Plan 2013 specifies the requirements for exempt development relating to 'Restumping or repairing structure foundations of an existing building that is a heritage item or in a heritage conservation area'.</i></p>	<p>Land that is described in Schedule 5 to the <i>Upper Hunter Local Environmental Plan 2013</i>:</p> <ul style="list-style-type: none"> • listed as, or that contains, a heritage item and/or • within a heritage conservation area and/or • listed as, or that contains, an archaeological site <p><i>Note that heritage conservation areas are shown in the maps of Upper Hunter Local Environmental Plan 2013, and at 2022 were located in:</i></p> <ul style="list-style-type: none"> - Cassilis - Central Scone and West Scone - Merriwa - Murrurundi <p>OR</p> <p>Land in the vicinity of a heritage item or heritage conservation area that Council considers will have a potential impact on that item.</p>



9b Built & archaeological heritage

<p>Vegetation clearing requiring consent (and not being minor in nature, for maintenance purposes, or subject to a relevant exemption certificate)</p> <p><i>Note 1: see definition of 'vegetation clearing' in Dictionary.</i></p> <p><i>Note 2: Where development approval is not required for vegetation or tree clearing, a vegetation permit under Part 14a Vegetation Permits may still be required.</i></p>	<p>Land that is or forms part of a heritage item as listed in Schedule 5 of <i>Upper Hunter Local Environmental Plan 2013</i> and subject to clause 5.10(3) of that plan, or that is within the curtilage of a heritage item.</p> <p>AND/OR</p> <p>Land within a heritage conservation area as listed in Schedule 5 of <i>Upper Hunter Local Environmental Plan 2013</i> and subject to clause 5.10(3) of that plan.</p>
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9b.2 Relevant key planning instruments & legislation

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

- *Upper Hunter Local Environmental Plan 2013*, particularly clause 5.10 Heritage conservation and Schedule 5 Environmental Heritage.
- *Heritage Act 1977*

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

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

9b.3 Objectives

The objectives of this section are to:

8. facilitate the implementation of the provisions relating to heritage conservation, which are contained within the *Upper Hunter Local Environmental Plan 2013*;
9. conserve the heritage significance of heritage items, heritage conservation areas and archaeological items;
10. conserve and ensure appropriate development of heritage items and contributory buildings within heritage conservation areas;
11. ensure that new development is compatible with the significance of heritage conservation areas, heritage items and archaeological items; and
12. provide controls that protect the significant character of heritage conservation areas, heritage items, archaeological items and to encourage responsive design appropriate to the character and identified heritage values.

9b Built & archaeological heritage

9b.4 Supporting plans & documentation

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

Applicants should contact Council's Heritage Advisor to discuss information requirements for complex development applications or those potentially having an archaeological impact.

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Location & site plan	All applications Note: these requirements may be <i>in addition to</i> those required in site plans described in Part 2 Preparing & lodging a development application .	A location plan and site plan (drawn to scale) showing the location of the heritage item or property and any other features that may be affected by the proposal (for example, neighbouring structures, outbuildings, trees, significant landscape features, views and vistas). It should also show title boundaries and any heritage conservation area boundaries. Depending on the type of development proposed, Council may require the site plan to show levels across the site and adjoining sites.
C. Site analysis	All applications.	The site analysis should provide an understanding of the site and the streetscape context. The purpose of the site analysis is to ensure that the relevant constraints and opportunities are taken into account. For any proposed additions, or new buildings, this drawing will usually include: <ul style="list-style-type: none"> the relative location and siting of neighbouring buildings. the size, location and botanical name of any major trees on the site, or located on neighbouring land close to your boundary. location of any existing view lines from, to or through the site. Note: could be included on site plan Note: these requirements are in addition to the general site analysis requirements given in Part 2 Preparing & lodging a development application .
D. Plans, sections & elevations	Where required by other plans or assessments in this table	All plans, sections and elevations should be drawn to scale and show the proposed works by colour or hatching, in accordance with standard architectural and technical drawing practice. Fabric to be removed should be shown by a coloured dotted line, new fabric by hatching, colouring or rendering.
E. Schedule of material & finishes	All applications	A schedule of materials, colours and finishes listing the proposed work to the item or property and cross-referenced to drawings

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Item	When required	Plans or information to be provided
F. Measured drawings & archival photographic study	Where partial or full demolition is proposed or major changes are proposed to a heritage item; or as advised by Council.	<p>Measured drawings and an archival photographic study, complying with the Heritage Office guidelines: <i>Photographic Recording of Heritage Items Using Film or Digital Capture</i>, 2006. [http://www.environment.nsw.gov.au/heritage/publications/index.htm]</p> <p>The information must be prepared by an experienced heritage consultant as listed on the NSW Heritage Branch website: www.environment.nsw.gov.au/heritageapp/HeritageConsultantsDirectory.aspx</p> <p>Two additional copies of the study and information are required: 1 copy to be archived by the Scone & Upper Hunter Historical Society and 1 copy to be included in the local studies section of the Scone Library.</p>
G. Structural engineer's report	Where partial or full demolition is proposed, or as advised by Council.	<p>A report, prepared by a qualified structural engineer, that addresses the structural adequacy of the item.</p> <p>Where the structure is <i>adequate</i>, comments are to be included in respect to the feasibility of adaptive reuse of the item and the potential for retention, and re-use as against total demolition.</p> <p>Where the structure is found to be <i>inadequate</i>, the engineer is to provide comment on the extent and cost of new work and fabric that is required for retention of the item.</p>
H. Vegetation (including trees) reports	Applications affecting vegetation (including trees), as specified in section 11a Vegetation (including trees) .	Plans and/or reports as specified in section 11a Vegetation (including trees) .
I. Archaeological assessment	As advised (Likely for development that involves excavation or land disturbance in Conservation Areas or on/ in close proximity to heritage items)	The <i>NSW Heritage Act</i> requires an excavation permit where there is reasonable cause to suspect that excavation could result in an archaeological relic being discovered. An archaeological assessment will advise on the likelihood and potential significance of relics on the site and recommend appropriate action in the context of the proposed development. An archaeological assessment should be prepared in accordance with the <i>Archaeological Assessment</i> guidelines produced by the NSW Heritage Branch.
J. Statement of Heritage Impact	As advised	<p>The Statement of Heritage Impact should follow the Heritage NSW guidelines for <i>Statements of Heritage Impact</i> available at: https://www.environment.nsw.gov.au/resources/heritagebranch/heritage/hmstatementsofhi.pdf</p> <p>It must be prepared by a professional heritage consultant as listed on the Heritage NSW website</p>

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Item	When required	Plans or information to be provided
		<p>(https://www.environment.nsw.gov.au/heritageapp/HeritageConsultantsDirectory.aspx)</p> <p>The Statement of Heritage Impact should address (as a minimum) each of the following:</p> <p>Development that would affect a heritage item</p> <ul style="list-style-type: none"> • Historical research to establish the significance of the item, which may require a title search to establish built date and first use. • An 'assessment of significance', using the standard criteria as per: <i>Assessing Heritage Significance, Heritage Office, 2001</i> available at https://www.environment.nsw.gov.au/Heritage/publications/index.htm • the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features • the measures proposed to conserve the heritage significance of the item and its setting • whether any archaeological site or potential archaeological site would be adversely affected by the proposed development • the extent to which the carrying out of the proposed development would affect the form of any historic subdivision. <p>Development in a heritage conservation area:</p> <ul style="list-style-type: none"> • the heritage significance of the heritage conservation area and the contribution which any building, work, relic, tree or place affected by the proposed development makes to this heritage significance • the impact that the proposed development would have on the heritage significance of the heritage conservation area • the compatibility of any proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the scale, form, siting, setbacks, materials and detailing of the proposed development • the measures proposed to conserve the significance of the heritage conservation area and its setting • whether any landscape or horticultural features would be affected by the proposed development • whether any archaeological site or potential archaeological site would be affected by the proposed development • the extent to which the carrying out of the proposed development in accordance with the consent would affect any historic subdivision pattern.

9b Built & archaeological heritage

Item	When required	Plans or information to be provided
		Streetscape analysis A streetscape analysis may be required to ensure the potential impact of the proposal on the street is taken into account. A streetscape analysis will describe: <ul style="list-style-type: none"> • dominant patterns of building type (scale, form, character, height, roof pitch, front and side setbacks) in the vicinity • subdivision and development pattern • any consistent horizontal lines in the streetscape, and the general rhythm of buildings and spaces in the street • the location of garage and driveway accesses in the street vicinity • major planting in both street reserve and front gardens in the immediate vicinity (species, height and spread); and • type and height of fencing to the street
K. Conservation Management Plan OR Strategy	For the following types of development, or as advised by Council or Heritage NSW: <ul style="list-style-type: none"> • A subdivision proposal on land which contains an item of local heritage as listed in Schedule 5 to the <i>Upper Hunter Local Environmental Plan 2013</i>; or • An item of State heritage significance; or • Where major changes to a site are proposed; or • In the case of a complex development requiring management recommendations. as determined by Council or Heritage NSW.	The Conservation Management Plan should follow the NSW Heritage Office guidelines for Conservation Management Plans as per https://www.environment.nsw.gov.au/Heritage/conservation/managementplan.htm : It must be prepared by a professional heritage consultant as listed on the NSW Heritage Branch website: www.environment.nsw.gov.au/heritageapp/HeritageConsultantsDirectory.aspx Where the history has already been well documented, a <i>Conservation Management Strategy</i> (instead of Conservation Management Plan) could be appropriate (as determined by Council).

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Item	When required	Plans or information to be provided
L Additional consultants reports	As advised	<p>In some instances additional information may be required to assess an application that is complex or where there are subsurface works proposed that may have an archaeological impact. In these instances a selection of all of the following documents may be required:</p> <ul style="list-style-type: none"> • an archaeological assessment report (see above). • conservation management plan/strategy (see above). • Statement of Heritage Impact (see above). • historian's report. • engineer's report. <p>Applicants should contact Council's Heritage Advisor to discuss information requirements for complex development applications or those potentially having an archaeological impact.</p>

9b.5 Assessment criteria

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

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

This section is structured in the following way:

A	Significance of heritage conservation areas & heritage items
B	General design & siting
C	Alterations & additions
D	Building scale & form
E	Roof forms & chimneys
F	Architectural details
G	Building elements, materials, finishes & colour schemes
H	Services
I	Carports, garages & access
J	Trees, vegetation, gardens and landscaping
K	Fencing
L	Demolition
M	Adaptive re-use

9b Built & archaeological heritage



N

Conservation of heritage items in subdivision proposals

Outcomes to be achieved

Design guidelines

A. Significance of Heritage conservation areas & heritage items

- The historical themes in the *Upper Hunter Heritage Study Thematic History March 2017* (prepared by Mark Dunn for Upper Hunter Shire Council) and any other relevant studies/documents, are referred to and incorporated as part of the understanding of the significance of the Heritage Conservation Area or Heritage Item.
- Note that the *Upper Hunter Heritage Study Thematic History March 2017* contains specific histories for Scone, Merriwa, Murrurundi and Aberdeen, and many historical themes relating to the entire LGA. The thematic histories will affect the design outcomes of the development in providing an historical background to understand the significance of the conservation areas within towns in the LGA.

B. General design & siting

- New buildings and infill development does not detract from the setting of heritage items or conservation areas.
- The existing characteristics of the street and the surrounding area are maintained and enhanced.
- An appropriate visual setting is provided for heritage items and heritage conservation areas.
- The significance of the conservation area and heritage items is able to be interpreted and is not subsumed by new development.
- The relationship between buildings and their sites that contribute to the character of the area is not disturbed or devalued.

The following Infill Guidelines should be referred to:

- [*Design Guide for Heritage*](#), Government Architect NSW, 2018.
- *Design in Context – Guidelines for infill development in the historic environment*. NSW Heritage Office and the Royal Australian Institute of Architects NSW Chapter Infill Guidelines Working Party, 2005

Heritage buildings & conservation areas

- Generally alterations or additions should occur at the rear of the existing building to minimise visual impact on the street frontage of the building.
- Rear additions are generally best stepped back from side building lines.
- Additions to the side of a building should not remove or sever car access to the rear.
- Generally alterations or additions should occur at the rear of the existing building to minimise visual impact on the street frontage of the building, particularly where the additions and alterations involve a listed heritage item or a building that contributes to the heritage character of the Conservation Area.
- An adequate curtilage including landscaping, fencing, and any significant trees should be retained.
- Larger additions can be successful when treated as a separate entity to retain the character of the original building in its own right.
- Extensions to the side elevation of a building will not be appropriate if they alter existing, established patterns of buildings and gardens.

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Outcomes to be achieved

Design guidelines

- Additions to the side of a building should not remove or sever car access to the rear, where it is not sympathetically provided elsewhere.

New buildings

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

C. Alterations & additions

- Alterations and additions contribute to the architectural style or vernacular of the heritage item and conservation area.
- Alterations and additions maintain and enhance the existing character and historical layers of development of the heritage item and the conservation area.
- Alterations and additions retain existing patterns of settlement (that is, pattern of subdivision and allotment layout, landscaped settings, car parking and fencing).
- Alterations and additions to residential development in Heritage Conservation Areas should be consistent with the details in **Table 1: Detail & colour guidelines for residential development in Heritage Conservation Areas**
- Alterations and additions sometimes have special interest of their own. This is particularly so if they have been around for a long time, and were originally designed to fit in.
- Article 16 of the Burra Charter states that: *"the contributions of all periods to the place must be respected. If a place includes the fabric of different periods, revealing the fabric of one period at the expense of another can only be justified when what is removed is of slight cultural significance and the fabric which is revealed is of much greater cultural significance."*
- Often the removal of a balcony or veranda enclosure, for example, will enhance people's appreciation of an old house. Sometimes however an addition may have interest of its own as a layer of history e.g. a sympathetic Inter-War addition to a Federation house.
- New work should not mimic the design and materials of the building, but be recognisable as new work on close inspection.

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Outcomes to be achieved

Design guidelines

D. Building scale & form

- Alterations and additions respect the character, scale and form of the heritage item and the conservation area.
- The scale and proportions of new buildings respects the significance and character of the surrounding area and does not detrimentally impact on existing patterns.

- Imitation historical details should not be applied as and it will confuse our understanding between the 'new' and the 'old'.
- Alterations and additions should not require the destruction of important elements such as chimneys.
- Alterations and additions should be in scale and proportion with existing buildings.
- Alterations should be to the rear and where possible not be visible from the street.

- An alteration or addition should not be of a size or scale, which overwhelms or dominates the existing building, substantially changes or destroys its identity or changes its contribution and importance in its surrounds.
- New buildings should be in scale of surrounding buildings:
- New houses should remain at single storey in areas where the majority of buildings are single storey.
- Two storey additions should be to the rear and not dominate the streetscape.
- Alterations to small scale buildings and workers' cottages should be pavilion in type to allow for a visual separation and avoid domination the original cottage.
- Pavilion extensions should be considered on significant homestead buildings to avoid detracting from the original scale and form of these significant buildings.
- New uses should be chosen which suit the size of the building, not requiring overwhelming changes.
- Unless it can be demonstrated that greater scale would be appropriate in the individual circumstances, additions should be of the same scale.
- The scale of a new house should be related to the size of the allotments laid out in the historical subdivision pattern of the area.
- New buildings should be in scale of surrounding buildings. Large houses on small allotments will dominate the surrounding area.
- Landmark buildings in Heritage Conservation Areas, which may be heritage items, mansions or public buildings will generally be surrounded by single story buildings, or those of a lesser scale. New buildings should relate to the scale of existing development around the landmark and respect its prominence.
- Window and door openings in street frontages should retain a similar ratio of solid to void to that established by the older buildings.
- New buildings should incorporate the typical proportions of surrounding development, even when using modern materials.

9b Built & archaeological heritage

Outcomes to be achieved

Design guidelines

- New buildings should establish a neighbourly connection with nearby buildings by way of reference to important design elements such as verandahs, chimneys or patterns of openings and building entry addressing the street.

Table 1: Detail & colour guidelines for residential development in Heritage Conservation Areas

Feature	Details	Colour: Dulux or Haymes or equivalent colour *
Roofs	Galvanised Steel or Colorbond Custom Orb Short sheets are preferred for buildings prior to 1918. Replacement with longer sheets requires agreement with Upper Hunter Shire Council. Barge to be rolled metal edge. Stepped flashings to be retained. NOTE: When replacing roof, obtain technical advice on incompatible metals in existing flashings and their details.	Natural Galvanised Zincalume Windspray Shale Grey
Bullnose roof	Galvanised Steel or Colorbond Bullnose to be same profile as existing. Plastic capping not to be used.	Natural Galvanised Zincalume Windspray Shale Grey Painted in traditional stripe: - Dulux/Haymes Deep Brunswick Green and Lime White - Dulux/Haymes Indian Red and Lime White
Gutters	Ogee or half round gutter profile to buildings prior to 1920	Natural Galvanised Zincalume Windspray Shale Grey Ironstone
Walls	Do not paint unpainted brick or stone	
	Pre-painted brick or weatherboards	Dulux Beige Royal Haymes Stoneware Dulux/Haymes Cream Haymes Eggshell Haymes Pale Stone Dulux Warm Grey
Trim	Secondary colours for details	Darker tone of wall colour Haymes Light Stone

9b Built & archaeological heritage

Feature	Details	Colour: Dulux or Haymes or equivalent colour *
		Dulux Basalt Dulux/Haymes Deep Brunswick Green Dulux/Haymes Indian Red Dulux/Haymes Biscuit
Windows	Windows that are visible from the street should be vertically proportioned and timber framed. Replacement of timber windows that are visible from the street with aluminium will require a development application.	Oiled or White Dulux Lime White Haymes Light Stone Dulux Basalt Dulux/Haymes Deep Brunswick Green Dulux/Haymes Indian Red Dulux/Haymes Biscuit
Doors		Oiled or White Beige Dulux Lime White Haymes Light Stone Dulux Basalt Dulux/Haymes Deep Brunswick Green Dulux/Haymes Indian Red Dulux/Haymes Biscuit
Garage Doors		Colorbond: Windspray Shale Grey Dune Woodland Grey
Verandahs bullnose roof Refer to roofs above		
Posts	Timber	Oiled or Darker tone of wall colour Haymes Light Stone Dulux Basalt Dulux/Haymes Deep Brunswick Green Dulux/Haymes Indian Red Dulux/Haymes Biscuit
Balustrade	Timber	Oiled or Darker tone of wall colour Haymes Light Stone Dulux Basalt

9b Built & archaeological heritage

Feature	Details	Colour: Dulux or Haymes or equivalent colour *
		Dulux/Haymes Deep Brunswick Green Dulux/Haymes Indian Red Dulux/Haymes Biscuit
Decoration		Darker tone of wall colour Haymes Light Stone Dulux Basalt Dulux/Haymes Deep Brunswick Green Dulux/Haymes Indian Red Dulux/Haymes Biscuit
Fences	Timber paling or picket. Refer to part 4b Ancillary residential structures & activities for heights of fences	White Beige Dulux Basalt Dulux/Haymes Dark Brunswick Green
Tanks		Natural Galvanised Zincalume Windspray Shale Grey

*The colours are guidelines and there may be a preference for a slightly different shade or tone of the colours shown which will require agreement. Variations from these colours and materials will require written approval of Council's Heritage Advisor.

Outcomes to be achieved

Design guidelines

E. Roof forms & chimneys

- Roof forms do not detract from a streetscape or conservation area as these are obvious elements.
 - Roof forms within heritage conservation areas and on heritage items are retained when designing alterations and additions.
- New roof forms should be in keeping with existing roof in pitch, eaves and ridge height.
 - Attic areas should be used to keep ridge lines uniform. Dormer windows that do not dominate the streetscape will be considered.
 - Chimneys should be retained.
 - Service utilities such as water heaters, air conditioning units, antennae, satellite dishes and solar panels must not be located on the principal elevations of buildings. Alternative locations should be considered.
 - Use of roof materials should be the same as materials on the existing heritage building and those typically used in the Conservation Area. These may include galvanised steel, Colorbond in grey shades, terra cotta tiles and slate – see Table 1:
Detail & colour guidelines for residential development in Heritage Conservation Areas above
 - Roof details should be used such as appropriate flashings, ridge cappings and barge ends to match existing details.
 - If it is important that the roof form remains unaltered, additional rooms can be added in a detached pavilion form placed at the rear or possibly the side if space permits.



Outcomes to be achieved

Design guidelines

- Providing the roof space is large enough, attic rooms should be contained in roof forms.
- New roof elements such as dormer windows and skylights should not be located where they are visually prominent.

F. Architectural details

- Original detailing is retained and kept in good repair.
- Original elements and details are reinstated where possible.
- Detailing on new buildings respects but does not imitate original detailing on older surrounding buildings.
- Architectural details of residential development in Heritage Conservation Areas should be consistent with the details in **Table 1: Detail & colour guidelines for residential development in Heritage Conservation Areas**
- Avoid the imitation of original materials and detailing. These tend to give an impression of superficial historic detail.
- Avoid slavishly following past styles in new development. Simple, sympathetic but contemporary detailing is more appropriate. Original materials and details on older buildings need not be copied, but can be used as a reference point.
- Alterations and additions and new buildings should adopt a level of detailing which complements the heritage fabric, rather than mimic inappropriate heritage detailing and should (in general) be less elaborate than the original.
- Retain and repair original doors, windows, original sunhoods, awnings, gable detailing and other decorative elements to principal elevations. Original leadlight and coloured glass panes should be kept.
- Where original windows, doors and façade detailing have been removed and replaced with modern materials, consideration should be given to reconstructing original features.
- Authentic reconstruction can have a major positive impact and is encouraged. Decorative elements should not be introduced on heritage items and buildings within a heritage conservation area unless documentary or physical evidence indicates the decorative elements previously existed. Undertake thorough research before attempting to reconstruct lost detail and elements.

G. Building elements, materials, finishes & colour schemes

- Materials and colours used on new buildings and alterations and additions respect the significance and character of existing buildings and surrounding areas.
- Elements, materials and colour schemes of residential development in Heritage Conservation Areas should be consistent with the details in **Table 1: Detail & colour guidelines for residential development in Heritage Conservation Areas**
- The use of highly reflective materials such as white Colorbond (Surfmist) or reflective aluminium cladding should be avoided.
- A timber weatherboard extension to a brick house was common practice and this is still appropriate today, as was the use of corrugated iron roofs at the rear of houses behind the main roof which may have been constructed with tile or slate.

Doors & Windows

- Timber windows should be retained in existing buildings. New doors and windows should be of materials characteristic to the existing building.
- New doors and windows should proportionally relate to typical openings in the locality.
- Simply detailed flush panel solid core, recycled panel doors, four panel doors or those with recessed panels are appropriate.
- Standard windows often come in modules of 900 mm wide. Their use should be limited to single or double format only. The most



Outcomes to be achieved

- New doors and window openings are proportioned in a manner similar to that which is typical for the locality.

Design guidelines

- suitable windows are generally double hung, casement, awning or fixed types, and they should be vertically proportioned as viewed from the street.
- If a large area of glass is required, vertical mullions should be used (See below Figure 1: Appropriate heritage windows and also Table 1: Detail & colour guidelines for residential development in Heritage Conservation Areas)

Roller shutters

- Roller security shutters on the front entry or front facades of commercial buildings are not appropriate

Roofing

- Original roof material should be matched in any addition in material and colour. See Table 1: Detail & colour guidelines for residential development in Heritage Conservation Areas. Corrugated steel is a suitable alternative to the rear.
- Traditional stepped flashings, gutter profiles, barge and ridge details should be used. Ogee profile guttering is preferable to modern quad profile. The use of plastic downpipes should be avoided in prominent positions.
- Corrugated galvanised steel (or zincalume finish) is a most appropriate roofing material for new buildings in historic areas. Colorbond in grey in some circumstances may also be suitable. Modern profile prefinished steel deck or sheet should be avoided. See Table 1: Detail & colour guidelines for residential development in Heritage Conservation Areas.
- Tiles may be appropriate in areas with buildings dating to the 1900's – 1930's. Unglazed terracotta tiles are the most appropriate. The colour and glazing of modern terracotta tiles make them inappropriate.

Brickwork

- New face brickwork should match the existing brick in colour and texture, and type of jointing and mortar colour. It may be possible to obtain second hand bricks to match the original or new bricks, which will closely match.
- Existing face brick or stone on heritage items or heritage buildings in a Conservation Area should remain unpainted and unrendered. See Table 1: Detail & colour guidelines for residential development in Heritage Conservation Areas.
- New brick buildings in Conservation Areas are to take into consideration the brick colour and type of surrounding buildings.

Imitation Cladding

- Imitation timber boarding may be acceptable providing it matches the profile of surrounding houses in conservation areas or the profile of the heritage item.

Colour Schemes

- See Table 1: Detail & colour guidelines for residential development in Heritage Conservation Areas.

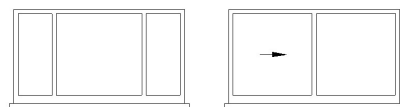
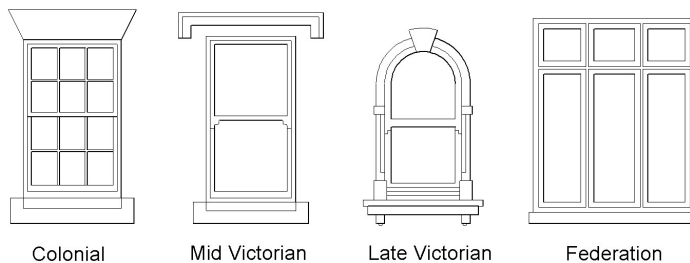
9b Built & archaeological heritage

Outcomes to be achieved

Design guidelines

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

Figure 1: Appropriate heritage windows



Inappropriate window types with horizontal emphasis

Outcomes to be achieved

Design guidelines

H. Services

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

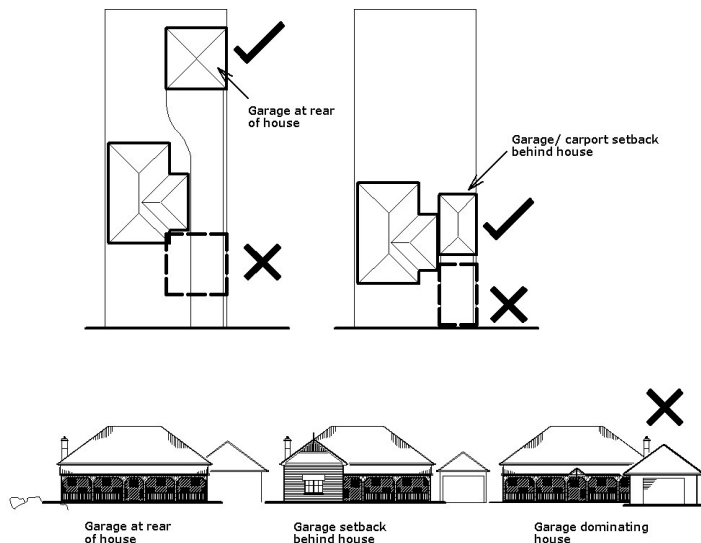
Outcomes to be achieved Design guidelines

I. Carports, garages & access

- New elements do not detract from heritage items or the conservation area.
 - Hard landscaping and elements that are important to the heritage item or conservation area are conserved
- (See below - Figure 2: Heritage garages)
- Garages should be to the rear where possible or set well back at the side of a building behind the rear building line.
 - Single car garages should be built where visible from the street. Double parking in stacked form will be considered.
 - Conserve the street pattern of driveways with single driveway access.
 - Paired wheel strips over public footway areas are preferable to solid driveways.
 - Use non-reflective paving to driveways, such as broom finished concrete.
 - Preferred materials for driveways include wheel strips and gravel. Large areas of plain or stamped concrete should be avoided.
 - Do not alter existing pedestrian pavement for driveways.
 - Conserve existing sandstone kerb and guttering.
 - Where there is no formed kerb and guttering, retain this and consider the use of swales if drainage is required.
 - Colours and materials should blend into the surrounding landscape. Galvanised corrugated iron roof profile and timber board profile cladding for walls are common materials used.
 - Garages should have simple hipped, gable or skillion roofs depending on the design of the existing main building.
 - A Gable or hipped roof is the most appropriate double garage roof form.
 - Existing outbuildings should be maintained and reused wherever possible.
 - Simple open light construction carports are preferable to solid heavily detailed buildings.
 - The pitch of a single garage roof should, in most cases, be comparable or slightly lower than that of the main building – generally 25 – 30 degrees.
 - The pitch of a double garage roof should be the same as the existing building unless it exceeds the height of the existing building

Figure 2: Heritage garages

9b Built & archaeological heritage



Outcomes to be achieved

J. Trees, vegetation, gardens & landscaping

- The development meets the provisions of section 11a **Vegetation (including trees)**.
- Gardens, open spaces and tree planting as the setting for heritage items or the conservation area are maintained.
- Hard landscaping and elements that are important to the heritage item or conservation area are conserved.

Design guidelines

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

K. Fencing

- Original existing fencing is retained and new fencing that is consistent with established patterns is provided.
- Fences in Heritage Conservation Areas should be consistent with the details in Table 1:
Detail & colour guidelines for residential development in Heritage Conservation Areas
- Heights of fences are consistent with the requirements of section 5b **Ancillary residential structures & activities**
- Hard landscaping and elements that are important to the heritage item or conservation area are conserved.
- Conserve existing fences.
- New fences are to be in scale and materials to match existing streetscape. Fences should be located on the building line.
- Front fences should be of materials characteristic to the surrounding area, particular to the street and suitable to the era of the house. Examples include timber picket, low masonry and hedges.
- Fencing should generally be open or transparent, or backed with a hedge, not solid.
- Timber picket fences or timber post and wire on streetscape.
- Colorbond fences not to be used where visible from the street.
- Timber paling fences to be used on all side boundaries.
- Rural fence types to be retained where existing.

9b Built & archaeological heritage



Outcomes to be achieved

Design guidelines

L. Demolition

- Demolition will only be considered in a Heritage Conservation Area if the item is assessed as non-contributory.
- Demolition of a Heritage Item is generally not supported. The applicant will need to show that the item is not significant and is structurally unsound and cannot be conserved. It requires a full assessment: (see '*Structural Engineer's Report*' in section **9b.5 Supporting Plans and Documentation**).
- If demolition is the only alternative, to ensure that while the physical features of a heritage item may be destroyed forever, an archival photographic record and measured drawings are kept for posterity
- The extent of the impact on the broader community and future generations of the loss of the item is considered

- New rural fences to be types such as post & rail, post & wire or post & wire mesh.

- In the event of an assessment of heritage impact concluding that there is no alternative to the demolition, Council will generally require that any building(s) or items to be demolished are documented (archival photographic record and measured drawings) before and during demolition by a qualified heritage professional and that the place on which the demolition is to take place is examined before and during demolition by a qualified archaeologist or other heritage professional (see '*Measured Drawings and archival photographic study*' in section **9b.5 Supporting Plans and Documentation**).

M. Adaptive Reuse

- The new use requires minimal alterations to significant fabric and building elements, and any changes to these are reversible or have minimal impact on the heritage significance of the item.
- Any internal changes where visible from a public street do not compromise the external heritage significance of the building.
- Alterations and/or additions must meet the requirements for alterations and additions as provided in this section and the adaptive re-use must maintain the understanding of the building's original use

N. Conservation of heritage items in subdivision proposals

- Where a heritage item is in a state of disrepair, Council may negotiate its restoration as part of the subdivision proposal, having regard to both the need for a viable subdivision, and the desirability of maintaining heritage items for future generations. The conservation of an existing residence within a subdivision proposal is encouraged as the best outcome and should be considered with all new developments.

9b.6 Supplementary guidance

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

9b Built & archaeological heritage



Various **NSW Government heritage information**. Some publications may be available from the NSW Office of Environment and Heritage, available at:

<http://www.environment.nsw.gov.au/Heritage/aboutus/index.htm> and
<http://www.environment.nsw.gov.au/heritage/publications/index.htm>

- [Design Guide for Heritage](#), Government Architect NSW, 2018.
- Design in Context – Guidelines for infill development in the historic environment. NSW Heritage Office and the Royal Australian Institute of Architects NSW Chapter Infill Guidelines Working Party, 2005
- Altering Heritage Assets, 1996, Heritage Office and Department of Urban Affairs & Planning, Sydney.
- Assessing Heritage Significance, 2001, Heritage Office.
- Photographic Recording of Heritage Items Using Film or Digital Capture, 2001 – Revised 2004, 2006, Heritage Office.
- Statements of Heritage Impact, 1996, Revised 2002, Heritage Office & Department of Urban Affairs & Planning

Local information

- *Upper Hunter Heritage Study Thematic History March 2017* (prepared by Mark Dunn for Upper Hunter Shire Council)
- Information on specific items on the NSW State Heritage Inventory Database at
<http://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx>
- Scone and Upper Hunter Historical Society - -
<https://sconehistorical.org.au/>

General Australian heritage references

A Heritage Handbook, Graeme Davidson and Chris McConville, Allen and Unwin, 1991

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

A Pictorial Guide to Identifying Australian Architecture, R Apperly, R Irving and P Reynolds – Angus and Robinson, Sydney 1989

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

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

Burra Charter 2013. Source: <http://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf>

Californian Bungalow in Australia, G Butler, 1992

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

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

More Colour Schemes for Old Australian Houses, I Evans, C Lucas and I Stapleton, Flannel Flower Press, 1992

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

9b Built & archaeological heritage



- Fences for Town and Country*, J Stacpoole, John Maxwell and Associates, 1998
- Getting the Details Right; Restoring Australian Houses, 1890s – 1920s*, Department of Planning, Sydney 1989
- Great Gardens of Australia*, H Tanner Macmillan, 1976
- Historic Gardens in Australia – Guidelines for the Preparation of Conservation Plans*, Australian Garden History Society, 1983
- How to Restore the Old Aussie House*, I Stapleton, Flannel Flower Press, Sydney 1983
- Infill: Guidelines for the Design of Infill Buildings*, Heritage Council and Royal Australian Institute of Architects, 1988
- Restoring Old Australian Houses and Buildings; An Architectural Guide*, P Cox and H Tanner 1975
- The Australian House*, The Flannel Flower Press, Sydney 1983
- The Complete Australian Old House Catalogue*, The Flannel Flower Press, Yeronga, 1990
- The Federation House: A Restoration Guide*, I Evans, Flannel Flower Press, Sydney, 1986
- The Federation House: Australia's Own Style*, H Fraser and R Joyce, 1986
- The History and Design of the Australian House*, R Irving, 1985
- The Maintenance of Heritage Assets Manual*, Department of Planning and NSW Heritage Office, 1994
- Towards the Dawn: Federation Architecture in Australia 1890-1915*, T Howells and M Nicholson, 1989

Outline

Part 10 Natural hazards

Explanatory outline

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

- 10a Floodplain Management**
- 10b Bushfire risk**
- 10c Geotechnical hazard**
- 10d Mine subsidence**
- 10e Contaminated lands**
- 10f Hazardous and offensive development**



10a Floodplain management

Explanatory outline

Section 10a outlines assessment criteria relating to the management of development on flood prone land.

10a Floodplain Management

10a.1 Introduction

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

Note: Council is currently (2022) undertaking Flood Risk Management Planning projects in accordance with the NSW Floodplain Management Manual 2005 which will include an update of these DCP controls for development on flood prone land. This Part will be updated when that work is completed.

10a.2 Application of this Part

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

Column 1:	Type of development	Column 2:	Applicable land
	Any development requiring consent		On any flood-prone land, ie any land within the Probable Maximum Flood

To assist in determining land that is subject to this Part, the following maps have been prepared under the provisions of the *NSW Floodplain Development Manual 2005* (and its update) and have been adopted by Council, being maps forming part of:

- Aberdeen Flood Study, Floodplain Risk Management Study and Floodplain Risk Management Plan 2015
- Scone Flood Study 1996 and Scone Floodplain Management Study & Plan - February 1999
- Murrurundi, Blandford and Willow Tree Flood Study 1997

or their most recent adopted updates.

These maps are published on Council's website at

<https://upperhunter.nsw.gov.au/our-services/building-planning/floodplain-management.aspx>

Council may also publish other information, and/or additional overland flow studies undertaken by or on behalf of Council, being the best available information at the time.



10a Floodplain management

The above maps may identify:

- The Probable Maximum Flood, showing the extent of land currently identified as flood prone
- The Flood Planning Level (where known – usually the Defined Flood event plus a 500mm freeboard)
- Defined Flood Event (where known - usually a 1% Annual Exceedance Probability Flood)
- Hazard Categories (where known)
- Hydraulic Categories (where known)

10a.3 Relevant planning instruments & legislation

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

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

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

The NSW Government's *NSW Floodplain Development Manual 2005*, or any update, is also applicable.

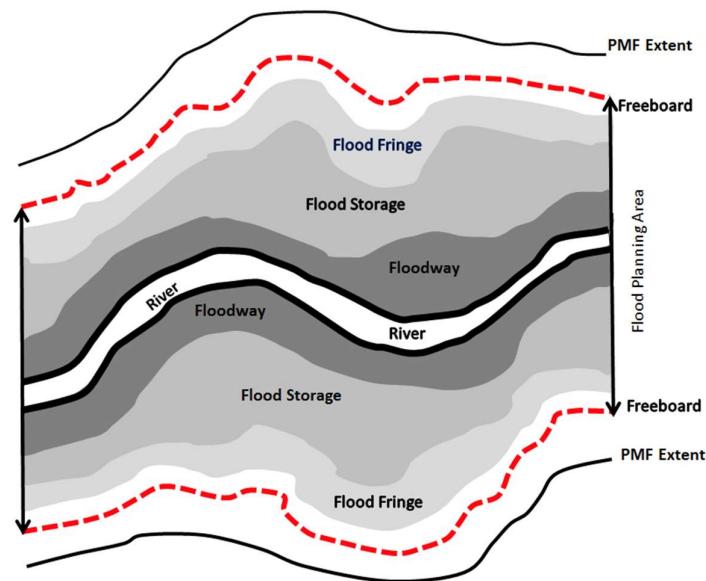
10a.4 Definitions and flood planning concepts

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

Flood Planning concepts are summarised in the following figures.

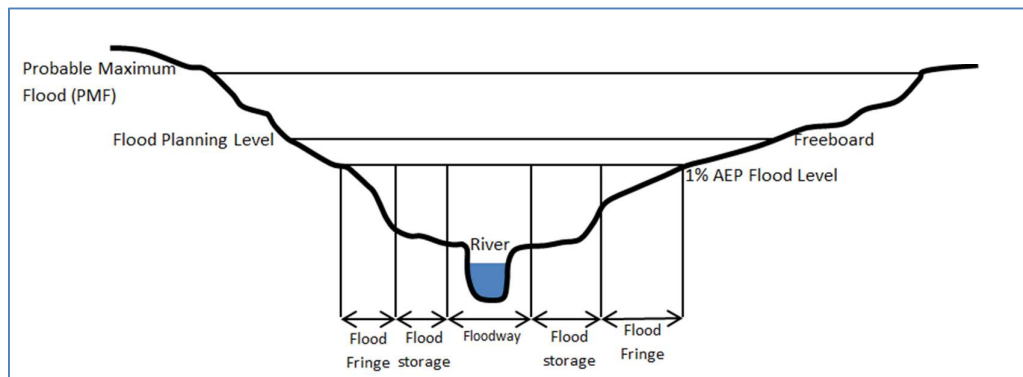
Figure 1: Plan of floodplain and hydraulic categories

10a Floodplain management



Source: Cessnock City Council 2017

Figure 2: Cross section through floodplain and hydraulic categories



Source: Cessnock City Council 2017

10a.5 Objectives

The objectives of this section are to:

1. minimise the risk to human life and damage to property by controlling development on flood prone land
2. apply a performance and merit based approach to all development decisions taking into account ecological, social, engineering safety and environmental considerations to ensure development is appropriate and sustainable
3. ensure that the development or use of floodplains waterways and riparian corridors does not adversely impact upon aesthetic, recreational and ecological values

10a Floodplain management

4. ensure that all land uses and essential services are appropriately sited and designed in recognition of all potential floods
5. promote flood compatible building design that considers requirements for the development of flood prone land and does not adversely impact on adjoining properties
6. establish guidelines for the development of flood prone land that are consistent with the *NSW Flood Policy and NSW Floodplain Development Manual (2005)* or their updates and as updated by the associated *Floodplain Risk Management Guides*.

10a.6 Application Requirements

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

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing and lodging a development application .
B. Flood impact and risk assessment	<p>All applications subject to this Part.</p> <p>Depending on the scale of the development and availability of existing flood information, either a simple or detailed Flood Impact and Risk Assessment (FIRA) will be required, at the discretion of Council.</p> <p>A detailed FIRA is likely to be required for large scale developments, or developments that in the opinion of Council are in critical situations, where an existing catchment based flood study is not available</p>	<p>All Flood Impact and Risk Assessments (FIRAs) will be guided by the NSW Department of Planning and Environment's Flood Impact and Risk Assessment Flood Risk Management Guide LU01 (2022) or its update.</p> <p>Information and plans, prepared by a suitably qualified professional, including:</p> <ul style="list-style-type: none"> • A survey plan indicating: <ol style="list-style-type: none"> (i) the position of the existing building/s and/or proposed building/s; (ii) the existing ground levels and features to Australian Height Datum around the perimeter of the site and contours of the site; and (iii) the existing or proposed floor levels to Australian Height Datum. • Any required information listed in <p>Table 2 Prescriptive Criteria as applicable.</p> <ul style="list-style-type: none"> • Applications for earthworks, filling of land, infrastructure and subdivision are to be accompanied by a survey plan (with a minimum contour interval of 0.25m) showing relative levels to Australian Height Datum. • Any other information required by the NSW Department of Planning and Environment's <i>Flood Impact and</i>



10a Floodplain management

Item	When required	Plans or information to be provided
		<i>Risk Assessment Flood Risk Management Guide LU01 (2022) or its update.</i>

10a.7 Development Provisions

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

10a.7(a) Prescriptive Criteria

The Prescriptive Provisions shown within Table 1: Floodplain management prescriptive provisions matrix and



10a Floodplain management

Table 2 Prescriptive Criteria – floodplain management indicate where flood related development controls:

- can be met through the implementation of provisions in **Table 2** as indicated (yellow and numbered);
- are not required (shown in green)
- in the view of Council, cannot be met through the use of reasonable development controls and will require further justification to be supported using the performance based assessment approach (shown in orange).

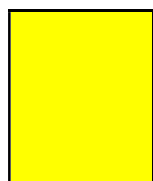
10a Floodplain management

Table 1: Floodplain management prescriptive provisions matrix

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



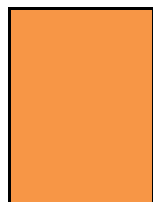
Flood related development controls do not apply



Flood related development controls apply (refer to numbered prescriptive criteria

in

Table 2 Prescriptive Criteria)



If the proposal is to be pursued further, a performance based assessment is to be provided demonstrating that the proposed development is compatible with the flooding characteristics of the site (refer to the section “Performance based assessment” and

Table 4 Detailed Assessment Criteria).

10a Floodplain management

Table 2 Prescriptive Criteria – floodplain management

No.	Prescriptive Criteria
1	Assessment indicating that the proposal can meet the relevant requirements of the BCA.
2	<p>Joint report by a professional engineer who specialises in floodplain management and a professional engineer who specialises in civil engineering to certify that the development provides:</p> <ul style="list-style-type: none"> • Minimum Habitable Floor Levels = 1% AEP flood level plus 500mm freeboard (<i>Flood Planning Level</i>) • Minimum Non-Habitable Floor Levels = 5% AEP flood level plus 500mm freeboard. • Minimum level requirements for electrical fittings, internal sewer fixtures, and external overflow gully risers apply as per Building Code of Australia • Minimum levels of open car parking spaces, carports and driveways = 5% AEP flood level • Mine subsidence allowance to be added to levels (a), (b), (c) & (d) above, if applicable. • Low flood hazard access and egress for pedestrians during a <u>1% AEP</u> flood to an appropriate area of refuge located above the Flood Planning Level. • Low flood hazard emergency vehicle road access (Ambulance, SES, RFS) during a <u>1% AEP</u> flood event. • All proposed structural components that can withstand the forces of floodwater including hydrostatic pressure, hydrodynamic pressure, impact of debris and buoyancy forces up to the flood planning level. • Building materials and surface finishes at or below the flood planning level are all capable of withstanding prolonged immersion in water. • Negligible flood affectation elsewhere in the floodplain for a full range of flood events up to the 1% AEP flood event, having regard to: a) loss of flood storage, b) changes in flood levels, flows and velocities upstream, downstream and adjacent to the site, c) cumulative impact of multiple development in the vicinity.
3	<p>Joint report by a professional engineer who specialises in floodplain management and a professional engineer who specialises in civil engineering to certify that the development provides:</p> <ul style="list-style-type: none"> • Minimum floor levels = PMF level plus 500mm freeboard plus mine subsidence allowance, if applicable. • Low flood hazard access and egress for pedestrians during a <u>PMF</u> flood to an appropriate area of refuge located above the PMF. • Low flood hazard emergency vehicle road access (Ambulance, SES, RFS) during a <u>PMF</u> flood event.
4	<p>Joint report by a professional engineer who specialises in floodplain management and a professional engineer who specialises in civil engineering to certify that the development provides:</p> <ul style="list-style-type: none"> • Minimum height of building footprints, open car parking areas, driveways and new public roads = 5% AEP flood level plus mine subsidence allowance, if applicable • Low flood hazard access and egress for pedestrians during a 1% AEP flood to an appropriate area of refuge located above the Flood Planning Level. • Low flood hazard emergency vehicle road access (Ambulance, SES, RFS) during a <u>1% AEP</u> flood event. • Risk assessment of flood hazard during a <u>PMF</u> flood event; including consideration of changes to flood behaviour, and location of floodways, to ensure that the consequences of the increased flood hazard are acceptable and manageable. <p>Negligible flood affectation elsewhere in the floodplain for a full range of flood events up to the <u>PMF</u>, having regard to:</p>

10a Floodplain management

	a) loss of flood storage, b) changes in flood levels, flows and velocities upstream, downstream and adjacent to the site, c) cumulative impact of multiple development in the vicinity.
5	No filling allowable apart from area of building footprint, open car parking areas and driveway
6	Joint report by a professional engineer who specialises in floodplain management and a professional engineer who specialises in civil engineering to include an Evacuation Plan demonstrating that permanent, failsafe, and maintenance free measures are incorporated in to the development to ensure the timely and safe evacuation of people from the development in a 1% AEP Flood event, without significant cost or risk added to emergency services personnel. Signage of the plan must be prominently displayed around the development.
7	Report by a professional engineer who specialises in floodplain management to certify that the development provides: Negligible flood affectation elsewhere in the floodplain for a full range of flood events up to the <u>1% AEP</u> flood event, having regard to: a) loss of flood storage, b) changes in flood levels, flows and velocities upstream, downstream and adjacent to the site, c) cumulative impact of multiple development in the vicinity.

10a.7(b) Performance based assessment

Council will consider development proposals that do not meet the prescriptive requirements of this DCP Chapter only if a report prepared by a suitably qualified engineering professional accompanies the development application and addresses the following criteria. The information listed below can be used to justify minor variations to the prescriptive provisions.

Table 4 Detailed Assessment Criteria provides further detail with regard to applying the Performance Criteria mentioned below and will need to be addressed in full for large scale proposals and/or significant variations.

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

Note: The prescriptive controls have been developed to ensure that proposals that meet the requirements of the relevant Prescriptive Control Schedule will meet

10a Floodplain management

the objectives of this Plan. A performance based assessment is likely to involve the submission of independent studies and reports. It is recommended that you should discuss the level of detail required and the likelihood of achieving a successful outcome using a performance based assessment with Council staff prior to making any decision to purchase and/or develop flood prone land

10a.7(c) Building Design Considerations

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

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

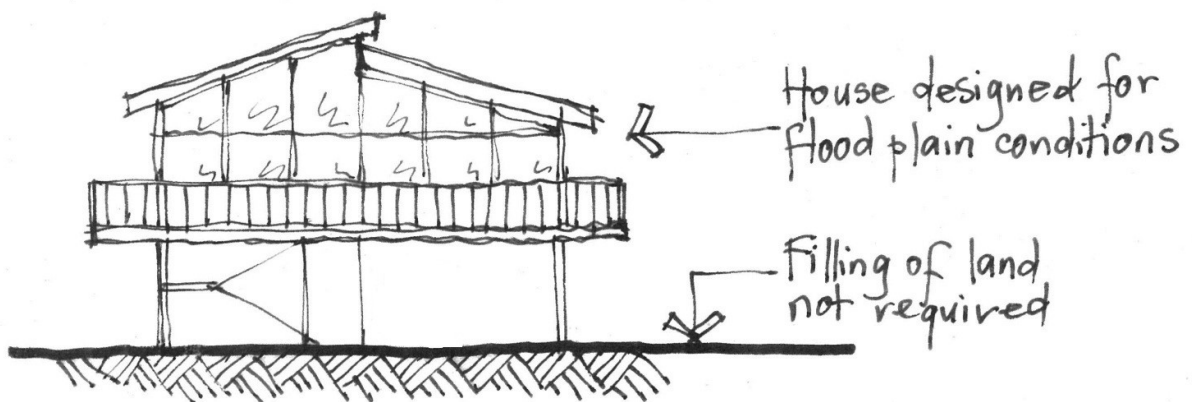


Figure 3 Floodplain development (where considered acceptable)

10a Floodplain management

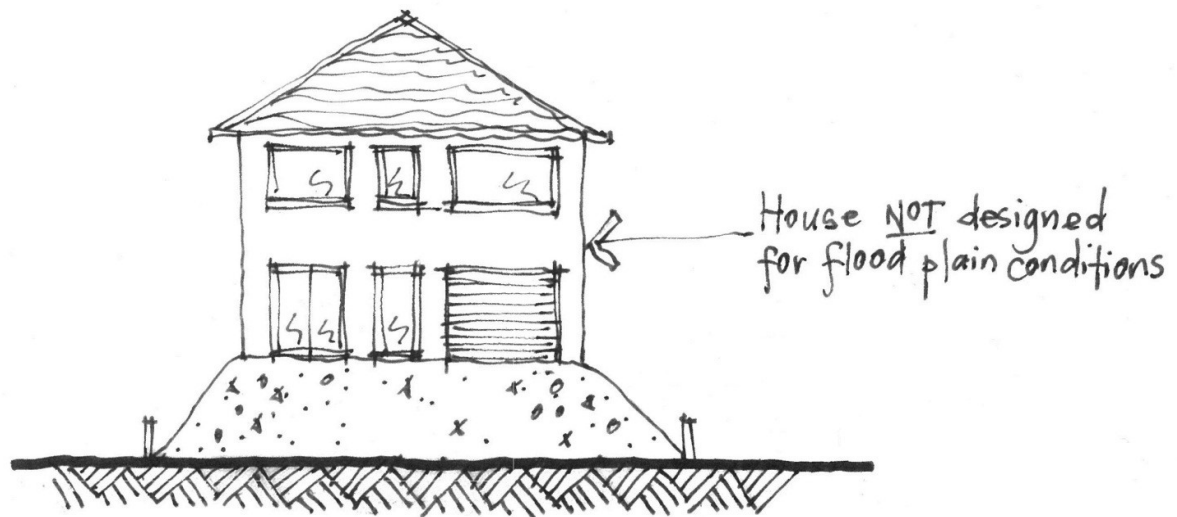


Figure 4 Inappropriate floodplain development

10a.7(d) Concessional Development – Minor Additions

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

- single dwelling house additions of up to 40m² of habitable floor area at or above the same level as the existing adjoining approved floor level for habitable floor area. The allowance for additions shall be made no more than once for any given development. Proposals for dwelling additions that exceed 40m² of habitable floor area are to refer to the provisions for single dwellings under Sub-Section 10a.6(a);
- additions to Commercial and Industrial Uses of up to an additional 100 m² or 20% (whichever the less) of the Gross Floor Area of the existing building at no less than the same level as the existing adjoining approved floor level. The allowance for additions shall be made no more than once for any given development. Proposals for additions that exceed 100 m² or 20% (whichever the less) of the Gross Floor Area are to refer to the provisions for commercial and industrial uses under Sub-Section 10a.6(a);

Any proposal to be considered as concessional development must:

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

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

10a Floodplain management

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

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

- a restriction on use placed on the property title limiting the further development of the site;
- the existing development to be suitably upgraded to address the potential impacts of flooding.

Note: Due to concerns for safety and the consequences of prolonging poor land use practices, concessional development or other site redevelopment will not be supported within High Hazard areas

10a.8 Ancillary Development Requirements

Objectives	Requirements
A. Fencing <ul style="list-style-type: none"> ■ To ensure that fencing does not result in any significant obstruction to the free flow of floodwaters. ■ To ensure that fencing will remain safe during floods and not become moving debris that potentially threatens the security of structures or the safety of people. 	<ul style="list-style-type: none"> • Fencing is to be constructed in such a manner that it will not modify the flow of floodwaters or cause damage to surrounding land. • Fencing construction is to withstand flood waters including debris loads.
B. Car Parking <ul style="list-style-type: none"> ■ To minimise the damage to motor vehicles from flooding. ■ To ensure that motor vehicles do not become moving debris during floods, which threaten the integrity or blockage of structures or the safety of people, or damage other property. ■ To minimise risk to human life from the inundation of basement and other car park or driveway areas. 	<ul style="list-style-type: none"> • The proposed car park should not increase the risk of vehicle damage by flooding inundation. Any car park is to allow for a maximum of 300mm still water flood water depth unless otherwise provided through a flood study. • The proposed garage/car park should not increase the likelihood of flooding on other developments, properties or infrastructure. • Open car parking - The minimum surface level of open space car parking subject to inundation should be designed having regard to vehicle stability in terms of depths and velocity during inundation by flood waters.
C. Requirements for Filling Flood Prone Land <ul style="list-style-type: none"> ■ To ensure that any filling of land that is permitted as part of a development consent does not have a negative impact on the floodplain. 	<ul style="list-style-type: none"> • Filling for any purpose (including the raising of a building platform in flood-prone areas) is not permitted in areas identified as High Hazard or Hazard Unknown in Table 16 , unless a Floodplain Risk Management Plan for the catchment has been adopted which allows filling to occur. In all other areas, filling will not be permitted unless a report from a suitably qualified engineer has been submitted and approved by Council that certifies that the development will not increase flood affectation elsewhere. • Filling of individual sites in isolation, without consideration of the cumulative effects is not permitted. Any proposal to fill a site must be accompanied by an analysis of the effect on flood levels of similar filling of developable sites in the area. This analysis would form part of a flood study prepared by a suitable qualified professional.

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Objectives	Requirements
D. On-Site Sewer Management <ul style="list-style-type: none"> ■ To prevent the spread of pollution from on-site sewage management systems during periods of flood. ■ To assist in the ongoing operation of on-site sewage management systems during periods of flood. 	<ul style="list-style-type: none"> • The treatment tank/holding device and electrical components are to be located above the 1% AEP flood contour. • The land application area is to be above the 5% AEP flood contour. • Refer to Part 11g – On Site Waste Water Management in Non-Sewered areas for guidance with regard to this form of application.
E. Storage of Hazardous Substances <ul style="list-style-type: none"> ■ To prevent the potential spread of pollution from hazardous substances. 	<ul style="list-style-type: none"> • The storage of products which, in the opinion of Council, may be hazardous or pollute floodwaters, must be placed at a minimum of 500 mm above the height of the 1% AEP flood or placed within an area protected by bunds or levees such that no flood waters can enter the banded area if the flood level rose to a level of 500 mm above the height of the 1% AEP flood.

Table 3: Flood proofing requirements

Component	1st Preference	2nd Preference
Flooring and Sub Floor Structure	Concrete slab-on-ground monolith construction. <i>NB: clay filling is not permitted beneath slab-on-ground construction, which could be inundated.</i> Suspension reinforced concrete slab.	Timber floor (T and G boarding, marine plywood) full epoxy sealed joints.
Nails, bolts, hinges and fittings	Brass, nylon or stainless Removable pin hinges	Galvanised steel aluminium
Floor Covering	clay tiles concrete, precast or in situ concrete tiles epoxy, formed-in-place mastic flooring, formed-in-place rubber sheets or tiles with chemical-set adhesives silicon floors formed-in-place vinyl sheets or tiles with chemical-set adhesive ceramic tiles, fixed with mortar or chemical-set adhesive asphalt tiles, fixed with water resistant adhesive	cement/bituminous formed-in-place cement/latex formed-in-place rubber tiles with chemicals set adhesive terrazzo vinyl tile with chemical set adhesive vinyl-asbestos tiles asphaltic adhesives loose rugs alkali-resistant grout
Wall Structure	solid brickwork, blockwork, reinforced, concrete or mass concrete	Two skins of brickwork or blockwork with inspection openings.
Roofing Structure (for situations where the flood	Reinforced concrete construction	Timber trusses

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planning level is above the ceiling height)	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	Flush panel or single panel with marine plywood and water proof adhesive TandG lined door, framed ledged and braced Painted steel Timber frame fully epoxy Sealed before assembly
Insulation	Foam or closed cell types	Reflective insulation
Wall and Ceiling	Brick, face or glazed Clay tile glazed in water proof mortar Concrete Concrete block Steel with water proof applications Stone, natural solid or veneer, water proof grout Glass blocks Glass Plastic sheeting or wall with water proof adhesive	Brick, common Plastic wall tiles Metals, non ferrous Rubber mouldings and trim Wood, solid or exterior grade plywood fully sealed.
Windows	Aluminium frame with stainless steel or brass rollers Galvanised or painted steel	Epoxy sealed timber water proof glues with stainless steel or brass fittings

Table 4 Detailed Assessment Criteria – floodplain management

Component	Assessment Criteria
Compatibility with established Flood Hazard / Flooding Impacts and Behaviour:	<ul style="list-style-type: none"> • impact of flooding and flood liability is to be managed ensuring the development does not divert floodwaters or interfere with flood storage or natural function of the waterway; • flood behaviour (for example, flood depths reached, flood flow velocities, flood hazard, rate of rise of floodwater); • duration of flooding for a full range of events; • appropriate flood mitigation works; • freeboard; • Council's duty of care – proposals to address and limit; • depth and velocity of flood waters for relative flood event;
Impact on other land / Cumulative Effects of the Development:	<ul style="list-style-type: none"> • development should not detrimentally increase the potential flood affectation on other development or properties or infrastructure, either individually or in combination with the cumulative impact of development that is likely to occur in the same floodplain; • cumulative effects of the development and precedents created for further cumulative development.

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Manage Risk to Life:	<ul style="list-style-type: none"> the proposed development should not result in any increased risk to human life; controls for risk to life for floods up to the Flood Planning Level; controls for risk to life for floods greater than the Flood Planning Level; existing floor levels of development in relation to the Flood Planning Level and floods greater than the Flood Planning level; Council's duty of care – Proposals to address and limit; what level of flooding should apply to the development e.g. 1 in 20 year, etc; effective flood access and evacuation issues; flood readiness – Methods to ensure relative flood information is available to current and future occupants and visitors; where appropriate existing information does not exist, a site specific Flood Risk Assessment in support of the application addressing the requirements of the NSW Flood Policy and NSW Floodplain Development Manual 2005. These documents are available from the NSW Department of Environment, Climate Change and Water website. http://www.environment.nsw.gov.au/floodplains/manual.html.
Warning and Evacuation:	<ul style="list-style-type: none"> available effective warning time and reliable access for the evacuation of an area potentially affected by floods; evacuation should be consistent with any relevant flood evacuation strategy where in existence; depth and velocity of flood waters for relative flood event; Council's duty of care – proposals to address and limit; what level of flooding should apply to the development e.g. 1 in 20 year, etc; effective flood access and evacuation issues; flood readiness – methods to ensure relative flood information is available to current and future occupants and visitors.
Environmental Impacts:	<ul style="list-style-type: none"> will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
The Cost:	<ul style="list-style-type: none"> the additional economic and social costs that may arise from damage to property from flooding should not be greater than that which can reasonably be managed by the property owner and general community; land values and social equity – effect both negative and positive – e.g. development increasing land values, restrictions decreasing land values, etc; future development (specifically, the ability of the community and individuals to recover from flood events); economic factors both in regard to doing and not doing the development; social issues; servicing the development safely in flood e.g. potable water, sewer, etc.
Ecological Sustainable Development:	<p>Proposed development must be consistent with ESD principles including but not limited to:</p> <ul style="list-style-type: none"> intergenerational equity – namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations;

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- the precautionary approach - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
- biodiversity conservation - namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration;
- improved valuation, pricing and incentive mechanisms - namely, that environmental factors should be included in the valuation of assets and services.

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

Emergency Services

- development will not unduly increase dependency on emergency services.

Table 5 Land Use Categories – floodplain management

The definitions listed below are extracted from the *Upper Hunter Local Environmental Plan 2013*:

Land Use	Specific Use or Activity
Single Dwelling Houses	Dwelling houses, exhibition homes (Note: one dwelling per existing residential lot only)
Medium to High Density Residential	Attached dwelling, boarding house, caravan parks (long term) sites, dual occupancy, exhibition village, manufactured home estates, multi dwelling housing, residential flat buildings, rural workers dwelling, secondary dwelling, semi-detached dwelling, shop-top housing.
Agriculture and Recreation	Agriculture, farm buildings, recreation area, stock and sales yard, environmental facility,
Shed and Garages, ancillary residential development (Note: ancillary residential development includes swimming pools, cabanas, gazebos and similar structures)	
Commercial	Amusement centres; Boarding houses; Boat sheds; Car parks; Child care centres; Commercial premises; Community facilities; Crematoria; Educational establishments; Emergency services facilities; Entertainment facilities; Environmental facilities; Flood mitigation works; Function centres; Highway service centres; Home-based child care; Home businesses; Home industries; Information and education facilities; Jetties; Medical centres; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs;

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Research stations; Respite day care centres; Restricted premises; Roads; Seniors housing; Service stations; Sex services premises; Shop top housing; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

Industrial Uses	Boat building and repair facilities; Boat launching ramps; Bulky goods premises; Car parks; Cemeteries; Child care centres; Community facilities; Correctional centres; Crematoria; Depots; Educational establishments; Emergency services facilities; Environmental facilities; Flood mitigation works; Freight transport facilities; Funeral homes; Garden centres; General industries; Hardware and building supplies; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Heliports; Highway service centres; Industrial retail outlets; Industrial training facilities; Information and education facilities; Jetties; Kiosks; Landscaping material supplies; Light industries; Mortuaries; Neighbourhood shops; Office premises; Passenger transport facilities; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Restricted premises; Roads; Rural supplies; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Take away food and drink premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies
Critical Infrastructure and Facilities	Airstrip, air transport facilities, electricity generating works, emergency service facility, helipad, hospital, public administration buildings (occupied by emergency services organisations), public utility undertaking, sewerage system, water supply system
Sensitive Uses and Facilities	Child care centre, correctional centre, educational establishment, group homes, home based child care, hostel, residential care facility, respite day care centre, seniors housing
Land Subdivision – Torrens Title (Note: Does not include Community and Strata Subdivision or Subdivision of approved residential development)	
Tourist Development	Camping grounds, eco-tourist facilities, tourist and visitor accommodation (Note: Does not include short-term rental accommodation)
Caravan parks – short term accommodation	Environmental protection works, flood mitigation works
Permissible Earthworks	Environmental protection works, flood mitigation works
Not Listed – Merit Assessment	Forestry, home business, home occupation, home occupation (sex services), wharf or boating facility, signage, boat launching ramp, boat sheds, charter or tourism boating facilities, environmental facilities, jetties, mooring, water recreation structure, extractive industries, open cut mines

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



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10a.9 Supplementary guidance

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

- *The flood studies outlined in section 10a2.*
- *NSW Government - NSW Floodplain Development Manual 2005, or its update, and associated Guides.*

10b Bush fire risk

Explanatory outline

Section 10b outlines assessment criteria relating to the management of bush fire risk.

10b Bush fire risk

10b.1 Application of this section

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

Column 1: Type of development	Column 2: Applicable land
<p>Any development as specified in <i>Planning for Bush Fire Protection</i> (NSW Rural Fire Service) which includes (but is not limited to):</p> <ul style="list-style-type: none"> subdivision of land for residential or rural residential purposes residential accommodation and residential infill development (including home occupations and home based child care) special fire protection purpose developments, including but not limited to schools, hospitals, nursing homes and tourist accommodation other development including commercial uses, industrial uses, infrastructure, wind and solar farms, hazardous development development which involves large numbers of people, including increasing residential densities, multi-storey residential development, public assembly buildings and outdoor events 	<p>Land identified as bush fire prone land on the bush fire prone land map.</p> <p><i>Note: To determine whether land is affected by this section, refer to the most recent Upper Hunter Shire Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service. This map is available for inspection at the office of the Council, and can be viewed on the Council's web site at https://maps.upperhunter.nsw.gov.au/connect/analyst/mobile/#/main?mapcfg=Public%20-%20Planning (in the 'Bushfire' folder).</i></p>

10b.2 Relevant planning instruments & legislation

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

- Upper Hunter Local Environmental Plan 2013*
- Rural Fires Act 1997*

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

10b.3 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local*

10b Bush fire risk

Environmental Plan 2013, as amended. The Dictionary to this DCP provides additional definitions that are relevant to this Part, including the following:

- bush fire hazard reduction work
- bush fire prone land map
- bush fire prone land
- bush fire risk management plan

10b.4 Objectives

The objectives of this section are:

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

10b.5 Supporting plans & documentation

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

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Bush Fire Assessment Report and Bush Fire Management Plan	Applications that relate to Bush Fire Prone Land	<p>Prepare a <i>Bush Fire Assessment Report</i>, <i>Bush Fire Management Plan</i> and other required documentation in accordance with the current version of <i>Planning for Bush Fire Protection</i>.</p> <p>For smaller proposals, this can be done relatively simply using the NSW RFS <i>Single Dwelling Application Kit</i>, available on the NSW Rural Fire Service website www.rfs.nsw.gov.au and is to be accompanied by a diagram identifying the requirements detailed above.</p> <p>For more complex applications or performance based solutions, a recognised consultant must be engaged to prepare a <i>Bush Fire Assessment Report</i> and a <i>Bush Fire Management Plan</i>. For performance based solutions, a <i>Bush Fire Design Brief</i> will also be required</p> <p>The NSW Rural Fire Service provides a pre-DA advice service as a means for proponents of development to seek information and obtain clarity about the NSW RFS position on a proposal before a formal DA is lodged with Council. The pre-DA advice service is intended for more complex proposals which raise issues in relation to compliance with this document. This may involve instances where a performance based solution is proposed or where bush fire protection issues are raised in strategic or rezoning planning processes. Further information on the pre-DA advice service can be found online at NSW RFS</p>

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Item	When required	Plans or information to be provided
		website www.rfs.nsw.gov.au - https://www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-fire-area
C. Vegetation (including trees) reports	<p>Applications affecting vegetation (including trees), as specified in section 11a Vegetation (including trees).</p> <p>Note that this includes any clearing, removal or disturbance of trees for an Asset Protection Zone.</p>	<p>Applicable reports or plans, prepared by a suitably qualified person, as specified in section 11a Vegetation (including trees). Depending on the site circumstances, these may include:</p> <ul style="list-style-type: none"> written description and plans arborist's report ecological report heritage report safety or biosecurity risk report <p>These plans/reports must be consistent with other elements of the development application, including Site plans, Bush Fire Assessment Report and Landscaping plans.</p>
D. Biodiversity and native vegetation reports, plans or assessments	<p>Applications for which biodiversity and/or native vegetation reports, plans or assessments are required (refer to section 11b Biodiversity conservation)</p> <p>These will be required for development on land with high biodiversity values, or proposals that require significant disturbance to, or clearing of, native vegetation or potential habitat for native species.</p>	<p>Applicable reports, plans or assessments, prepared by a suitably qualified person, as specified in section 11b Biodiversity conservation. These may include:</p> <ul style="list-style-type: none"> Native vegetation clearing threshold report, and/or Biodiversity (flora & fauna) assessment report, and/or Biodiversity development assessment report (BDAR), and/or Biodiversity management plan, and/or Biodiversity offset information, strategy or plan <p>These report(s) must be consistent with other elements of the development application, including Site plans, Bush Fire Assessment Report and Landscaping plans.</p>

10b.6 Assessment criteria

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

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

Outcomes to be achieved	Design guidelines
A. Planning for bush fire protection <ul style="list-style-type: none"> Development must comply with the provisions of the current version of <i>Planning for Bush Fire Protection</i>. 	

10b Bush fire risk



Outcomes to be achieved

- Bush fire risk is managed while recognising and protecting the ecological and natural values of the site and adjoining land.

Design guidelines

- Bush Fire Assessment Reports must identify bush fire risks, mitigating measures, and detail compliance with the current version of *Planning for Bush Fire Protection*.
- Biodiversity and ecological values of the land should be identified and protected, as provided for in section **11b Biodiversity conservation**.
- Clearing for the purpose of bushfire risk management must be consistent with current version of *Planning for Bush Fire Protection*.
- Fire resistant plant species and landscaping should be provided for development on Bush Fire Prone Land, in accordance with the requirements of the current version of *Planning for Bush Fire Protection*.

10b.7 Supplementary guidance

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

- NSW Rural Fire Service, *Planning for Bush Fire Protection*, available at <https://www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-fire-area/planning-for-bush-fire-protection>
- Upper Hunter Shire Bushfire Prone Land Map available at <https://maps.upperhunter.nsw.gov.au/connect/analyst/mobile/#!/main?mapcfg=Public%20-%20Planning> (in the 'Bushfire' folder).

10c Geotechnical hazards

Explanatory outline

Section 10c outlines assessment criteria relating to the management of geotechnical hazards. The following matters are covered:

- requirements for preparation of geotechnical reports
- development on steep slopes, and potential areas of land slip
- areas subject to fill
- land affected by salinity
- construction works

10c Geotechnical hazards

10c.1 Application of this section

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

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

10c.2 Relevant planning instruments & legislation

The *Upper Hunter Local Environmental Plan (LEP) 2013* is relevant to development to which this section applies. Specific LEP provisions apply to earthworks, groundwater vulnerability, riparian land, and land affected by salinity.

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

10c.3 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended. The **Dictionary** to this DCP provides additional definitions that are relevant to this Part.

10c.4 Objectives

The objectives of this section are to:

1. avoid development on land subject to geotechnical hazards where possible
2. ensure potential geotechnical hazards and salinity processes affecting land are appropriately considered in development approvals

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3. avoid adverse impacts of development on salinity, and minimise the impacts of salinity on development and use of land
4. identify requirements for geotechnical studies and reports
5. ensure subdivision and development in, and around the Scone urban area considers the applicable hydrogeological landscape (HGL) and measures to be applied in planning, development design and construction, and management of land with salinity.

10c.5 Supporting plans & documentation

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

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application.
B. Geotechnical hazard assessment	Applications that involve: <ol style="list-style-type: none"> 1. land potentially subject to instability, slip, erosion, or other mass movement; or 2. steep land (slopes generally 1 in 3 or greater); or 3. significant land surface disturbance; or 4. large-scale industrial or commercial development; or 5. excavation in, above or adjacent to rail corridors, as defined in Clause 86 of <i>SEPP (infrastructure) 2007</i>, or where the distance between the toe of the fill, or retaining structure, and the rail corridor boundary is less than twice the height of the fill/retaining structure; or 6. excavation in or adjacent to the Scone Bypass corridor, as defined in part 13f. 	<p>A Geotechnical report, undertaken by a suitably qualified and experienced person*, that contains, at a minimum:</p> <ul style="list-style-type: none"> • consideration of all relevant matters relating to the development of the land, as outlined in this part of the DCP, and in other appropriate parts, including on and off-site impacts arising from development • recommendations to be applied in the approval and construction of the development. <p>Where a proposal is subject to (5) or (6) in the 'When Required' column, then the requirements of Department of Planning, 2008. <i>Development Near Rail Corridors and Busy Roads – Interim Guideline</i> must be followed.</p> <p>Where a subdivision proposal is on land identified as being potentially subject to landslip, the applicant shall engage a suitably qualified and experienced person* to prepare a report on the viability of subdividing the land and if viable, provide recommendations as to the siting and the type of buildings and waste water treatment systems which could be permitted on the subject land.</p> <p>* The Geotechnical assessment should be undertaken by a suitably qualified geotechnical engineer or engineering geologist who is: Listed on the National Professional Engineers Register Level 3 (NPER-3) or a current member of Fellow of the Australian Institute of Geoscientists, and has a minimum of 5 years working</p>

10c Geotechnical hazards

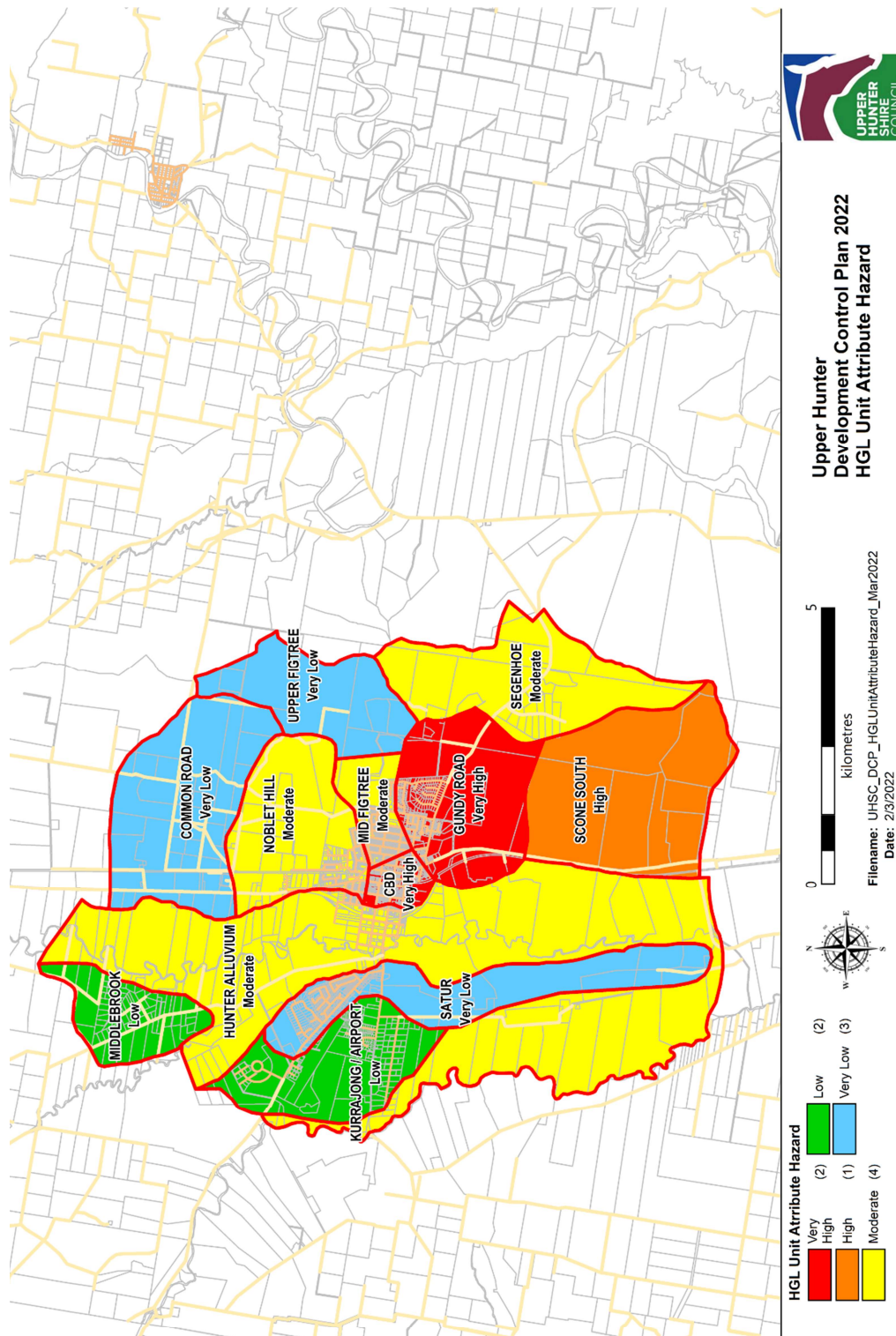
Item	When required	Plans or information to be provided
		experience as a geotechnical engineer or engineering geologist advising on building and excavation works and associated geotechnical issues.
C. Salinity investigation report	<p>All applications for subdivision of land, or Applications that involve:</p> <ul style="list-style-type: none"> land subject to soil salinity; and/or land that is adjacent to other land known to be subject to soil salinity; and/or land shown on Map 1: Overall Salinity Hazard, Scone or otherwise identified as Very High/High to Moderate salinity hazard. 	<p>Investigations and sampling for salinity should be conducted in accordance with the requirements of the Office of Environment and Heritage booklet '<i>Site Investigations for Urban Salinity</i>' and should be undertaken by a suitably qualified and experienced person.</p> <p>Where salinity processes on, or affected by the land, are confirmed by the above investigations and sampling, a Salinity Investigation report shall identify:</p> <ul style="list-style-type: none"> planning, development and management measures required to avoid and minimise adverse impacts from the development of the land measures to be taken to mitigate impacts on the development and surrounding land use (including requirements for earthworks, construction standards and protection of groundwater recharge areas). <p>Where the application is for the subdivision of land, additional requirements identified in Part 3 Subdivision may apply.</p>
D. Salinity Management Plan	<p>In areas of salinity affectation, including land shown on Map 1: Overall Salinity Hazard, Scone or otherwise identified as Very High/High to Moderate salinity hazard.</p> <p>This may be required at the time of the development application, or may be required as a condition of development consent.</p>	<p>A Salinity Management Plan is to be prepared to show that the site is suitable for development, and to guide earthworks and construction of the subdivision (or other relevant development), and should address the following considerations:</p> <ul style="list-style-type: none"> minimising groundwater recharge excavation and soil disturbance construction standards for roads, infrastructure and buildings provision of stormwater management facilities and sub-surface drainage location and scale of landscaping and vegetation planting (based on appropriate modelling) and suitable local plant species (local provenance seed stock). a Salinity Monitoring Plan to monitor both on-site and off-site impacts.

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Map 1: Overall Salinity Hazard, Scone

Source: Hydrogeological Landscapes (HGL) mapping, NSW Department of Planning, Industry & Environment (Nicholson 2021)



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10c.6 Assessment criteria

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

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

Outcomes to be achieved	Design guidelines
A. Soil salinity	
<ul style="list-style-type: none"> ■ Development on saline soils is avoided. ■ Use of land takes into account the applicable hydrogeological landscape (HGL) identified in <i>Urban Salinity Development Management Guidelines (Scone NSW Pilot) (DPIE 2021)</i> and applies appropriate planning, development and management measures for the land for that landscape as identified in the above document. ■ Where a development site is subject to salinity, measures are taken to protect buildings and infrastructure from corrosion associated with saline soils. ■ Development does not significantly increase the salt load in existing watercourses and soils within the catchment. ■ Prevent degradation of the existing soil and groundwater environment, including minimising erosion and sediment loss and water pollution due to siltation and sedimentation. 	<ul style="list-style-type: none"> • Identify hazard areas and processes on the site. • Reduce water input and maintain natural water balance that limits groundwater rise and through flow. • Limit development changes from pre-existing hydrological conditions and processes, including minimising cut and fill and changes to water infiltration and drainage. • Maintain good drainage and reduce waterlogging. • Retain or increase vegetation in strategic areas. • Implement appropriate building controls and engineering responses - concrete foundations, brickwork/masonry products, roads, above ground/ underground infrastructure must be constructed to a standard that appropriately responds to the level of saline conditions affecting the land. • Implement suitable landscaping and vegetation planting that is appropriate for the soil and groundwater characteristics.
B. Highly erodible soils	
<ul style="list-style-type: none"> ■ Where a development site is subject to highly erodible soil, the development takes account of the limitations of the soil, and erosion is minimised 	<ul style="list-style-type: none"> • Implement any measures recommended in a geotechnical report to reduce or minimise the hazard or erosion
C. Land slip & unstable land	
<ul style="list-style-type: none"> ■ Subdivision and development of land subject to land slip or that is otherwise unstable is avoided 	<ul style="list-style-type: none"> • Applicants must demonstrate that more suitable alternative development sites are not feasible. • Measures recommended in a geotechnical report to reduce or minimise hazard are to be implemented
D. Steep slopes	
	<ul style="list-style-type: none"> • The slope of land proposed to be developed is to be surveyed and determined by a registered surveyor.

10c Geotechnical hazards

Outcomes to be achieved

- Subdivision and development of land on steep slopes is avoided.
- Hazards associated with the development of steep slopes is adequately assessed, and measures are taken to reduce or minimise hazards to an acceptable level.

Design guidelines

- Measures recommended in a geotechnical report to reduce or minimise hazard are to be implemented

E. Construction works

- Works including deep earthworks, and construction on filled land require a geotechnical assessment to identify whether the subject site is suitable for its intended use as part of the development application.

10c.7 Supplementary guidance

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

- Australian Geomechanics Society, 2007, *Guidelines for Landslide Susceptibility, Hazard and Risk Zoning for Land Use Planning*, <http://australiangeomechanics.org/resources/downloads/>
- Local Government Salinity Initiative Resource Materials: <https://www.environment.nsw.gov.au/topics/land-and-soil/soil-degradation/salinity/type-of-salinity-and-their-prevention>
 - Local Government Salinity Initiative - Introduction to Urban Salinity
 - Land Use Planning and Urban Salinity
 - Site investigations for Urban Salinity
 - Roads and Urban Salinity
 - Building in a saline environment
 - Fallding M, McGhie S, and Nicolson R, 2005, *Land Use Planning and Urban Salinity*, Local Government Salinity Initiative - Booklet No.11, NSW Department of Planning, Infrastructure and Natural Resources
- Nicholson, A. (2021) *Urban Salinity Planning, Development and Management Guidelines (Scone NSW Pilot)*, NSW Department of Planning, Industry and Environment
- Cement and Concrete Association of Australia (2018) *Industry Guide T56 Residential Slabs and Footings in Saline Environments*, https://www.ccaa.com.au/imis_prod/documents/INDUSTRY_GUIDE_T56_Residential_Slabs_and_Footings_in_Saline_Environments.pdf

10d Mine subsidence

Explanatory outline

Part 10d outlines procedures relating to the management of mine subsidence.

10d Mine subsidence

10d.1 Application of this part

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

Column 1: Type of development	Column 2: Applicable land
Any development that requires development consent.	Any land within a proclaimed <i>Mine Subsidence District</i> .
Does not apply to proposals for which a complying development certificate is sought under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.	

10d.2 Objectives

The objectives of this part are to:

1. ensure potential mine subsidence hazards are appropriately considered in development approvals
2. identify requirements for mine subsidence studies and reports.

10d.3 Relevant planning instruments & legislation

The *Upper Hunter Local Environmental Plan 2013* is relevant to development to which this part applies.

The *Mine Subsidence Compensation Act 1961* is relevant to this part.

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

10d Mine subsidence

10d.4 Supporting plans & documentation

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

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to part 2 Preparing and lodging a development application .
B. Mine subsidence building application	All applications subject to this part	Approved mine subsidence plans, as required by the 'mine subsidence building application', explained at http://www.subsidenceadvisory.nsw.gov.au under 'Buying and developing'

10d.5 Assessment criteria

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

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

Outcomes to be achieved	Design guidelines
A. Mine subsidence	
<ul style="list-style-type: none"> ■ Hazards associated with the development of land subject to mine subsidence are adequately assessed, and measures are taken to reduce or minimise hazards to an acceptable level 	<ul style="list-style-type: none"> • Measures recommended in a mine subsidence report to reduce or minimise hazard are to be implemented

10d.6 Supplementary guidance

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

- NSW Subsidence Advisory range of information at <http://www.subsidenceadvisory.nsw.gov.au>

10e Land contamination

Explanatory outline

Part 10e outlines procedures and assessment criteria relating to land contamination.

10e Land contamination

10e.1 Application of this part

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

Column 1:	Type of development	Column 2:	Applicable land
	Any type of development applicable to <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> regarding contaminated land		Any land applicable to <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> regarding contaminated and/or identified on Council's Contaminated Land Information System/Register.

10e.2 Objectives

The objectives of this part are to:

1. ensure that changes in land use will not increase the risk to human health or the environment
2. consider the likelihood of land contamination as early as possible in the planning and development control process
3. ensure that Council exercises its functions relating to the development of contaminated land with a reasonable standard of care and diligence

10e.3 Relevant planning instruments & legislation

The *Upper Hunter Local Environmental Plan 2013* is relevant to development to which this part applies.

The following also apply:

- *Contaminated Land Management Act 1997 and Regulation 2013*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*

Further planning instruments and legislation may also be relevant.

In the event of any inconsistency, the provisions of any of the above will prevail over requirements or criteria contained in this part.

10e.4 State Government Guidelines relating to land contamination

SEPP (Resilience and Hazards) has a companion document *Managing Land Contamination - Planning Guidelines* (NSW Environment Protection Authority, 1998). This document outlines the processes of identifying, evaluating and remediating contaminated land and is the latest version (early 2020) of the 'NSW EPA current guidelines' that are referred to in this part.

10e Land contamination

10e.5 Contaminated Land Policy

Council's processes of identifying, evaluating and remediating contaminated land are given in Council's *Upper Hunter Contaminated Land Policy 2017*.

Various development assessment procedures relating to contaminated land are contained in that document, and this DCP part makes reference to that document.

10e.6 Supporting plans & documentation

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

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to part 2 Preparing and lodging a development application .
B. Contaminated land report	All applications subject to this part	<p>Report and accompanying plans, in accordance with NSW EPA current guidelines, including a summary report synthesising key findings and recommendations.</p> <p>The following may also be required, in accordance with NSW EPA current guidelines and with <i>Upper Hunter Contaminated Land Policy 2017</i>:</p> <ul style="list-style-type: none"> • Preliminary Site Investigation • Detailed Site Investigation • Remedial Action Plan <p>All reports must be prepared by an appropriately qualified and certified Environmental Consultant, suitably certified as per the details contained in <i>Upper Hunter Contaminated Land Policy 2017</i>.</p>

10e.7 Assessment criteria

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

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

10e Land contamination

Outcomes to be achieved

Design guidelines

A. Land contamination

- Developments are assessed in accordance with:
 - *State Environmental Planning Policy (Resilience and Hazards) 2021*
 - NSW Environment Protection Authority, 1998: *'Managing Land Contamination Planning Guidelines'* (or current updated version)
 - *Upper Hunter Contaminated Land Policy 2017*
 - Any other relevant *Guidelines* produced by the NSW EPA -as given at <https://www.epa.nsw.gov.au/your-environment/contaminated-land/statutory-guidelines>

10e.8 Supplementary guidance

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

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- NSW Environment Protection Authority:
 - *Managing Land Contamination Planning Guidelines* - <http://www.epa.nsw.gov.au/clm/planning.htm>
 - Guidelines as given at <https://www.epa.nsw.gov.au/your-environment/contaminated-land/statutory-guidelines>
- *Upper Hunter Contaminated Land Policy 2017*

10f Hazardous and offensive development

Explanatory outline

Part 10f outlines application requirements and assessment criteria relating to hazardous and offensive development.

10f Hazardous and offensive development

10f.1 Application of this part

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

Column 1: Type of development

Any development that is potentially hazardous or offensive as specified in *State Environmental Planning Policy (Resilience and Hazards) 2021* regarding Hazardous and Offensive Development

Column 2: Applicable land

Any land

10f.2 Objectives

The objectives of this part are to ensure that:

1. in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact
2. potentially offensive development does not pose a significant adverse impact in the locality or on the existing or likely future development on other land in the locality
3. potentially hazardous development does not pose a significant risk in relation to the locality to either human health, life or property, or to the biophysical environment

10f.3 Relevant planning instruments & legislation

The *Upper Hunter Local Environmental Plan 2013* is relevant to development to which this part applies.

State Environmental Planning Policy (Resilience and Hazards) 2021 (sections relating to Hazardous and Offensive Development) will apply to development to which this part applies.

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the *Upper Hunter Local Environmental Plan 2013* and/or *SEPP (Resilience and Hazards)* will prevail over requirements or criteria contained in this part.

10f.4 Supporting plans & documentation

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

10f Hazardous and offensive development



Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to part 2 Preparing and lodging a development application .
B. Preliminary risk screening	All applications which have the potential to be hazardous under the requirements of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> and the current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development	<p>A report and accompanying plans, prepared by a suitably qualified and experienced person, detailing:</p> <ul style="list-style-type: none"> – all dangerous goods and otherwise hazardous materials involved in the proposed development - include raw materials, intermediates, and products; – Dangerous Goods classifications (including all subsidiary classes) for all Dangerous Goods held on site; – quantities of dangerous goods and otherwise hazardous materials involved in the proposed development; – if the proposed development is an addition or modification to an existing operation, list all existing dangerous goods and otherwise hazardous materials and their quantities already on the site; – the distance* of the stored material from the site boundary for any of the materials in dangerous goods classes 1.1, 2.1 and 3; and <ul style="list-style-type: none"> * Distances: Where liquids are contained in a bunded area, the distance is measured from the bund wall rather than from the tank. For materials stored in underground tanks, the distance is measured from the above ground filling/dispensing point – the mode of storage used (that is, bulk or packages/containers) and the maximum quantity stored or held on site; – the average number of annual and weekly road movements of hazardous material to and from the facility, and the typical quantity in each load. – site layout plan showing proposed development and any existing development on site; – local layout plan showing immediate neighbours and their activities; – a locality plan showing the nearest residential property. <p>If requested by Council, the following must also be provided:</p> <ul style="list-style-type: none"> – any incompatible materials (hazardous and non hazardous materials); – any wastes that could be hazardous; – the possible existence of dusts within confined areas;

10f Hazardous and offensive development

- types of activities the dangerous goods and otherwise hazardous materials are associated with (storage, processing, reaction, etc.);
- incompatible, reactive or unstable materials and process conditions that could lead to uncontrolled reaction or decomposition;
- storage or processing operations involving high (or extremely low) temperatures and/or pressures
- details of known past incidents (and near misses) involving hazardous materials and processes in similar industries

The report must also contain any other specific information requested by Council so that Council can determine whether or not the development requires a Preliminary Hazard Assessment as required by *State Environmental Planning Policy (Resilience and Hazards) 2021*.

C. Preliminary hazard assessment

All applications which have the potential to be hazardous under the requirements of *State Environmental Planning Policy (Resilience and Hazards) 2021*. This will be determined by the application of the 'Risk Screening' assessment above

A report and accompanying plans, prepared by a suitably qualified and experienced person, complying with the requirements of *State Environmental Planning Policy (Resilience and Hazards) 2021* and any of the current circulars or guidelines published by the NSW Department of Planning relating to hazardous or offensive development. At 2020, these included the list given in 'Supplementary Information' below

D. Potentially offensive assessment

All applications, which in the opinion of Council, have the potential to be offensive

A report and accompanying plans, prepared by a suitably qualified and experienced person, detailing:

- a listing of any materials or processes that could produce air, noise, water or other emissions with a potential for pollution;
- the quantity and nature of any discharges
- details of known requirements for pollution control licenses, permits or agreements from the EPA or other public authority.
- the significance of the offence likely to be caused by the development, having regard to the nature of the surrounding land use and the proposed controls.

The report must contain enough information so that Council can properly assess the development under the requirements of *State Environmental Planning Policy (Resilience and Hazards) 2021* and any of the current circulars or guidelines published by the NSW Department of Planning relating to hazardous or offensive development. At 2020, these included the list given in 'Supplementary Information' below.

10f Hazardous and offensive development

10f.5 Assessment criteria

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

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

Outcomes to be achieved	Design guidelines
A. General	
<ul style="list-style-type: none"> ■ Compliance with <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> and any current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development. ■ Whether any feasible alternatives to the carrying out of the development or to the location of the development have been considered ■ The potential impacts of the development and its operations on: <ul style="list-style-type: none"> – the site, and – surrounding and nearby properties, and – locality, – society in general taking into consideration the current and any likely future use of the land surrounding the development. 	<ul style="list-style-type: none"> • The proposal must refer to the current circulars or guidelines published by the NSW Department of Planning relating to hazardous or offensive development. At 2020, these included the list given in 'Supplementary Information' below.

10f.6 Supplementary guidance

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

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- NSW Department of Planning's range of Planning guidelines for hazardous and offensive development at <http://www.planning.nsw.gov.au/Policy-and-Legislation/Hazards> At 2020, this included:
 - Guideline Summary - Hazardous Industry Planning and Assessment Guidelines
 - Applying SEPP 33 — Hazardous and Offensive Development Application Guidelines
 - Multi-level Risk Assessment - Assessment Guideline
 - Hazardous Industry Planning Advisory Paper (HIPAP) series:
 - HIPAP No. 1 — Industry Emergency Planning Guidelines
 - HIPAP No. 2 — Fire Safety Study Guidelines
 - HIPAP No. 3 — Environmental Risk Impact Assessment Guidelines



10f Hazardous and offensive development

- HIPAP No. 4 — Risk Criteria for Land Use Safety Planning
- HIPAP No. 5 — Hazard Audit Guidelines
- HIPAP No. 6 — Hazard Analysis
- HIPAP No. 7 — Construction Safety Study Guidelines
- HIPAP No. 8 — HAZOP Guidelines
- HIPAP No. 9 — Safety Management
- HIPAP No 10 — Land Use Safety Planning
- HIPAP No 11 — Route Selection
- HIPAP No 12 — Hazards-Related Conditions of Consent
-

11a Vegetation (including trees)

Explanatory outline

Section 11a outlines assessment criteria for vegetation (including trees) in the consideration of development applications made in accordance with the requirements of *Upper Hunter Local Environmental Plan 2013*.

This Section complements Section **14a Vegetation Permits**, and should be read in conjunction with that section. It refers to vegetation values other than biodiversity, with considerations relating to the latter included in Section **11b Biodiversity Conservation**.

The following matters are covered in this section:

- local objectives for trees and vegetation
- the circumstances where a development application is required for clearing or removal of vegetation (including trees)
- the circumstances where development applications for other development shall have regard to vegetation (including trees, natural vegetation, vegetation with social and cultural values, and safety and biosecurity matters)
- information required to be submitted with a development application
- matters that Council will consider when assessing a development application affecting vegetation (including trees)
- guidelines to be applied in planning and managing vegetation (including trees) within the local government area (for both development approvals and vegetation permits)

11a Vegetation (including trees)

11a.1 Application of this section

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

Column 1: Type of development	Column 2: Applicable land
Any development that requires development consent.	Any land. <i>Note: Where vegetation clearing or works to trees is ancillary to, or required as part of other works for which development consent is required, these will be assessed as part of the development application.</i>
Development that involves or includes the carrying out of: <ul style="list-style-type: none"> • earthworks • excavation • disturbance to soil material • drainage where development consent is not required, and vegetation declared in Section 14a Vegetation Permits is affected or potentially affected by the development	All land where <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> applies. <i>Note: This is determined by zoning and applies to urban areas. Areas where this applies are identified in Section 14 Vegetation Permits.</i> <i>Includes exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>



11a Vegetation (including trees)

Vegetation clearing requiring consent (and not being minor in nature, for maintenance purposes, or subject to a relevant exemption certificate)

*Note: see definition of 'vegetation clearing' in **Dictionary**.*

Land that is or forms part of a heritage item as listed in Schedule 5 of *Upper Hunter Local Environmental Plan 2013* and subject to clause 5.10(3) of that plan, or that is within the curtilage of a heritage item.

Land within a heritage conservation area as listed in Schedule 5 of *Upper Hunter Local Environmental Plan 2013* and subject to clause 5.10(3) of that plan.

Vegetation clearing activities

All land where *State Environmental Planning Policy (Biodiversity and Conservation) 2021* applies.

Note: When there is doubt about whether development consent is required for vegetation clearing, refer to Section **14a Vegetation Permits - Table 1** for application requirements and pathways for development and works affecting vegetation. Exemptions from consent requirements may be applicable, although these do not apply to work that is contrary to a development consent that requires vegetation or trees to be retained.

11a.2 Relevant planning instruments & legislation

The *Upper Hunter Local Environmental Plan 2013* is relevant to this section, in particular:

- clause 5.10 'Heritage conservation' applies where vegetation clearing is **not** of a minor nature or for the maintenance of a heritage item, object, place or area, and a vegetation permit or exemption certificate under Section **14a Vegetation Permits** has not been approved.

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

The following are also relevant to this section:

- *Local Land Services Act 2013* (only applies to land specified as rural)
- *Biodiversity Conservation Act 2016*
- *Rural Fires Act 1997* – particularly provisions relating to the *10/50 Vegetation Clearing Entitlement Area* as determined by the Rural Fire Service.
- *Trees (Disputes between neighbours) Act 2006* – particularly relates to damage and injury caused by trees on private land in urban areas, and obstruction of views or sunlight.

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

Note: actions may be required or authorised to be undertaken by or under certain other legislation. Exemptions for vegetation clearing may also apply as provided for in Section **14a Vegetation Permits**.

11a Vegetation (including trees)

11a.3 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended. The **Dictionary** to this DCP provides additional definitions that are relevant to this Part, including the following:

- damage
- exempt vegetation
- habitat tree
- native vegetation
- prune
- natural vegetation
- remove
- remnant tree
- significant vegetation
- tree
- vegetation
- vegetation clearing
- vegetation
- weed

11a.4 Objectives

The objectives of this section are to:

Trees

1. protect and maintain trees in urban areas for the amenity, microclimate, scenic, air and water quality, and the social benefits that they provide
2. maintain and increase the urban tree canopy cover within urban areas of the local government area (as provided for in the council's strategic plans and policies)
3. ensure that native endemic tree species are used for planting where practicable
4. recognise the importance of trees in influencing groundwater processes affecting salinity and its consequent adverse effects

Natural vegetation

5. protect and maintain the landscape character, quality and amenity of the area through the protection of natural vegetation
6. recognise the ecological, social and economic benefit of vegetation (including trees) in the landscape

Vegetation with cultural & heritage values

7. protect vegetation valued by the community for its social, cultural, aesthetic, or scientific significance (significant vegetation)

Vegetation safety & biosecurity

8. facilitate removal of undesirable exotic plants, weeds, dangerous trees and inappropriate plantings

Note: Whereas objectives in Section 14a **Vegetation permits** refer to the vegetation permit requirements and process, this section includes local objectives for vegetation. These identify what the Council is seeking to achieve within the LGA, and can be used as criteria against which development applications and vegetation permits can be assessed.

11a Vegetation (including trees)

11a.5 Supporting plans & documentation

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

Note: Application requirements may differ between development applications and vegetation permits. Refer to the specific requirements.

Type of application	Specific requirements
A. Vegetation permit application (including trees)	See requirements in Section 14a.7 Vegetation permits
B. Development application	Information requirements relevant to development applications directly or indirectly affecting vegetation, including ancillary vegetation clearing are specified in the table below.

Required information to accompany development applications where vegetation may be cleared is specified below, and is based on the circumstances and likely impacts relevant to the application.

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application.
B. Trees	Applications to remove trees, and non-natural vegetation only	<p>A written description of the purpose and need for the removal of the tree(s), and other relevant information (including species, age and circumstances of planting, history, condition, evidence of neighbour consultation, etc)</p> <p>Accompanying site map (including the property description) showing:</p> <ul style="list-style-type: none"> - the location, type, height, trunk diameter at breast height of the tree(s) and the indicative canopy spread. - corresponding legend or description that identifies each tree by botanical name, common name, height, canopy spread, trunk diameter and form - the location of buildings, driveways etc in relation to the tree(s). - distances to property boundaries, buildings and other improvements - photographs of the tree from at least two directions, noting the date of each photograph - the location of any heritage items and their curtilage <p>An arborist's report may be required in some circumstances, to be prepared by a suitably experienced and qualified person, and which contains the following details:</p> <ul style="list-style-type: none"> - name of author, qualifications and contact details.

11a Vegetation (including trees)

Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> - the purpose and scope of the report - description of the methodology employed in conducting the site inspection and the date and time of the inspection - discussion of the data collected – this may include detailed information about wounds, cavities, cracks, forking, pests and diseases. Include photographic evidence where appropriate. - discussion on the options available (pruning versus removal, structural repair versus removal or pruning, etc.) - recommendation on the preferred option and the rationale behind this position.
C. Biodiversity	Applications potentially affecting biodiversity values (including habitat trees, natural vegetation, threatened species, or vegetation identified as of biodiversity value)	See requirements in Section 11b Biodiversity Conservation
D. Natural vegetation	Development where clearing natural vegetation forms part of the application	<p>A site plan showing the area and location of the natural vegetation to be cleared, and the relationship to property boundaries, buildings and other improvements.</p> <p>An ecological report or other appropriate evidence describing the vegetation proposed to be cleared. A flora and fauna assessment report is normally required where the area of clearing of native vegetation is 500 square metres or greater. (See requirements in section 11b Biodiversity Conservation)</p> <p>The area and nature of clearing of the vegetation that is native vegetation, and whether this is above the Biodiversity Offset Scheme threshold.</p>
E. Vegetation with cultural & heritage values	All vegetation identified with cultural and heritage values (eg an item of heritage significance, in a heritage conservation area, or an Aboriginal site or area, or the like)	<p>A site plan showing the area and location of the vegetation to be cleared, and the relationship to property boundaries, buildings and other improvements.</p> <p>A report identifying the heritage significance of the land, property or site and or other appropriate evidence describing the heritage values of the vegetation proposed to be cleared, and associated impacts.</p> <p>Any required plans or reports under Pt 9 Heritage must also be prepared.</p>
F. Vegetation safety & biosecurity	Applications to clear vegetation that constitutes a health, safety, or biosecurity risk, and is not exempt	A site plan showing the area and location of the vegetation to be cleared, and the relationship to property boundaries, buildings and other improvements.

11a Vegetation (including trees)

Item	When required	Plans or information to be provided
	from approval under clause 14a.6 Vegetation permits , and is unlikely to affect biodiversity values, natural vegetation, or marine vegetation.	A report providing information on the species to be cleared, and the proposed clearing or removal method. An explanation of the safety or biosecurity risk, and potential alternative avoidance and mitigation measures.

Note: More than one item may apply to a specific vegetation permit application. Where appropriate evidence is to be submitted, this will normally be prepared by a suitably qualified, and independent person.

11a.6 Assessment criteria

The assessment of development applications and vegetation permit applications is to have regard to the ‘objectives’ (clause **11a.4**) and ‘**Outcomes to be achieved**’ (below) for the issues that are relevant to the application.

This section is divided into the following assessment criteria topics:

1. **Trees** - key issues include amenity, health, climate management, solar access and shading
2. **Natural vegetation** - key issues are amenity, carbon emissions and offsets, regulation of groundwater and ecosystem services, scientific values, and bush fire asset protection
3. **Vegetation cultural and social values** - key issues are landscape amenity, health, heritage, solar access and shading
4. **Vegetation safety and biosecurity** - key issues are weeds, risks and hazards, bush fire asset protection, climate management, carbon emissions and offsets

The extent to which objectives and ‘outcomes to be achieved’ in this Section are achieved must be considered in the determination of any application.

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

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

11a Vegetation (including trees)

Outcomes to be achieved

Design guidelines

1. Trees

Key issues include amenity, health, climate management, solar access and shading

A. Tree protection

- Protect and appropriately manage significant trees
 - Maintain and increase tree canopy cover to protect urban amenity
 - Protect trees on subdivided land and development sites
 - Protect existing trees that are remnants of the natural landscape
 - Protect trees in groundwater recharge areas that assist in mitigating adverse effects of saline groundwater
- Measures to avoid, minimise and mitigate the impacts of earthworks on existing trees are to be incorporated in the development and documented.
 - Trees identified in any register of significant vegetation prepared by the Council are to be protected.
 - Impacts from earthworks on existing trees and proposed landscaped areas are assessed and considered, including the impacts on salinity and groundwater.
 - Existing vegetation must not be cleared in areas not directly impacted by the development.
 - Any application for earthworks shall be accompanied by plans showing the location of existing trees, and indicating the existing and proposed ground levels and any necessary retaining walls or drainage works.
 - Trees will be protected from construction works and other activities/events that threaten tree health and stability. The provisions of *Australian Standard AS 4970 Protection of Trees on Development Sites* are to be applied.
 - Tree protection zones (TPZ) are to be identified and maintained as part of the development. TPZs are the principal means of protecting trees on development zones, and are an area isolated from construction disturbance. The radius of a TPZ is calculated for each tree by multiplying diameter at breast height by 12, and should not be less than 2 metres radius from the trunk regardless of tree size.
 - Where works occur on Council or other public land, construction and maintenance works are to be undertaken in a way that minimises impacts on tree health and stability.
 - Utility service providers (including Ausgrid, Telstra and NBN Co) should ensure that their construction and maintenance works are undertaken in accordance with industry best practice to minimise impacts on tree health.

B. Tree planting and species selection

- Suitable native tree and shrub species of local provenance are used where appropriate
 - Subdivided lots, and developments (other than in business zones) are to provide a suitable area for planting trees
- Appropriate trees should be provided on private land in appropriate locations, taking into account local landscape character and characteristics, and the Council's objectives for trees.
 - The most appropriate tree species are to be planted, taking into account site suitability, aesthetic considerations, functional and biological attributes, and future climate change.

11a Vegetation (including trees)



Outcomes to be achieved

Design guidelines

C. Tree removal and replacement

- Removal of, or work to trees, is to be consistent with the provisions of this plan, including any requirements under **Section 14 Vegetation permits**
- Replace or provide offset measures for trees removed as a result of development

- Tree planting should take into account the *Tree Species Planting Guide* for Upper Hunter LGA, once developed and adopted by Council.
- Trees must not be cleared prior to development approval being granted.
- The impact of development upon trees will be assessed having regard to arboricultural, ecological and health and safety issues to determine the significance of the trees. Accordingly, any application for removal should demonstrate that the removal of the tree is appropriate based on an assessment of the:
 - significance, health and longevity of the tree; and
 - risk to human life or property; and
 - relevant hydrogeological landscape (HGL) salinity hazard and potential impacts on salinity processes.
- All tree pruning work should be carried out in accordance with *Australian Standard AS 4373 Pruning of Amenity Trees*.
- Where trees are proposed for removal or there are no other existing canopy trees, Council expects tree replenishment to occur where practical. Each site should contain tree(s) capable of achieving a minimum height of 10 metres. All applications for tree removal should nominate and locate trees to be replanted.
- Where opportunities exist for street tree planting or for sites with limited area to support trees, street tree planting on the adjoining road reserve is to be considered.
- Tree removal will not be permitted to facilitate views (including advertising signs), off street parking, or to reduce the extent of leaf, flower or fruit drop, or to reduce the impact from any bird, bat or other animal waste or noise.
- Street tree plantings should maintain a spread of tree age classes to minimise the impact of future tree removals required.

D. Tree asset management

- Provide for street trees and trees on public land
- Ensure trees can be effectively managed and replaced over time

- Future tree management (eg pruning to maintain solar access) is to be considered in assessment of development applications.
- Trees on Council controlled land that pose a risk to public safety and property will be removed.

11a Vegetation (including trees)

Outcomes to be achieved

Design guidelines

2. Natural vegetation

Key issues are amenity, carbon emissions and offsets, regulation of groundwater and ecosystem services, scientific values, and bush fire asset protection

E. Protection of natural vegetation

- Avoid impacts on natural vegetation
 - Maintain and improve the condition of natural vegetation
 - Protect natural vegetation during construction
 - Offset loss of native vegetation
- Measures to avoid, minimise and mitigate the impacts of earthworks on natural vegetation are to be incorporated in the development and documented.
 - Natural vegetation identified in any register of significant vegetation prepared by the Council is to be protected.
 - Ecological processes supporting existing natural vegetation should be retained, to ensure vegetation is self-sustaining with minimal interference.
 - Impacts on natural vegetation from earthworks and drainage are assessed and considered.
 - Existing vegetation must not be cleared in areas not directly impacted by the development.
 - Vegetation must not be cleared or underscrubbed prior to development approval being granted.
 - Reasonable measures are to be taken to protect retained natural vegetation during construction and clearing works. Measures for protecting vegetation include:
 - installing exclusion fencing.
 - preventing soil compaction and placement of fill within 5 metres of retained vegetation.
 - keeping vehicles, construction materials and refuse within areas approved for buildings, structures, access ways and car parks.
 - limiting the number of access points to the site.
 - salvaging useable trees and shrubs which are felled for re-use and/or site rehabilitation.
 - notifying all contractors and personnel of vegetation protection requirements.
 - Appropriate buffer areas shall be established to mitigate land use and other impacts on retained natural vegetation.
 - Arrangements for offsetting biodiversity loss are to provide for land with equivalent biodiversity values to be protected and secured in perpetuity, preferably as close to the development site as possible.

F. Biodiversity

- Avoid impacts on biodiversity
 - Provide for appropriate management of land with biodiversity values
- Refer to Section 11b Biodiversity Conservation for requirements.

11a Vegetation (including trees)

Outcomes to be achieved

Design guidelines

G. Management of natural vegetation

- Measures are to be incorporated in development to ensure appropriate and ongoing protection and management of retained vegetation

Note: Section 14a Vegetation permits provides that vegetation management plans may be approved by the Council to allow for ongoing vegetation management without further consent requirements.

- Vegetation management plans may be prepared to provide for rehabilitation and restoration of natural vegetation and ongoing management activities.
- Bush fire hazard reduction requirements and impacts on vegetation of ongoing management are to be considered in development applications.

3. Vegetation with cultural and social values

Key issues are landscape amenity, health, heritage, solar access and shading

H. Health and amenity

- Suitable vegetation is to be planted and maintained in urban areas for:
 - amenity,
 - shade and UV protection, and
 - maintaining reasonable solar access.
- The landscape character of the LGA is to be retained by maintaining existing vegetation cover.

- Public interest benefits of vegetation for urban cooling, health and amenity are to be maintained by protecting existing vegetation where possible.
- The suitability and location of vegetation and its impact on maintaining solar access to buildings is to be considered.
- When thoughtfully located, trees and other vegetation provide quality shade that helps reduce over-exposure to UV radiation and therefore assists in reducing the community's risk of skin cancer. Shade has many other benefits, including reduction of heat and an increase in comfort in using outdoor spaces. Detailed design advice regarding natural and built shade can be found at www.cancer.nsw.gov.au/shade-and-uv, particularly *Guidelines to Shade - A practical guide for shade development in New South Wales, 2013* (Cancer Council NSW) or its latest update.

I. Heritage

- Vegetation with heritage values is to be retained and protected
- Vegetation within heritage areas and the curtilage of heritage items provides is to be identified and protected where this contributes to the heritage significance of the area or item.
- Adequate provision is to be made for the maintenance of vegetation. This may be provided for in a vegetation management plan.
- Refer to Section 9 **Heritage** for requirements.

4. Vegetation safety & biosecurity

Key issues are weeds, risks and hazards, bush fire asset protection, climate management, carbon emissions and offsets

J. Undesirable vegetation and weeds

- Undesirable plant species are to be removed or effectively managed to prevent spread
- Removal and control of weeds on private land is the responsibility of landowners.

11a Vegetation (including trees)

Outcomes to be achieved	Design guidelines
<p><i>Note: Weeds and other undesirable plant species should be removed and not planted in Upper Hunter LGA and are exempt from vegetation permit requirements under Section 14a.6 Vegetation permits</i></p> <ul style="list-style-type: none"> ■ Hazardous or dangerous trees and vegetation may be removed where replacement vegetation is provided 	<ul style="list-style-type: none"> • Development activities and land management practices are to be undertaken in a way that effectively manages weeds and undesirable vegetation. • Undesirable plant species are to be identified and removed and/or controlled to prevent spread, with measures taken to prevent future establishment. Refer to the list of undesirable plants in Upper Hunter Local Government Area.
<p>K. Carbon emissions</p> <ul style="list-style-type: none"> ■ Vegetation clearing is to have zero net carbon emissions to the atmosphere 	<ul style="list-style-type: none"> • Atmospheric carbon emissions from vegetation clearing are to be considered • Carbon offsetting arrangements are to be implemented where appropriate, preferably on or close to the development site.

11a.7 Supplementary guidance

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

- *Upper Hunter Significant Vegetation Register*
- *Undesirable plant species of Upper Hunter LGA*
- *Tree Species Planting Guide for Upper Hunter LGA*

(Note that it is intended that the above documents (or similar titles) will be developed and adopted by Council)

- *Australian Standard AS 4970 Protection of Trees on Development Sites*
- *Australian Standard AS 4373 Pruning of Amenity Trees.*

Information about the benefits, design and location of shade is available from <https://www.cancer.nsw.gov.au/shade-and-uv>, particularly *Guidelines to Shade - A practical guide for shade development in New South Wales, 2013 (Cancer Council NSW)*

11b Biodiversity conservation

Explanatory outline

Section 11b outlines assessment criteria relating to the assessment and conservation of biodiversity.

11b Biodiversity conservation

11b.1 Application of this section

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

Column 1: Type of development	Column 2: Applicable land
Any development that requires development consent.	Any land.
Any vegetation clearing or vegetation management activity requiring a vegetation permit under Section 14a.5	Land where <i>State Environmental Planning Policy (Biodiversity & Conservation) 2021</i> applies, being land zoned Zone RU5 Village, Zone R1 General Residential, Zone R5 Large Lot Residential, Zone B2 Local Centre, Zone B4 Mixed Use, Zone B7 Business Park, Zone IN1 General Industrial, Zone IN2 Light Industrial, Zone SP1 Special Activities, Zone SP2 Infrastructure, Zone RE1 Public Recreation, Zone RE2 Private Recreation, and Zone C3 Environmental Management in <i>Upper Hunter LEP 2013</i> .

11b.2 Relevant planning instruments & legislation

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

- *Upper Hunter Local Environmental Plan 2013* (clause 6.3 Terrestrial Biodiversity and accompanying map)
- *Environmental Planning and Assessment Act 1979*
- *State Environmental Planning Policy (Biodiversity & Conservation) 2021*
- *Fisheries Management Act 1994*
- *Biodiversity Conservation Act 2016*
- *Local Land Services Act 2013*
- *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth)
- *Biosecurity Act 2015*



11b Biodiversity conservation

Note: additional approvals may be required for native vegetation clearing under both the *Biodiversity Conservation Act 2016* and *Environment Protection and Biodiversity Conservation Act 1999*.

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

11b.3 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended. The **Dictionary** to this DCP provides additional definitions that are relevant to this Part, including the following:

- biodiversity
- ecologically sustainable development
- native fauna
- native flora
- native vegetation

11b.4 Objectives

The objectives of this section are to:

1. protect and preserve native vegetation and biodiversity in the Upper Hunter LGA
2. ensure that biodiversity is appropriately considered in the determination of development proposals and land management
3. avoid and minimise land disturbance and clearing of native vegetation and habitat for native flora and fauna
4. maintain biodiversity by protecting native flora and fauna, ecological integrity and the ecological processes supporting their continued existence
5. retain native vegetation in parcels of a size and configuration which will enable the existing plant and animal communities and populations to survive in the long term.
6. encourage the conservation and recovery of native flora and fauna and their habitats
7. provide appropriate biodiversity offsets for unavoidable loss of biodiversity and vegetation clearing

11b.5 Supporting plans & documentation

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

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application.
B. Native vegetation clearing threshold report	All applications involving clearing or likely future clearing of native vegetation (unless subject to a	A report must be prepared by a suitably qualified person, and include the following:

11b Biodiversity conservation

Item	When required	Plans or information to be provided
	vegetation permit) including land subdivision.	<ul style="list-style-type: none"> Mapping and quantification of the extent of proposed vegetation clearing For subdivisions, this will include areas likely to be cleared as a consequence of the subdivision, including fences, services, access, building areas and building asset protection zones. A review of the clearing threshold under the <i>Biodiversity Conservation Act 2016</i> and whether a Biodiversity development assessment report (BDAR) is required, as below.
C. Biodiversity (flora & fauna) assessment report	<p>Applications that relate to land with high biodiversity values, or that require significant disturbance or removal of native vegetation or potential habitat for native species, including listed threatened species or their habitats, or ecological communities or populations.</p> <p>Circumstances where a flora and fauna assessment report may be required include:</p> <ul style="list-style-type: none"> development is within 200 m of a natural water course, wetland, reserve, National Park, State Forest or permanent water body development involves clearing or disturbance of native vegetation within or adjacent to land identified on the Upper Hunter LEP 2013 Terrestrial Biodiversity Map. development is adjacent to or contains a parcel of remnant native vegetation development involves significant disturbance or removal of native vegetation. development involves significant disturbance to existing or potential native habitat for fauna species such as native vegetation, caves, dead trees, hollow bearing trees, bush rock or rocky outcrops, wetlands, streams, lakes, ponds or dams. where potential impacts are identified by the Council following a site inspection. 	<p>A report must be prepared by a suitably qualified person and should:</p> <ul style="list-style-type: none"> provide the results of any flora and fauna survey of the development site that may have been prepared. Appropriate flora and fauna surveys by a suitably qualified person may be required to identify biodiversity values. identify existing biodiversity values on the site and the extent to which these will be disturbed identify existing vegetation and vegetation to be removed assess the significance of the flora and fauna assess the ecological significance of the site and assess the impacts that the development may have on flora, fauna and the biophysical environment provide details of the consideration of whether the proposal may have serious and irreversible impacts on threatened species and threatened ecological communities identified under the <i>Biodiversity Conservation Act 2016</i> identify associated legislation and demonstrate compliance with the requirements of the legislation include a discussion of the findings of the survey and a recommendation. <p>Where an assessment indicates that a development may, or is likely to significantly affect species or ecological communities listed as threatened under relevant legislation, the extent of the impact and measures to avoid, minimise and mitigate that impact are to be documented.</p> <p>The report must include an assessment of whether the proposal is likely to significantly affect threatened species or ecological communities or their habitats by applying the test in Part 7.3 of the <i>Biodiversity Conservation Act 2016</i>.</p> <p>The contents and methods of a Flora and Fauna Survey and a Flora and Fauna Assessment Report must be consistent with relevant guidelines. It must also include relevant matters under the <i>Environmental Protection and Biodiversity Conservation Act 1999</i>.</p>

11b Biodiversity conservation

Item	When required	Plans or information to be provided
	<ul style="list-style-type: none"> the land contains potential Koala habitat that may be affected by the development. 	
D. Biodiversity development assessment report (BDAR)	A current biodiversity development assessment report is to accompany a development application where a development is likely to significantly affect threatened species or ecological communities or their habitats as required by Part 7.2 of the <i>Biodiversity Conservation Act 2016</i> .	Requirements for a BDAR are specified in the <i>Biodiversity Conservation Act 2016</i> and accompanying guidelines and regulations. See https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity
E. Biodiversity management plan	Where a significant impact on biodiversity values is anticipated, a biodiversity management plan may be prepared for the land to accompany the development application. This may also be applied as a consent requirement subsequent to an approval determination	Biodiversity management plans must outline how biodiversity will be managed during the construction and operational stages of the development, and will be specific to the site. These plans should include an offset strategy, management and monitoring measures.
F. Biodiversity offset information, strategy or plan	Where a significant impact on biodiversity values is anticipated, and biodiversity offsets are part of the development proposal	Information must include details of land tenure, security, and long term management arrangements for biodiversity offsets. The information, strategy or plan must show how offsets will compensate for loss of biodiversity and how they are to be provided, secured and managed.

11b.6 Assessment criteria

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

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

Outcomes to be achieved	Design guidelines
A Biodiversity considerations <ul style="list-style-type: none"> Native vegetation and biodiversity are conserved, consistent with the principles of ecologically sustainable development 	<ul style="list-style-type: none"> Where possible, existing native vegetation should be retained. Subdivisions should be designed to minimise the fragmentation of native vegetation. Developments should ensure that ecological corridors are maintained to provide landscape scale habitat connectivity.

11b Biodiversity conservation

Outcomes to be achieved

Design guidelines

B. Avoiding and minimising biodiversity impacts

- Adequate measures are taken to avoid and minimise biodiversity impacts.

- Appropriate buffers are to be provided between development and native vegetation and significant habitats (for example, streams and water courses).
- Development impacts on native vegetation and biodiversity are to be avoided. Where this is not possible, measures to minimise and mitigate impacts must be demonstrated. Mitigating measures may include biodiversity offsets.

C. Serious and irreversible impacts on biodiversity

- Potential serious and irreversible impacts on biodiversity are to be identified and avoided.
- Development shall assess and document potential serious and irreversible impacts on biodiversity.
- Where serious and irreversible impacts on threatened species and ecological communities are identified, then a development application must be refused by the council as a legislative requirement.

D. Biodiversity offsets

- Where impacts on biodiversity values cannot be avoided, appropriate biodiversity offsets are to be provided to compensate for biodiversity loss
- Biodiversity offset arrangements are required in perpetuity.
- Biodiversity offsets are to be as close as possible to the development site, and within the Upper Hunter Local Government Area, unless it can be demonstrated that this is not appropriate or feasible

E. Land management for biodiversity

- Adequate measures are taken to protect land of high biodiversity value in the long term, including appropriate legal mechanisms and land management measures.

- A biodiversity management plan should be prepared for land with high biodiversity values to ensure it is protected, rehabilitated and maintained during construction of the development and over the long term. Flora and fauna assessment reports must assess biodiversity values.
- Any landscaping or revegetation of cleared or degraded areas should incorporate locally indigenous plant species.

11b.7 Supplementary guidance

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

<https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity>

11c Riparian land & watercourses

Explanatory outline

Section 11c outlines assessment criteria relating to the protection of watercourses and riparian land. The following matters are covered:

- water quality and flows
- aquatic and riparian ecosystems
- watercourse bed and bank stability
- fish and aquatic organism passage
- rehabilitation of watercourses and riparian areas
- water extraction
- measures to avoid, minimise or mitigate development impacts

This section should be read in conjunction with *Upper Hunter LEP 2013* clause 6.6 *Riparian land and watercourses* and the accompanying Watercourse Map.

11c Riparian land & watercourses

11c.1 Application of this section

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

Column 1: Type of development	Column 2: Applicable land
Any development that requires development consent.	<ul style="list-style-type: none"> • Land within the bed of any watercourse shown on the <i>Upper Hunter Local Environmental Plan 2013 Watercourse Map</i> • Land within 40 metres of the top of the bank of any watercourse shown on the <i>Upper Hunter Local Environmental Plan 2013 Watercourse Map</i> • Land within 40 metres of the top bank of any other river, stream, creek or tributary or other natural water course.

11c.2 Relevant planning instruments & legislation

The following environmental planning instruments, NSW legislation, policies and plans are relevant to development to which this section applies:

- *Upper Hunter Local Environmental Plan 2013* (Clause 6.6 Riparian Land and watercourses) requires consideration of impacts from a development on identified land, and consent must not be granted except where adverse impacts are avoided, minimised or mitigated
- *Water Management Act 2000* (Regulates water planning and licensing)
- *Protection of the Environment Operations Act 1997* (Provides a framework for regulating water pollution)

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

11c Riparian land & watercourses

The *Hunter-Central Rivers Catchment Action Plan 2013-2023* also applies. (Catchment Goal 5 is to improve or maintain the ability of catchments to provide fresh water for environmental and human use)

11c.3 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended. The **Dictionary** to this DCP provides additional definitions that are relevant to this Part, including:

- watercourse
- Watercourse Map

11c.4 Objectives

The objectives of this section are to:

1. protect and maintain riparian areas from the impacts of development
2. protect and maintain natural water courses and associated vegetation and habitats
3. ensure that suitable riparian buffers are provided and maintained
4. implement the *Upper Hunter Local Environmental Plan 2013* objectives relating to riparian land and watercourses.

11c.5 Supporting plans & documentation

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

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Riparian land assessment	All applications	<p>A report, with accompanying plans where necessary, prepared by a suitably qualified and experienced person, that assesses the following matters:</p> <ul style="list-style-type: none"> • impacts on water quality and stream flow • impacts on aquatic and riparian species, habitats and ecosystems • impacts on stream bed and stream bank stability • impacts on the free passage of fish and other aquatic organisms • any required future rehabilitation of the watercourse and riparian areas • impacts on water extraction from the watercourse • proposed measures to avoid, minimise or mitigate the above impacts. • consultation with relevant NSW Government agencies (currently Department of Primary Industries (Fisheries) and NSW Office of Water) in relation to proposed works within riparian corridors or buffers • evidence of water licences and other entitlements where this is relevant to achieving the objectives of this part and LEP requirements, particularly in relation to subdivisions creating additional dwelling entitlements.

11c Riparian land & watercourses

Item	When required	Plans or information to be provided
	All applications creating urban stormwater runoff directly affecting a natural watercourse	<p>Additional information to that above, being:</p> <ul style="list-style-type: none"> • downstream impacts on the development that may result from changes to natural ground levels, filling or excavation, and urban stormwater drainage, and paving of impervious surfaces • paving of impervious surfaces and resulting changes to water infiltration into the ground and runoff • retention of vegetation on the land and its role in maintaining pre-development hydrological conditions.

11c.6 Assessment criteria

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

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

Outcomes to be achieved	Design guidelines
A. Water quality & flows <ul style="list-style-type: none"> ■ Suitable water quality in watercourses and streams is maintained, consistent with accepted standards. ■ Development does not significantly impact on natural flow regimes 	<ul style="list-style-type: none"> • Land use and development is to contribute towards achieving the objects of the <i>Water Management Act 2000</i> including protecting and managing streams, groundwater and riparian areas to retain natural ecological functions, using water resources in an ecologically sustainable manner, and taking into account the provisions of relevant water sharing plans made under the <i>Water Management Act 2000</i>. • Compliance with Department of Primary Industries (DPI) or relevant NSW Office of Water approval requirements, and relevant guidelines.
B. Aquatic & riparian ecosystems <ul style="list-style-type: none"> ■ Aquatic and riparian ecosystems and habitats are protected and maintained 	<ul style="list-style-type: none"> • Developments should ensure that habitat connectivity is maintained within and adjacent to streams. • Development in riparian buffer areas (within 40 metres of watercourse or stream) should be avoided where other options are available. • Protect and maintain habitat for listed threatened species and endangered ecological communities.
C. Watercourse bed & bank stability <ul style="list-style-type: none"> ■ Stream and watercourse stability of beds and banks is protected by avoiding adverse development impacts. 	<ul style="list-style-type: none"> • Developments should not affect bed or stream stability and should comply with DPI guidelines. • Riparian vegetation and natural flood flows and floodplains are to be retained and not affected by development.
D. Fish & aquatic organism passage <ul style="list-style-type: none"> ■ Free passage for the movement of fish and aquatic organisms is maintained 	<ul style="list-style-type: none"> • Compliance with DPI approval requirements, and relevant guidelines or NSW Office of Water requirements.

11c Riparian land & watercourses

Outcomes to be achieved

Design guidelines

E. Easements and restrictions as to user

- Easements and restrictions as to user will be required depending on the extent to which access to Council assets is required and to ensure minimisation of the risk to urban drainage and flooding.

F. Rehabilitation of watercourses & riparian areas

- Degraded or unstable watercourses, stream banks or riparian areas are protected and rehabilitated.

- Where watercourses and riparian areas are degraded or unstable, measures to rehabilitate these should be considered in conjunction with a development.

G. Water extraction

- Development impacts on water flow and availability are identified and assessed

- Compliance with DPI approval requirements, and relevant guidelines.

H. Floodplain management

- The provisions of part 10a Floodplain Management must be met.

I. Measures to avoid, minimise or mitigate development impacts

- All development must incorporate and document measures to avoid, minimise or mitigate adverse impacts

- Measures taken to avoid, minimise or mitigate development impacts are to be submitted in development application documentation.

J. Riparian Land Masterplans

- The development is consistent with any Masterplan or the like adopted by Council affecting riparian land or its management, including fencing, management techniques or other issues relating to riparian land use

11c.7 Supplementary guidance

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

- *Hunter Unregulated and Alluvial Water Sharing Plan* and *Hunter Regulated Water Sharing Plan*
<https://www.industry.nsw.gov.au/water/plans-programs/water-sharing-plans/status>
- A range of guidelines relating to controlled activities also apply
<https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>
 - NSW Department of Primary Industries, 2013, *Policy and guidelines for fish habitat conservation and management Update*
 - NSW Department of Primary Industries (Office of Water), 2012, *Guidelines for riparian corridors on waterfront land*.
 - NSW Department of Primary Industries (Office of Water), 2012, *Guidelines for instream works on waterfront land*.

11c Riparian land & watercourses

- NSW Department of Primary Industries (Office of Water), 2012, *Guidelines for laying pipes and cables in watercourses on waterfront land*.
- NSW Department of Primary Industries (Office of Water), 2012, *Guidelines for outlet structures on waterfront land*.
- NSW Department of Primary Industries (Office of Water), 2012, *Guidelines for vegetation management plans on waterfront land*.
- NSW Department of Primary Industries (Office of Water), 2012, *Guidelines for watercourse crossings on waterfront land*.
- Department of Environment, Climate Change and Water NSW, 2010, *NSW Wetlands Policy*.
<https://www.environment.nsw.gov.au/topics/water/wetlands/protecting-wetlands/nsw-wetlands-policy>

11d Groundwater protection

Explanatory outline

Section 11d outlines assessment criteria relating to the protection of groundwater. The following matters are covered:

- locations identified as having high groundwater vulnerability where development design must take this into account
- objectives and guidelines for protecting the quality and quantity of groundwater
- information requirements for affected developments

This section should be read in conjunction with *Upper Hunter LEP 2013* clause 6.4 Groundwater vulnerability and accompanying Groundwater Vulnerability Map.

11d Groundwater protection

11d.1 Application of this section

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

Column 1:	Type of development	Column 2:	Applicable land
	Any development that requires development consent.		Land shown on the <i>Upper Hunter Local Environmental Plan 2013</i> Groundwater Vulnerability Map.

Note: The *Upper Hunter LEP 2013 Groundwater Vulnerability Maps* show areas of floodplain and alluvial aquifers mostly associated with, and connected to, the major streams occurring in Upper Hunter LGA.

11d.2 Relevant planning instruments & legislation

The following environmental planning instruments, NSW legislation, policies and plans are relevant to development to which this section applies:

- *Upper Hunter Local Environmental Plan 2013* (clause 6.4 *Groundwater Vulnerability* requires consideration of impacts from a development on land identified on the Groundwater Vulnerability Map, and consent must not be granted except where adverse impacts are avoided, minimised or mitigated)
- *Water Management Act 2000* (Regulates water planning and licensing)
- *Protection of the Environment Operations Act 1997* (Provides a framework for regulating water pollution)

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



11d Groundwater protection

11d.3 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended. The **Dictionary** to this DCP provides additional definitions that are relevant to this Part, including:

- Groundwater Vulnerability Map

11d.4 Objectives

The objectives of this section are to:

1. ensure that potential groundwater impacts and risks associated with a development are identified assessed, and incorporated in development design;
2. maintain groundwater quality; and
3. ensure any development using or affecting groundwater is consistent with relevant legislative groundwater extraction requirements.

11d.5 Supporting plans & documentation

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

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application.
B. Groundwater report	Any application as determined by Council	<p>A report, with accompanying plans, prepared by a suitably qualified and experienced person, including the following:</p> <ul style="list-style-type: none"> • demonstrating the extent and quality of groundwater resources on and adjoining the site • a risk assessment, and relevant information demonstrating the impact of the development on groundwater. • extraction licence details / groundwater usage approvals (licences) and demonstrate that compliance with relevant legislation can be reasonably achieved

11d.6 Assessment criteria

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

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

11d Groundwater protection



Outcomes to be achieved

Design guidelines

A. Maintain groundwater quality

- | | |
|---|---|
| <ul style="list-style-type: none">■ Development is designed to prevent adverse water quality impacts. | <ul style="list-style-type: none">• Prevent or limit site disturbance and earthworks.• Source control of stormwater and other on-site discharges.• Regular water quality monitoring program |
|---|---|
-

B. Groundwater use

- Beneficial groundwater use is to comply with relevant regulatory requirements.
-

11d.7 Supplementary guidance

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

- *Hunter Unregulated and Alluvial Water Sharing Plan* and *Hunter Regulated Water Sharing Plan*

<https://www.industry.nsw.gov.au/water/plans-programs/water-sharing-plans/status>

11e Drinking water catchments

Explanatory outline

Section 11e outlines assessment criteria relating to the protection of drinking water catchments which require the development to have a neutral or beneficial effect on water quality.

This section should be read in conjunction with *Upper Hunter LEP 2013* clause 6.5 Drinking Water Catchments and accompanying Drinking Water Catchment Map

11e Drinking water catchments

11e.1 Application of this section

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

Column 1:	Type of development	Column 2:	Applicable land
	Any development that requires development consent.		Land in the vicinity of Lake Glenbawn, as shown on the <i>Upper Hunter LEP 2013 Drinking Water Catchment Map</i> .

11e.2 Relevant planning instruments & legislation

The following environmental planning instruments, NSW legislation, policies and plans are relevant to development to which this section applies:

- *Upper Hunter Local Environmental Plan 2013* (clause 6.5 *Drinking Water Catchments* requires consideration of impacts from a development on a drinking water storage, and consent must not be granted except where adverse impacts are avoided, minimised or mitigated)
- *Water Management Act 2000* (Regulates water planning and licensing)
- *Protection of the Environment Operations Act 1997* (Provides a framework for regulating water pollution)

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

11e.3 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended. The **Dictionary** to this DCP provides additional definitions that are relevant to this Part, including:

- Drinking Water Catchment Map

11e Drinking water catchments

11e.4 Objectives

The objective for drinking water catchments is to ensure development shall have a neutral or beneficial effect on water quality by applying the following principles:

1. Assessment for a neutral or beneficial effect on water quality is required.
2. It is the development proponent's responsibility to demonstrate that a development will have a neutral or beneficial effect on water quality.
3. The level of assessment required matches the level of risk of the development - developments with a greater potential risk to water quality will require more thorough assessment.
4. Good project design leading to source management and control, and retaining natural features of waterways, is better than structural and 'end of pipe' solutions. All measures must be taken to contain on-site any potential impacts resulting from a proposed development.

11e.5 Supporting plans & documentation

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

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Neutral or beneficial effect on water quality	All applications	Supplementary information demonstrating that the development will have a neutral or beneficial effect on water quality. The following document will provide guidance on the information required: WaterNSW (2022) Neutral or Beneficial Effect on Water Quality Assessment Guideline .

11e.6 Assessment criteria

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

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

Outcomes to be achieved	Design guidelines
A. Neutral or beneficial effect	
<ul style="list-style-type: none"> ■ The development has a neutral or beneficial effect on water quality. This can be satisfied if the development meets any of the following: 	<ul style="list-style-type: none"> • The level of risk to water quality is to be identified, and the assessment should take this into account. • The determination of a neutral or beneficial effect may take into account relevant guidelines for other catchments, such as those for Sydney Catchment



11e Drinking water catchments

Outcomes to be achieved

- has no identifiable potential impact on water quality
- will contain any water quality impact on the development site and prevent it from reaching any watercourse, waterbody or drainage depression on the site
- will transfer any water quality impact outside the site where it is treated and disposed of to standards approved by the consent authority.

Design guidelines

Authority: [WaterNSW \(2022\) Neutral or Beneficial Effect on Water Quality Assessment Guideline](#).

Note: this document was originally prepared by the previous Sydney Catchment Authority for the purposes of assessing development applications considered under *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*.

11e.7 Supplementary guidance

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

- [WaterNSW \(2022\): Neutral or Beneficial Effect on Water Quality Assessment Guideline](#). (Note: this document was originally prepared for the purposes of assessing development applications considered under *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*).

11f Soil & water management

Explanatory outline

Section 11f outlines assessment criteria relating to soil and water management on development sites. The following matters are covered:

- requirements for soil and water management plans
- guidelines for earthworks and land cut and fill
- erosion and sediment control measures
- stormwater management measures

11f Soil & water management

11f.1 Application of this section

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

Column 1:	Type of development	Column 2:	Applicable land
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Development that involves the carrying out of:	Any land
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- earthworks
- excavation
- disturbance to soil material.
- drainage of stormwater

Does not apply to activities that are necessary during an emergency (such as emergency flood mitigation or activities authorised under the *Rural Fires Act*).

Note: after an emergency situation has passed, remedial measures should be undertaken to address any erosion hazard and to rehabilitate the site in a manner consistent with this section.

11f.2 Relevant planning instruments & legislation

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

- *Upper Hunter Local Environmental Plan 2013, specifically the requirements of clause 6.1 Earthworks*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Water Management Act 2000*
- *BASIX (Building Sustainability Index)* applies to residential development and is implemented under the EP&A Act - <https://www.planningportal.nsw.gov.au/basix>
- *Local Government Act 1993*
- *Soil Conservation Act 1938*

11f Soil & water management

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

11f.3 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended. The **Dictionary** to this DCP provides additional definitions that are relevant to this Part, including:

- drainage
- earthworks
- environmentally sensitive area
- excavation
- fill
- landscaped area
- watercourse
- waterway
- wetland

11f.4 Objectives

The objectives of this section are to:

1. ensure soil and water issues are appropriately considered in the preparation and determination of development applications, including providing easements over existing and proposed drainage systems on private property
2. apply measures to minimise soil erosion, land instability and adverse impacts on water quality resulting from land development
3. apply measures to manage, and at least maintain pre-development water quality and quantity
4. identify additional references and guidelines outlining acceptable soil and water management practice
5. ensure an appropriate level of drainage design and assessment that is relevant to the applicable stages of development
6. ensure that development has a legal right to drain and that the drainage concept is sound and applicable to the type and scale of development proposed

11f.5 Supporting plans & documentation

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

The degree of detail required at the development application stage will depend on:

- the scale of the activity.
- the area of potential disturbance.
- the complexity of the site characteristics e.g. slope, soil type.
- the sensitivity of the adjoining environment.

Table 1 Requirements for types of soil and water management plans shows the type of plans / reports that are to be submitted for different activities and areas of disturbance. These types of plans are specified on the following pages.

Detailed engineering specifications will be required later as conditions of development consent.

11f Soil & water management

Table 1 Requirements for types of soil and water management plans

Disturbance area	Activity type	Type of plans / reports to be submitted
<250 m ²	House extensions, small driveways, garages, retaining walls	<p>Cut & fill details will be required, where cut and fill is proposed</p> <p>No Erosion and Sediment Control Plan required, except for an environmentally sensitive area (such as that within 100 m of a water course) and very steep sites (gradient greater than 20 degrees)</p> <p>Proponents are expected to follow the general principles of this section of the DCP</p>
250 to 1000 m ²	Houses, small commercial development, long driveways, small subdivisions	Erosion and Sediment Control Plan and schedule of works for implementation
1000 to 2500 m ²	Houses, medium/high density houses, small civil infrastructure / commercial / industrial development, small subdivisions, etc	Erosion and Sediment Control Plan and a Landscape Plan with their associated schedule of works for implementation required.
>2500 m ²	Extensive medium/high density houses, large civil infrastructure / commercial / industrial development, subdivisions, etc	<p>Erosion and Sediment Control Plan and a Soil and Water Management Plan and a Landscape Plan with their associated schedule of works implementation required</p> <p>A staged Erosion and Sediment Control Strategy is required for developments which are proposed for extended periods (longer than 12 months) or those that will be staged over time.</p> <p>Most developments will require the preparation of a Comprehensive Water Cycle Strategy.</p>

All plans are to be prepared in accordance with current best practice, particularly:

- Landcom (2004) *Managing Urban Stormwater*, 4th Edition or its relevant update
- Queensland Department of Energy and Water Supply - *Queensland Urban Drainage Manual – 2013 Provisional edition* (or its relevant update)
- *Australian Rainfall Runoff 2019* or its relevant update

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Cut & fill details	Applications that involve cut and fill	<p>Details of the extent of the proposed cut and fill and methods of retaining and draining the cut and fill area are to be submitted with the development application, and include:</p> <ul style="list-style-type: none"> • Contour levels identified on the land by a registered surveyor or engineer and within twenty metres (20 m) of any dwelling or structure or to the lot boundary.

11f Soil & water management



Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> Finished ground levels relative to road level at the property boundary, with all levels to be indicated in Australian Height Datum The finished floor level of any dwelling or structure above the finished ground level. A surveyor's report may be required to clarify that retaining walls and drainage areas are located within the lot subject to the development. A report certifying that fill materials can legally be used in that location as per the <i>Protection of the Environment Operations Act</i> <p><i>Note: this information may be submitted as part of the 'erosion and sediment control' plans below.</i></p>
C. Erosion & sediment control plan (ESCP)	<p>Applications that involve:</p> <ul style="list-style-type: none"> an environmentally sensitive area; or Very steep sites (gradient greater than 20 degrees); or disturbance to an area of between 250 to 2500 m² <p>(refer to Table 1 Requirements for types of soil and water management plans).</p>	<p>A plan and report prepared by a suitably qualified person. The detail is dependent on the potential for impacts.</p> <p>ESCPs must be submitted with all necessary supporting information and should be prepared in accordance with the broad structure below:</p> <p>Site characteristics – including:</p> <ul style="list-style-type: none"> locality plan (1:1000 scale). existing contour data. principal geographic features. natural water flow patterns. critical natural areas (for example, river, wetlands). location and limitations of major soil types. location, nature and condition of existing vegetation. soil subsidence. climatic data including rainfall and storm events. <p>Clearing and disturbance of site – including:</p> <ul style="list-style-type: none"> nature and extent of vegetation to be cleared, including area and depth of clearing. scheduling and time of proposed disturbance. methods of site clearance. final site contours data. areas of cut and fill, location of stockpiles and spoil/vegetation dumping proposals. <p>Existing and proposed drainage patterns – including:</p> <ul style="list-style-type: none"> catchment boundaries. existing watercourses or drainage patterns flowing through or adjacent to the site. location and extent of impervious surfaces. location and capacity of the proposed temporary and permanent site drainage or stormwater system. <p>Erosion control practices – including:</p> <ul style="list-style-type: none"> location, design criteria and construction details of temporary control measures to be implemented. location, design criteria and construction details of permanent control measures to be implemented.

11f Soil & water management

Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> scheduling details of works to be undertaken. monitoring and maintenance details. <p>Sediment control practices – including:</p> <ul style="list-style-type: none"> location, construction details and design criteria of temporary and permanent control measures. scheduling details of works to be undertaken. monitoring and maintenance details. <p>Rehabilitation program – including:</p> <ul style="list-style-type: none"> location of temporary and permanent revegetation sites. materials and species selection. application and planting methods. types and rates of fertilisers and other soil ameliorants. mulching details. scheduling details of planting and maintenance works. monitoring and maintenance details.
D. Erosion & sediment control strategy (ESCS)	For staged developments only. Refer to Table 1 Requirements for types of soil and water management plans.	The ESCS must include an ESCP(s) as described above and also show staging plans and schedules of implementation.
E. Soil & water management plan (SWMP)	<p>Applications that involve:</p> <ul style="list-style-type: none"> an environmentally sensitive area disturbance to an area exceeding 2500 m² <p>(Refer to specific details related to development types at Table 1 Requirements for types of soil and water management plans).</p>	<p>The SWMP should illustrate how soils and water will be managed on the site.</p> <p>The SWMP must:</p> <ul style="list-style-type: none"> include an Erosion & sediment control plan (ESCP) as described above or an erosion and an sediment control strategy (ESCS) as described above, where appropriate to the development address all relevant parts of sections M to Q (Stormwater management) including preliminary storm water design details demonstrating the ability to comply with these requirements <p>site characteristics (including existing and proposed ground levels, contours within 20 metres of the land, drainage lines, and proposed building locations and levels)</p> <ul style="list-style-type: none"> stormwater planning proposals (including infiltration measures, water discharge points, overland flow paths, flood liable areas, location and levels of stormwater pipes and drainage pits, on site detention facilities, existing or proposed drainage easements plan and calculations prepared by a qualified and practising civil engineer <p>Proposals to create drainage easements over downstream properties are to be accompanied by a letter of consent from <i>relevant property owners</i>.</p>

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Item	When required	Plans or information to be provided
<p><i>Note: Where a development requires creation of a drainage easement, a deferred commencement condition will normally be required.</i></p>		
F. Comprehensive water cycle strategy (CWCS)	Applications for large-scale development (refer to Table 1 Requirements for types of soil and water management plans).	<p>A report and plans, prepared by a suitably qualified professional, documenting the investigation of hydrological issues affecting the development, and design and management principles for water issues.</p> <p>It will consider issues affecting the feasibility, performance, sustainability and implementation of development, and must consider or identify the following:</p> <ul style="list-style-type: none"> ▪ Relevant goals for water quality, natural water balance, water efficiency, vegetation conservation, flood risk management and erosion and sedimentation control (these should be consistent with goals contained in the other plans above) ▪ Design principles and management measures that are to be applied so as to meet relevant performance goals, including: <ul style="list-style-type: none"> ○ Proposed measures to manage site constraints and hazards such as flooding, slope stability, reactive soils, erosion hazard, salinity, and land contamination ○ Proposed measures to manage vegetation cover and dependent ecosystems such as wetlands and riparian corridors ○ Proposed measures relating to water sensitive urban design principles ○ Proposed measures to manage water quality, flooding, stream flow, groundwater, soil salinity and water consumption ○ A development strategy and infrastructure program that integrates water supply, sewerage, drainage, wastewater treatment and reuse, water quality control, flood risk management, open space provision and ecological protection issues ○ Developer contribution arrangements ○ A program for monitoring achievement of performance goals ○ A maintenance schedule for stormwater source controls, with details of responsibilities and proposed enforcement mechanisms (such as covenants) <p>Proposed educational, economic and community initiatives to minimise adverse impacts on the water cycle</p>

11f.6 Assessment criteria

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

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

This section is structured in the following way:

1. Earthworks, land cut & fill	
A	Impacts from earthworks
B	Site compatibility
C	Structural stability including terracing or retaining walls
D	Standards for cut & fill
E	Filling
2. Erosion & sediment control	
F	Erosion, sediment & dust control
G	Runoff water control
H	Groundcover
I	Access
J	Topsoil & stockpile management
K	Rehabilitation & landscaping
L	Erosion & sediment control maintenance
3. Stormwater management	
M	Stormwater design - general
N	Stormwater drainage design – residential
O	Stormwater drainage design – non-residential
P	Flooding, runoff regimes & stormwater collection
Q	Pollutant management
4. Preparation of soil & water management plans	
R	Compliance with plans
S	Implementation & completion of plan

Outcomes to be achieved

Design guidelines

1. Earthworks, land cut & fill

A. Impacts from earthworks

- Impacts from earthworks are assessed and considered.

Note: Upper Hunter LEP 2013 clause 6.1 Earthworks seeks to ensure that earthworks will not have a detrimental impact on environmental functions and

- Measures to avoid, minimise and mitigate the impacts of earthworks are to be incorporated in the development and documented.
- Matters outlined in clause 6.1(3) in *Upper Hunter LEP 2013* are identified and considered.

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Outcomes to be achieved

processes, neighbouring uses, cultural or heritage items or features of the surrounding land

Design guidelines

- Any application for earthworks shall be accompanied by plans indicating the levels existing and proposed and indicating any necessary retaining walls or drainage works.

B. Site compatibility

- Building & site design are sympathetic to the natural slope and characteristics of the development site.
- Development complies with Part 11b Biodiversity and the *Biodiversity Conservation Act* and *SEPP (Biodiversity and Conservation) 2021* where relevant

- Existing vegetation must not be cleared in areas not directly impacted by the development.
- Vegetation must not be cleared prior to development approval being granted or before erosion and sediment controls are fully installed;

C. Structural stability including terracing or retaining walls

- A properly constructed retaining wall designed by a qualified structural engineer is to be provided where cut and fill is along the boundary of a property.

For all retaining walls/terracing:

- The integrity of the development and adjoining buildings and lands is protected.
- Cut and fill does not adversely affect adjoining land.
- Retaining walls are to be structurally sound and stable. The walls must be designed and certified as complying with *AS4678 Earth Retaining Structures* by a practising structural engineer where the design includes dead and live loads expected to arise from the intended use of the retaining wall in its location including but not limited to the installation of fencing, filling, plantings, parking of vehicles or the installation of typical light weight buildings that are ancillary to the primary use of the land.
- Retaining walls must be wholly within the confines of the allotment and a surveyor's report may be required to clarify that retaining walls and drainage area are located within the allotment.
- Slopes between retaining walls or terracing are landscaped and have a gradient of less than 25% (1 in 4).
- Retaining walls must be constructed of materials that are durable and resilient, with a minimum design life of at least 60 years such as masonry, concrete or stone. Treated pine is not permitted.
- In R1, R5 and RU5 zones, the structure must be in accordance with **the specifications in Part 4b Ancillary residential structures and activities –**

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Outcomes to be achieved

Design guidelines

section D Cut and fill works including terracing or retaining walls.

For any retaining wall proposed to be constructed within 1 metre of a property boundary:

- Suitable easement(s) for support are to be registered on land within a minimum distance of 1.0m of any retaining wall. The easements for support are to enable the protection of the structural integrity of the wall. Where the certifying Structural Engineer determines that a wider easement is required for the structural integrity of the wall, then such width shall be registered.
- Restrictions as to user are not permitted that are aimed at overcoming a limitation in the structural capacity of a retaining wall, due to the design not including dead and live loads expected to arise from the intended use of the retaining wall in its location, including but not limited to the installation of fencing, filling, plantings, parking of vehicles or the installation of typical light weight buildings that are ancillary to the primary use of the land.

D. Standards for cut & fill

- Cut and fill should be consistent with:
 - Where cut or fill heights are in excess of one metre (1 metre), provide drainage design, engineering, stabilisation and landscaping details to address visual and the amenity for adjoining land.
 - Prior to commencement of cut and fill, the position and depth of the existing sewer mains and junction location is to be identified and adequate fall determined to connect the house services at the required grade.
 - The location of Council's utilities, mains and services, and minimum footpath levels is to be determined prior to earthworks and positioning of access driveways.

Note: Excess fill may only be taken off site to a site with a development approval allowing such fill and in accordance with that consent and relevant legislation

E. Filling

- Filling of land will not obstruct, divert or alter or interfere with the flow of surface water across the land to be filled.
- Fill is not to cause adverse site or off-site impacts
- Fill is not to be placed in a natural watercourse without adequate piping being installed of sufficient size to carry water discharge expected in a 1 in 20 year flood event.
- Fill placed on the land must be clean soil, bricks, stone and similar material and no organic matter, rubbish, contaminated material, timber, etc is permitted.
- Fill is to be placed and compacted and battered at edges at a slope less than the angle of repose of

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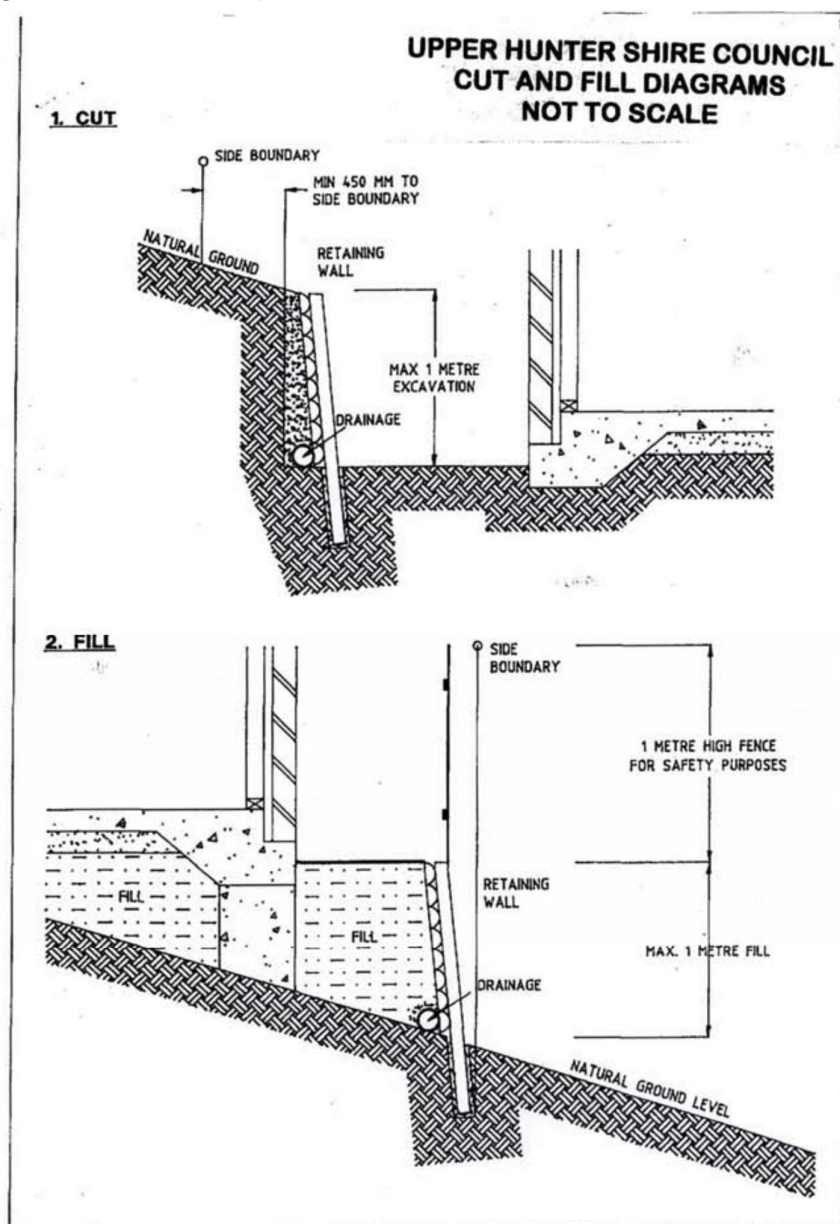
Outcomes to be achieved

Design guidelines

the material used in the fill and, where the flow of surface water or, because of flooding, the battered surface is likely to be eroded, the surface to be protected to Council's satisfaction by stone flagging or similar.

Note that approval from NSW Office of Water may be required

Figure 1: Cut and fill requirements



11f Soil & water management

Outcomes to be achieved

Design guidelines

2. Erosion & sediment control

F. Erosion, sediment & dust control

- Principles to be applied to planning are:
 - erosion and sediment control measures are planned concurrently with engineering design
 - minimise the area of soil exposure
 - conserve the topsoil
 - control water flow from the top of the site, through the works and out the bottom of the site
 - rehabilitate disturbed lands quickly
 - maintain soil and water management measures at a level to ensure the finally developed site releases water of a quantity and quality equal to, or better than the predevelopment condition.
- Apply adequate erosion, sediment and dust controls to development sites

Apply measures and practices outlined in *Managing Urban Stormwater: Soils and Construction* that are appropriate to the site. Suitable measures would include:

- Divert clean runoff above denuded areas.
- Minimise slope gradient and length.
- Keep runoff at non-erodible velocities.
- Trap soil and water pollutants.
- Install sediment fences and traps to provide a temporary barrier or filter structure to capture sediment.
- Use of water runoff detention and sediment interception measures, where required.
- Calculations and modelling of runoff and peak flows undertaken by a suitably qualified person.
- Installation of sediment detention basins if total sediment volume calculated for the proposal catchment exceeds 150 cubic metres in the design Annual Recurrence Interval (ARI) 5 year storm event. These basins must be maintained until consent conditions are fulfilled.
- Wind erosion mitigating practices and associated sediment interception structures must be applied to the land to reduce wind erosion and dust nuisance where required.
- Appropriate water and wind erosion control measures will be in place before land is disturbed and maintained until effective land stabilisation is completed.

G. Runoff water control

- Sediment is retained on the development site.

The following principles and practices shall be applied:

- Intercept and divert all uncontaminated runoff around all areas to be disturbed. Alternatively runoff can be directed through these areas in a controlled manner.
- Control all runoff from the proposed development which is likely to cause flooding or erosion of downstream watercourses with appropriate drainage, channel or detention works. These works can be located above, within or below the approved development site provided that these measures are located on private land with the approval of the property owner.
- Ensure all drainage conduits and related structures are completed before they are commissioned.

Roof guttering and downpipes (temporary downpipes are acceptable) shall be installed and connected to Council's drainage system immediately after roof material fixing. Where roof and downpipe connections to Council's drainage system cannot be made immediately, additional onsite sediment control devices must be installed to receive and mitigate roof water.

Where no Council drainage system is provided, the roof stormwater shall be discharged away from the building site onto a stable vegetated area within the property boundary with sediment control devices installed.

11f Soil & water management



Outcomes to be achieved

Design guidelines

H. Groundcover

- Minimise the area of disturbance and maintain suitable groundcover to control erosion

The following principles and practices shall be applied:

- Installation and maintenance of a turf filter strip along the road nature strip/footpath area adjacent to street kerbs (or along the downslope boundary to act as a final filter for the runoff leaving the property. Exposed soil on the footpath and allotment shall be seeded or otherwise revegetated to limit runoff water and sediment. Existing groundcover may also be retained during clearing works.
- Adjacent to bushland, care is needed to prevent the spread of turf grasses or hydromulch material beyond the rehabilitated area. Use of tree mulch or sterile seed/grass stock or native seed/seedling is preferable to pasture species or couch turf in such locations.

I. Access

- Vehicular access to construction sites is controlled to prevent sediment being tracked onto adjoining lands and roads.

The following principles and practices shall be applied:

- Where possible, a single access (3 to 5 metres width per lane) is provided to the building facade.
- A layer of 30 mm to 60 mm aggregate at a depth of 200 mm must be applied to the access for stabilisation and maintained.
- Aggregate and any construction site sediment on sealed roads must be swept and removed to prevent this material entering the drainage system.

Refer to *Managing Urban Stormwater, 4th Edition* Volume 1 known ('The Blue Book') and other relevant best practice publications.

J. Topsoil & stockpile management

- The erosion of topsoil and stockpiles is prevented

The following principles and practices shall be applied:

- Topsoil will only be stripped from approved areas to a predetermined depth. It must be stockpiled separately from subsoil for re-use during site rehabilitation and landscaping, or removal if there is an excess. Subsoil spoil not required may be removed or placed on-site, in approved areas, shaped to appropriate land contours, topsoiled and stabilised by the proponent.
- Stockpiles of topsoil, sand, aggregate, spoil, building products or other material shall be stored within the boundary of the property at least 2 metres clear of any drainage line or easement, natural watercourse, footpath, kerb, road surface or established tree.
- Stockpiles must not be greater than 2 m in height.
- Stockpiles must have measures in place to retain such materials on the stockpile. Controls shall be installed or constructed to divert stormwater flows away from stockpile areas.
- Stockpiles must not be placed so as to encroach on erosion and sediment controls which have been installed, stabilised accesses or the nature strip.
- The land adjoining the stockpile shall be protected from degradation by the implementation of erosion and sediment control measures such as a diversion drain, sediment fence, geotextile or other approved devices.

K. Rehabilitation & landscaping

- Rehabilitation and landscaping must form part of the development proposal

The proponent will carry out progressive land surface stabilisation on all disturbed areas until the site is satisfactorily rehabilitated to ensure that soil erosion and sediment discharge is unlikely.

11f Soil & water management



Outcomes to be achieved

- In the case of extractive industry proposals, the development meets all rehabilitation and landscaping requirements of Part 8d **Extractive industry**

Design guidelines

Appropriate landscaping must be completed in accordance with approved landscaping plans and with adequate rehabilitation and soil erosion control measures.

L. Erosion & sediment control maintenance

- Erosion and sediment controls are applied and maintained over the full construction period

The following principles and practices shall be applied:

- All erosion and sediment control measures must be maintained at workable capacity or condition until permanent rehabilitation measures are fully operational.
- All erosion and sediment control measures, including permanent sediment traps, shall be maintained as per the schedule of works within the approved Erosion and Sediment Control Plan or Strategy (or as required). At least 70% of their design capacity is to be operational until they are decommissioned.
- All material removed from erosion and sediment devices must be either stabilised in situ or removed to an approved disposal site.
- Decommissioning of erosion and sediment control measures must comply with the schedule of works within the approved Erosion and Sediment Control Plan, Strategy or associated develop/activity conditions of consent. Material held in sediment control measures during decommissioning shall be either stabilised in situ or removed to an approved disposal site. All structural materials used to construct temporary erosion and sediment control measures are to be dismantled and removed from site on decommissioning.
- All site debris and unused construction material must be removed from the site or protected from erosion before the site is vacated.

3. Stormwater management

M. Stormwater design - general

- Stormwater is controlled in a way that minimises nuisances and damage to the adjoining properties.
- Adverse impacts on the natural water cycle are minimised.
- Natural drainage lines and water bodies are managed to sustainably protect the health of the receiving waterway.
- Mitigate pollutants from entering waterways.
- Appropriate easements are provided over existing drainage systems on private property.
- The efficient use of water is promoted and assisted.
- The principles of 'water sensitive urban design' are addressed and best practice adopted wherever feasible.

Apply the stormwater drainage approach advocated by Engineers Australia in 'Australian Rainfall and Runoff' to design surface levels so that very large (major system) 1% AEP (100 year ARI) events can flow around buildings without relying on underground pipes and that the Major drainage system design and construction;

- retains, and where practical, restores natural water courses, native riparian vegetation, wetlands and other natural landscape features,.
- incorporates effective measures to manage and treat stormwater and maintain healthy aquatic ecosystems,.
- satisfies acceptable risk management standards for public safety and flood protection.
- within new developments local drainage shall be designed to avoid local flooding in accordance with the aims and objectives of the NSW Floodplain Development Manual. (April 2005).

Pipe (minor) systems are installed to cater for frequent surface flows up to 20% AEP (5 year ARI). This balances cost of drainage and occurrence of inundation.

Runoff from impermeable surfaces is to be managed by stormwater source controls that;

- Contain frequent, low-magnitude flows,.

11f Soil & water management

Outcomes to be achieved

- The development meets the requirements of Part 11c **Geotechnical hazards**, particularly relating to salinity.

Design guidelines

- Maintain the natural balance between runoff and infiltration, so as to promote appropriate groundwater, soil salinity and stream flow characteristics,.
- Remove some pollutants prior to discharge to receiving waters,.
- Prevent nuisance flows from affecting adjoining properties.

Ensure that appropriate long term arrangements are in place to allow for continued use and maintenance of existing drainage systems

The ultimate discharge for collected stormwater runoff shall be to a street drainage system, to an inter-allotment drainage line, or by approval, to a public area.

The system shall be "gravity" drained. Pumping of stormwater is not permitted.

The development site shall provide an overland flow path for the major storm event (1% AEP)

N. Stormwater drainage design – residential

- Residential subdivisions and residential dwellings are designed, constructed and maintained so that development is undertaken in a manner that achieves the general stormwater design principles at section M above, and:
 - takes into account site constraints and hazards
 - manages the impact of the development on downstream flooding and drainage
 - controls soil erosion during and after the construction phase
- Stormwater drainage is consistent with:
 - *Upper Hunter Shire Council Engineering Guidelines for Subdivisions and Development* as amended; and
 - Relevant *Australian Standards*.
- All urban lots must have connection to the Council's stormwater management system via direct access to the street gutter or interallotment drainage via a dedicated easement.
- New buildings are not to be constructed over or compromise the integrity of drainage lines or easements originating from outside the site.
- Where an existing drainage line runs under a proposed building, the drainage line and any associated easement is to be diverted around the building. Redundant easements
- Water re-use within the dwelling and for landscaping purposes is encouraged, through the installation of rainwater tanks. Installed rainwater tank capacity may exceed BASIX requirements.
- Pits are installed to collect water from the low points in yards.
- Down pipes and pits are to be connected to the 'discharge controls' for the site.
- Design should consider relevant accepted standards, such as:
 - *Water Smart Practice Note No. 11*
 - *Managing Urban Stormwater: Soils and Construction*
 - *Queensland Urban Drainage Manual* as amended
 - *Australian Rainfall Runoff 2019*, as amended
 as technically appropriate

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Outcomes to be achieved

Design guidelines

are to be extinguished and new easements are to be created.

- Where an existing drainage system across the site is retained, access to the existing system is not to be affected by the proposed development. Also, the development is to be designed so as not to degrade the structural integrity of the system.

O. Stormwater drainage design – non-residential

- **Non-residential development** is designed, constructed and maintained so that development is undertaken in a manner that achieves the **general stormwater design principles at section M** above, and:
 - Takes into account site constraints and hazards.
 - Reduces downstream flooding and drainage impacts.
 - Controls soil erosion during and after the construction phase.
- Stormwater drainage is consistent with:
 - *Upper Hunter Shire Council Engineering Guidelines for Subdivisions and Development* as amended; and
 - relevant accepted standards, such as *Managing Urban Stormwater: Soils and Construction and Queensland Urban Drainage Manual* and *ARR 2019*, as technically appropriate
 - *Australian Standard 3500.3*.

- Stormwater drainage complies with *AS 3500.3*.
- Development proposals for this type of development are to demonstrate that the total of the site's stormwater runoff after development does not exceed the calculated run-off for the site prior to the development for all storm durations for the 5year, 20year, and 100year ARI (Average Recurrence Interval) storm event; this includes stormwater produced from the roof and other impermeable areas.
- Pits are installed to collect water from the low points in yards.
- Down pipes and pits are to be connected to the 'discharge controls' for the site.
- The site discharge indicator for the development is at least 0.5 determined under *Water Smart Practice Note No. 11 – Site Discharge Indicator*. The site discharge indicator for the development is at least 0.9 determined under *Water Smart Practice Note No. 11 – Site Discharge Indicator*, and preliminary storm water design details demonstrating ability to comply with this requirement are to be submitted with the development application.
- **Industrial** development buildings are to be provided with an onsite stormwater retention tank in accordance with the following table: (Unless a hydraulic design prepared by a Civil engineer demonstrates otherwise)

Roof area	Required tank size (litres)
Equal or less than 500 m ²	10,000
More than 500 m ²	22,500

- The stormwater retention tank is to be fitted with appropriate water purifying and hydrocarbon / pollutant separation devices to ensure that water used and entering the stormwater system is clean.
- Roofing is provided with adequate guttering and downpipes connected to the drainage systems. Downpipes should be connected to open-grated surface inlet pits and all stormwater must be disposed of in accordance with Council's adopted standards. No pump-out systems will be approved by Council.
- Council may require the upgraded/augmentation of the existing downstream drainage system. This may be in the form of actual construction work, to be carried out by the developer at the time of development or in the form of a contribution to be determined by

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Outcomes to be achieved

Design guidelines

Council at development application stage for drainage schemes adopted by Council.

- All sites will be required to provide appropriate on site stormwater detention such that post development stormwater flows from the site do not exceed pre developed levels.
- All sites will also be required to provide stormwater quality devices within the internal drainage and detention design to ensure stormwater leaving the site is not polluted. In this regard all surface inlet pits will need to be fitted with a suitable pollution control device.
- Stormwater run-off from roofs and paved areas is to be collected and gravity drained to the street drainage system, drainage easement or natural drainage course or other means as determined by Council.
- Trunk drainage systems should be designed for the 10 year ARI storm event. Overland flow paths should be provided to accommodate the 100 year ARI storm event.
- An onsite stormwater detention system should be provided to ensure the stormwater discharge for a development site does not exceed pre-developed flow rates for the full range of storm events.

The following design guidelines for on site detention can be used where storage requirements are less than 100 m³. If computed storage volumes exceed 100 m³ then a recognised routing?? method should be used for calculation of storage volumes.

- The 1 in 20 year Average Recurrence Interval (ARI) storm event for the developed site shall be used for inflow to the basin (Q_{20dev}). The maximum outflow from the basin shall be the 1 in 5 year ARI storm flow from the undeveloped site i.e. impervious area 0 % (Q_{5undev}).
- Detention Volume required can then be calculated as.
- Detention Volume (m³) = (Q_{20dev} - Q_{5undev}) x tc_{20dev} x 0.06.
- Where:- Q_{20dev} (litres/sec) Q_{5undev} (litres/sec) tc_{20dev} (minutes).
- The flow from the site in a 100 year ARI storm should then be checked to ensure it does not exceed pre-developed levels. The following formula can be used.
- Q_{100dev} - Q_{20dev} + detention outflow (normally = Q_{5undev}) < Q_{100undev}.

If the above equation is not satisfied then generally the detention outflow will need to be further constricted with a corresponding increase in detained volume.

P. Flooding, runoff regimes & stormwater collection

- Post development runoff reflects pre-development conditions.
- The development does not result in environmental damage within existing drainage courses and receiving waters.
- Stormwater discharges do not cause excessive nuisance to adjoining or neighbouring lands

- Development is to be designed so that runoff from low intensity, common rainfall is equivalent to the runoff from a natural catchment. This can be achieved by intercepting and storing runoff in extended storage detention basins and discharging at greatly reduced rates.
- Alternatively, existing degraded down stream streams can be sympathetically engineered to re-establish a natural riparian eco system that can cope with the changed hydrological regime.
- Developments are to be designed in accordance with *Australian Rainfall and Runoff* and the *NSW Floodplain Development Manual*.
- Development is to be designed so that overflows do not adversely affect neighbouring properties by way of intensification, concentration or

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Outcomes to be achieved

- Developments are designed in accordance with:
 - *Australian Rainfall Runoff 2019 and the NSW Floodplain Development Manual 2005 as amended*; and
 - *Upper Hunter Shire Council Engineering Guidelines for Subdivisions and Development as amended*
- Development meets the requirement of part 10a Floodplain Management

Design guidelines

- inappropriate disposal across property boundaries. This can be achieved by securing appropriate easements over downstream properties or discharging overflows directly to the street system where feasible.
- Overflows from paved areas adjacent to the property boundary are to be directed by a kerb or formed gutter to drain away from neighbouring properties.
- Surface levels are to be graded such that sites are generally free draining with sufficient overflow capacity to ensure that waters do not enter buildings when underground drainage systems are beyond their capacity
- Drainage pits are to be installed so that nuisance water does not collect at low points
- Gutters, down pipes and pits are to be connected to the stormwater management system for the site. *Australian Standard 3500.3* sets appropriate standards for stormwater collection and is to be followed when constructing new development.
- Public use areas satisfy relevant flood safety criteria as assessed with reference to the *NSW Floodplain Development Manual*

Q. Pollutant management

- Ensure that stormwater generated from development does not result in pollution of water courses or receiving waters

- Stormwater systems are to be designed to capture and remove all litter larger than 5 mm in size.
- The event mean concentration of specific pollutants is not to exceed that in the following table.

Pollutant	Maximum event mean concentration
Sediment	50 mg/L
Hydrocarbons	500 ug/L
Total Nitrogen	1000 ug/L
Ammonia	15 ug/L
Phosphorus	100 ug/L

Note: litter traps are not required for houses and multiple housing development comprising less than four dwellings (since people are less likely to litter on their own dwelling site).

4. Preparation of soil & water management plans

T. Compliance with plans

- The proponent is responsible for the full cost of all work required to comply with this section of the DCP, as determined by Council. Any off-site damage resulting from the activity is also the responsibility of the proponent. All erosion and sediment control measures or works and rehabilitation measures must conform to or exceed the specifications or standards set out in

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Outcomes to be achieved

Design guidelines

Managing Urban Stormwater: Soils and Construction or its update.

U. Implementation & completion of plan

- Erosion and sediment control measures and rehabilitation works are implemented and maintained

11f.7 Supplementary guidance

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

- *Upper Hunter Shire Council Engineering Guidelines for Subdivisions and Development* as amended
- Landcom (2004) *Managing Urban Stormwater, 4th Edition* (Includes Volume 1 known as 'The Blue Book' and other parts, including Appendix M – Model Code of Practice for Soil and Water Management on Urban Lands). Available from <http://www.environment.nsw.gov.au/stormwater/publications.htm>
- NSW Government (2005) *NSW Floodplain Development Manual* or its update
- *Managing Urban Stormwater: Soils and Construction* Volume 1, 4th Edn 'The Blue Book' (Landcom NSW, 2004)
- *Planning for Erosion and Sediment Control on Single Residential Allotments* (Landcom NSW, 2006)
- *Australian Rainfall and Runoff 2019* as amended
- Water Smart Practice Note No. 11 – Site Discharge Indicator
http://www.clearwater.asn.au/user-data/resource-files/Site_Discharge_Index.pdf
- Queensland Department of Energy and Water Supply - *Queensland Urban Drainage Manual – 2013 Provisional edition*
- Newcastle City Council: *Stormwater and Water Efficiency for Development Technical Manual July 2017* at
<http://www.newcastle.nsw.gov.au/Development/Land-Use-Planning/Development-control-plans>

11g On-site waste water management

Explanatory outline

Section 11g outlines assessment criteria relating to on-site waste water management. The following matters are covered:

- adequate land available for on-site disposal
- cumulative impacts
- types of treatment and disposal systems

All developments that have the potential to generate sewage must be connected to an approved sewage system.

In the case of land that cannot be connected to the reticulated sewerage system, a system of on-site waste water management is required.

11g On-site waste water management

11g.1 Application of this section

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

Column 1: Type of development	Column 2: Applicable land
Development that involves the generation of sewage or other waste water.	Land that cannot be connected to a reticulated sewerage system.
Temporary development, facilities or land uses generating sewage or other wastewater.	All land

Note: all developments that will require a new on-site waste water management system to be constructed or installed or the modification of an existing system must be the subject of an application for approval under Section 68 of the Local Government Act 1993 using Council's approved form.

11g.2 Relevant planning instruments, legislation & other policies & documents

The following environmental planning instruments and other legislation (or instruments under the legislation) are relevant to development to which this section applies:

- *Upper Hunter Local Environmental Plan 2013*
- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*

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



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This section should also be read in conjunction with:

- *Upper Hunter Shire Council Onsite Sewage Management Strategy* (2015)
- *AS/NZ 1546.1:2008 On-site domestic wastewater treatment units, Part 1 – Septic tanks*
- *AS/NZ 1546.2:2008 On-site domestic wastewater treatment units, Part 2 – Waterless composting toilets*
- *AS/NZ 1546.3:2008 On-site domestic wastewater treatment units, Part 3, Aerated wastewater treatment systems*
- *AS/NZ 1547:2012 On-site Domestic Wastewater Management*
- *AS/NZS 3500.5:2000 National Plumbing and Drainage Domestic Installations*
- *Environment and Health Protection Guidelines for On-site Sewage Management for Single Households* (1998) (EHP Guidelines).

11g.3 Definitions

There may be terms defined in the Dictionary that are relevant to this section, or they may be defined in other Acts as relevant.

11g.4 Objectives

The objectives of this section are to:

1. ensure that development is not approved unless there is sufficient suitable land for the disposal of effluent on-site
2. discourage the use of above ground irrigation of on site effluent in areas where environmental harm is likely to result
3. provide clarity where existing guidelines or standards do not clearly set out requirements
4. promote the sustainable use of water and waste resources.

11g.5 Supporting plans & documentation

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

The applicant should consult with Council staff to determine any other additional information that may be required in addition to this section.

In some cases the information required to determine a Development Application may be equivalent to the information required for an application under section 68 of the *Local Government Act* to install, construct or alter a system of on-site waste water management. A wastewater application may be lodged at the same time as the development application.

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application.

11g On-site waste water management

Item	When required	Plans or information to be provided
B. On-site waste water management assessment report	<p>Applications for subdivision of land in Zones RU1, RU4, RU5, C3 or R5 where the proposed lots are less than 4,000 m², or there are environmental constraints such as:</p> <ul style="list-style-type: none"> • nearby watercourses or waterbodies (<100 m); • unfavourable topography, soils or geotechnical conditions. • high water table. • potential for flooding. • proximity to groundwater bores or • limited available land area. 	<p>The report shall be prepared in accordance with the <i>EHP Guidelines</i> and <i>AS /NZS 1547:2012 On-Site Domestic Wastewater Management</i>. The report must be prepared by a suitably qualified and experienced person.</p> <p>A plan of the land to be subdivided must be provided clearly showing land that is suitable for effluent disposal in relation to:</p> <ul style="list-style-type: none"> • homogenous soil capability types. • EHP Guideline buffer distances from water courses, boundaries and roads. • soil permeability classes. • soil depth and depth to groundwater where it is a moderate or major limitation. <p>Where a nominal area for an on site system is provided, an appropriately sized polygon should also be marked on the plans to indicate that sufficient area is available.</p>
On-site waste water management assessment report con'td	<p>Applications for single dwellings or other development catering for less than 10 persons where the allotment is less than 4,000 m², or there are environmental constraints such as:</p> <ul style="list-style-type: none"> • nearby watercourses or waterbodies (<100 m); • unfavourable topography, soils or geotechnical conditions • high water table • potential for flooding. • proximity to groundwater bores or • limited available land area. 	<p>Where an on site waste water management assessment report has <u>previously been prepared</u> for the land in a previous subdivision application, the same assessment may be submitted where it meets the requirements listed above in the 'subdivision' section (and updated as required). Where the site layout or the potential to generate sewage is revised or modified, updated information will also be required.</p> <p>Where a suitable on-site waste water management assessment relevant to the property has <u>not already been prepared</u>, the following minimum information must be prepared by a suitably qualified and experienced person:</p> <p>A plan to scale is to be submitted, showing the location of:</p> <ul style="list-style-type: none"> • the sewage treatment facility proposed to be installed or constructed on the premises. • any related effluent application areas including 50% reserve area, and. • any buildings or facilities existing on, and any environmentally sensitive areas of, any land located within 100

11g On-site waste water management

Item	When required	Plans or information to be provided
		<p>metres of the sewage management facility or related effluent application areas, and.</p> <ul style="list-style-type: none"> any related drainage lines or pipe work (whether natural or constructed) located within 100 metres of the sewage management facility or related effluent application areas. <p>Sufficient information must be included in the report to confirm the size of area required for effluent application areas including reserve area with reference to soil, climate and wastewater flow rate and effluent quality.</p> <p><i>Note: where the precise location of the effluent disposal area is not specified on the plan, a consent may be conditioned to require an approval to install as deferred commencement, or prior to the issue of a Construction Certificate.</i></p>
	Commercial, tourist, agricultural and designated development	<p>The following minimum information must be prepared by a suitably qualified and experienced person:</p> <ul style="list-style-type: none"> outline of the type and configuration of the proposed system, including tank capacities and specifications information and calculations showing how the system will cater for the proposed loading and effluent disposal (must reference hydraulic and soil capacities) water balance analysis expected wastewater quality potential adverse chemical or biological inputs into the system and how the treatment device will process these inputs and achieve the accepted effluent quality demonstration that the proposed system meets the objectives and development outcomes of this and other relevant DCP sections and related legislation. a design including sizing calculations and construction design regarding the system and effluent disposal area which also includes the details of nearest potential receptors.

11g On-site waste water management

Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> detail of the mitigation measures proposed regarding protection of the system in the event of flood if the land is susceptible.

11g.6 Assessment criteria

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

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

Outcomes to be achieved	Design guidelines
<p>A. Adequate land suitable for on-site disposal</p> <ul style="list-style-type: none"> On-site waste water management systems are not permitted on properties which are less than 2,000 m² in area. Each lot to be created in a proposal to subdivide land must have an adequate area suitable for the on-site disposal of effluent and wastewater. On-site waste water disposal areas are sized relative to wastewater generation rates, treatment method and soil type and shall take into account limiting factors. <ul style="list-style-type: none"> On-site waste water management systems must comply with the minimum buffer distances specified at <p>Table 1 Required buffer distances for onsite waste water management systems. Any variation to these buffer distances will need to be supported by a report prepared by a suitably qualified and experienced person.</p> <ul style="list-style-type: none"> When determining buffer distances, consideration is given to: <ul style="list-style-type: none"> the type of land application system to be used surface and subsurface drainage pathways site factors – topography, soil permeability, geology, vegetation buffering sensitive environments – national parks, rainforests, estuaries, wetlands, groundwater 	<p>The installation of the following treatment systems may be approved:</p> <ul style="list-style-type: none"> Septic tanks Wet Composting toilets Waterless composting toilets AS/NZ 1546.2:2001 Incinerating toilets Aerated Wastewater Treatment Systems (AWTS) AS/NZ 1546.3:2001 Bio filters Reed beds or constructed wetlands Sand filters Greywater treatment systems <ul style="list-style-type: none"> AS/NZ 1546.2:2001 On-site domestic wastewater treatment units, Part 2 – Waterless composting toilets -AS/NZ 1546.3:2001 On-site domestic wastewater treatment units, Part 3, Aerated wastewater treatment systems Pump out systems (only on industrial sites) <p>The installation of the following disposal systems is permitted with the approval of Council:</p> <ul style="list-style-type: none"> Absorption trench or Evapo-Transpiration Absorption (ETA) Beds as per AS/NZS 1547:2000 Sub-surface irrigation

11g On-site waste water management

Outcomes to be achieved

- extraction areas, and areas with poor tidal flushing
- development density.
- On site effluent disposal areas for dwelling houses must account for wastewater disposal of a minimum of a 5 person equivalent population.
- Surface irrigation is not permitted on properties which are less than 4,000 m² in area.
- An area of land is available with suitable soil and site properties to allow the on-site waste water management system to receive the estimated wastewater loading and have a reserve area equivalent to 50% of the assessed capacity.
- For on-site waste water management systems proposed to cater for more than 10 persons for commercial, tourist, agricultural or designated developments, the system must produce effluent quality of at least a secondary standard however they shall be classified as medium risk systems.

Design guidelines

- Mound Systems
- Surface irrigation will be permitted only where site and soil limitations are minor and where the EHP Guideline buffer distances can be achieved.
- Installation and operation of conventional pit toilets, cess pits or long drop toilets will not be approved.

B. Cumulative impact considerations

- The cumulative impact of adjoining and nearby on site waste water management systems is considered
- Use of on-site waste water management systems does not contribute to an adverse cumulative impact on soils and water in the area
- Any development within 75 m of a reticulated sewerage system is to be connected to that system.

C. Temporary facilities, development or land use

- Impacts of temporary activities are adequately considered and adequate standards are complied with.
- The impacts of wastewater management are considered, and the *On-site Sewage Management Strategy 2015* general terms of approval can be complied with.
- Chemical closets may only be approved for temporary facilities, development or land use.

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Table 1 Required buffer distances for onsite waste water management systems

System	Required buffer distances
All land application areas	<ul style="list-style-type: none"> 100 m to permanent surface waters (for example, river, streams, lakes etc.),. 250 m to domestic groundwater well,. 40 m to other waters (for example, farm dams, intermittent waterways and drainage channels).
Surface spray irrigation	<ul style="list-style-type: none"> 6 m if area up-gradient and 3 m if area, down gradient of driveways and property boundaries,. 15 m to dwellings,. 3 m to paths and walkways,. 6 m to swimming pools.
Surface drip and trickle irrigation	<ul style="list-style-type: none"> 6 m if area up-gradient and 3 m if area down gradient of swimming pools, property boundaries, driveways and buildings.
Subsurface irrigation	<ul style="list-style-type: none"> 6 m if area up-gradient and 3 m if area down gradient of swimming pools, property boundaries, driveways and buildings.
Absorption system	<ul style="list-style-type: none"> 12 m if area up-gradient and 6 m if down gradient of property boundary. 6 m if area up-gradient and 3 m if area down gradient of swimming pools, driveways and buildings

Source: Environment and Health Protection Guidelines: Onsite Sewage Management for Single Households 1998.

11g.7 Supplementary guidance

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

- *Upper Hunter Shire Council Onsite Sewage Management Strategy* (2015)
- *Environment and Health Protection Guidelines for On-site Sewage Management for Single Households* (1998) (EHP Guidelines).
- AS/NZ 1546.1:2008 On-site domestic wastewater treatment units, Part 1 – Septic tanks
- AS/NZ 1546.2:2008 On-site domestic wastewater treatment units, Part 2 – Waterless composting toilets
- AS/NZ 1546.3:2008 On-site domestic wastewater treatment units, Part 3, Aerated wastewater treatment systems
- AS/NZ 1547:2012 On-site Domestic Wastewater Management
- AS/NZS 3500.5:2000 National Plumbing and Drainage Domestic Installations

11h Waste minimisation & management

Explanatory outline

Section 11h outlines assessment criteria relating to waste minimisation and management. The following matters are covered:

- Demolition
- Construction
- Mixed use developments

Note: specific waste management and minimisation requirements that apply to particular development types are included in:

- section **4a Urban dwellings**
- section **5a Commercial & mixed use development - general**
- section **6a Industrial development - general.**

11h Waste minimisation & management

11h.1 Application of this section

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

Column 1:	Type of development	Column 2:	Applicable land
Development that, in the opinion of Council, is likely to generate a significant volume of waste, including:	Any land.		
<ul style="list-style-type: none"> • demolition • building construction • subdivision works • food and drink premises • a change of use to commercial or industrial premises. 			

11h.2 Relevant planning instruments & legislation

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

- *Upper Hunter Local Environmental Plan 2013*
- *Waste Minimisation and Management Act 1995*
- *Protection of the Environment Operation Act 1997*

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

11h Waste minimisation & management

11h.3 Introduction

Waste and resource consumption is a major environmental issue and a priority for all levels of government within Australia. This is particularly the case as landfill sites become scarce and the environmental and economic costs of waste generation and disposal rise. Government and society alike are exposed to the issue of managing the increasingly large volumes of waste generated by our society.

Sustainable resource management and waste minimisation has emerged as a priority action area and a key in the quest for Ecologically Sustainable Development (ESD). Critical actions in this regard include the following:

- avoiding unnecessary resource consumption
- recovering resources for reuse
- recovering resources for recycling or reprocessing
- disposing of residual waste (as a last resort).

The building and construction industry in particular is a major contributor to waste, much of which is still deposited to landfill. The implementation of effective waste minimisation strategies has the potential to significantly reduce these volumes. Effective waste planning and management can also benefit the builder/developer. Some of the benefits of good waste planning and management include:

- reduced costs
- improved workplace safety
- enhanced public image
- compliance with legislation such as the *Protection of the Environment Operation Act 1997* that requires waste to only be transported to a place that can lawfully accept it.

This section aims to facilitate sustainable waste minimisation and management within the Upper Hunter Shire in a manner consistent with the principles of ESD.

11h.4 Definitions

There may be some terms used in this section that are defined in the **Dictionary**.

11h.5 Objectives

The objectives of this section are to:

1. minimise resource requirements and construction waste through reuse and recycling and the efficient selection and use of resources
2. encourage building designs, construction and demolition techniques in general which minimise waste generation
3. maximise reuse and recycling of household waste and industrial/commercial waste
4. assist applicants in planning for sustainable waste management, through the preparation of a site waste minimisation and management plan
5. provide guidance in regards to space, storage, amenity and management of waste management facilities
6. ensure waste management systems are compatible with collection services
7. minimise risks associated with waste management at all stages of development
8. optimise adaptive reuse opportunities of existing building/structures

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9. minimise waste generation
10. maximise source separation and recovery of recyclables
11. ensure waste management facilities are safely and easily accessible to occupants and service providers
12. ensure appropriate resourcing of waste management systems, including servicing
13. minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene
14. minimise the environmental impacts associated with waste management
15. avoid illegal dumping.

11h.6 Supporting plans & documentation

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

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application
B. Site Waste Minimisation and Management Plan (SWMMP)	Applications relevant to this section	<p>Report and plan outlining measures to minimise and manage waste generated during demolition, construction and ongoing use of the site/premises.</p> <p>The SWMMP should include details regarding:</p> <ul style="list-style-type: none"> the location of waste management facilities proposed both during construction and for ongoing operation. volume and type of waste and recyclables to be generated storage and treatment of waste and recyclables on site disposal of residual waste and recyclables operational procedures for ongoing waste management once the development is complete. <p>A Site Waste Minimisation and Management Plan (SWMMP) template can be found with other Council forms at: http://upperhunter.nsw.gov.au/do-it-online/apply-for-it.aspx</p> <p>More details will be required for larger and more complex developments, and are specified in the relevant section of this DCP – eg for multi unit housing, retail and commercial development, and industrial development</p> <p>In the absence of project specific calculations, the rates specified in section 11h.8 Waste/Recycling Generation Rates and Council's current rate of provision of services to residential properties can be used to inform the compilation of a SWMMP.</p>

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11h.7 Assessment criteria

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

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

Outcomes to be achieved

Design guidelines

A. Demolition

This section applies to all developments involving demolition works.

- A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the demolition application.
- All waste likely to result from the demolition is identified, and opportunities for reuse of materials are explored.
- Reuse/recycling is facilitated by using the process of 'deconstruction', where various materials are carefully dismantled and sorted.
- Salvaged materials onsite are reused or recycled where possible.
- An area for the storage of materials is allocated for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation, and access and handling requirements).
- Separate collection bins or areas for the storage of residual waste are provided and the purpose and content of the bins and storage areas are clearly 'signposted'.
- Measures are implemented to prevent damage by the elements, odour and health risks, and windborne litter.

B. Construction

This section applies to all developments involving construction works, in addition to the specific requirements given for each type of development in subsequent sections below..

- A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the development application.
- All waste likely to result from the construction process is identified, and the opportunities for the reuse and recycling of these materials is explored.
- The use of prefabricated components and recycled materials is incorporated into the construction.
- An area for the storage of materials is allocated for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation, and access and handling requirements).
- Separate collection bins or areas for the storage of residual waste are provided and the purpose and content of the bins and storage areas are clearly 'signposted'.
- Measures are implemented to prevent damage by the elements, odour and health risks, and windborne litter.
- Ensure that all waste is transported to a place that can lawfully be used as a waste facility. Retain all records demonstrating lawful disposal of waste and

11h Waste minimisation & management

Outcomes to be achieved

Design guidelines

keep them readily accessible for inspection by regulatory authorities such as council, Environment Protection Authority or WorkCover NSW.

C. Dwellings

- The waste minimisation & management requirements of **Section 4a Urban Dwellings** must be considered.

D. Commercial developments and change of use

- The waste minimisation & management requirements of **Section 5a Commercial and mixed use development** must be considered.

E. Industrial developments

- The waste minimisation & management requirements of **Section 6a Industrial development - general** must be considered.

F. Mixed use developments

This section applies to 'mixed use developments' that contain both residential and non-residential uses.

This section aims to ensure new developments and changes to existing development are designed to maximise resource recovery (through waste avoidance, source separation and recycling) and to ensure appropriate, well-designed storage and collection facilities are accessible to occupants and service providers.

- A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the application.
- The waste minimisation & management requirements of **Section 4a Urban dwellings** apply to the residential component of mixed-use development.
- The waste minimisation & management requirements of **Section 5a Commercial and mixed use development** apply to the non-residential component of mixed-use development.
- Separate and self-contained waste management systems for the residential component and the non-residential components of the development are provided, including:
 - Separate waste/recycling storage rooms/areas for the residential and non-residential components
 - Commercial tenants must be prevented (via signage and other means), from using the residential waste/recycling bins and vice versa.
- The residential waste management system and the non-residential waste management system must be designed so that they can efficiently operate without conflict.

Conflict may potentially occur between residential and non-residential storage, collection and removal systems, and between these systems and the surrounding land uses. For example, collection vehicles disrupting peak residential and commercial traffic flows or causing noise issues when residents are sleeping.

11h.8 Waste/Recycling Generation Rates

Construction Waste

'Rule of Thumb' for renovations and small home building:

- Timber 5-7% of material ordered
- Plasterboard 5-20% of material ordered

11h Waste minimisation & management

- Concrete 3-5% of material ordered
- Bricks 5-10% of material ordered
- Tiles 2-5% of material ordered

Source: Waste Planning Guide for Development Application, Inner Sydney Waste Board, 1998

Ongoing Operation

Premises type	Waste generation	Recyclable material generation
Backpackers' Hostel	40L/occupant space/week	20L/occupant space/week
Boarding House, Guest House	60L/occupant space/week	20L/occupant space/week
Food premises: Butcher Delicatessen Fish Shop Greengrocer Restaurant, Café Supermarket Takeaway food shop	80L/100m ² floor area/day 80L/100m ² floor area/day 80L/100m ² floor area/day 240L/100m ² floor area/day 10L/1.5m ² floor area/day 240L/100m ² floor area/day 80L/100m ² floor area/day	Variable Variable Variable 120L/100m ² floor area/day 2L/1.5m ² floor area/day 240L/100m ² floor area/day Variable
Hairdresser, Beauty Salon	60L/100m ² floor area/week	Variable
Hotel, Licensed Club, Motel	5L/bed space/day 50L/100m ² bar area/day 10L/1.5m ² dining area/day	1L/bed space/day 50L/100m ² bar area/day 50L/100m ² dining area/day
Offices	10L/100m ² floor area/day	10L/100m ² floor area/day
Shop less than 100m ² floor area Shop greater than 100m ² floor area	50L/100m ² floor area/day 50L/100m ² floor area/day	25L/100m ² floor area/day 50L/100m ² floor area/day
Showroom	40L/100m ² floor area/day	10L/100m ² floor area/day
Multi-Unit Dwellings ¹	80L/unit/week	40L/unit/week

Sources: Adapted from Waverley Council Code for the Storage and Handling of Waste.

Appendix A, Better Practice Guide For Waste Management In Multi-Unit Dwellings



11h Waste minimisation & management

11h.9 Further information

When implementing a SWMMP, the applicant must ensure:

- Footpaths, public reserves, street gutters are not used as places to store demolition waste or materials of any kind without Council approval.
- Any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- Waste is only transported to a place that can lawfully be used as a waste facility.
- Generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW.
- Evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained.
- Evidence of compliance with any specific industrial waste laws and protocols, such as the Protection of the Environment Operations Act 1997.
- Materials which are to be disposed of and those which are to be reused/ recycled are to be separated through the demolition and construction process.
- Materials that have existing reuse or recycling markets should not be disposed of in landfill when possible.

11h.10 Supplementary guidance

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

- *Better Practice Guide for Waste Management in Multi-Unit Dwellings, Department of Environment and Climate Change (2008)*

11i Buffer areas and separation distances

Explanatory outline

Section 11i outlines assessment criteria relating to the provision of buffer areas and separation distances to mitigate adverse impacts of development on adjoining land and to avoid conflict between different land uses.

Note that:

- Section **7a Rural Development** contains additional provisions for rural development's potential impact on significant agricultural land
- Section **13d Scone Memorial Airport** contains provisions for land within and adjacent to the Airport
- section **13f Scone Bypass** contains provisions for land within 300m of the bypass

11i Buffer areas & separation distances

11i.1 Application of this section

Buffer areas are areas of land set aside to minimise the impacts of land uses on each other. It is also generally accepted as being an area where a landholder has legal control of the land needed to separate their development from adjoining land.

A **separation distance** is the distance between the point of generation of an environmental impact and a receptor that is sensitive to that impact (although it may also be used to specify the width of a buffer area or zone).

(Source: NSW Department of Primary Industry, 2018: *Buffer Zones to Reduce Land Use Conflict with Agriculture: An Interim Guideline Primefact 1624, First edition*)

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

Column 1: Type of development	Column 2: Applicable land
REGARDING BUFFER AREAS Development that potentially may cause nuisance to adjacent or nearby land by reason of biosecurity risk, noise, vibration, dust, smoke, fumes, odour, light or other emissions and is subject to any of the following sections: <ul style="list-style-type: none"> • Pt 6 Industrial Development • Pt 7c Rural industry and intensive agriculture • Pt 8c Wind Energy Systems • Pt 8d Extractive Industries • 13d Scone Memorial Airport • 13e Hunter Valley Equine Precinct • 13f Scone Bypass 	Any land

11i Buffer areas and separation distances

<p>REGARDING SEPARATION DISTANCES</p> <p>Development that may potentially be affected by biosecurity risk, noise, vibration, dust, smoke, fumes, odour, light or other emissions which emanate from development on adjacent or nearby land</p> <p>Residential accommodation, tourist and visitor accommodation, hospital, educational establishment, place of public worship or centre-based child care facility</p>	<p>Any land</p> <p>Any land within 500 metres of the boundary of a property containing existing intensive livestock agriculture, intensive plant agriculture or rural industry.</p>
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11i.2 Relevant planning instruments & legislation

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

- *Upper Hunter Local Environmental Plan 2013*
- *Protection of the Environment Operations Act 1997*
- *State Environmental Planning Policy (Primary Production) 2021*

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

11i.3 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended. The Dictionary to this DCP provides additional definitions that are relevant to this Part.

11i.4 Objectives

The objectives of this section are to ensure that development proposals and land uses avoid and minimise the potential for current and future conflict by:

1. identifying and assessing likely impacts from development proposals and the potential for land use conflict (including noise, odour, biosecurity risk, vibration, dust, smoke, fumes, odour, light or other emissions and biosecurity risk)
2. avoiding inappropriate development, or increasing the scale or intensity of development close to existing uses that may have impacts on proposed development (such as, but not limited to, intensive agricultural industries, wastewater treatment plants or similar activities)
3. providing buffer areas separating land uses to minimise potential adverse effects
4. enabling alternative economic use of buffer areas by suitable land uses, where future compatibility of the uses can be demonstrated

11i Buffer areas and separation distances

11i.5 Supporting plans & documentation

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

Item	When required	Plans or information to be provided
A. General requirements	All applications	<p>Refer to Part 2 Preparing & lodging a development application.</p> <p>Note: the Statement of Environmental Effects must describe potential impacts from or to adjoining land</p>
B. Site specific requirements	<p>Any application subject to section:</p> <ul style="list-style-type: none"> 13d Scone Memorial Airport; or 13f Scone Bypass 	<p>Refer to relevant section:</p> <ul style="list-style-type: none"> 13d Scone Memorial Airport; or 13f Scone Bypass
C. Acoustic assessment report	<p>Applications involving the potential for noise impacts on adjoining development, including:</p> <ul style="list-style-type: none"> rural industry residential development that adjoins or is adjacent to a main road (for example, the New England Highway) or a railway line some types of commercial, industrial or tourist and visitor accommodation activities applications to extend trading hours extractive industries animal boarding or training establishments helipads 	<p>A report prepared by a relevant qualified and experienced professional containing the requirements as set out in the Department of Planning, 2008. <i>Development Near Rail Corridors and Busy Roads – Interim Guideline</i> (or any other relevant or subsequent updated reference document(s)). It should generally include sections:</p> <ul style="list-style-type: none"> Background Site Description Noise Criteria Noise Assessment Recommendations Conclusion <p>For helipad proposals, demonstration must be made that a suitable separation distance has been met between the helipad and either a residential zone and/or an existing building used for a 'sensitive use' (ie dwelling, child care centre, education facility or hospital) that is not associated with the helicopter operation. This can be achieved by demonstrating at least one of the following has been met:</p> <ul style="list-style-type: none"> the proposed helipad is located at least the distance specified in this Section, away from a sensitive use and/or residential zone, or an acoustic report is provided that demonstrates the proposed helipad does not have an adverse noise impact on a nearby sensitive use and/or residential zone. The acoustic report should prove it meets the noise level criteria for helicopters.

11i Buffer areas and separation distances



Item	When required	Plans or information to be provided
D. Buffer & separation distance plans & report	<p>All applications involving either:</p> <ul style="list-style-type: none"> the potential for impacts on adjoining or nearby development the potential to be impacted by adjoining or nearby development 	<p>A plan showing:</p> <ul style="list-style-type: none"> location of proposed development location of adjoining or nearby development all property boundaries minimum buffer and/or separation distances as specified in this section impact affectation areas for nearby development consents for extractive or mining industries (where relevant) locations of transmission lines and easements (where relevant). <p>Where required by Council, an accompanying report describing the application of the minimum buffer and/or separation distances to the development, and any issues arising. If it is not possible or appropriate to achieve the specified minimum buffer and/or separation distances, describe (with accompanying plans where relevant) the proposed measures to mitigate the effects of the proximity of the development</p>
E. Development near existing intensive plant or livestock agriculture developments	<p>All applications with the potential to be impacted by existing intensive plant or livestock agriculture developments</p>	<p>Plans and documentation prepared by a suitably qualified and experienced professional that includes sufficient details of the development and site that is able to determine the extent of potential conflict between the proposed development and existing intensive plant or livestock agriculture development. Necessary information includes:</p> <ol style="list-style-type: none"> 1. site plans drawn to scale showing all proposed buildings and boundaries in relation to established intensive plant or livestock agriculture development; 2. topography of the development site and intensive plant or livestock agriculture development; 3. activities and management practices of the intensive plant or livestock agriculture development (where known) and identification of activities which may result in conflict; 4. measures proposed to reduce potential impacts; and 5. any other details as required by Council

11i Buffer areas and separation distances

11i.6 Assessment criteria

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

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

This section is structured in the following way:

A	Separation distances to rural industries
B	Separation distances to intensive livestock or plant agriculture
C	Separation distances to environmental assets
D	Separation distances for specific land uses
E	Separation distances to wastewater treatment plants
F	Bushfire asset protection
G	Heritage buffers
H	Buffer to rail & busy roads
I	Separation distances to electricity transmission lines

Outcomes to be achieved

Design guidelines

A. Separation distances from rural industries

NB This section does not apply to intensive livestock agriculture – see instead section B below.

- Appropriate separation distances are to apply to maintain a suitable buffer between rural industries and other land uses

- In determining appropriate separation distances, Council will have regard to any relevant references and standards, including those listed in the 'Supplementary Guidance' at the end of this Part.
 - Appropriate minimum distances from rural industries to other land uses may include:
 - A minimum of 500 metres from any residential zone, residential dwelling or sensitive land use such as a hospital, child care centre, education facility or similar land use
 - A minimum of 500 metres from rural dwellings or tourist and visitor accommodation
- Larger minimum buffers may be required for potentially hazardous or offensive rural industries

11i Buffer areas and separation distances



Outcomes to be achieved

Design guidelines

B. Separation distances to intensive livestock or plant agriculture

- The design, use and ongoing operation of the proposed development will not adversely affect the continued operation of any adjoining or nearby intensive plant or livestock agriculture development.

- Property management practices to apply alternative or specialised management actions in locations where conflict potential is to apply may be required instead of, or in addition to, minimum separation distances (for example, crop spraying practice near residences).

- In determining appropriate separation distances, Council will have regard to any relevant references and standards, including those listed in the 'Supplementary Guidance' at the end of this Part
- Consideration of separation distances to beef cattle feedlots should be made in accordance with Appendix B of *National Guidelines for Beef Cattle Feedlots in Australia*, by Meat and Livestock Australia Ltd, or any update, downloadable at <https://publications.mla.com.au/login/redirectFrame>

Outcomes to be achieved

Design guidelines

C. Separation distances to environmental assets

- Minimum separation distances are to apply to maintain a buffer between development and environmental assets, including:
 - A minimum buffer of 50 metres is required between native vegetation and:
 - residential or urban development
 - development with the potential to cause adverse impacts including rural tourist accommodation, intensive agriculture, rural industries and livestock operations.
 - A minimum buffer of 50 metres is required between streams and waterways and:
 - residential or urban development
 - development with the potential to cause adverse impacts including rural tourist accommodation, intensive agriculture, rural industries and livestock operations.

- In determining appropriate separation distances, Council will have regard to any relevant industry references and standards

11i Buffer areas and separation distances

Outcomes to be achieved

Design guidelines

- A minimum buffer of 100 metres is required between wetlands and:
 - residential or urban development
 - development with the potential to cause adverse impacts including tourist and visitor accommodation, intensive plant or livestock agriculture, or rural industry
- Separation distances may be determined on a site specific basis where criteria outlined in **section 11i.7 Variations of assessment criteria** are met

D. Separation distances for specific land uses

- Minimum separation distances are to apply to maintain a buffer between development and specific land uses, including:

Waste facilities	residential areas/urban development, rural dwellings, rural tourist accommodation, or similar land uses.	300m
Animal boarding or training establishments	residential areas/urban development, rural dwellings, rural tourist accommodation, or similar land uses	500m
Helipads	Residential zones, dwellings or rural tourist accommodation not associated with the development, child care centres, education facilities, hospitals or similar land uses	500m
Extractive industries (if blasting is involved)	residential areas/urban development, rural dwellings, rural tourist accommodation, or similar land uses	1000m of residential zone 1000m of dwelling
Effluent re-use areas	Other land uses	Site specific determination

- For **Extractive industries**: additional buffers may be required along access roads. In addition to any other guideline, minimum setbacks for extractive operations are 10m from adjoining property boundaries, 30m from a public or Crown road.
- Separation distances may be determined on a site specific basis where criteria outlined in **section 11i.7 Variations of assessment criteria** are met

E. Separation distances to wastewater treatment plants

- This section applies to land in the vicinity of the Scone, Aberdeen, Merriwa or Murrurundi Wastewater Treatment Plants as shown on Maps 1 to 4 below.
- A minimum buffer as specified on Maps 1 to 4 below shall apply to sensitive land uses (ie dwellings, schools, child care facilities, tourist and visitor accommodation and hospitals)
- Council shall not approve any increase in residential density on land over that which exists at present on buffer areas

11i Buffer areas and separation distances



Outcomes to be achieved

Design guidelines

around Wastewater Treatment Plants as marked on **Maps 1 to 4** below, unless it is satisfied that:

- it is proposed on an existing vacant lot
- the likely adverse impacts of the proposed development will not impact the existing and continued operations of the Wastewater Treatment Plant
- the likely adverse impact of the development on the existing and continued operations of the Wastewater Treatment Plant is minimal
- the development is sited to maximise the distance between the development and the Wastewater Treatment Plant to minimise potential land use conflict
- the development is suitably located to minimise any views of the Wastewater Treatment Plant to avoid any likely adverse visual impact
- the development has employed measures that will mitigate the effects from the relevant Wastewater Treatment Plant
- the intensity of development is such that it would reasonably be anticipated for the subject site.

F. Bushfire asset protection

Land use buffers may be required in conjunction with bush fire asset protection.

- Buffers comply with the requirements set out in section **10b Bushfire risk**.

G. Heritage buffers

- Protection of heritage items may require limitation of development within the curtilage of the item.
- The development considers the requirements in **Parts 9 Heritage and 3 Subdivision**, particularly relating to curtilages.
- Separation distances for heritage items are determined on a site specific basis taking into account relevant matters, including the heritage significance of the item.
- A site specific heritage study and associated report is likely to be required. Refer to parts **9 Heritage and 3 Subdivision**.

H. Buffer to rail & busy roads

- The development addresses the provisions of the *Department of Planning's publication 'Development Near Rail Corridors and Busy Roads – Interim Guideline' 2008* (or its updated version) and any other relevant guidelines.
- The development considers the requirements in section **13f Scone Bypass**

I. Separation distances to electricity transmission lines

- The development provides suitable buffers to electricity transmission lines to ensure the safety and security of the transmission network is not affected by the development, and



11i Buffer areas and separation distances

Outcomes to be achieved

Design guidelines

no adverse impacts from the transmission line affect the development.

- Development complies with safety separation distances identified by the owner of the transmission line, and any guidelines that apply in relation to the erection of structures or land use in the vicinity of the line.

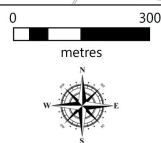
Map 1 Scone wastewater treatment plant buffer

11i Buffer areas and separation distances



Legend

- Sewer Plant
- Land Parcel
- Sewage Plant Buffer



Upper Hunter
Development Control Plan 2022
Scone Treatment Plant Buffer

Filename: UHSC_DCP_SconeT_Plant_Mar2022
Date: 2/3/2022



11i Buffer areas and separation distances

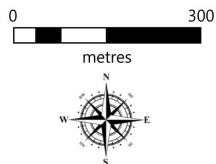


Map 2 Aberdeen wastewater treatment plant buffer



Legend

-  Sewer Plant
-  Land Parcel
-  Sewage Plant Buffer



**Upper Hunter
Development Control Plan 2022
Aberdeen Treatment Plant Buffer**

Filename: UHSC_DCP_Aberdeen_T_Plant_Mar2022
Date: 2/3/2022



11i Buffer areas and separation distances



Map 3 Merriwa wastewater treatment plant buffer



11i Buffer areas and separation distances



Map 4 Murrurundi wastewater treatment plant buffer



11i Buffer areas and separation distances

11i.7 Variations of assessment criteria

The minimum separation distance requirements outlined in clause **11i6 Assessment criteria** will only be varied where it has been demonstrated that they are not appropriate for the site, and the following criteria are met:

- documentary evidence is provided that the minimum standards are unnecessary or inappropriate in the particular circumstances of the case
- relevant State or national guidelines or standards are complied with.

11i.8 Supplementary guidance

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

- NSW Department of Primary Industries, 2018: *Buffer Zones to Reduce Land Use Conflict with Agriculture - An Interim Guideline November 2018*, Primefact 1624, First edition
- Department of Planning, 2008, Development Near Rail Corridors and Busy Roads – Interim Guideline
- NSW Environment Protection Authority, 2017: Noise Policy for Industry 2017. [https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-\(2017\)](https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017))
- Appendix B of *National Guidelines for Beef Cattle Feedlots in Australia*, by Meat and Livestock Australia Ltd, or any update, downloadable at <https://publications.mla.com.au/login/redirectFrame>
- NSW Department of Primary Industries also has guidelines, manuals and standards for a range of agricultural activities and practices which should be referred to – see the reference list at the end of **Part 7 Rural development**
- NSW Department of Environment and Conservation, 2004, Use of Effluent by Irrigation www.environment.nsw.gov.au/resources/water/effguide.pdf

Outline

Part 12 Specific infrastructure issues

Explanatory outline

Part 12 specifies outcomes, design guidelines and other requirements relating to specific infrastructure issues. There are separate sections for each of the following matters:

12a Access & vehicle parking

12a Access & vehicle parking

Explanatory outline

Section 12a outlines assessment criteria relating to the provision of vehicular access and parking. The following matters are covered:

- number and type of vehicle parking spaces required
- car parking and internal road design and construction
- landscaping
- access to the site and driveways
- loading facilities
- bicycle and pedestrian facilities

12a Access & vehicle parking

12a.1 Application of this section

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

Column 1:	Type of development	Column 2:	Applicable land
	<ul style="list-style-type: none"> • Any development that requires development consent, and which requires vehicle access or parking. 		Any land.

This part also applies to some types of development as specified in *State Environmental Planning Policy (Exempt and Complying Development) 2008*

12a.2 Relevant planning instruments & legislation

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

- *Upper Hunter Local Environmental Plan 2013*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Exempt and Complying Development) 2008*

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

12a.3 Relationship to engineering specifications

The *Upper Hunter Engineering Guidelines for Subdivisions and Developments* as amended may be relevant to the development, depending on its circumstances.

Some specifications are referenced throughout this part and may be relevant to the development, depending on its circumstances.

Where there is an inconsistency between the DCP and the *Guidelines*, the provisions of this DCP will prevail.

12a Access & vehicle parking

12a.4 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended. The **Dictionary** to this DCP provides additional definitions that are relevant to this Part, including:

- car park
- gross floor area
- parking space

In addition, a range of land use types specified in this section are defined in the Dictionary of *Upper Hunter Local Environmental Plan 2013*.

12a.5 Objectives

The objectives of this section are to:

1. ensure that adequate provision has been made in traffic generating developments for the off-street parking and manoeuvring of vehicles and the loading and unloading of vehicles
2. ensure that access to sites operate in a safe and efficient manner
3. ensure that vehicular parking areas are designed in such a manner as to be functional, aesthetically pleasing in terms of landscaping, and safe for motorists and pedestrians
4. ensure that loading and unloading operations do not adversely interfere with vehicle and pedestrian movements
5. ensure that the proposed means of entrance to and exit from developments is adequate and that all vehicles entering or leaving properties are driven in a forward direction
6. ensure that all traffic generating developments are in accordance with relevant State Policies and Guidelines
7. ensure that cyclists and pedestrians have well designed access to developments

12a.6 Supporting plans & documentation

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

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Development-specific requirements	All applications	Plans and information required in the development-specific sections of this DCP – e.g. urban residential development, rural development, commercial development, industrial development
C. Traffic impact assessment	Applications for development that is likely to have a significant impact on traffic movement within the locality in	The Traffic impact assessment is to be prepared by a suitably qualified and experienced traffic engineer and demonstrate compliance with the Transport for NSW's <i>Guide to Traffic Generating Development</i> and <i>SEPP (Transport and Infrastructure) 2021</i> .

12a Access & vehicle parking

Item	When required	Plans or information to be provided
	the opinion of Council, including those as specified by Clause 2.122 and/or Schedule 3 of <i>SEPP (Transport and Infrastructure) 2021</i> .	
D. Vehicle parking & loading details	Applications involving vehicle access, car parking or loading facilities.	<p>Detailed and dimensioned plans are required including, but not limited to, the location and dimensions of all vehicle parking spaces, bays, internal roads, driveways and manoeuvring areas.</p> <p>The plans must show:</p> <ul style="list-style-type: none"> proposed vehicular access and circulation, including on-site vehicular movement and turning circles. [Turning templates should be provided for the largest vehicle proposed to access the site, clearly showing how it will enter and leave the site in a forward direction] compliance with <i>AS 2890.1-2004 Parking Facilities – off street vehicular parking</i>, <i>AS2890.2 – 2002 Parking Facilities – Commercial vehicle facilities</i> and <i>AS2890.6 – 2009 Off street parking for people with disabilities</i> details of the estimated size and frequency of goods delivery vehicles visiting the premises (where relevant). proposed landscaping of the carparking areas <p>A study may be required justifying the number of parking spaces to be provided on site.</p>
E. Driveways	Applications involving the construction of driveway access to a property boundary (for example, across a public footpath).	<ul style="list-style-type: none"> Driveway plans will need to be submitted with a separate <i>section 138 Roads Act 1997</i> approval (can be lodged in conjunction with the development application). Full driveway profile is required for new driveways off public roads. Plans are to be in accordance with <i>Upper Hunter Engineering Guidelines for Subdivisions and Developments</i> as amended
F. Walk and cycle plan	Major urban subdivisions or other development, as determined by Council	<ul style="list-style-type: none"> Plan and report, prepared by a suitably qualified professional, showing the location and linkages of walking and cycling infrastructure, especially in consideration of the location and connection to existing and future infrastructure shown in <i>Upper Hunter Bicycle Plan 2015</i>

12a Access & vehicle parking

12a.7 Other lodgement requirements

In accordance with *State Environmental Planning Policy (Transport and Infrastructure) 2021*, Council is required to refer proposals for major traffic generating developments to Transport for NSW.

Certain applications, at Council's discretion, will be referred to the Upper Hunter Local Traffic Committee.

12a.8 Assessment criteria

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

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

Outcomes to be achieved	Design guidelines
A. Number & type of vehicle parking spaces	
A1 General	
<ul style="list-style-type: none"> ■ Adequate parking for visitors, employees and users of specific land uses is provided on the development site. ■ Parking is provided at the rate and type specified in Table 5 Car parking requirements. ■ The number of car parking spaces to be provided as set out in the Table is assessed to the nearest higher whole number, provided that a minimum of one (1) parking space is required for each independently assessed use. ■ Parking is in immediate and convenient access to the development. 	<ul style="list-style-type: none"> • Car parking should normally be provided on the site of the development but Council may accept provision of car parking on other land owned by the developer provided that it is satisfied that the alternate location is convenient to the development. • Minor ancillary or incidental uses will be assessed as part of the main use of the building, i.e. the office, storeroom, staff rooms, etc. of a shop will be included in the area of the shop and will not be treated as a separate store or office use.
	Low intensity uses
	<ul style="list-style-type: none"> • Where the proponent of a development is able to demonstrate that it is unnecessary to provide the total number of parking spaces on site as required by this Plan, a lesser provision may be accepted by Council. In such circumstances suitable justification and a detailed analysis should be submitted with the development application.
A2 Parking for vehicle users with special needs	
<ul style="list-style-type: none"> ■ Special parking spaces for people with disabilities are provided at the rate of two percent (2%) of the overall spaces provided for any development that is provided 	<ul style="list-style-type: none"> • For developments likely to be frequented by older persons or people with disabilities, consideration is given to additional accessible parking spaces and for parking/storage areas for

12a Access & vehicle parking

Outcomes to be achieved

parking for the public or employees. A minimum of 1 space is provided. These spaces are clearly signposted and marked, and comply with the provisions of AS2890.6- *Off Street Parking for people with disabilities*.

- Parking for use by people with special needs is provided as close as practicable to the public entrance(s) to a development.
- Parking must be at the minimum rate required AS 2890.6 *Off-street parking for people with disabilities* or the relevant rate in *State Environmental Planning Policy (Housing) 2021*, whichever is greater.

Design guidelines

motorised mobility scooters and 'wheelie walkers'.

- Large developments for retail development (or mixed use including retail) that give rise to a need for 200 or more car parking spaces should provide one space for seniors and one for parents with prams for each 100 spaces (rounded down) required by this volume. Such spaces shall measure no less than 2.8m x 5.5m and shall be signposted and marked with line marking paint. They shall be located to minimise travel distance to the entry points for the facility. The spaces required by this clause are not in addition to the spaces that are otherwise required by this plan.

A3 Mixed use development

- In the case of a combination of land uses on the site, the parking requirement for each separate use is calculated and then added together to provide the total parking requirement. Departure from this method may only be considered where it can be demonstrated that the peak demand for each land use component of the development is staggered.

A4 Extension of premises

- Where existing premises are being extended to create additional gross floor area, the additional parking requirement is calculated in accordance with the parking standards specified in **Table 5 Car parking requirements** on the basis of the increased floor space.

A5 Change of use

- Parking requirements for the proposed changes of use is in accordance with the rates prescribed in **Table 5 Car parking requirements**.

A6 Major traffic generating developments

- Parking requirements for major new developments takes into account:
 - likely demand for off street parking generated by the development;
 - the mix of uses and their parking requirements;
 - availability of public transport to service the development;
 - probable mode of transport to be used by employees and customers;
 - likely peak usage times of the proposed development; and

- Council may, at its discretion, waive the car parking requirements for small scale alterations and additions where:
 - the proposal is of a minor nature requiring the provision of not more than one additional car parking space; or
 - the proposal is not directly related to the parking generation potential of the development
- Any non-compliance will need to be accompanied by justification and may not be supported by Council if it is not satisfied that adequate parking will be provided.

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Outcomes to be achieved

- existing traffic volumes on the surrounding street network including, where relevant, the potential traffic volumes.

Design guidelines

A7 Undefined development

- Where a proposed development does not fall within any of the land use categories identified in Table 5 Car parking requirements, Council shall calculate the on site parking requirements having regard to the experience of similar existing development and an assessment of the likely traffic generating potential of the proposed development, at the discretion of Council.

A8 Other

- Car parking spaces are used solely for parking purposes.
- Areas used for driveways, access, manoeuvring, trolley storage, clothes drying or any other purpose are not used (or counted) as car parking spaces.

Note: where the developer is unable for any reason to comply with Table 5 Car parking requirements, they may be required to contribute to the cost of Council's car parking areas as per the current relevant s94 or s94A Developer Contributions Plan(s).

B. Car parking & internal road design & construction

- The minimum dimensions, design and construction of parking bays, aisles, driveways, loading areas etc is in accordance with *Australian Standard AS 2890.1 Off Street Car Parking*, or *Australian Standard AS 2890.2 Commercial Vehicles Facilities*.
- Adequate on site manoeuvring and circulating areas is provided to ensure that all vehicles enter and leave the site do so in a forward direction.
- The location of the parking area on the site is determined having regard to:
 - site conditions such as slope and drainage.
 - visual amenity.
 - the location of the building; and.
 - the proximity to any neighbouring residential development.
- Car parking and loading facilities are designed to make the facility attractive to users and to visually integrate the facility into its surrounds.
- All signage (whether viewed from internal areas on the site or from external areas) are provided in accordance with the provisions of AS2890.1, AS1742 (all relevant parts) and any relevant guidelines endorsed by the RTA.
- Parking spaces for visitors and customers should be provided where they are clearly visible from the street so their use is encouraged.
- Parking spaces for employees and for longer duration parking may be located more remotely from the street.
- In choosing the most suitable pavement type the following factors should be considered:
 - anticipated vehicle loads.
 - run-off gradients and drainage requirements; and.
 - construction constraints.
- Parking areas in commercial areas must be linked via a pedestrian path with the nearest public footpath.
- Parking spaces adjoining pedestrian accesses must be provided with wheel stops or upright kerbs to protect the safety of pedestrians.
- Multi-unit commercial or business complexes must provide a consolidated car parking area for patrons. No more than 50% of the total parking spaces on site shall be allocated to a single unit.

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Outcomes to be achieved

Design guidelines

- Parking should be provided in accordance with 'Crime Prevention Through Environmental Design' principles

C. Access to the site, driveways and internal roads

- The development must have legal access to a formed public road constructed to a suitable standard.
- All works required to service the development are designed and constructed in accordance with the relevant provisions of AS2890 Parking Facilities.
- A safe and stable access from the road formation to the allotment boundary is provided.
- Any works on public land or in the public road reserve (including driveways) that are to revert to the care and control of Council are designed and constructed in accordance with the relevant provisions of *UHSC Engineering Guidelines for Subdivisions and Developments*, as amended and Standard Vehicle Lay-back (Drawing No. SVL-001) and Rural Property Access (Drawing No. RPA-001).

Note: a separate section 138 Roads Act 1993 approval will be required for the construction of a driveway from the road to the property boundary.

- Direct access from a development to a classified road or to a main road is avoided or not intensified
- Vehicular accesses in **rural areas** must meet the provisions of Part 7 **Rural development**
- A vehicular driveway must:
 - be located no closer than 6 metres to a corner boundary
 - not be located within 12 metres on the approaches to a "stop" or "give way" sign
 - cross the footpath or footway at right angles to the centreline of the road
 - be located so that any vehicle entering or leaving the site can be readily seen by the driver of an approaching vehicle in the street
 - be clear of obstructions which may prevent drivers having a timely view of pedestrians
 - be properly signposted by the use of "in" or "entrance" and "out" or "exit" signs, where appropriate.
 - be designed and constructed to suit design traffic loads.
- Internal roads (between the driveway and the parking area) are sufficient to cater for expected vehicle movements. The recommended minimum carriageway widths are in accordance with Table 1 Recommended minimum parking circulation roadway width – two way traffic

Note: Transport for NSW (or the relevant state roads authority) has adopted

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Outcomes to be achieved

Design guidelines

seven types of access driveways – types 1 to 5 for cars (or light vehicles) and types 6 and 7 for heavy vehicles (as shown on Table 2 Selection of driveway type based on parking spaces).

Table 3 **Recommended standards for driveway types** shows entry and exit driveway widths and separation between the two where applicable for the different types of driveways.

- Lighting is provided in accordance with *AS1158 Lighting for roads and public spaces*.

D. Bicycle parking & access & pedestrian access

- Developments that are likely to attract substantial numbers of the public are located and designed so as encourage access by bicycle and walking.
- Pedestrian paths and bicycle access & parking facilities are provided in accordance with:
 - *AS 2890.3: 1993 Bicycle Parking Facilities*
 - *UHSC Engineering Guidelines for Subdivisions and Developments (as amended)*.
 - *Upper Hunter Bicycle Plan 2015*
 - any other relevant strategic plans adopted by Council

Note the additional requirements for bicycle and pedestrian facilities in Part 3 Subdivision.

E. Landscaping

- A minimum of 10% of the total area of the car park is appropriately landscaped.
- Appropriate shade is provided to large expanses of car park
 - All ground level parking areas for business /retail/commercial development with more than 12 parking spaces must be landscaped including shade trees provided at the rate of one canopy tree for every four car parking spaces of part thereof. Shade trees must be located to provide shade to parked vehicles.
 - Long stretches of parking bays should be dispersed with screen planting. A good rule of thumb would be to have no more than 10 parking bays before breaking with planting.
 - Plants should be selected and located to avoid maintenance problems such as interference with overhead wires, underground conduits, damage to paved areas by root systems, and leaf and branch litter.
 - Trees with large surface roots, excessive girth, brittle limbs, fruits which drop and trees which attract large

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Outcomes to be achieved

Design guidelines

numbers of birds should be avoided in parking areas.

- Native, heat and drought tolerant plant species for landscaping are preferable.
- Refer to any relevant Council guideline regarding Planting or Species schedules.

F. Loading / unloading facilities

- In the case of all commercial, retail and industrial development, adequate provision is made on the development site for the loading and unloading of service vehicles.
- Loading and unloading facilities are to be provided in accordance with *AS 2890.2 Off-street commercial vehicle facilities*
- The number and dimensions of loading bays required have regard to the nature and scale of the proposed development, the estimated frequency of deliveries and the type of delivery vehicle likely to be involved.
- Loading/unloading bays are designed to ensure that vehicles can manoeuvre into and out of all loading/unloading areas without conflicting with the movement of vehicle and pedestrian traffic on site or in the adjacent streets.
- The loading/unloading areas are designed to accommodate the turning path of appropriate service vehicles detailed in **Table 4 Service vehicle dimensions**.
- Loading/unloading areas are designed to ensure that vehicles stand entirely within the site during loading and unloading operations.

Table 1 Recommended minimum parking circulation roadway width – two way traffic

Number of parking spaces/service bays		
1-24 spaces and length not exceeding 40 m	25-50 spaces OR 1-24 spaces OR 1-24 spaces plus service bay(s)	Over 50 spaces OR Over 24 spaces PLUS Service bay(s)
3.5 m wide	5.0 m wide	6.0 – 6.5 m wide

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Table 2 Selection of driveway type based on parking spaces

Road frontage	Number of car parking spaces served by the driveway					
	< 25	25-100	101-300	301-600	> 600	Heavy vehicles
Major	1-2	2-3	3-4	4	5	7
Minor	1	1-2	2-3	3-4	4	6

Source: Transport for NSW: Guide to Traffic Generating Developments and Australian Standard 2890.1-2004 – Parking Facilities

Table 3 Recommended standards for driveway types

Type	Entry width (m)	Exit width (m)	Minimum separation of driveways (m)	Splay at kerb line (m)	Kerb return turnout radius (m)
1	3-6	Combined	N/A	0.5	-
2	6-9	Combined	N/A	1	-
3	6	4-6	1-3	1	2-9
4	6-8	6-8	1-3	1	2-9
5	Direct feed from a controlled intersection via a dedicated public roadway via an intersection controlled by STOP and GIVE WAY signs, traffic signals or a round about.				
6	8-10	8-10	3	1	2-9
7	10-12	10-12	3	1	2-9

* Driveways are normally combined, but if separate, both entry and exit widths should be a minimum of 3.0 metres.

Source: Transport for NSW: Guide to Traffic Generating Developments and Australian Standard 2890.1-2004 – Parking Facilities

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Table 4 Service vehicle dimensions

Vehicle Type	Length (m)	Width (m)	Max height (m)	Turning circle (kerb to kerb) (m)
Station Wagon	4.7	1.9	1.4	11.0
Utility	4.7	1.9	1.4	11.0
Van	5.4	2.1	2.5	13.5
Small Rigid Truck	6.6	2.1	4.3	14.4
Large Rigid Truck	11.0	2.5	4.3	21.7
Large Articulated Truck	17.5	2.5	4.3	16.2

Note: For courier vehicles, standard car parking space dimensions are usually satisfactory

SOURCE: Transport for NSW: Guide to Traffic Generating Development

Table 5 Car parking requirements by development type

Development type	Required provision	Comments
Residential accommodation		
Boarding houses and hostels	1 space per 3 beds or 1 per bedroom, PLUS 1 visitor space per 5 beds or 1 visitor space per 5 rooms PLUS (whichever is the greater) PLUS 1 space per 3 employees	The visitor parking area should be appropriately located and sign posted.
Caravan park (including camping ground, moveable dwelling or manufactured home estate)	1 space per site, PLUS 1 space per 10 sites for visitor parking.	The visitor parking area should be appropriately located and sign posted. <i>See also SEPP (Housing) 2021.</i>
Dual occupancy and secondary dwellings	See DCP Section 4a Urban dwellings	
Dwelling house		
Group home	1 space per employee	
Multi dwelling housing and residential flat buildings	See DCP Section 4a Urban dwellings	
Shop top housing	1-bedroom or studio: 1 space per unit 2-bedroom: 1.2 space per unit (the 0.2 space to remain as common property) 3-bedroom or more: 2 spaces per unit	Applications must demonstrate due consideration of car parking arrangements, including availability of adjacent parking, access to public transport or historical lack of physical access to parking.
Seniors housing	0.5 spaces per bedroom	Council may consider varying these requirements based upon a plan of management for the facility

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Development type	Required provision	Comments
(a) Self-contained dwellings (private developments)	1 space per 5 dwellings	detailing proximity and availability of services, and regular community transport services to be provided for residents.
(b) Self-contained dwellings (public developments)		
(c) Residential care facility or hostel	1 space per 10 beds, PLUS 1 space per 2 employees, PLUS 1 space per ambulance.	
Community		
Child Care Centre	1 space per employee, PLUS 1 space per 15 children enrolled (if provision of 3 set down/pick up areas) or 1 per 10 children.	Council may give consideration to varying the specified parking requirement, depending upon the nature and type of street frontage available for the setting down and picking up of children or if home based child care is proposed.
Community facility	1 space per 20 m ² of gross floor area.	
Educational establishment	Tertiary - 1 space per 2 employees, PLUS 1 space per 5 students Secondary - 1 space per 2 employees, PLUS 1 space per 10 students Primary - 1 space per 2 employees, PLUS 1 space per 12 students	
Hospital	Car parking will be assessed in accordance with RTA Guidelines	
Information or education facility	1 space for every employee or staff member PLUS 1 space for every 30 students over 17yrs for High Schools and 1 space for every 5 students for Higher Education Establishments PLUS provision for a drop off / pick up area	The parking requirements for each school site may vary. In general a detailed traffic and parking study should be submitted with the application. It is recommended that a school traffic management plan be prepared annually and issued to parents at the start of each school year. Where required by Council, provision shall be made for the access and parking of buses and pick up – drop off areas, which may only need to operate during certain hours.

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Development type	Required provision	Comments
Place of public worship	1 space per 10 fixed seats, OR 1 space per 10 m ² of gross floor area if seats not affixed, WHICHEVER IS THE GREATER	
Public administration building	1 space per 40 m ² of gross floor area.	
Home activities		
Home based child care or family day care home	Sufficient space on site for drop off/pick up for one vehicle PLUS The street must have sufficient parking capacity during peak periods to accommodate pick up/drop off, and such areas must be within 50 m walking distance from entry.	Car parking for residents in accordance with this table cannot be counted as parking spaces for this home based use.
Home business / home industry	1 space for each employee other than residents of the dwelling.	
Industry & storage		
Industry (general and light)	1 space per 75 m ² of gross floor area	
Vehicle repair station	1 space per 40 m ² of gross floor area, OR 3 spaces per workshop bay, WHICHEVER IS GREATER.	
Warehouse or distribution centre	1 space per 300 m ² of gross floor area	
Recreation & entertainment		
Entertainment facility	1 space per 10 fixed seats, OR 1 space per 10 m ² of gross floor area if seats not affixed, whichever is the greater	
Recreation facility (indoor) General (where not included in the facility types below)	1 space per 25 m ² of gross floor area, PLUS 1 space per 2 employees	
Squash courts, tennis Courts	3 spaces per court, PLUS 1 space per 3 employees or part thereof.	
Bowling alleys	3 spaces per lane, PLUS	

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Development type	Required provision	Comments
	1 space per 3 employees or part thereof.	
Bowling greens	30 spaces for first green and 15 spaces for each additional green.	
Recreation facility (outdoor)	To be assessed on a site by site based on the traffic generating capacity and design of the proposed area. Submit parking study to substantiate proposed car parking provisions.	
Recreation facility (major)	To be assessed for each proposal, based on the traffic generating capacity and design of the proposed area.	
Recreation area	To be assessed on a site by site based on the traffic generating capacity and design of the proposed area.	
Conference Facilities	1 space per 5 fixed seats OR 1 space per 15 m ² of gross floor area if seats not affixed	Council may consider a reduced parking rate depending on the nature of use the facility is put to (e.g.: if used for student conferences and transport to and from the site is by bus).
Commercial premises		
Bulky goods premises	1 space per 45 m ² of gross floor area.	
Business premises (office premises, financial institutions, real estate agents etc)	1 space per 35 m ² of gross floor area.	Provision should be made for the on site loading/unloading of service vehicles as appropriate.
Cellar door premises	1 space per 7 m ² of gross floor area accessible to public	
Function centre	1 space per 10 fixed seats, OR 1 space per 10 m ² of gross floor area if seats not affixed, whichever is the greater	
Funeral home or chapel (including mortuary)	1 space per employee PLUS 1 space per 10 m ² of gross floor used or accessed by the public	
Health Consulting Room	1 space per practitioner, PLUS 1 space per employee,	If it is shown that not all surgeries operate at the same time, Council

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Development type	Required provision	Comments
	PLUS 2 spaces for patients of each practitioner.	may consider reducing the parking requirement for patients.
Kiosk	1 space per 25 m ² GFA	
Landscape and garden supplies	1 space per 130 m ² of gross display area.	Provision to be made for car / trailer combinations at strategic locations
Market	Minimum of two spaces per stall	Separate provision should be made for stall holder's vehicles. Where a market is located within an existing shopping centre, consideration will be given to multiple usage requirements and a lower parking provision may be acceptable.
Medical centre	1 space per 25 m ² of gross floor area.	
Pub	1 space per 4 m ² of licensed floor area PLUS 1 space per bedroom or motel unit	Parking must be provided to satisfy the peak cumulative parking requirements of the development as a whole. Council may consider relaxing this requirement depending on the characteristics of the proposed development. For this purpose a comparison survey of similar developments, in similar locations should be provided with the development application.
Registered club	1 space per 7 m ² of licensed gross floor area, PLUS 1 space per 5 seats of auditorium, dining room and recreation area, OR 1 space per 10 m ² of auditorium, dining room and recreation area, WHICHEVER IS GREATER, PLUS 1 space per 3 employees.	Parking must be provided to satisfy the peak cumulative parking requirements of the development as a whole. Council may consider relaxing this requirement depending on the characteristics of the proposed development, and comparison with similar developments in the locality.
Restaurant or cafe	1 space per 7 m ² of gross floor area available for dining purposes	
Restricted premises	1 space per 20 m ² of gross floor area	

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Development type	Required provision	Comments
Shop		
(a) < or = to 1000 m ² gross floor area	1 space per 20 m ² of gross floor area.	
(b) > 1000 m ² gross floor area (includes supermarkets, department stores, shopping centres)	1 space per 30 m ² of gross floor area.	
(c) video store	1 space per 15 m ² of gross floor area.	
(d) neighbourhood shop	1 space per 25 m ² GFA	
Roadside stall	A minimum of 4 off street parking spaces.	Line marking and sealing of the parking area may not be required for temporary or itinerant stalls and will be assessed on a merit basis.
Service Station	6 spaces per work bay, PLUS 1 space per 20 m ² of gross floor area of the convenience store, PLUS 1 space per 6.5 m ² of gross floor area OR 1 space per 3 seats if a restaurant facility is provided, WHICHEVER IS GREATER.	All car parks must be located clear of vehicle pump paths.
Sex services premises	2 spaces per room used for the provision of sex services.	
Take-away food or drink premises	1 space per 12 m ² of gross floor area, PLUS 1 space per 3 seats.	NB A food outlet that provides no seating will be assessed as 'shops'. An area for queuing of cars for a drive through facility is required.
Timber yards and hardware and building supplies	1 space per 130 m ² of gross display area.	
Vehicle sales or hire premises	0.75 spaces per 100 m ² of site area, PLUS 1 space per 2 employees	If a vehicle repair station is included additional parking will be required at the adopted rate for such a facility (as a guide, 6 spaces per work bay is recommended)



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Development type	Required provision	Comments
Veterinary hospital	3 spaces per practitioner, PLUS 1 space per employee.	If it is shown that not all surgeries operate at the same time, Council may consider reducing the parking requirement for patients.
Tourist & visitor accommodation		
Backpackers' accommodation	1 space per bedroom, PLUS 1 space per 3 employees, PLUS 1 space for manager	
Bed and breakfast accommodation	1 space per bedroom	
Hotel accommodation	1 space per hotel unit, PLUS 1 space per 4 m ² of licensed floor area, PLUS 1 space per 6.5 m ² of auditorium, dining room and recreation area, OR 1 space per 3 seats of auditorium, dining room and recreation area, WHICHEVER IS GREATER, PLUS 1 space per 3 employees.	The proposed hotel development will be compared to similar existing developments.
Serviced apartment	1-bedroom or studio: 1 space per unit 2-bedroom: 1.2 space per unit (the 0.2 space to remain as common property) 3-bedroom or more: 2 spaces per unit	
Tourist accommodation units	1 space per bedroom	
Motel	1 space per unit, PLUS 1 space per 2 employees.	If a restaurant or function room is to be included, additional parking will be required at the adopted rate for such facilities. Council is willing to review this requirement if it can be demonstrated that the time of peak demand at each facility does not coincide or if the facilities will serve motel customers.

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Development type	Required provision	Comments
Submissions will be assessed on a merit basis.		
Transport & infrastructure		
Freight transport facility	Cars 1 space per 100 m ² of GFA OR 1 space per 2 staff, whichever is the greater Bicycles Minimum 1 space per 20 staff or part thereof	On-site parking for staff / visitors must be located in places that are readily accessible from the principal pedestrian entrances to buildings
Materials recycling or resource recovery centre	1 space per 100 m ² of GFA OR 1 spaces per 2 employees	
Passenger transport facility	To be assessed on a site by site based on the traffic generating capacity and design of the proposed area. Submit parking study to substantiate proposed car parking provisions.	
Transport or truck depot	Cars 1 space per 2 on site staff PLUS 1 space per transport vehicle present at the time of peak vehicle accumulation on site. Vehicle Wash Bay Minimum 1 vehicle wash bay of a size that can accommodate the largest vehicle typically visiting the site Bicycles Staff: Minimum 1 space per 5 staff or part thereof	Under no circumstances is the parking of vehicles on a public street acceptable.

12a.9 Other Information

Where the developer is unable for any reason to comply with Table 5 Car parking requirements, they may be required to contribute to the cost of Council's car parking areas as per the current relevant s94 or s94A *Developer Contributions Plan(s)*.

12a.10 Supplementary guidance

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

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



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- Roads and Traffic Authority (now Transport for NSW), 2002: *Guide to Traffic Generating Developments*, Version 2.2 October 2002
- Australian Standards *AS 2890.1 Off Street Car Parking*
- Australian Standards *AS 2890.2 Commercial Vehicles Facilities*
- Australian Standards - *AS 2890.3 Bicycle parking facilities*
- *Upper Hunter Bicycle Plan 2015*
- Australian Standards - *AS 2890.5 On-street car parking*
- Australian Standards - *AS 2890.6 Off-street parking for people with disabilities*
- Australian Standards - *AS 1158 Lighting for roads and public spaces*
- Australian Standards - *AS 1743 Road signs – Specifications*

13a St Aubin's Estate, Scone



Explanatory outline

Section 13a outlines assessment criteria that relate specifically to the St Aubin's Estate, Scone. The following matters are covered:

- concept and land uses
- staging and infrastructure delivery
- public road network and street design
- pedestrian and cycling network
- biodiversity, open space and landscape strategy
- flooding and water management
- salinity
- Aboriginal and European heritage
- bushfire management
- significant development sites – seniors living
- residential subdivision
- residential buildings

Note: the requirements of this section are in addition to those specified in other sections for particular development types, for example section 3a **Subdivision** and section 4a **Urban dwellings**

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

13a St Aubins Estate

13a.1 Application of this section

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

Column 1: Type of development

Any Development that requires development consent.

Column 2: Applicable land

Land within the St Aubins Estate, Gundy Road, Scone, as shown on **Map 1: St Aubin's Estate, Scone**

13a St Aubin's Estate, Scone



Map 1: St Aubin's Estate, Scone



13a St Aubin's Estate, Scone

13a.2 Relevant planning instruments & legislation

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

13a.3 Definitions

There may be terms used in this section that are defined in the Dictionary.

13a.4 Vision for St Aubin's

The vision for St Aubin's is to create a high quality residential development that facilitates the orderly growth of the Scone town site. Residential streets will be interconnected and legible to establish safe local streets and convenient access in and out of the development area.

Within the overall development, a site has been earmarked for seniors living purposes. This has encouraged the establishment of social infrastructure and activities that build a sense of community strength.

Riparian areas will be preserved and water management facilities will be provided to ensure minimal environmental impacts result from residential development. A connected pedestrian and cycling pathway network will align with the riparian corridors and connect to existing pathways in Scone.

13a.5 Objectives

The objectives of this section are to:

1. create a high quality residential development that facilitates the orderly growth of Scone
2. encourage the establishment of social infrastructure and activities that build a sense of community strength
3. ensure minimal environmental impacts result from residential development
4. ensure that development contributes positively to Scone and the Upper Hunter's image
5. ensure the orderly development of the land and assist in the coordinated programming and provision of essential infrastructure and services
6. facilitate urban development that meets environmental sustainability objectives
7. ensure all development achieves a high standard of urban and architectural design quality
8. promote housing that provides a high standard of residential amenity
9. maximise opportunities for seniors living activities
10. promote walking and cycling, and provide good access to transport
11. maximise opportunities for future residents to access and enjoy the outdoors
12. protect riparian corridors, significant trees and vegetation
13. ensure the protection of water quality standards and provide water management systems and erosions controls, including during construction
14. protect and manage areas and elements of identified Aboriginal and European archaeological heritage
15. prevent loss of life and property due to bushfires by providing for development compatible with bushfire hazard
16. attract and stimulate investment in the Upper Hunter Shire.

13a St Aubin's Estate, Scone



13a.6 Supporting plans & documentation

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

Requirements listed below are in *addition* to requirements relating to the relevant type of development e.g. section **3a Subdivision** or section **4a Urban dwellings**.

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Sustainability assessment	All applications to subdivide land into 3 or more lots OR development with a footprint of 1500sqm or more	Report, prepared by a suitably qualified professional, addressing the requirements of section 1h Sustainability .
C. Servicing strategy	Applications for subdivision and major development (not for individual dwellings)	Information is required to demonstrate the availability and feasibility of providing the following services appropriate for the scale and nature of development: <ul style="list-style-type: none"> • reticulated water, including the size and location of water services including any proposed fire service • reticulated sewerage • electricity and telecommunications
D. Landscape plan & report	Applications for subdivision and major development (not for individual dwellings)	Plan and report prepared by suitably qualified professional, showing: <ul style="list-style-type: none"> • description of ground preparation and ongoing maintenance of landscaping • areas of private open space, proposed turf and areas of established gardens • location and species of trees and shrubs to be retained or removed • schedule of plantings, cross referenced to the site plan indicating species, massing and mature height • details of restoration and treatment of earth cuts, fills, mounds, retaining walls, fencing and screen walls • consistency with any requirements required in section 11a Vegetation (including trees) and/or section 11b Biodiversity conservation
E. Vegetation (including trees) reports	Applications affecting vegetation (including trees), as specified in section 11a Vegetation (including trees) .	Applicable reports or plans, prepared by a suitably qualified person, as specified in section 11a Vegetation (including trees) . These must be consistent with other elements of the development application, including Site plans, Bushfire assessment report and Landscaping plans. Depending on the site circumstances, these may include:

13a St Aubin's Estate, Scone



Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> written description and plans arborist's report ecological report heritage report safety or biosecurity risk report
F. Biodiversity and native vegetation reports, plans or assessments	<p>Applications for which biodiversity and/or native vegetation reports, plans or assessments are required (refer to section 11b Biodiversity conservation)</p> <p>These will be required for development on land with high biodiversity values, or proposals that require significant disturbance to, or clearing of, native vegetation or potential habitat for native species.</p>	<p>Applicable reports, plans or assessments, prepared by a suitably qualified person, as specified in section 11b Biodiversity conservation. These may include:</p> <ul style="list-style-type: none"> Native vegetation clearing threshold report, and/or Biodiversity (flora & fauna) assessment report, and/or Biodiversity development assessment report (BDAR), and/or Biodiversity management plan, and/or Biodiversity offset information, strategy or plan
G. Heritage, aboriginal cultural heritage or archaeological plans & reports including Due Diligence Report	<p>Applications that will potentially impact on land that is listed as or contains:</p> <ul style="list-style-type: none"> a heritage item a heritage conservation area a potential heritage item an archaeological site an Aboriginal objectan <p>Aboriginal place of heritage significance</p>	<p>Include the matters required under Pt 9 Heritage</p>
H Soil & water management plans or reports	<p>Applications for which soil and water management plans or reports are required (refer to section 11f Soil & water management)</p>	<p>Prepare applicable soil and water management plans or reports, as specified in section 11f Soil & water management. These could include:</p> <ul style="list-style-type: none"> cut and fill details erosion and sediment control plan (ESCP) erosion and sediment control strategy (ESCS) soil and water management plan (SWMP) comprehensive water cycle strategy (CWCS)
I. Flooding	<p>Applications that relate to flood prone land</p>	<p>Include the matters required under 10a Floodplain management</p>
J. Bushfire assessment report	<p>Applications that relate to Bush Fire Prone Land</p>	<p>Prepare a Bushfire Assessment Report in accordance with the current version of <i>Planning</i></p>

13a St Aubin's Estate, Scone



Item	When required	Plans or information to be provided
		<i>of Bush Fire Protection</i> , as specified as in section 10b Bushfire Risk
K Geotechnical hazard assessment	Applications potentially subject to geotechnical hazards (refer to section 10c Geotechnical hazard)	Include the matters required under section 10c Geotechnical hazard
L Salinity assessment	Applications for subdivision and major development (not for individual dwellings)	Include the matters required under section 10c Geotechnical hazard
M. Traffic & parking plans & reports (various)	Depends on type of development and expected traffic movements and parking requirements	Include the matters required under section 12a Access and vehicle parking

13a.7 Assessment criteria

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

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

This section is structured in the following way:

A	Concept & Land Uses
B	Staging
C	Public Road Network & Street Design
D	Pedestrian & cycling network
E	Biodiversity, open space & landscape strategy
F	Flooding & water management
G	Geotechnical hazard & salinity
H	Aboriginal & European heritage
I	Bushfire management
J	Significant development sites – seniors living
K	Residential subdivision
L	Residential building

Outcomes to be achieved

Design guidelines

A. Concept & Land Uses

- Development is undertaken in accordance with Map 2: St Aubin's Concept Development Plan (CDP) subject to compliance with the objectives and other development outcomes set out in this DCP.

Note: The CDP is a general guide to developing the site and variation from the DCP is permitted providing development is consistent with the Vision and Objectives for St Aubin's

- Development is undertaken in accordance with Map 3: St Aubin's Preferred Land Use Plan (PLUP) subject to compliance with the objectives and other development outcomes set out in this DCP

Note: The PLUP is a guide to allocating land uses to encourage certain activities within the St Aubin's development. Accordingly, the PLUP does not limit or prevent any other activities that are permissible under the LEP zoning.

B. Staging

- Appropriate essential infrastructure, services and facilities are established with the timely staging of development
- Staging and sequencing of the residential development occurs in accordance with Map 4: St Aubin's Indicative Staging Strategy or a staging strategy approved by Council.
- The size and boundaries of stages responds to expectant demands for new residential allotments.

C. Public Road Network & Street Design

- Development is undertaken in accordance with Map 5: St Aubin's Indicative Road Hierarchy) subject to compliance with the objectives and other development outcomes set out in this DCP
- The development satisfies relevant movement and access criteria contained within
 - section 12a Access & vehicle parking
 - Part 3 Subdivision
 - Part 4 Urban residential
 - UHSC Engineering Guidelines for Subdivisions and Developments, as amended
- A hierarchy of interconnected streets is provided, that enables safe, convenient and legible access.
- Easily accessible connections to Gundy Road are provided
- Carriageways and verges must match the function of the road.
- 'Alternative street designs for local streets may be permitted on a case-by-case basis if the functional objectives and requirements of the street design are maintained.
- Street design is to comply with the minimum standards in the cross-sections detailed in Figure 1: St Aubin's road sections minimum standards.
- Roundabouts are to be provided where a signed intersection cannot adequately manage traffic flows.
- Cul-de-sac roads are permitted, particularly in locations where constraints are present such as sloping land and physical barriers (that is, high voltage transmission lines and riparian corridors)
- Verges abutting open space and riparian areas may be reduced to 1 m in width providing no

Outcomes to be achieved

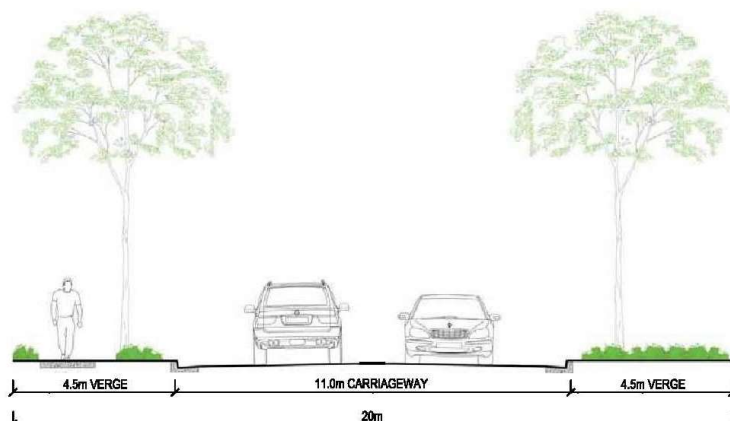
Design guidelines

- Adequate land is provided within verges for infrastructure, landscaping and pathways (if provided).

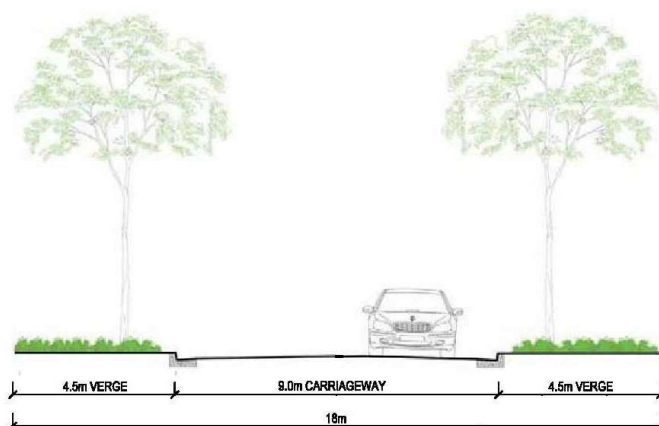
servicing infrastructure is installed on the non-residential side of the road.

Figure 1: St Aubin's road sections minimum standards

COLLECTOR ROAD



LOCAL ROAD



Map 2: St Aubin's Concept Development Plan



13a St Aubin's Estate, Scone



Map 3: St Aubin's Preferred Land Use Plan



Map 4: St Aubin's Indicative Staging Strategy



13a St Aubin's Estate, Scone



Map 5: St Aubin's Indicative Road Hierarchy



Outcomes to be achieved

Design guidelines

D. Pedestrian & cycling network

- A pedestrian and cycle pathway network is provided that:
 - provides safe and convenient linkages between residences and open space systems, schools, community facilities and shops, and key destinations beyond the St Aubin's site
 - responds to the topography and achieves appropriate grades for safe and comfortable use where possible
 - provides accessible connections to existing pathway networks.
- The efficient use of land is to be encouraged by allowing pedestrian pathways and cycleways to be located within open spaces wherever practical.
- Key pedestrian and cycleway routes are to be provided generally in accordance with a cycling and pedestrian strategy approved by council.
- The development should respond to the movement and access guidelines contained within
 - **Part 3 Subdivision**
 - **Part 4 Urban residential**
 - *UHSC Engineering Guidelines for Subdivisions and Developments (as amended)*

E. Biodiversity, open space & landscape strategy

- The subdivision avoids and minimises impacts on biodiversity
- The development meets the provisions of part 11b **Biodiversity conservation**
- Significant trees and other vegetation of ecological, aesthetic and cultural significance are conserved.
- The development meets the provisions of part 11a **Vegetation (including trees)**.
- Riparian corridors which contain habitat features are provided, enhanced and protected
- Groundwater leakage is minimised
- Landscaping and open spaces are provided in accordance with Map 2: St Aubin's Concept Development Plan, Map 3: St Aubin's Preferred Land Use Plan and with a detailed Landscape Strategy to be approved by Council.
- Open space meets the recreational needs of the residents, encourages healthy communities and contributes to the character of the estate and provides a safe and healthy environment for all users.
- Open space (parks) is conveniently located and accessible to pedestrians, cyclists and maintenance vehicles.
- Open space (parks) are provisioned with public amenities including toilets, playground equipment and tables and seating.
- Appropriate riparian areas can be used for passive open space uses and activities
- Promote and maintain perennial vegetation to minimise groundwater leakage
- Establish native tree and shrub corridor(s) in the streetscape to act as salinity intercept planting. Further native plantings are encouraged for riparian corridors and buffer zones.
- Public open space should respond to the design guidelines contained in **Part 3 Subdivision**

F. Flooding & water management

- The development considers the provisions of
 - section 10a **Floodplain management**
 - section 11f **Soil and water management**

Outcomes to be achieved

Design guidelines

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

G. Geotechnical hazard & salinity

- The development considers the provisions of section 10c **Geotechnical hazard**, particularly the sections within it relating to urban salinity.

Note that some parts of St Aubins are identified as having a Very High/High to Moderate salinity risk which needs specific assessment and management.

H. Aboriginal & European heritage

- The development considers the provisions of Part 9 **Heritage**
- Any significant sites or items detected on the site are appropriately protected

I. Bushfire management

- The development considers the provisions of section 10b **Bushfire risk** and comply with *Planning for Bush Fire Protection*
- Easily accessible linkages are provided to Gundy Road
- Vegetation outside the core riparian area is designed and managed as a low fuel or fuel reduced areas.

J. Significant development sites – seniors living

- A range of seniors living accommodation is provided on the site marked 'Seniors Living' on **Map 2: St Aubin's Concept Development Plan** and **Map 3: St Aubin's Preferred Land Use Plan**, including a Residential Aged Care Facility and Independent Living Units
- Childcare, community and other ancillary facilities must also be provided within the site marked 'Seniors Living' on **Map 2: St Aubin's Concept Development Plan** and **Map 3: St Aubin's Preferred Land Use Plan**, i
- The overall seniors living site is generally consistent with the following design principles

Layout

- The site must present a consistent residential character and sense of place.
- The site must respond to the natural attributes of the site.
- Impacts to the existing streetscape are minimised
- A high level of amenity is given in terms of solar access, views, outlook or proximity to open space
- Clear distinction is made between private and public spaces to encourage casual surveillance of the street.
- High levels of accessibility is provided in all buildings and across the wider site
- Provision of pedestrian linkages throughout the site and to the riparian zone.

Outcomes to be achieved

Design guidelines

- Design site servicing infrastructure, loading, waste storage and collection areas to minimise visual impact on the public domain and impact on neighbours.
- Provision of areas of quality landscaping and deep soil zones for mature tree planting

Built form and structures

- Recognise the specific and special functional requirements of residential aged care facilities.
- High quality design and materials appropriate to the rural residential character of the area
- Provision of range of building heights with a general character and appearance of two stories to the Gundy Road frontage, with building heights being compatible to the surrounding streets and adjoining uses.
- Provision for consistent setbacks to Gundy Road to allow for significant open spaces opportunities for planting and landscaping
- Provision of landscaped setbacks to internal roads
- Limit blank walls visible from principle streets and the public domain with design techniques and landscaping employed in such a way as to reduce visual impacts
- Provision of a materials and colour palette that responds to the rural residential nature of the area
- The **Independent Living Units** are generally consistent with the following design principles
 - Provision of housing choice through a range of dwelling sizes and types
 - Provision of dwellings that have distinct and safe entries
 - Provision of quality useable private spaces, landscaped areas and deep soils zones to support mature tree plantings, water percolation and residential amenity
 - Provision of adequate on-site parking for residents, visitors and staff having regard to the locality and transport provision on site
 - Minimise the dominance of garages within the streetscape through location, dimensions or external finishes and treatments
 - Provision of predominantly open front fencing style (that is, visually permeable infill panel of landscaping, decorative steel, wrought iron or timber pickets preferred) where front fencing is proposed.
- The **Residential Aged Care Facility** is generally consistent with the following design principles:
 - provision of a building form that addresses the functional and operational needs of the facility while responding to the rural residential nature of the area

Outcomes to be achieved

Design guidelines

- provision of adequate on-site parking for residents, visitors and staff having regard to the locality and transport provisions on site
- provision of safe, secure and usable communal open spaces appropriate for the specific user
- provision of quality landscaped areas and deep soils zones to support mature tree plantings, water percolation and to enhance residential amenity and outlook.

K. Residential subdivision

- The development satisfies relevant criteria set out in **Part 3 Subdivision**

- The subdivision layout:

- utilises residential development areas efficiently and respond to the natural attributes of the site
- establishes a consistent residential character and sense of place
- ensures that residential lots are afforded a high level of amenity in terms of solar access views, outlook or proximity to open spaces
- delivers a legible and permeable street network
- responds to the natural site topography
- takes into account the location of existing significant trees
- is consistent with solar design principles
- Street blocks are an appropriate length and width to facilitate pedestrian connectivity, and achieve stormwater management and traffic safety objectives

- Residential lots should be rectangular in geometry

L. Residential building

- The design considers the provisions of section **4a Urban dwellings**
- An attractive streetscape is provided through the provision of simple and articulated building and roof forms.

- The use of eaves, verandahs, high quality materials/finishes and feature elements on front facades is encouraged.
- The following streetscape design features are encouraged within the primary street facade of a residential building:
 - entry feature or portico
 - awnings or other features over windows
 - recessing or projecting architectural elements
 - open verandahs, and
 - a mixture of building materials and finishes

13a St Aubin's Estate, Scone



Outcomes to be achieved

Design guidelines

- Residential buildings are to be consistent with the standards in **Table 1: Residential buildings standards, St Aubin's Estate Scone**

Table 1: Residential buildings standards, St Aubin's Estate Scone

Dwelling design aspect	Requirement
Front Setback	(Min.): 6 m to main front building line
Side Setback	(Min.): 1 m
Site coverage	(Max.): 50% of total lot area
Building Height	(Max.): 2 storeys
Dwelling floor area	(Min.): 150 m ²
Building materials – walls	Materials are to comprise brick, stone, glass, timber or concrete
Building materials – roofs	Materials are to comprise tiles, slate, clay/cement products or pre-painted sheet metal
Front fencing type	Open style fence (that is, visually permeable, infill panels of landscaping, decorative steel, wrought iron or timber pickets preferred)
Front fencing height	(Max.): 1 m
Side fencing height	(Max.): 1.8 m (behind the main front building)
Attached garages	To be located behind building line
Outbuilding floor areas	(Max.): 60 m ² for combined total of all outbuildings
Outbuilding materials	To be constructed of the same materials as the primary dwelling unless the outbuilding is located to the rear of the primary dwelling where pre-painted sheet metal is permitted

13b Cressfield Estate, Parkville

Explanatory outline

Section 13b outlines assessment criteria that relate specifically to the Cressfield Estate, Parkville. The following matters are covered:

- dwelling location and orientation
- landscaping
- biodiversity and vegetation management
- building materials
- landscaping buffer
- water supply and conservation
- boundary fencing
- other considerations

Note: the requirements of this section are in *addition* to those specified in other sections for particular development types, for example section **3a Subdivision** and section **7b Rural dwellings**

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

13b Cressfield Estate, Parkville

13b.1 Application of this section

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

Column 1:	Type of development	Column 2:	Applicable land
	Any development that requires development consent.		Land within the Cressfield Estate, Parkville, as shown on Map 1 Cressfield Estate, Parkville - Area

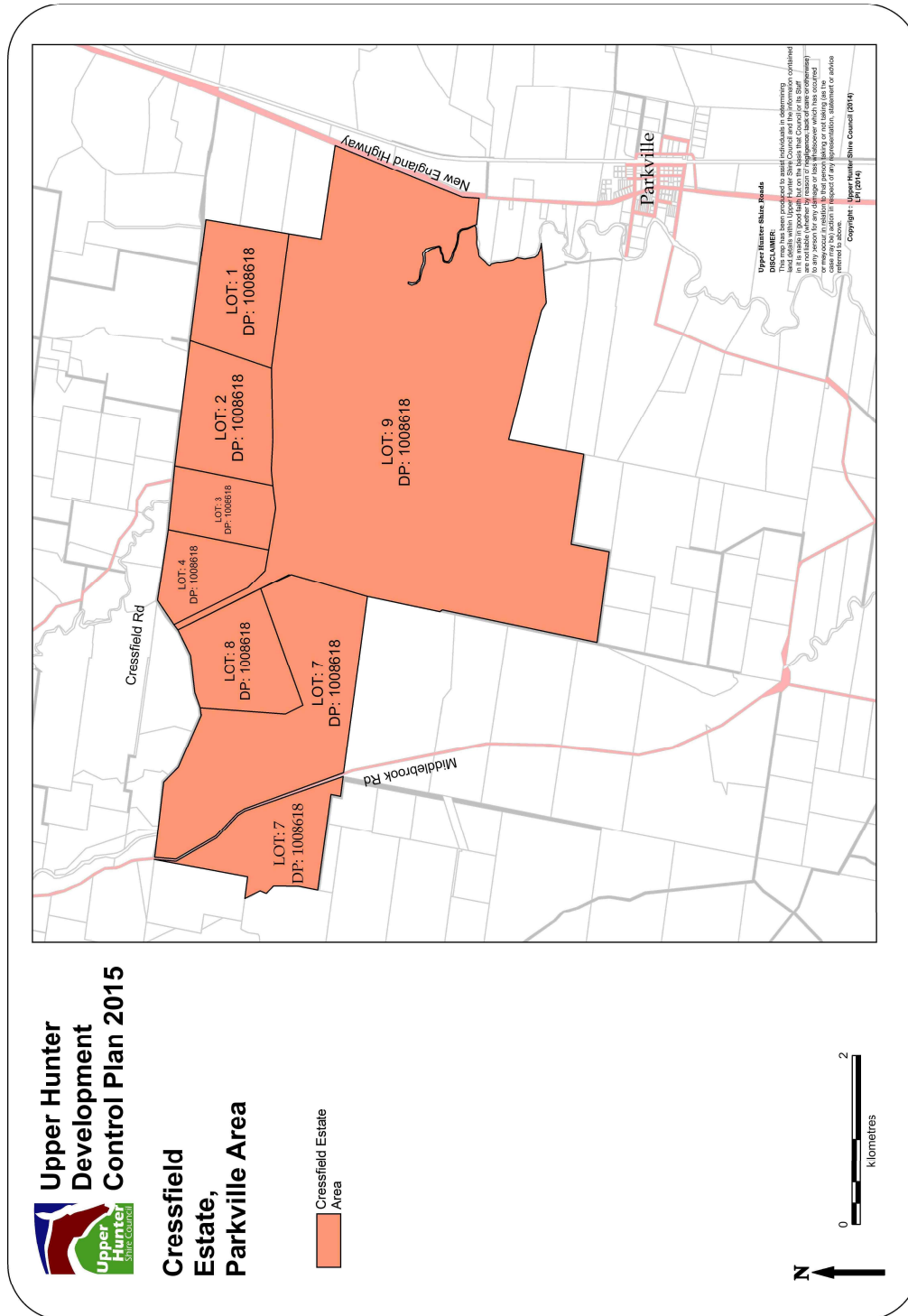
13b.2 Relevant planning instruments & legislation

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

13b Cressfield Estate, Parkville



Map 1 Cressfield Estate, Parkville - Area





13b Cressfield Estate, Parkville

13b.3 Background

Bentonite Mine

An existing Bentonite Mine is located on Lot 8 DP 1008618 as shown on



13b Cressfield Estate, Parkville

Map 2 Cressfield Estate, Parkville – dwelling location restrictions. The mine operates under a consent issued in 1973 by Scone Shire Council. Although extraction has ceased, it is still considered operational.

Future equine development

Scone is recognised as the one of the most significant equine regions in Australia and development of an equine nature is likely to occur on adjoining properties.

Water supply and groundwater

The area of Parkville in which the ‘Cressfield’ subdivision is located is not serviced by a reticulated water supply. In addition to domestic supply provision, water for agriculture and stock needs to be carefully addressed so that the natural water resource is not wasted.

The Kingdon Ponds aquifer is an important but limited source of water for agricultural pursuits and in some cases for domestic usage. Kingdon Ponds, Middle Brook and Dry Creek all traverse the ‘Cressfield’ subdivision and should not be seen as a free resource rather, as a resource that needs to be carefully managed if it is to sustain all the competing demands placed upon it.

Heritage

‘Cressfield’ Homestead and associated buildings are listed in *Upper Hunter LEP 2013* Schedule 5 as ‘Cressfield Station’, a heritage item of local significance.

13b.4 Definitions

There may be terms used in this section that are defined in the Dictionary.

13b.5 Objectives

The objectives of this section are to:

1. encourage protection of cultural heritage, in particular ‘Cressfield Station’ listed in *Upper Hunter LEP 2013* Schedule 5 as a heritage item of local significance
2. protect the amenity of dwellings constructed in the ‘Cressfield’ subdivision, especially in relation to the neighbouring Bentonite Mine
3. encourage development that is compatible with surrounding agricultural uses and the agricultural nature of the locality.

13b.6 Supporting plans & documentation

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

Requirements listed below are in *addition* to requirements relating to the relevant type of development e.g. section **3a Subdivision** or section **7b Rural dwellings**

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Development-specific or issue-specific reports	As required under specific sections of this DCP	Refer to separate relevant sections of this DCP, for example subdivision, rural dwellings, etc.



13b Cressfield Estate, Parkville

Item	When required	Plans or information to be provided
		Some (but not necessarily all) of these are listed below.
C. Vegetation (including trees) reports	Applications affecting vegetation (including trees), as specified in section 11a Vegetation (including trees) .	Applicable reports or plans, prepared by a suitably qualified person, as specified in section 11a Vegetation (including trees) . These must be consistent with other elements of the development application, including Site plans, Bushfire assessment report and Landscaping plans. Depending on the site circumstances, these may include: <ul style="list-style-type: none"> • written description and plans • arborist's report • ecological report • heritage report • safety or biosecurity risk report
D. Biodiversity and native vegetation reports, plans or assessments	Applications for which biodiversity and/or native vegetation reports, plans or assessments are required (refer to section 11b Biodiversity conservation) These will be required for development on land with high biodiversity values, or proposals that require significant disturbance to, or clearing of, native vegetation or potential habitat for native species	Applicable reports, plans or assessments, prepared by a suitably qualified person, as specified in section 11b Biodiversity conservation . These may include: <ul style="list-style-type: none"> • Native vegetation clearing threshold report, and/or • Biodiversity (flora & fauna) assessment report, and/or • Biodiversity development assessment report (BDAR), and/or • Biodiversity management plan, and/or Biodiversity offset information, strategy or plan
E Heritage, aboriginal cultural heritage or archaeological plans & reports including Due Diligence Report	Applications that will potentially impact on land that is listed as or contains: <ul style="list-style-type: none"> • a heritage item • a heritage conservation area • an archaeological site • an Aboriginal object • an Aboriginal place of heritage significance 	Include the matters required under Part 9 Heritage
F. Sustainability assessment	All applications to subdivide land into 3 or more lots	Report, prepared by a suitably qualified professional, addressing the requirements of Part 1h Sustainability
G. Building materials & landscaping details	Applications for a dwelling on land comprising Lots 3, 4 or 55 DP 1042680, Lots 561 or 562 DP	Details of building materials and proposed landscaping

13b Cressfield Estate, Parkville

Item	When required	Plans or information to be provided
	1077404, or their resultant subdivision.	

13b.7 Assessment criteria

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

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

Outcomes to be achieved	Design guidelines
A. Dwelling location & orientation <ul style="list-style-type: none"> ■ The location of dwellings on Lots 3, 4, Lot 55 DP 1042680, Lot 561 or 562 DP 1077404 (or their resultant subdivisions) is in accordance with <p>Map 2 Cressfield Estate, Parkville – dwelling to minimise the impacts associated with the adjoining Bentonite Mine</p>	<ul style="list-style-type: none"> • Dwellings on Lots 3, 4 or 55 DP 1042680, Lots 561 or 562 DP 1077404 should be designed to have views oriented away from the Bentonite Mine
B. Landscaping <ul style="list-style-type: none"> ■ Landscaping is provided on Lots 3, 4, Lot 55 DP 1042680, Lot 561 or 562 DP 1077404 (or their resultant subdivisions) to screen the views from the dwellings towards the Bentonite Mine. 	<ul style="list-style-type: none"> • Earth mounds with plantings can be effective in ameliorating against noise and visual impacts. • Consideration should be given to the use of appropriate species that are: <ul style="list-style-type: none"> - fast growing - drought resistant - have dense foliage to provide an effective visual barrier. • If proposed trees mature to a height above normal sight lines then consideration should be given to planting shrubs to fill in below tree canopies
C. Building materials <ul style="list-style-type: none"> ■ Building materials are selected for dwelling houses placed on Lots 4, Lot 55 DP 1042680, Lot 561 or 562 DP 1077404 (or their resultant subdivisions) that ameliorate intrusion of noise from the adjoining Bentonite Mine (until such time that the Bentonite Mine ceases to operate and has been rehabilitated). 	<ul style="list-style-type: none"> • The use of insulation, brick and double glazing of windows should be considered as well as the location of openings that may face the mine site. • The use of appropriate roofing materials can also assist in noise suppression. • Barriers such as screen walls or earth mounds are the most effective in ameliorating noise effects from the mine site. • The placement of rural outbuildings between dwellings and the mine site can also ameliorate against noise impacts.

13b Cressfield Estate, Parkville

Outcomes to be achieved

Design guidelines

D. Landscaping buffer

■ A 20 metre wide landscape buffer is provided along the access handle as shown on

Map 2 Cressfield Estate, Parkville – dwelling location restrictions and landscape buffer .

- The landscape buffer is to incorporate both earth mounding and plantings of Australian Native species that will provide a screen to the mine and generally enhance the visual landscape of the area.
- The landscape buffer is maintained for the life of the mining operation and the rehabilitation of the mined area. The responsibility for maintenance of this landscape buffer rests with the owners of Lot 9 DP 1008618. The responsibility for maintenance of this corridor may be reviewed over time such that it becomes the responsibility of the mine operator. This review will occur should any proposals to amend or alter the mining operation be received by Council or another authority.
- Additional plantings / buffer screens may be required to address both visual and noise concerns.

Note: the landscape buffer is required to provide an effective screen to the east from the Bentonite Mine.

- Species selected for the landscape buffer planting should have regard to foliage height at maturity, drought resistance and life span.
- Species should be Australian Native and should be wherever possible indigenous to the area.
- Foliage canopy heights should be supplemented by shrub plantings to provide a continuous screening effect.

E. Biodiversity

- The proposal avoids and minimises impacts on biodiversity
- The development meets the provisions of part 11b **Biodiversity conservation.**

- In avoiding impacts on biodiversity, refer to the *Biodiversity Conservation Act 2016* and regulatory requirements under that Act, as discussed in part 11b **Biodiversity conservation.**

F. Vegetation (including trees)

- The proposal maximises the retention of vegetation, including trees.
- The development meets the provisions of part 11a **Vegetation (including trees).**

G. Water supply & conservation

- Each dwelling has an adequate potable water supply for domestic purposes.
- Each dwelling has an adequate water supply for fire fighting supply.
- Water conservation practices are maximised.

- The minimum of 100,000 litre domestic tank or supplied from an independent tank installed in outbuildings or sheds.
- Compliance with *Planning for Bush Fire Protection 2019* (or any updated versions).
- Utilise water conserving appliances in residences.
- Water reuse infrastructure can be provided in accordance with relevant legislation and guidelines (for example, grey water for toilet flushing or reuse of treated effluent for irrigation).
- Drought -resistant plant and lawn species should be used.

13b Cressfield Estate, Parkville

Outcomes to be achieved

Design guidelines

H. Boundary fencing

- Boundary fencing has regard to current and future stock uses on adjoining properties

- Whilst cattle and sheep grazing together with cropping is also likely and currently occurs on both "Cressfield" and "Brooklyn" regard should be had to the type of fencing used in this locality.
- Where stock such as sheep or goats are to be kept, five strand plain wire which is the current farming arrangement, should suffice to stop stock from wandering. Specialist fencing requirements may be considered for other uses i.e. deer, alpacas, emus, ostriches etc.

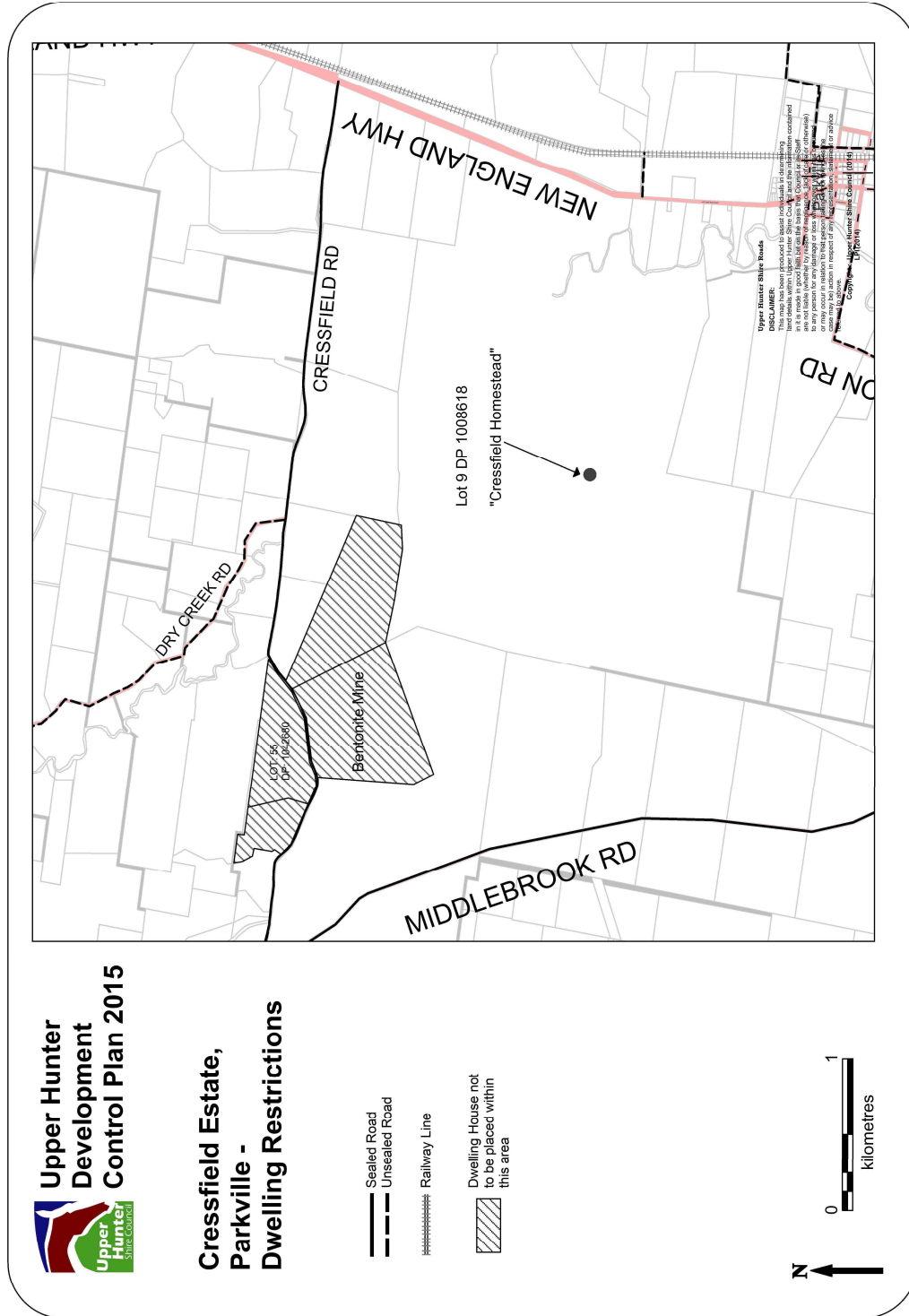
I. Other considerations

- The development satisfies relevant criteria set out in the following sections:
 - section 3a Subdivision
 - section 7b Rural dwellings
 - section 9a Heritage conservation
 - section 10b Bushfire risk
 - section 10c Geotechnical hazard
 - section 11b Biodiversity conservation
 - section 11f Soil & water management
 - section 11g On-site waste water management
 - section 11i Buffer areas
 - section 12a Access & vehicle parking.
- The development meets requirements contained in *UHSC Engineering Guidelines for Subdivisions and Developments*, as amended.

13b Cressfield Estate, Parkville



Map 2 Cressfield Estate, Parkville – dwelling location restrictions and landscape buffer





13b Cressfield Estate, Parkville

13b.8 Supplementary guidance

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

- NSW Office of Water information on Harvestable Rights Dams
- The assistance of an Agronomist from the Department of Agriculture may be required in planning for various land uses at “Cressfield”.
- *UHSC Engineering Guidelines for Subdivisions and Developments*, as amended
- *Planning for Bushfire Protection 2019* <https://www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-fire-area/planning-for-bush-fire-protection>



13c Clifton Hills Estate, Owens Gap - Rural Small Holdings

Explanatory outline

Section 13c outlines assessment criteria that relate specifically to the Clifton Hill Estate rural smallholdings area at Owens Gap, west of Scone. The following matters are covered:

- general design principles
- lot size, configuration and building envelopes
- siting of dwellings and structures
- building design and materials
- fencing
- biodiversity conservation and tree management
- soil and water management
- on-site sewerage management
- heritage
- bushfire

Note: the requirements of this section are in addition to those specified in other sections for particular development types, for example section 3a Subdivision and section 7b Rural dwellings.

13c Clifton Hill Estate, Owens Gap - rural smallholdings

13c.1 Application of this section

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

Column 1:	Type of development
-----------	---------------------

Any development that requires development consent.
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Column 2:	Applicable land
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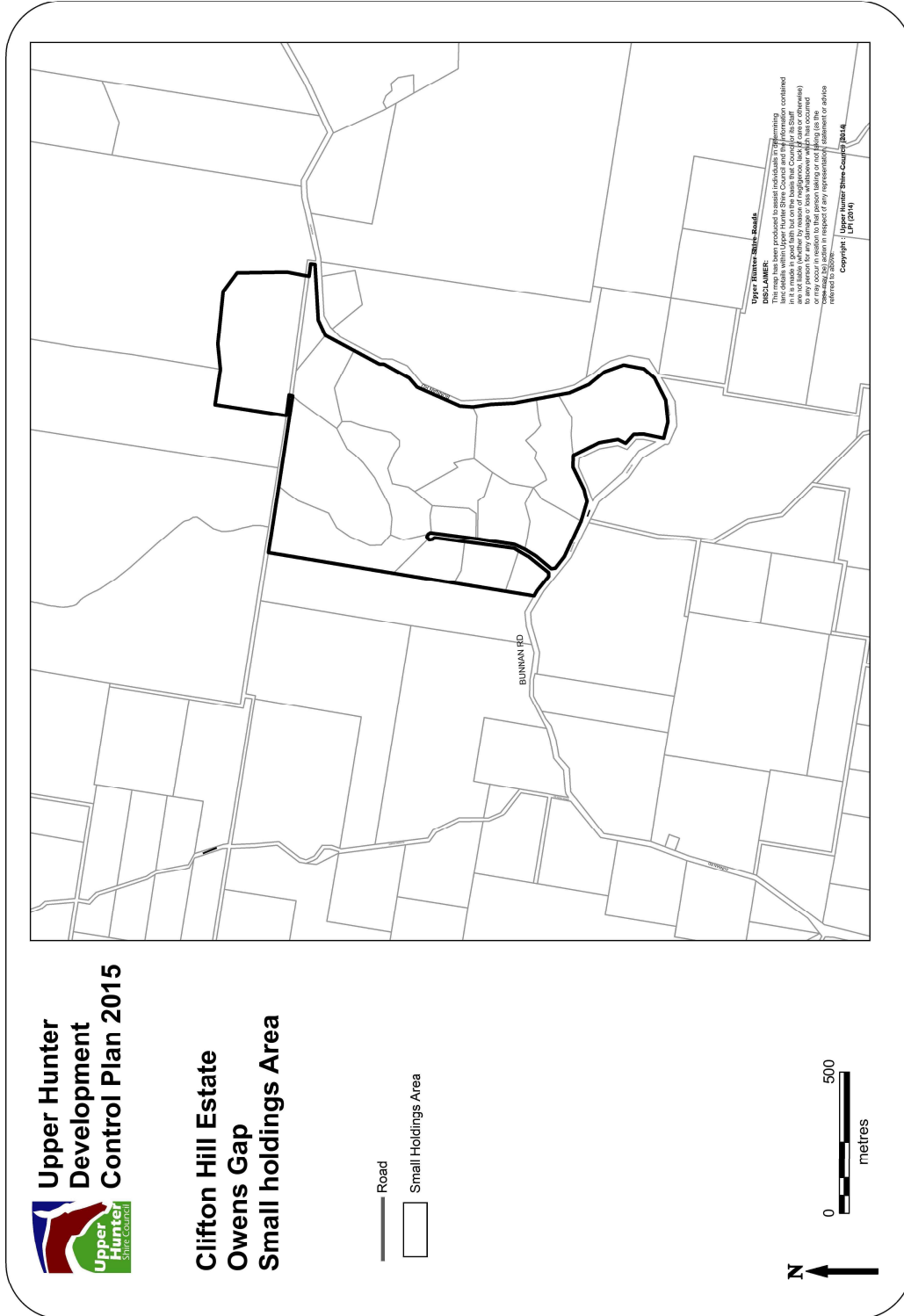
Land within the Clifton Hill Estate, Owens Gap, west of Scone, as shown on Map 1 Clifton Hill Estate, Owens Gap Rural Small Holdings - Area.
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13c Clifton Hills Estate, Owens Gap - Rural Small Holdings



Map 1 Clifton Hill Estate, Owens Gap Rural Small Holdings - Area

13c Clifton Hills Estate, Owens Gap - Rural Small Holdings





13c Clifton Hills Estate, Owens Gap - Rural Small Holdings

13c.2 Relevant planning instruments & legislation

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

- *Upper Hunter Local Environmental Plan 2013*

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

13c.3 Definitions

The following terms are relevant to this section:

- **88B instrument** means an instrument setting out terms of easements and restrictions as to user intended to be created pursuant to section 88B of the *Conveyancing Act 1919*, and which may include a positive covenant under section 88BA of that Act.
- **building envelope** means an area within the boundaries of an allotment in which all buildings or structures, including dwellings, sheds, garages, pergolas, tennis courts, swimming pools, and waste-water disposal areas must be contained. Building Envelopes for each lot are shown hatched on Map 2 Clifton Hill Estate, Owens Gap Rural Small Holdings - Development Envelopes.
- **conservation area** means an area within the boundaries of an allotment which has been identified as having significant conservation value for flora, or fauna, or has significant scenic quality. Conservation areas are shown on Map 3 Clifton Hill Estate, Owens Gap Rural Small Holdings - Conservation Area.

13c.4 Objectives

The objectives of this section are to:

1. encourage development which maintains and enhances the environmental attributes of the land by identifying land having a high conservation value to protect floral and fauna
2. maintain and enhance the scenic attributes and visual appearance of the site by maximising the retention to existing native vegetation and protecting the escarpment from inappropriate usage
3. avoid inappropriate intrusion on hill slopes, landscape features and drainage lines
4. ensure that all new structures are sited within defined building envelopes
5. encourage energy efficient subdivision and building design
6. ensure that development contributes positively to Scone and the Upper Hunter's image.

13c.5 Supporting plans & documentation

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

Requirements listed below are in *addition* to requirements relating to the relevant type of development e.g. section **3a Subdivision** or section **7b Rural dwellings**



13c Clifton Hills Estate, Owens Gap - Rural Small Holdings

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Subdivision requirements	Applications for subdivision of land	Include the matters required under section 3a Subdivision .
C. Sustainability assessment	All applications to subdivide land into 3 or more lots	Report, prepared by a suitably qualified professional, addressing the requirements of section 1h Sustainability
D. Rural dwelling requirements	Applications for rural dwellings	Include the matters required under section 7b Rural dwellings .
E. Development-specific or issue-specific reports	As required under specific sections of this DCP	Refer to separate relevant sections of this DCP, for example subdivision, rural dwellings, etc. Some (but not necessarily all) of these are listed below.
F. Vegetation (including trees) reports	Applications affecting vegetation (including trees), as specified in section 11a Vegetation (including trees) .	Applicable reports or plans, prepared by a suitably qualified person, as specified in section 11a Vegetation (including trees) . These must be consistent with other elements of the development application, including Site plans, Bushfire assessment report and Landscaping plans. Depending on the site circumstances, these may include: <ul style="list-style-type: none"> • written description and plans • arborist's report • ecological report • heritage report • safety or biosecurity risk report
G. Biodiversity and native vegetation reports, plans or assessments	Applications for which biodiversity and/or native vegetation reports, plans or assessments are required (refer to section 11b Biodiversity conservation) These will be required for development on land with high biodiversity values, or proposals that require significant disturbance to, or clearing of, native vegetation or potential habitat for native species	Applicable reports, plans or assessments, prepared by a suitably qualified person, as specified in section 11b Biodiversity conservation . These may include: <ul style="list-style-type: none"> • Native vegetation clearing threshold report, and/or • Biodiversity (flora & fauna) assessment report, and/or • Biodiversity development assessment report (BDAR), and/or • Biodiversity management plan, and/or Biodiversity offset information, strategy or plan
H. Heritage, aboriginal cultural heritage or archaeological plans & reports	Applications that will potentially impact on land that is listed as or contains: <ul style="list-style-type: none"> • a heritage item • a heritage conservation area 	Include the matters required under Part 9 Heritage



13c Clifton Hills Estate, Owens Gap - Rural Small Holdings

Item	When required	Plans or information to be provided
including Due Diligence Report	<ul style="list-style-type: none"> an archaeological site an Aboriginal object an Aboriginal place of heritage significance 	
I. Soil & water management plans or reports	Applications for which soil and water management plans or reports are required (refer to section 11f Soil & water management)	Prepare applicable soil and water management plans or reports, as specified in section 11f Soil & water management . These could include: <ul style="list-style-type: none"> cut and fill details. erosion and sediment control plan (ESCP) erosion and sediment control strategy (ESCS) soil and water management plan (SWMP) comprehensive water cycle strategy (CWCS).
J. Bushfire assessment report	Applications that relate to Bush Fire Prone Land	Prepare a Bushfire Assessment Report in accordance with the current version of <i>Planning for Bush Fire Protection</i> , as specified in section 10b Bushfire risk
K. Landscape plan	All applications for Dwelling-Houses or any other Residential Accommodation	Plan and report, prepared by a suitably qualified professional, showing: <ul style="list-style-type: none"> description of ground preparation and on-going maintenance of landscaping areas of private open space, proposed turf and areas of established gardens. location and species of trees and shrubs to be retained or removed. schedule of plantings, cross-referenced to the site plan indicating species, massing and mature height. details of restoration and treatment of earth cuts, fills, mounds, retaining walls, fencing and screen walls. consistency with any requirements required in 11a Vegetation (including trees) and/or 11b Biodiversity.
L. On-site sewerage management system plans & form	Applications for development that will generate sewage waste in locations that are not connected to a reticulated sewerage system	Include the matters required under section 11g On-site waste water management .
M. Geotechnical hazard & salinity assessment	Applications potentially subject to geotechnical hazards (refer to section 10c Geotechnical hazard)	Include the matters required under section 10c Geotechnical hazard .
N. Flooding information	Applications that relate to flood prone land	Include the matters required under section 10a Floodplain management .



13c Clifton Hills Estate, Owens Gap - Rural Small Holdings

13c.6 Assessment criteria

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

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

Outcomes to be achieved

Design guidelines

A. General design principles

- Development takes into account the existing natural and cultural features of the site and area.

B. Lot size, configuration & building envelopes

Note: Minimum lot sizes are specified in Upper Hunter LEP 2013 clause 4.1 and associated series of Maps 'Lot size'.

As at 2022, the minimum lot size in this area was 4 hectares. The minimum lot size was determined having regard to the need to minimise the long term cumulative impacts of on-site effluent disposal and the intention to maintain and enhance the conservation values for fauna and flora on the site.

- The lot configuration (that is, the subdivision pattern) considers the following matters:
 - providing a suitable indicative building envelope (refer below)
 - respecting the development capability of the land
 - maintaining an acceptable level of rural amenity
 - maintaining and supplementing bushland as a habitat for fauna and flora species.
 - protecting the scenic amenity of the location including distant views
 - minimising soil erosion
 - incorporating bush fire protection measures.
- Indicative Building Envelopes are provided on each lot to allow the siting of future dwellings and structures. They shall generally be of the size and in the location shown on Map 2 Clifton Hill Estate, Owens Gap Rural Small Holdings - Development Envelopes and Infrastructure Buffers

Note: Conditions of consent may specify that the Building Envelopes be shown on the plan of subdivision and noted as a restriction as to user on the accompanying 88B instrument.

C. Siting of dwellings & structures

13c Clifton Hills Estate, Owens Gap - Rural Small Holdings



Outcomes to be achieved

Design guidelines

- Dwellings, outbuildings, ancillary structures and waste-water disposal area are sited within the relevant Building Envelopes shown on Map 2 Clifton Hill Estate, Owens Gap Rural Small Holdings - Development Envelopes.
- Dwellings are orientated to maximise solar access, views and privacy.

- All new structures are sited to:
 - minimise potential for erosion, sedimentation or contamination of watercourses.
 - avoid natural drainage lines or erodible areas (refer to section **11e Soil and water management**).
 - minimise removal of native vegetation (refer to section **11b Biodiversity conservation**).
 - recognise Asset Protection Zones for bushfire protection (refer to section **10b Bushfire risk**).

D. Building design & materials

- All structures, (that is, dwelling houses, garages, sheds etc) is designed having consideration to the rural character of the area, the topography and landscape features of the site, energy efficiency and bush fire risk. Particular consideration will need to be given to the building location, form, colour and construction materials.

- Dwellings should be designed to be energy efficient through the use of installation, orientation, passive solar design, cross ventilation and other energy saving techniques. In particular, dwellings should be designed to locate living rooms to take advantage of winter solar radiation whilst minimising the extent that summer solar radiation enters windows on the northern and western facades of the buildings.
- Dwellings shall be constructed of materials which recognise any bush fire risk and shall be constructed in accordance with *Planning for Bush Fire Protection 2019* and the relevant BAL as required by *AS3995 Construction of Buildings in Bush fire Prone Areas* (refer to section **10b Bushfire risk**).
- All external finishes shall be of tones similar to those inherent in the landscape. Generally all buildings, ancillary structures, including sheds, garages and water tanks are to be of natural earthy colours in the mid tonal range or darker and are to be of a non-reflective finish.
- The scale form and external finish of buildings should recognise the rural vernacular style of country dwellings. Verandas (including front and side where appropriate) are encouraged, with the depth of verandas in proportion to the main building.
- Roofs should be hipped or gabled.
- Dwellings should have a maximum building height above natural ground level not exceeding 7.5 metres.

13c Clifton Hills Estate, Owens Gap - Rural Small Holdings

Outcomes to be achieved

Design guidelines

- Dwellings should be single storey or split level, however, dwellings utilising the attic area with dormer windows as a second level are also appropriate.
- Two-storey dwellings are not preferred.

E. Fencing

- Fencing generally is of a visually open character typical of a rural location and preferably comprises rural post and rail or post and wire construction.
 - Fencing is designed to facilitate the movement of native fauna (except where associated with the building envelope or residence).
 - Fencing inside the building envelope or otherwise in proximity to the dwelling house minimises any fire risk associated with that fencing.
 - Boundary fencing satisfies the following:
 - does not exceed 1.5 metres in height
 - utilises barbed wire only where necessary to contain stock
 - comprises predominantly plain wires.
 - Non-boundary fencing satisfies the following:
 - does not exceed 1.5 metres in height
 - does not utilise barbed wire
 - comprise of plain wires only.
- If electric fencing or fencing incorporating hot wires are constructed then these should be designed so that they minimise any impediment to movement by the resident native fauna.
 - Open wire mesh may be incorporate into the post and rail or post and wire construction
 - Timber picket fences or timber paling fences are discouraged, recognising their higher bushfire risk.
 - Courtyards associated with the residence may incorporate solid fencing (including brick construction). Fencing, including fencing associated with the residence, should other wise not comprise sheet metal materials (such as Colorbond, fibro, cement or paling fences) unless required for bushfire protection purposes.
 - Pool safety fencing is permitted within the Development Envelope and must be provided.

F. Biodiversity conservation

- The proposal avoids and minimises impacts on biodiversity
- The development meets the provisions of part 11b **Biodiversity conservation.**
- Existing native vegetation is retained wherever possible.

The following guidelines particularly apply to development on land shown on **Map 3 Clifton Hill Estate, Owens Gap Rural Small Holdings - Conservation Area**. Land shown on this Map contains important biodiversity values and environmental qualities. The steep sandstone rock escarpments with numerous rock shelves and shallow caves provide habitat for native wildlife and are highly erodible and sensitive to human disturbance.

- Effective weed eradication and /or management programs are encouraged. Weed management initiatives include techniques to avoid or remove the factors which initiate the spread of weeds. Such factors include eliminating excessive runoff of nutrient enriched water from houses, minimising soil disturbance including from introduced animals (domestic or feral) and minimising the spread of weed propagules. Weed eradication by herbicides may only be carried out in accordance with the *Pesticides Act*.
- Locally indigenous flora species should be protected by ensuring gardens associated with residences predominantly comprise suitable local species. The planting of exotic or non-endemic flora is discouraged and may encourage weeds. Where possible, seeds should be

13c Clifton Hills Estate, Owens Gap - Rural Small Holdings



Outcomes to be achieved

Design guidelines

collected from trees and shrubs present on the site to retain the endemic gene pool.

- Grasses or lawns shall preferably comprise species having high drought tolerance and low water requirements.
- All landscape or landscape planting should recognise the significance of vegetation as a bush fire risk.
- The keeping and maintaining of goats should be discouraged, unless goats are tethered or contained entirely with the building envelope of the property. Measures should be adopted to prevent soil degradation by tethered or contained goats.

G. Vegetation (including trees)

- The proposal maximises the retention of vegetation, including trees.
- The development meets the provisions of part 11a **Vegetation (including trees).**

H. Soil & water management

- The development considers the provisions of section 11f **Soil & water management.**

- Existing drainage lines are to be retained in their natural state where possible. Alternatively, any disturbed drainage lines are to be immediately revegetated with native grasses and local indigenous species.
- Existing drainage lines are to form part of the storm and run-off drainage management system. Any water control structure installed on the site is to be used solely for the purpose of sedimentation and pollution control, except to the extent that they are incorporated into a Site Water Management Plan to provide for wildlife habitat (for example, wet detention basins).

I. On-site sewerage management

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

Note: where geotechnical and soil science reports identify the need for specifically located wastewater treatment disposal areas, Council may impose 'Restrictions as to User' on the title of any lots created to the effect that:

- no development, other than for the purposes of disposal of wastewater generated by the lot, is carried out on that part of the land
- no other part of the land is used for the disposal of wastewater without the prior consent of Council
- the Council is the authority to benefit from the restriction and in so far as the Council does not otherwise have the power, the Council is to have power to release, vary or modify the restriction.

13c Clifton Hills Estate, Owens Gap - Rural Small Holdings

Outcomes to be achieved

Design guidelines

Note: Council will require that individual owners/occupiers of the land to obtain an approval to operate an on-site sewerage management system prior to occupying the site. The approval may require regular inspections or servicing of the system in accordance with the relevant legislation, Australian Standards or Council's On-site Sewerage Management Strategy.

J. Heritage

- The development considers the provisions of Part 9 **Heritage**, particularly with regard to Aboriginal sites and relics, and to non-Aboriginal archaeology.

K. Bushfire risk

- The development considers the provisions of section **10b Bushfire risk**.
- Any vegetation or vegetation planting including landscaping is to recognise the significance of vegetation as a bush fire risk.

Note: Land owners must be aware that no development in a bush fire prone area can be guaranteed to be entirely safe from bush fires. The recommendations in this DCP provide no guarantee that life and assets will be protected in all bush fire situations. Recommendations are made in order to provide an acceptable level of protection from bush fires.

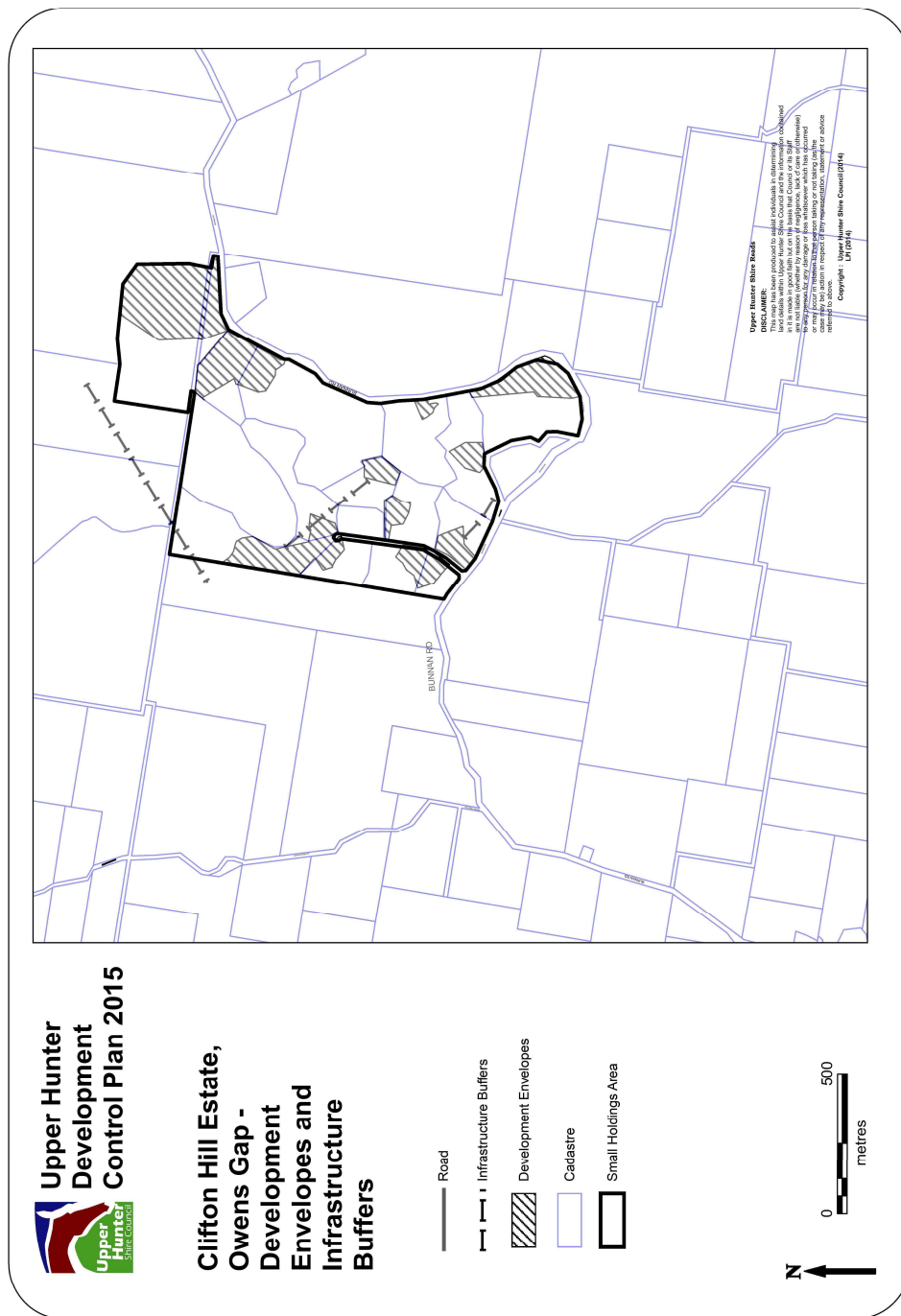
L. Vehicle movement & access

- The development considers the movement and access provisions of:
 - section **3a Subdivision**
 - section **12a Access and vehicle parking**
 - *UHSC Engineering Guidelines for Subdivisions and Developments*, as amended.

13c Clifton Hills Estate, Owens Gap - Rural Small Holdings



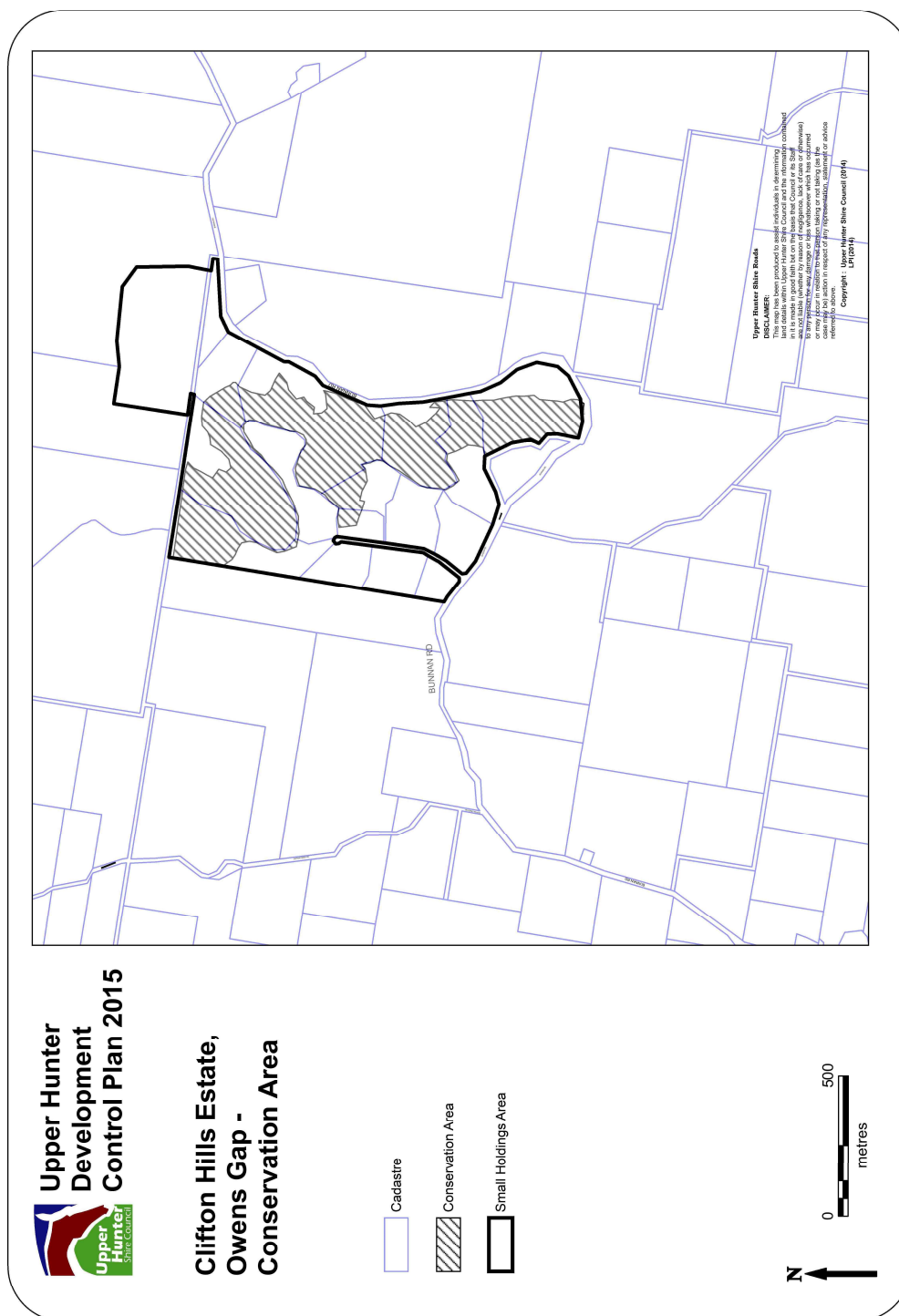
Map 2 Clifton Hill Estate, Owens Gap Rural Small Holdings - Development Envelopes and Infrastructure Buffers



13c Clifton Hills Estate, Owens Gap - Rural Small Holdings



Map 3 Clifton Hill Estate, Owens Gap Rural Small Holdings - Conservation Area





13d Scone Memorial Airport & environs

Explanatory outline

Section 13d outlines assessment criteria that relate specifically to the development within, and in the environs of, Scone Memorial Airport.

13d Scone Memorial Airport & environs

13d.1 Application of this section

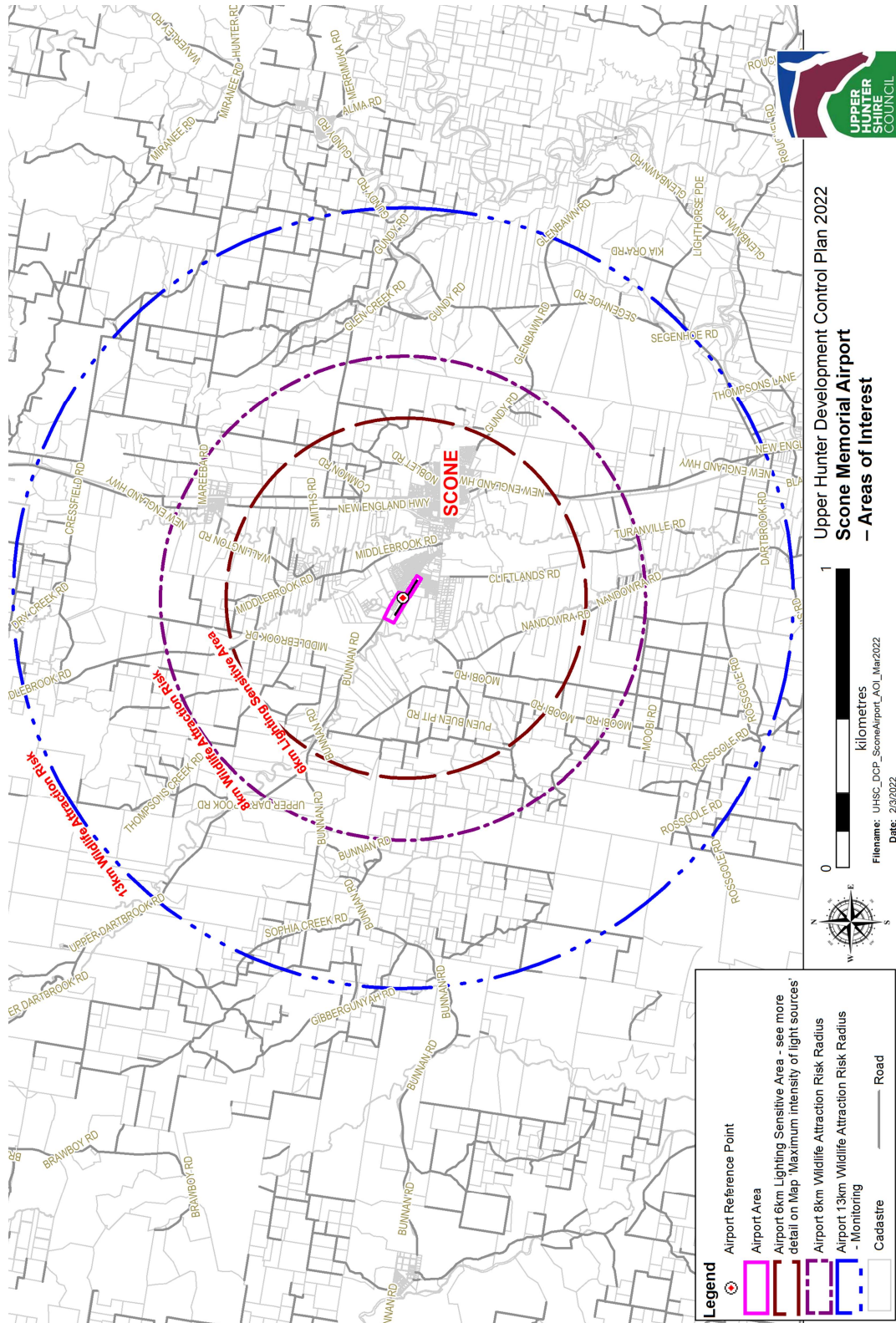
This section applies to development described in Column 1 when carried out on land described in Column 2.

Column 1:	Type of development	Column 2:	Applicable land
	Any development that requires development consent		Land within, or in the vicinity of, Scone Memorial Airport, as shown on Map 1: Scone Memorial Airport - areas of interest and Map 2: Scone Memorial Airport - areas of interest – insert .

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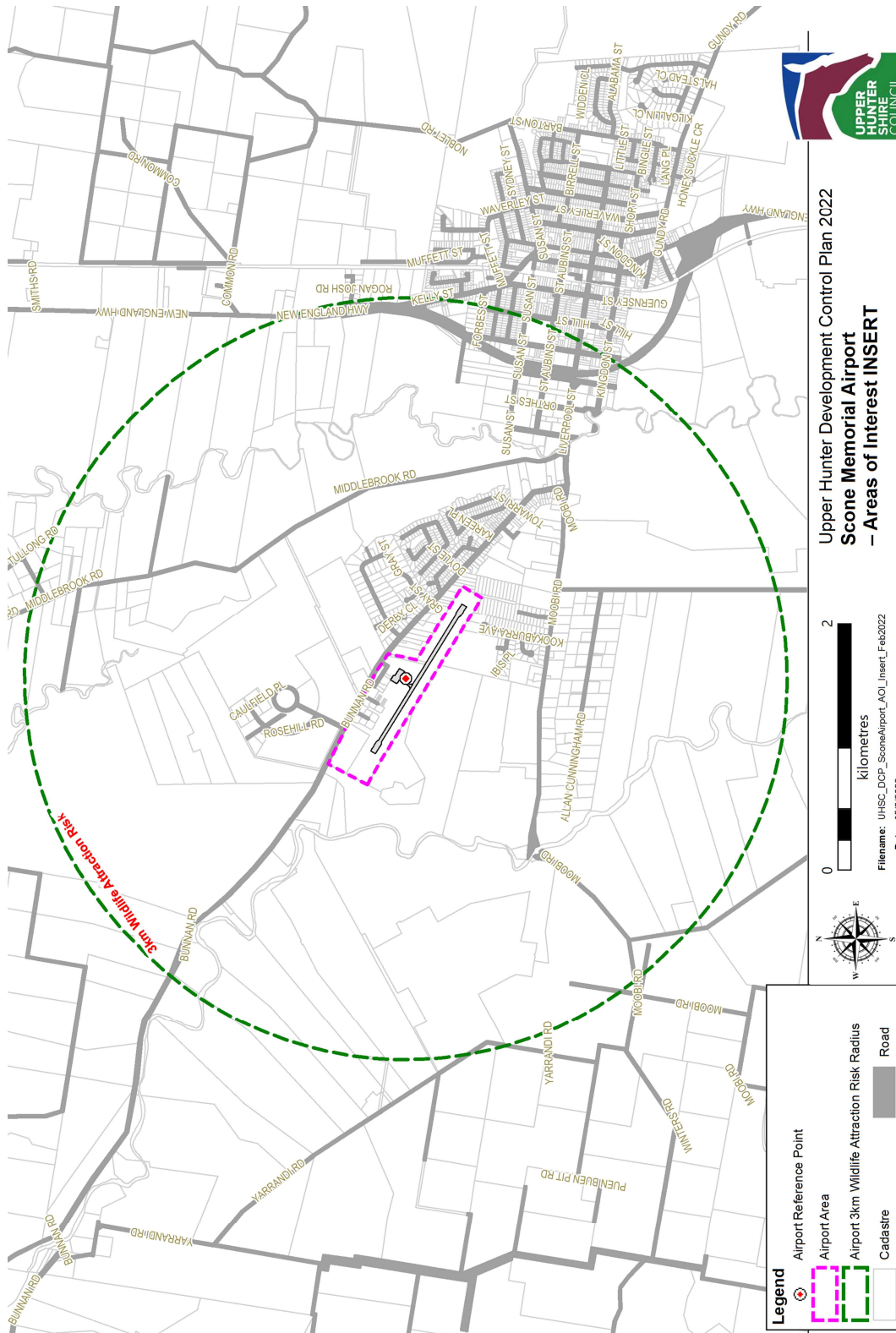
Map 1: Scone Memorial Airport - areas of interest



13d Scone Memorial Airport & environs



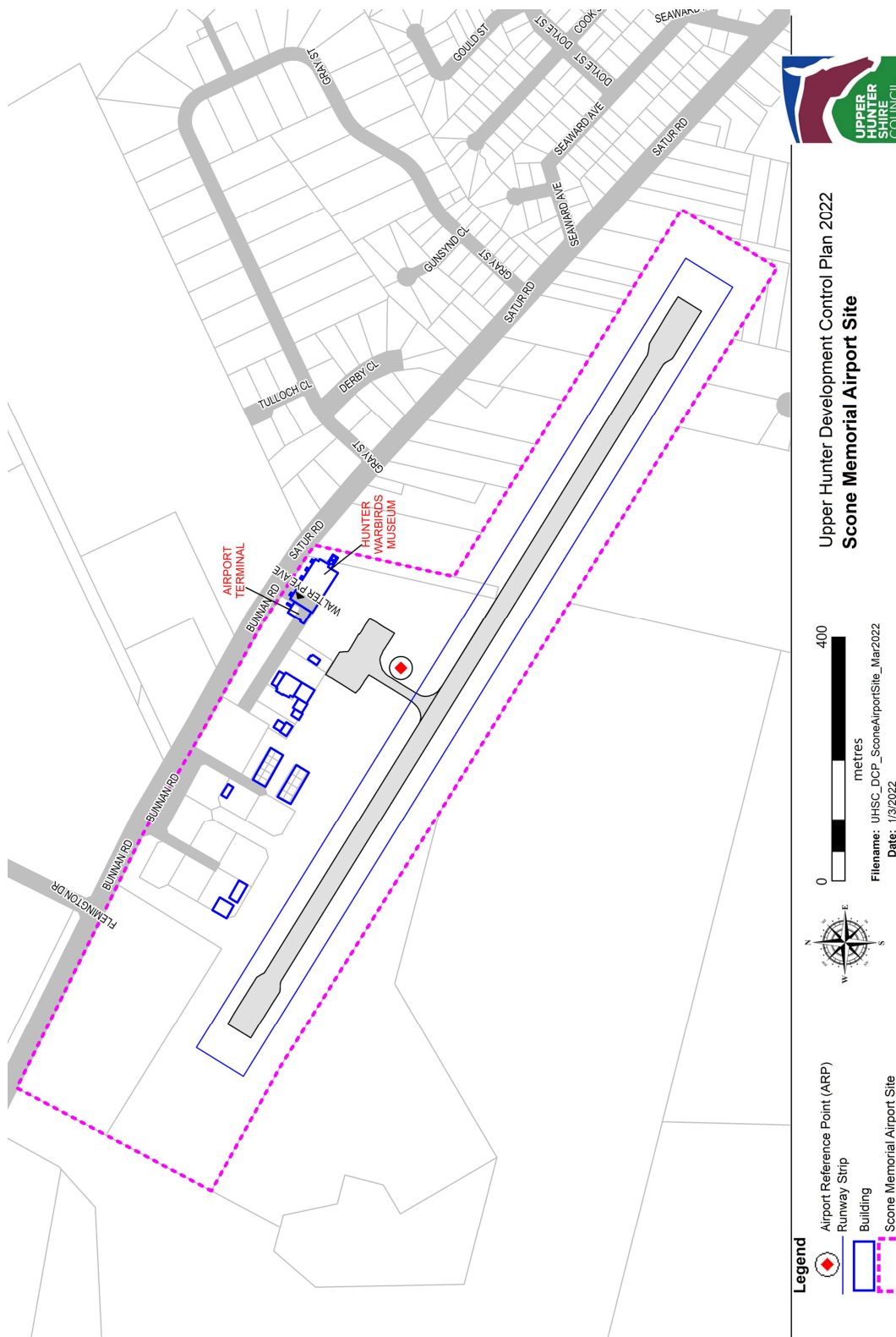
Map 2: Scone Memorial Airport - areas of interest – insert



13d Scone Memorial Airport & environs



Map 3: Scone Memorial Airport site



13d Scone Memorial Airport & environs

13d.2 Relevant planning instruments & legislation

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

- *Upper Hunter Local Environmental Plan 2013*, particularly:
 - clause 6.7 Airspace Operations and accompanying 'Obstacle Limitation Surface Map'
 - clause 6.8 Development in areas subject to aircraft noise and accompanying 'Air Noise Exposure Forecast Map'
 - Schedule 1 clause 2 'Use of certain land at Bunnan Road, Scone'

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

A variety of Civil Aviation legislation also applies, particularly *Part 139 (Aerodromes) Manual of Standards 2019* (MOS 139) or its update.

See <https://www.casa.gov.au/rules-and-regulations/current-rules> and related pages.

13d.3 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended. The **Dictionary** to this DCP provides additional definitions that are relevant to this Part, including.

- Air Noise Exposure Forecast Map
- hangar
- Obstacle Limitation Surface Map

'Aviation related business' is defined later in this section.

13d.4 Objectives

The objectives of this section are to:

1. ensure that development in the proximity of Scone Memorial Airport does not affect its operational and permanent status, or interfere with aviation operations or aviation communications facilities.
2. ensure that development is consistent with any airport master plan adopted by Council.
3. protect the community from undue risk from the operation of Scone Memorial Airport.
4. ensure that development and/or activities within and surrounding Scone Memorial Airport site that is potentially offensive or hazardous is assessed under relevant legislation and guidelines.
5. minimise the impact on nearby development of aircraft and other noise from the Scone Memorial Airport and its flight paths.
6. ensure that lighting associated with development in the vicinity of Scone Memorial Airport does not interfere with aviation operations.
7. ensure that development within the Scone Memorial Airport meets a high quality of design.
8. ensure that development fronting public roads displays a uniform and consistent design.

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9. ensure that new developments at the Scone Memorial Airport are properly connected to the public road network and do not negatively impact on airside functionality and streetscape appeal.
10. ensure that developments within Scone Memorial Airport are provided with appropriate access to the public road network and parking.
11. ensure that appropriate and timely infrastructure is provided to any development within Scone Memorial Airport.
12. ensure that earthworks associated with new development at Scone Memorial Airport do not negatively impact on airport operations, surrounding public roads or adjoining business premises.
13. ensure stormwater from new developments at the Scone Memorial Airport are properly drained to a legal point of discharge without causing adverse impacts on airside operations, public road drainage infrastructure or downslope properties.
14. ensure new signage at the Scone Memorial Airport is well designed, appropriately located, structurally sound, and complementary to the airport functionality and aesthetics.

13d.5 Referral requirements

All relevant applications will be referred to the following organisations as required under legal requirements and procedure:

- Air Services Australia
- Department of Defence
- Bureau of Meteorology

13d.6 Supporting plans & documentation

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

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application.
B. Distance from Airport	All applications within 13km of Scone Memorial Airport, as shown on Map 1: Scone Memorial Airport - areas of interest .	A plan, drawn to scale, clearly showing <ul style="list-style-type: none"> • the subject property • the distance from the nearest property boundary to the Aerodrome Reference Point (ARP) as shown on Map 3: Scone Memorial Airport site • the site in relation to each of the relevant 'areas of interest' shown on Map 1: Scone Memorial Airport - areas of interest and Map 2: Scone Memorial Airport - areas of interest – insert • the location of any land uses or activities that may be relevant to this DCP section.

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Item	When required	Plans or information to be provided
C. Acoustic assessment report	<p>Any application that has:</p> <ul style="list-style-type: none"> the potential to be affected by noise from the airport site and its operations; or the potential for noise impacts from the development on adjoining and nearby development 	<p>A report and accompanying plans prepared by a relevant qualified and experienced professional containing any requirements as set out in current relevant NSW or national guidelines or legislation. It should generally include sections:</p> <ul style="list-style-type: none"> Background Site Description Noise Criteria Noise Assessment Recommendations Conclusion <p>The report must address:</p> <ul style="list-style-type: none"> the most recent Air Noise Exposure Forecast (ANEF) Map held by Council and determine if any techniques should be incorporated in the construction of habitable or noise sensitive buildings to reduce any potential noise impact from the operations of the Airport the issues in Assessment criteria-section K Noise Any requirements of the <i>NSW Noise Policy for Industry (2017)</i>.
D. Obstacle limitation surface certificate	<p>All applications likely to infringe the OLS, as requested by Council.</p> <p>An OLS map is contained in the <i>Upper Hunter LEP</i>, and more recent maps may be held by Council.</p>	<p>A certificate from a registered surveyor should be obtained showing that the Obstacle Limitation Surface (OLS) is not violated by any structures.</p> <p>OR</p> <p>If a certificate from a registered surveyor shows that the development will infringe on the OLS, then an <i>aviation safety assessment and risk analysis</i> should be prepared by a suitably qualified person.</p> <p>The report must confirm that there is no risk arising from the obstacle.</p> <p>Particular attention should be paid to obstacles in the Approach, Take off and Transitional Areas of the OLS and should also confirm that the obstacle does not affect the RNAV instrument approaches as published by Air Services Australia.</p>
E. Public safety area information	<p>Developments within, or partly within Map 5: Public Safety Areas of Scone Memorial Airport</p>	<p>A report and plans prepared by a suitably qualified professional, responding to the requirements of Section D Public Safety Area. Plans, drawn to scale, must show clearly:</p> <ul style="list-style-type: none"> the subject property and proposed buildings and land uses across the site

13d Scone Memorial Airport & environs



Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> the site in relation to Map 5: Public Safety Areas of Scone Memorial Airport
F. Design principles and visual amenity	<p>All applications for buildings within the Scone Memorial Airport site as shown on Map 3, where (in the opinion of Council), development has the potential to have adverse visual impacts and:</p> <ul style="list-style-type: none"> is visible from a public road and/or adjoining residential development; and/or contains reflective materials 	<p>A visual impact assessment, prepared by a suitably qualified professional, should show how the design of the development:</p> <ul style="list-style-type: none"> responds to being viewed from public roads and nearby dwellings is consistent with the key buildings already existing or approved but yet to be built on the Scone Memorial Airport site, the most important being the Warbirds Museum. <p>The assessment should identify locations from which the development may be viewed, and propose methods to reduce visual impact. Useful methods of demonstrating impact are description, photographs, photomontage, models and the like, as may be appropriate for the nature and scale of the development proposed.</p> <p>The report should generally include the following:</p> <ol style="list-style-type: none"> Introduction <ol style="list-style-type: none"> 1.1. Background 1.2. The site and context Methodology <ol style="list-style-type: none"> 2.1. Background 2.2. Existing visual environment 2.3. Assessment criteria 2.4. Viewing zones Proposal <ol style="list-style-type: none"> 3.1. Proposed Development Visual impact assessment <ol style="list-style-type: none"> 4.1. Viewpoint Analysis 4.2. Visual impact assessment summary Visual impact mitigation measures <ol style="list-style-type: none"> 5.1. Recommendations
G. Structural engineering report	Any application for a structure or building within the Scone Memorial Airport site as shown on Map 3	Plans and a statement, prepared by a suitably qualified structural engineer, certifying that the structure or building is suitable, including any hangar doors and supporting structures forming part of such a building.
H. Lighting plan	For any development with significant lighting structures or fixtures (in the opinion of Council) proposed to be located	Plans and/or report, showing that lighting has been designed by a suitably qualified lighting engineer/professional and considers the most recent lighting requirements of the Civil Aviation

13d Scone Memorial Airport & environs



Item	When required	Plans or information to be provided
	<p>in the areas shown in Map 7: Maximum intensity of light sources within 6km of Scone Memorial Airport (and insets). Lights within this area fall into a category most likely to be subject to the provisions of regulation 94 of <i>Civil Aviation Regulations 1988</i>.</p> <p>The following types of development warrant particular attention:</p> <ul style="list-style-type: none"> • motorway/ freeway lighting • stadium flood lighting • construction lighting 	<p>Safety Authority and responds to section M Lighting.</p> <p>Plans, drawn to scale, must show clearly:</p> <ul style="list-style-type: none"> • the subject property, and proposed location of lighting structures and intensities • the site and lighting structures and intensity in relation to Map 7: Maximum intensity of light sources within 6km of Scone Memorial Airport (and insets)
I. Landscape Plan	<p>Applications within the Scone Memorial Airport site as shown on Map 3; or</p> <p>Applications within 8km of Scone Memorial Airport, as shown on Map 1: Scone Memorial Airport - areas of interest</p> <p>Both as determined by Council</p>	<p>Plan and report, prepared by a suitably qualified professional (if required by Council), showing the following components as are applicable to the type of development (as determined by Council):</p> <p><u>For developments within the Scone Memorial Airport site:</u></p> <ul style="list-style-type: none"> • description of ground preparation and on-going maintenance of landscaping • any areas of private open space, proposed turf and areas of established gardens. • schedule of plantings, cross-referenced to the site plan indicating species, bird or wildlife attracting qualities, massing and mature growth height. • Location of OLS height restrictions • Location of hard landscaping such as paving or fencing • details of restoration and treatment of earth cuts, fills, mounds, retaining walls, fencing and screen walls. • Note that water features are not appropriate <p><u>For developments within 8 km of Scone Memorial Airport, as shown Map 1: Scone Memorial Airport - areas of interest:</u></p> <ul style="list-style-type: none"> • location and species of any current and proposed trees or significant vegetation,

13d Scone Memorial Airport & environs

Item	When required	Plans or information to be provided
		<p>showing their mature growth height and noting any bird or wildlife attracting qualities</p> <ul style="list-style-type: none"> • notation of any relevant OLS height restrictions
J. Hazard and offensive development	Any development as required by section 10f Hazardous and offensive development	<p>A report and accompanying plans, prepared by a suitably qualified and experienced person, as required by section 10f Hazardous and offensive development. These could include the following:</p> <ul style="list-style-type: none"> • Preliminary risk screening • Preliminary hazard assessment • Potentially offensive assessment <p>The information must contain enough information so that Council can properly assess the development under the requirements of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> regarding Hazardous and Offensive Development and any of the current circulars or guidelines published by the NSW Department of Planning relating to hazardous or offensive development. At 2022, these included the list given in 'Supplementary Information' in section 10f.</p>
K. Site waste minimisation & management plan	All applications	<p>A plan and report illustrating:</p> <ul style="list-style-type: none"> • the location of designated waste and recycling storage rooms or areas sized to meet the waste and recycling needs of the development (including where applicable all tenants). Waste should be separated into at least 4 streams, paper/cardboard, recyclables, general waste, industrial process type wastes. • Evidence of compliance with any specific industrial waste laws/protocols. For example, those related to production, storage and disposal of industrial and hazardous wastes as defined by the <i>Protection of the Environment Operations Act 1997</i> • the on-site path of travel for collection vehicles. • all other requirements outlined in Section 11h Waste minimisation & management.

13d.7 Assessment criteria

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

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

13d Scone Memorial Airport & environs

This section is structured in the following way:

Section	Topic	Relevant to Scone Memorial Airport site (Map 3)	Relevant to development up to 13km from Scone Memorial Airport (Map 1 and Map 2)
A	Maximum height and airspace operations	Yes	Yes
B	Land uses in the vicinity of the Airport - wildlife attraction risk	Yes	Yes – within 13km
C	Building Restricted Areas for Aviation Communication & Navigation Facilities	Yes	Yes – for some land shown on Map 4
D	Developments within Public Safety Areas of Airport	Yes – within land shown on Map 5	
E	Development on Scone Memorial Airport site	Yes	No
F	Lot design	Yes	No
G	Airside design	Yes	No
H	Airport layout and landside design	Yes	No
I	Building design	Yes	No
J	Landscaping and fencing	Yes	Yes – within 8km
K	Noise	Yes	Yes
L	Hazardous and offensive development	Yes where applicable	
M	Lighting	Yes	Yes - within 6km as shown on Map 7
N	Stormwater management	Yes	No
O	Outdoor advertising signage design	Yes	No
P	Roads	Yes	No
Q	Driveways, Access and Car Parking	Yes	No
R	Utilities	Yes	No
S	Waste minimisation & management	Yes	Yes – within 8km

13d Scone Memorial Airport & environs



Outcomes to be achieved

A. Maximum height and airspace operations

For all development:

- The development must not penetrate the Obstacle Limitations Surface (OLS) Plan for the Airport., unless an aviation safety assessment determines that the development and the proposed penetration of the OLS would not create a hazard for aviation operations or curtail the longer term future of the airport and its operations
- The mature height of any trees used in landscaping is not to intrude into the Obstacle Limitation Surface Map for the Airport; or species are not to attract a significant amount of birdlife.

Note: Matters for consideration in determining approval for development in the vicinity of Scone Memorial Airport in relation to height and airspace operations are specified in Upper Hunter LEP 2013 clause 6.7 Airspace Operations and accompanying 'Obstacle Limitation Surface Map'.

Note also that more recent draft or final Obstacle Limitation Surface Maps may also be held by Council, and must be referred to.

For development within Scone Memorial Airport, as shown on Map 3:

- No building, structure, tree, shrub, bush or plants or other obstacle shall be placed on the Scone Memorial Airport site that exceeds the maximum height or size set out in MOS139 to ensure the safe operation of aircraft.

B. Land uses and activities in the vicinity of the Airport – wildlife attraction risk

Note: the following provisions are based on:

Civil Aviation Safety Authority: National Airports Safeguarding Framework Principles and Guidelines – Guideline C Managing the Risk of Wildlife Strikes in the Vicinity of Airports at

https://www.infrastructure.gov.au/aviation/environmental/airport_safeguarding/nasf/nasf_principles_guidelines.aspx

- The following land uses **within 3km** of the Airport (as shown **Map 2: Scone Memorial Airport - areas of interest – insert**) are not supported, because of their high wildlife attraction risk:
 - Turf farm
 - Piggery
 - Fruit tree farm
 - Fish processing/packing plant
 - Wildlife sanctuary / conservation area ■ wetland
 - Showground
 - Food processing plant
 - Food / organic waste facility
 - Putrescible waste facility - landfill
 - Putrescible waste facility - transfer station

Where these land uses are proposed **within 3km to 13km** of the Airport (as shown on **Map 1**), then measures must be taken to mitigate or monitor their moderate wildlife attraction risk to the Airport.

- Where any of the following land uses are proposed **within 8km** of the Airport (as shown on **Map 1**), then measures must be taken to mitigate their moderate wildlife attraction risk to the Airport.
 - Cattle/dairy farm
 - Poultry farm
 - Racetrack / horse riding school
 - Golf course
 - Sports facility (tennis, bowls, etc)
 - Park / Playground

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Outcomes to be achieved

- Picnic / camping ground
- Non-putrescible waste facility - landfill
- Non-putrescible waste facility - transfer station
- Sewage / wastewater treatment facility
- Appropriate risk mitigation measures include:
 - a requirement for a Wildlife Management Program
 - the establishment of wildlife management performance standards
 - allowance for changes to design and/or operating procedures at places/plants where land use has been identified as increasing the risk of wildlife strike to aircraft
 - establishment of appropriate habitat management at incompatible land uses
 - creation of performance bonds to ensure clean-up and compensation should obligations not be met
 - authority for airport operators to inspect and monitor properties close to airports where wildlife hazards have been identified
 - consistent and effective reporting of wildlife events in line with Australian Transport Safety Bureau (ATSB) guidelines

Source: Civil Aviation Safety Authority: National Airports Safeguarding Framework Principles and Guidelines - *Guideline C Managing the Risk of Wildlife Strikes in the Vicinity of Airports* - Attachment 1 Wildlife Attraction Risk and Actions by Land Use

C. Building Restricted Areas for Aviation Communication & Navigation and Meteorological Facilities

This section applies to developments up to 2km from the Scone Memorial Airport (as shown on

Map 4: Scone Memorial Airport Restricted Areas – Communication, Navigation and Meteorological Facilities)

Notes:

- The following provisions are based on:
Civil Aviation Safety Authority: National Airports Safeguarding Framework Principles and Guidelines – Guideline G: Protecting Aviation Facilities || Communication, Navigation and Surveillance (CNS) and Manual of Operating Standards (MOS) Pt 139 Chapter 19 -Division 3 Meteorological facilities - 19.17 Protection of meteorological facilities
- A Building Restricted Area (BRA) is a space where development has the potential to cause unacceptable interference to airport communication, navigation or surveillance (CNS) facilities. The purpose of a BRA is to trigger an assessment of potential impacts on CNS facilities from proposed developments. It is not intended to prohibit development, except where it would lead to an adverse impact on a CNS facility.
- The locations of CNS facilities at Scone Memorial Airport and their relevant BRAs (at 2022) are shown on
-
-
- **Map 4: Scone Memorial Airport Restricted Areas – Communication, Navigation and Meteorological Facilities**
- Where a proposed development or activity is likely to infringe a BRA, details will be referred to Airservices Australia to allow them to make an assessment. The referral ensures awareness of the proposed obstacle and that mitigation measures are available. Airservices will also assess the cumulative impact of the proposed development or activity and all other obstacles in a BRA.

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Outcomes to be achieved

- The following types of proposed development within 2km of Scone Memorial Airport (as shown on

Map 4: Scone Memorial Airport Restricted Areas – Communication, Navigation and

Meteorological Facilities) will be referred to Airservices Australia, where they are located within a Building Restricted Area of a Communications or Navigation (CNS) Facility located at Scone Memorial Airport:

- Buildings (multistorey offices or residential, private houses, sheds, car parks);
 - Hangars and warehouses;
 - Infrastructure including bridges and motorway overpasses;
 - Power station stacks and plumes;
 - Power lines, power poles and light poles;
 - Telecommunications towers;
 - Commercial signage and advertising billboards;
 - Wind turbines and wind monitoring masts;
 - Construction equipment such as cranes (eg mobile, tower and luffing) and concrete pumpers.
- Where development is proposed within a Building Restricted Area as shown on **Map 4: Scone Memorial Airport Restricted Areas – Communication, Navigation and Meteorological Facilities**, the following tables show the action required (as outlined on the following pages):
 - Table 1: Building Restricted Area - Very High Frequency
 - Table 2: Building Restricted Area - Non-directional Beacon

The following is a summary of the CNS and meteorological types and their Building Restricted Areas:

Facility Type	Zone A (metre radius)	Zone A/B (metre radius)	Area of Interest (metre radius)
Very High Frequency (VHF) – see Table 1	0 – 100	100 – 600	100 – 2,000
Non-Directional Beacon (NDB) – see Table 2	0 – 60	60 – 300	n/a
Meteorological (BOM/MET)	0-60	60-150	

- If other CNS facilities are installed at Scone Memorial Airport in the future, then similar BRA requirements will also apply, as per *Civil Aviation Safety Authority: National Airports Safeguarding Framework Principles and Guidelines – Guideline G: Protecting Aviation Facilities - Communication, Navigation and Surveillance*, or the most recent publication.
- In determining whether the proposal will be referred to Airservices Australia, the location, height and scale of the proposed development and the relevant Building Restricted Area will be taken into account.



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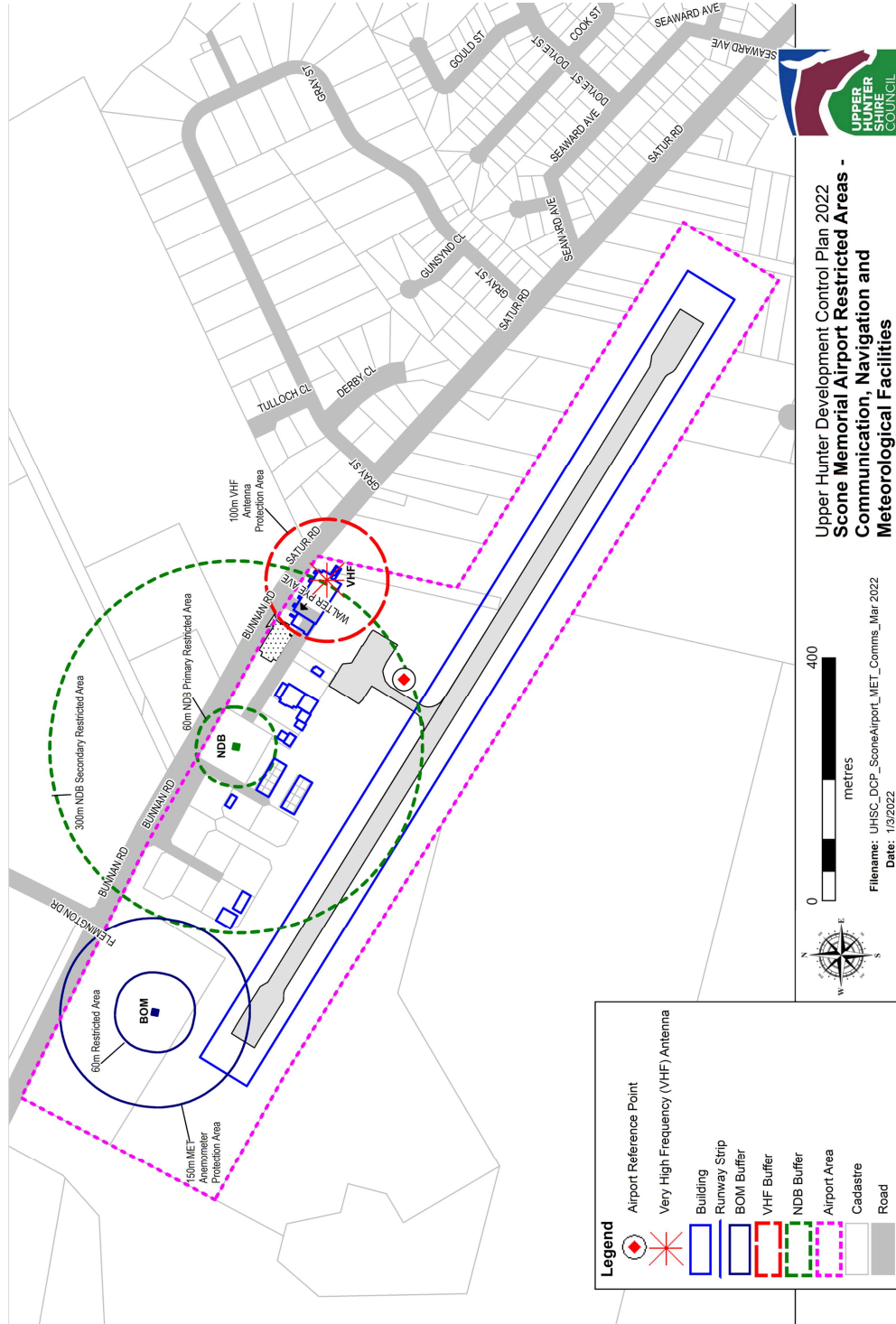
Outcomes to be achieved

- Building restricted areas should be kept clear of permanent or temporary:
 - obstructions (e.g. buildings, other structures or trees) to the 'line of sight' between transmitting and receiving devices;
 - objects (e.g. wind turbines) which act as reflectors or deflect signals used by aviation facilities;
 - radio frequency interference;
 - electromagnetic emissions (e.g. such as those emitted by arc welding associated with steel fabrication); or
 - plume rises (as defined in the *Airports (Protection of Airspace) Regulations 1996*.)
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Map 4: Scone Memorial Airport Restricted Areas – Communication, Navigation and Meteorological Facilities



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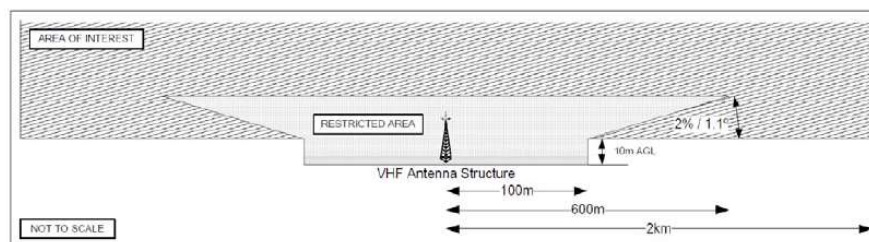
Table 1: Building Restricted Area - Very High Frequency

Note: the location of the VHF facility and its BRA (at 2021) is shown on the previous Map 4.

Very High Frequency

54. Very High Frequency is used for air to ground voice communications and allows aircraft and air traffic control to communicate effectively. Very High Frequency equipment is also used for the transmission of aeronautical terminal information service to aircraft.

Building Restricted Area	Description	Action required
Zone A	If development is located: a. within 100 metres of the Very High Frequency antenna; or b. between 100-2000 metres from the centre of the Very High Frequency antenna and the development will cross the zone boundary (defined as an elevation angle of 2° starting at 10 metres above ground level).	All applications must be referred to Airservices Australia for assessment.
Zone B	If development is located between 100-600 metres from the centre of the Very High Frequency antenna and the development will not cross the zone boundary.	No requirements. Airservices Australia should be advised of proposals for large obstructions.
Area of interest	If development is located between 600-2000 metres from the Very High Frequency antenna.	No requirements. Airservices Australia should be advised of proposals for large obstructions.
<p>General guidance:</p> <ul style="list-style-type: none"> A Broadcast Facility is classified as any High Power (>100W) transmitter facility, any AM/FM Radio transmitter facility & any Television transmitter facility including facilities with ACMA Emission Designators of A3E/A3EG, F2D, F8E/F8EH, or C3F/C3FN; the propagation distance for VHF signals is governed by the line of sight from the antenna at the transmitting site. Generally, the antenna is mounted so that it is clear of obstructions such as trees, buildings and hills; and substantial structures are generally prohibited within Zone A. 		



Source: Civil Aviation Safety Authority: National Airports Safeguarding Framework Principles and Guidelines - Guideline G: Protecting Aviation Facilities - Communication, Navigation and Surveillance

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Table 2: Building Restricted Area - Non-directional Beacon

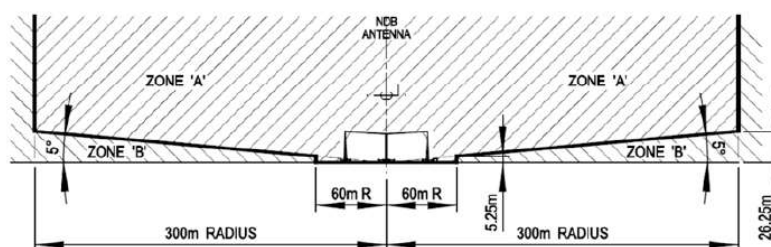
Note: the location of the NDB facility and its BRA (at 2021) is shown on the previous Map 4.

Non-Directional Beacon

55. A Non-Directional Beacon radiates a low to medium frequency electromagnetic signal in all directions. Aircraft are equipped with an automatic direction finder which, when tuned to the Non-Directional Beacon frequency, determines the direction from where the signal emanated. This is a navigation aid used in non-precision approaches and aircraft holding patterns.

Building Restricted Area	Location of development	Action required
Zone A	If development is located: a. within 60 metres of the Non-Directional Beacon antenna; or b. between 60-300 metres from the Non-Directional Beacon antenna and the development will cross the zone boundary (defined as an elevation angle of 5° from ground level at the centre of the Non-Directional Beacon antenna).	All applications must be referred to Airservices Australia for assessment.
Zone B	If development is located between 60-300 metres from the centre of the Non-Directional Beacon antenna and the development will not cross the zone boundary.	No requirements.
General guidance: <ul style="list-style-type: none"> • within a 60 metres radius from the centre of the Non-Directional Beacon antenna vegetation should be kept to less than 60cm high. Naturally occurring native flora may be allowed to exceed 60cm subject to a site environment plan. • high voltage overhead powerlines 33kv or greater should be at least 300 metres from the centre of the Non-Directional Beacon antenna. 		

NOT TO SCALE



Source: Civil Aviation Safety Authority: National Airports Safeguarding Framework Principles and Guidelines - Guideline G: Protecting Aviation Facilities - Communication, Navigation and Surveillance

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Outcomes to be achieved

D. Developments within Public Safety Areas of Airport

This section applies to developments proposed on or partly within the Public Safety Areas of the Airport (as shown on Map 5: Public Safety Areas of Scone Memorial Airport).

Notes:

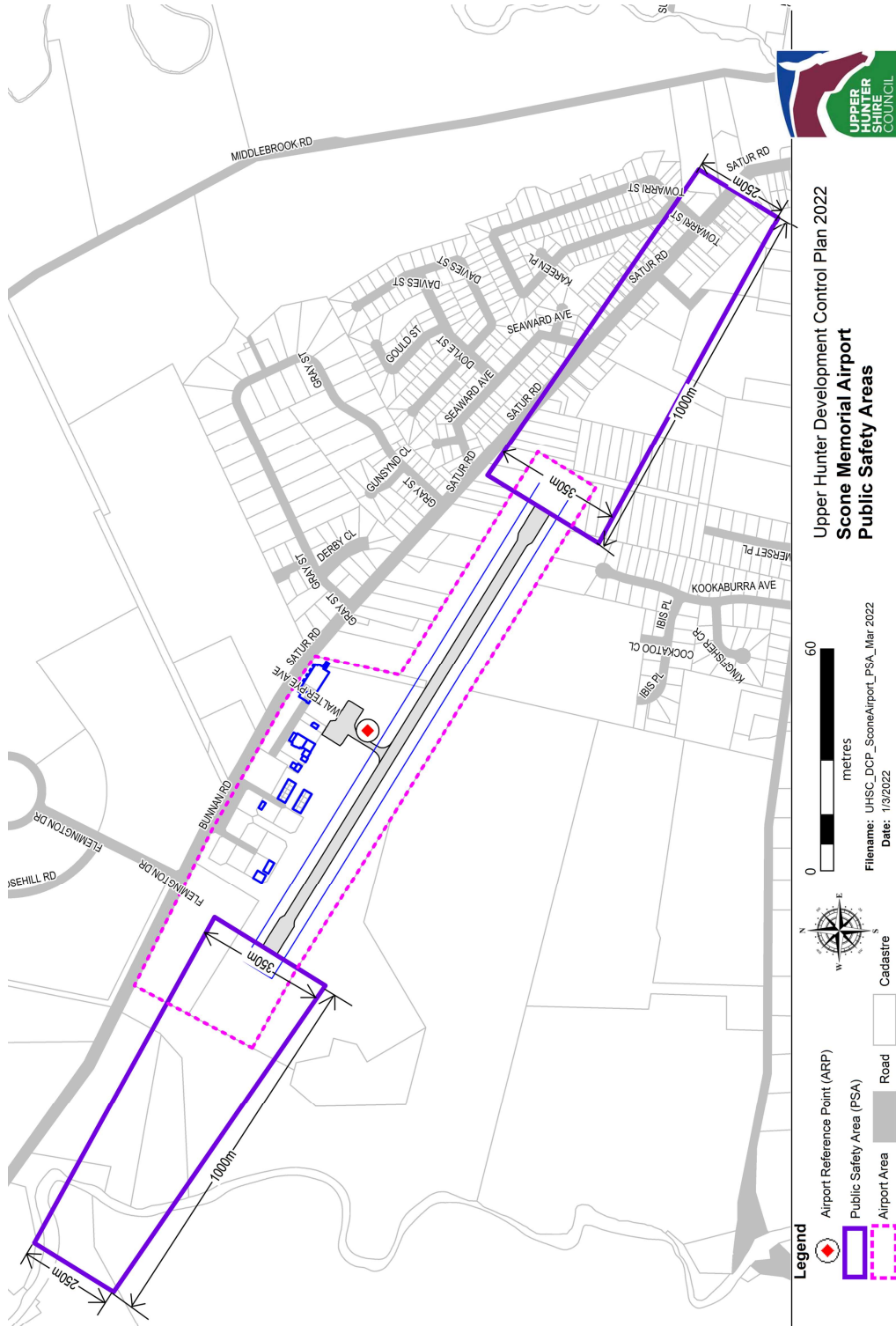
- A Public Safety Area (PSA) is a designated area of land at the end of an airport runway within which development may be restricted in order to control the number of people on the ground at risk of injury or death in the event of an aircraft accident on take-off or landing
- These provisions are sourced from: *Civil Aviation Safety Authority: National Airports Safeguarding Framework Principles and Guidelines – Guideline 1: Managing The Risk In Public Safety Areas At the Ends of Runways*
- Development within the Public Safety Areas of Scone Memorial Airport should not increase the risk to public safety from an aircraft accident near the ends of airport runways. Therefore, the following must be avoided:
 - increases in the numbers of people living, working or congregating in the public safety areas; or
 - the use of noxious or hazardous materials.
- An assessment of a development's compatibility must consider:
 - the direct impacts to people in the aircraft and on ground; and
 - the secondary incidents arising from damage to ground facilities, such as storage facilities for explosive, flammable or other hazardous materials.
- **Land uses within, or partly within, the Public Safety Area must be consistent with**

Table 3: Compatibility of developments within Public Safety Areas of Scone Memorial Airport.

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Map 5: Public Safety Areas of Scone Memorial Airport



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Table 3: Compatibility of developments within Public Safety Areas of Scone Memorial Airport

PUBLIC SAFETY AREA	COMPATIBLE USES	INCOMPATIBLE USES/ACTIVITIES
	<p>Long stay and employee car parking (where the minimum stay is expected to be in excess of six hours)</p> <p>Shorter stay car parking (with a safety case – depends on intensity of use)</p> <p>Built development for the purpose of housing plant or machinery and would require no people on site on a regular basis, such as electricity switching stations or installations associated with the supply or treatment of water</p> <p>Golf courses, but not club houses (provided appropriate mitigation measures are in place to reduce wildlife attraction risk - see NASF Guideline C)</p> <p>The following could be compatible, with careful consideration:</p> <p>Open storage and types of warehouses with a very small number of people on site. Council could consider imposing conditions to prevent future intensification of the use of the site and limit the number of people to be present on the site</p> <p>Developments which require few or no people on site on a regular basis such as buildings housing plant or machinery</p> <p>Low intensity public open space</p>	<p>Accommodation activities: This includes dwelling houses, multiple dwellings, resort complexes, tourist parks, camping facilities, hostels, retirement villages or other residential care buildings</p> <p>Community activities: educational establishment, community centres, hospitals, theatres, child-care and playgrounds, detention facilities, place of worship</p> <p>Recreation activities: This includes parks, outdoor recreation and sport, major sport and entertainment facilities</p> <p>Entertainment and centre activities: Shopping centres, service stations, showrooms, markets, hotels, theatres, tourist attraction, garden centres</p> <p>Industrial and commercial uses involving large numbers of workers or customers: Intensive uses such as high impact, medium and low impact industry, warehousing, services industry</p> <p>Manufacture or bulk storage of flammable, explosive or noxious materials</p> <p>Public passenger transport infrastructure: This includes bus, train and light rail stations</p>

Adapted from source: National Airports Safeguarding Framework: Guideline I: Managing the Risk In Public Safety Areas at the Ends of Runways

Outcomes to be achieved

E. Development on Scone Memorial Airport site

This section applies to developments within, or partly within, the Scone Memorial Airport site boundary shown on Map 3: Scone Memorial Airport site.

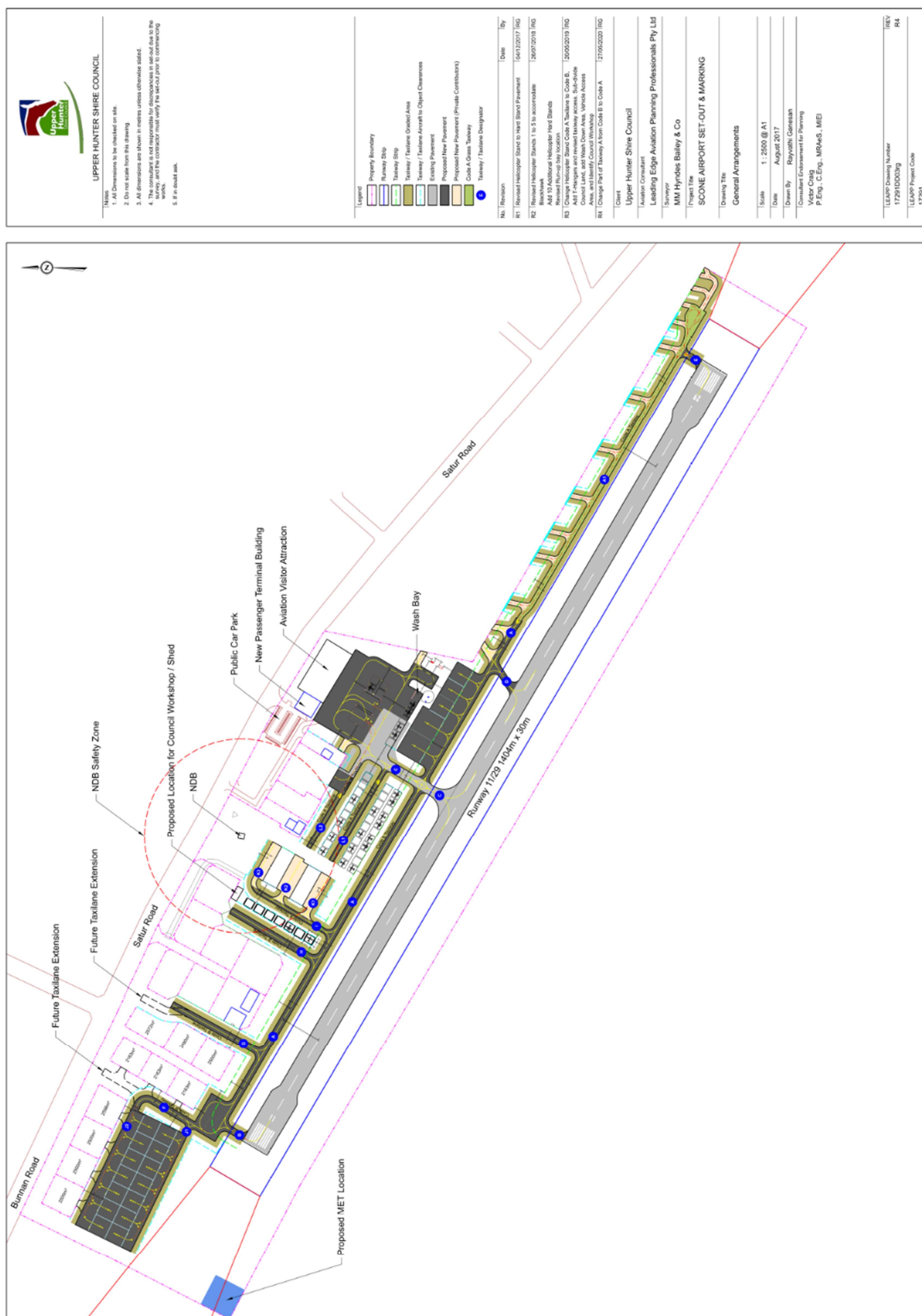
- No building or structure on the site, or any part of the site, shall be used for any purpose other than for an *aviation related business or purpose*. This is defined as a business, operation or purpose that:
 - relies on aviation as a source of transport for operating its business; and/or
 - provides aviation related tourism facilities; and/or
 - supplies and/or manufactures equipment or services to the aviation industry.
- Development must be in accordance with:
 - *Part 139 (Aerodromes) Manual of Standards*
 - the *Scone Memorial Airport Master Plan* and *Scone Airport Set-out & Marking: General Arrangements August 2017* as shown on Map 6: *Scone Memorial Airport - General Arrangements*; or any update to these documents that have been adopted by Council
 - Relevant Australian Standards

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Outcomes to be achieved

- Relevant Australian aviation law
 - No part of the land shall be used in any way contrary to any operations manuals applicable to Scone Memorial Airport or in such a way as to restrict the operation of the Airport.
 - No building, or part of a building on the land shall be used as a temporary or permanent dwelling.
 - No relocatable building, caravan, tent or temporary dwelling shall be placed on the land.
 - Subdivision design is consistent with *Scone Airport Set-out & Marking: General Arrangements August 2017*, as shown at Map 6: Scone Memorial Airport - General Arrangements
 - Any fuel or chemicals stored on the land or carried by aircraft on the site must comply with all relevant legislation and shall meet the requirements of section **10f Hazardous and offensive development**.
 - No part of the land shall be used for any purpose which is not compliant with all aviation laws, environmental laws and approvals, the requirements of all relevant authorities including any Environmental Protection Licence.
-

Map 6: Scone Memorial Airport - General Arrangements



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Outcomes to be achieved

Design guidelines

F. Airside design

This section applies to developments within, or partly within, the boundary shown on Map 3: Scone Memorial Airport site.

- Fences are constructed to restrict access from each lot to the taxiways and runway. Such fences are to include self-closing gates to comply with Australian Standard 921-1993. The gates are locked at all times when not in use.
- Aprons and taxiways are consistent with *Scone Airport Set-out & Marking: General Arrangements August 2017*, as shown at Map 6: Scone Memorial Airport - General Arrangements.
- Private connections to the taxiway are constructed in accordance with *Part 139 (Aerodromes) Manual of Standards 2019* (Part 139 MOS).
- Aprons are constructed in accordance with Part 139 MOS.
- Aircraft parking is consistent with the *Scone Regional Airport Masterplan* or any adopted update to that document.
- Lot / site design allows for owner / occupier aircraft to park wholly within leased premises, and not within aerodrome aprons and taxiways.
- Any building or structure shall be set back from the boundary of the land in accordance with Part 139 MOS, AS 2021:2015 (to the extent that it is not inconsistent with Part 139 MOS) and all Aviation Laws.

G. Airport layout and landside design

This section applies to developments within, or partly within, the boundary shown on Map 3: Scone Memorial Airport site.

- Buildings and structures are to comply with *Scone Airport Set-out & Marking: General Arrangements August 2017*, as shown at Map 6: Scone Memorial Airport - General Arrangements.
- New buildings are constructed with side setbacks that:
 - i) Comply with the requirements of the *Building Code of Australia*.
 - ii) Allow for adequate servicing of the development, including loading and unloading operations, vehicle manoeuvrability and waste storage.
- New buildings are setback a minimum distance of 15 metres from the rear property boundary adjoining airside land.
- Lot / site design allows for owner / occupier aircraft to park wholly within the premises, and not within aerodrome aprons and taxiways.
- The storage of waste material is not permitted within the front building line.
- Water features are not to be constructed on the site.
- Vegetation that includes fruiting or seeding that attracts birds or fruit bats is not to be placed on the site.

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Outcomes to be achieved

Design guidelines

H. Building design

This section applies to all buildings or structures within, or partly within, the boundary shown on Map 3: Scone Memorial Airport site.

- A high level of design standard is required, to achieve a coherent, consistent appearance between a variety of building forms and functions, and to sit comfortably next to existing and future development in the vicinity, including dwellings and rural uses.
- External walls, roofs and other external surfaces are to be designed to be complementary to the Warbird Aviation Centre.
- Lighting and other features of any buildings or structures must be in accordance with Part 139 MOS, and, to the extent that it is not inconsistent with Part 139 MOS, *Australian Standard 2021:2015* to ensure the safe operation of aircraft.
- No building shall be constructed from materials that do not comply with Part 139 MOS, and (to the extent that it is not inconsistent with Part 139 MOS) with AS 2021:2015.
- Large openings are placed at the airside / rear of buildings, and avoided at the street frontage of buildings.
- Building materials are vandal resistant, low reflective and able to withstand strong wind forces.
- Premises provide high levels of access throughout buildings, on-site car parks and to the public car park / street network in accordance with the access provisions of the *Building Code of Australia*.
- Visitor and staff car parks are designed with Safer by Design principles.
- External storage areas are screened and not exposed to views from Bunnan Road or the Warbird Aviation Centre.
- Building setbacks are in accordance with Part 139 MOS.
- The location and positioning of solar panels must not interfere with safe aircraft operations
- New development should reduce energy use through appropriate siting and design of buildings (eg. design and orientation of buildings, use of insulation, cross ventilation) and appropriate landscaping.

Controls specifically for hangars

- Building materials comply with the requirements of *Australian Standard AS2021* in relation to the construction of buildings near aerodromes.
- Hangar doors, where fitted, do not extend beyond the Lot boundary in either an open or closed position.
- No structures, including masts or aerials, intrude into the aerodrome Obstacle Limitation Surface (OLS) (as shown on the 'Obstacle Limitation Surface Map' accompanying Upper Hunter LEP 2013 clause 6.7 'Airspace Operations', or on any more recent map(s) held by Council).
- Contaminated runoff from hangar / refuelling areas must not leave the hangar.

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Outcomes to be achieved

Design guidelines

I. Landscaping and fencing

1. For development within 8km of Scone Memorial Airport as shown on Map 1: Scone Memorial Airport - areas of interest

- No wildlife or bird attracting species are used in any landscaping.
- No water features are used in any landscaping or building design.
- All landscaping is to be within the OLS.

2. For development within the boundary as shown on Map 3: Scone Memorial Airport site.

- Landscape design is consistent with the *Scone Memorial Airport Masterplan* or any adopted update to that document.
- Landscape design is complementary to the building design and surrounding streetscape.
- No wildlife or bird attracting species are used in any landscaping.
- No water features are used in any landscaping or building design
- All landscaping is to be within the OLS.
- All fencing is adequate to prevent uncontrolled access to airside land and to screen open storage areas (where applicable).
- Fencing is not higher than 3 metres, or is within the OLS, whichever is the lesser.
- Fences are designed to complement the development and to form an important security role taking into account 'safer by design' principles.

J. Noise

1. For developments within the Air Noise Exposure Forecast buffers of the Airport

Note: Matters for consideration in determining approval for developments in the vicinity of Scone Memorial Airport in relation to aircraft noise are specified in Upper Hunter LEP 2013 clause 6.8 'Development in areas subject to aircraft noise' and accompanying map 'Air Noise Exposure Forecast Map'.

Note also that more recent draft or final Air Noise Exposure Maps may also be held by Council, and should be referred to. The most recent is: *Noise Exposure Concept - Introduction Of Warbird Aircraft*, prepared by Pitt & Sherry, 2019.

2. For developments within the Airport site that have the potential to cause noise impacts on adjoining and nearby development

- The development complies with the NSW Noise Policy for Industry (2017) [https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-\(2017\)](https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017))

K. Hazardous and offensive development

- The development complies with:
 - section 10f Hazardous and offensive development; and

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Outcomes to be achieved

- *State Environmental Planning Policy (Resilience and Hazards) 2021* regarding Hazardous and Offensive Development; and
- any current circulars or guidelines published by the NSW Government relating to hazardous or offensive development.

Design guidelines

L. Lighting

This section applies to development within 6km of the runway of the Airport, including land within the Airport site, as shown on Map 7: Maximum intensity of light sources within 6km of Scone Memorial Airport

Note: the information in this section is based on *Civil Aviation Safety Authority: National Airports Safeguarding Framework Principles and Guidelines – Guideline E: Managing the risk of distractions to pilots from lighting in the vicinity of airports*

- Lighting in the vicinity of airports must not compromise aviation safety.
- The intensity of light emission must not exceed the levels shown in Table 4 below

Table 4: Maximum intensity of light sources close to Scone Memorial Airport

Zone as shown on Map 7	Maximum intensity of light source, measured at 3 degrees above the horizontal
A	0 cd
B	50 cd
C	150 cd
D	450 cd

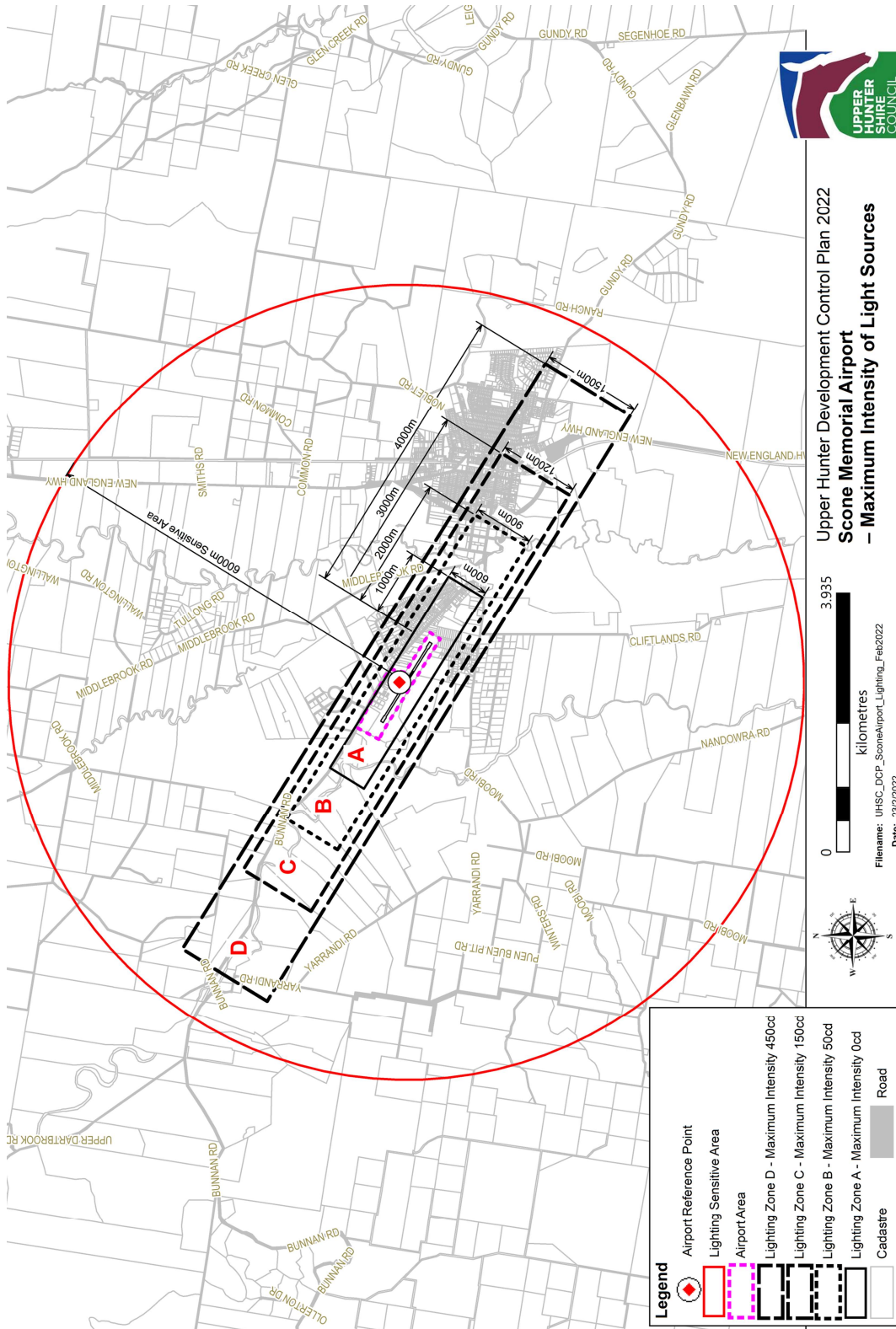
- Applications for high intensity high-mast lighting within the 6km 'Lighting Sensitive Area' of the airport, as shown on Map 7, will be referred to CASA for particular consideration.
- Lighting must not infringe the provisions of regulation 94 of *Civil Aviation Regulations 1988*.

- Even though a certain type of light fitting may already exist in the area, it is not necessarily an indication that more lights of the same type can be added to the same area.
- Even though a proposed installation may be designed to comply with the zone intensities shown in Table 4, designers are advised to consult CASA as there may be overriding factors which require more restrictive controls to avoid conflict.
- Light fittings chosen for an installation should have their iso-candela diagram examined to ensure the fitting will satisfy the zone requirements. In many cases the polar diagrams published by manufacturers do not show sufficient detail in the sector near the horizontal, and therefore careful reference should be made to the iso-candela diagram. For installations where the light fittings are selected because their graded light emission above horizontal conform to the zone requirement, no further modification is required.
- For installations where the light fitting does not meet the zone requirements, a screen should be fitted to limit the light emission to zero above the horizontal. The use of a screen to limit the light to zero above the horizontal is necessary to overcome problems associated with movement of the fitting in the wind or misalignment during maintenance.
- Coloured lights are likely to cause conflict irrespective of their intensity as coloured lights are used to identify different aerodrome facilities. Proposals for coloured lights should be referred to CASA for detailed guidance.
- Proponents should check with the nearest CASA office by calling on 131 757 for advice on the likely effect on aircraft operations of proposed lighting in the vicinity of an aerodrome.

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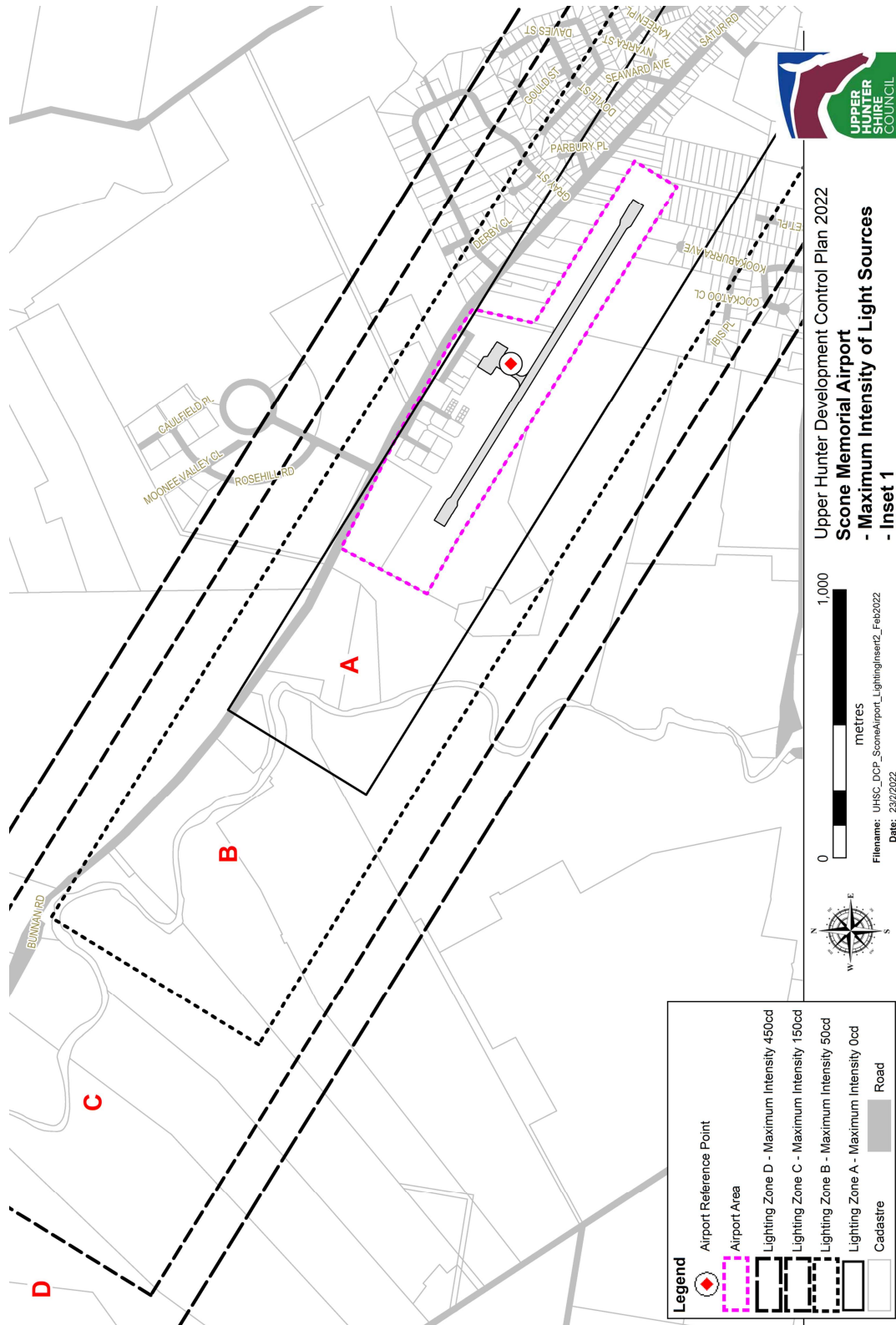
Map 7: Maximum intensity of light sources within 6km of Scone Memorial Airport



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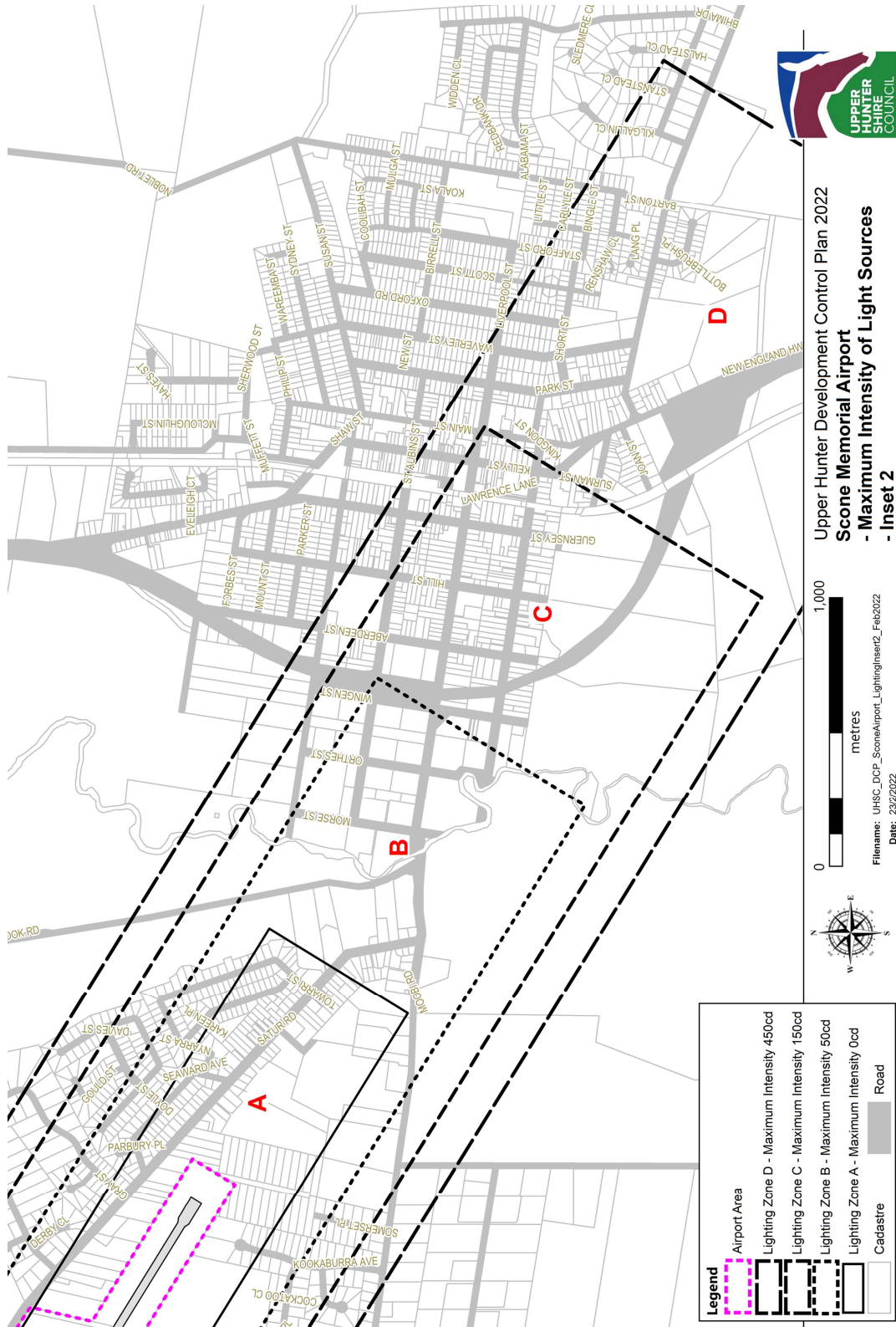
Map 8: Maximum intensity of light sources within 6km of Scone Memorial Airport: Inset 1



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Map 9: Maximum intensity of light sources within 6km of Scone Memorial Airport: Inset 2



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Outcomes to be achieved

M. Stormwater and erosion management

This section applies to development within the boundary as shown on Map 3: Scone Memorial Airport site.

- Any development meets the requirements of Part 11f Soil & water management. In addition, the following must be achieved:
 - a) Best management practices should be implemented to control runoff and soil erosion and to trap sediment on the subject land to ensure there is no net impact on downstream water quality. The quality of runoff water from the subject land should be the same or better than the quality of water prior to development taking place.
 - b) Stormwater shall not be directed towards runways or taxiways
 - c) Development should be designed so as to minimise disturbance of the land.
 - d) Stormwater runoff from new development should be consistent with the pre-development stormwater patterns.
 - e) Post-development peak flows should be equal to or less than pre-development peak flows leaving the individual allotment.
 - f) Development complies with Part 3: Stormwater drainage of AS/NZS 3500.3, 2015 Plumbing and Drainage, unless otherwise specified in this Part.
 - g) Development takes into account the stormwater management requirements of the whole site in a 5% AEP, including drainage from all buildings, driveways and hardstand areas, and how stormwater from these areas will be managed via pipes / pits / tanks / pumps to a legal point of discharge.
 - h) No roof water is permitted to discharge onto airside land.
 - i) Development that cannot drain stormwater to a legal point of discharge via gravity must be supported by a site specific stormwater management system that is designed by a suitably qualified engineer.
 - j) Existing topography and natural drainage lines should be incorporated into drainage designs for larger proposals, and enhanced through provision of additional landscaping, detention areas, artificial wetlands and the like.
 - k) Where possible, design multiple use drainage and treatment systems incorporating gross pollutant traps, constructed wetlands and detention basins. For uncontaminated runoff, the use of natural systems for detention and filtration of stormwater is encouraged. Potential solutions include: artificial wetlands; vegetated drainage swales; and the like.

N. Outdoor advertising signage design

This section applies to development within the boundary as shown on Map 3: Scone Memorial Airport site.

- Any development considers the provisions of Part 8b Advertising & signage. In addition, the following must be achieved:
 - Signage structures are contained wholly within the development site and do not overhang any public road reserve or airside land.
 - Advertising signage is of a scale and form that is proportionate to the building, streetscape, setting and landscape on or within which it is proposed to be placed.
 - Advertising signage contains information sufficient to identify the business only, and must not include any third party advertising.
 - A maximum of two advertising signs per development is permitted.
 - Flashing, illuminated, moving, highly reflective signs are not permitted.
 - Freestanding Pole signs are not permitted.
 - Advertising signage is appropriately co-ordinated and designed, where it is proposed to service multiple tenancies in the one building, so as not to lead to visual clutter through proliferation of separate advertisements on the site.
 - Signs are constructed of new materials only.
 - Old and redundant signs are removed as part of the erection of new signage or replacement signage.

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Outcomes to be achieved

O. Roads

This section applies to development within the boundary as shown on Map 3: Scone Memorial Airport site.

- New roads are consistent with the *Scone Memorial Airport Masterplan* or any adopted update to that document and **Map 6: Scone Memorial Airport - General Arrangements**
- New roads are appropriately designed to respond to geotechnical, topographical and specific site features in accordance with *Upper Hunter Shire Council Engineering Guidelines* as amended.
- New roads are designed to the appropriate speed zone limit(s), including any local area traffic management devices, in accordance with *AS 1742.13: 2009 Manual of uniform traffic control devices Part 13: Local area traffic management* and *Upper Hunter Shire Council Engineering Guidelines* as amended.
- New lots gain onto the local road network in accordance with *Upper Hunter Shire Council Engineering Guidelines* as amended.
- Existing public road infrastructure abutting the development, including roads, intersections, kerb and gutter and pedestrian and cycling facilities are upgraded / replaced where they do not meet the requirements of *Upper Hunter Shire Council Engineering Guidelines* as amended.
- Kerb and gutter is provided to all classes of roads having speed limits of 80km/hr or less in accordance with *Upper Hunter Shire Council Engineering Guidelines* as amended.
- Street furniture (e.g. lights, trees, signs) is provided in accordance with *Upper Hunter Shire Council Engineering Guidelines* as amended, unless otherwise specified in this Part.
- Site design allows for limited owner / occupier car parking on-site. Designated street parking bays, located within the public road reserve, provide for additional parking.

P. Driveways, Access and Car Parking

This section applies to development within the boundary as shown on Map 3: Scone Memorial Airport site.

- Development shall meet the provisions of **Part 12a Vehicle access and parking**.
- Driveway locations, dimensions and finished levels comply with the relevant requirements of:
 - i) *Scone Memorial Airport Masterplan* or any adopted update to that document and **Map 6: Scone Memorial Airport - General Arrangements**.
 - ii) *Part 4A of the Austroads Guide to Road Design*.
 - iii) *AS 2890.1 Off-Street Car Parking*.
 - iv) *AS2890.2 Commercial Vehicle Facilities for design and layout*.
 - v) *Safety by Design (CPTED)* principles
- Driveways are not accessed directly from Bunnan Road.
- Driveways and parking spaces are bitumen sealed, paved or concreted to comply with *Upper Hunter Shire Council Engineering Guidelines* as amended.
- On-site car parking is generally limited to owner / occupier / staff parking, with parking for visitors generally provided within designated parking bays within public road reserves and public car parks.
- Where owner / occupier car parking is proposed, these should be incorporated into the front / side setback areas. No car parking should be provided towards the rear of the block or on airside land. Car parks must be line marked to indicate the layout and circulation pattern of traffic, and sign posted to indicate entry and exit locations.
- Where loading and unloading facilities are provided, they are designed to enable a service vehicle to stand entirely within the site during loading and unloading operations, and not over a Council footpath or roadway.

Q. Utilities

This section applies to development within the boundary as shown on Map 3: Scone Memorial Airport site.

- All development is serviced by electricity, telecommunications, reticulated water and reticulated sewerage.

13d Scone Memorial Airport & environs



Outcomes to be achieved

- Satisfactory arrangements are made with the Council's Water and Sewer section for the connection of water and sewerage services to the land.
- Satisfactory arrangements are made with the relevant utility provider for the provision of underground electricity and telecommunications services.
- The impact of trade waste on Council's sewerage infrastructure is minimised.
- Easements (benefiting UHSC) shall be provided for all existing and proposed public sewer and water mains within the site.
- If a rainwater tank system also forms part of the water supply system, it must comply with the following:
 - a) Tank installation / maintainance in accordance with the NSW Health Guidelines.
 - b) Tank storage capacity is a minimum of 5,000 litres and no greater than 10,000 litres.
 - c) Tanks must not exceed OLS or 3 metres in height above ground level (including any tank stand).
 - d) Tanks must be a minimum 1 metre from any lot boundary.
 - e) Tanks must not collect water from a source other than roof gutters or down pipes on a building or a water supply service pipe.
 - f) Tanks must be structurally sound and installed in accordance with manufacturer's specifications.
 - g) Tanks must not rest on a footing of any building or other structure on the property including a retaining wall.
 - h) Tanks must utilise prefabricated materials or be constructed from prefabricated elements designed and manufactured for the purpose of rainwater tank construction.
 - i) Tanks must be enclosed and inlets screened or filtered to prevent the entry of foreign matter or creatures.

R. Waste minimisation & management

1. For development within 8km of the runway of the Airport as shown on Map 1: Scone Memorial Airport - areas of interest (including land within the Airport site):

- Waste storage areas must be fully enclosed so that loose refuse does not interfere with the safe use of the runway or attract wildlife, particularly birds.

2. For development within the Airport boundary as shown on Map 3: Scone Memorial Airport site:

This section aims to ensure that developments are designed to maximise resource recovery (through waste avoidance, source separation and recycling) and to ensure appropriate, well-designed storage and collection facilities are accessible to occupants and service providers.

- New development is provided with suitable waste bin storages and screened where they are readily visible from adjoining land / roads.
- The development shows evidence of compliance with any specific industrial waste laws/protocols, for example those related to production, storage and disposal of industrial and hazardous wastes as defined by the *Protection of the Environment Operations Act 1997*.
- A designated general waste/recycling storage area or room/s as well as designated storage areas for industrial waste streams is provided (designed in accordance with specific waste laws/protocols).
- Between collection periods, all waste/ recyclable materials generated on site must be kept in enclosed bins with securely fitted lids, so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room/s or area/s.
- Arrangements are in place in all parts of the development for the separation of recyclable materials from general waste and for the movement of recyclable materials and general waste to the main waste/recycling storage room/area.
- Premises that discharge trade wastewater must do so only in accordance with a written agreement from Council.



13d Scone Memorial Airport & environs

13d.8 Supplementary guidance

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

- *Scone Airport Master Plan Final Report*, prepared for Upper Hunter Shire Council by Leading Edge Aviation Planning Professionals Pty Ltd and Three Consulting, 2016 or any adopted update to that document.
- *Scone Airport Set-out & Marking: General Arrangements – Drawing August 2017*
- *Scone Airport (NSW): Obstacle Limitation Surface - Runway 11/29 - Code 2 Instrument / Non-Precision. Sheet 1 - Overall Layout and Sheet 2 - Inner Area. Maps dated 29 January 2020, prepared by Airport Surveys.*
- *Noise Exposure Concept - Introduction Of Warbird Aircraft*, map prepared by Pitt & Sherry, 2019.
- *Part 139 (Aerodromes) Manual of Standards 2019 (as amended)* made under regulation 139.005 of the *Civil Aviation Safety Regulations 1998* and section 4 of the *Acts Interpretation Act 1901*.
- Civil Aviation Safety Authority: *National Airports Safeguarding Framework Principles and Guidelines* – range of guidelines and information at https://www.infrastructure.gov.au/aviation/environmental/airport_safeguarding/nasf/nasf_principles_guidelines.aspx
- <http://www.airservicesaustralia.com/>



13e Hunter Valley Equine Precinct

Explanatory outline

Section 13e outlines assessment criteria that relate specifically to development in the Hunter Valley Equine Precinct, Scone.

Note: the requirements of this section are in addition to those specified in other sections for particular development types, for example (but not limited to):

- **1f Sustainability**
- **3 Subdivision**
- **8b Advertising & signage**
- **10f Hazardous and offensive development**
- **11f Soil and water management**
- **11i Buffer & separation distances**
- **12a Access and vehicle parking**
- **13d Scone Memorial Airport**

13e Hunter Valley Equine Precinct

13e.1 Application of this section

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

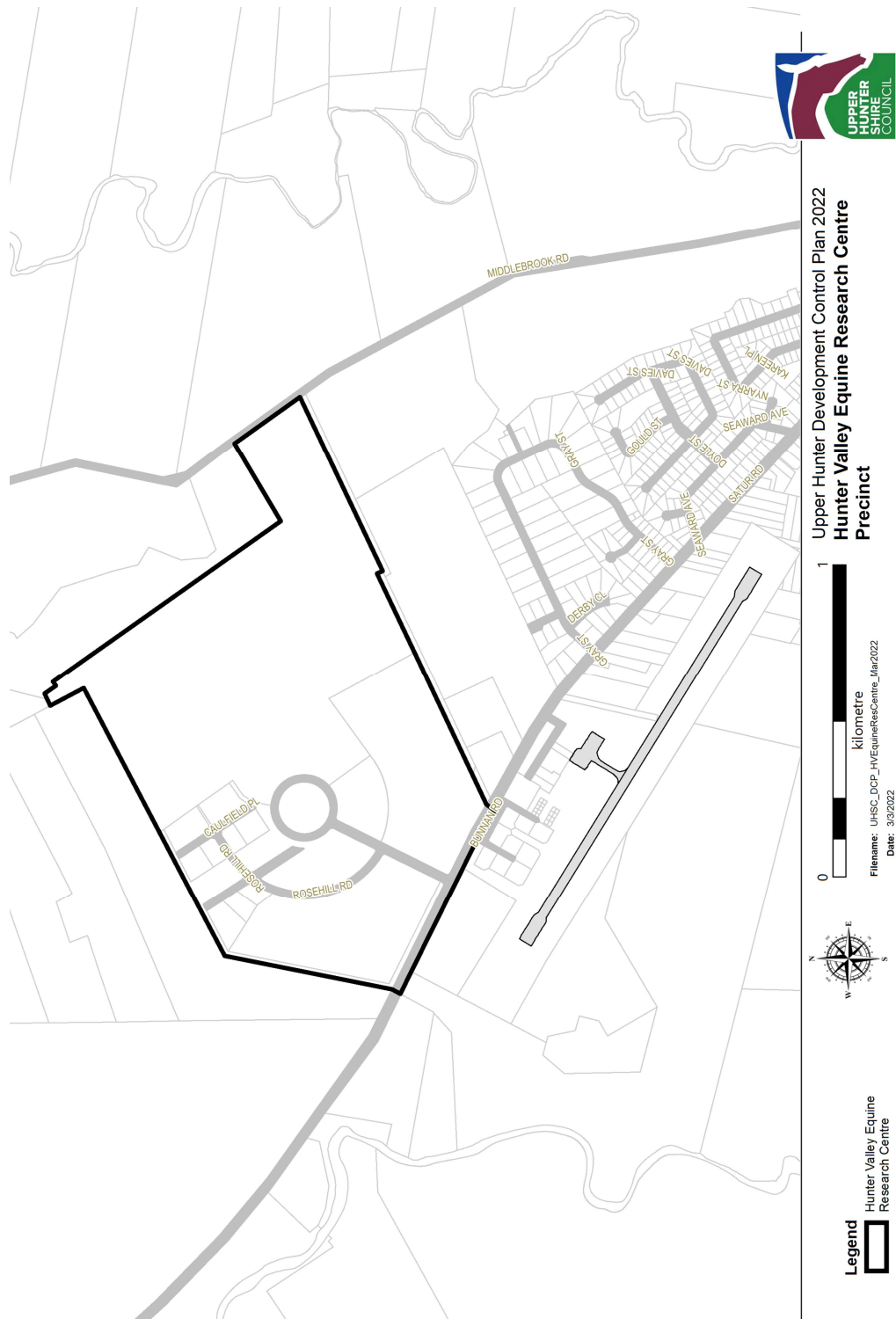
Column 1:	Type of development
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Any development that requires development consent

Column 2:	Applicable land
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Land within the Hunter Valley Equine Precinct, as shown on Map 1
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Map 1 Hunter Valley Equine Precinct - area





13e Hunter Valley Equine Precinct

13e.2 Relevant planning instruments & legislation

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

- *Upper Hunter Local Environmental Plan 2013*, particularly:
 - Clause 6.7 Airspace Operations and accompanying 'Obstacle Limitation Surface Map'
 - Schedule 1 clause 8 'Use of certain land at Caulfield Place, Flemington Drive, Moonee Valley Close and Randwick Way, Scone in Zone RE2

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

13e.3 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended. The Dictionary to this DCP provides additional definitions that are relevant to this Part.

13e.4 Objectives

The objectives of this section are to ensure that development within the Hunter Valley Equine Precinct:

1. is consistent with any master plan adopted by Council
2. achieves a high quality of design
3. is compatible with the Precinct's primary purpose of equine industry research, training and development
4. is consistent with the operation of nearby Scone Memorial Airport
5. is provided with adequate and relevant infrastructure
6. does not adversely impact nearby residential development

13e.5 Supporting plans & documentation

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

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Sustainability assessment	Any development with a development footprint of 1,500 square metres or greater or the subdivision of 3 or more lots	Report, prepared by a suitably qualified professional, addressing the requirements of section 1h Sustainability .
C. Concept Plan	All applications	Plans and a report showing how the proposal: <ul style="list-style-type: none"> • is consistent with any <i>Hunter Valley Equine Precinct Masterplan</i> adopted by Council

13e Hunter Valley Equine Precinct



Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> • (in the case of subdivision) how the subdivision considers the likely types and scale of future development • relates to likely future development on adjoining and nearby properties
D. Animal boarding or training establishments requirements	Applications for animal boarding or training establishments	<p>A report and plans prepared by a suitably qualified and experienced professional, outlining as a minimum:</p> <p>Details of the construction and operation of the establishment, including:</p> <ul style="list-style-type: none"> • plans of animal keeping areas • noise assessment (as part of the Acoustic Assessment required in part 7 Rural development) • waste management assessment • odour assessment • biosecurity assessment <p>And any other information required by Council. The requirements of any relevant guidelines produced by State or Federal government agencies will be taken into account.</p>
E. Scone Memorial Airport impacts	All applications	<p>Any or all of the following may be applicable:</p> <ul style="list-style-type: none"> • Obstacle limitation surface report • Noise assessment survey & report • Other reports / plans / information as specified in section 13d Scone Memorial Airport <p>Refer to section 13d Scone Memorial Airport for details of each of these.</p>
F. Servicing strategy	All applications	<p>Provide evidence of satisfactory arrangements for the provision of the following services to the development:</p> <ul style="list-style-type: none"> • reticulated water supply • reticulated sewerage • underground electricity • telecommunications <p>Please discuss site-specific requirements with council officers.</p>
G. Trade waste	Applications involving the disposal of trade waste into the reticulated sewerage system.	Details of the types and quantities of trade waste together with plans of any proposed effluent treatment systems/devices.
H. Site waste minimisation & management plan	All applications.	<p>A plan and report illustrating:</p> <ul style="list-style-type: none"> • the location of designated waste and recycling storage rooms or areas sized to meet the waste and recycling needs of all tenants. Waste should be separated into at least 4 streams, paper/cardboard,

13e Hunter Valley Equine Precinct



Item	When required	Plans or information to be provided
		<p>recyclables, general waste, industrial process type wastes.</p> <ul style="list-style-type: none"> the on-site path of travel for collection vehicles. all other requirements outlined in Section 11h Waste minimisation & management.
I. Landscape plan & report	All applications	<p>Plan and report, prepared by a suitably qualified professional, showing:</p> <ul style="list-style-type: none"> description of ground preparation and on-going maintenance of landscaping areas of private open space, proposed turf and areas of established gardens. location and species of trees and shrubs to be retained or removed. schedule of plantings, cross-referenced to the site plan indicating species, massing and mature height. details of restoration and treatment of earth cuts, fills, mounds, retaining walls, fencing and screen walls.
J. Soil & water management plans or reports	Applications for which soil and water management plans or reports are required (refer to section 11f Soil & water management)	<p>Prepare applicable soil and water management plans or reports, as specified in section 11f Soil & water management. These could include:</p> <ul style="list-style-type: none"> cut and fill details. erosion and sediment control plan (ESCP) erosion and sediment control strategy (ESCS) soil and water management plan (SWMP) comprehensive water cycle strategy (CWCS).
K. Flooding information	Applications that relate to flood prone land	Include the matters required under section 10a Floodplain management .
L. Traffic & parking plans & reports	Applications involving vehicle access, car parking or loading facilities.	Include the matters required under section 12a Access & vehicle parking . Actual requirements will depend on the type of development and level and type of traffic generation.
M. Crime Risk Assessment	All applications for new buildings/uses, external alterations and additions.	<p>An outline of the development's consideration of 'Safer by design' principles:</p> <ul style="list-style-type: none"> Surveillance Access Territorial Reinforcement Space Management
N. Storage details	Applications involving external storage of materials or products.	The location and detail of any materials or products that are to be stored outside buildings.



13e Hunter Valley Equine Precinct

Item	When required	Plans or information to be provided
O. Acoustic assessment report	Applications involving the potential for noise impacts on adjoining development.	Include the matters required under section 11i Buffer areas and separation distances
P. Biosecurity and Animal Welfare Statement	All applications that involve the breeding, training or keeping of animals.	A statement or report outlining how industry regulations and best practice biosecurity and animal welfare standards will be met and implemented

13e.6 Assessment criteria

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

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

13e Hunter Valley Equine Precinct

The section is structured in the following way:

Site suitability & general considerations	
A	Use of land
B	Relationship to Masterplan
C	Relationship to Scone Regional Airport
D	Natural site features
E	Natural hazards
F	Geotechnical
Subdivision design	
G	Subdivision purpose & general considerations
H	Infrastructure constraints
I	Lot size, dimensions & shape
J	Roadway design and construction
Development design	
K	Building setbacks
L	Building height
M	Building general design
N	Fencing
O	Noise
P	Outdoor lighting
Q	Landscaping
R	Advertising and signage
Access, infrastructure & services	
S	Access & vehicle parking
T	Pedestrian and cycle access
U	Utilities & services
V	Building near water & sewer services
W	Stormwater management
X	Waste minimisation & management
Operation of the development	
Y	Biosecurity
Z	Animal welfare



13e Hunter Valley Equine Precinct

Outcomes to be achieved

Design guidelines

1. Site suitability

A. Use of land

- No building or structure on the site, or any part of the site, shall be used for any purpose other than for an equine related business or private recreational use.

B. Relationship to Masterplan

- The proposal must be consistent with any Masterplan adopted by Council prepared for the whole or part of the Hunter Valley Equine Precinct.

C. Relationship to Scone Memorial Airport

- The development considers the provisions of section **13d Scone Memorial Airport**.

D. Natural site features

- The design and layout takes into account natural site features.
- The design should respond to the following DCP sections:
 - **10c Geotechnical hazards**
 - **11a Vegetation (including trees)**
 - **11b Biodiversity conservation**
 - **11c Riparian land & watercourses**
 - **11d Groundwater protection**
 - **11f Soil & water management**

E. Natural hazards

- The development takes into account natural hazards such as bushfire, flooding, geotechnical conditions (including salinity) and land contamination.
- The design should respond to the following DCP sections:
 - **10a Floodplain management**
 - **10b Bush fire risk**
 - **10c Geotechnical hazard**
 - **10e Land contamination**

F. Geotechnical

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

2. Subdivision design

This section is only relevant to proposals for subdivision and must be considered in conjunction with **Pt 3 Subdivision**. Where there are any inconsistencies between this Part and **Pt 3 Subdivision**, the provisions of this Part shall prevail.

G. Subdivision purpose & general considerations

- The subdivision pattern accommodates future and existing structures and is suitable for appropriate likely future land uses and site activities.
- The subdivision considers the scale of future development.

13e Hunter Valley Equine Precinct

Outcomes to be achieved

- The subdivision proposal responds to existing site attributes and constraints.
- The proposal considers the requirements of all relevant sections of **Part 3 Subdivision**.

Design guidelines

H. Infrastructure constraints

- The development considers the local constraints of the reticulated sewerage system and the likely impact of future development on the site

I. Lot size, dimensions & shape

Note: minimum lot sizes are specified in Upper Hunter LEP 2013 clause 4.1 and associated series of Maps 'Lot Size'. At 2022, the minimum lot size for the Precinct was 1 hectare.

J. Roadway design and construction

- The road network design must comply with the following:
 - Minimum carriageway width of 11m
 - Minimum road reserve width of 20m.
 - Minimum verge width of 4.5 m.
 - Shared cycleway/footpath of minimum width of 2.2 m provided on one side of carriageway.
 - Rollover/ flush kerb on both sides of carriageway.
 - Cul de sacs should have a minimum kerb radius of 10.0 metres and boundary radius of 12.0 metres or wider if needed so that they are capable of an articulated or unarticulated horse trailer turning continuously in a forward direction.
- Roads must be constructed to a full seal standard in accordance *UHSC Engineering Guidelines for Subdivisions and Developments*, as amended.

3. Development design

K. Building setbacks

- The bulk and visual impact of buildings as viewed from public roads is minimised.
- Adequate sight distance must be maintained for road users.
- Buildings and structures should be setback at least 10.0m from the front (or principal) boundary.
- Front setbacks can be varied based on assessment of the following criteria:
 - Minimum 3 metres landscaping across the frontage of the site.
 - Provision of car parking facilities (refer to **12a Access & vehicle parking**).
 - Building height, bulk and layout. Setbacks may be increased for

13e Hunter Valley Equine Precinct



Outcomes to be achieved

Design guidelines

buildings of substantial height, bulk etc.

- The nature and needs of the proposed development.
- The existing character of the streetscape.

L. Building height

- Building heights do not exceed the height of the upper roof of the existing Scone Race Club.
- Buildings of more than one storey should not have blank, featureless facades facing the street or a public place.

M. Building general design

- Buildings integrate with the streetscape and do not adversely impact upon the visual amenity of the surrounding area.
- Buildings are functional and contribute positively to the quality and character of the Equine Precinct.
- Roof surfaces are non-reflective.
- The design of the façade of the building to the primary road frontage considers its visual appearance and form and reduces the building's bulk.
- External colours and finishes of buildings are consistent with the themes of adjoining development and enhance the visual amenity of the Precinct.
- For multi-unit developments, each unit in the development is numerically identified.
- External walls of buildings may include profiled factory colour treated metal cladding, masonry, concrete, rendered concrete, fibre cement cladding or a combination of these with low reflective properties.
- Numbering - each unit in a multiple-unit development is to be numerically identified in the development application and each unit is to retain such identification unless otherwise approved by Council. Appropriate entrance signage will be necessary.

N. Fencing

- Fences are designed to complement the development
- Fences are a maximum height of 1.8 metres.
- Gates are located behind the designated landscape area and must not swing towards the roadway
- Equine fencing is preferred (post and rail) or where applicable, post and wire with rail across the top
- Galvanised chain wire, untreated metal, Colorbond fencing will not be permitted as fencing in front of the building line.

O. Noise

- Noise generated from the site does not affect the amenity of nearby dwellings.

P. Outdoor lighting

- Outdoor lighting does not affect the amenity of nearby dwellings
- Outdoor lighting must comply with the lighting requirements of **Pt 13d Scone Memorial Airport**

Q. Landscaping

- Landscaping areas should be planted and maintained with suitable drought

13e Hunter Valley Equine Precinct

Outcomes to be achieved

- Landscaping of the development contributes to a high standard of environmental quality of both the development and to enhancing the general streetscape and amenity of the Precinct.
- Landscaping provides visual relief and shading.
- Landscaping should be provided across the frontage of the site, having a minimum depth of 3 metres.

Design guidelines

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

R. Advertising & signage

- The development considers the provisions of section 8b Advertising & signage.

4. Access, infrastructure & services

S. Access & vehicle parking

- The development considers the provisions of section 12a Access & vehicle parking, and the provisions of *UHSC Engineering Guidelines for Subdivisions and Developments*, as amended.
 - Driveway crossovers are in locations and at levels which are both safe and convenient, in accordance with Council requirements.
 - All parking is provided off-street and is appropriately line marked and sealed.
 - Vehicle parking areas are located behind the landscaped front setback.
 - Access driveways and loading areas must be sealed and provide for the safe and efficient movement of vehicles and pedestrians.
 - Adequate facilities and areas are provided on site for the loading and unloading of livestock, goods, garbage and trade waste collection, and for the off-street parking of vehicles associated with the development.
 - Entry gateways/grids are set back from the front boundary and fence splayed to allow vehicles to pull up off the public road carriageway.
 - New access driveways do not compromise the safety of road users.
 - Property accesses and internal roads are designed so that sediment laden stormwater run-off does not discharge down the access road and onto public roads or cause soil erosion and
- Large expanses of parking are to be avoided and landscaping should be employed to provide visual relief.

13e Hunter Valley Equine Precinct



Outcomes to be achieved

Design guidelines

sedimentation. The development considers the requirements of section 11f Soil & water management.

T. Pedestrian and cycle access

- Shared cycleway/paths should be provided as specified in section J.

U. Utilities & services

- All development is serviced by electricity, telecommunications, reticulated water and reticulated sewer.
- Satisfactory arrangements are made with the Council's Water and Sewer section for the connection of water and sewer services to the land.
- Each lot that includes a building incorporates a minimum 45,000 litre water storage that is capable of providing a non-potable supply for toilet flushing and garden watering purposes.
- Satisfactory arrangements are made with the relevant utility provider for the provision of underground electricity and telecommunications services.
- The impact of trade waste on Council's sewerage infrastructure is minimised.
- Easements (benefiting UHSC) are provided for all existing and proposed public sewer and water mains within the site.

V. Building near water & sewer services

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

W. Stormwater management

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

X. Waste minimisation & management

This section aims to ensure new developments and changes to existing developments are designed to maximise resource recovery (through waste avoidance, source separation and recycling) and to ensure appropriate, well-designed storage and collection facilities are accessible to occupants and service providers.

- The development shows evidence of compliance with any specific industrial waste laws/protocols, for example, those related to production, storage and disposal of industrial and hazardous wastes as defined by the *Protection of the Environment Operations Act 1997*.

13e Hunter Valley Equine Precinct

Outcomes to be achieved

Design guidelines

- A designated general waste/recycling storage area or room/s as well as designated storage areas for industrial waste streams is provided (designed in accordance with specific waste laws/protocols).
- Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitted lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room/s or area/s.
- Arrangements are in place in all parts of the development for the separation of recyclable materials from general waste and for the movement of recyclable materials and general waste to the main waste/recycling storage room/area.

5. Operation of the development

Y. Biosecurity

- The potential for biosecurity risks to the site and surrounding development in the construction and operation of the development must be considered, and appropriate mitigations put in place to mitigate these risks.
- Relevant legislation, guidelines and industry best practice regarding biosecurity are followed.

Relevant guidelines produced by State or Federal government agencies or recognised industry bodies should be consulted. The Biosecurity information in [Planning Guidelines - Intensive Livestock Agriculture Development](#) gives guidance in this regard.

Z. Animal welfare

- Animal welfare considerations are considered in the design and operation of the development, where relevant.
 - Relevant legislation, guidelines and industry best practice regarding animal welfare are followed.
- Information regarding horse establishments is available from NSW Agriculture at: <https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment2/reference-material-to-assist-in-the-management-of-horse-establishments> - specifically the following: *NSW Animal Welfare Code of Practice No 3 - Horses in riding centres and boarding stables*.



13e Hunter Valley Equine Precinct

13e.7 Supplementary guidance

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

- Any Masterplan adopted by Council for the Precinct
- Reference material to assist in the management of horse establishments, available from NSW Agriculture at:
<https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment2/reference-material-to-assist-in-the-management-of-horse-establishments> including, but not limited to *NSW Animal Welfare Code of Practice No 3 - Horses in riding centres and boarding stables*
- The broad range of advice and publications available from NSW Department of Primary Industries (Agriculture)
<https://www.dpi.nsw.gov.au/agriculture/lup> including (but not limited to) *Planning Guidelines - Intensive Livestock Agriculture Development*
- UHSC *Engineering Guidelines for Subdivisions and Developments*, as amended



13f Scone Bypass

Explanatory outline

Section 13f outlines assessment criteria that relate specifically to development in the Scone Bypass corridor. The following matters are covered:

- Noise
- Access
- Air quality
- Safety

13f Scone bypass

13f.1 Application of this section

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

Column 1: Type of development

Any development that requires development consent

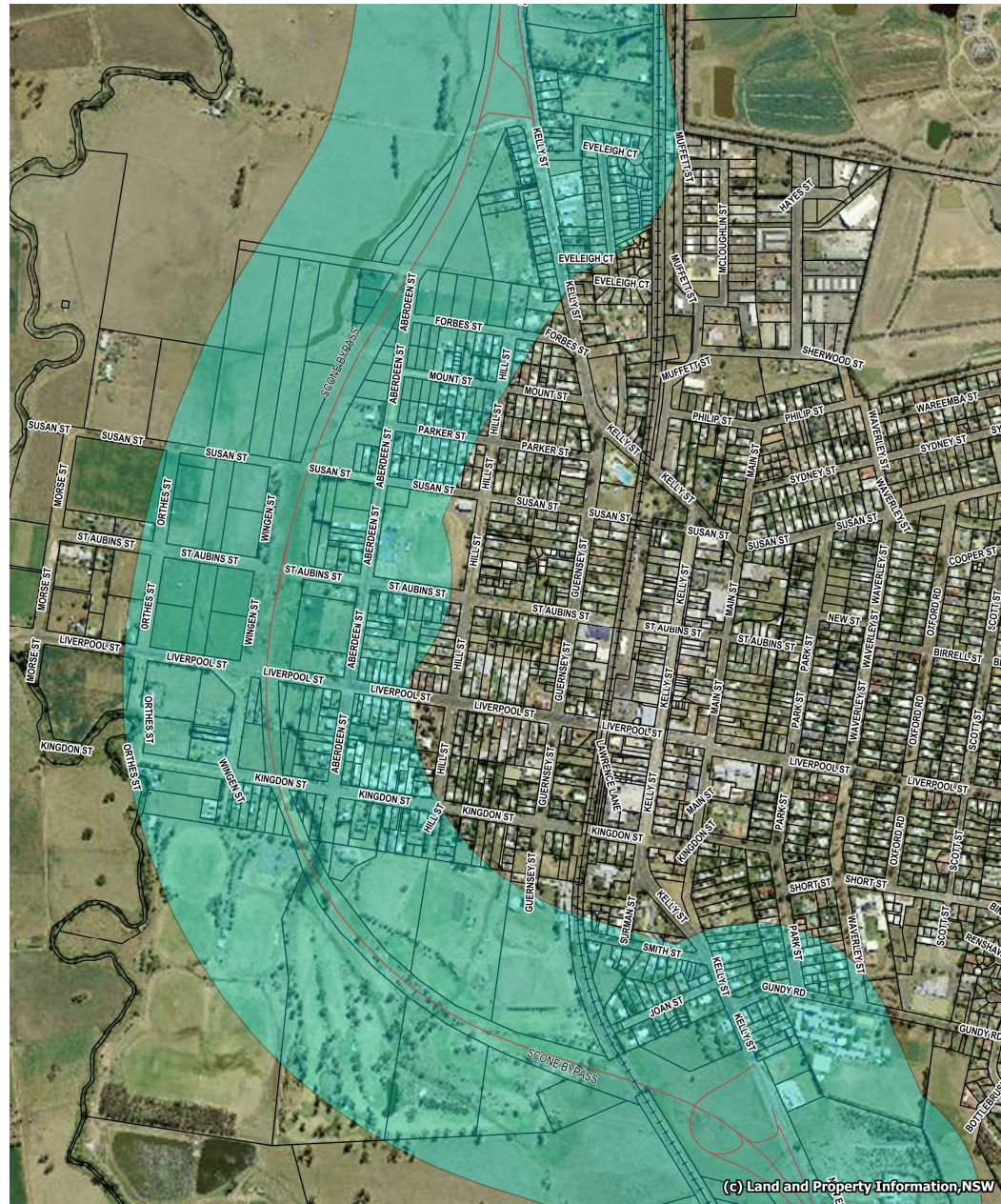
Column 2: Applicable land

Land within 300 metres of the Scone Bypass corridor as shown on Map 1

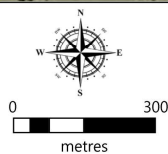
13f Scone Bypass



Map 1 Scone bypass corridor



- Legend**
- +++++ Railway
 - Scone Bypass Centreline
 - Cadastre
 - Bypass Buffer 300m



Upper Hunter
Development Control Plan 2021
Scone Bypass and Buffer

Filename: UHSC_DCP_SconeBypassAerial_Sep2021
Date: 28/09/2021



13f Scone Bypass

13f.2 Relevant planning instruments & legislation

The following may be relevant to development to which this part applies:

- *State Environmental Planning Policy (Infrastructure) 2007*
- *Upper Hunter Local Environmental Plan 2013*

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

13f.3 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended. The Dictionary to this DCP provides additional definitions that are relevant to this Part, including:

Noise sensitive development

13f.4 Objectives

The objectives of this section are to ensure that:

1. appropriate acoustic amenity is achieved for noise sensitive development near the Bypass.
2. no direct vehicular access is made onto the Bypass.
3. appropriate air quality is achieved for occupied buildings near the Bypass.
4. safety within the Bypass corridor is maximised.

13f.5 Supporting plans & documentation

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

Requirements listed below are *in addition* to requirements relating to the relevant type of development e.g. parts **3 Subdivision**, **4a Urban residential**, **5a Commercial & mixed use** or **7b Rural dwellings**.

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Survey report	Any application as determined by Council	<p>A detailed plan, prepared by a qualified land surveyor, to determine the location of the development in relation to the proposed road infrastructure, including:</p> <ul style="list-style-type: none"> - The boundaries of the development site in relation to the road corridor - The location of proposed buildings <p>Easements and encumbrances related to the protection of road infrastructure (eg to protect underground pipes or rights of way for access to the corridor)</p>

13f Scone Bypass

Item	When required	Plans or information to be provided
C. Acoustic assessment report	All applications for residential or noise sensitive building developments with a clear line-of-sight to the road corridor	Refer to part 11i Buffer areas and separation distances . The report must be prepared by a relevant qualified and experienced professional and must contain the requirements as set out in the Department of Planning, 2008. <i>Development Near Rail Corridors and Busy Roads – Interim Guideline</i> (or any subsequent updated reference document).

13f.6 Assessment criteria

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

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

Outcomes to be achieved	Design guidelines
A. Noise	
<ul style="list-style-type: none"> Any noise sensitive development proposal (ie residential accommodation, a place of public worship, a hospital, an educational establishment or centre-based child care facility) meets the relevant noise criteria contained in Department of Planning, 2008. <i>Development Near Rail Corridors and Busy Roads – Interim Guideline</i> (or any subsequent updated reference document). Appropriate separation distance between the building(s) and the Bypass is achieved by meeting the above criteria. Appropriate building and/or landscaping design shields the building(s) from noise and may reduce the separation distance required where acceptable criteria above can be met. 	<ul style="list-style-type: none"> Possible solutions are outlined in Department of Planning, 2008. <i>Development Near Rail Corridors and Busy Roads – Interim Guideline</i> (or any subsequent updated reference document), particularly in Appendix B – Acoustic Planning Measures
B. Access	
<ul style="list-style-type: none"> Direct vehicular access is not permitted via individual properties to/from the Bypass. 	<ul style="list-style-type: none"> All direct property access should be via the local road network.
C. Air quality	
<ul style="list-style-type: none"> The proposal meets the relevant air quality criteria contained in Department of Planning, 2008. <i>Development Near Rail Corridors and Busy</i> 	

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Outcomes to be achieved

Design guidelines

Roads – Interim Guideline (or any subsequent updated reference document)

D. Safety

- Safety considerations within the road corridor are maximised, as contained in Department of Planning, 2008. *Development Near Rail Corridors and Busy Roads – Interim Guideline* (or any subsequent updated reference document). This includes, but is not limited to minimising the risk of:
 - unauthorised access to the corridor
 - vandalism
 - graffiti
 - inappropriate stormwater discharge

13f.7 Supplementary guidance

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

- [Department of Planning, 2008. *Development Near Rail Corridors and Busy Roads – Interim Guideline*.](#)
- [Department of Environment, Climate Change and Water NSW, 2011. *NSW Road Noise Policy*.](#)

14a Vegetation permits

Explanatory outline

Part 14a outlines requirements for approval for vegetation clearing and activities affecting vegetation. Its key role is to define regulatory provisions under *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, and to integrate these with other Parts of the DCP.

The section includes:

- Objectives for vegetation within the local government area
- Definitions of vegetation and related terms
- Requirements for submitting vegetation permit applications
- Exemptions from vegetation permit requirements
- Explanation of reasonable clearing of vegetation
- Matters for consideration in determining vegetation permit applications
- Miscellaneous provisions

The provisions of Section 14a are **mandatory and not advisory**. Non-compliance may be a breach of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* resulting in prosecution or other enforcement action.

This section should be read in conjunction with the following Parts, which contain separate provisions for matters relevant to vegetation permits. These provisions also relate to the consideration of development applications:

- **Part 3 Subdivision** - identifies considerations relevant to trees and vegetation in considering the subdivision of land and subsequent development.
- **Part 9 Heritage** - identifies considerations relevant to trees and vegetation specific to identified heritage items and heritage conservation areas.
- **Part 11a Vegetation (including trees)** - identifies considerations and guidelines for trees, natural vegetation, and associated cultural and social values, in addition to vegetation safety and biosecurity matters.
- **Part 11b Biodiversity conservation** – relating to threatened species, ecosystem function and services, habitat connectivity, conservation reserves, buffers, biodiversity offsets and management.

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14a.1 Application of this section

This section applies to all land within the local government area to which *State Environmental Planning Policy (Biodiversity and Conservation) 2021* applies.

Note: *SEPP (Biodiversity and Conservation) 2021* applies to land in the Upper Hunter local government area zoned:



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Zone RU5 Village
Zone R1 General Residential
Zone R5 Large Lot Residential
Zone E1 Local Centre
Zone MU1 Mixed Use
Zone E4 General Industrial

Zone SP1 Special Activities
Zone SP2 Infrastructure
Zone RE1 Public Recreation
Zone RE2 Private Recreation
Zone C3 Environmental
Management

The provisions of this section are regulatory and mandatory, and apply to the clearing of vegetation and the making and determination of vegetation permits. This section differs from other sections of this DCP and does **not** apply to development applications made under the *Environmental Planning and Assessment Act 1979*.

14a.2 Relevant planning instruments & legislation

The provisions of this section are authorised by *State Environmental Planning Policy (Biodiversity and Conservation) 2021* made under the *Environmental Planning and Assessment Act 1979*.

14a.3 Objectives

The objectives of this section are to:

1. implement the aims of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* to protect and preserve the biodiversity values and amenity of trees and other vegetation within the local government area, and
2. declare vegetation where clearing and activities affecting vegetation require a vegetation permit, and
3. implement local objectives for trees, biodiversity, natural vegetation, vegetation with cultural and heritage values, and vegetation safety and biosecurity, as identified in other sections of the DCP, and
4. facilitate effective management of vegetation within the local government area in the public interest, recognising reasonable purposes for clearing vegetation, and
5. identify trees and other vegetation that may be cleared without the necessity for a vegetation permit where this is in the public interest for reasons of safety or hazard, and where environmental impacts from the clearing would be minimal.

14a.4 Overview of vegetation permit process

The process for making, assessing, and determining a vegetation permit application is as follows:

1. Determine whether vegetation proposed to be cleared is *declared vegetation*, and/or a *declared vegetation activity*, and requires a vegetation permit to proceed. See 14a.5.
2. Check whether vegetation clearing may be exempt from requiring a vegetation permit. See 14a.6.
3. Make a vegetation permit application to Council, including provision of required information and payment of the application fee. See 14a.7
4. Council undertakes an assessment of the application, having regard to the purpose of the clearing, relevant matters of consideration and circumstances where vegetation clearing will not be approved. See 14a.8 and 14a.9.



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5. Where an application is approved, an approval fee is to be paid before a vegetation permit is issued.
6. Where an application is refused, or conditions are imposed on a permit, the reasons for the decision are to be included in the notice of refusal.

A right of appeal against a decision by the Council is available as provided for in *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.

Note: The vegetation permit application fee is intended to cover the cost of processing and assessing the application. The vegetation permit approval fee is to cover the cost of issuing and ensuring compliance with the permit, and may include a financial contribution to offset the loss of vegetation.

14a.5 Declared vegetation & definitions

This section declares (identifies) vegetation to which the regulatory provisions of this Plan apply, and where a vegetation permit is required for vegetation clearing or vegetation clearing activities.

The categories of vegetation in **Table 14a.1** are declared regulated under this section:

1. Significant vegetation (as identified in the Council's Significant Vegetation Register).
2. Natural vegetation (including native vegetation) within the C3 Environmental Management zone (not including native vegetation where the Biodiversity Offset Scheme applies, for example where native vegetation clearing is equal to, or greater than the Biodiversity Offset Scheme threshold in Clause 7.2 or is shown on the Biodiversity Values Map published in accordance with Clause 7.3 of the *Biodiversity Conservation Regulation 2017*).

Note: Where the Biodiversity Offset Scheme applies, a vegetation permit application to the Council is not required and a separate approval process applies.

3. Remnant trees and habitat trees within the C3 Environmental Management zone.
4. Vegetation with cultural and heritage values (where a development application is not required).

For the purpose of Clause 2.6 in *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, a vegetation permit is required prior to declared vegetation clearing and the carrying out of a declared vegetation activity.

The Council may determine vegetation to be significant vegetation (including trees) having regard to its ecological, scientific, cultural, historic, social or other value for Upper Hunter Local Government Area by listing the vegetation in a significant vegetation register.

For explanatory purposes, declared vegetation where clearing requires a permit and declared vegetation activities requiring a permit are identified in Table 1: Vegetation category, declared vegetation, & approval pathway. The approval pathways for clearing of vegetation categories are also identified in the Table, together with explanatory information.

Note: A vegetation permit is **not** required where a development application is required, or where vegetation clearing is ancillary to (and required for) a land use requiring a development application, and the clearing is assessed as part of that application. The vegetation permit provisions apply to development declared to be exempt development by an environmental planning instrument.

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and may apply to complying development under the *Environmental Planning and Assessment Act 1979*. The provisions of this section do not apply where vegetation clearing is an activity under Part 5 of the *Environmental Planning and Assessment Act 1979*.

Table 1:Vegetation category, declared vegetation, & approval pathway

Category	Declared vegetation	Approval pathway *	Explanatory notes
Trees	Significant trees	Vegetation permit	The tree, vegetation or land is listed in Council's <i>Significant Vegetation Register</i> . No consent will normally be granted unless the tree is dangerous, and a tree replacement payment is made. Check definitions, and whether the vegetation clearing, or vegetation activity may be exempt from approval
	Heritage trees	Development application or vegetation permit, depending on extent of clearing	Part of a heritage item, within a heritage conservation area, or within the curtilage of a heritage item as identified in <i>Upper Hunter Local Environmental Plan 2013</i>
	Remnant and habitat trees	Vegetation permit	Requires approval only on land zoned C3 in <i>Upper Hunter Local Environmental Plan 2013</i> . Consider whether the tree has habitat value for native species, and listed threatened species. Authorisation for clearing under the <i>Biodiversity Conservation Act 2016</i> may be required in addition to a vegetation permit
Vegetation (other than trees)	Significant vegetation	Vegetation permit	The tree, vegetation or land is listed in Council's <i>Significant Vegetation Register</i> . No consent will normally be granted unless the vegetation is dangerous, and a tree replacement payment is made. Check definitions, and whether the vegetation clearing, or vegetation activity may be exempt from approval
	Natural vegetation (includes native vegetation)	Vegetation permit	Native vegetation is defined in the <i>Local Land Services Act 2013</i> . Native vegetation that is riparian vegetation may be subject to separate and/or additional regulatory provisions under the <i>Water Management Act 2000</i> . Where a prior development approval applies to the land, conditions or requirements may apply to vegetation on the land, requiring a variation of the development application. Natural vegetation may include heritage vegetation.
	Heritage vegetation	Development application or vegetation permit, depending on extent of clearing	Where the vegetation forms part of a heritage item or is within a heritage conservation area in <i>Upper Hunter Local Environmental Plan 2013</i> , the approval pathway depends on whether the vegetation clearing is minor in nature and/or for maintenance associated with a heritage item, within heritage conservation area, or within the curtilage of a heritage item. Similar provisions apply in relation to Aboriginal objects or within an Aboriginal place of heritage significance
	Removal and clearing of	Exempt	No approval is required where the DCP provision and supplementary guidance specifies that non-native vegetation

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Category	Declared vegetation	Approval pathway *	Explanatory notes
Vegetation activities	weeds and undesirable plant species		is undesirable for reasons such as public safety or biosecurity risk, and the activity will not adversely affect other vegetation. Species must be identified in the DCP or supplementary information.
	Planting, maintaining, or allowing spread of undesirable plant species	Vegetation permit	Where the DCP specifies that non-native vegetation is undesirable for reasons such as public safety or biosecurity risk, a vegetation permit is required to plant, or maintain the species.
	Bush fire hazard reduction	Exempt (no approval required), or exemption certificate	Where it can be clearly demonstrated and the council is satisfied that the reason for vegetation clearing is for the purposes of managing bushfire risk to human life and property, and this is reasonable and consistent with the provisions of the <i>Rural Fires Act 1997</i> and relevant standards and guidelines, an exemption certificate may be issued
	Vegetation clearing for routine agricultural management activities	Exemption certificate	A vegetation permit is not required for the removal of vegetation on C3 zoned land identified in <i>Upper Hunter Local Environmental Plan 2013</i> that the council is satisfied is part of a periodic and routine agricultural management activity and is not required as the habitat of native animals Clause 8(2) of <i>SEPP (Biodiversity and Conservation) 2021</i>
	Removal of dangerous vegetation (vegetation that is a risk to human life or property)	Exemption certificate	Clause 2.7(3) of <i>SEPP (Biodiversity and Conservation) 2021</i> provides that a vegetation permit is not required if the council is satisfied that vegetation is a risk to human life or property
	Clearing or removing dying or dead vegetation (where not otherwise exempt vegetation)	Exemption certificate	An vegetation permit is not required for the removal of vegetation that the council is satisfied is dying or dead and is not required as the habitat of native animals Clause 2.7(4) of <i>SEPP (Biodiversity and Conservation) 2021</i>
	Vegetation management plan (or equivalent)	Exemption certificate	A vegetation management plan (or equivalent) may provide for ongoing, or periodic vegetation management, including ecological restoration. The council may approve of ongoing vegetation activities specified in such a plan and issue an exemption certificate.

Note: Refer to **Part 11a Vegetation (including trees)**. Vegetation categories are those applicable within Upper Hunter Local Government Area. This table indicates where development consent may be required and where vegetation clearing may be exempt.

* The **approval pathways** are dependent on the extent, type and purpose of vegetation clearing and vegetation activities.



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- A vegetation permit application (VP) is provided for in Section 14a of the DCP.
- A development application (DA) is made under Part 4 of the *Environmental Planning and Assessment Act 1979* and separate provisions of this DCP apply.

Note: *State Environmental Planning Policy (Biodiversity and Conservation) 2021* requires that where trees and vegetation form part of a heritage item or heritage conservation area or form part of an Aboriginal object, or are within an Aboriginal place of heritage significance, a vegetation permit will only be considered and approved where the council is satisfied that:

- the proposed clearing is of a minor nature or is for the maintenance of the heritage item, object, place or area, and
- will not adversely affect the heritage item, object, place or area. (Note that where clearing is not of a minor nature a development application is required).

Note: This section may not apply to natural vegetation that is defined as native vegetation where vegetation clearing exceeds the biodiversity offset scheme threshold, and where Native Vegetation Panel approval is required for the clearing.

Note: This section does not apply to a part of the local government area where the *Local Land Services Act 2013* applies (rural land).

Note: This section may not apply to natural vegetation that is defined as native vegetation where vegetation clearing exceeds the biodiversity offset scheme threshold, and where Native Vegetation Panel approval is required for the clearing.

The following terms relevant and specific to this section are defined below and are also listed in the **Dictionary** of this DCP:

- **Cultural ecosystem** means an ecosystem shaped to at least some extent by human utilisation, to provide food, fibre, medicines and/or culturally important artefacts.
- **Dangerous vegetation** means vegetation representing an imminent, immediate and unacceptable risk to human life and property.
- **Declared vegetation** means vegetation for which clearing requires a vegetation permit, as provided for in Section 14a of this DCP.
- **Ecological restoration** means the process of assisting the recovery of an ecosystem that has been degraded, damaged or destroyed, and includes bushland regeneration.
- **Exempt vegetation** means vegetation where clearing does not require a vegetation permit, as identified in Section 14a.6 of this plan.
- **Habitat tree** means a tree, or part of a tree providing important habitat for native animals and plants (including nesting hollows, habitat connectivity, a food source, or shade and shelter).
- **Natural vegetation** means vegetation where physical conditions, species composition, community structure, ecosystem function, external exchanges, and absence of threats remain substantially unaffected by direct human interference, includes native vegetation, and may include riparian or marine vegetation.

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- **Native vegetation** has the same meaning in the *Biodiversity Conservation Act 2016*.
- **Remnant tree** means a tree that remains from pre-existing natural vegetation.
- **Riparian vegetation** means vegetation on land that directly influences or is influenced by a watercourse, and is the area of land in which a stream functions. This area includes the immediate vicinity of the stream, which consists of the bed, banks and adjacent land, as well as the floodplain.
- **Significant vegetation** means vegetation identified as significant in a significant vegetation (or tree) register prepared by the council and/or meeting relevant criteria to be included on the register.
- **Tree** means a woody perennial plant with one or relatively few main stems with the potential to grow to a height of greater than 5 metres.
- **Vegetation** means a tree, other vegetation or plants, whether or not it is native vegetation.

Note: The term vegetation covers all plants, and vegetation communities both above and below ground, and including ecological processes, soil seed banks and the abiotic materials (substrate) occupied and conditions required for support and reproduction.

- **Vegetation clearing** means the removal, destruction, and/or the alteration of ecological processes supporting vegetation. Vegetation clearing includes:
 - to cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or
 - to lop or otherwise remove a substantial part of the vegetation, or
 - to carry out a vegetation management activity.
- **Vegetation clearing activity** means development, or a work that directly or indirectly impacts vegetation, and is specified in Section 14a.5 of the plan.
- **Vegetation management activity** means development, or a work that directly or indirectly impacts vegetation, including ecological processes and abiotic materials supporting vegetation.
- **Weed** means a plant that is a pest.

14a.6 Vegetation clearing exempt from approval

This section identifies circumstances where clearing vegetation does **not** require regulatory approvals and is exempt from requiring a vegetation permit.

Approval for clearing vegetation is **not** required where the following circumstances apply, and the vegetation or tree is **not** listed on *Council's Significant Vegetation (or Tree) Register* and/or is **not** a heritage item or within a heritage conservation area:

1. **Dangerous vegetation** - The vegetation is dangerous vegetation (see definition above), and any necessary procedures for risk assessment and documentation have been followed.
2. **Weeds & non-native plants** - The clearing is to remove weeds and introduced non-native plants identified as undesirable species in a schedule to this DCP or



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in any other manner by the council, and will not adversely affect natural vegetation or significant trees, or threatened species.

3. **Priority weeds** – The clearing is to remove a priority weed within the meaning of Clause 32 of Schedule 7 to the *Biosecurity Act 2015*.
4. **Proximity to approved buildings** - The tree or natural vegetation is within 3.0 metres of the outermost projection of a lawfully used building (that is not exempt or complying development), or is overhanging the building and a potential hazard to the building, and is on the same allotment as the building
5. **Development consent requirements** – The vegetation forms part of, and/or is ancillary to, an approved development application, and is not protected or required to be retained by a development consent, or is subject to a required or approved vegetation management plan (or equivalent).
6. **Complying development** – A complying development certificate has been issued for development, and a tree or other vegetation is within 3.0 metres of the proposed development, is less than 6.0 metres high, and is not a significant tree.
7. **Proximity to driveways** - The tree or native vegetation is within one metre of a sealed driveway to a lawfully used building (that is not exempt or complying development) and is on the same allotment as the building.
8. **Neighbouring buildings** - The tree or natural vegetation is within 3.0 metres of the outermost projection of a lawfully used building (that is not exempt or complying development) on an adjoining allotment as the building and owners of both properties reach a written agreement that is submitted to the council prior to removal.
9. **Bush fire protection** - Where the *Rural Fires Act 1997* permits clearing for asset protection and bush fire hazard reduction purposes. (See note below)
10. **Approved bush fire asset protection zones** – Where a development consent specifically assessed, and allowed the vegetation clearing, and/or the clearing is within a nominated bushfire asset protection area identified in the consent.
11. **Vegetation on public roads** – Where tree or vegetation removal is necessary for the purpose of roadwork or removing a traffic hazard under the *Roads Act 1993*, or where relevant consent under that Act has been given.
12. **Cultural ecosystems** (plantations, orchards, cultivation, etc) - The vegetation wholly comprises a cultural ecosystem. (See definition above)
13. **Fencing** - The clearing of vegetation is for the purpose of erecting and/ or maintaining a boundary fence, and any specific guidelines identified in this plan are met (maximum clearing distance of 1.5 metres on each side of the fence in residential and business zones, and 3.0 metres in all other zones).
14. **Maintenance** - The clearing is for regular or periodic maintenance of landscaping, a plantation, or grazing land/pasture, and natural vegetation and threatened species will not be adversely affected by the clearing.
15. **Emergency works** – The clearing is to be carried out by or on behalf of a council or public authority in accordance with an approved management plan (eg plan of management for community land under the *Local Government Act 1993*).
16. **Biosecurity risk** – The clearing is to prevent an identifiable, significant and imminent biosecurity risk, and there is no alternative control measure.



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17. **Ecological restoration** – The clearing is for ecological restoration where this is in accordance with an approved plan of management that is current and is applicable to the works. (See definition above)

Note: For bush fire protection, the *Rural Fires Act 1997* permits some clearing for bushfire hazard reduction purposes. The [10/50 Vegetation Clearing Code of Practice](#) allows landholders living in designated bush fire hazard areas to clear vegetation on their property without the need for approval. Specifically, landholders within a designated area can clear trees on their property within 10 metres of a home, without seeking approval; and clear underlying vegetation such as shrubs (but not trees) on their property within 50 metres of a home, without seeking approval.

There are some restrictions on clearing under the *10/50 Code*, such as if a property is on a slope, or there are items of Aboriginal or cultural significance in the area. A tree or vegetation protected under the conditions of a development consent or other lawful mechanism also cannot be removed under the Code. There are restrictions on the clearing methods that can be used. For example, the use of graders, ploughs and dozers to clear land under the *10/50 Code* is not permitted.

Under the *10/50 Code*, landholders are not required to consider threatened species or ecological communities that would otherwise be protected under NSW laws. However, some types of vegetation cannot be cleared, including critically endangered plants, critical habitat, and critically endangered ecological communities mapped and provided by the Office of Environment and Heritage to the Rural Fire Service. Commonwealth laws still apply to activities undertaken under the *10/50 Code*, and the *10/50 Code* does not provide a landholder with an approval to harm listed threatened species under the *Environment Protection and Biodiversity Conservation Act 1999*.

To avoid potential prosecution for unlawful clearing, the Rural Fire Service [on-line tool](#) must be checked on the day of removal and evidence kept for at least 2 years to substantiate eligibility to remove vegetation using the *10/50 Code*.

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14a.7 Supporting plans & documentation

Vegetation permit applications made under **Section 14a.5** are to be supported by the following plans and documentation.

Item	When required	Plans or information to be provided
A. General requirements	All vegetation permit applications	<p>A report and plans including:</p> <ul style="list-style-type: none"> • A written outline of the purpose for which clearing is proposed, and the reasons for undertaking the clearing. • Where the vegetation is ancillary to an approved development, sufficient information and justification must be provided to determine whether a vegetation permit or a development application (or amendment) is required. • Previous approvals or authorisation of vegetation clearing on the land. • Information is to be provided to identify direct and indirect environmental impacts of the proposed clearing. • Proposed arrangements for offsetting biodiversity loss and carbon emissions from vegetation clearing. <p>Note: If inadequate information on the purpose and justification for the proposal is provided, a vegetation permit application may be refused.</p>
B. Trees	Applications to remove trees, and non-natural vegetation only	<p>A written description of the purpose and need for the removal of the tree(s), and other relevant information (including species, age and circumstances of planting, history, condition, evidence of neighbour consultation, etc)</p> <p>Accompanying site map (including the property description) showing:</p> <ul style="list-style-type: none"> - the location, type, height, trunk diameter at breast height of the tree(s) and the indicative canopy spread. - corresponding legend or description that identifies each tree by botanical name, common name, height, canopy spread, trunk diameter and form - the location of buildings, driveways etc in relation to the tree(s). - distances to property boundaries, buildings and other improvements - photographs of the tree from at least two directions, noting the date of each photograph - the location of any heritage items and their curtilage <p>An arborist report may be required in some circumstances, to be prepared by a suitably experienced and qualified person, and which contains the following details:</p> <ul style="list-style-type: none"> - name of author, qualifications and contact details. - the purpose and scope of the report - description of the methodology employed in conducting the site inspection and the date and time of the inspection - discussion of the data collected – this may include detailed information about wounds, cavities, cracks,

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Item	When required	Plans or information to be provided
		<p>forking, pests and diseases. Include photographic evidence where appropriate.</p> <ul style="list-style-type: none"> - discussion on the options available (pruning versus removal, structural repair versus removal or pruning, etc.) - recommendation on the preferred option and the rationale behind this position.
C. Biodiversity	Applications potentially affecting biodiversity values (including habitat trees, natural vegetation, threatened species, or vegetation identified as of local biodiversity value)	<p>A site plan showing the area and location of vegetation to be cleared, and the relationship to property boundaries, buildings and other improvements.</p> <p>An ecological report or other appropriate evidence, prepared by a suitably qualified person, identifying the biodiversity and ecological values of the vegetation proposed to be cleared. An ecological report shall include relevant information required by any fauna and flora survey guidelines adopted by the council. Requirements in Items B and C in Section 11b.5 will normally apply.</p>
D. Natural vegetation	Applications to clear natural vegetation	<p>A site plan showing the area and location of the natural vegetation to be cleared, and the relationship to property boundaries, buildings and other improvements.</p> <p>An ecological report or other appropriate evidence, prepared by a suitably qualified person, describing the vegetation proposed to be cleared. A flora and fauna assessment report is normally required where the area of clearing of native vegetation is 500 square metres or greater. Requirements in Items B and C in Section 11b.5 will normally apply.</p> <p>The area and nature of clearing of the vegetation that is native vegetation, and whether this is above the <i>Biodiversity Offset Scheme</i> threshold.</p> <p>Note: If above the threshold, an application must be made to the <i>Native Vegetation Panel</i> and a <i>Biodiversity Development Assessment Report</i> is required – Refer to Section 11b.5)</p>
E. Vegetation with cultural & heritage values	All vegetation identified with cultural and heritage values (eg an item of heritage significance, in a heritage conservation area, or an Aboriginal site or area, or the like)	<p>A site plan showing the area and location of the vegetation to be cleared, and the relationship to property boundaries, buildings and other improvements.</p> <p>A report identifying the heritage significance of the land, property or site and or other appropriate evidence describing the heritage values of the vegetation proposed to be cleared, and associated impacts.</p>
F. Vegetation safety & biosecurity	Applications to clear vegetation that constitutes a health, safety, or biosecurity risk, and is not exempt	<p>A site plan showing the area and location of the vegetation to be cleared, and the relationship to property boundaries, buildings and other improvements.</p> <p>A report providing information on the species to be cleared, and the proposed clearing or removal method.</p>



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Item	When required	Plans or information to be provided
	from approval under section 14a.6 , and is unlikely to affect biodiversity values, natural vegetation, or marine vegetation.	

Notes:

- More than one item may apply to a specific vegetation permit application.
- Where appropriate evidence is to be submitted, this will normally be prepared by a suitably qualified, and independent person.

14a.8 Vegetation permit application fees & charges

Council may determine vegetation permit application fees and charges, which are found in Council's *Fees and Charges Schedule*.

14a.9 Matters for consideration in vegetation permit applications

In determining an application for a vegetation permit, Council must consider all matters in this clause as are of relevance to the application.

A. General

1. Whether the vegetation is dying or dead.
2. Whether the vegetation is a risk to human life or property.
3. Provisions of relevant planning instruments affecting the land.
4. Purpose of the clearing.
5. Proposed method of clearing.
6. Past vegetation clearing on the land, including clearing previously authorised, or subject to permits and approvals, including whether a development application or other legal instrument required the planting, and/or retention of the vegetation or tree
7. The aims, objectives, principles and guidelines of this Plan and any relevant associated documents or policies.
8. The likely future use of the land, and objectives and provisions of the land use zone(s) applying to the land and adjoining land.
9. Cumulative impacts of clearing on the site and locality.
10. Proposed and reasonable measures to avoid, minimise or mitigate the environmental impacts of the clearing, including compensatory plantings, carbon offsets, and biodiversity offsets.
11. Management and maintenance requirements and costs associated with the vegetation.
12. The public interest.
13. Any other relevant matter.



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B. Trees

1. Relevant tree assessment criteria including the useful life expectancy of the tree, and the level of risk associated with its retention.
2. Whether the tree is a threatened species naturally occurring in the locality.
3. Whether the tree is a habitat tree for threatened species.
4. Whether the tree is a remnant tree, and biodiversity, habitat and landscape connectivity values associated with the tree.
5. Retention value of the tree, and whether compensation for the clearing is required.
6. Landscape and amenity values associated with the tree.
7. Solar access, sunlight and daylight effects of the tree, including shading and urban cooling benefits.
8. Maintenance requirements and costs associated with the tree.
9. History, age and social and cultural significance of the tree.
10. Effects of the clearing on microclimate of nearby existing trees and vegetation.
11. Infrastructure and buildings in the vicinity of the tree, and potential damage that may be caused by the tree.

C. Biodiversity

1. Biodiversity values of the natural vegetation, including threatened species and threatened ecological communities.
2. The significance of impacts on any threatened species and threatened ecological communities, and any accepted test or threshold for determining this (eg 5 part test of significance under the *Biodiversity Conservation Act 2016*).
3. Impacts on ecological connectivity and habitat corridors.
4. Adequacy of any flora and fauna assessment.
5. Retention value of the vegetation, and whether compensation for the clearing is required

D. Natural vegetation

1. Impact of the clearing on streams, riparian vegetation and water quality and flow (surface and groundwater).
2. Landscape and amenity values of the vegetation.
3. Cumulative impacts of clearing on the site, locality and bioregion.
4. Measures taken to avoid, minimise or mitigate the environmental impacts of the clearing, including restoration or rehabilitation, carbon offsets, and biodiversity offsets.
5. The objectives and provisions of any relevant planning instrument under the Environmental Planning and Assessment Act 1979, including *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.



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E. Vegetation with cultural & heritage values

1. Whether the vegetation forms part of a heritage item or is within a heritage conservation area.
2. Whether the vegetation forms part of an Aboriginal object or is within an Aboriginal place of heritage significance.

F. Vegetation safety & biosecurity

1. Carbon emissions resulting from the vegetation clearing.
2. Bush fire hazards and risks associated with the vegetation, and relevant bush fire asset protection zone requirements.
3. Actual and potential weed and biosecurity impacts directly and indirectly affected by the vegetation clearing.

14a.10 Reasonable clearing of vegetation

Clearing of vegetation must be for a reasonable purpose, having regard to the aims and objectives of this plan, including **Section 14a.3**.

The following reasons are generally **not** considered reasonable to justify vegetation clearing, unless other risks and hazards or considerations are also applicable:

1. Leaf drop into gutters and downpipes, swimming pools, lawns, paths and the like.
2. To increase natural light.
3. To improve street lighting of private property.
4. To enhance views.
5. To reduce shade (apart from providing reasonable solar access).
6. To reduce fruit, resin or bird droppings on cars.
7. Minor lifting of driveways, brick fences and paths by tree roots.
8. To erect a fence (other than boundary fences exempt from a vegetation permit).
9. Bush fire hazard reduction (except where not exempt, consistent with relevant guidelines, and supported by the NSW Rural Fire Service, and/or appropriate documentation from a suitably qualified person).
10. Potential damage to sewer mains (except where supported by appropriate documentation from a suitably qualified person).
11. Termite damage (except where supported by appropriate documentation from a suitably qualified person).

A vegetation permit must not be approved where the final land use has not been determined.

For the purposes of this section, **reasonable solar access** means providing direct sunlight and daylight to private open space and living areas of dwellings during winter months, and to photovoltaic panels and solar hot water systems to allow them to function satisfactorily in all seasons.



14a Vegetation permits

14a.11 Matters for consideration for applications above the *Biodiversity Offset Scheme* threshold requiring approval from the *Native Vegetation Panel*

This section relates to the application of Clause 2.14(5) of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*. It applies where a vegetation permit is required and the clearing is above the relevant Biodiversity Offset Scheme threshold as specified in the *Biodiversity Conservation Regulation 2017*.

1. The *Native Vegetation Panel* is to take into consideration all relevant matters in this DCP (including Sections 14a.3, 14a.5, 14a.6, 14a.7, 14a.9 & 14a.10) in its assessment of the impact of the proposed vegetation clearing and/or vegetation clearing activity.
2. The *Native Vegetation Panel* must consult with the council in relation to a vegetation clearing application, and take into account any comments the council may make, including standard conditions of consent normally imposed by the council.
3. The adequacy and accuracy of the information included with the application to determine the extent of native vegetation clearing (and offset scheme threshold), and its environmental impact.

14a.12 Exemption certificates

This section outlines procedures for clearing of dangerous vegetation, dying or dead vegetation, or associated with ongoing, regular and periodic vegetation maintenance and management.

Council may certify that vegetation clearing is exempt from approval under **Section 14a.5** under certain circumstances. Exemption certificates may be issued for dangerous vegetation, dying or dead vegetation, routine agricultural management activities, or for regular or periodic maintenance of vegetation through the preparation of a vegetation management plan (or equivalent).

The council may approve a vegetation management plan (for a period of up to a period of 10 years) which provides for and authorises ongoing, periodic, or occasional vegetation clearing and/or management where it is satisfied that the clearing is consistent with the objectives of relevant sections of this plan, and that the vegetation management plan is reasonable, likely to be complied with, and provides sufficient and suitable resources for its implementation.

Dangerous, dying and dead vegetation

The requirements and procedures for issuing an exemption certificate for dangerous vegetation, or dying or dead vegetation are:

1. A written application must be submitted by (or with the consent of) the owner of the land, together with relevant accompanying information. The accompanying information must include a location and site diagram, photographs showing the vegetation from at least two directions, and a statement identifying the reasons for the application, including a risk assessment, and whether or not the vegetation is habitat for native animals. The accompanying information shall include whether and how the vegetation to be cleared will be replaced, and a suitably qualified arborist report if requested by the council.
2. The council must consider the application and provide written notice as soon as practicable, having regard to the objectives of this plan.



14a Vegetation permits

3. The council may not issue an exemption certificate for the removal of, or pruning of vegetation or a tree where the vegetation or tree is required as the habitat of native fauna.
4. The council may issue an exemption certificate after clearing has occurred, where reasonable verbal notice of the clearing has been given and there is an imminent and unacceptable risk or emergency. Suitable evidence required to support the issue of an exemption certificate in these circumstances may include relevant photographs, a report from a suitably qualified or experienced person, relevant documentation from emergency services personnel or council staff.

Routine agricultural management

The requirements and procedures for issuing an exemption certificate for routine agricultural management activities are:

1. A written application must be submitted by (or with the consent of) the owner of the land, together with relevant accompanying information. The accompanying information must include a location and site diagram, photographs showing the vegetation from at least two directions, and a statement identifying the reasons for the application, including a risk assessment, and whether or not the vegetation is habitat for native animals. The accompanying information shall include whether and how the vegetation to be cleared will be replaced, and any other relevant information that may be requested by the council.
2. The council must consider the application and provide written notice as soon as practicable, having regard to the objectives of this plan.
3. The council may not issue an exemption certificate for the removal of, or pruning of vegetation or a tree where the vegetation or tree is required as the habitat of native fauna.
4. The council must consider whether a vegetation management plan (or equivalent) should be prepared and approved as part of the issuing of an exemption certificate.

Note: Exemption certificates for routine agricultural management can only be issued on C3 Environmental Management zoned land under *Upper Hunter Local Environmental Plan 2013*.

Vegetation management plans

The requirements and procedures for issuing an exemption certificate for vegetation management plans are:

1. A vegetation management plan (or equivalent) must be prepared by a suitably qualified person, together with the owners consent and agreement to the plan and relevant accompanying information.
2. The vegetation management plan (or equivalent) must be prepared in accordance with any guidelines prepared or approved by the council.
3. The council may impose conditions on any exemption certificate, including limiting the term of the certificate.
4. A vegetation management plan may allow pruning of a tree by less than 10% of the foliage area in accordance with Australian Standard AS 4373-2007 not more than once annually.



14a Vegetation permits

14a.13 References and supplementary guidance

The following documents or reference materials provide further advice or information relevant to this section. Note that some of these are yet to be prepared by Council.

1. Significant vegetation register
2. List of undesirable plant species
3. Tree planting guide
4. Ecological restoration and vegetation management plan guidelines
5. *Australian Standard AS 4970 Protection of Trees on Development Sites*
6. *Australian Standard AS 4373 Pruning of Amenity Trees*
7. Standard conditions of consent



Dictionary

Explanatory outline

Part 14 is a dictionary of terms used in the DCP. It includes terms used in the *Upper Hunter Local Environmental Plan 2013*, and such terms have the same meaning.

In some cases, terms are defined as having the same meaning as in other documents, such as various Acts or Regulations.

Sources of defined terms are indicated at the end of each definition where applicable. The following abbreviations are used:

[UHLEP] Upper Hunter Local Environmental Plan 2013

[DCP] this Development Control Plan

[EP&A Act] Environmental Planning and Assessment Act 1979

[FDM] NSW Floodplain Development Manual 2005 or its update (currently the draft updated Manual 2022 at <https://www.environment.nsw.gov.au/topics/water/floodplains/flood-risk-management-manual-update>)

Note that terms for land uses and land use activities are already defined in *Upper Hunter Local Environmental Plan 2013* and are not necessarily repeated in this Dictionary.

Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains. [UHLEP]

Aboriginal place of heritage significance means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the *Heritage Map*, that is:

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance. [UHLEP]

Note. The term may include (but is not limited to) places that are declared under section 84 of the *National Parks and Wildlife Act 1974* to be Aboriginal places for the purposes of that Act.



Adaptable housing units means housing which is designed and constructed to meet the performance requirements stated in Clause 2.2 of *AS 4299 Adaptable Housing*. An adaptable housing unit is designed in such a way that it can be modified easily in the future to become accessible to both occupants and visitors with disabilities or progressive frailties.

adjoining occupiers means persons who appear to the Council to occupy land abutting a development proposal or separated from it only by a pathway, driveway, road or similar thoroughfare.

adjoining owners means persons who appear to the Council to own land abutting a development proposal or separated from it only by a pathway, driveway, road or similar thoroughfare.

advertisement means a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water. [UHLEP, same meaning as in EP&A Act]

advertising structure means a structure used or to be used principally for the display of an advertisement. [UHLEP, same meaning as in EP&A Act]

affordable housing means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument. [UHLEP, same meaning as in EP&A Act]

Air Noise Exposure Forecast Map means the *Upper Hunter Local Environmental Plan 2013 Air Noise Exposure Forecast Map*. [UHLEP]

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

archaeological site means a place that contains one or more relics. [UHLEP]

attic means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like. [UHLEP]

Australian Height Datum (AHD) is a common national plan of level corresponding approximately to mean sea level.

Average Recurrence Interval (ARI) means the long-term average number of years between the occurrence of a flood as big as, or larger than, the selected event. For example, floods with a discharge as great as, or greater than, the 20 year ARI flood event may occur on average once every 20 years.

basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing). [UHLEP]

basement car parking means the car parking area generally below ground level or above natural ground level but enclosed by bunding, where inundation of the surrounding areas may raise water levels above the entry level to the basement, resulting in inundation. Basement car parks are areas where the means of drainage of accumulated water in the car park has an outflow discharge capacity significantly less than the potential inflow capacity.

biodiversity means biological diversity. [UHLEP]

biological diversity means the diversity of life and is made up of the following 3 components:

- (a) genetic diversity—the variety of genes (or units of heredity) in any population,
- (b) species diversity—the variety of species,



- (c) ecosystem diversity—the variety of communities or ecosystems. [UHLEP, same meaning as in *Threatened Species Conservation Act 1995*]

building includes part of a building, and also includes any structure or part of a structure (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure or part of a manufactured home, moveable dwelling or associated structure. [UHLEP, same meaning as in *EP&A Act*]

building height (or **height of building**) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like. [UHLEP]

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services. [UHLEP]

building line or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest. [UHLEP]

bush fire hazard reduction work means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road. [UHLEP, same meaning as in *Rural Fires Act 1997*]

bush fire prone land in relation to an area, means land recorded for the time being as bush fire prone land on a bush fire prone land map for the area. [UHLEP, same meaning as in *EP&A Act*]

bush fire risk management plan means a plan prepared under Division 4 of Part 3 of the *Rural Fires Act 1997* for the purpose referred to in section 54 of that Act. [UHLEP]

business identification sign means a sign:

- (a) that indicates:
 - (i) the name of the person or business, and
 - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place. [UHLEP]

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not. [UHLEP]

**caravan parks**

- **long-term site** means a dwelling site that is specified in the approval for a caravan park as being a long-term site.
- **short-term site** means a dwelling site on which a moveable dwelling that is ordinarily used for holiday purposes may be installed and that is specified in the approval for a caravan park as being a short-term site.

carport is a structure used to house motor vehicles, which has a minimum of two sides "open" and not less than one third of its perimeter "open".

classified road means any of the following:

- a main road,
- a highway,
- a freeway,
- a controlled access road,
- a secondary road,
- a tourist road,
- a tollway,
- a transitway,
- a State work. [\[UHLEP, same meaning as in Roads Act 1993\]](#)

Note. See *Roads Act 1993* for meanings of these terms.

clearing native vegetation means any one or more of the following:

- cutting down, felling, thinning, logging or removing native vegetation,
- killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation. [\[UHLEP, same meaning as in Native Vegetation Act 2003\]](#)

Council means the Upper Hunter Shire Council. [\[UHLEP\]](#)

corner lots are sites which have more than one boundary with a road and the angle between those boundaries is less than 135 degrees. [\[DCP\]](#)

cultural ecosystem means an ecosystem shaped to at least some extent by human utilisation, to provide food, fibre, medicines and/or culturally important artefacts. [\[DCP\]](#)

curtilage, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance. [\[UHLEP\]](#)

damage, in relation to a tree, means to impair the value or usefulness, or weaken the health or the normal function of a tree or vegetation. [\[DCP\]](#)

dangerous vegetation means vegetation representing an imminent, immediate and unacceptable risk to human life and property. [\[DCP\]](#)

declared vegetation means vegetation for which clearing requires a vegetation permit, as provided for in Section 14a of this DCP. [\[DCP\]](#)

Defined Flood Event - the flood event selected as a general standard for the management of flooding to development [\[FDM\]](#)



demolish, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree. [UHLEP]

development site – for the purposes of this document the area of land where works or structures will be located following the completion of the development.

drainage means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land. [UHLEP]

Drinking Water Catchment Map means the *Upper Hunter Local Environmental Plan 2013 Drinking Water Catchment Map*. [UHLEP]

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile. [UHLEP]

earthworks means excavation or filling. [UHLEP]

ecological restoration means the process of assisting the recovery of an ecosystem that has been degraded, damaged or destroyed, and includes bushland regeneration. [DCP]

ecologically sustainable development has the same meaning as in the *Environmental Planning and Assessment Act 1979*. [UHLEP]

effective warning time is the time available after receiving advice of an impending flood and before the floodwaters prevent appropriate flood response actions being undertaken. The effective warning time is typically used to raise furniture, evacuate people and transport their possessions.

environmentally sensitive area has the same meaning as that in the EP&A Act.

evacuation is the transfer of people and or stock from areas where flooding is likely, either close to, or during a flood event. It is affected not only by warning time available, but also the suitability of the road network, available infrastructure, and the number of people that have to evacuate during floods.

excavation means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land. [UHLEP]

existing building line means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) an existing building wall, or
- (b) the outside face of any existing balcony, deck or the like, or
- (c) the supporting posts of an existing carport or verandah roof,

whichever distance is the shortest. [DCP]

Exempt vegetation means vegetation where clearing does not require a vegetation permit, as identified in Section 14a.5 of this plan. [DCP]

fill means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of



lawns and that does not significantly alter the shape, natural form or drainage of the land, or

- (b) the use of land as a waste disposal facility. [\[UHLEP\]](#)

flood is a natural phenomenon that occurs when water covers land that is normally dry. It may result from coastal inundation (excluding tsunamis) or catchment flooding, or a combination of both. Flooding results from relatively high stream flow that overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam, and/or local overland flowpaths associated with major drainage, and/or oceanic inundation resulting from super-elevated ocean levels [\[FDM\]](#)

flood evacuation strategy means the proposed strategy for the evacuation of areas with effective warning time during periods of flood as specified within any policy of Council, the floodplain risk management plan (FRMP), the relevant state government disaster plan, by advices received from the State Emergency Services (SES) or as determined in the assessment of individual proposals.

flood planning area the area of land below the FPL [\[FDM\]](#)

Flood Planning Level (FPL) is the combination of the flood level from the Defined Flood Event and freeboard selected for floodplain risk management purposes [\[FDM\]](#)

flood prone land means land susceptible to flooding by the PMF event. Flood prone land is synonymous with flood liable land [\[FDM\]](#)

flood storage areas are areas of the floodplain that are outside floodways which generally provide for temporary storage of floodwaters during the passage of a flood and where flood behaviour is sensitive to changes that impact on temporary storage of water during a flood [\[FDM\]](#)

floodplain equivalent to 'flood prone land' (see above) [\[FDM\]](#).

Floodplain Development Manual (FDM) refers to the document dated April 2005, published by the New South Wales Government and entitled 'Floodplain Development Manual: the management of flood liable land', or its update.

Floodplain Risk Management Plan (FRMP) - a management plan developed in accordance with the principles in the FDM (see above) and its supporting guidelines. [\[FDM\]](#).

Floodplain Risk Management Study (FRMS) – a management study developed in accordance with the principles in the FDM (see above) and its supporting guidelines [\[FDM\]](#).

Floodways - Areas of the floodplain (see above) which generally convey a significant discharge of water during floods and are sensitive to changes that impact flow conveyance. They often align with naturally defined channels [\[FDM\]](#).

floor area means all habitable rooms, bathrooms, laundry and water closet but does not include a garage, storage shed, or workshop.

floor space ratio—see clause 4.5 of the *Upper Hunter Local Environmental Plan 2013*. [\[UHLEP\]](#)

Floor Space Ratio Map means the *Upper Hunter Local Environmental Plan 2013 Floor Space Ratio Map*. [\[UHLEP\]](#)

freeboard - a factor of safety typically used in relation to the setting of minimum floor levels or levee crest levels Freeboard aims to provide reasonable certainty that the risk exposure selected in deciding on a specific event for development controls or mitigation works is achieved. Freeboards for development controls and mitigation works will differ. In addition freeboards for development control may vary with the type of flooding and with the type of development [\[FDM\]](#).



garage (private) – a building or part of a building used to park or keep a motor vehicle and that is not defined as a carport or car park.

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above. [\[UHLEP\]](#)

ground level (existing) means the existing level of a site at any point. [\[UHLEP\]](#)

ground level (finished) means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development. [\[UHLEP\]](#)

ground level (mean) means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building. [\[UHLEP\]](#)

Groundwater Vulnerability Map means the *Upper Hunter Local Environmental Plan 2013 Groundwater Vulnerability Map*. [\[UHLEP\]](#)

habitat tree means a tree, or part of a tree providing important habitat for native animals and plants (including nesting hollows, habitat connectivity, a food source, or shade and shelter). [\[DCP\]](#)

hangar a building used for the purpose of storing recreational light aircraft. The building shall not be used for the operation of a business and no person shall be permitted to reside in any hangar

habitable floor area means:

- in a residential situation: a living or working area, such as a lounge room, dining room, rumpus room, kitchen, bedroom or workroom;
- in an industrial or commercial situation: an area used for offices or to store valuable possessions susceptible to flood damage in the event of a flood.



habitable room is as defined by the Building Code of Australia but generally is a room (other than a bathroom, laundry, water closet or the like) that is designed, constructed or adapted for activities normally associated with domestic living.

hazardous materials are solids, liquids, or gases that can harm people, other living organisms, property, or the environment. These may include materials that are radioactive, flammable, explosive, corrosive, oxidizing, asphyxiating, bio-hazardous, toxic, pathogenic, or allergenic. Also included are physical conditions such as compressed gases and liquids or hot materials, including all goods containing such materials or chemicals, or may have other characteristics that render them hazardous in specific circumstances.

Height of Buildings Map means the *Upper Hunter Local Environmental Plan 2013 Height of Buildings Map*. [UHLEP]

heritage conservation area means an area of land of heritage significance:

- (a) shown on the *Heritage Map of Upper Hunter Local Environmental Plan 2013* as a heritage conservation area, and
- (b) the location and nature of which is described in Schedule 5 to the *Upper Hunter Local Environmental Plan 2013*,

and includes any heritage items situated on or within that area. [UHLEP]

heritage item means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5 to the *Upper Hunter Local Environmental Plan 2013*. [UHLEP]

Heritage Map means the *Upper Hunter Local Environmental Plan 2013 Heritage Map*. [UHLEP]

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value. [UHLEP]

host residence (in relation to wind farms) – means the dwelling-house or houses that are on the same lot or holdings as the wind farm.

Land Zoning Map means the *Upper Hunter Local Environmental Plan 2013 Land Zoning Map*. [UHLEP]

landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area. [UHLEP]

licensed water supply means a water supply that has received approval under the *Water Management Act 2000*.

Lot Size Map means the *Upper Hunter Local Environmental Plan 2013 Lot Size Map*. [UHLEP]

Living area means a room of a dwelling-house such as a lounge, kitchen, dining or family room, which is not a room for sleeping or specialist tasks such as a study or home theatre. [DCP]

maintenance, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology. [UHLEP]

mezzanine means an intermediate floor within a room. [UHLEP]

mixed use development means a building or place comprising 2 or more different land uses. [UHLEP]



moveable dwelling means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition. [UHLEP, same meaning as in Local Government Act 1993]

multiple housing means 3 or more dwellings in a development. [DCP]

native fauna means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans. [UHLEP]

native flora means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*. [UHLEP]

Native vegetation has the same meaning in the *Biodiversity Conservation Act 2016*. [DCP]

Natural vegetation means vegetation where physical conditions, species composition, community structure, ecosystem function, external exchanges, and absence of threats remain substantially unaffected by direct human interference, includes native vegetation, and may include marine vegetation. [DCP]

noise sensitive development means any of the following types of development: residential accommodation, a place of public worship, a hospital, an educational establishment or centre-based child care facility [clause 87 of the Infrastructure SEPP]

non-host residence (in relation to wind farms) – means any dwelling-house on a different lot or holding as the wind farm.

non-potable water means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council. [UHLEP]

Obstacle Limitation Surface Map for the Scone Memorial Aerodrome means the *Upper Hunter Local Environmental Plan 2013 Obstacle Limitation Surface Map*. [UHLEP]

parking space means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park. [UHLEP]

potable water means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council. [UHLEP]

primary road frontage is the is the road which the front of the house faces or is proposed to face. Most properties only have a primary road frontage. [DCP]

private open space means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building. [UHLEP]

Probable Maximum Flood (PMF) - the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation (PMP), and where applicable, snow melt, coupled with the worst flood producing catchment conditions [FDM]



Probable Maximum Precipitation (PMP) - The greatest depth of precipitation for a given duration meteorologically possible over a given size storm area at a particular location at a particular time of the year, with no allowance made for long-term climatic trends (World Meteorological Organization 1986) [FDM]

Property Vegetation Plan means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*. [UHLEP, same meaning as in *Native Vegetation Act 2003*]

prune, in relation to a tree, means to selectively remove branches. [DCP]

public land means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*. [UHLEP, same meaning as in *Local Government Act 1993*]

public reserve has the same meaning as in the *Local Government Act 1993*. [UHLEP]

Reduced Level (RL) means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971. [UHLEP]

reliable access during a flood means the ability for people to safely evacuate an area subject to imminent flooding within effective warning time, having regard to the depth and velocity of flood waters, the suitability of the evacuation route, and without a need to travel through areas where flood hazard increases.

relic means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance. [UHLEP, same meaning as in *Heritage Act 1977*]

relocated dwelling means a structure intended to be used as a dwelling house that is to be relocated to or re-erected at another site, but does not include a moveable dwelling. [DCP]

Remnant tree means a tree that remains from pre-existing natural vegetation. [DCP]

remove, in relation to a tree, means to cut down, knock down, kill, lop or destroy. [DCP]

Riparian vegetation means vegetation on land that directly influences or is influenced by a watercourse, and is the area of land in which a stream functions. This area includes the immediate vicinity of the stream, which consists of the bed, banks and adjacent land, as well as the floodplain. [DCP]

road means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road. [UHLEP]

secondary road frontage - occurs on corner lots and are the road frontages that are not the *primary road frontage* [DCP].



Section 149 Planning Certificate provides information, including the statutory planning controls that apply to a parcel of land on the date the certificate is issued.

setback means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest. [UHLEP]

sewerage system means any of the following:

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place that is a combination of any of the things referred to in paragraphs (a)–(d). [UHLEP]

shed – for the purpose of this chapter includes machinery sheds, garden and storage sheds but does not include a garage or car park.

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities. [UHLEP]

Significant vegetation means vegetation identified as significant in a significant vegetation (or tree) register prepared by the council and/or meeting relevant criteria to be included on the register. [DCP]

site area means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan. [UHLEP]

site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

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

small wind turbine has the meaning given by *SEPP (Infrastructure) 2007*, meaning a wind turbine that has a generating capacity of no more than 100kW.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:



- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic. [\[UHLEP\]](#)

suitably qualified engineer is an engineer who is included in the National Professional Engineers Register, administered by the Institution of Engineers Australia.

survey plan is a plan prepared by a registered surveyor which shows the information required for the assessment of an application in accordance with the provisions of this Policy

temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure. [\[UHLEP, same meaning as in EP&A Act\]](#)

Terrestrial Biodiversity Map means the *Upper Hunter Local Environmental Plan 2013 Terrestrial Biodiversity Map*. [\[UHLEP\]](#)

the Act means the *Environmental Planning and Assessment Act 1979*, as amended. [\[UHLEP\]](#)

trade wastewater means any liquid, and any substance contained in it, which may be produced at the premises in an industrial and commercial activity, but does not include domestic wastewater (e.g. from hand-basins, showers and toilets).

tree means a woody perennial plant, any plant resembling a tree in form, and with the potential to grow to a height of greater than 5 metres. [\[DCP\]](#) [\[Modified from Tree Disputes Between Neighbours Act 2006\]](#)

waste includes:

- (a) any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or
- (b) any discarded, rejected, unwanted, surplus or abandoned substance, or
- (c) any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, reprocessing, recovery or purification by a separate operation from that which produced the substance, or
- (d) any substance prescribed by the regulations to be waste for the purposes of the *Waste Minimisation and Management Act 1995*. [\[Waste Minimisation and Management Act 1995\]](#)

vegetation means a tree or other vegetation, whether or not it is native vegetation. [\[DCP\]](#)

Note: The term vegetation covers all plants, and vegetation communities both above and below ground, and including ecological processes, soil seed banks and the abiotic materials (substrate) occupied and conditions required for support and reproduction.

vegetation clearing means the removal, destruction, and/or the alteration of ecological processes supporting vegetation. Vegetation clearing includes:

- to cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or
- to lop or otherwise remove a substantial part of the vegetation, or
- to carry out a vegetation management activity. [\[DCP\]](#)

vegetation clearing activity means development, or a work that directly or indirectly impacts vegetation, and is specified in Section 14a of the DCP. [\[DCP\]](#)



waterbody means a waterbody (artificial) or waterbody (natural). [UHLEP]

waterbody (artificial) or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently. [UHLEP]

waterbody (natural) or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

watercourse means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial). [UHLEP]

Watercourse Map means the *Upper Hunter Local Environmental Plan 2013 Watercourse Map*. [UHLEP]

waterway means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural). [UHLEP]

weed means a plant that is a pest. [DCP]

wetland means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities. [UHLEP]