

# **Tenterfield Shire Council**



# **DEVELOPMENT CONTROL PLAN 2014**

**Adopted:** 27 August 2014 (Res No. 308/14)

**Amended:** 22 October 2018 (Res No. 207/18)

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# CHAPTER 1 – GENERAL PROVISIONS

This plan is known as the Tenterfield Development Control Plan (DCP) 2014 and it applies to the Tenterfield Shire Local Government Area (LGA).

The DCP was adopted by Council on 27 August 2014 (Res No. 308/14) and becomes operational upon notification in the Tenterfield Star, being 10 September 2014.

The purpose of this Plan is to provide guidelines, objectives and controls for people who wish to carry out development in the Tenterfield Local Government Area.

The DCP should be read in conjunction with the Tenterfield Local Environmental Plan 2013 and any relevant State and Regional Environmental Planning policies, bearing in mind that a proposal may be affected by more than one chapter of the DCP.

Prospective applicants are encouraged to discuss their development proposals at an early stage via Council's pre-lodgement advice service with relevant staff to ensure compliance with the requirements of the DCP.

It should be noted that Council may vary the acceptable solutions detailed in the DCP, depending on the circumstances attached to a particular proposal.

## ***Amendment of the plan***

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

## ***Interpretation of Legislative References***

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

## ***Repeal of the plan***

The plan may be repealed under the provisions of the Environmental Planning & Assessment Regulation.

## ***Relevant Local Environmental Plan***

The plan relates to Tenterfield Local Environmental Plan 2013 (LEP 2013), as amended. In the event of any conflict between this DCP and that Plan, LEP 2013 takes precedence.

## ***Planning Pathways***

There are three (3) distinct planning pathways that most developments will need to follow. These are outlined below.

## 1. Exempt Development

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

## 2. Complying Development

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

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

- Dwelling construction
- Housing alterations
- Commercial and industrial works
- Subdivision
- Demolition

Further details about what works would be permissible as Complying Development can be found in the Codes SEPP. Council planning and building staff members are also available to advise whether a proposed development can be undertaken as Complying Development and what documentation and other requirements are needed.

## 3. Full Development Application

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

### ***State Environmental Planning Policies (SEPPs)***

Some development types can be undertaken in accordance with the provisions set out within a particular SEPP which would take precedence over both LEP 2013 and this document.

### ***Building Code of Australia (BCA)***

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

### ***Contributions***

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

Other planning pathways may exist for development of a major nature or those being undertaken by a Government agency. Council staff will advise on these on a case by case basis.

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

#### **Plan Preparation and Administration**

Development increases the demand for public facilities and services and it is reasonable that development make contributions towards these facilities and services through Section 94 contributions plans.

To prepare section 94 contribution plans and provide for the ongoing administration of the plans, Council must provide resources considered reasonable to cover the cost of preparing a Contributions Plan and a Section 94 Planner for one day per month funded through the plan.

#### **Roads.**

Developments which impact on existing roads, or require construction of new roads, will be required to make a contribution to such upgrading or construction works. Where the existing population will benefit from these works, the cost will be apportioned between new and existing development;

#### **Emergency Services**

The NSW Rural Fire service is responsible for the provision of the Rural Fire Service with Council funding 13.3% of the annual operating fund plus a \$40,000 discretionary fund. The Tenterfield LGA receives support services from emergency services such as bushfire brigades, State Emergency Service and the Volunteer Rescue Association. Additional development will result in the need to expand existing services.

#### **Community and Civic Facilities**

Provision of library resources.

#### **Open Space, Sporting and Recreation**

The improvement of facilities may include, but are not limited to, earthworks, turfing, drainage, planting, play equipment, sports equipment and installations, picnic facilities, amenities buildings, fencing, lighting, irrigation and bushland regeneration.

#### **Waste Management**



Council provides waste management services and facilities in the LGA. The Capital Works Program includes provision for a new landfill and a range of resource recovery services over a period of 5 years to 2018. The waste facilities proposed will service existing and future residents of the LGA.

### **Drainage**

A nexus can be drawn between increased residential development (through additional impervious surface area) anticipated in the LGA in the future and the need to alleviate the problem with the discharge of stormwater. It is an expectation of Council to provide a stormwater drainage system that is capable of disposing of stormwater appropriately whilst being environmentally friendly.

### **Car Parking**

Car parking contributions only apply to certain locations within Tenterfield township and apply when a development is unable to provide for on-site car parking.

### **Community Enhancement Program**

Applicable to major developments

Note: For full details of applicable contributions refer to;

### **Tenterfield Shire Council Section 94 & 94A Development Contributions Plans 2013**

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

### **Definitions**

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

**1% AEP Flood** - the flood with a chance of occurrence of one in one hundred in any one year. *Note: This is the preferred description to the 1:100 year ARI event.*

**Adjoining land** - land which abuts an application site or is separated from it only by a roadway, pathway, driveway or similar thoroughfare.

**Advertisement** - the display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of work.

**Advertiser** - in relation to an advertisement or an advertising structure, means

- the person who caused the advertisement to be displayed or the advertising structure to be erected or
- the owner of the building or land, or the occupier of land, on which the advertisement is displayed or the advertising structure is erected.

**Advertising structure** - a structure used or to be used principally for the display of an advertisement.

**AHD-** Australian Height Datum.

**Ancillary development** - development on land for a purpose that is ancillary or incidental to a use under the Tenterfield LEP 2013.

**Application site** - the parcel of land to which a Development Application relates and includes all lands required for the carrying out of the application proposal.

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

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

**Building height** - the distance from the natural ground level to the ridgeline of the building.

**Building line** - see front building line.

**Bushfire prone land** - land identified on the Tenterfield Geographic information system as an area of land that can support a bush Fire or is likely to be subject to bush fire attack.

**Code SEPP** - *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

**Commercial premises** - any of the following

- business premises
- office premises
- retail premises

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

**Directional sign** - a sign erected for purposes of directing vehicular or pedestrian traffic, advising or restricting the public.

**Dual occupancy (attached)** – two (2) dwellings on one lot of land that are attached to each other.

**Dual occupancy (detached)** - two (2) detached dwellings on one lot of land.

**EP&A Act** - the *Environmental Planning and Assessment Act 1979* (as amended).

**Flood investigation report** - a report prepared by an appropriately qualified and experienced professional that reviews the history of flooding in an area, where modelling is not available. The review would draw upon historical information, including from landowners, physical evidence in the locality of any historical events, extrapolation (suitably qualified) from known information or events, and any other such information as might be considered by the professional to be relevant in estimating the flood height of the site.

**Flood liable land** - is synonymous with flood prone land, i.e. land susceptible to flooding by the *probable maximum flood* event. Flood liable land refers to the whole floodplain, and not just that part below the *flood planning level*.

**Flood planning area** - is the area of land below the flood planning level and thus subject to flood related development controls.

**Flood planning level (FPL)** - the level of a 1% AEP flood event plus 0.5 metres freeboard.

**Floodplain risk management plan** - a plan adopted pursuant to the principles of the  
Floodplain Development Manual.

**Floodplain development manual** - the NSW Government Floodplain Development Manual the management of flood liable land dated April 2005 as Gazetted by the NSW Government on 6 May 2005, or any Gazetted update of this.

**Flood prone land-** (see flood liable land).

**Flood storage area** - (flood impact category) a planning control for the purpose of limiting development that would displace floodwater. Ultimately, flood storage areas are defined by mapping and are limiting on development, but not to the extent where development would be totally prohibited.

**Floodway** - (flood impact category) a planning control for the purpose of excluding buildings, earth embankments and other forms of development from an area of land where significant volume of water flows during floods. Ultimately, floodways are defined by mapping and are restrictive on development, however floodways can be moved, realigned or altered depending on the merits of the case, as agreed by Council.

**Floor space ratio** is calculated by dividing the total floor area of a building by the total land area of the property (known as the site area)

$$\text{FSR} = \frac{\text{Total floor area}}{\text{Total site area}}$$

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

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

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

**Land** - includes any building or part building erected on the land.

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

**Notification plan** - the plan showing a site plan, height and external elevations of buildings, which accompanies a Development Application.

**Owner -**

- every person who jointly or severally, whether at law or in equity, is entitled to the land for any estate of freehold in possession
- in the case of land that is the subject of a strata scheme under the Strata Titles Act 1973, or a leasehold strata scheme under the Strata Titles (Leasehold) Act 1986, the Owners' Corporation
- in the case of land that is community, precinct or neighbourhood parcel within the meaning of the Community Land Development Act 1989, the Association for the parcel

**Probable maximum flood (PMF)** - the largest possible flood that could conceivably occur.

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

**Residential accommodation** - a building or place used predominantly as a place of residence, and includes any of the following

- attached dwellings
- boarding houses
- dual occupancies
- dwelling houses
- group homes
- hostels
- multi dwelling housing
- residential flat buildings
- rural workers' dwellings

- secondary dwellings
- semi-detached dwellings
- seniors housing
- shop top housing

but does not include tourist and visitor accommodation or caravan parks.

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

**Temporary sign** - an advertisement of a temporary nature which.

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

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

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

**TLEP 2013** – means Tenterfield Local Environmental Plan 2013

## **CHAPTER 2 – NOTIFICATION PROCEDURES**

### ***Purpose***

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

### ***Aims and Objectives***

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

### ***Notification Procedures and Guidelines for Applications***

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

### ***Notification of Applications***

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

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

- The views to and the views from the land
- Overshadowing of the land
- The privacy of the land

- The likelihood of the land being detrimentally affected by the proposed use, as noise, odour or other polluting emissions
- Proposed hours of use for the development
- The scale or bulk of the proposed development and
- The positioning of the development in relation to site boundaries

Notification shall be undertaken in accordance with Table 1

N = Neighbour notification

A = Advertising

<b>LAND USE</b>	<b>ZONING</b>		
	<b>RU1</b>	<b>RU3</b>	<b>RU5</b>
<i>Agricultural produce industry &gt;\$1.0mill.</i>	N		N
<i>airstrip</i>	N		
<i>Amusement centre</i>	N		N
<i>Animal boarding or training establishment</i>	N A		N A
<i>Backpackers accommodation</i>	N		N
<i>brothel (sex services premises)</i>	N A		N A
<i>Car park higher than 3 metres</i>			N
<i>Caravan park</i>	N		N A
<i>Cemetery</i>	N		N
<i>Cellar door premises</i>	N		N
<i>Child care centre</i>	N A		N
<i>Community facility</i>	N A	N A	N A
<i>Correctional centre</i>	N A		
<i>Crematorium</i>	N A		N A
<i>Eco-tourist facility</i>	N		N
<i>Entertainment facility</i>			N
<i>Extractive industry</i>	N	N	N
<i>Feedlot</i>	N A		



<b>LAND USE</b>	<b>RU1</b>	<b>RU3</b>	<b>RU5</b>
<i>Food &amp; drink premises &gt;\$0.5mill</i>	N		N
<i>Forestry</i>			
<i>Function centre greater than \$1m</i>	N A		N A
<i>Funeral home</i>	N		N
<i>Hazardous industry</i>	N A		
<i>Hazardous storage establishment</i>	N A		
<i>Helipad</i>	N		N
<i>Hotel or motel accommodation</i>	N		N
<i>Information or education facility</i>	N		N
<i>Intensive livestock agriculture</i>	N A		
<i>Livestock processing industry</i>	N A		N A
<i>Mine</i>	N A		N A
<i>Mining</i>	N A		N A
<i>Mortuary</i>	N		N
<i>Multi dwelling housing &gt;20 units</i>	N		N
<i>Neighbourhood shop</i>	N		N
<i>Offensive industry</i>	N A		N A
<i>Offensive storage establishment</i>	N A		N A
<i>Passenger transport facility</i>			N
<i>Place of public worship</i>	N A		N A

<b>LAND USE</b>	<b>RU1</b>	<b>RU3</b>	<b>RU5</b>
<i>Pub</i>	N A		N A
<i>Recreation facility (indoor)</i>	N		N
<i>Recreation facility (major)</i>	N A		N A
<i>Recreation facility (outdoor)</i>	N		N
<i>Registered club</i>	N A		N A
<i>Residential flat building</i>	N		N
<i>Restaurant &gt;\$0.5mill</i>	N		N
<i>Restricted premises</i>	N A		N A
<i>Restricted dairy</i>	N A		
<i>Seniors housing &gt;20 units</i>	N		N
<i>Service station</i>	N A		N A
<i>Shed greater 3.6 in height</i>			N
<i>Dwellings greater than 2 storeys</i>			N

Upon the lodgement of an Application, the Director of Strategic Planning and Environmental Services, or delegate, will determine who may be detrimentally affected in terms of the matters to be considered.

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

### ***Persons to be Notified***

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

### ***Other Referrals***

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

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

- Inverell Shire
- Glen Innes Severn Shire
- Clarence Valley Council
- Kyogle Shire Council
- Southern Downs Regional Council (QLD)

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

## ***Notification of Amendments prior to determination & Modification of Applications under S96***

### ***Amendments prior to Determination***

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

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

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

**Modification of an Approval (after Determination) under Section 96:**

An applicant may lodge an application to modify an approval (under Section 96 of the EP&A Act) if Council is satisfied that the development, as proposed to be modified, remains substantially the same development as that originally approved. Council will re-notify persons who made submission on the original application and any persons who own adjoining or neighbouring land only where in Council's opinion those persons could be detrimentally affected by the proposal as amended.

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

**Notification Period**

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

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

**Form of Submissions from Persons Notified & the General Public**

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

Petitions submitted will be required to identify a single contact person. Should this not be provided Council will only provide a one written response to a petition. This will be to the first signatory.

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

**Consideration of Submissions**

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

**Applicant to be advised of Objections**

Written submissions cannot remain confidential as they may be used to assist in negotiations with the owner/applicant of the proposal or be included in Council

business papers. The applicant, on request, will be advised of the terms of any objection and is entitled to read all submissions received. Where applications are amended in response to objections received, comments may be sought from previous objector/s.

### ***Notification of Determination***

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

**Note:** Petitions submitted will be required to identify a single contact person. Should this not be provided Council will only provide a one written response to a petition. This will be to the first signatory.

### ***Advertising of Applications***

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

### ***Advertising & Notification Costs***

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

### ***Integrated, Designated Development and other Categories of Development***

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

- Codes SEPP notification
- Integrated Development
- Designated development and
- Other types of Approvals, including assessment of "activities" under Part 5 of the EP&A Act 1979

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

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

## CHAPTER 3 – RESIDENTIAL DEVELOPMENT

### ***About this Chapter***

This chapter of the DCP has been prepared as a guide to applicants developing low and medium density residential development (Class 1, 2 and 3 buildings) in the RU5 Village Zones across the LGA. Together with the LEP, this chapter is intended to provide additional controls and guidance so that development within village zones is appropriate and serves to enhance the overall character and amenity of neighbourhoods.

### ***Where this Chapter applies***

This Chapter applies to the following zones under TLEP 2013:

- RU5 Village

### ***General Advice to Applicants for Residential Development***

#### ***Aim***

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

- Providing design controls for residential development; and
- Setting reasonable and attainable environmental standards for solar access, privacy, view, vehicular access, parking and landscaping; while recognising that zones require controls that match the zone objectives, and that lower density development should be subject to less stringent controls as their amenity impacts are lower. Vehicular access and parking requirements are outlined in Chapter 6.

**Applicants are strongly advised to seek the services of qualified architects, town planners, landscape designers, surveyors and civil engineers, as are appropriate to the development. All drawings submitted shall bear the names of the persons responsible for the design.**

Council must be able to assess the impact of the proposed development on any adjoining residences, together with the wider environmental implications. All development applications must therefore be accompanied by a Statement of Environmental Effects. The Statement should contain a summary of the likely impacts of the proposal on neighbours or the local area and should include but not limited to the following;

- What will the situation be in terms of traffic generation, noise impact, over shadowing of adjoining buildings, etc?
- How will the development appear in terms of the streetscape or landscape?
- Has the design taken into account solar access?
- Has adequate provision be made for drainage of the site?
- Has adequate provision been made for private open space for each dwelling?

- Is the land suited to the type of development proposed?
- Are utility services (water, sewerage, electricity, etc) available and adequate for the proposed development?
- Has adequate provision been made for the manoeuvring and parking of vehicles on the site?
- Is the site subject to inundation of flood waters, slip, subsidence or other physical constraints?

**Please note, in cases where a development proposal fails to meet one or more of the standards listed in this plan, an amendment to, or redesign of the proposal may be warranted.**

### ***What are the Development Guidelines for Residential Accommodation?***

The Guidelines for the development of Residential Accommodation in Tenterfield Local Government Area consist of a series of design elements, each of which must be satisfied. These design elements relate to density provisions, site planning and layout, open space (landscaped open space and private open space), building height and scale, setbacks, solar access, building design and appearance, privacy, views, facilities/amenities, vehicular access/parking, privacy.

### ***Site Planning and Layout***

The initial step in the design process is site analysis. This allows the designer to gain a full appreciation of the opportunities and constraints that relate to the site, which will aid in producing a development which suits that particular site.

### **Objectives**

- To achieve a coherent site layout that provides a pleasant, attractive, manageable and resource efficient living environment.
- To ensure that streetscape, amenity and energy efficiency are considered at the outset of the design process.
- To encourage the concurrent planning of subdivision layout with dwelling siting and design.
- To encourage site planning and building design that optimizes solar access to land and buildings.

### **Requirements**

Applicants are to demonstrate compliance with and consideration of the following issues:

- Appropriateness of built form and landscape in relation to the site context, topography and urban character;
- Building arrangement and their relationship to streets and open spaces
- Location, function and opportunities for casual surveillance of open space
- Personal privacy and security;
- Energy efficiency in building design;
- Heritage and conservation opportunities and constraints;
- Opportunity for future subdivision into individual allotments and communal spaces, including service arrangements.

## **Density Requirements**

### **Objective**

To provide density controls which will enhance and protect the amenity of new and existing residential areas.

### **Minimum Site Area per Dwelling/Estimating Development Potential**

The provisions set out in the Table 1 below are intended to estimate the number of dwellings a site could potentially accommodate.

The density provisions should be used as a guide only, to ascertain the maximum development potential of a site. In practice, site dimensions and design constraints (e.g. potential overshadowing, easements, development in the vicinity of heritage items, carparking requirements, floor area, setbacks) may prevent the theoretical maximum being achieved.

**Table 1: Yield Table**

Development Standard	Urban Housing Type	
	Dual Occupancy	Multi dwelling housing Up to two storeys
Floor Space Ratio (FSR)	0.75:1	0.4:1
Minimum Site Area	600m <sup>2</sup> (attached) 600m <sup>2</sup> (detached)	NA
Height	8.5m and 3.6m for detached rear dwelling	8.5m
Street Setbacks	6m to main frontage – if corner allotment 3m to secondary frontage	6m to main frontage – if corner allotment 3m to secondary frontage
Side/Rear Setbacks	900mm	4m
Car Parking	1/dwelling less than 125m <sup>2</sup> Gross Floor Area and 2/dwelling greater than 125m <sup>2</sup> Gross Floor Area	1 bedroom = 1 space 2 bedroom = 1 space 3 bedroom = 2 spaces + 1 visitor space per 3 dwellings or part thereof plus one space for every 2 thereafter or part thereof



Minimum separation between habitable room windows of facing dwellings	Ground and 1st floor level – 9m Above 1st floor level 12m	Ground and 1st floor level – 9m Above 1st floor level – 12m
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## ***Open Space***

### ***Objectives***

- To ensure sufficient open space is provided for the use and enjoyment of the residents of medium density housing developments;
- To ensure that areas provided are suitably located and landscaped to obtain adequate sunlight and protection from prevailing winds and;
- To enhance the quality of the built environment.

### ***Landscaped Open Space***

For medium density housing, a portion of the site, based on the number of dwellings proposed, shall be provided as landscaped open space. A detailed landscaping plan will be required to be submitted for this area in accordance with Landscape Plan Requirements detailed below in this section.

New plantings should be selected having regard to their future maintenance requirements and likely growth. In general, any substantial tree or shrub should be a minimum horizontal distance of 2 metres from the external wall of a building or the line of any underground service pipes (details available from Council). Where common open space areas are provided, low maintenance gardens are preferable.

Areas used for driveways, car parking, drying yards and service areas shall not be included as components of the landscaped open space.

The landscaped area required shall be in accordance with Table 2 below.

**Table 2 - LANDSCAPED OPEN SPACE**

<b>Number of Dwellings</b>	<b>Area of Landscaped Open Space per Dwelling</b>	<b>Area of Private Open Space per dwelling</b>
2 ( Dual Occupancy)	75m <sup>2</sup>	25m <sup>2</sup>
3	75m <sup>2</sup>	25m <sup>2</sup>
4	75m <sup>2</sup>	25m <sup>2</sup>
5	75m <sup>2</sup>	25m <sup>2</sup>
6 or more dwellings	75m <sup>2</sup>	25m <sup>2</sup>

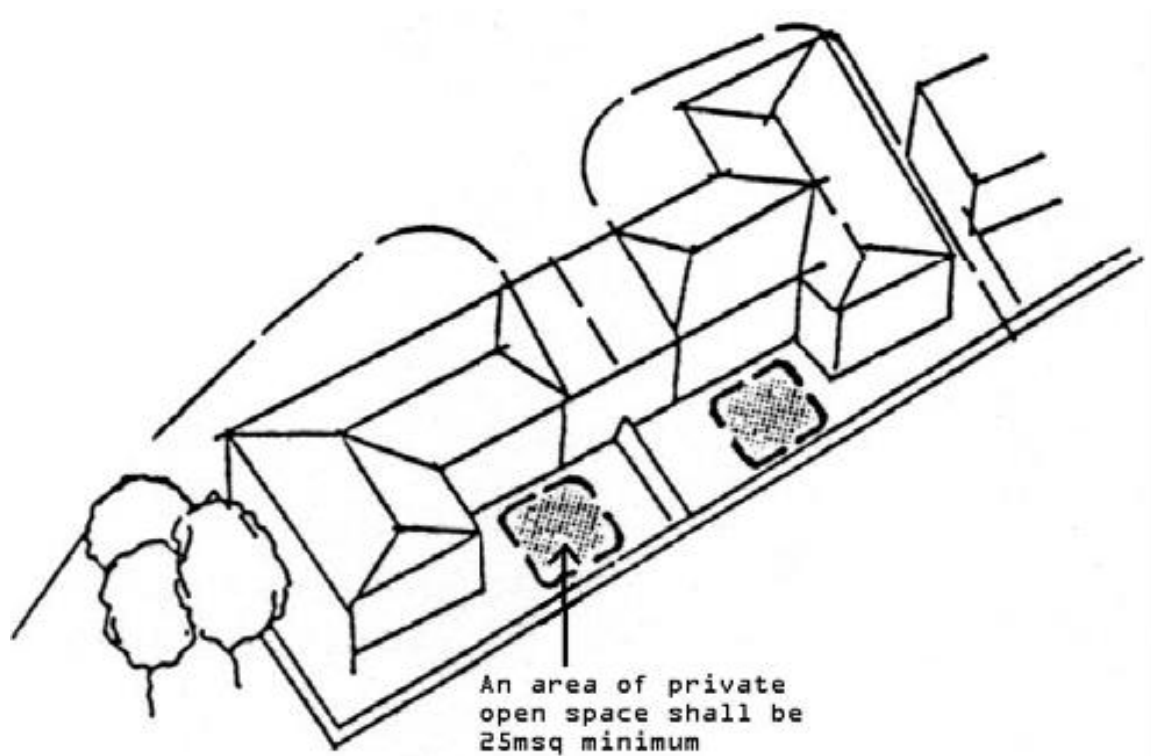
### ***Private Open Space***

The landscaped open space required in Table 2 shall include an area of private open space for each dwelling which has direct access to ground level. The

minimum area of private space per dwelling shall be 25m<sup>2</sup> and should have available north facing solar access.

Private open space at ground level shall have at least an area with a minimum dimension of 4.0 metres x 4.0 metres which is directly accessible from the living areas of the dwelling. To be included in usable open space calculations, open space at ground level must have a minimum dimension of 3m (and above ground level a minimum dimension of 2m) This requirement is shown in the Diagram 1 below:

**Diagram 1 - Private Open Space**



Should the medium density development be strata subdivided, the applicant may include the private open space as part of the unit entitlement on the strata plan of survey. Enclosing screen walls or fences should be designed to ensure privacy from areas of shared space, accessways, adjoining dwellings and public roads.

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

### ***Landscape Plan Requirements***

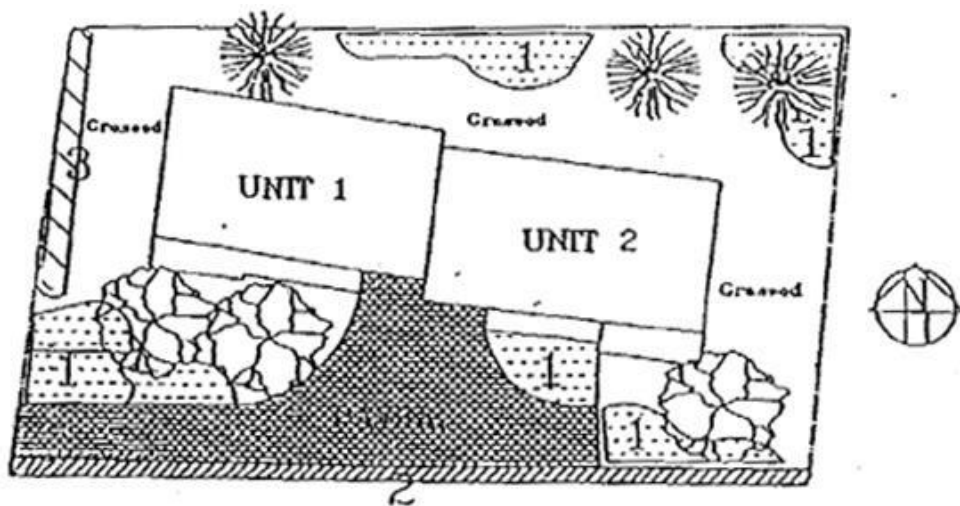
Applications for developments shall be submitted with a detailed landscape plan drawn to scale to show the following information:



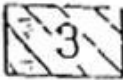


- North point;
- Scale (1:100 or 1:200);
- Existing trees;

- Species name (common or botanical) and height at maturity;
- Lawn and grassed area;
- Paved areas;
- Other landscaping works (retaining walls – rockeries, etc.);
- Location and name of service mains.

In assessing the suitability of landscape plans, Council will give thorough consideration to the following:

- Adequacy of sunlight;
- Privacy of open space and adjoining developments;
- Ease of maintenance;
- Whether tree size at maturity will be in scale with the bulk of the building and open space;
- The practicality of landscaped areas for use by the people who live in the proposed development;
- The location of trees in relation to services.



KEY	DESCRIPTION	TYPICAL SPECIES
	Low Screen Plantings Less than 2m	Select species suitable for local environment and with root systems that will not interfere with infrastructure
	Fence Line Screen Plantings 2 to 3m	
	Environmental Screen Plantings Up to 4m	
	Deciduous Trees Up to 9m	
	Evergreen Trees Up to 15m	

## ***Building Height and Scale***

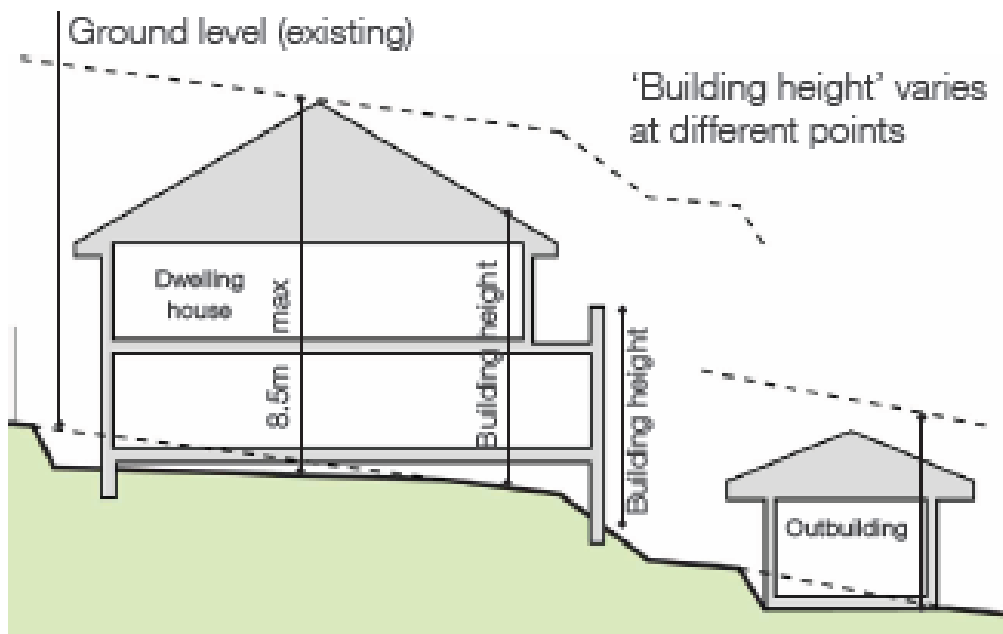
### ***Objectives***

- To minimise the impact of elevated housing developments in areas of predominantly single storey housing; and
- To ensure that the height, scale and length of new development is not excessive and relates well to the local context; and
- To encourage design which creates desirable living conditions and ensures that the amenity of surrounding properties is properly considered; and
- To ensure that adjacent properties are not overlooked or overshadowed.

### ***Maximum Height***

The maximum height of the building at any point shall be measured from the **natural ground level** to the ridge of the roof. This height should not be more than 8.5 metres to the top of the ridge as shown in Diagram 2 below:-

**Diagram 2 – Building Height**



All applications for two (2) storey development will require the lodgement of shadow diagrams, prepared in accordance with the provisions of "Solar Access."

### ***Setbacks***

### ***Objectives***

- To permit flexibility in the siting of buildings; and,
- To minimise the impact of the new development on adjoining properties.

### ***Building Line***

The minimum building line is six (6) metres for residential housing development in RU5 Village, except where adjacent residential development is predominantly sited further from the front boundary, in which case the setback for the proposed development shall be comparable to that of the existing development. Applications seeking a variation to the building line must be accompanied by a written justification.

Minor projections will be permitted within the building line however, the minimum distance from the street alignment to the extremity of the eaves, steps or other similar projections is four (4) metres.

The minimum setback for residential housing development from the secondary street frontage of a corner lot is four (4) metres.

### ***Side or Rear Setbacks***

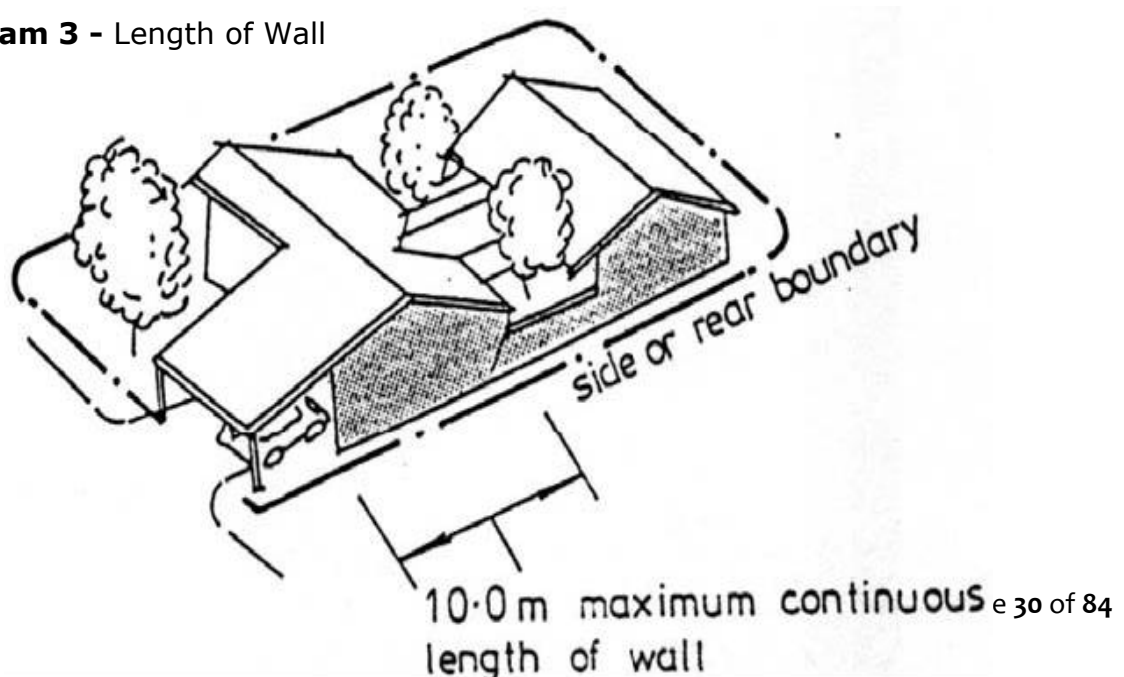
The minimum setback from the side or rear boundaries is to be 2 metres for walls of height greater than 3 metres. For walls less than 3 metres in height, side or rear setbacks shall not be less than 1 metre. As far as practicable, walls along boundary setbacks shall be broken or staggered to relieve the appearance of the building expanse.

Subject to compliance with the fire-resistance rating requirements prescribed in the current version of the Building Code of Australia and ensuring there is no unreasonably adverse impact on the privacy or solar access of adjoining properties, side or rear walls which are less than 3 metres in height may be built to within 900mm of the boundary. Buildings in excess of two (2) storeys are subject to compliance with the Building Code of Australia.

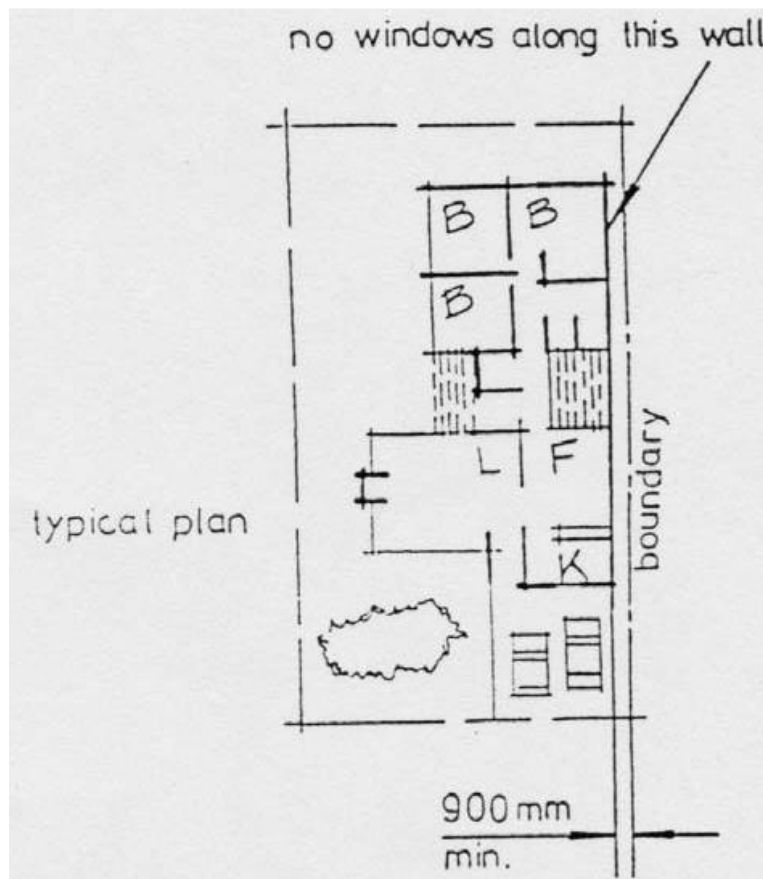
No continuous section of wall built in a side boundary shall be longer than 10 metres or exceed 50% of the length of the boundary or the length of any adjoining wall of the boundary, whichever is lesser.

Diagrams 3 and 4 (below) illustrate the above requirements.

**Diagram 3 - Length of Wall**



**Diagram 4 - Building To Within 900mm of A Side Or Rear Setback**



### **Detached Dwellings**

The minimum setback from side or rear boundaries for a dwelling house is subject to compliance with the fire-rating requirements prescribed in the Building Code of Australia.

The design of the development must take into consideration the potential impact for overlooking into adjoining properties and as such, careful consideration in relation to window sill heights and positioning of windows should be made.

### **Size of Dwellings**

#### **Objectives**

- To provide for new forms of residential development that is compatible and consistent with existing forms of development.

#### **Minimum size of dwelling**

A dwelling must have a minimum floor area of 60m<sup>2</sup> excluding carports verandas and pergolas.

## **Solar Access**

### **Objective**

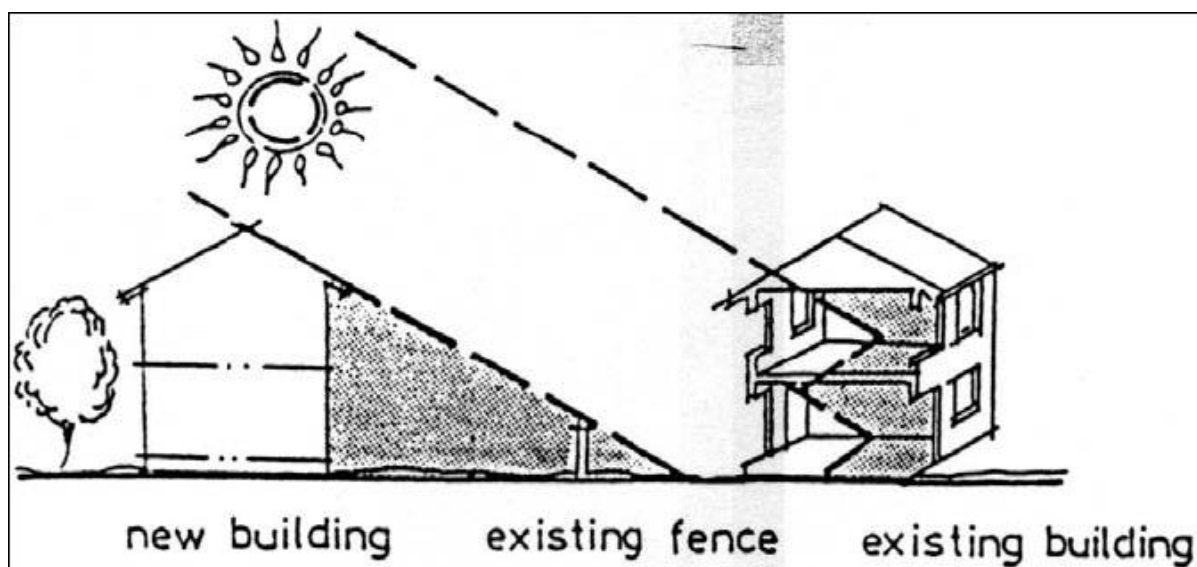
- To minimise overshadowing of adjoining properties/buildings whilst maximising solar access to the development site itself.
- To maximise solar access for occupants of residential development.

### **Sunlight Standard**

Residential development shall be designed to ensure that the habitable rooms **of adjoining residential buildings**, and the major part of their landscaped open space, have at least four (4) hours of sunlight between 9.00am and 3.00pm on 21 June (winter solstice).

Residential development shall be designed to ensure that the habitable rooms **of the proposed development** and the major part of their private open space have at least four (4) hours of sunlight between 9.00am and 3.00pm on 21 June (winter solstice).

**Note:** The required sunlight standard (as shown in Diagram 6 below) is a guideline only to assist Council in the assessment of overshadowing impact.



**Diagram 6** – Sunlight Standard

New buildings should not obscure sunlight to habitable rooms or open space adjoining buildings during winter months.

### **Shadow Diagrams**

For applications involving development of two storeys or higher, Council will require an applicant to prepare a shadow diagram showing the impact of a proposal on adjoining residential buildings and their landscaped open space. Shadow diagrams may also be required for a single storey development depending on the size, orientation, level and slope of the allotment.



To properly ascertain the impact on adjoining properties, submitted plans should clearly indicate:

- The location, size, height and window openings of buildings on those properties and
- Existing shadow-casting structures such as fences, carports, hedges, trees etc. and
- Proposed shadow cast from new development on the winter solstice demonstrating the requirements above and
- Topographical details, including sectional elevations where the land has any significant slope.

### ***Energy Efficiency and Climate Control***

Living areas and private open space in residential housing developments should be orientated to the north or northeast, to maximise solar access to these areas. Bedrooms, bathrooms, laundries and non-living areas should be located on the southern side of the building. North-facing pitched roofs should also be used where possible to offer potential for installation of solar energy collectors.

At the same time, solar access can be carefully controlled **within** buildings to allow warm winter sun to penetrate rooms while excluding hot summer sun. Appropriate methods of control include:

- Planting of deciduous trees;
- Use of horizontal projecting screens such as balconies, awnings, verandah roofs, pergolas and wide eaves; and
- Use of ceiling insulation.

Appropriate building orientation and tree planting can also be used to offer shelter from prevailing winds.

**Note: A Building Sustainability Index (BASIX) certificate will be required for all BASIX affected buildings. [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)**

### ***Building Design and Appearance***

#### ***Objective***

- To encourage well-designed development which will provide a good living place for residents and will relate sympathetically in scale and form to the surrounding area; and
- To provide for good design which provides continuity of character between the local building forms and new development by using a selection and/or combination of characteristic elements.

### ***Streetscape and Aesthetics***

Particularly in established residential areas, new developments should attempt to achieve **continuity** with the prevailing character and scale of the streetscape of which they will form a part.

The **continuity** of streetscape should be sought in terms of:

- **Building Height** – e.g. by incorporating dormer windows to reduce the impact of two storey development in predominately single storey areas.
- **Building Bulk** – new buildings should be designed to create a well-proportioned building form. Buildings, particularly when viewed from the street, should be compatible with the character and scale of any existing buildings to be retained on the site and residential development in the immediate vicinity. “Gun Barrel” type multi dwelling housing developments are generally unattractive, discouraged and alternative design layouts will be preferred.
- **Front Boundary Setbacks** –Section 3.3.5 of the Guidelines outlines these requirements.
- **Compatible External Building Materials and Colours** – the number of materials used within a group of dwellings or an individual building should be kept to a minimum. The external material of a development should be designed to blend with the local surroundings and the natural landscape. In the event of extending or renovating an existing building, the new materials should be selected to match the texture and colour of the materials used in the existing development.
- **Roof Pitches** – flat roofs over the whole building must be avoided, minimum roof pitch of 20° is required.
- **Landscape Treatment** – Section 3.3.3 of these Guidelines outlines the requirements.
- **Elevational Appearance** – e.g. the avoidance of windowless blank wall facades to street frontage elevations and the recessing or concealing of all vertical plumbing, unless otherwise approved by Council. Laundries, bathrooms and utility rooms/windows are not to face the street. Parking and garages are not to dominate the street frontage of the development.
- **Window and other Architectural Detailing** – e.g. front fences, verandahs, etc. Council will have particular regard to these principles where a proposal involves the redevelopment of, or extensions to heritage buildings, or the development is proposed in the vicinity of any heritage building listed under Tenterfield Local Environmental Plan 2013.
- **Adaptable Housing Provisions** – Every fourth (4) unit is to be designed in accordance with AS 4299 Adaptable Housing in accordance with the provisions contained in Section 3.8.

## **Privacy**

### **Objective**

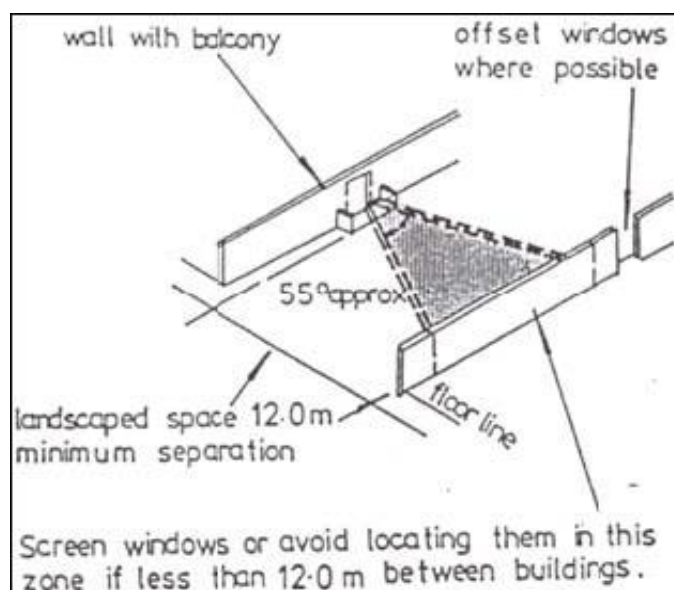
To ensure that reasonable privacy both internal and in respect of existing adjoining residences and private open space, is achieved.

## **Visual Privacy**

Care should be taken to establish a reasonable measure of visual privacy between neighbouring buildings and new dwellings. The location of major windows to habitable rooms is of critical importance.

Visual privacy can be obtained by avoiding or restricting in size, large windows which face directly onto the windows, balconies or courtyards of adjoining dwellings. Screening by way of wall structures, fencing or landscaping set an adequate distance from windows should be used to achieve internal privacy. Outdoor space for each dwelling should also enjoy a high degree of privacy.

**Diagram 7 – Offsetting Windows**



## **Acoustic Privacy**

### **Objective**

- Noise levels within dwellings and in communal and private outdoor areas should be contained as far as possible so as to minimise unreasonable transmission to adjoining dwellings.

### **Noise Attenuation**

Measures to safeguard visual privacy will tend to contribute to the control of noise and other disturbances e.g. headlight glare from cars. Solid walls, of a sufficient height, provide the most effective barrier, although evergreen screen planting also have a beneficial effect, psychologically reducing the intrusiveness of noise. This technique may be inappropriate for development of two storeys or higher. For these developments, careful design is required e.g. positioning of rooms which are relatively insensitive to noise (e.g. laundries, kitchens, bathrooms etc.) adjacent to similar areas in adjacent buildings. Also, windows to noise-sensitive rooms should not be placed directly opposite to each other.

Other measures to reduce the impact of noise include:

- The location of active recreation facilities, such as swimming pools, away from the bedroom areas of adjoining dwellings;
- Providing access to flats on all floors above the ground by internal stairways and/or passageways (subject to the requirements of the relevant fire safety regulations);
- The design of "single aspect" developments so that noise sensitive rooms (e.g. living rooms and bedrooms) face away from the noise source (e.g. a busy road).

## ***Views***

### ***Objective***

- To minimise, wherever possible, the obstruction of views from adjoining buildings

### ***View Protection***

In an urban environment it is not always possible to protect all views for all people. Nevertheless, an initial site analysis should attempt to identify significant views both from a proposed development site and from neighbouring properties. Developments should be designed to maintain, as far as practicable, the views of existing residents, while taking advantage of views for residents of the new dwellings.

Proposals involving developments of two storeys or higher should be accompanied by a survey showing the position of the buildings on site, the location of adjoining building(s) and a supporting statement assessing the degree of view loss, if any, resulting from the proposal.

## ***Facilities/Amenities***

### ***Objective***

- To ensure that essential amenities and facilities are incorporated within residential housing developments.

### ***Garbage Storage and Removal***

For multi dwelling housing development, wheelie bins are to be stored in an area provided at the rear of each unit if easy access may be gained to the footpath collection point. An area shall be provided within the private open space within each unit. This is to be identified on site plan/s.

Where it is proposed to construct units in a cul-de-sac, or on a battle-axe block, careful consideration to on-site garbage storage is strongly recommended in the early planning stage.

The garbage storage area should be shown on the landscape plan submitted with the development application.

### ***Letterboxes***

Letterboxes shall be provided within the front property boundary of the site in accordance with Australia Post's requirements. Should a multi dwelling housing development be strata subdivided, the developer will be required to include an additional letter box for the Body Corporate in accordance with Strata Titles Act requirements.

### ***Clothes Drying***

Adequate clothes drying facilities are to be provided free of access ways. Clothes lines and hoists shall be located at the rear of multi dwelling housing developments and adequately screened from adjoining roads.

**Note:** These clothes drying areas are in addition to any mechanical clothes drying units that may be installed in the building.

### ***Fencing and Walls***

Fences and walls proposed as part of a development provide privacy, security and noise attenuation, without having a detrimental impact upon the streetscape and adjacent buildings.

Front fences and walls must comply with the following:

- Enable some outlook from buildings to the street for safety and surveillance;
- Be designed and detailed to provide visual interest to the streetscape;
- Be constructed of materials compatible with the proposed housing, and with other attractive visible examples of fences and walls in the existing streetscape;
- Be compatible with facilities in the street frontage area, such as mail boxes and garbage collection areas;
- Be compatible in streetscapes of significance and is appropriate to the heritage or environmental context of the site;
- Front fences and walls should be designed to use similar or compatible materials to that used in attractive buildings in the locality.

### ***Sewer, Water, Stormwater, Electricity and Telephone Services***

All developments are to be connected to existing public utility installations. However, Council may require upgrading of the existing services. All services shall be provided underground (unless otherwise approved by Council).

For unit developments of three (3) or more dwellings, a preliminary stormwater design plan is to be submitted with the Development Application, complying with Aus-Spec design specification D05 – Stormwater Drainage Design. On-site stormwater detention will be required on sites where under capacity drainage systems exist. Inter-allotment drainage shall be provided where water cannot drain directly to the street frontage or a natural watercourse.

Generally buildings will not be permitted over sewer easements, within the zone of influence of a sewer main, or within the “zone of influence” of the foundations. Separate sewer junctions and water meters will be required for each separate residence.

### ***Restrictions to Land Title***

Restrictions may apply to the title of land which could affect a proposed development. Examples include maintenance of overland flow paths; tree planting; and/or building envelopes. It is the responsibility of the applicant/developer to investigate and where relevant, identify any such user restrictions prior to the preparation of plans for lodgement with a development application.

### ***Vehicular Crossover and Driveway Width***

Footway crossings shall generally be constructed from concrete. Applicants are to lodge a Road Opening Application Form with Council (Section 138 Permit), and receive a Road Opening Permit, prior to performing any work within a public road reservation. Any conditions of the Road Opening Permit are to be complied with in association with the work.

Generally, the internal driveways and crossovers associated with multi dwelling housing development shall have a minimum clear trafficable width of 5.5 metres. However, a minimum of 4.5 metres may be acceptable where justified in an assessment of site access requirements and traffic usage.

All existing vehicular crossings not utilised by the development will be required to be removed, and the area restored to match the adjoining section of kerb and footpath, prior to occupation or use of the development.

### ***Design Requirements***

The following requirements must be taken into consideration at the design stage of a medium density development:

- Driveways, manoeuvring areas and parking areas are generally to be designed in accordance with the provisions of AS2890.1 Parking Facilities: Off-Street Parking;
- Long straight driveways are to be avoided;
- All vehicles must enter and leave the site in a forward direction;
- The location of visitor parking facilities should be evident from the street so that their use is encouraged;
- The location of resident and visitor parking shall be behind the building line;
- One car parking space per unit is to be enclosed and form part of the unit entitlement should the development be strata subdivided and,
- All driveways, parking areas and vehicular turning areas are to be constructed with a base course of adequate depth to suit design traffic, and are to be sealed from kerbline with either bitumen, asphaltic concrete or interlocking pavers. Full details should be indicated on the plans submitted with the Development Application. The use of decorative paving e.g.

interlocking pavers, grasscrete etc for access and visitor parking is strongly encouraged.

- Each resident car parking space is to have minimum dimensions of 6m x 3m. Other parking spaces are to have minimum dimensions of 5.5m x 2.6m. Car parking spaces are to be adequately delineated and maintained at all times.

### ***Concessions for Dual Occupancy***

Vehicles exiting dual occupancy developments may be permitted to leave the site in a reverse direction if it can be demonstrated that it will not adversely affect traffic on the adjoining street. The width of internal driveways and crossovers for dual occupancy development may be reduced depending on the site constraints. Stack parking is permitted for dual occupancy developments.

### ***Developer Contributions***

As a consequence of the carrying out of multi dwelling housing development in accordance with the provisions of these Guidelines, it is likely that an increase in the demand for public amenities and services (such as community facilities, local open spaces, etc) will occur. In this regard, a contribution under Section 94 of the Environmental Planning and Assessment Act 1979, may be required as a condition of the development consent in accordance with Tenterfield Shire Council Section 94 or 94A Contributions Plan 2013.

Council requires developers to contribute towards the augmentation of water, sewerage and drainage works to meet the additional demands of the new development. In this regard, approval must be sought from Council under the Local Government Act 1993 to determine the required contributions. Any development consent issued by Council will stipulate the requirements to be met in terms of sewer and water connections.

### ***Constraints when Developing "Older Lots" or Converting Existing Buildings***

Opportunity for medium density housing may be restricted in areas fronting narrow laneways, on roads where the pavement width is inadequate for the increase in generated traffic or in areas that are not served by underground stormwater drainage. While Council is prepared to consider a range of innovative design solutions to overcome these deficiencies, it must be recognised that **some sites are not suitable for "multiple dwellings"**.

Developers must also be aware that the development costs associated with these 'older' lots may be higher than in other areas where adequate services are able to be easily provided or are in existence.

Where an existing building is proposed to be converted for 'dual occupancy' or 'multi dwelling housing', it will be required to comply with the provisions of these guidelines, with the exception of setback requirements in relation to the existing structure (for example, conversion of the bottom section of an existing dwelling).

Council will require the exterior of the existing building, landscaping and fencing to be upgraded as part of the application.

### ***Contaminated Land***

State Environmental Planning Policy (SEPP) 55 Remediation of Land applies to all land within the State of New South Wales. Applications must identify the past uses of the site and the potential for any contamination to exist on the site. Sites which are suspected of being contaminated will be required to follow the provisions set down in SEPP 55 Remediation of Land.

### ***Flood Liable Land***

Some land within the Local Government Area is subject to flooding and may affect the future development of land with regard to floor levels; landfilling; excavation; flood compatible building materials and the like.

Where a development falls outside the extents of an approved Council flood study and plan, developers may be required to undertake flood studies and/or engage surveyors to demonstrate that all development will be above designated flood levels. In some circumstances, developers may be required to submit evidence of historical flood levels from long time residents in the area.

Information in relation to Council's requirements for building on flood prone land may be discussed with staff of Council's Engineering Services Department. The State Floodplain Development Manual contains useful information for anyone considering building on flood liable land.

## ***Adaptable Housing Provisions***

### ***Objective***

- To provide guidelines for access both to, and within buildings and public spaces for people who have a disability.
- To assist in better design of building and spaces so as to meet the access needs of all members of the community.
- Increase community awareness of mobility issues affecting certain sections of the community.
- To ensure that new development is accessible by all people.
- To ensure compliance with the relevant Australian Standards for Access and Mobility.
- To provide intending developers with clear guidance as to the legal requirements and Council policy for access and mobility.

### ***Requirements***

Multi dwelling housing incorporating four (4) or more units must have every fourth (4<sup>th</sup>) unit, or additional fourth unit, constructed in accordance with Australian Standard 4299-1995 Adaptable Housing.



## ***Design Requirements***

This section sets out the minimum requirements for the design of buildings and facilities for access for people with disabilities.

### **Design Element 1 – Parking, Access Routes and Entrances**

- The minimum design requirements for adaptable housing are contained within Australian Standard 4299 Adaptable Housing. The requirements contained within the AS indicate a means of meeting Council's Objectives and Performance Criteria as listed below.

#### ***Performance Criteria***

- **Private Car Parking (off street)**  
Safe and accessible car parking spaces should be provided adjacent to continuous and accessible paths of travel to the dwelling
- **Signage and Lighting**  
To minimise personal risk and improve safety; car parks, set-down points, access routes and entrances are to be well lit, of sufficient contrast and well sign posted to assist people with a disability to accessible locations and through entry points
- **Kerb ramps, ramps and walkways**  
To allow free and unobstructed access to buildings from off-street car parking and set-down points: ramps and walkways should be provided
- **Primary Points of Entry**  
Entrance doors or primary points of entry to buildings must allow for the unimpeded passage of people with disabilities.

### **Design Element 2 – Internal Circulation and Facilities**

- The minimum design requirements for adaptable housing are contained within Australian Standard 4299 Adaptable Housing. The requirements contained within the AS indicate a means of meeting Council's Objectives and Performance Criteria as listed below.

#### ***Paths of Travel and Circulation***

- Safe and continuous paths of travel are available to all applicable elements within the building.
- Where appropriate, step-ramps, ramps walkways and stairs must allow for the needs of people with disabilities when accessing different parts of the building.
- Doors, doorways and corridors must be of sufficient dimension (including clear openings and circulation spaces) to allow safe and unobstructed passage for people with a disability.

***Signage and Lighting***

Suitably illuminated pathways within the development.

***Building Controls***

Where appropriate, building controls must be located in accessible positions and of suitable design to allow operation by people with disabilities (e.g. Controls include; security and air conditions panels, light switches, power points).

***Sanitary Facilities***

Where appropriate, sanitary facilities and similar amenities must be accessible and functional for people with a disability.

***Kitchen and kitchenettes***

Kitchen elements are located so that they are accessible and can be operated safely, thus minimising the risk of scalding, burning or other injury.

**Note:** There is no typical kitchen layout for people with a disability. Before designing the layout of a kitchen that may be utilised by a person with a disability, the advice of an Occupational Therapist should be sought in determining the most appropriate design for accessibility and functionality.

## ***Rural Dwellings & Other Rural Development***

This section refers to dwellings, dual occupancy development, rural worker's dwellings, additions, tourist development and other forms development permitted in all of the Rural Zones contained within Tenterfield Local Environmental Plan 2013.

### ***Objectives***

- To provide design standards and guidelines for the appropriate siting of rural dwellings within the Tenterfield Local Government Area.
- To protect the amenity of the locality in which the development is situated
- To ensure that development preserves and complements any natural and/or cultural heritage characteristics of the area.
- To achieve well designed and sited dwellings and outbuildings that complement the landscape, and, in the opinion of Council, do not cause adverse visual impacts.
- To ensure that development does not adversely impact upon the existing and future agricultural potential of the land and adjoining land.
- To ensure that development is located and designed having regard to bushfire, land instability and flooding risks/hazards.
- To ensure that satisfactory and environmentally vehicular access is provided without scarring the landscape.
- To protect existing vegetation and corridors, minimising possible impacts on threatened species, communities, populations or their habitat.
- Minimise pollution of rivers, streams and sub-surface waters.

### ***Requirements***

#### ***General Design Requirements***

- Consideration should be given to the location of rural development with respect to the existing rural environment and its associated aesthetic values.
- When building on lots which have frontages to unsealed roads, consideration should be given to siting any buildings with regard to the potential impact that may be caused from dust arising from the road.

## ***Vehicular Access Requirements***

Where access from a public road to a private property is required;

- All development is required to have coincident legal and physical access from a public road to the development site. In this regard, Council may require evidence from a registered surveyor that this is the case.
- Where a part of any access is via an unformed Crown road, the road may first require dedication as a Council public road, and then construction to an appropriate standard once Council approval has been gained for the work.

Road and drainage designs may need to be submitted to Council at the applicants expense prior to approval of any roadworks within a Council public road reserve.

- In areas identified as Bushfire Prone, access to the development must meet the current requirements of the Rural Fire Service (Planning for Bushfire Protection 2006).
- The developer will be responsible for construction or upgrading of any vehicle access in accordance with Council standards.

## ***Environmental Considerations – Requirements***

- Development shall not be carried out on slopes greater than 20%. If development on slopes greater than 20% is unavoidable, the development shall relate to the slope of the land and measures shall be implemented to minimise erosion and visual impact.
- Clearing of vegetation – applications are to identify the area and number of trees to be cleared as part of the application. Clearing which does not form part of a Development Application to Council must be approved by the relevant Local Land Services Department through a Property Vegetation Plan.
- Consideration shall be given to possible impacts on flora and fauna as part of the Development Application. Applicants may be required to address the requirements of the Threatened Species Conservation Act 1995 where a development may impact on any listed species.
- Riparian areas shall be protected with all associated development works being carried out at least forty (40) metres from watercourses unless it can be proven that works will not have an adverse impact.

- Any new development should be located at a minimum distance of 40m from any watercourse, with associated on site effluent disposal 100m from the watercourse. Development located closer than these distances will be assessed on their merits and may require separate approval under the provisions of the Water Management Act 2000.

### ***Bushfire Protection***

All applications for Development in Bushfire Prone areas (as identified on Council's GIS mapped Bushfire Prone Land) are to be accompanied by a bushfire risk assessment in compliance with the relevant requirements of the NSW Rural Fire Service. Reference is to be made to the requirements of "Planning for Bushfire Protection 2006" produced by the NSW Rural Fire Service [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

Applicants are encouraged to consult with Rural Fire Service representatives for advice in the early stages of preparing their proposal.

### ***Flooding***

In low-lying areas a flood study may be required to be submitted with a development application to determine appropriate floor levels for habitable structures. Waterway crossings on any access roadways should be designed to permit two-wheel drive access from a public road to the residence during a critical one (1) in 100 year storm event.

### ***Amenity of the Area***

- Outdoor lighting shall be kept to a minimum and shall be designed to reduce glare and light spillage, particularly on to public roads or areas.
- Where a proposed development for a dwelling or tourist accommodation will adjoin an agricultural enterprise on an adjoining property, a minimum 100m separation shall be provided. Where the 100m buffer cannot be achieved, Council will consider the use of vegetative buffers on the proposed development site.
- Any new residence should be located a minimum distance of 2km from any active or proposed wind turbine, unless suitable measures are taken in the design and construction of the dwelling to ameliorate any noise or other impacts.

### ***Effluent Disposal***

- The method of effluent disposal, where the sewer is not available, shall be determined having regard to criteria such as size of the allotment, volume of waste produced, number of occupants, slope, soil classification and proximity to watercourses. Council requires the submission of an on-site effluent report prepared by a suitably qualified person, which identifies the most appropriate system for the site and proposed development.

### ***Electricity and Telecommunications Infrastructure***

- Any structures associated with the provision of electricity and telecommunications to the development shall be sited to have minimal environmental impact including vegetation removal and visual impact.

- Applications are required to demonstrate the method of power supply.
- Council supports the use of solar energy supplies.
- Where generators are proposed, controls shall be placed on the hours of operation and levels of noise emission having regard to the proximity of neighbouring development and the environment.

**Water**

- Rural buildings without a reticulated water supply shall have water storage facilities containing a minimum of 22000 litres of potable water for domestic purposes.

## **CHAPTER 4 - SUBDIVISION**

### ***About this Chapter***

This chapter provides information about the matters that Council is required to consider for this type of development under the provisions of the EP&A Act and the TLEP 2013. The TLEP2013 provides the principle development standards relating to subdivision, while this Chapter provides additional information about specific controls that Council has implemented to ensure that the likely environmental impacts of subdivision are managed appropriately.

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

### ***Where this Chapter applies***

This Chapter applies to all land within the Tenterfield LGA.

### ***General Advice to Applicants for Subdivision***

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

- Request a Section 149(2) Planning Certificate from Council to provide information about any restrictions on the land (such as bush fire hazard or flooding).
- Identify the land use zone in which it is planned to undertake the subdivision (this information is provided in the Planning Certificate), and then read the relevant section in this Chapter.
- Draw a rough sketch map of the proposed subdivision indicating approximate lot sizes and the location of any new roads.
- Make an appointment for a meeting with Council's Strategic Planning and Environmental Services staff to discuss the proposed subdivision and to determine the particular requirements that will need to be addressed prior to lodgement of the Development Application;
- Prepare a conceptual Plan of Subdivision drawn to an appropriate scale. It is recommended that the Plan of Subdivision be drawn by a surveyor (as this will be required anyway before issue of a subdivision certificate prior to finalisation of the subdivision), however a less formal drawing is acceptable for Development Application purposes provided it includes the following information:
  - Description of the land;
  - Property boundaries of the development site and of the lots immediately adjacent;
  - Direction and degree of slope;

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

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



## ***Subdivision in Village Areas***

### ***Where this Section Applies***

The Section applies to the following land use zones:

- RU5 Village

### ***Aims and Objectives***

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

### ***Performance Outcomes***

- Minimum subdivision size is implemented as per the TLEP 2013; and
- Subdivision design and construction meets Council's relevant engineering guideline.

### ***Acceptable Solutions***

In addition to minimum lot size requirements,

- Lots shall have a **minimum frontage** of the average of lots in the immediate locality;
- **Lots fronting cul-de-sacs** shall have a minimum frontage of 16 metres at the line of the approved street setback;
- **Corner lots** shall have a minimum frontage of the average of lots in the immediate locality. The lot size shall be met after allowing for area lost at corners which are to be splayed to a minimum of 3 metres and dedicated as public road;
- The developer will be required to provide a report from a suitably qualified person that can demonstrate that there is adequate area contained on site for an on-site sewerage system.

- If the land is **bushfire prone**, then the provisions of the NSW Rural Fire Service's publication *Planning for Bushfire Protection 2006* will need to be considered and implemented as appropriate.
- Where no other alternative is possible, (e.g. access or laneway), Council may consider **battle axe shaped allotments**. The specifications for these allotments shall be:
  - The access handle is to be excluded from calculation of area of the lot for the purposes of minimum lot size calculations;
  - Minimum width of access handle - 3.65 metres;
  - The access handle shall have a setback of at least that specified for a side setback in the section Setbacks and Building Envelopes in the Residential Development chapter;
  - A maximum of one battle axe lot per existing lot to have access over the handle;
  - The prime objective in designing the access way is to provide for vehicles to be able to move in a forward direction when entering or leaving the site, However, this does not generally apply to the road frontage lot, unless there is a special problem concerning available sight distance,
  - Turning facilities are to be provided within the terms of the access/right-of carriageway or within each lot, as determined by the Council. This is to be provided for in a Section 88B Instrument as required.
- **New roads** created by the subdivision or the need for the existing roads to be upgrade by the subdivision shall be constructed in accordance with Councils Development Design and Construction Manual (Aus-Spec 1). All costs associated with the development are to be met by the developer.
- The following **services** shall be provided to each lot at the subdivider's cost:
  - reticulated water (if a Town Water Supply system is provided by Council);
  - electricity;
  - telephone service;
  - the necessary underground conduits for the passage of future service lines;
  - any easements required to facilitate the provision of services and/or inter-allotment drainage.

**Council will carry out all works associated with connection to the existing reticulated water and sewerage network with full costs to be met by the developer**

### ***Alternative Solutions***

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

### ***Subdivision in Rural Residential Areas***

Land that has been identified on the Rural Residential Subdivision Maps under TLEP 2013 for rural residential purposes has been assessed as being generally suitable for such purposes. However, there are still a number of factors which must be considered before subdivision and further development of the land can proceed. This section addresses these factors.

### ***Where this Section Applies***

The Section applies to the following land:

- Land as identified on the Rural Residential Subdivision Map Sheets under TLEP 2013, applicable to the land surrounding:
  - Tenterfield, Legume, Liston, Urbenville, Drake, Torrington & Stannum, Jennings.

### ***Aims and Objectives***

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

### ***Performance Outcomes***

- Minimum subdivision size of 1ha; and
- Subdivision design and construction meets Council's Road Network Management Plan

### ***Acceptable Solutions***

In addition to meeting the lot size requirements of the TLEP 2013, any new lots created in a subdivision must provide at least one building envelope with the following attributes:

- If the land is **bushfire prone**, then the provisions of the NSW Rural Fire Service's publication *Planning for Bushfire Protection 2006* will need to be considered and implemented as appropriate, there must be an existing cleared area or one which can be cleared (subject to restrictions in the *Native Vegetation Act 2003* and the *Threatened Species Conservation Act 1995* );
- All weather access to be constructed at the cost of the developer;
- Should have suitable locations for the disposal of on-site sewage.
- **New roads** created by the subdivision or the need for the existing roads to be upgrade by the subdivision shall be constructed in accordance with Council's Road Network Management Plan. All costs associated with the development are to be met by the developer.

- Property accesses must **not** be constructed at points which present traffic difficulties in terms of sight distance, or construction difficulties in terms of stable earthwork slopes in cut or fill batters. They must be constructed in accordance with Council's technical specifications and may require concurrence of the RMS in some circumstances;
- Any clearing of vegetation for fence lines, building site, access tracks and asset protection zones shall be undertaken to comply with the provisions of the *Native Vegetation Act 1997*.
- If the lot to be subdivided has an area greater than 1 hectare, or, together with any adjoining land in the same ownership, an area of more than 1 hectare, then the provisions of State and Environmental Planning Policy 44 Koala Habitat Protection apply.

**Note:** Information can be obtained from [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

### ***Environmental Considerations – Requirements***

- Development shall not be carried out on slopes greater than 20%. If development on slopes greater than 20% is unavoidable, the development shall relate to the slope of the land and measures shall be implemented to minimise erosion and visual impact;
- Clearing of vegetation – applications are to identify the area and number of trees to be cleared as part of the application. Clearing which does not form part of a Development Application to Council must be approved by the relevant Local Land Services Department;
- Consideration shall be given to possible impacts on flora and fauna as part of the Development Application. Applicants will be required to address the requirements of the Threatened Species Conservation Act 1995 where a development may impact on any listed species;
- Riparian areas shall be protected with all associated development works being carried out at least forty (40) metres from watercourses unless it can be proven that works will not have an adverse impact.

### ***Alternative Solutions***

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

### ***Subdivision in Rural Areas***

Subdivision in rural areas will result in the creation of relatively large lots with the minimum lot size constrained by the Lot Size Map which forms part of TLEP 2013. As such, it is expected that suitable sites for dwellings would be able to be readily found, and undesirable impacts from land use intensification would be kept to a minimum.

### ***Where this Section Applies***

The Section applies to the following land use zones:

- RU1 Primary Production

### ***Aims and Objectives***

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

### ***Performance Outcomes***

Subdivision design and construction meets Council's Road Network Management Plan requirements.

### ***Acceptable Solutions***

- In addition to meeting the lot size requirements of the TLEP 2013, any new lots created in a subdivision must provide at least one building envelope with the following attributes:
  - If the land is **bushfire prone**, then the provisions of the NSW Rural Fire Service's publication *Planning for Bushfire Protection 2006* will need to be considered and implemented as appropriate, there must be an existing cleared area or one which can be cleared (subject to restrictions in the *Native Vegetation Act 2003* and the *Threatened Species Conservation Act 1995* );
  - All weather access to be constructed at the cost of the developer;
  - Not within a known or potential flood planning area;
  - Not contaminated land;
  - Should have suitable locations for the disposal of on-site sewage.
- **New roads** created by the subdivision or the need for the existing roads to be upgrade by the subdivision shall be constructed in accordance with Council's Road Network Management Plan. All costs associated with the development are to be met by the developer;
- Property accesses must **not** be constructed at points which present traffic difficulties in terms of sight distance, or construction difficulties in terms of

stable earthwork slopes in cut or fill batters. They must be constructed in accordance with Council's technical specifications and may require concurrence of the RMS in some circumstances.

- Any clearing of vegetation for fence lines, building site, access tracks and asset protection zones shall be undertaken to comply with the provisions of the *Native Vegetation Act 1997*.
- If the lot to be subdivided has an area greater than 1 hectare, or, together with any adjoining land in the same ownership, an area of more than 1 hectare, then the provisions of State and Environmental Planning Policy 44 Koala Habitat Protection may apply

**Note:** Information can be obtained from [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

### ***Environmental Considerations – Requirements***

Development shall not be carried out on slopes greater than 20%. If development on slopes greater than 20% is unavoidable, the development shall relate to the slope of the land and measures shall be implemented to minimise erosion and visual impact.

- Clearing of vegetation – applications are to identify the area and number of trees to be cleared as part of the application. Clearing which does not form part of a Development Application to Council must be approved by the relevant Catchment Management Authority;
- Consideration shall be given to possible impacts on flora and fauna as part of the Development Application. Applicants will be required to address the requirements of the Threatened Species Conservation Act 1995 where a development may impact on any listed species;
- Riparian areas shall be protected with all associated development works being carried out at least forty (40) metres from watercourses unless it can be proven that works will not have an adverse impact.

### ***Alternative Solutions***

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

## ***Subdivision in Commercial and Industrial Areas***

### ***Where this Section Applies***

The Section applies to the following land use zones

- RU5 Village – land lying within the central business district of Tenterfield and the Industrial estates as identified in Council's Section 94 Plan, as Catchment 1 below (Plate 1);

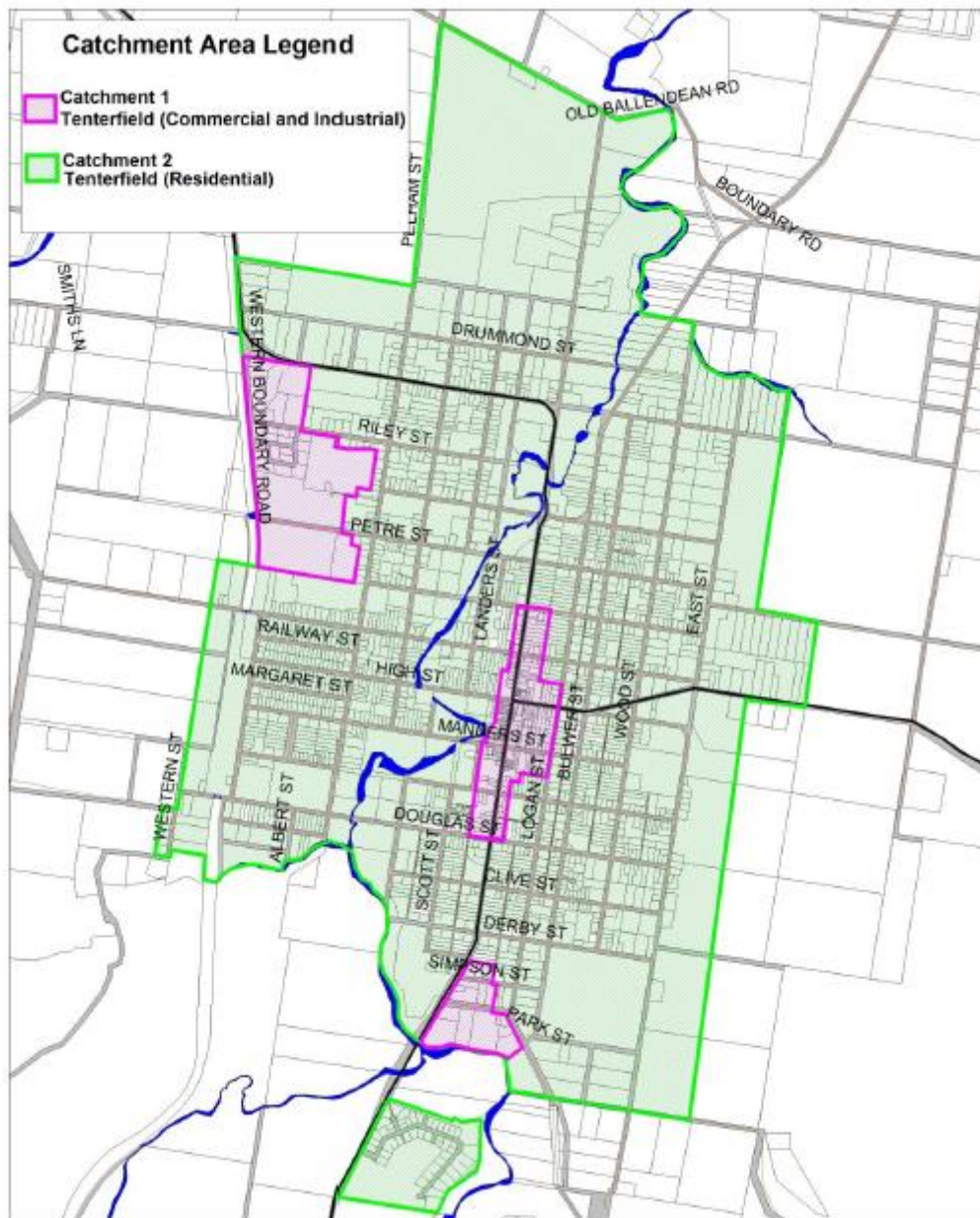


Plate 1 – Section 94 Catchment Plan

### ***Aims and Objectives***

- To provide safe, convenient and attractive employment land neighbourhoods that meet the diverse and changing needs of the community by
  - Offering a wide choice in land for commercial and industrial purposes;

- Facilitating development that is consistent with the objectives for the Commercial and Industrial precincts;
- To ensure that the intensification of land use does not result in undesirable environmental consequences; and
- To implement the 'user pays' principle for the provision of services to the subdivision.

### ***Performance Outcomes***

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

### ***Acceptable Solutions***

- **Minimum dimensions** for the size and shape of proposed allotments do not apply. However, a development application for subdivision must be able to demonstrate that the size and shape of the allotments are appropriate for their proposed use and are able to accommodate business premises, car parking, landscaping and other requirements of the proposed development;
- **New roads** created by the subdivision or the need for the existing roads to be upgrade by the subdivision shall be constructed in accordance with Council's Road Network Management Plan. All costs associated with the development are to be met by the developer;
- A **single shared access** for newly created lots fronting the New England or Bruxner Highway should be considered to limit the number of access points onto the highway. The need for a shared access will depend on factors such as the length of the frontages of the proposed lots and the location of the subdivision development. Access to the New England Highway and some parts of the Bruxner Highway will require the concurrence of the RMS.
- The following **services** shall be provided to each lot at the subdivider's cost
  - reticulated water
  - a sewerage connection
  - electricity
  - telephone service
  - the necessary underground conduits for the passage of future service lines.
  - any easements required to facilitate the provision of services and/or inter-allotment drainage.

**Council will carry out all works associated with connection to the existing reticulated water and sewerage network with full costs to be met by the developer.**

- Proof of satisfactory arrangements concerning the provision of electricity and telephone service shall be provided prior to issue of the subdivision certificate;



- In general, for any new lot created by a subdivision, the applicant is to meet 100 percent of the **costs of constructing kerbing and guttering** and all necessary associated stormwater drainage infrastructure.

### ***Environmental Considerations***

Development shall not be carried out on slopes greater than 20%. If development on slopes greater than 20% is unavoidable, the development shall relate to the slope of the land and measures shall be implemented to minimise erosion and visual impact.

- Clearing of vegetation – applications are to identify the area and number of trees to be cleared as part of the application. Clearing which does not form part of a Development Application to Council must be approved by the relevant Catchment Management Authority;
- Consideration shall be given to possible impacts on flora and fauna as part of the Development Application. Applicants will be required to address the requirements of the Threatened Species Conservation Act 1995 where a development may impact on any listed species;
- Riparian areas shall be protected with all associated development works being carried out at least forty (40) metres from watercourses unless it can be proven that works will not have an adverse impact.

### ***Alternative Solutions***

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

## **CHAPTER 5 - DEVELOPMENT IN COMMERCIAL AND INDUSTRIAL AREAS**

### ***About this Chapter***

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

### ***Where this Chapter applies***

This chapter applies to land RU5 Village – land lying within the central business district of Tenterfield and the Industrial estates as identified in Council's Section 94 Plan, as Catchment 1 (refer Plate 1 above). The Chapter also applies to Drake, Urbenville, Liston, Legume, Jennings, Torrington, Stannum where commercial or industrial development is permitted.

### ***General Advice to Applicants***

Different land uses are permissible and applicants are urged to check with Council's planning staff about the permissibility or otherwise of a proposed development early in the project planning stages. Proposed development for commercial or industrial purposes must take into consideration the nature of the proposed development and the likely impact it will have on adjoining and adjacent properties, particularly residential. Any new use must demonstrate that it is compatible with the existing aesthetics and operational environment within which it is proposed.

### ***Aims and Objectives***

This chapter is intended to achieve the following:

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

- To ensure that the provision of public services and amenities for commercial and industrial development does not place an economic burden on the community.

### ***Performance Outcomes***

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

### ***Acceptable Solutions***

#### ***Change of Use***

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

- Development consent is not required for a change of use of premises that is exempt development under the Codes SEPP (State Environmental Planning Policy (Exempt and Complying Development Codes) 2008). Although consent is not required for exempt development, it is still recommended that Council is given written notification of the change of use.
- Change of use may also be permissible as complying development under the Codes SEPP. In this case, an application for a Complying Development Certificate will need to be lodged with Council;
- For a change of use of a premises that does not fall into either of the above categories, a Development Application will need to be lodged with Council.

#### ***Access for Persons with Disabilities***

- Adequate provision is to be made to enable persons with disabilities to gain access to the development and to the land on which the development is proposed to be carried out;
- The development is to comply with the relevant Australian Standard for access for disabled persons applying at the time the development application is lodged.

#### ***Height***

- The maximum height of the building at any point shall be measured from the **natural ground level** to the ridge of the roof. This height should not be more than 12 metres to the top of the ridge.

#### ***Access and car parking***

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

#### ***On-site facilities***

- On-site facilities for garbage bin and recycling storage and service meters are to be designed to be physically convenient, visually attractive and require minimal maintenance;

- Garbage and recycling bin storage is not to be located at the street frontage;
- Where collection is not on the street frontage, adequate loading and turning areas for service vehicles is to be provided within the development; and
- Adequate provision is to be made for the storage and handling of solid wastes generated by the development. The storage area is to be enclosed and the material stored is to be screened from public view;
- Provision is to be made for the installation and maintenance of Liquid Trade Waste management facilities where required.

### ***Development on land adjoining Residential development***

Business or industrial development on land adjoining predominantly residential use should not have a significant adverse impact on the amenity of the residential areas in the vicinity. Applications will be required to address the following:

- Noise associated with the amount of traffic generated by the development;
- The type of traffic generated by the development (cars, delivery vehicles etc);
- Location of car parking and loading/unloading areas;
- Hours of operation;
- Headlight glare from vehicles within the site;
- Odour;
- Nuisance caused by illumination of the development for advertising and/or security;
- Reasons; and
- Visual impact associated with the setback of the development from the common property boundary and the design and scale of the development. Possible adverse impacts on the locality, including the above factors, should be considered when choosing the site and designing the development.

### ***Energy efficiency***

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

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

## **CHAPTER 6 - ACCESS AND PARKING**

### ***About this Chapter***

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

### ***Where this Chapter applies***

This Chapter applies to all zones under the TLEP 2013.

### ***Aims and Objectives***

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

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

### ***Access and Traffic Generation***

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

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

- The rate of traffic generation associated with the proposed development;
- The impact(s) the traffic generated by the development will have on traffic efficiency, amenity, safety, and road pavement life;
- The cost impacts of traffic generated by the development and how those costs are to be met; and In addition, consideration must be given as to whether the development constitutes 'traffic generating development' (as per Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007), and thus whether it must be referred to the Roads and Traffic Authority for comment.

## **Parking Requirements**

### **General**

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

### **Provision of Parking Spaces**

#### **Aims**

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

#### **Performance Outcomes**

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

#### **Acceptable Solutions**

- Council will require the provision of on-site car parking at the rate set out in Table F1 for any particular type or category of development;
- Car parking is provided on the site of the development;
- The layout and dimensions of car parking areas is in accordance with the Australian design standards;

- Provision of car parks for people with disabilities shall be in accordance with AS 2890.6 (2009);
- All required car parking areas, driveways, turning areas and loading areas are paved in either a bitumen seal coat, asphaltic or bituminous concrete, cement concrete, concrete paving blocks, or brick paving blocks. **Note:** *The standard of paving required will be dependent upon the type of development proposed, with regard to traffic loadings including turning movements of heavy vehicles.*
- In villages and rural areas paving to driveways, turning areas, loading areas and car parking areas shall be all-weather. **Note:** *surface materials to be at the discretion of Council's Director of Engineering Services.*
- All parking spaces shall be suitably marked by lines, or indicated by other approved means; and
- Free and uninterrupted access to car parking areas shall be maintained at all times.

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

### **Alternative approaches and design suggestions**

A design that complies with the relevant Australian Standard and/or any relevant State Environmental Planning Policies will be considered. While the Council would normally expect the provision of car parking to be on the site of the development, Council is prepared to consider the provision on other land owned or leased by the developer provided that the alternate location is convenient to the subject development, and an appropriate legal mechanism is put in place to ensure the ongoing availability of the off-site parking for the life of the development.

Where developers are unable to meet the requirement to provide on-site parking, Council may require a contribution to public parking as per Council's Section 94 Plan in lieu. Contributions will be based upon the number of spaces, rate of total parking demand, cost of provision and Council's ability to provide parking.

**Table F1**

LAND USE	CAR PARKING REQUIREMENTS
<b>Bulky Goods premises</b>	1 space per 50m <sup>2</sup> GFA
<b>Business premises</b>	1 space per 30m <sup>2</sup> GFA
<b>Dwelling house/caretaker's dwelling</b>	1 space per dwelling
<b>Food and drink premises, excluding pubs</b>	1 space per 30m <sup>2</sup> GFA;
<b>Industry</b>	1 space per 100m <sup>2</sup> GFA
<b>Landscape and garden supplies</b>	1 space per 200m <sup>2</sup> of site area and employee parking.
<b>Motel or hotel accommodation</b>	1 space per unit, plus 1 space per 2 employees.
<b>Office premises</b>	1 space per 30m <sup>2</sup> GFA.

<b>Place of public entertainment</b>	1 space per 10 seats or 1 space per 15m <sup>2</sup> of main assembly area, whichever is the greater.
<b>Place of public worship</b>	1 space per 10 seats or 1 space per 15m <sup>2</sup> of main assembly are, whichever is the greater.
<b>Pub</b>	1 space per 4m <sup>2</sup> of licensed public floor area.
<b>Recreation facilities (indoor)</b>	1 space per 25m <sup>2</sup> GFA.
<b>Registered Club</b>	1 space per 4m <sup>2</sup> of licensed public floor area.
<b>Restaurant or Café</b>	1 space per 30m <sup>2</sup> GFA, except for 1 space per 5m <sup>2</sup> GFA, or 1 space per 6 seats
<b>Restricted premises</b>	1 space per 30m <sup>2</sup> GFA
<b>Retail premises</b>	1 space per 30m <sup>2</sup> GFA
<b>Service Station</b>	3 spaces per work by, plus 1 space per 30m <sup>2</sup> GFA for a convenience store, plus 1 space per 3 seats for a restaurant.
<b>Squash/tennis courts</b>	3 spaces per court.
<b>Vehicle repair station</b>	3 spaces per work bay.
<b>Vehicle sales or hire premises</b>	1 space per 130m <sup>2</sup> of display area, plus for vehicle servicing 3 spaces per work bay.

### **Explanatory Notes**

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



# CHAPTER 7 – DEVELOPMENT AND HERITAGE CONSERVATION

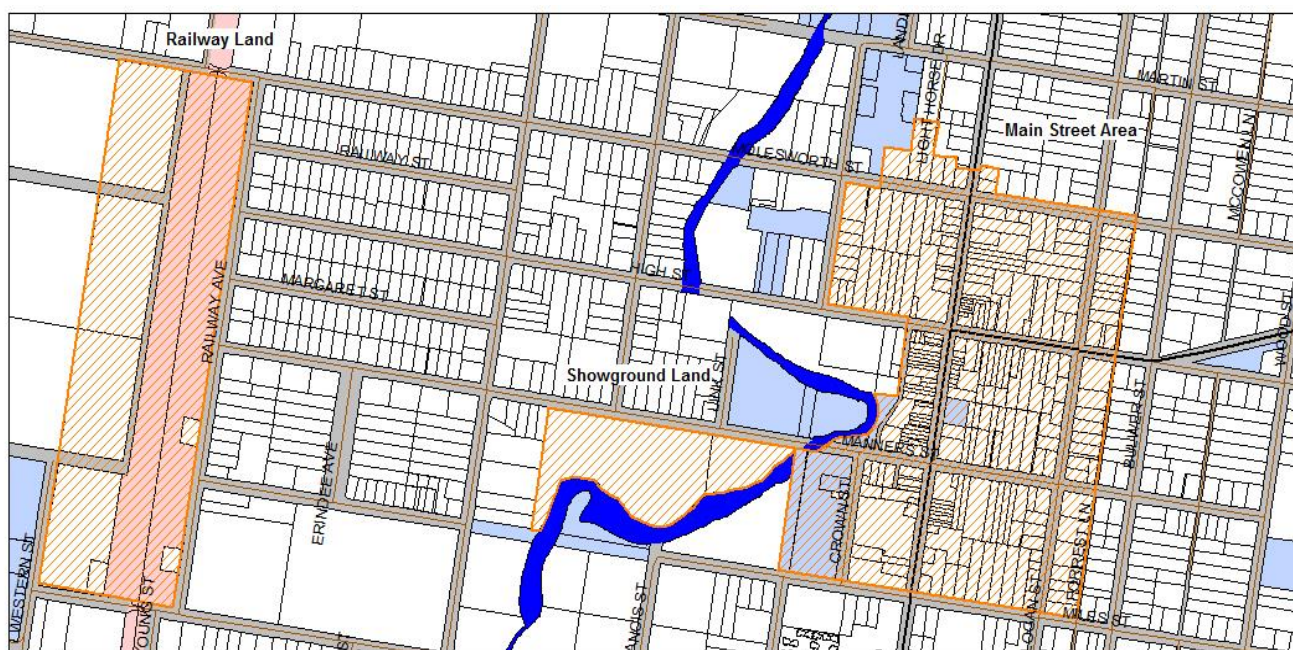
## ***About this Chapter***

The purpose of this DCP is to provide guidance about development within Heritage Conservation Areas or on Heritage Items. Heritage Conservation Areas and Heritage Items are listed in the Tenterfield LEP 2013 and their locations are recorded on the associated heritage maps. The Tenterfield LEP 2013 also states requirements for development in heritage areas or on heritage items.

## ***Where this Chapter applies***

This Chapter applies to all land identified in Tenterfield LEP 2013 and associated maps as having heritage significance. Individual buildings and sites are listed in Schedule 5 of Tenterfield LEP 2013. There are three (3) Heritage Conservation Areas, referred to as;

- Tenterfield Main Street Area
- Showground Land
- Railway Land



## ***General Advice to Applicants***

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

The intent of heritage listing is to protect the item from demolition and ensure that any changes are sympathetic to the item and to its setting. However, heritage

listing does not 'lock up' the building and prevent any changes from occurring. Regular maintenance is also an essential part of conserving the building.

Council advocates a cautious approach to change in line with the principles of the Burra Charter; do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its cultural significance is retained.

### ***Aims and Objectives***

- The objective of conserving the character of the Heritage Conservation Area is to sympathetically accommodate development (change), not to prevent it. The area must be allowed to redevelop and grow to accommodate the needs of the commercial and adjacent residential area, the Showground and Railway areas.
- These development guidelines aim to promote development that is well sited and designed to be sympathetic with the character of the area.
- To allow for sympathetic additions and alterations to listed building and sites, in line with the principles of the Burra Charter.

### ***Exempt Development***

- Must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the Heritage Act 1977; and
- Development of a minor nature may be carried out in accordance with the provisions for Exempt Development in the Codes SEPP.

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

### ***Complying Development***

- Must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the Heritage Act 1977;
- Must not be carried out on a Heritage Item listed in the Tenterfield LEP;
- May be permissible within a Heritage Conservation Area, although not for development under the General Housing Code or the Rural Housing Code unless the development is for a detached outbuilding; and
- Certain development types are permissible under the General Commercial and Industrial Code in the Codes SEPP (see chapter Development in Commercial and Industrial Areas).
- May not be carried out on land located in the drinking water catchment area.

## **HERITAGE CONTROLS**

Maintaining the visibility of heritage building frontages and parapets from the street is of high importance where such buildings have such frontage.

### ***Streetscape***

#### ***Colour schemes***

Only buildings with high heritage significance should be painted in their original colour schemes.

Otherwise a traditional colour scheme which fits in with the street as a whole should be considered, especially for that part of the building from the awning soffit upwards. For different styles and periods of building there are alternative colour schemes available. Refer to two books by Evans, Lucas and Stapleton on Colour Schemes for Old Australian Houses (see reference list at end of this chapter). Council's Heritage Advisor can also assist in the selection of appropriate colours in accordance with the buildings age and history.

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

#### ***Infill development***

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

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

#### ***Significant features***

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

## **MINOR ADDITIONS**

Additions should retain the building's cultural significance and be sympathetic to its character. The addition should generally be simpler and more contemporary in design so that the existing building predominates. The traditional construction system used on the original building should be continued in any additions.

Distinguish old from new work by:

- setting back the new wall line a minimum of 100mm from the existing wall; or

- creating a clear visual break (e.g. an expansion joint, recess, or a full height opening).

### **Roofs**

Many roofs on heritage buildings cannot be seen from the street because they are hidden by parapets. For new buildings, if the roof is visible the roofing materials and pitch should be sympathetic with neighbouring buildings. In particular, new roof material should match the existing material, or be an historically appropriate substitute e.g. corrugated galvanised steel.

**Skillion Roof** Add skillion roofed additions to the rear of an existing hip or gable roof. The roof pitch should be a minimum of 20°, or similar to the existing roof.

Flat roofs should be avoided.

**Extending the Existing Roof Form** - Extend the existing hip or gable on a minor elevation.

**Replicating the Existing Roof Form** - Repeat the existing roof form using a box gutter between the two - this is a traditional way of minimising the roof height and bulk of a building with a large floor area.

### **MAJOR ADDITIONS**

Major additions are those which are of a bulk comparable to, or greater than that of the existing building. Generally, a major addition should be treated as a visual entity by separating it from the existing building, joining the two with an unobtrusive link. This emphasises their discrete character.

### **Siting**

When an addition is proposed it should be attached to the less significant elevations of the existing building which will maintain its visual dominance. Existing views of the building and its setting should then be preserved.

In a confined space such as a continuous streetscape, rear additions should not be visible from across the street.

Where existing buildings are detached or isolated, rear additions should preferably be contained within a wedge-shaped envelope. Additions should not overhang the existing building.

### **Visual distinction from the existing building**

Any addition should be set back, or form some type of break between the two in order to provide a strong shadow line between the two, relative to their scale.

### **Scale and dimensions**

The addition should be sympathetic in scale and bulk to the existing building. The scale of the addition should not dominate the heritage item. The eave height, roof

height, overall width and bay dimension should relate to those of the existing building.

### ***Plan and form***

Plan form, roof massing and pitch should relate to the existing building. Continue existing bay grids and axes.

Where additions are considerably larger than the existing building, their bulk should be broken up to reduce the scale.

### ***Style***

Whilst it may reflect the main stylistic characteristics of the existing building, additions should not attempt to replicate decorative detail of heritage buildings. Good contemporary design should be capable of satisfying all of the requirements for major additions without copying the original building design.

### ***Materials and Colours***

Don't attempt to replicate existing materials. It is preferable to use different but compatible materials. For example, an addition to a sandstone building could be carried out in rendered brickwork. Use paler paint colours on additions than those on the heritage building. This will reinforce its visual dominance.

### ***Verandahs and awnings***

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

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

### ***ANCILLARY DEVELOPMENT (sheds, carports, garages etc)***

Garages or car ports may be set back towards the rear of a building, at the side of the property or at the rear and should be designed sympathetically with regard to roof pitch, materials and proportions.

Kit sheds or car ports are generally not appropriate to the setting of a heritage item and should be avoided, unless carefully adapted with overhanging eaves, matching materials eg timber posts, not metal, and proportions which are compatible with the building. Applicants are encouraged to discuss their proposal with Council's heritage advisor **prior** to purchasing any prefabricated kits.

### ***Alternative Solutions***

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

### ***Reference***

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

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

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

# CHAPTER 8 – SIGNAGE AND OUTDOOR ADVERTISING

## About this Chapter

The purpose of this chapter is to provide guidance about the use of signage and outdoor advertising in the Tenterfield Local Government Area.

## Where this Chapter applies

This chapter applies to the entire Tenterfield Shire Local Government Area with specific regions identified below.

## Aims and Objectives

- To provide guidance for development involving the erection of signs and advertising structures within Tenterfield Shire;
- To ensure signs and advertising structures are compatible with the existing character and streetscape features, including consideration of heritage conservation principles.
- To ensure that the design, location and operation of advertising signage do not create a road safety hazard or increase road safety risk for road users.
- To ensure that signage is consistent with the NSW Department of Planning's *Transport Corridor Outdoor Advertising Signage Guidelines*; in particular the criteria set out in Section 3 Road Safety.

## Performance outcomes

- Signs provide clear guidance about the type and nature of a business without imparting unacceptable adverse impacts on neighbours or the environment;
- Signs within defined heritage conservation areas or on or near heritage buildings are designed and located so as to minimise visual and other impacts on the heritage values; and
- Signs are to be of a type, size and location appropriate for the land zone and locale in which they are placed.
- Any advertising signs should be located wholly within private property so as not to overhang or encroach within the road reserve and should be off-set from the property boundary where minimum clear zone requirements are met.

## General advice to Applicants for Development

### No Approval Required for Some Signs

Under SEPP (Exempt and Complying Development Codes) 2008, certain types of advertising signs are exempt and do not require the consent of Council. The provisions contained within the SEPP should be consulted to determine if your proposal is exempt. The SEPP can be viewed at <http://www.legislation.nsw.gov.au/maintop/view/inforce/epi+572+2008+cd+0+N> under Division 2 – Advertising and Signage Exempt Development Code. To ensure consistency with the provisions of the State Policy, the requirements have

not been duplicated here given that the State Policy may be amended at any time by the NSW Department of Planning and Environment.

### ***Development applications***

All advertising structures (except those listed above as not requiring approval) are subject to a development application prior to being erected;

A development application fee is payable as specified in Council's current schedule of Fees and Charges; and

The application shall indicate the sign's position and location, site, size, construction details, if double sided, distance from other signs, wording, and colour. (The sign must be non-flashing and not interfere with traffic.)

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

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

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

### ***Maintenance***

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

### ***Signs that are not acceptable***

The following types of signs are not considered acceptable:

- Signs which project from the building facade and obscure the view of neighbouring buildings or interrupt the perspective view of the streetscape;
- Signs which cover architectural details, including windows, doors or cast iron balustrading;
- Motorised signs, internally illuminated signs, flashing or scintillating signs.
- Signs located above the awning and on parapets on heritage buildings or in the Heritage Conservation Areas unless they form part of the original architecture of the building.
- Signs which obstruct other existing signs;



- Signs fixed to trees or light, telephone or power poles or other public infrastructure;
- Signs which could reduce road safety by adversely interfering with the authorised road signs;
- Any sign which would, in the opinion of Council, be unsightly, objectionable or injurious to the amenity of the locality, any natural landscape, public reserve or public place;
- Signs on or attached to parked vehicles, trailers or similar directing attention to a nearby business or goods for sale;
- Numerous small signs and advertisements carrying duplicate information;
- Any sign not on the land to which it refers or relates (except for tourist / directional signs) – except under provisions for signage in the rural zone;
- Overhead banners, bunting, multiple flags and inflatable objects except for:
  - i. temporary signs related to local festivals, fairs or celebrations; or
  - ii. the opening of a new business, for a duration not exceeding two weeks; or
  - iii. banners displayed by Council for community purposes.
- Signs on bus sheds, seats and waste bins unless approved by Council or for community related purposes; and
- Any sign located over the footpath which is lower than 2.6m above the footpath - Excluding wall mounted flag signs attached to the building façade below the awning, provided they are of flexible material (excluding the post/pole attachment)



- Any sign, flag, bunting that is considered by Council to be a hazard to traffic and/or pedestrians due to its location.
- Corporate Building Signs and external painting in corporate colours without prior consent and in accordance with an appropriate heritage colour scheme where applicable in the heritage conservation area or on heritage items.

The following types of signs **do not** contribute to the character of the Tenterfield LGA and are prohibited.

<b>Prohibited Signs</b>	
Advertising Fixed to Trees	Any sign that uses a tree as a pole for mounting
Above Awning Signs	Signs mounted above the awning or verandah of a building.
Bunting	Small flags attached to a single siring mounting between posts or poles usually associated with Motor Vehicle retailing.
Illuminated Wall Signs	Signs mounting directly onto the building above the level of the verandah or awning.
Flashing Signs	Illuminated at frequent intervals by an internal source of light.
Novelty Signs	Odd shaped signs often three dimensional incorporating items such as cars, wine barrels, "big" product samples etc Generally prohibited. Discuss with Council's planning staff prior to installation.
Vehicle Signs	Cars, trailers or equipment bearing advertising material do not make a positive contribution to the area and should not be parked for the express purpose of advertising or providing direction to a business.

### ***Tourist information/directional signs***

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

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

### ***Signs in Rural Zones (RU1)***

The only permissible signs for rural zones are the following:

- A sign directing the travelling public to -
  - Tourist facilities or activities, or
  - Places of scientific, historical or scenic interest;
  - Businesses or attractions within Tenterfield Shire
- A sign relating to the land on which the sign is to be displayed, or to premises situated on that land or adjacent land, and specifying one or more of the following particulars -
  - The purpose for which the land or premises is or are used,
  - The identification of a person residing or carrying on an occupation or business on the land of premises,
  - A description of an occupation or business in the preceding point, or
  - Particulars of the goods or services dealt with or provided on the land or premises.
- Property identification signs on rural properties are exempt from obtaining Council consent, provided they are limited to one (1) sign per property entrance.

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

### ***Location***

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

### ***Controls for signs greater than 20m<sup>2</sup> in area.***

Clauses 17, 18 and 19 of SEPP 64 contain specific provisions for signs with an area in excess of 20m<sup>2</sup>. Applications for such signage will need to comply with these provisions.

## ***Regions within the Tenterfield Local Government Area***

### ***Heritage Conservation Area (Tenterfield)***

The current Tenterfield Heritage Conservation Area is the control area defined by Tenterfield LEP 2013 and associated maps. This area includes the main Central Business District and adjacent residential land of Tenterfield, the Railway Land and the Showground Land.

### ***Tenterfield and Village Main Streets***

All land with frontage to the main streets within the designated 50km/hour zones in Tenterfield and villages within the Shire. In Tenterfield main streets are Rouse St and the Bruxner Highway, in Urbenville Urban St and Tooloom Rd and in other villages the main thoroughfare through the village. Note – sites located on Main Streets and also included in the Tenterfield Heritage Conservation Area are subject to the Heritage Conservation Area controls.

### ***Industrial areas***

The area shown in the Tenterfield Shire Council Section 94 plan 2013 as Catchment 1, but excluding regions included in the Heritage Conservation Area.

### ***Other residential areas***

Includes all other RU5 Village zoned land not identified above.

### ***Signage Requirements***

The following sections outline the requirements for all signage in the different areas.

#### **All areas**

- a. Must be non-moving.
- b. Must be at least 700mm from kerb or roadway edge of a public road.
- c. Must be at least 2.6m above any public footpath.
- d. Must relate to the lawful use of the building (except for temporary signs or tourist information or directional signs).
- e. Must not be detrimental to the character and functioning of the building.
- f. Must not cover mechanical ventilation inlet or outlet vents.
- g. Must not be flashing.
- h. Must not obstruct the sight line of vehicular traffic.

#### **Signs on residential accommodation**

- i. Must meet the general requirements for signage.
- j. Maximum 2 signs per premises.
- k. Maximum area—1m<sup>2</sup>.
- l. Maximum height (distance from natural ground to top of sign)—3m.

### **Signs on business or industrial premises (“business identification signs”)**

- m. Maximum 3 signs per premises.
- n. Must be one of the following types of signs:
  - i. top hamper sign—maximum area of  $2.5\text{m}^2$ ,
  - ii. under awning sign—maximum area of  $1.5\text{m}^2$ ,
  - iii. projecting wall sign—maximum area of  $2.5\text{m}^2$  (Not permitted in Heritage Conservation Areas)
  - iv. flush wall sign that does not extend above the top of the wall to which it is attached—maximum area of  $2.5\text{m}^2$  (Not permitted in Heritage Conservation Areas.)
- o. Must not be internally illuminated unless:
  - i. the sign is not in continuous or intermittent motion, and
  - ii. the display is not varied at pre-set timing intervals.
  - iii. it is located on a motel/hotel outside the Heritage Conservation Area and not located on a heritage item.
- p. Should use appropriate colour schemes when located on heritage buildings or buildings within the Heritage Conservation Areas. Heritage signage generally should not be dominated by primary, bold, intense or vivid colours.

### **Real estate signs (advertising premises or land for sale or lease)**

- q. Must be located within the curtilage of the premises.
- r. Maximum area for signs on residential premises— $2.5\text{m}^2$ .
- s. Maximum height (distance from natural ground to top of sign)—6m.
- t. Must be removed within 14 days after premises or land is sold or let.
- u. Maximum 2 signs per premises.

### **Signs behind the glass line of a shop window**

- v. Must meet the general requirements for signage.
- w. Must not be located in sex services premises or restricted premises.

### **Temporary signs (special events or venues for exhibitions or demonstrations) and sponsorship**

- x. Must meet the general requirements for signage.
- y. Maximum area— $2.5\text{m}^2$ .
- z. Maximum height (distance from natural ground to top of sign) —6m.
- aa. Must not be displayed earlier than 28 days before, or later than 14 days after the event.

### **Exemptions**

Signage not positioned on a heritage item and which comply with the guidelines above do not require Council approval.

Signage which replaces a sign compliant with the above does not require Council approval on any building including heritage buildings when relating to:

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

sign.

### ***Management of unacceptable signage***

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

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

- The advertisement is unsightly, objectionable or injurious to the amenity of any natural landscape, public reserve or public place at or near where the advertisement is displayed;
- An unauthorised advertisement is displayed;
- An unauthorised advertising structure is erected;
- The signage or structure is non-compliant with this policy
- The signage refers to a non-current business or tenant; or
- Where the condition of an advertising structure threatens the safety of the public.

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

### ***Additional requirements for signage on Heritage Buildings and buildings in the Heritage Conservation Area.***

The only permissible signs for heritage areas are business identification signs and/or building identification signs.

A DA for a sign in a heritage conservation area or on or near a heritage building must explicitly address how any undesirable impacts of the sign will be minimised. Council's Heritage Advisor is available by appointment to assist in this process. Additional matters that will need to be considered include:

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

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

- Applied signs must not obscure the building silhouette presented to the street;
- Where a sign is of cast letters forming part of the architecture of the building but is no longer applicable to the business, it may be painted to match the background colour of the building;
- Signs are not to be painted onto stone or brick walls (unless forming an original part of the building)
- Signs should not cover architectural details, including windows, doors or cast iron balustrading;
- Signs on modern buildings may be illuminated but may only be lit with continuous light ie, not blinking or intermittent. For heritage buildings and buildings in the Heritage Conservation Area, external illumination is preferred to internally lit box

- signage or tube signage which is generally out of character;
- A preferable alternative to electric signage on historic buildings is illumination of the building which advertises its business as well as its heritage qualities;
- Lettering styles must be sympathetic with the architectural style of the building on which the advertisement is to be placed, especially for signage on or above awnings;
- The number of colours must be restricted to the minimum and the colours used should relate to the general colour effect of the building, especially for signage on or above awnings. Heritage signage generally will not be dominated by primary, bold, intense or vivid colours;
- Signs must not be placed on parapets or above the awning generally, unless it is part of the original design;
- Less is more. Individually raised letters of a business name on the awning is more stylish and effective than complex, multi font signage.
- Advertising is permitted on blinds; and
- Signs are to be stationary ie. non-motorised.

***Signs in Tenterfield and Village Main Streets, and industrial areas (excluding Heritage Conservation Areas)***

- Area and height of signs
  - i. No advertising structures will have a surface area greater than 5m<sup>2</sup>;
  - ii. The height of any free-standing sign will not exceed 8m from the ground;
  - iii. All advertising signs approved by Council are to comply with State and regional electricity regulations in respect to safety distances from electrical power lines and installations.
- Location
  - i. An advertising structure within the Business or Industrial Zones shall be located at the discretion of Council within the boundaries of the same lot to which the sign refers; and
  - ii. The location of advertising structures shall also be in compliance with the Roads & Maritime Services' requirements in respect of classified roads and State Rail Authority in respect of railway land. The same conditions shall apply to Council roads to prevent a sign from obscuring or interfering with safety.
- Number of signs
  - i. There is a limit of three (3) advertising structures per business.
- Style
  - i. Signage at the entry to industrial parks/areas often has business names / details that are too small making it difficult to read from vehicles. Signage in these environments should focus on legibility and simplicity.

## ***Other signs***

### **Sandwich boards**

Approval from Council is required prior to the installation of a sandwich board on a public footpath and is governed by Section 2.7 Part E of Council's Local Approvals Policy. The following conditions shall be applied to all sandwich boards:

- a. The maximum dimensions of any sandwich board shall be a width of 800mm and a height of 1000mm
- b. Sign placement shall be in accordance with Section 2 of Council's Local Approvals Policy.
- c. The applicant is to ensure that there is no obstruction or restriction of the public use of the footpath at all times when the sandwich board is displayed.
- d. All sandwich boards shall be freestanding and not fixed permanently in place. Consideration and action is to be taken by the applicant to secure in place by a weighted bag etc of sandwich boards of light construction from being blown over in strong winds, so as to prevent damage to vehicles and/or injury to persons.
- e. Applicants for approval must produce proof of public liability insurance of a minimum of \$10,000,000, must have such insurance extended to indemnify Council against any claims, must have notified their underwriter of their intention to put out a sandwich board and produce written evidence that the underwriter notes and allows the extension of the insurance to cover Council.
- f. One sandwich board only will be authorised per premises.

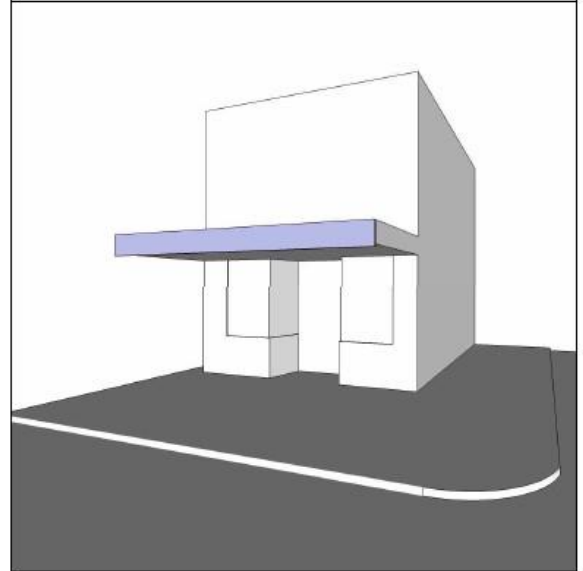


## Examples of Signage

### Fascia Sign

*Business identification sign-**fascia sign*** – A fascia sign is a sign attached to the fascia or return end of an awning

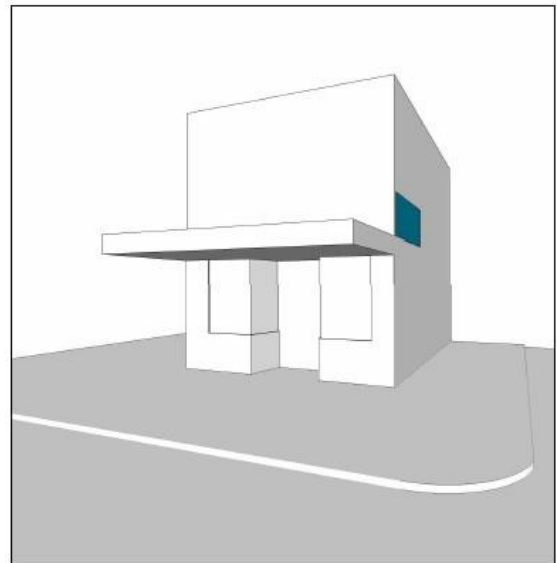
- Must not project above or below the fascia or return end of the awning
- Must not be illuminated
- Must be fixed flat with the fascia
- No more than 1 per occupancy
- Fascias on heritage buildings do not generally exceed a depth of 300mm. Signage which exceeds the depth of the original fascia should not be fixed.



### Flush wall and painted wall signs

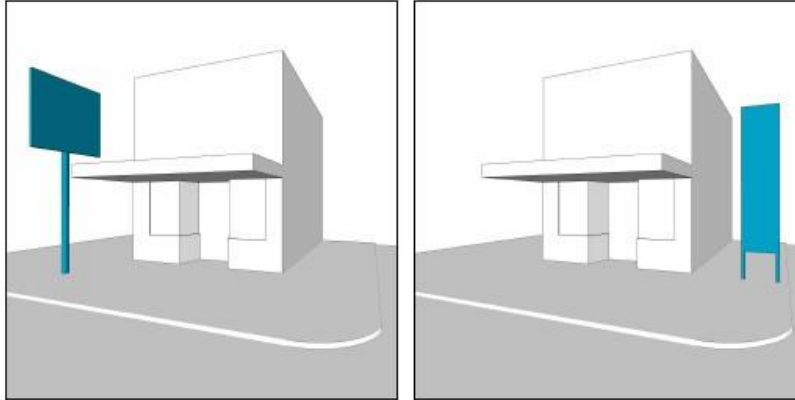
*Business identification sign-**flush wall and painted wall signs*** – signs which are fixed flat or painted on the wall on which they are displayed.

- Must be fixed flat with the wall to which it is attached
- Must not project above or beyond the parapet or eaves
- Must not cover any window, door or building element
- Must be securely fixed.
- 1 per occupancy
- Must be no more than 3m above ground level.
- Attached to the building containing the business
- Must not be illuminated
- Maximum area of 2.5sq.m
- Are generally inappropriate in the Heritage Conservation Areas.



## Pole & Pylon Signs

*Business identification sign – **pole and pylon signs*** also known as freestanding signs, are signs erected on a pole or pylon independent of any building or other structure.

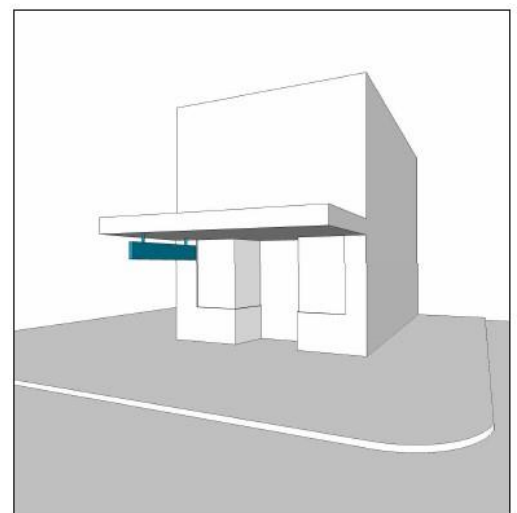


- 1 per occupancy
- No higher than 5m above existing ground level
- Maximum area of 5sq.m
- Must not obscure sight distance for vehicles entering/exiting site
- Must be built in accordance with engineer's certification for the structure and footings.
- Pole/pylon signs are very intrusive elements in the streetscape and are generally not permissible in heritage conservation areas or on heritage listed buildings unless with concurrence of Council's Heritage Advisor.

## Suspended Under Awning Signs

*Business Identification Signs – **suspended under awning signs*** are attached to the underside of an awning, are generally horizontally proportioned and are a common signage type across NSW.

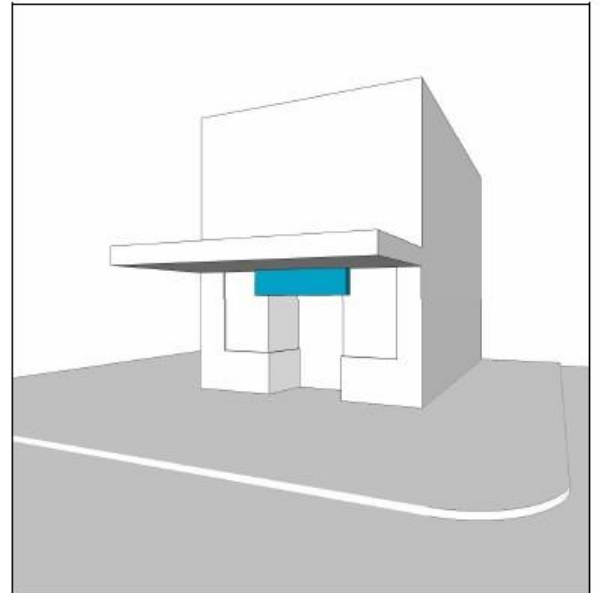
- Must be below an awning fascia
- One per ground floor occupancy with a street frontage
- Securely fixed by stiffened metal supports
- Maximum area of 1.5sq.m
- No longer than 2.5m
- No higher than 0.5m
- Erected horizontally to the ground
- Erected at right angles to the building
- Must not project beyond the awning fascia
- Must not be closer than 3m to another suspended under awning sign
- Must not be internally illuminated.



## Top hamper signs

*Business identification sign* – **top hamper signs** are attached to the transom of a doorway or display window of a building.

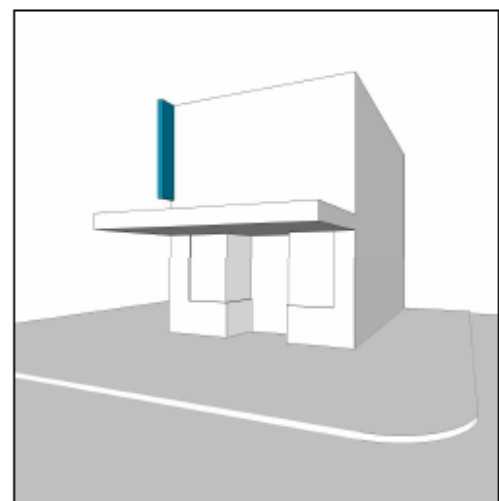
- Must be securely fixed
- Maximum area of 2.5sq.m
- Maximum of 1 sign per street frontage
- Maximum height of 600mm
- Must be flat fixed
- Must not be internally illuminated.
- Signage on the transom should not exceed the depth of the original transom on historic buildings.



## Vertical or horizontal projecting wall signs

*Business identification sign* – **vertical or horizontal projecting wall signs** are attached to the wall of a building and projecting horizontally more than 300mm.

NOT PERMITTED IN HERITAGE CONSERVATION AREA OR ON HERITAGE LISTED BUILDINGS UNLESS THE SIGNAGE IS HISTORICALLY SIGNIFICANT TO THE BUILDING – COUNCIL'S HERITAGE CAN PROVIDE ADVICE IN RELATION TO APPROPRIATENESS OF SIGNAGE



## Above Awning Signs

PROHIBITED

## **Definitions**

What is signage?

The Environmental Planning & Assessment Act 1979 defines advertising as:

**"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; and

**advertising structure** means a structure used or to be used principally for the display of an advertisement."

The majority of signage types are likely to fall within the category of "business identification sign" which is defined in Tenterfield Local Environmental Plan 2013 as a sign that indicates:

- i. the name of the person or business, and/or
- ii. the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- iii. 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.

**"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.