

## 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"> <li>- backpackers' accommodation.</li> <li>- bed and breakfast accommodation.</li> <li>- camping grounds.</li> <li>- caravan parks.</li> <li>- eco-tourist facilities.</li> <li>- farm stay accommodation.</li> <li>- hotel or motel accommodation.</li> <li>- serviced apartments.</li> </ul>	Any land.	



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### 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.



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### 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
<b>A. General requirements</b>	All applications	Refer to Part 2 <b>Preparing &amp; lodging a development application</b> .
<b>B. Sustainability assessment</b>	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 <b>1h Sustainability</b> .
<b>C. Shadow diagram</b>	Applications that potentially involve overshadowing of the proposed development, or of adjoining or nearby development.	A plan illustrating: <ul style="list-style-type: none"> <li>• extent of shadows cast by existing and proposed buildings, including buildings on adjoining land.</li> <li>• position of existing and proposed buildings on the site and adjoining land.</li> <li>• shadows cast by existing and proposed buildings at the winter solstice (22 June) for 9am, 12noon and 3pm.</li> </ul>
<b>D. Servicing strategy</b>	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"> <li>• reticulated water, including the size and location of water services including any proposed fire service</li> <li>• reticulated sewerage or on-site treatment (meeting the requirements of section <b>11g On-site waste water management</b> where applicable)</li> <li>• liquid trade waste (where applicable)</li> <li>• electricity and telecommunications.</li> </ul>
<b>E. Landscape plan &amp; report</b>	All applications	Plan and report, prepared by a suitably qualified professional, showing: <ul style="list-style-type: none"> <li>• description of ground preparation and on-going maintenance of landscaping</li> <li>• areas of private open space, proposed turf and areas of established gardens.</li> <li>• location and species of trees and shrubs to be retained or removed.</li> <li>• schedule of plantings, cross-referenced to the site plan indicating species, massing and mature height.</li> <li>• details of restoration and treatment of earth cuts, fills, mounds, retaining walls, fencing and screen walls.</li> </ul>
<b>F. Soil &amp; water management plans or reports</b>	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 <b>11f Soil &amp; water management</b> . These could include:



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



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Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> <li>Biodiversity management plan, and/or Biodiversity offset information, strategy or plan.</li> </ul>
<b>M. Bushfire assessment report</b>	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 <b>10b Bushfire risk</b>
<b>N. Acoustic assessment report</b>	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
<b>O. Site waste minimisation &amp; management plan</b>	All applications	A Plan and report addressing the requirements outlined in part <b>11h Waste minimisation &amp; management</b>
<b>P. Outdoor eating areas</b>	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.
<b>Q. Quality Assurance Program - Untreated Rainwater</b>	For applications involving the use of untreated rainwater	Plan as set out at <a href="http://www.health.nsw.gov.au/environment/water/Pages/quality-assurance-program-untreated-rainwater.aspx">http://www.health.nsw.gov.au/environment/water/Pages/quality-assurance-program-untreated-rainwater.aspx</a>

### 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"> <li>■ The siting and design of accommodation facilities is compatible with the attributes and constraints of the site and locality.</li> <li>■ Accommodation facilities are sited and designed to minimise impacts on the amenity of adjoining properties.</li> </ul> | <ul style="list-style-type: none"> <li>• 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.</li> <li>• In rural areas, if appropriate, signage should be displayed within the main reception area that advises to the following effect:</li> </ul> |
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## 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



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### 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)*.





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### 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'.*