



17 March 2015

**ORDINARY MEETING OF COUNCIL
1.00pm Monday 23 March 2015**

Notice is hereby given that a meeting of the Council of Uralla will be held at Council Chambers, Salisbury Street, Uralla on **Monday, 23 March 2015 commencing at 1.00pm.**

Lunch will be provided for Councillors at 12.30pm prior to the commencement of the meeting.

Damien Connor
GENERAL MANAGER



- BUSINESS AGENDA -
Ordinary Meeting of Council

1pm 23 March 2015

1. **Opening & Welcome**
2. **Prayer**
3. **Acknowledgement of Country**
4. **Apologies**
Request for Leave of Absence for Cr Leanne Cooper
5. **Disclosures & Declaration of Interests**
6. **Confirmation of Minutes of Previous Meeting**
7. **Announcements**
8. **Tabling of Reports & Petitions**
9. **Presentations**
10. **Deputations**
11. **Urgent Supplementary & Late Items of Business**
12. **Written Reports from Delegates**
13. **Mayoral Minute**
Nil
14. **Recommendations for Items to be Considered in Confidential Section**

Department:	Infrastructure and Regulation
Submitted by:	Manager of Town Planning and Regulation
Reference:	2.16.03.13
Subject:	Land Disposal - Karava Place, Uralla

This report is presented to the CLOSED section of the Environment, Development & Infrastructure Committee meeting under section 10A (2c) of the Local Government Act (NSW) 1993.

A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:

- (a) the discussion of any of the matters listed in subclause (2), or
- (b) the receipt or discussion of any of the information so listed.

(2) The matters and information are the following: [delete non-relevant clauses]

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,

15. Reports from the General Manager

Called:	Item 1	Office of Sport & Recreation Grant – Uralla Sporting Complex
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16. Reports from the Corporate & Community Committee

Called:	1.16.03.01	Report on Community Services
Called:	1.16.03.02	Visitor Information Centre (VIC) Upgrade

17. Reports from the Environment, Development & Infrastructure Committee

Called:	2.16.03.01	Works Progress Report to 1 March 2015
Called:	2.16.03.02	Works Planning Report March 2015
Called:	2.16.03.03	Development Approvals and Refusals for February 2015
Called:	2.16.03.04	Local Development Performance Monitoring Report 2013-2014
Called:	2.16.03.05	Namoi Water Alliance Deed of Agreement
Called:	2.16.03.06	Abington Creek Bridge
Called:	2.16.03.07	Draft Drought Management Plan
Called:	2.16.03.08	Planning Proposal: Uralla Flood Planning Map – Division Decision
Called:	2.16.03.09	Planning Proposal Boundary Adjustment Clause and Rural Detached Dual Occupancy Dwellings – Division Decision
Called:	2.16.03.10	Uralla Development Control Plan 2011 Amendments
Called:	2.16.03.11	Dwelling under Clause 4.6 Uralla Local Environmental Plan – SA Gapes - Division Decision
Called:	2.16.03.12	Development Application – Burnett: Division Decision

18. Motions on Notice

Nil

19. Schedule of Actions – As at 17/03/2015

20. Confidential Business

Department:	Infrastructure and Regulation
Submitted by:	Manager of Town Planning and Regulation
Reference:	2.16.03.13
Subject:	Land Disposal - Karava Place, Uralla

21. Authority to Affix the Common Seal

- Affixing of Council Seal to Section 88b instrument – DA -76-2013 – R Howlett - Division Decision
- Affixing of Council Seal to Section 88b instrument – DA-21-2013 – A & K Wilkinson

22. Meeting Close



REPORTS FROM THE
GENERAL MANAGER

23 March 2015

15. Reports from the General Manager

REPORTS FROM THE GENERAL MANAGER

REPORTS FROM THE GENERAL MANAGER

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REPORTS FROM THE GENERAL MANAGER



REPORT TO COUNCIL

Department:	Community and Culture
Submitted by:	Executive – Community & Culture
Reference:	Item 1
Subject:	Office of Sport & Recreation Grant – Uralla Sporting Complex

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Objective	A healthy community is encouraged and promoted.
Strategy:	Encourage and facilitate activities for young people
Action:	Contribute to the development of an Open Space Strategy.

SUMMARY:

The purpose of this report is for Council to consider acceptance of a grant of \$25,000 that is being offered by the Office of Sport and Recreation, to partly fund the installation of two hard courts at the Uralla Sporting Complex that will be fitted out to be used for sports such as Basketball, Netball and Volleyball.

OFFICER'S RECOMMENDATION:

That:

1. Council accepts the grant of \$25,000 from the Office and Sport and Recreation;
2. Detailed quotations for the construction and fit-out of the courts be obtained; and
3. That the remainder of funds needed to construct the courts be included in the draft 2015/16 budget and Operational Plan.

BACKGROUND:

The Uralla Sporting Complex currently lacks facilities for a number of popular court sports, such as Basketball, Netball, Handball and Volleyball. Resultantly a grant application was submitted to the Office of Sport and Recreation late last year for the construction of courts, which would allow for these sports to be played on quality facilities within our own shire.

Council received notice last week that it has been successful in obtaining partial funding for the project in the amount of \$25,000. It was initially planned to construct four (4) courts in the project, but the partial-funding of \$25,000 would realistically make it only feasible to construct two (2) courts at this stage. Initial estimates have the construction costs at approximately \$35,000 per court.

REPORT:

The courts, if constructed, would add additional playing facilities to the complex and allow for new sports to be played locally.

REPORTS FROM THE GENERAL MANAGER

Communities and individuals from rural locations, such as Uralla, often experience poorer health outcomes compared to those in metropolitan areas. Locally accessible high quality sporting facilities are essential to ensure that healthy lifestyle choices can be made and maintained within the town.

The issue of lack of public transport, as travel is required for participation in many sports out of town, adds further barriers to Uralla residents' ability to access sports currently not available in town. The development of quality multi-sport facilities will not only provide local access to healthy lifestyle endeavours and opportunities for developing social participation, but will also allow an increase in the use of the sporting complex, potentially even for regional sporting events, which have the potential to provide a boost to the local economy.

This project forms part of broader strategy for the Uralla Sporting Complex, which will enable the Sporting Complex to be utilised more fully, provide a better quality of facilities for local sporting and other groups, and allow for the facilities to be potentially used for regional or major events.

The initial estimated cost of the courts is \$35,000 per court, meaning that the construction cost for two courts would be approximately \$70,000. Therefore with a partial grant of \$25,000 Council would still need to commit approximately \$45,000 of its own funds in the 2015/16 budget to deliver the project.

COUNCIL IMPLICATIONS:

- 1. Community Engagement/ Communication (per engagement strategy)**
Sport and Recreation consultative panel
- 2. Policy and Regulation**
N/A
- 3. Financial (LTFP)**
Total project cost estimated at \$70,000
\$25,000 of grant funds being offered
Council to allocate an additional \$45,000 of own source funds within the 2015/16 budget.
A small recurrent allocation would also be required for minor maintenance.
- 4. Asset Management (AMS)**
The new courts would need to be incorporated into the relevant asset management plan and minor maintenance allowed for in future periods.
- 5. Workforce (WMS)**
N/A
- 6. Legal and Risk Management**
N/A
- 7. Performance Measures**
Not established

REPORTS FROM THE GENERAL MANAGER

8. Project Management

If the funds are accepted and the project committed to, then a full project plan would need to be constructed. The project is expected to be delivered by contractors, with contract management and supervision to be undertaken by staff.

Olivia Wood

Executive Manager Community and Culture

Prepared by staff member:	Olivia Wood
TRIM Reference:	
Approved/Reviewed by Manager:	Damien Connor
Department:	Community and Culture
Attachments:	Nil



REPORTS FROM THE
CORPORATE & COMMUNITY
COMMITTEE

23 March 2015

16. Reports from the Corporate & Community Committee

REPORTS FROM THE CORPORATE &
COMMUNITY COMMITTEE

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23 March 2015



REPORT TO COMMITTEE

Department:	Community and Culture
Submitted by:	Executive Manager – Community and Culture
Reference:	1.16.03.01
Subject:	Report on Community Services

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Objective:	Quality of Life
Strategy:	The quality of life of the Shire's aged and disabled people is enhanced
Action:	Provision of Community Care services

SUMMARY:

The purpose of this report is to provide an update to Council on the progress being made against Council's Community Strategic Plan, and more specifically the 2014/15 Operational Plan, with regard to Community Care Services.

OFFICER'S RECOMMENDATION:

That the report be received and noted.

COMMITTEE'S RECOMMENDATION:

That the report be received and noted.

BACKGROUND:

The national aged and disability reform agenda is moving towards client directed care with the focus being on choice and flexibility for clients to direct their care choices to allow them to remain independent and living in the community. There are two key changes occurring simultaneously:

- National Disability Insurance Scheme (NDIS) is currently being trialled in the Hunter region with roll out to other areas over the coming years. No dates have been determined, but it is likely to be rolled out to this area in 2016.
- Aged Care reforms commenced in July 2014 for new clients, with all clients having to transition to the new arrangements in July 2015

REPORTS FROM THE CORPORATE & COMMUNITY COMMITTEE

23 March 2015

Community Services has been making preparations for these changes as reported below, including preparations for verification and accreditation for both aged and disability services.

REPORT:

1) Verification and Accreditation

1.1 NDS Verification

Council's Community Disability Services underwent NDS verification on 19 & 20 February 2015. This included Tablelands Community Services (TCS), Kamilaroi Aged and Disability Services (KADS) and Tablelands Community Transport (TCT). Verification is a requirement to continue to provide services and receive funding for clients with a disability. NDS verification was achieved with each of the 18 Key Performance Indicators (KPIs) successfully met. The verifiers had very positive feedback in their report including:

- High level organisational, administrative and communication strategies were observed and discussed with key staff involved. The development of a quality management system to underpin all legislative requirements and operational procedures has been implemented by management and senior staff and is an ongoing process.
- Cultural awareness is interwoven into the fabric of this service. From induction of staff to recruitment of indigenous specific case managers to cater to the needs of the Aboriginal and Torres Strait Islanders (ATSI) clients in the area.
- Clients felt that a great service was provided.
- The three (3) key themes that Clients' comments supported were:
 - I really have a say in what I want to do in my life and the service I receive.
 - The Service is there to provide support as well provide the best outcomes for us.
 - The staff members are so caring and great with us, we are lucky to have them here.
- Council is prepared for the changes within the sector with planning for the future. The passion and commitment of the staff to the people they work with is so easy to see.
- Strong governance and commitment from Council gives this service structure and stability.

A few suggested improvements were given by the verifiers, which have been incorporated into the improvement log.

1.2 Aged Care Accreditation

Aged Care accreditation for Community Aged Care services has recently moved under the Australian Aged Care Quality agency – the same Australian Government department who has conducted reviews on Residential Aged Care Facilities.

- Accreditation visits for TCS and Bundarra Neighbourhood Aid took place on 4 & 5 February. The 18 expected outcomes from the accreditation visit were met for both sites.
- All KADS sites will undertake accreditation during March 2015.

REPORTS FROM THE CORPORATE & COMMUNITY COMMITTEE

23 March 2015

2 Community Support developments

An update on key pieces of work being undertaken in the Community Care portfolios is as follows:

2.1 Realignment of services under community care towards a strong robust team with clear direction and limitation of duplication including:

- The team has successfully developed an integrated annual service plan and managers and other staff members are working well together as one service.
- New marketing material has been developed with a consistent integrated brand that is professional and allows ease of marketing and promotion of services – copies will be made available at the meeting. Forward plans include the development of a service specific website linked to Council's website.

2.2 Commonwealth Home Support Program

The Home and Community Care (HACC) program will transition to the new Commonwealth Home Support Program (CHSP) from July 2015. The draft guidelines have been issued and a new nationally consistent fees policy is available for review at <https://www.dss.gov.au/our-responsibilities/ageing-and-aged-care/aged-care-reform/commonwealth-home-support-programme>

The documentation has been reviewed, and changes are in line with preparations already underway at Council.

COUNCIL IMPLICATIONS:

- 1. Community Engagement/ Communication (per engagement strategy)**
Nil
- 2. Policy and Regulation**
National Disability Scheme Regulations
National Aged Care standards
- 3. Financial (LTFP)**
NA
- 4. Asset Management (AMS)**
Nil
- 5. Workforce (WMS)**
NA

REPORTS FROM THE CORPORATE & COMMUNITY COMMITTEE

23 March 2015

6. Legal and Risk Management

NA

7. Performance Measures

NA

8. Project Management

NA

Prepared by staff member:	Olivia Wood
Approved/Reviewed by Manager:	Olivia Wood
Department:	Community and Cultural Services
Attachments:	Nil

REPORTS FROM THE CORPORATE & COMMUNITY COMMITTEE



REPORT TO COMMITTEE

Department:	Community and Culture
Submitted by:	Executive Manager – Community and Culture
Reference:	1.16.03.02
Subject:	Visitor Information Centre (VIC) Upgrade

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Objective:	Tourism opportunities are promoted and supported to attract visitors to the Shire and ensure its economic strength and viability
Strategy:	Develop a comprehensive project plan on VIC redevelopment
Action:	VIC redevelopment

SUMMARY:

The purpose of this report is to present the committee with further information about the Visitor Information Centre (VIC) upgrade, so a decision can be made regarding which preliminary plans suit the strategic approach. At the May Council meeting it was agreed that a comprehensive project plan, scope of works and preliminary designs/costings be undertaken for the VIC refurbishment. The plans and scope are attached to this report.

OFFICER'S RECOMMENDATION:

That:

1. Council elects to set a scope of works for the VIC upgrade (as per Attachment B) being the refurbishment of the facility without a café;
2. Council considers the required budget allocation of \$180,000 for the upgrade as part of the 2015/16 Operational Plan and Long Term Financial Plan construction process.

COMMITTEE'S RECOMMENDATION

That the General Manager be requested to bring back a report on future options for tourism services holistically, including a further break down of the costs associated with the refurbishment of the Visitor Information Centre.

BACKGROUND:

Council undertook at workshop to discuss potential VIC redevelopment on March 2014. This raised the issues of the inadequacy of the existing facility and the future needs of a Tourism hub in Uralla. In addition Will Winter Consulting prepared the Uralla Visitor Information Centre Review & Development Options 2013-15 paper.

REPORTS FROM THE CORPORATE & COMMUNITY COMMITTEE

The review of plans and initial costing has highlighted the need for Council to finalise the strategic direction and determine the future use of the space. One of the report recommendations is that the space not be released as a Café until a thorough analysis and review of risk is complied – this report will provide such an analysis.

REPORT:

This report gives consideration to the best use of the space for the VIC, and if incorporation of a Café into this space is the strategic direction Council wishes to pursue.

1. Review of recommendations from WILL WINTER CONSULTING – Uralla Visitor Information Centre Review & Development Options 2013-15

The report recommends that careful consideration be given to the redevelopment of the VIC and the ongoing incorporation of a café. The report points out a number of key considerations for possibly excluding a café as part of this refurbishment:

- *Leasing part or all of the UVIC floor space to an external business entity, for purposes other than promotion of tourism and visitor numbers is arguably not aligned with the strategic intent of the UVIC. Leasing part of the UVIC building renders this part of the premises unusable for these purposes, and takes it out of the direct control of the Shire. While there may be some synergies and shared interests between the contracting parties, it could be argued that the overriding (public good) objectives for operation of a VIC by a Shire will be significantly different to the (private profit) interests of lessees (p14)*
- *Freeing up of space: this space would enable refurbishment of this and other areas of the UVIC layout, fixtures and fittings to provide for a greater range of produce and souvenirs for sale, more ambient use of light, increased storage and office space for UVIC Staff, and possibly construction of dedicated rest rooms (internally accessible) for staff (p 18)*
- *That Uralla Shire not re-lease the UVIC coffee shop space, after the current lease expires on June 30th 2014.(p22)*
- *That a detailed business plan be drawn up to explore the feasibility of UVIC continuing to operate a coffee shop as an integral part of the Centre's operations after June 2014. That such a plan be scoped to include risk analyses, as well as capital cost estimates associated with fit out, refurbishment and possible renovation of the UVIC for this option. That such a plan also incorporate new technology associated with family research and other themes outlined in section 6.0 of this report. (p22)*

2. Objectives of the VIC and Council's Tourism plan

The 2014/15 Operational Plan states that the objective of the Tourism portfolio is as follows:

Tourism opportunities are promoted and supported to attract visitors to the Shire and ensure its economic strength and viability

The incorporation of a Café into the space of the VIC could be considered counterproductive to this objective for the following reasons:

- Firstly the café significantly encroaches on the space for current tourist attractions such as the Gem collection (which may need to be incorporated into the Library if

REPORTS FROM THE CORPORATE & COMMUNITY COMMITTEE

the Café is reopened and the proposed office incorporated into the refurbishment). There is also inadequate space for Tourist information brochures and displays and a limit to the stock that can be sold.

It is recommended that future business plans for the UVIC adopt a more targeted approach to building sales of merchandise (including food and drink). Sales are a function of the perceived purpose of the UVIC by customers, and (given the current low level of sales) modest investments in marketing (including internet and online), visual displays, lighting, layout and furnishings for the Centre are likely to produce good returns (revenue and profits) from improved retail sales resulting from these initiatives.

- Secondly careful consideration should be given to the role of the VIC and Council in tourism in Uralla. If USC leases or runs a café in Uralla this could be perceived as a competitive entry into the already contestable space of food and beverage provision in Uralla. There is no shortage of cafes on the main street, with more opening in the past few months. The core role of the Tourism centre should be to promote local business and by including a café at the VIC, tourists may not be encouraged to walk the short distance up the main street and see the Uralla tourist opportunities and visit local businesses.
 - *Perceptions of the UVIC moving into 'competition' with other businesses in the town may be an issue with this renewed focus, and from this point of view commission sales of high quality representative goods from other retailers in the town (p20)*
 - *Leasing part of the UVIC premises to a third party arguably does not align with the strategic (and/or operational) purpose of the Centre and on this ground alone, its renewal is difficult to justify.(p15)*

It should be noted, however, that those interviewed during the consultation did not appear concerned if the VIC incorporated a coffee shop from a competition point of view, although the report does not mention numbers of business spoken to.

3. Impacts of the Café closure to date on VIC numbers and sales

Since its closure in July 2014 a minimal impact has been felt in terms of sales and visitors to the VIC.

Visitor Statistics

Year	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2011	11325	953	603	1021	1376	837	889	885	814	1020	1072	883	972
2012	10588	1207	730	881	1182	757	703	779	690	1008	1130	764	757
2013	11328	1120	856	1044	1305	1018	741	891	728	946	1088	807	784
2014	11276	1342	759	962	1253	905	682	811	694	980	1187	798	903
2015	1983	1205	778										

REPORTS FROM THE CORPORATE & COMMUNITY COMMITTEE

Since the closure of the café at the end of June 2014 there has been a total of 7,356 visitors through the Visitor Information Centre.

- This is 11 more visitors than for the same period in the previous year.
- The month of October 2014 recorded the highest visitation for this month for the past four years, while the months of August and December 2014 were second highest for the corresponding months over the same period.

VIC Sales Figures (\$ inc. GST)

Year	Total	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
2011-12	12304	617	656	1361	965	1081	1156	1744	904	670	1315	1035	800
2012-13	16243	878	978	1107	1537	871	1180	1478	1091	1500	2245	2178	1200
2013-14	19865	1936	1337	1401	1949	1709	2113	2173	1351	1677	1922	1182	1113
2014-15	14032	1645	1276	1912	1714	1322	2515	2295	1354	-	-	-	-

- Since the closure of the café at the end of June, 2014 there has been a total of \$14,032.40 (inc. GST) in VIC sales.
 - This is \$61.90 more than for the same period in the previous year.
 - This was achieved despite minimal stock levels for the months of July and August of the 2014-15 Financial Year.
- December 2014 and January 2015 recorded the two highest individual monthly sales figures to date.
- Were sales to proceed for the remainder of the 2014-15 Financial Year on par with sales to date, the total annual taking would be \$21,048.60.
 - This would be \$1,183.50 more than for the previous Financial Year.

4. Cost

The following table depicts the costs for the refurbishment and includes the potential income from leasing the café and cost of air-conditioning units (based on split units for Café/VIC). These figures are based on a preliminary quote and are indicative. It is noted that further work would need to be done on the proposed refurbishment plans and a call for quotes conducted.

	Café and VIC refurbishment	VIC refurbishment	Difference in cost
Quote (GST incl)	\$214,808	\$ 123,970	\$90,838
Air-conditioning	\$28,800	\$23,490	\$5,310
Lease	\$13,000pa*	\$0	
Total	\$243,608 + 20%	\$147,460 + 20%	\$96,148 + 20%

*lease based on \$250 pw as in the report recommendations

REPORTS FROM THE CORPORATE & COMMUNITY COMMITTEE

Note there is no contingency built into quote – a recommendation of 20% to be added to each quote.

Additional sales may also be generated through increased stock if the VIC non café option goes ahead. This potential income has not been calculated at this stage.

Consideration should be given to the Return on Investment (ROI) if the café is incorporated and additional capital funds have to be sourced for the building. At a straight repayment rate of \$13,000pa it will take an additional 6.4 years to pay off the café. There would also be interest charges on top of this rate, which would add to the payback period being beyond a decade.

KEY ISSUES:

- Does the incorporation of the café align with strategic objectives of Uralla Shire Council Tourism
- Will the café compete with local businesses and detract from tourists accessing the main street and tourist attractions
- Recommendations from the report commissioned in 2013 lean towards the café not being incorporated into the VIC refurbishment
- Limited impact has been felt on numbers and sales since the café closure in July 2014.

CONCLUSION:

After considering the information supplied in this report, the committee needs to determine whether to pursue a refurbishment with a café included or a refurbishment with expansion of the Visitor Information Centre.

COUNCIL IMPLICATIONS:

- 1. Community Engagement/ Communication (per engagement strategy)**
Plans to go on display once a determination has been made.
- 2. Policy and Regulation**
NA
- 3. Financial (LTFP)**
There is a capital budget allocation for 2014/15 of \$50,000
Additional funds will need to be allocated in 2015-16 budget, depending on the option selected for refurbishment.
- 4. Asset Management (AMS)**
An Asset Management Plan for Council's operational buildings is yet to be developed.
- 5. Workforce (WMS)**
Nil
- 6. Legal and Risk Management**
The refurbishments need to meet all building standards and codes.

REPORTS FROM THE CORPORATE & COMMUNITY COMMITTEE

7. Performance Measures

NA

8. Project Management

NA

Prepared by staff member: Olivia Wood
TRIM Reference:
Approved/Reviewed by Manager: Damien Connor
Department: Tourism
Attachments:
A. Draft Plan 1 – incorporating café
B. Draft Plan 2 – no café
C. WILL WINTER CONSULTING – Uralla Visitor Information
Centre Review & Development Options 2013-15



REPORTS FROM THE
ENVIRONMENT, DEVELOPMENT
& INFRASTRUCTURE
COMMITTEE

23 March 2015

17. Reports from the Environment, Development & Infrastructure Committee

REPORTS FROM THE ENVIRONMENT,
DEVELOPMENT & INFRASTRUCTURE COMMITTEE

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REPORTS FROM THE ENVIRONMENT, DEVELOPMENT &
INFRASTRUCTURE COMMITTEE

23 March 2015

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REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE



REPORT TO COMMITTEE

Department:	Infrastructure & Regulation
Submitted by:	Manager Infrastructure & Works
Reference:	2.16.03.01
Subject:	Works Progress Report to 1 March 2015

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Objective:	Uralla Shire has safe and effective transport systems
Strategy:	Provide, maintain, renew and replace Council's transport network including urban streets and sealed and unsealed roads
Action:	Undertake maintenance program in line with established service levels and intervention points

SUMMARY:

The purpose of this report is to inform Council of the works that have been completed or progressed for the previous month.

OFFICER'S RECOMMENDATION:

That the report be received and noted.

COMMITTEE'S RECOMMENDATION:

That the report be received and noted.

REPORT:

- 1. Main Road Maintenance**

MR73 North and South	Patching, mowing
MR124	Patching, mowing
MR132	Maintenance, patch grading
- 2. Sealed Roads Maintenance**

Uralla Streets	Patching
Bundarra Town Area	Patching
Invergowrie Area	Patching
Kentucky/Wollun Area	Patching
Kingstown Road	Completed Minor Curve Widening at 38.8km
Sealed Rural Roads	Shoulder mowing.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

3. Unsealed Roads Maintenance

Grading

Gwydir Park Road	Graded
Woodlands Road	Grading Completed
Bakers Creek Road	Grading
Retreat Road	Graded
Old Wollun Road	Graded
Bakers Lane	Graded
Dorley Lane	Graded
Haynes Lane	Graded
Martins Lane	Graded
Brechts Lane	Graded
Brady Lane	Graded
Mabbotts Lane	Graded
Jobsons Lane	Graded
Westvale Road	Grading

4. Construction Crew

MR73 Thunderbolts Way	Continued construction of approaches for the new Emu Crossing bridge.
MR132 Barraba Road	Completion of Black Spot Upgrading project east from Tamworth Council boundary.
MR124 Bundarra Road	Commence Repair Program Project West from Saumarez Creek Bridge

5. Bridge / Sign Crew

Abington Bridge MR73	Maintenance
MR73 Thunderbolts Way	Emu Crossing Bridge. Commence rock work abutment protection
Uralla	Hampden Park relocate shelter

6. Town Area

Uralla	General maintenance
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KEY ISSUES:

- Nil.

Robert Bell

Director Infrastructure & Regulation

Prepared by staff member:	Manager Infrastructure & Works
TRIM Reference:	U07/3041
Approved/Reviewed by Manager:	Director Infrastructure & Regulation
Department:	Infrastructure & Regulation
Attachments:	Nil

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE



REPORT TO COMMITTEE

Department:	Infrastructure & Regulation
Submitted by:	Manager Infrastructure & Works
Reference:	2.16.03.02
Subject:	Works Planning Report March 2015

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Objective:	Uralla Shire has safe and effective transport systems
Strategy:	Provide, maintain, renew and replace Council's transport network including urban streets and sealed and unsealed roads
Action:	Undertake maintenance program in line with established service levels and intervention points

SUMMARY:

The purpose of this report is to inform the committee of works that are proposed to be carried out or continued in the next month.

OFFICER'S RECOMMENDATION:

That the report be received and noted.

COMMITTEE'S RECOMMENDATION:

That the report be received and noted.

REPORT:

- 1. Main Road Maintenance**
 - Bitumen patching
 - Guide posting
 - Sign maintenance
 - Heavy patching
 - Reseal program
 - Shoulder mowing
- 2. Sealed Roads Maintenance**
 - Bitumen patching
 - Guide posting
 - Terrible Vale Road shoulder grading
 - Reseal Program
 - Shoulder mowing

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

3. **Unsealed Roads Maintenance**

Bingara Road	Grade
Bakers Creek Road	Grade
Kentucky Area	Grade

4. **Bridge/Sign Crew**

Emu Crossing	Rock Abutment protection construction
Enmore Road	Maintenance
General maintenance	

5. **Construction**

MR73 Thunderbolts Way	Emu Crossing Bridge: bridge contractor to continue on site
MR73 Thunderbolts Way	Pavement Rehabilitation: Williams Road
MR124	Pavement rehabilitation for 500m from Saumarez Creek

6. **Town Works**

Routine maintenance	
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KEY ISSUES:

- The effects of the planned works on the environment have been reviewed. No significant effect is likely.

Robert Bell
Director Infrastructure & Regulation

Prepared by staff member:	Manager Infrastructure & Works
TRIM File Reference:	U07/3041
Approved/Reviewed by Manager:	Director Infrastructure & Regulation
Department:	Infrastructure & Regulation
Attachments:	Nil

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE



REPORT TO COMMITTEE

Department:	Infrastructure & Regulation
Submitted by:	Manager of Town Planning & Regulation
Reference:	2.16.03.03
Subject:	Development Approvals and Refusals for February 2015

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

- Objective:** To ensure that Development Applications and land use enquiries are dealt with as expeditiously as possible.
- Strategy:** Actively encouraging the utilisation of Complying Development, by delegations of authority to planning staff, where appropriate.
- Action:** Use of Delegation of Authority reported to management and Council monthly.

SUMMARY:

The purpose of this report is to provide the Committee with information on development approvals and refusals for the month of February 2015. The following data details the development approvals issued by Council and by private certification for February 2015 for the entire Local Government Area. A listing of development applications outstanding with a status as at the end of February 2015 has also been provided.

For information purposes a summary of the development values is provided from January 2006 until the end of February 2015. Similarly, a summary of the number of dwellings approved within the Local Government Area from 1 January 2000 until the end of February 2015 is provided.

The number of applications lapsing in August 2015 is also listed for information purposes.

OFFICER'S RECOMMENDATION:

That the development approvals and refusals for February 2015 be received and noted.

COMMITTEE'S RECOMMENDATION:

That the development approvals and refusals for February 2015 be received and noted.

REPORT:

Development Applications

Approvals:

Development Application Number	Applicant	Property	Development
DA-3-2015	Mr D Watson	Lot 331 Tracey's Lane, Kentucky	Dwelling Entitlement
DA-8-2015	Mr J Peirce	7 Depot Road, Uralla	Carport

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

Development Application Number	Applicant	Property	Development
DA-10-2015	Mr I & Mrs L McLennan	31 Harriet Gully Road, Kellys Plains	Dwelling Entitlement
Monthly Estimated Value of Approvals: \$7,500.00			

Refusals: Nil

Comparison to February 2014:

February 2014:	\$704,250.00	February 2015:	\$7,500.00
Year to date: (Calendar Year)	\$759,050.00	Year to date: (Calendar Year)	\$758,500.00

Development Applications Outstanding

Application Number	Applicant	Property	Development	Status
DA-77-2013	Boresch Project Services	51 Salisbury Street & 21 Queen Street, Uralla	Boundary Adjustment	Awaiting Applicant
DA-55-2014	Boresch Project Services	14 Marsh Street, Uralla	Dwelling under Clause 4.6 of the Uralla LEP	Under Notification
DA-69-2014	Boresch Project Services	28 Stringybark Ridge Road, Invergowrie	3 Lot Subdivision	Awaiting Applicant
DA-91-2014	Ms S Parker	29 Rowan Avenue, Uralla	Double Carport & Rear Deck	Awaiting Applicant
DA-69-2010-2	New England Surveying & Engineering	33-37 Queen Street, Uralla	Modification – Stage 1 – 2 Lot Subdivision	Awaiting Applicant
DA-2-2015	Mr D Williams	94 Quartz Gully Road, Uralla	Conversion of Shed to Dwelling	Awaiting Applicant
DA-4-2015	New England Surveying & Engineering	44 Barleyfields Road, Uralla	60 Lot Staged Subdivision	ED & I Committee
DA-5-2015	Mr B & Mrs T Booth	65 Barloo Road, Invergowrie	2 Lot Subdivision	Under Notification
DA-82-2008-2	Mr W Lulham	Lot 245 Dorlie Lane, Kentucky	Modification to Dwelling	Awaiting Applicant
DA-6-2015	Mrs L McFarlane	32 McCrossin Street, Uralla	Extension to Existing Shed	Under Notification
DA-9-2015	Mr C & Mrs L Borger	62 Mount Butler Road, Invergowrie	2 Lot Subdivision	Under Notification
DA-11-2015	Mr M Ball	293 Wollun Road, Wollun	Demolition of House	Awaiting Applicant
Total: 12				

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

Construction Certificates

Approved: Nil

Issued by Private Certifier:

Application Number	Applicant	Property	Construction
CC-1-2015	Mr J Ketley	5 Wilkens Street, Uralla	Dwelling
Monthly Estimated Value of Approvals: \$315,000.00			

Complying Development Applications

Approvals:

Application Number	Applicant	Property	Development
CDC-1-2015	Mr P McLean	15 Dangar Street, Uralla	Garage & Carport
Monthly Estimated Value of Approvals: \$12,000.00			

Refusals: Nil

Issued by Private Certifier:

Application Number	Applicant	Property	Development
CDC-2-2015	Ms C Clement	12 John Street, Uralla	Relocate Kitchen
CDC-3-2015	Mr T & Mrs S Bower	77 Stanley Vale Lane, Uralla	Dwelling Additions & Alterations
CDC-4-2015	Mr B & Mrs M Dennison	39 McCrossin Street, Uralla	Shed
Monthly Estimated Value of Approvals: \$222,500.00			

Comparison to February 2014:

February 2014:	\$22,200.00	February 2015:	\$231,500.00
Year to date: (Calendar Year)	\$31,700.00	Year to date: (Calendar Year)	\$1,075,500.00

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

Calendar Year Development Values

Year	Total Development Value \$	Average Development Value \$	Development Application Value \$	Complying Development Value \$
2006	6,310,059	42,349	6,310,059	-
2007	7,211,361	44,515	7,211,361	-
2008	9,155,533	56,169	7,393,239	1,762,294
2009	9,290,046	72,578	5,749,162	3,540,884
2010	10,586,972	80,817	5,958,887	4,628,085
2011	6,584,483	51,846	3,449,607	3,134,876
2012	11,390,780	104,503	6,158,718	5,232,062
2013	9,259,318	76,523	4,678,720	4,580,598
2014	8,246,689	69,300	5,657,845	2,588,844
2015	1,834,000	131,000	758,500	1,075,500

2015 to date

Financial Year Development Values

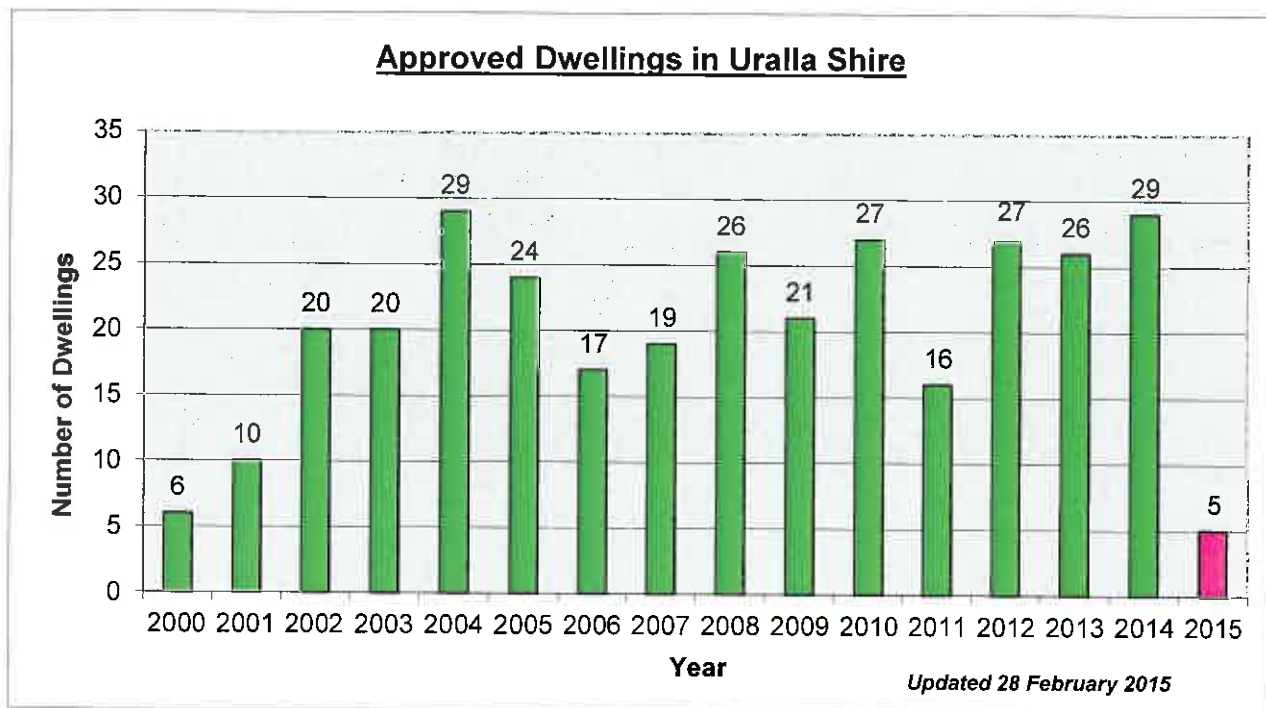
Year	Total Development Value \$	Average Development Value \$	Development Application Value \$	Complying Development Value \$
2005-2006	6,090,640	39,808	6,090,640	-
2006-2007	6,302,833	38,668	6,302,833	-
2007-2008	8,128,806	52,444	8,128,806	-
2008-2009	8,095,812	61,332	4,588,050	3,507,762
2009-2010	12,395,113	77,469	7,121,590	5,273,523
2010-2011	8,212,500	73,986	5,023,347	3,189,153
2011-2012	5,986,330	53,449	3,667,764	2,318,566
2012-2013	12,339,996	101,983	6,100,857	6,239,139
2013-2014	8,296,829	76,118	4,653,404	3,643,425
2014-2015	7,220,797	120,372	4,299,823	2,920,974

2014-2015 to date

Lapsing Applications

The review on expiring development and complying development applications has been carried out for those applications lapsing during August 2015. In August 2010 eight (8) applications were approved, with zero (0) applications identified as possibly not commencing as at the end of February 2015.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE



KEY ISSUES:

- Development Applications approved by Council for February 2015 – 3
- Development Applications refused by Council for February 2015 – 0
- Outstanding Development Applications as at 28 February 2015 – 12
- Construction Certificates approved by Council for February 2015 – 0
- Construction Certificates refused by Council for February 2015 – 0
- Construction Certificates issued by private certification for February 2015 – 1
- Complying Development Applications approved by Council for February 2015 – 1
- Complying Development Applications refused by Council for February 2015 – 0
- Complying Development Applications issued by private certification – 3
- Total Development Value for 2014 as at 28 February 2015 – \$1,834,000
- Average Development Value for 2014 as at 28 February 2015 – \$131,000
- Development Application Value for 2014 as at 28 February 2015 – \$758,500
- Complying Development Application Value for 2014 as at 28 February 2015 – \$1,075,500
- Applications lapsing in August 2015 that may not have commenced – 0
- Approved dwellings as at 28 February 2015 – 5

Elizabeth Cumming
Manager of Town Planning & Regulation

Prepared by staff member: Administration Officer
 TRIM Reference Number: U12/168
 Approved/Reviewed by Manager: Manager of Town Planning & Regulation
 Department: Infrastructure & Regulatory Services
 Attachments: Nil

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE



REPORT TO COMMITTEE

Department:	Infrastructure & Regulation
Submitted by:	Manager Town Planning & Regulation
Reference:	2.16.03.04
Subject:	Local Development Performance Monitoring Report 2013-2014

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

- Objective:** Uralla Shire's natural beauty and distinct natural environment are protected for future generations.
- Strategy:** Provide balanced and environmentally sensitive development.
- Action:** Assess and determine regulatory applications, including development applications, complying development certificates, construction certificates, Section 68 certificates, Bushfire Attack Level (BAL) Certificates and Conveyancing Certificates.

SUMMARY:

The purpose of this report is to present Council with the Local Development Performance Monitoring Report 2013-14. Local Development Performance Monitoring provides an overview of the performance of the NSW planning system and information on local and regional development determined by Councils, private certifiers and joint regional planning panels in 2013-14.

This year's publication is the ninth in the series and provides information for key indicators of performance, including the volume and value of various types of applications and determination times. It also provides information on other matters like Council staffing, who determines applications and information on internal (s.82A) reviews and appeals to the Land and Environment Court.

OFFICER'S RECOMMENDATION:

That the Local Development Performance Monitoring Report 2013-14 be received and noted.

COMMITTEE'S RECOMMENDATION:

That the Local Development Performance Monitoring Report 2013-14 be received and noted.

BACKGROUND:

The NSW Office of Planning & Environment regularly monitors the performance of the NSW planning system to ensure it is operating as efficiently and effectively as possible for the public, for small and large-scale developers and for industry professionals such as council planners.

This monitoring includes analysis of local, state and industry performance and also covers issues such as use of complying development, planning staff numbers and legal appeal success rates.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

REPORT:

The information contained within the Local Development Performance Monitoring Report was compiled by analysing records from all 152 NSW Councils. The data used is as reported by Councils and has been supplemented by information from Joint Regional Planning Panels. This report looks at NSW as a whole, which sets benchmarks and then can be broken down into individual Councils.

Summary - New South Wales

Attached is a copy of the NSW summary statistics as presented by NSW Planning & Environment. The major three items are:

1. In 2013-14, the number of development applications (DAs) determinations arrested the decline from the three previous years. Overall development activity (which includes DAs and CDCs) increased by 12 % (total 84,159 approvals) and the value of approved developments increased by 17% to \$28.69 billion compared with 2012-13.
2. The number of complying development certificates (CDCs) were the highest since Local Development Performance Monitoring data collection began. CDCs now account for 29% of all development approvals.
3. Average determination times were slightly longer than in the previous year (an additional 1.1 days). However 78% of Councils achieved median net determination times of 40 days or less.

Summary – Uralla Shire Council

Attached are tables prepared to give a collated comparative from 2005/2006. The comparative does not only report on Council's performance, but also on the other Councils grouped with Uralla Shire Council. Group 10 Councils are either largely agriculture in nature with a population of 5,001 – 10,000 or remote with a population of 3,001 – 20,000. The group and state performances are also listed where available.

Some general comments regarding Council's performance:

- The number of DAs determined was up by 10 applications. USC was below the group average by 2.
- The number of CDCs issued was down by 16 applications. USC was above the group average by 21.
- 59% of CDC applications were issued by Private Certifiers. This was 43% above the group average.
- USC was below the group average by 2 DA applications, but was above the group average for CDC approvals by 21.
- The number of section 96 applications (DA amendments) was up by 2, with this equalling the group average.
- Construction Certificates issued was up by 12, but 4 below the group average.
- Occupation Certificates issues were up by 17 and 44 above the group average. This shows the effort staff has been making to finalise outstanding applications by ensuring all final inspections have been carried out and occupations certificates issued.
- The total estimated Approved Development Value was up by \$5,000. USC was below the group average by \$8.1M.
- Complying Development Value was down by \$2.7million. USC was above the group average by \$2 million.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

- DA mean gross time dropped by 5 days and the median increased by 2 days. USC's mean gross determination time is 4 days above the group and 27 days below the state. USC's median gross determination time is 3 days above the group and 15 days below the state. These figures show the impact the introduction of onsite sewerage management and the new authority application system has had on processing times. The figures are still below the state average time and unless they rise above the state average, concern is not necessary.
- The net mean determination days increased by 23 days from 8 days to 31 days. This is above the group time of 28 days and below the state time of 45 days. Again these figures show the impact the introduction of onsite sewerage management and the new authority application system has had on processing times. The figures are still below the state average time and unless they rise above the state average, concern is not necessary.
- The median net determination time has increased by 27 days from 1 to 28 days. This time equals the group time of 21 days and at the time of this report the state time was not available.
- CDC mean gross time increased by 45 days and the median increased by 14 days. USC's mean gross determination time is 16 days above the group and 33 days above the state. USC's median gross determination time is 11 days above the group and 12 days above the state. These figures show the impact the introduction of onsite sewerage management and the new authority application system has had on processing times. The figures are of concern, but with the onsite sewerage licensing now at maintenance stage and not implementation, and the Authority application system now functional, it is expected these figures will improve in the 2014/15 results.
- FTE staff allocated to development assessment is still stagnate. It is 1 below the group average.
- The number of DAs assessed per FTE staff has increased by 10 with USC being 40.4 above the state group average and 13 above the state average.

KEY ISSUES:

- CDC gross mean and median determination times are above the state average.
- Development assessment per staff member is above the state average.

COUNCIL IMPLICATIONS:

- 1. Community Engagement/ Communication (per engagement strategy)**
Nil
- 2. Policy and Regulation**
Environmental Planning & Assessment Act 1979
Environmental Planning & Assessment Regulations 2000
- 3. Financial (LTFP)**
Nil
- 4. Asset Management (AMS)**
Nil
- 5. Workforce (WMS)**
Nil

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

6. Legal and Risk Management

Nil

7. Performance Measures

The NSW Local Development Performance Monitoring report provides comprehensive statistics about development in NSW, including annual information on the volume, value and type of development and council processing times. It has been compiled by NSW Planning & Environment based on the department's analysis of data supplied by local councils.

8. Project Management

Nil

Elizabeth Cumming

Manager Town Planning & Regulation

Prepared by staff member: Manager Town Planning & Regulation
TRIM Reference Number: U12/62
Approved/Reviewed by Manager: Director of Infrastructure & Regulation
Department: Infrastructure & Regulation
Attachments: A. Comparative Tables for Group 10 Councils – 2013-14

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE



REPORT TO COMMITTEE

Department:	Infrastructure and Regulation
Submitted by:	Director - Infrastructure and Regulation
Reference:	2.16.03.05
Subject:	Namoi Water Alliance Deed of Agreement

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Objective:	Residents enjoy a high quality water supply and network.
Strategy:	Ensure a safe and high quality water supply and network
Action:	Develop a Drought Management Plan and Drinking Water Quality Management Plan.

SUMMARY:

The purpose of this report is to formally advise that the Namoi Water Alliance appointed consultant for water and sewer consulting services, Hunter Water Australia, has been sold to Hunter H2O Holdings Pty Ltd (HunterH2O), and the new owner has requested the approval for novation to the agreement for the Namoi Water Alliance.

OFFICER'S RECOMMENDATION:

That:

1. Council notes the sale of Hunter Water Australia to Hunter H2O Holdings Pty Ltd, approve the novation to the Namoi Water Alliance Deed of Agreement for water and sewer consulting services to Hunter H2O Holdings Pty Ltd. And;
2. Council authorises the affixing of the Common Seal of the Council to the Deed of Novation.

COMMITTEE'S RECOMMENDATION:

That:

1. Council notes the sale of Hunter Water Australia to Hunter H2O Holdings Pty Ltd, approve the novation to the Namoi Water Alliance Deed of Agreement for water and sewer consulting services to Hunter H2O Holdings Pty Ltd. And;
2. Council authorises the affixing of the Common Seal of the Council to the Deed of Novation.

BACKGROUND:

Namoi Water Alliance members entered an agreement with Hunter Water Australia almost 2 years ago for the provision of consulting services to the group and/or individual Councils. We have now been advised of the sale of the consulting arm of Hunter Water Australia. The arm that managed water and sewer treatment plants in the Hunter Region has been replaced by Veolia Pty Ltd.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

REPORT:

While Uralla Shire Council remains a partner in Namoi Water Alliance this ability to have Hunter H2O provide consulting services for the group, such as drought management, chemical specification preparation (and then determine if joint tendering is appropriate), and review of Drinking Water Quality guidelines has been an excellent arrangement for Uralla Shire Council.

KEY ISSUES:

- Significant number of employees from the consulting arm of Hunter Water now work for Hunter H2O.
- This arrangement allows Uralla Shire Council to only employ this consulting company for work as required or work seen as benefiting all the members.

CONCLUSION:

Council should approve the novation of the agreement.

COUNCIL IMPLICATIONS:

1. **Community Engagement/ Communication (per engagement strategy)**
Nil
2. **Policy and Regulation**
nil
3. **Financial (LTFP)**
Nil
4. **Asset Management (AMS)**
Nil
5. **Workforce (WMS)**
Nil
6. **Legal and Risk Management**
Novation of current agreement required
7. **Performance Measures**
Water quality management
8. **Project Management**
Nil

Robert Bell
Director Infrastructure and Regulation

Prepared by staff member: Robert Bell

TRIM Reference:

Approved/Reviewed by Manager:

Department: Infrastructure and Regulation

Attachments: B. Letter from Hunter H2O 22/12/2014
C. Minutes of meeting held 25th February, 2015

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE



REPORT TO COMMITTEE

Department:	Infrastructure and Regulation
Submitted by:	Director - Infrastructure and Regulation
Reference:	2.16.03.06
Subject:	Abington Creek Bridge

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Objective:	Uralla Shire has safe and effective transport systems.
Strategy:	Maintain and upgrade bridges to improve longevity and safety
Action:	Undertake geotechnical work and construct a draft project plan for the Abington Creek Bridge site.

SUMMARY:

The purpose of this report is for Council to formally accept funding from both the NSW Government and the Australian Government to upgrade the Abington Creek Bridge.

Council has been successful in obtaining grants of \$705,000 from the Australian Government's Bridge Renewals Program and \$705,000 from the NSW Government under its Fixing Country Roads Program. Council has to provide \$43,000 for the geotechnical study and the survey and road design work.

Council has completed the geotechnical study at the proposed new bridge site and has completed the road design for the new alignment.

OFFICER'S RECOMMENDATION:

That:

1. Council accept the \$705,000 from the Australian Government under the Bridges Renewal Programme.
2. Council accept the \$705,000 from the NSW Government under the Fixing Country Roads Programme.
3. Council affix its seal to the Restart NSW Funding Deed.
4. That Council thank The Hon. Duncan Gay MLC, The Hon. Warren Truss MP, Adam Marshall MP, and Barnaby Joyce MP, Inverell Shire Council, Bindaree Beef, Australian Trucking Association, Stockmaster, James Harris, Forster & Sons, & Kelly's Transport for their support.

COMMITTEE'S RECOMMENDATION:

That:

1. Council accept the \$705,000 from the Australian Government under the Bridges Renewal Programme.
2. Council accept the \$705,000 from the NSW Government under the Fixing Country Roads Programme.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

3. Council affix its seal to the Restart NSW Funding Deed.
4. That Council thank The Hon. Duncan Gay MLC, The Hon. Warren Truss MP, Adam Marshall MP, and Barnaby Joyce MP, Inverell Shire Council, Bindaree Beef, Australian Trucking Association, Stockmaster, James Harris, Forster & Sons, & Kelly's Transport for their support.

BACKGROUND:

Abington Creek Bridge is approximately 54kms north west of Uralla on Thunderbolts Way. It is a narrow timber bridge on a poor alignment. It is the last timber bridge on Council's regional road network. It was earmarked to be replaced under the previous Timber Bridge Replacement Programme; however, this program was discontinued. The estimated cost of this project is \$1,453,000. The State and Federal government have offered \$1,410,000 towards this project. The remaining \$43,000 will come from Council's Block Grant funding for bridge maintenance.

REPORT:

Abington Creek Bridge was constructed in 1924 and is currently in need of minor repair work on the wingwalls. Over the last 2 years Council has spent over \$80,000 replacing damaged timber girders and timber headstocks. It is a difficult bridge to maintain as, even though it is approached by 2 sub standard curves, trucks still cross at pace. The one lane bridge with Give Way signs has seen some major accidents only narrowly avoided.

The current traffic volume is over 450 vehicles/ day, with 15% heavy vehicles.

Council prepared an application for State and for Federal Government funding for this project. Council has been successful on both fronts. The positive feedback on the progress on the Emu Crossing has assisted.

The current bridge is 27.6 metres long and 4.6 metres wide. The new bridge is proposed to be 45 metres long and 8 metres wide on a 15 degree skew. It will be designed for Higher Mass Limit transport. While the new bridge deck level will be similar to the existing bridge, the approaches will be raised to the same level. This will mean a 1:50 year flood will be only 75 mm over the road.

The Geotechnical report has been completed by Douglas Partners. The land title survey has been completed. Quotations have been invited for the Review of Environmental Factors & the Aboriginal site study. Council has also engaged OPUS to review our flood flow and flow velocity calculations. Staff members are now preparing the Fisheries application (if required) and have contacted Local Land Services for approval to construct the approaches on Travelling Stock Route. We have been advised that there is no Native land Claim in this area.

Once we have these details we will invite a "Design and Construct" tender for the bridge. The bridge tender is likely to be for 32 weeks. This will allow the completion to be well before the end of June, 2016.

The Federal offer needs to be accepted by 16 March 2015. The State offer needs to have Council's seal and resolution date on it. The funding approval will not occur until after the election; however, I have been assured it is not impacted by the "Wires & Poles" sale. The tender for the bridge construction will not be accepted until funding is confirmed.

KEY ISSUES:

- Funding of \$1,410,000 out of total estimated cost of \$1,453,000 has been offered by State and Federal Government.
- 750 metres of roadwork are to be undertaken by Council day labour.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

- The removal of the last timber bridge on Uralla Shire's regional road network.
- The upgrade of Thunderbolts Way to carry HML vehicles.

CONCLUSION:

Council needs to adopt the recommendation to accept the funding offered by the State Government and the Federal Government, in order for the replacement of Abington Creek Bridge to occur.

COUNCIL IMPLICATIONS:

1. Community Engagement/ Communication (per engagement strategy)

Council has held discussions with, and been supported by, all the major stake holders.

2. Policy and Regulation

Nil

3. Financial (LTFP)

\$43,000 is to be funded from Roads and Maritime Services Regional Roads Block grant.

4. Asset Management (AMS)

The replacement of this timber bridge reduces Council's satisfactory/ poor bridge stock to only 2 timber bridges.

5. Workforce (WMS)

The approaches will be constructed by Council's day labour and the project management will be provided by Council's Engineering Department.

6. Legal and Risk Management

The risks associated with Design and Construct bridge tenders will need to be managed by staff.

7. Performance Measures

Construction completed on time and on budget

8. Project Management

Provided by Council's appropriately qualified Engineering Staff

Robert Bell
Director Infrastructure and Regulation

Prepared by staff member: Robert Bell

TRIM Reference: U14/282

Approved/Reviewed by Manager:

Department: Infrastructure and Regulation

Attachments:

- D. Announcement from The Hon. Duncan Gay MLC for the Fixing Country Roads funding
- E. Fixing Country Roads – Infrastructure NSW presentation
- F. Announcement from The Hon. Warren Truss MP for the Australian Government's Bridges Renewal Programme.
- G. Bridge Renewal Programme- Round One – agreement
- H. Restart NSW Funding Deed.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE



REPORT TO COMMITTEE

Department:	Infrastructure and Regulation
Submitted by:	Director – Infrastructure and Regulation
Reference:	2.16.03.07
Subject:	Draft Drought Management Plan

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Objective:	Residents enjoy a high quality and safe water supply.
Strategy:	Ensure a safe and quality water supply and network
Action:	Develop a Drought Management Plan for water supplies.

SUMMARY:

The purpose of this report is to present the committee with the draft Drought Management Plan. Council, in conjunction with the Namoi Water Alliance and Hunter Water, has prepared the draft Drought Management Plan for the Uralla and Bundarra water supplies.

OFFICER'S RECOMMENDATION:

That:

Council adopt the draft Drought Management Plan and place on the Council website and advertise in Council's newsletter for public comment for 28 days.

COMMITTEE'S RECOMMENDATION:

That:

Council adopt the draft Drought Management Plan and place on the Council website and advertise in Council's newsletter for public comment for 28 days.

BACKGROUND:

Uralla Shire Council has been working with the other Namoi Water Alliance members and Hunter Water to produce a plan that is consistent across the region, while still allowing for the very different usage patterns and water supply security levels.

This is the first attempt to bring all the information in the plan into one document for Council staff and town residents to be able to understand the decisions that are made in times of drought or limited water availability.

This regional approach has also allowed for a standardization of terms such as the various levels of restrictions and what they involve.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

REPORT:

Uralla Shire Council embarked on this process due to the mixed messages when Tamworth Regional Council announced different levels of water restrictions in its Council area. The Office of Water and the Water Directorate have all been trying to get a consistent approach across the state with mixed results.

KEY ISSUES:

- Drought Management Plan is an essential part of Integrated Water Cycle Management included in the Best Practice Management Guidelines.
- A Yield study is currently being prepared by Public Works Department.

CONCLUSION:

It is recommended that Council places the draft Drought Management Plan on public display and invites comments for 28 days.

COUNCIL IMPLICATIONS:

- 1. Community Engagement/ Communication (per engagement strategy)**
Place draft on public display
- 2. Policy and Regulation**
Water Management Policy document
- 3. Financial (LTFP)**
Nil
- 4. Asset Management (AMS)**
Nil
- 5. Workforce (WMS)**
Nil
- 6. Legal and Risk Management**
Nil
- 7. Performance Measures**
Success in ensuring Uralla and Bundarra have acceptable levels of access to water supplies.
- 8. Project Management**
Technical Services Department

Robert Bell
Director Infrastructure and Regulation

Prepared by staff member: Robert Bell
TRIM Reference: U12/21
Approved/Reviewed by Manager:
Department: Infrastructure and Regulation
Attachments: I. Draft Drought Management Plan.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE



REPORT TO COMMITTEE

Department:	Infrastructure & Regulation
Submitted by:	Manager of Town Planning & Regulation
Reference:	2.16.03.08
Subject:	Planning Proposal: Uralla Flood Planning Map – Division Decision

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Objective:	To have the community satisfied with land use control.
Strategy:	Consult with the public on proposed amendments to planning instruments.
Action:	Monitor and review Council's Local Environmental plan and other strategic and supporting planning documents.

SUMMARY:

The purpose of this report is to recommend that Council seek a Gateway Determination from NSW Planning and Environment (P&E), requesting to place the Uralla Flood Planning Map Planning Proposal on public exhibition.

The purpose of the Planning Proposal is to include an additional Flood Planning Map in the Uralla Local Environmental Plan (URALLA LEP) 2012 that identifies land within a "flood planning area". The proposed mapping was derived from the Rocky and Uralla Creeks Flood Study. The proposed Flood Planning Map relates to the Uralla town area and will be included in the Map Index and statutory mapping that is part of the URALLA LEP 2012.

OFFICER'S RECOMMENDATION:

That the Committee recommend to Council that:

- (1) the Planning Proposal to seek inclusion of the flood planning areas as per the Rocky and Uralla Creeks Study be forwarded to NSW Planning and Environment for a Gateway Determination;
- (2) the General Manager be given delegated authority to make any minor alterations requested by NSW Planning and Environment; and
- (3) the Planning Proposal be advertised as per the provisions of Section 57 of the *Environmental Planning & Assessment Act, 1979* once a Gateway Determination has been issued.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

COMMITTEE'S RECOMMENDATION:

That:

- (1) the Planning Proposal to seek inclusion of the flood planning areas as per the Rocky and Uralla Creeks Study be forwarded to NSW Planning and Environment for a Gateway Determination;
- (2) the General Manager be given delegated authority to make any minor alterations requested by NSW Planning and Environment; and
- (3) the Planning Proposal be advertised as per the provisions of Section 57 of the *Environmental Planning & Assessment Act, 1979* once a Gateway Determination has been issued.

BACKGROUND:

The Rocky and Uralla Creeks Flood Study prepared by Paterson Consultants Pty Ltd in 2014 was adopted by Council on 23 June 2014.

Findings of the Flood Study included the identification of the "Flood Planning Area" for the Uralla and Rocky Creeks (within the Uralla town area) based on the 1% AEP flood extent plus 0.5 m (500mm) freeboard.

Land identified as "Flood Planning Area" on the "Flood Planning Map" triggers the need for an assessment of whether the proposed development:

- is compatible with the flood hazard of the land; and
- may adversely impact on flood affectation of other development or properties; and
- incorporates appropriate measures to manage risk to life from flood; and
- is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses; and
- is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

REPORT:

A Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* in relation to a proposed amendment to Uralla Local Environmental Plan (URALLA LEP 2012).

The purpose of the Planning Proposal is to include an additional Flood Planning Map in the URALLA LEP that identifies land within a "Flood Planning Area". The proposed mapping was derived from the Rocky and Uralla Creeks Flood Study. The Flood Study was prepared in accordance with the NSW Floodplain Development Manual and was adopted by Council 23 June 2014. The proposed Flood Planning Map relates to the Uralla town area and will be included in the Map Index and statutory mapping that is part of the URALLA LEP 2012.

There is already a similar Flood Planning Map included in the URALLA LEP for the town area of Bundarra.

It is requested that Council resolves to forward the Planning Proposal and the background study, the Uralla and Rocky Creek Flood Study, 2014, to NSW Planning and Environment for a Gateway

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

determination and approval to place the Planning Proposal and draft LEP amendment (mapping) on Public Exhibition.

KEY ISSUES:

- The Planning Proposal involves the inclusion of an additional Flood Planning Map in the Uralla Local Environmental Plan 2012.
- The Planning Proposal does not involve any amendments to the written LEP.
- The Planning Proposal is derived from an adopted flood study.
- The draft LEP amendment (the mapping) will provide a clear illustration of land affected by the 1% AEP flood extent.

CONCLUSION:

It is recommended that Council seek a Gateway Determination from NSW Planning and Environment (P&E) to place the Planning Proposal on public exhibition. The Planning Proposal is a relatively minor amendment to the LEP, as it only involves a mapping amendment based on the recommendations of a Council adopted flood study.

There is already a similar Flood Planning Map included in the URALLA LEP for the town area of Bundarra.

COUNCIL IMPLICATIONS:

1. Community Engagement/ Communication (per engagement strategy)

The Planning Proposal will be placed on Public Exhibition as per the requirements of the Gateway Determination issued by NSW Planning & Environment.

2. Policy and Regulation

Environmental Planning and Assessment Act 1979
NSW Floodplain Development Manual

3. Financial (LTFP)

Nil

4. Asset Management (AMS)

Nil

5. Workforce (WMS)

Nil

6. Legal and Risk Management

The proposed Flood Planning Map will provide clear and accessible information for the community to determine which land is identified as a "Flood Planning Area".

7. Performance Measures

Nil

8. Project Management

Nil

Elizabeth Cumming
Manager of Town Planning & Regulation

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

Prepared by staff member: Manager of Town Planning & Regulation
TRIM Reference: U12/6915
Approved/Reviewed by Manager: Director of Infrastructure & Regulation
Department: Infrastructure & Regulation
Attachments: J. Draft Planning Proposal

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE



REPORT TO COMMITTEE

Department:	Infrastructure & Regulation
Submitted by:	Manager Town Planning & Regulation
Reference:	2.16.03.09
Subject:	Planning Proposal Boundary Adjustment Clause and Rural Detached Dual Occupancy Dwellings – Division Decision

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Objective:	To have the community satisfied with land use control.
Strategy:	Consult with the public on proposed amendments to planning instruments.
Action:	Monitor and review Council's Local Environmental Plan and other strategic and supporting planning documents.

SUMMARY:

The purpose of this report is to recommend that Council seek a Gateway Determination from NSW Planning and Environment (P&E) requesting to place the draft Uralla Local Environmental Plan (Uralla LEP) 2012 Amendment No 4 – **Boundary Adjustments and Detached Dual Occupancy Dwellings for Certain Rural and Environmental Zoned Land Planning Proposal** on public exhibition.

There are two matters pertaining to the Planning Proposal:

1. **Boundary Adjustments**

To include the 'standard' LEP rural and environmental boundary adjustment clause in the Uralla LEP 2012. The boundary adjustment clause provides flexibility for boundary adjustment subdivisions. The proposed clause replaces the variation provisions previously found in the repealed State Environmental Planning Policy (SEPP) 1 Variations to Development Standards

2. **Detached Dual Occupancy Dwellings**

To expand permissible uses within rural and environmental zones to include detached dual occupancies with certain restrictions. The intended outcome is to permit detached dual occupancies within the RU1, RU2, E3 and E4 Zones while ensuring that they remain in close proximity to the primary dwelling, share the same access and remain on the same title.

OFFICER'S RECOMMENDATION:

That the Committee recommends to Council that:

- (1) the Planning Proposal for **Boundary Adjustments and Detached Dual Occupancy Dwellings for Certain Rural and Environmental Zoned Land** be forwarded to NSW Planning and Environment for a Gateway Determination,

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

- (2) the General Manager be given delegated authority to make any minor alterations requested by NSW Planning and Environment; and
- (3) the Planning Proposal is advertised as per the provisions of Section 57 of the *Environmental Planning & Assessment Act, 1979* once a Gateway Determination has been issued.

COMMITTEE'S RECOMMENDATION:

That the Committee recommends to Council that:

- (1) the Planning Proposal for Boundary Adjustments and Detached Dual Occupancy Dwellings for Certain Rural and Environmental Zoned Land be forwarded to NSW Planning and Environment for a Gateway Determination,
- (2) the General Manager be given delegated authority to make any minor alterations requested by NSW Planning and Environment; and
- (3) the Planning Proposal is advertised as per the provisions of Section 57 of the *Environmental Planning & Assessment Act, 1979* once a Gateway Determination has been issued.

BACKGROUND:

Boundary Adjustment Subdivisions

As local Councils produced their (standard instrument) Local Environmental Plans (LEPs), the new LEPs repealed the SEPP 1 Variations to Development Standards for that area. Clause 4.6 of the Standard Instrument LEP replaced the functions of the repealed SEPP, and this clause allows for variations to development standards such as lot size, height and floor space ratio.

One of the functions lacking in Clause 4.6 is the ability to make boundary adjustments for rural and environmental zoned land that is already below the minimum lot size.

Many other regional Councils, including Inverell, Tamworth, Armidale, Moree, Nambucca, and Coffs Harbour have amended their LEPs to include the 'new' boundary adjustment clause or local versions of that clause.

Clause 4.1E from the Armidale Dumaresq Local Environmental Plan 2012 has been reproduced and adapted to suit the zone structure for Uralla as shown in the report below.

Detached Dual Occupancy Dwellings

Certain rural detached dual occupancy dwellings were previously permissible with consent subject to justification under the former Uralla LEP 1988. As Councils made their new (stand instrument) LEPs, they were required to include Dual Occupancies (attached) only in their rural zones.

The need for detached dual occupancy dwellings in rural areas has been identified through the operation of the current ULEP since it came into force in 2012. It is reasonable to allow a degree of separation between rural dwellings, particularly where a dual occupancy is occupied by older members of a farming family who want to remain on the land, but not live in a household directly adjoining that of other family members.

REPORT:

The subject Planning Proposal seeks to amend the Uralla LEP 2012 to include appropriate LEP provisions to enable rural detached dual occupancies and boundary adjustment subdivisions of

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

'undersized' rural lots within rural and environmental zoned land. The boundary adjustment clause will also operate in R5 Large Lot Residential zoned land.

A review of surrounding Councils shows that there is a genuine and justifiable need for detached rural dual occupancy dwellings and flexibility when dealing with rural boundary adjustment subdivisions.

Traditional reasons against the use of detached dual occupancies in rural areas have been:

- Raising expectations of future subdivision to separate rural dwellings;
- Impacts from additional road access driveways;
- Loss of agricultural land; and
- Increase in value of agricultural land as a result of built improvements.

These issues will be managed by proposed DCP controls in the ULEP, including:

- Consolidation of separate land parcels so that the primary dwelling and the detached dual occupancy are located within a single lot;
- Access to the primary dwelling and the detached dual occupancy dwelling are to be via a single (existing) access driveway and single point of access location of a public road;
- Justification for the separation distance between the proposed detached dual and the primary dwelling.

The mechanism for amending the LEP and enabling detached dual occupancies is as follows:

- Removing "Dual occupancies (attached)" from the Land Use Table for RU1, RU2 and E3 zoned land as a use that is permitted with consent ; and
- Including "Dual occupancies" in the Land Use Table for RU1, RU2, E3 and E4 zoned land as a use that is permitted with consent.

Boundary adjustment subdivisions resulting in lots below the minimum rural lot size were formerly assessed and determined pursuant to a SEPP 1 variation to Cl.12A of the Uralla LEP 1988. SEPP 1 variations were removed with the implementation of the Standard Instrument LEP. Council's intention in preparing the ULEP 2012 was to complete a best fit transfer of the old LEP into the new format. The proposed provision complies with Council's intent.

Rural boundary adjustments are often necessary for efficient farm management purposes or to facilitate estate planning. The ability for rural land owners to be able to undertake routine boundary adjustments is considered to be a valid and sustainable approach to land management. It allows property owners flexibility when it comes to management of their farms.

The subject Planning Proposal provides a logical additional clause to the Uralla LEP 2012 that has been "tested" in other regional local government areas and addresses a "gap" in the standard instrument LEP template.

The proposed boundary adjustment LEP Provision is:

4.2C Exceptions to minimum subdivision lot size for boundary adjustments

- 1) *The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances, to give landowners a greater opportunity to achieve the objectives of a zone.*
- 2) *This clause applies to land in the following zones:*
 - a) *Zone RU1 Primary Production,*

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

- b) *Zone RU2 Rural Landscape,*
 - c) *Zone R5 Large Lot Residential,*
 - d) *Zone E3 Environmental Management,*
 - e) *Zone E4 Environmental Living.*
- 3) *Despite clause 4.1(3), development consent may be granted to the subdivision of 2 or more adjoining lots, being land to which this clause applies, if the consent authority is satisfied that the subdivision:*
- a) *will not result in an increase in the number of lots, and*
 - b) *will not result in an increase in the number of dwellings on, or dwellings that may be erected on, any of the lots, and*
 - c) *will not adversely impact on the long-term agricultural production potential or environmental values of the lots and the surrounding locality.*
- 4) *In determining whether to grant development consent for the subdivision of land under this clause, the consent authority must consider the following:*
- a) *the existing uses and approved uses of other land in the vicinity of the subdivision,*
 - b) *whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,*
 - c) *whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),*
 - d) *whether or not the subdivision is likely to be incompatible with a use of land in any adjoining zone,*
 - e) *any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),*
 - f) *whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,*
 - g) *whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.*
- 5) *This clause does not apply in relation to a subdivision under the Community Land Development Act 1989, the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986.*

Explanation of each subclause:

1. Explains the objectives of the provisions.
2. Defines which zones to which the proposed provisions apply.
3. Indicates that despite minimum lot size provisions contained in the plan, subdivision of undersized allotments may occur where Council is satisfied that no additional dwelling entitlement would be created and the potential for land use conflicts are not increased.
4. Council must also be satisfied that E3 and E2 zoned land will not be detrimentally impacted by the adjustment.

It is requested that Council resolves to forward the Planning Proposal to NSW Planning and Environment for a Gateway determination and approval to place the Planning Proposal and draft LEP amendment on Public Exhibition.

KEY ISSUES:

- The Planning Proposal involves the inclusion of an additional boundary adjustment clause (provision) in the Uralla Local Environmental Plan 2012.
- The new boundary adjustment provision will enable Council to determine boundary adjustment subdivisions that would previously have required a SEPP 1 variation under the former ULEP 1988.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

- The proposed amendment will enable Dual Occupancies (detached) in the RU1, RU2, E3 and E4 zones.
- The Planning Proposal does not involve any mapping amendments to the Uralla LEP.
- The draft LEP amendment has been drafted from similar LEP provisions already made in other regional Councils' LEPs.

CONCLUSION:

It is recommended that Council seek a Gateway Determination from NSW Planning and Environment (P&E) to place the Planning Proposal on public exhibition. The Planning Proposal is 'low impact,' and it would be expected the gateway Determination will require the Planning proposal to be exhibited for 14 days.

COUNCIL IMPLICATIONS:

1. Community Engagement/ Communication (per engagement strategy)

The Planning Proposal will be placed on Public Exhibition as per the Gateway determination.

2. Policy and Regulation

Environmental Planning & Assessment Act, 1979

Environmental Planning & Assessment Regulations, 2000

3. Financial (LTFP)

Nil

4. Asset Management (AMS)

Nil

5. Workforce (WMS)

Nil

6. Legal and Risk Management

Nil

7. Performance Measures

Nil

8. Project Management

Nil

Elizabeth Cumming

Manager Town Planning & Regulation

Prepared by staff member:

Manager Town Planning & Regulation

TRIM Reference:

U12/6915

Approved/Reviewed by Manager:

Robert Bell

Department:

Director Infrastructure & Regulation

Attachments:

K. Planning Proposal - Boundary Adjustments and Detached Dual Occupancy Dwellings for Certain Rural and Environmental Zoned Land

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE



REPORT TO COMMITTEE

Department:	Infrastructure & Regulation
Submitted by:	Manager of Town Planning & Regulation
Reference:	2.16.03.10
Subject:	Uralla Development Control Plan 2011 amendments

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Objective:	To have a community satisfied with land use control.
Strategy:	Consult with the public on proposed amendments to planning instruments.
Action:	Monitor and review Council's Local Environmental Plan and other strategic and supporting planning documents.

SUMMARY:

The purpose of this report is to recommend that Council endorses amendments to the Uralla Development Control Plan (DCP) 2011, and that Council resolves to publicly exhibit the amended DCP for a period of 28 days.

The draft DCP amendments involve controls and guidelines for development involving shipping containers, flood prone land, lane widening, secondary dwellings, bed and breakfast accommodation, telecommunications, and detached dual occupancy dwellings, as well as a review of consistency with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Code SEPP).

A number of minor "housekeeping" amendments have also been included.

OFFICER'S RECOMMENDATION:

That Council:

1. Endorse amendments to the Uralla Development Control Plan 2011;
2. Publicly exhibit the amended DCP for a period of 28 days; and
3. Give the General Manager delegated authority to adopt the Uralla Development Control Plan 2011 as amended if no submissions are received.

COMMITTEE'S RECOMMENDATION:

That Council:

1. Endorse amendments to the Uralla Development Control Plan 2011;
2. Publicly exhibit the amended DCP for a period of 28 days; and
3. Give the General Manager delegated authority to adopt the Uralla Development Control Plan 2011 as amended if no submissions are received.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

BACKGROUND:

The Uralla DCP was prepared in 2011, and was publicly exhibited from 25 October 2011 to 25 November 2011 with no submissions received. The DCP was amended in August 2012 for minor "housekeeping" reasons and to include a section concerning regulatory advice to Council regarding this land known as the former Koppers Timber Treatment Site.

The subject DCP amendment covers a range of development matters, as well as minor "housekeeping" amendments.

REPORT:

The subject DCP amendments involve controls and guidelines for development involving shipping containers, flood prone land, lane widening, secondary dwellings, and bed and breakfast accommodation, as well as a review of consistency with the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Code SEPP).

The proposed DCP amendments have been drafted following a review of relevant legislation including State Environmental Planning Policies and a review of how other regional Councils have addressed 'emerging' land use matters.

The DCP amendments are highlighted in the attached full copy of the DCP to enable readers to readily identify the changes to the document. The formatting of the DCP document has been updated to match Council's current documentation standards.

Amendments to the DCP are summarised as follows:

Secondary dwellings (granny flats)

Many applications for secondary dwellings are Complying Development and subject to the prescriptive controls of the State Environmental Planning Policies (SEPP) (Affordable Rental Housing and Exempt and Complying Development Codes). Those applications that do not meet the requirements of the SEPPs require a Development Application and are assessed/determined by Council. It is therefore necessary to include in the DCP controls and guidelines to ensure that secondary dwellings are appropriately designed and located, and do not detract from the amenity of the neighbourhood in which they are to be located.

Floodplain Development and Management

Chapter 11 of the DCP was updated to include the findings of the Rocky and Uralla Creek Flood Study, (adopted by Council in June 2011). Suitable controls for development within flood prone land have been drafted to manage the risk to life and property, and minimise the cost to the community as a result of the interaction between land uses and flood events, and to ensure consistency when dealing with flood prone land.

The Uralla Floodplain Committee met on Monday 2 March 2015 in regards to the proposed draft controls. The consensus from those in attendance was that the proposed controls were generally very flexible, and would allow individual merit assessment of any lot affected. There was no negative feedback.

Bed and Breakfast Accommodation

Many applications for Bed and Breakfast Accommodation are Complying Development and subject to the prescriptive controls of the Codes SEPP. Those applications that do not meet the requirements of the SEPP require a Development Application and are assessed/determined by Council. It is therefore necessary to include in the DCP controls and guidelines to ensure that proposals for Bed

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

and Breakfast Accommodation are small scale, are appropriately designed and located, and do not detract from the amenity of the neighbourhood in which they are to be located.

Shipping Containers

Shipping containers are considered a 'building' under the *EP&A Act* and as such may require development consent unless the development is Exempt Development. Some farm buildings and temporary uses such as building site sheds are Exempt Development and do not require a Development Application.

The use of shipping containers for other purposes requires a Development Application and will be assessed on a merit basis, subject to the proposed DCP controls. The proposed controls will limit the visual impact of shipping containers, as well as provide controls for their 'safe' use in terms of storage of hazardous materials or potential impacts to flood flows within flood prone land.

Lane Widening

A new control was included in the 'Subdivision in Residential Areas' section of the DCP, requiring the dedication to Council of a strip of land up to 4.57 m wide for the purpose of lane widening. This control was an existing Council policy that should have been taken up when the DCP was first prepared. It was overlooked but is now being rectified.

The lane widening policy affects all laneways within the Uralla township, and while the policy is important in ensuring that laneways are adequately widened to cater for future development, the laneways behind Everett and High Streets were made exempt in 2005 (resolution 481/05) due to the lack of subdivision potential in the area.

Telecommunications

A review of telecommunications DCP controls was conducted of adjoining and other regional Councils. The 'standard' approach to telecommunications (National Broadband Network) is to be flexible in the way these services are delivered given that some areas are serviced with underground cable (fixed line) and other areas with fixed wireless. On-site renewable energy generation systems, for example 'off the grid' solar systems, will be considered in rural and environmental zones where traditional grid electricity provision is cost prohibitive due to the remote or restrictive (e.g. significant vegetation) location of the property, and where the proposed lot(s) are located at the "end of the line" of grid electricity in that particular area.

Rural Dual Occupancy Dwellings

A Planning Proposal has been prepared detailing a proposed amendment to the Uralla Local Environmental Plan (ULEP 2012) that will enable detached dual occupancy dwellings within rural and environmental zoned land. New DCP controls have been drafted, requiring that detached rural dual occupancy are located within the one lot, share the same access driveway and are located in close proximity to the primary dwelling. These additional DCP controls will be included when/if the draft LEP amendment is made without the need to re-exhibit the DCP.

Consistency with State Environmental Planning Policies (SEPPs) and 'Housekeeping' Amendments

Since the DCP was endorsed by Council in 2011, there have been several changes to the SEPPs, primarily involving amendments to the Codes SEPP, and the repeal of four existing SEPPs, including the SEPP (Temporary Structures) 2007. A new code has been included in the Codes SEPP for commercial and industrial development, allowing certain alterations and changes of use as Complying Development.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

Additionally, there have been significant land based changes made to where exempt and complying development can be carried out pursuant to the Codes SEPP, including:

- Complying development can now be carried out on a site with a heritage item that does not encompass the entire site, provided the entire site is not mapped as a heritage item. Complying Development may be carried out on areas of the site not mapped as the heritage item.
- Certain Exempt Development may now be carried out in environmentally sensitive areas, as most exempt development involves only minor additions or changes to existing buildings.
- Where land is partially affected by a land based exclusion (for example a buffer area or environmentally sensitive land), Exempt and Complying Development may be carried out on the part of the land that is not affected.

The DCP has been updated to reflect these changes.

Housekeeping amendments have been highlighted through the attached DCP for easy identification.

KEY ISSUES:

- The Uralla DCP has been amended and updated to reflect legislation changes and to provide controls for emerging land uses, such as the use of shipping containers, secondary dwellings and bed and breakfast accommodation.
- Flood planning controls have been included based on the recently adopted Rocky and Uralla Creeks Flood Study, 2014.
- Housekeeping amendments have been made to correct typographical errors and to update the formatting of the document to match Council's documentation standards.
- DCP controls for detached dual occupancy dwellings in rural and environmental zones will be included when draft LEP Amendment is made.

CONCLUSION:

It is requested that Council endorses the DCP amendments and resolves to publicly exhibit the amended DCP for a period of not less than 28 days.

COUNCIL IMPLICATIONS:

1. Community Engagement/ Communication (per engagement strategy)

The amended DCP will be placed on Public Exhibition for a minimum of 28 days (Cl 18 (2) Division 2 Public Participation of *Environmental Planning and Assessment Regulation 2000*).

2. Policy and Regulation

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulation 2000
SEPP (Exempt & Complying Development) 2008

3. Financial (LTFP)

Nil

4. Asset Management (AMS)

Nil

5. Workforce (WMS)

Nil

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

6. Legal and Risk Management

Ensuring that Council Codes meet the current state legislative standard improves Council's risk management.

7. Performance Measures

Nil

8. Project Management

Nil

Elizabeth Cumming
Manager Town Planning & Regulation

Prepared by staff member:	Manager Town Planning & Regulation
TRIM Reference:	U07/6412
Approved/Reviewed by Manager:	Robert Bell
Department:	Director Infrastructure & Regulation
Attachments:	L. Draft Uralla Development Control Plan 2011 as amended

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE



REPORT TO COMMITTEE

Department:	Infrastructure & Regulation
Submitted by:	Manager Town Planning & Regulation
Reference:	2.16.03.11
Subject:	Dwelling under Clause 4.6 Uralla Local Environmental Plan – SA Gapes - Division Decision

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Objective:	Uralla Shire's natural beauty and distinct natural environment are protected for future generations.
Strategy:	Provide balanced and environmentally sensitive development.
Action:	Assess and determine regulatory applications, including development applications, complying development certificates, construction certificates, Section 68 certificates, Bushfire Attack Level (BAL) Certificates, and Conveyancing certificates.

SUMMARY:

The purpose of this report is for Council to consider approving the Clause 4.6 Development Application 55/2014, being for a variation of minimum lot size and the construction of a dwelling on land known as Thunderbolts Way, Uralla, being Lot 74 DP 3378 under the ownership of S Gapes.

An application has been made under Clause 4.6 (Exceptions to development standards) of the Uralla Local Environmental Plan 2012 (LEP). The exception is the minimum lot size for a dwelling. The minimum lot size requirement is 400 hectares with the land only being 2.175 hectares.

For Council to approve this application, consent is required from the Director General of the NSW Office of Planning & Environment (DG). This was refused in its current format; hence an amendment was made and plans for a proposed dwelling have been submitted. Support has been received from the Director General.

OFFICER'S RECOMMENDATION:

That Council:

- a) approve the Clause 4.6 Development Application 55/2014, being for a variation of minimum lot size and the construction of a dwelling on land known as Thunderbolts Way, Uralla, being Lot 74 DP 3378 under the ownership of S Gapes, subject to the following conditions:

PRESCRIBED CONDITIONS (under Environmental Planning and Assessment Regulation 2000)

Compliance with Building Code of Australia & insurance requirements under the Home Building Act 1989

1. The work must be carried out in accordance with the requirements of the *Building Code of Australia*.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.
3. For a temporary structure that is used as an entertainment venue, the temporary structure must comply with Part B1 and NSW H102 of Volume One of the *Building Code of Australia*.

Erection of signs

4. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) stating that unauthorised entry to the site is prohibited.
5. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Notification of Home Building Act 1989 requirements

6. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the relevant owner-builder permit.
7. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under the above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

136D Fulfillment of BASIX commitments

8. This clause applies to the following development:
 - a) BASIX affected development,
 - b) any BASIX optional development in relation to which a person has made an application for a complying development certificate that has been accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 4A of Schedule 1 for it to be so accompanied).
9. A complying development certificate for development to which this clause applies must be issued subject to a condition that the commitments listed in each relevant BASIX certificate for the development must be fulfilled.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

GENERAL CONDITIONS

10. The development must take place in accordance with the approved documents submitted with the application and subject to the conditions below to ensure the development is consistent with Council's consent.
11. A Construction Certificate must be obtained from a Certifying Authority before work commences, in accordance with Cl.146 of the EP&A Regulations 2000.
12. *The dwelling is to be inspected at the following stages of construction:
 - before the pouring of footings**
 - before covering drainage (under hydrostatic test)
 - before pouring any reinforced concrete structure **
 - before covering the framework for any wall, roof or other building element **
 - before covering waterproofing in any wet area**
 - before covering any stormwater drainage connections
 - when the building work is completed and all conditions of consent have been addressed**
 - in the case of a swimming pool, after the construction of the swimming pool is completed and the barrier (if one is required under the [Swimming Pools Act 1992](#)) has been erected and before the pool is filled with water,

*** denotes a critical stage inspection (a mandatory inspection under Section 109C of the EP&A Act 1979). Please note that an Occupation Certificate cannot be issued for a development where a critical stage or other nominated inspection has not been carried out.*

Applicants should give at least 24 hours notice to guarantee an inspection.

** All sewer and drainage works associated with the approval are to comply with the requirements of AS 3500 and completed only by a licensed plumber and drainer*

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

13. The plans and specification accompanying the Construction Certificate are to demonstrate compliance with the requirements of the deemed-to-satisfy provisions of the National Building Code for a Class 1a building:

Amended plans are to be submitted to the Principal Certifying Authority for authentication of NBC compliance and issue of a Construction Certificate.

Should the external configuration of the building be modified as a result of achieving NBC compliance, the plans accompanying this development consent must also be modified.

CONDITIONS TO BE COMPLETED PRIOR TO CONSTRUCTION COMMENCING

14. The owner/s of the property are to give Council written notice of the intention to commence works and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement, in accordance with the cl 103 and 104 of the *Environmental Planning and Assessment Regulation 2000*. Such notice is given using the form enclosed with this consent.

For development involving both building and subdivision work authorised by the same development consent, a separate appointment of a Principal Certifying Authority for each type of work is required, in accordance with Section 109E of the *Environmental Planning & Assessment Act 1979*.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

15. Before construction commences on the site and throughout the construction phase of the development, erosion control measures are to be installed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
- divert contaminated run-off away from disturbed areas,
 - erect silt fencing along the downhill side of the property boundary,
 - prevent tracking of sediment by vehicles onto roads by limiting access to the site and, where necessary, installing a temporary driveway and
 - stockpile all topsoil, excavated material and construction debris on the site, erecting silt fencing around the pile where appropriate.

Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

16. A hoarding or fence must be erected between the work site and any public place if the work is likely to cause traffic (pedestrian or vehicular) in a public place to be obstructed or otherwise inconvenient. The erected hoarding is to be sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. The hoarding, fence or awning is to be removed once the work has been completed.
17. All Engineering works to be designed by an appropriately qualified person and carried out in accordance with Council's Engineering Code, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.
18. A sewer main extension is required for a distance of 90 metres @ \$110.00 totalling \$9,900.00 for the extension. At the time of registration of the Plan of Survey at the Land Titles Office, the applicant shall dedicate a 3 metre wide easement over the sewer main, in favour of Council, and at no cost to Council.

Please Note: This cost is current for a 90 day period as at the date of the development consent.

19. Connection to the sewer main is required for Lot 74 DP 3378. This fee is set out in Council's Operational Plan and is adjusted every financial year. The current fee for the 2014/2015 year is \$508.00 per connection.
20. Connection to the water main is required for Lot 74 DP 3378 from the existing main in Duke Street. This fee is set out in Council's Operational Plan and is adjusted every financial year. The current fee for the 2014/2015 year is \$905.00 per connection.

CONDITIONS TO BE COMPLETED DURING CONSTRUCTION

21. Any building work must be carried out between 7.00am and 6.00pm Monday to Friday and 8.00am to 1.00pm Saturdays, excluding Sundays and public holidays. No audible construction is to take place outside these hours, to maintain the amenity of the locality.
22. Toilet facilities are to be provided at, or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be connected to an accredited sewage management facility approved by the council or some other sewage management facility approved by the council.
23. Materials must not be burned on site. All waste generated on site must be disposed of at Council's Waste Disposal Depot or Waste Transfer Station, to protect the amenity of the area and avoid the potential of air pollution.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

24. Effective dust control measures are to be maintained during construction to maintain public safety/amenity. Construction activities are to be undertaken so as not to inconvenience the adjoining land owners and are to be restricted solely to the subject site.
25. No material or equipment associated with the development is to be placed on public land without the written consent of the Council, and any activity located in close proximity to public areas is to be fenced to prevent damage to persons or property.
26. Retaining walls associated with the erection of the building or other approved methods for preventing the movement of the soil must be provided where soil conditions are inadequate, ensuring adequate provision is made for drainage.
27. Excavations and backfilling must be executed safely and in accordance with appropriate professional standards and be properly guarded and protected to prevent them from being dangerous to life or property.

If excavations associated with the erection of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must preserve and protect the building from damage, and if necessary, underpin and support the building in an approved manner.

Notice of intention to do so must be given to the owner of the adjoining land at least seven days before the commencement of excavation work. The owner of the adjoining allotment of land is not liable for any part of the cost of work, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
28. Access is to be constructed from Thunderbolts Way. The access is to be a pipe culvert of a minimum 450mm diameter and located to achieve a minimum stopping sight distance of 170m. The access is to be designed and constructed in accordance with Austroads Guide to Road Design Part 4: Intersections and Crossings, Figure 7.2 Rural Property Access and bitumen sealed to the property boundary, and is to be constructed to a standard approved by the Director of Infrastructure & Regulatory Services, prior to the erection of a dwelling.
29. If a right of carriageway is to be created over either of the lots for access, a notation is placed on the title of every benefitting lot such that maintenance of the right-of-carriageway is required, to a maintained trafficable standard suitable at all times for two-wheel drive vehicles, with the cost being borne proportionally by each owner based on the distance of the access point of their allotment to the public road.
30. Prior to any works within the road reserve of a classified road, Thunderbolts Way, the developer will require written approval from Uralla Shire Council under Section 1138 of the *Roads Act 1993* and the concurrence of Roads and Maritime Services.

CONDITIONS TO BE COMPLETED PRIOR TO OCCUPATION/USE COMMENCING

31. An Occupation Certificate must be obtained before the approved use commences, in accordance with the *Environmental Planning and Assessment Act* and to ensure the health and safety of the building's occupants.

ADVISING: Failure to obtain an Occupation Certificate is an offence under the legislation. Penalty advice for buildings (penalties do not apply to uses detailed in sections 109M and 109N; i.e. Crown projects, Class 1a and 10 buildings or as detailed for places of public entertainment).
32. Approval must be obtained from the Council as the Local Water Supply and Sewer Authority for any potable water supply, sewerage or on-site waste water system serving the site, pursuant to Chapter 7 of the *Local Government Act 1993* with all relevant work completed in accordance with such approval.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

33. The Principle Certifying Authority is to contact Council to ensure all the Section 68 conditions of approval have been completed prior to the issue of an Occupation Certificate.
34. A rural address property number shall be supplied and erected at the property access entrance location.
35. A backflow prevention device suitable to the degree of hazard must be installed to the premises. The type device will be determined at the time of processing the application for a water service. All external hose taps must be fitted with a backflow prevention device in accordance with AS/NZS 3500.1:2003 before use or occupation of the building, to maintain public health.
ADVISING: For information regarding the installation and type of backflow prevention device to be fitted, please contact Council.
36. Roof and surface stormwater from paved and impervious areas is to be collected and directed to protect the site and adjoining property from the effects of flooding. Such work must be completed prior to the use and/or occupation of the premises commencing.

CONDITIONS RELATING TO ONGOING OPERATIONS

37. A further application is to be made for any change, enlargement or intensification of the premises or land use, including the display/erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent under *State Environmental Planning Policy (Codes SEPP) 2008* for exempt development.

COMMITTEE'S RECOMMENDATION:

That Council:

- b) approve the Clause 4.6 Development Application 55/2014, being for a variation of minimum lot size and the construction of a dwelling on land known as Thunderbolts Way, Uralla, being Lot 74 DP 3378 under the ownership of S Gapes, subject to the following conditions:

PRESCRIBED CONDITIONS (under *Environmental Planning and Assessment Regulation 2000*)

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1. The work must be carried out in accordance with the requirements of the *Building Code of Australia*.
2. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.
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 - b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
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9. A complying development certificate for development to which this clause applies must be issued subject to a condition that the commitments listed in each relevant BASIX certificate for the development must be fulfilled.

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REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

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- stockpile all topsoil, excavated material and construction debris on the site, erecting silt fencing around the pile where appropriate.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

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Please Note: This cost is current for a 90 day period as at the date of the development consent.

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REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

26. Retaining walls associated with the erection of the building or other approved methods for preventing the movement of the soil must be provided where soil conditions are inadequate, ensuring adequate provision is made for drainage.
27. Excavations and backfilling must be executed safely and in accordance with appropriate professional standards and be properly guarded and protected to prevent them from being dangerous to life or property.
- If excavations associated with the erection of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must preserve and protect the building from damage, and if necessary, underpin and support the building in an approved manner.
- Notice of intention to do so must be given to the owner of the adjoining land at least seven days before the commencement of excavation work. The owner of the adjoining allotment of land is not liable for any part of the cost of work, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
28. Access is to be constructed from Thunderbolts Way. The access is to be a pipe culvert of a minimum 450mm diameter and located to achieve a minimum stopping sight distance of 170m. The access is to be designed and constructed in accordance with Austroads Guide to Road Design Part 4: Intersections and Crossings, Figure 7.2 Rural Property Access and bitumen sealed to the property boundary, and is to be constructed to a standard approved by the Director of Infrastructure & Regulatory Services, prior to the erection of a dwelling.
29. If a right of carriageway is to be created over either of the lots for access, a notation is placed on the title of every benefitting lot such that maintenance of the right-of-carriageway is required, to a maintained trafficable standard suitable at all times for two-wheel drive vehicles, with the cost being borne proportionally by each owner based on the distance of the access point of their allotment to the public road.
30. Prior to any works within the road reserve of a classified road, Thunderbolts Way, the developer will require written approval from Uralla Shire Council under Section 1138 of the *Roads Act 1993* and the concurrence of Roads and Maritime Services.

CONDITIONS TO BE COMPLETED PRIOR TO OCCUPATION/USE COMMENCING

31. An Occupation Certificate must be obtained before the approved use commences, in accordance with the *Environmental Planning and Assessment Act* and to ensure the health and safety of the building's occupants.
- ADVISING: Failure to obtain an Occupation Certificate is an offence under the legislation. Penalty advice for buildings (penalties do not apply to uses detailed in sections 109M and 109N; i.e. Crown projects, Class 1a and 10 buildings or as detailed for places of public entertainment).*
32. Approval must be obtained from the Council as the Local Water Supply and Sewer Authority for any potable water supply, sewerage or on-site waste water system serving the site, pursuant to Chapter 7 of the *Local Government Act 1993* with all relevant work completed in accordance with such approval.
33. The Principle Certifying Authority is to contact Council to ensure all the Section 68 conditions of approval have been completed prior to the issue of an Occupation Certificate.
34. A rural address property number shall be supplied and erected at the property access entrance location.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

35. A backflow prevention device suitable to the degree of hazard must be installed to the premises. The type device will be determined at the time of processing the application for a water service. All external hose taps must be fitted with a backflow prevention device in accordance with AS/NZS 3500.1:2003 before use or occupation of the building, to maintain public health.

ADVISING: For information regarding the installation and type of backflow prevention device to be fitted, please contact Council.

36. Roof and surface stormwater from paved and impervious areas is to be collected and directed to protect the site and adjoining property from the effects of flooding. Such work must be completed prior to the use and/or occupation of the premises commencing.

CONDITIONS RELATING TO ONGOING OPERATIONS

37. A further application is to be made for any change, enlargement or intensification of the premises or land use, including the display/erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent under *State Environmental Planning Policy (Codes SEPP) 2008* for exempt development.

BACKGROUND:

1. Council Resolution 416/14 – Support application subject to conditions and request concurrence from DG.
2. When councils prepare local environmental plans, they include rules to control the scale of future development. These rules are known as ‘development standards’. Local Environmental Plans (LEPs) frequently include development standards that prescribe the minimum for a development.
3. Under *Environmental Planning & Assessment Act*, applicants for development consent can apply to vary the application of certain development standards to their proposal under State Environmental Planning Policy No. 1 – Development Standards (SEPP 1) or under Clause 4.6 of the Standard Instrument (Uralla LEP 2012). These policies allow some flexibility in the application of development standards if the variation is justified by the specific characteristics of the proposal.

In response to the findings of the Independent Commission Against Corruption investigation into corruption allegations affecting Wollongong City Council, all development applications with SEPP 1 or clause 4.6 applications with variations greater than 10% must be reported to council meetings for determination.

REPORT:

An application has been received by Boresch Project Services on behalf of S Gapes to obtain a dwelling entitlement for Lot 74 DP 3378 known as 14 Marsh Street, Uralla.

Currently the property is held in a single holding consisting of two lots being a total of 4.2590 hectares. Lot 70 has an existing dwelling with Lot 74 being vacant.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE



The land is zoned RU1 Primary Production and has a Minimum Lot Size of 400 hectares. The holding adjoins Council's sporting fields and residential land. It is currently accessed off Marsh Street.



This application has been submitted under Clause 4.6 of the Uralla LEP 2012. This clause sets out where an exception to a development standard (for example Minimum subdivision lot size, Height of buildings and Floor space ratio) may be requested. This clause replaced the SEPP 1 provisions that were in place prior to the conversion template LEP (Uralla LEP 2012).

The clause requires the concurrence of the Director General to be obtained prior to the granting of consent for development that contravenes a development standard. This concurrence has been received and is attached..

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

This application was considered at the December Ordinary Council Meeting. Council resolved to support the application subject to conditions and request concurrence from the DG, but the DG has advised that the application cannot be accepted in its current format. It reads:

The secretary is unable to consider the request as it is not possible to grant consent for a 'dwelling entitlement'. A dwelling entitlement is not considered to be development as defined under the Environmental Planning & Assessment Act for which approval can be granted. While it has been argued at times that it may be considered as the 'use of land' the High Court has held that the use of land must be for a present use rather than a contemplated or intended use. The obtaining of consent for a 'dwelling entitlement' in this instance would only facilitate the intended use of the land at some time of the future (and only once consent for the erection of a dwelling has been obtained) and therefore does not constitute a present use that can be approved.

Should the proponent wish to pursue this matter, it is recommended that the development application be amended to a present use by including proposed dwelling plans and details.

A copy of this letter is attached.

The amended application was notified as per the provisions of the Uralla Development Control Plan 2011. The submission period will finish on 5 February 2015 which is after the writing of this report but prior to the Committee meeting. Any submissions received will be tabled at the Committee meeting.

If Council chooses to support this application a notice of consent will be issued subject to the conditions in the recommendation..

KEY ISSUES:

- Application made under Clause 4.6 of the Uralla LEP 2012.
- Requested clause variation is to Clause 4.2A of the Uralla LEP 2012 (in particular (3)(a)).
- RMS has given consent to access being taken off Thunderbolts Way (Duke Street).
- DG of NSW Planning & Environment was unable to give concurrence to a dwelling entitlement, but requested an amended application for the construction of a dwelling.
- Concurrence has been given to the amended application.
- The land is already a non viable agricultural holding.
- There are given precedents of lots with dwelling permissibility in the immediate vicinity that are below the 400 hectare Minimum Lot Size.

CONCLUSION:

This application should be supported for the following reasons:

- The land is already a non viable agricultural holding in that it is not capable of producing an agricultural income. Further fragmentation is not going to further degrade any agricultural viability.
- There are given precedents of lots with dwelling permissibility in the immediate vicinity that are below the 400 hectare Minimum Lot Size as required by the Uralla LEP 2012.
- The RMS has agreed to access being taken off Thunderbolts Way (Duke Street). Therefore there will be no impact by way of increased traffic generation on the residents in Marsh Street, nor there be an impact on the resident on the north western boundary, as the internal access would not run immediately adjacent to the dwelling.

COUNCIL IMPLICATIONS:

1. Community Engagement/ Communication (per engagement strategy)

Nil

2. Policy and Regulation

Uralla Local Environmental Plan 2012

Uralla Development Control Plan 2011

Environmental Planning & Assessment Act 1979

Roads Act 1993

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

3. Financial (LTFP)

Nil

4. Asset Management (AMS)

Nil

5. Workforce (WMS)

Nil

6. Legal and Risk Management

Nil

7. Performance Measures

Nil

8. Project Management

Nil

Elizabeth Cumming

Manager of Town Planning & Regulation

Prepared by staff member:

Manager of Town Planning & Regulation

TRIM Reference:

DA-55-2014

Approved/Reviewed by Manager:

Manager Town Planning & Regulation

Department:

Infrastructure & Regulation

Attachments:

M. Letter – NSW Planning & Environment – 29 Jan. 2015 & concurrence dated 4 March 2015

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE



REPORT TO COMMITTEE

Department:	Infrastructure & Regulation
Submitted by:	Manager Town Planning & Regulation
Reference:	2.16.03.12
Subject:	Development Application – Burnett: Division Decision

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

- Objective:** Uralla Shire's natural beauty and distinct natural environment are protected for future generations.
- Strategy:** Provide balanced and environmentally sensitive development.
- Action:** Assess and determine regulatory applications, including development applications, complying development certificates, construction certificates, Section 68 certificates, Bushfire Attack Level (BAL) Certificates, and Conveyancing certificates.

SUMMARY:

The purpose of this report is the consideration of the submissions in relation to a proposed development for a 60 lot residential subdivision. This application was notified as per the provisions of the Uralla Development Control Plan 2011, with seven submissions being received

OFFICER'S RECOMMENDATION:

That Council approve Development Application 4/2015, being for a residential subdivision consisting of 60 lots on land known as 44 Barleyfields Road, Uralla, being Lots 81, 462 & 543 DP 755846 under the ownership of R & K Burnett subject to the following conditions:

PRESCRIBED CONDITIONS (under Environmental Planning and Assessment Regulation 2000)

Nil

GENERAL CONDITIONS

1. This approval is for seven stages being:
 - Stage One being Lots 101-109
 - Stage Two being Lots 201-208
 - Stage Three being Lots 301-307
 - Stage Four being Lots 401-402, 405-411
 - Stage Five being Lots 501-507
 - Stage Six being Lots 601-612
 - Stage Seven being Lots 701-703

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

2. The development must take place in accordance with the approved plans (bearing the Council approval stamp) and documents submitted with the application, and subject to the conditions below to ensure the development is consistent with Council's consent.
3. All Engineering works to be designed by a competent person, endorsed by a Certified Practising Engineer, and carried out in accordance with Council's Engineering Code, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.
4. A Construction Certificate shall be submitted to and approved by the relevant Certifying Authority prior to construction commencing on each stage.
5. The method and type of fencing material used for boundary fencing is to be approved by Council prior to installation. Council will not allow paling or Colorbond fencing as boundary fencing.
6. The dedicated pedestrian walkways between Lots 303 and 304, and 411 and 501 are to be removed from the design of the subdivision.
7. No tree removal is allowed from the road reserve unless prior consent has been given by Council.

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. The applicant shall have prepared, by a suitably qualified person, detailed engineering drawings, submitted for Council's approval, generally in accordance with Council's DCP 2011, for the construction of all the internal roads and intersections of Warwick Street and the new internal road in accordance with the following requirements:
 - a) Pavement design for all new internal roads shall be based on a design traffic load of 3×10^5 ESA's with subgrade testing on 10 day soaked CBR's.
 - b) Full kerb and gutter is to be provided along the frontage of Barleyfields Road and Warwick Street.
 - c) The internal access roads to the development shall be constructed with a minimum two (2) coat hot bitumen sealed pavement width of 6 metres with kerb and gutter, including all necessary underground drainage.
 - d) All cul-de-sac bulbs shall be constructed at the end of the proposed new internal roads with a minimum radius of 15 metres to face of kerb to accommodate the turning movement of a semi rigid truck.
 - e) At the new internal road's intersection with Warwick Street, the applicants shall design and construct a typical T intersection at both locations.

All the above works are to be designed and completed generally in accordance with Council's DCP 2011, and professional practical standards, before the issue of a Subdivision Certificate.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

9. The applicant shall have prepared an Erosion and Sediment Control Plan and Soil and Water Management Plan, in accordance with the requirements of the Department of Housing's *Managing Urban Stormwater - Soils and Construction*, to be submitted with the application for a Construction Certificate for the development for approval by the relevant Certifying Authority. The Soil and Water Management Plan must include sediment basin calculations and the approved plan implemented in conjunction with the project.
10. The applicant shall have prepared a plan demonstrating the protection of the development by provision of underground drainage pipelines (within easements or roadways) to cater for a stormwater flood frequency of 20% Annual Exceedance Probability (AEP) and fail-safe aboveground flood ways to cater as a minimum for a flooding frequency of 1% AEP, to connect to the existing drainage gully adjacent to the site. Details are to be provided to the relevant Certifying Authority for approval before the issue of a Construction Certificate for the development. Completed works are to be inspected and approved by the relevant Certifying Authority, or works secured for an amount approved by Council's Development Engineer or nominee, before the issue of a Subdivision / Occupation Certificate.
11. The applicant shall have prepared an Inter-allotment drainage design for all lots which do not drain naturally to a public road, to protect those lots and adjoining property. All inter-allotment drainage is to be contained within a suitably located easement (minimum width 2m). Details are to be provided to Council's Director of Infrastructure & Regulation or nominee for approval before the issue of a Construction Certificate for the development.

Title Plan submissions are to confirm easement details before the issue of a Subdivision Certificate for the development.

Stormwater systems must cater, as a minimum, for a stormwater flooding event of 20% Annual Exceedance Probability (AEP) for pipes, and 1% AEP for aboveground flow paths.
12. The applicant shall have prepared a design for the extension of sewer reticulation mains from the existing infrastructure downstream of the site to serve each of the proposed allotments within the development. Detailed Engineering drawings prepared by a suitably qualified person must be submitted for the approval of Council's Director of Infrastructure & Regulation or nominee before the issue of a Construction Certificate for the development.
13. The applicant shall have prepared a design for the extension of water supply mains to serve the proposed development. Detailed engineering drawings, prepared by a suitably qualified person, must be submitted for the approval of Council's Director of Infrastructure & Regulation or nominee before the issue of a Construction Certificate for the development.

The internal water mains within the estate are to form a looped system with no dead ends. Water supply design is to be a sustainable cost effective operation by Council in the future. Fire flows required are 11L/sec at a pressure of not less than 275 kPa (28m). These flows are to be supplied in addition to peak instantaneous demands for a typical residential water demand.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

14. All works are to be completed and to be inspected, tested and approved by the Council's Director of Infrastructure & Regulation or nominee, or works secured for an amount approved by Council's Director of Infrastructure & Regulation or nominee, before the issue of a Subdivision Certificate.
15. The applicants shall provide written advice from telecommunications and electricity providers, confirming that satisfactory arrangements have been made for the provision of telecommunications and electricity services to each of the proposed allotments within the development.
16. The applicants shall have made arrangements and paid for the provision of new street lighting to be provided to all new footways and streets, and thus maintain visibility and safety for pedestrians. The developer is to liaise with Essential Energy with regard to street light location. Completed works are to be inspected and approved by the Council's Director of Infrastructure & Regulation or nominee before the issue of a Subdivision Certificate/release of any bond for incomplete works.
17. Developer suggestions for the name of the new road, together with the reasons for the name proposed, should be submitted at least three (3) months before issue of the Subdivision Certificate for the development, for Council's consideration. Council favours names with historical, zoological, botanical or geographic association with the locality.
18. The applicants shall lodge with Council a monetary security for civil works, to cover the cost of carrying out rectification work in public areas in connection with the proposal should any defect arise within twelve (12) months of completion of the works. Security shall be in the form of cash or bank guarantee for an amount determined by Council. Application for a 90% refund of the security may be made on documented completion of the works, with full refund of the remaining 10% upon satisfactory completion of the twelve month defects liability period.
19. The applicants shall provide one set of print film copies of "work as executed" plans to Council for works carried out on Council property or benefiting Council. Each plan is to have a scale adjacent to the title block showing the scale used on that plan. The location of any fill introduced, by both plan limit and depth, together with relevant classifications shall be shown on the "work as executed" plans to be submitted to Council.
20. At the time of the issue of a Subdivision Certificate, the applicants shall have prepared documentation for presentation to the Land Titles Office for the dedication to Council of all drainage easements, in order to protect the area from inadvertent filling or destruction that could change the flow characteristics of the flow regime.
21. At the time of submission of the application for a Subdivision Certificate, the applicant shall submit to Council three (3) copies of the Title Plan. The applicant/developer is to ensure that a checklist, clearly showing that all conditions of consent have been met, is provided with the application.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF CONSTRUCTION COMMENCING

22. Council is to be given written notice of the intention to commence works and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement, in accordance with cl 103 and 104 of the *Environmental Planning and Assessment Regulation 2000*.
23. Before construction commences on the site and throughout the construction phase of the development, erosion control measures are to be installed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
- divert contaminated run-off away from disturbed areas,
 - erect silt fencing along the downhill side of the property boundary,
 - prevent tracking of sediment by vehicles onto roads by limiting access to the site and, where necessary, installing a temporary driveway and
 - stockpile all topsoil, excavated material and construction debris on the site, erecting silt fencing around the pile where appropriate.

Failure to take effective action may render the developer liable to prosecution under the *NSW Protection of the Environment Operations Act*.

24. No storage of building materials, soil or equipment is to occur on Council's property or roads without the written consent of Council's Director of Infrastructure & Regulation. No unfenced, potentially dangerous activity or material is to be located in close proximity to the street boundary or pedestrian walkway adjoining the site. No unsupervised transit of plant, equipment or vehicles across public areas or other obstruction of those areas is permitted.
25. Under-road conduits are to be provided to cater for electricity, telecommunications, gas supply or other underground utility services. Utility crossings of public roads are to be under-road bored and Council's Director of Infrastructure & Regulation advised of the intention to commence work at least 48 hours in advance. The developer and its agents are responsible for ascertaining the location of existing underground services before commencing work. Any damage to existing services or to the road construction is to be made good at the expense of the developer.

CONDITIONS TO BE COMPLETED DURING CONSTRUCTION

26. Action being taken by the developer and contractors to ensure that public safety is maintained on roadways under construction at all times, by the provision of effective barriers to distinguish between adjacent public roadways and the roadways under construction.
27. Effective dust control measures are to be maintained during construction to maintain public safety/amenity and construction activities are to be restricted solely to the subject site.

ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

28. Materials must not be burned on-site. All waste generated on site must be disposed of at Council's Waste Disposal Depot or Waste Transfer Station, to protect the amenity of the area and avoid the potential of air pollution.
29. Any fill which is placed on the site shall be free of any contaminants and placed in accordance with the requirements of AS 3798-1990 *Guidelines on Earthworks for Commercial and Residential Developments*. The developer's structural engineering consultant shall:
 - identify the source of the fill and certify that it is free from contamination; and
 - classify the area within any building envelope on any such filled lot in accordance with the requirements of "Residential Slabs and Footings" AS 2870.1.

Stage One Specific Conditions

GENERAL CONDITIONS

30. A splay is to be taken from the north eastern corner of Lot 109 and is to be dedicated as road. This splay is to be 10 metres by 10 metres.

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

31. A cleared pedestrian path is to be constructed along the frontage of all lots in Stage One. This is to be constructed to a standard approved by Council's Director of Infrastructure & Regulation.
32. Access for Lot 109 is to be taken from Barleyfields Road due to site safety distance. This is to be noted on the title of the land by way of caveat.
33. Street lighting for Stage One is to incorporate one (1) street light. The location is to be subject to the approval of the Director of Infrastructure and Regulation and Essential Energy.
34. The applicant is to plant a landscape screen of medium shrubs along the northern edge of the intersection to minimise the impact of car headlights on the dwellings in Barleyfields Road. The species and density of plantings, along with length is to be approved by Council prior to planting. The screen is to be maintained for a period of two years.

Stage Two Specific Conditions

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

35. Fencing along the rear of Lots 203, 204, 205 and 206 is to be designed to minimise the accumulation of debris from flood water. Post and wire or collapsible fencing is preferred. Alternatively, fencing shall have a maximum obstruction up to 900mm to the flow of 15%, openings of no less than 125mm and a maximum height of 1.2m (the use of open mesh with 100mm minimum openings is permitted for swimming pool fences).

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

The fencing is to be approved by Council's Director of Infrastructure & Regulation prior to erection and is to be uniform throughout all stages of the subdivision and is to be constructed prior to the release of the Subdivision Certificate.

Stage Three Specific Conditions

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

36. Street lighting for Stage Three is to incorporate two (2) street lights. The location is to be subject to the approval of the Director of Infrastructure and Regulation and Essential Energy.
37. Fencing along the rear of Lots 307 is to be designed to minimise the accumulation of debris from flood water. Post and wire or collapsible fencing is preferred. Alternatively, fencing shall have a maximum obstruction up to 900mm to the flow of 15%, openings of no less than 125mm and a maximum height of 1.2m (the use of open mesh with 100mm minimum openings is permitted for swimming pool fences).

The fencing is to be approved by Council's Director of Infrastructure & Regulation prior to erection and is to be uniform throughout all stages of the subdivision and is to be constructed prior to the release of the Subdivision Certificate.

Stage Four Specific Conditions

GENERAL CONDITIONS

38. Approval for Lots 403 and 402 is not able to be given, as the land does not belong to the applicant. An amended application is to be submitted for inclusion of these lots subject to a successful conclusion to the proposed road closure.
39. Approval is to be sought from Local Land Services for access for any lot accessing from Warwick Street across the Travelling Stock Route.

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

40. The intersection of Barleyfields Road and Warwick Street is to be upgraded. Detailed engineering drawings prepared by a suitably qualified person must be submitted for the approval of Council's Director of Infrastructure & Regulation or nominee before the issue of a Construction Certificate for the development.

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

41. All works are to be completed and to be inspected, tested and approved by the Council's Director of Infrastructure & Regulation or nominee or works secured for an amount approved by Council's Director of Infrastructure & Regulation or nominee, before the issue of a Subdivision Certificate.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

42. Street lighting for Stage Four is to incorporate two (2) street lights. The location is to be subject to the approval of the Director of Infrastructure and Regulation and Essential Energy.

Stage Five Specific Conditions

GENERAL CONDITIONS

43. Approval for Lots 508, 509 and 510 is not able to be given, as the land does not belong to the applicant. An amended application is to be submitted for inclusion of these lots subject to a successful conclusion to the proposed road closure.

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

44. Street lighting for Stage Five is to incorporate two (2) street lights. The location is to be subject to the approval of the Director of Infrastructure and Regulation and Essential Energy.

Stage Six Specific Conditions

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

45. Street lighting for Stage Six is to incorporate one (1) street light. The location is to be subject to the approval of the Director of Infrastructure and Regulation and Essential Energy.
46. There is to be a joint access constructed for Lot 609 and 610. It is to be constructed down the centre of the access handle for each lot. It is to be constructed to a standard approved by Council's Director of Infrastructure and Regulation with a full bitumen seal for the length of the handle.
47. Maintenance provisions between Lots 609 and 610 for the access and associated handle are to be provided for within a Section 88b Instrument under the *Conveyancing Act 1919*. This instrument is further to restrict any other lot from gaining access by use of this access handle.
48. Lots 609 and 610 are not to be subdivided further. A restriction under the *Conveyancing Act 1919* is to be placed on the land to ensure this is noted for perpetuity.
49. The access handle between Lot 605 and 606 and to the residue land, which is to be developed in Stage Seven, is to be fully bitumen sealed to a standard approved by Council's Director of Infrastructure & Regulation.
50. Fencing along the rear of Lots 601, 602, 603 and 604 is to be designed to minimise the accumulation of debris from flood water. Post and wire or collapsible fencing is preferred. Alternatively, fencing shall have a maximum obstruction up to 900mm to the flow of 15%, openings of no less than 125mm and a maximum height of 1.2m (the use of open mesh with 100mm minimum openings is permitted for swimming pool fences).

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

The fencing is to be approved by Council's Director of Infrastructure & Regulation prior to erection and is to be uniform throughout all stages of the subdivision and is to be constructed prior to the release of the subdivision certificate.

Stage Seven Specific Conditions

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

51. A joint access is to be constructed to Lots 701 and 703. This is to be constructed to a standard approved by Council's Director of Infrastructure and Regulation. This is to include a bitumen seal including splays to the property boundary, and a full bitumen seal along the internal access handle of Lot 701 for the full length of Lot 703.
52. Fencing between Lots affected by flood waters is to be designed to minimise the accumulation of debris from flood water. Post and wire or collapsible fencing is preferred. Alternatively, fencing shall have a maximum obstruction up to 900mm to the flow of 15%, openings of no less than 125mm and a maximum height of 1.2m (the use of open mesh with 100mm minimum openings is permitted for swimming pool fences).

The fencing is to be approved by Council's Director of Infrastructure & Regulation prior to erection and is to be uniform throughout all stages of the subdivision and is to be constructed prior to the release of the Subdivision Certificate.
53. Lots 703 and 703 are to be connected to reticulated water and sewer supply. Lot 701 does not have this requirement. Any existing onsite sewer waste treatment systems are to be decommissioned to a standard approved by the Director of Infrastructure and Regulation.

COMMITTEE'S RECOMMENDATION:

That Council approve Development Application 4/2015, being for a residential subdivision consisting of 60 lots on land known as 44 Barleyfields Road, Uralla, being Lots 81, 462 & 543 DP 755846 under the ownership of R & K Burnett subject to the following conditions:

PRESCRIBED CONDITIONS (under Environmental Planning and Assessment Regulation 2000)

Nil

GENERAL CONDITIONS

1. This approval is for seven stages being:
 - Stage One being Lots 101-109
 - Stage Two being Lots 201-208
 - Stage Three being Lots 301-307
 - Stage Four being Lots 401-402, 405-411
 - Stage Five being Lots 501-507
 - Stage Six being Lots 601-612
 - Stage Seven being Lots 701-703

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

2. The development must take place in accordance with the approved plans (bearing the Council approval stamp) and documents submitted with the application, and subject to the conditions below to ensure the development is consistent with Council's consent.
3. All Engineering works to be designed by a competent person, endorsed by a Certified Practising Engineer, and carried out in accordance with Council's Engineering Code, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.
4. A Construction Certificate shall be submitted to and approved by the relevant Certifying Authority prior to construction commencing on each stage.
5. The method and type of fencing material used for boundary fencing is to be approved by Council prior to installation. Council will not allow paling or Colorbond fencing as boundary fencing.
6. The dedicated pedestrian walkways between Lots 303 and 304, and 411 and 501 are to be removed from the design of the subdivision.
7. No tree removal is allowed from the road reserve unless prior consent has been given by Council.

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. The applicant shall have prepared, by a suitably qualified person, detailed engineering drawings, submitted for Council's approval, generally in accordance with Council's DCP 2011, for the construction of all the internal roads and intersections of Warwick Street and the new internal road in accordance with the following requirements:
 - f) Pavement design for all new internal roads shall be based on a design traffic load of 3×10^5 ESA's with subgrade testing on 10 day soaked CBR's.
 - g) Full kerb and gutter is to be provided along the frontage of Barleyfields Road and Warwick Street.
 - h) The internal access roads to the development shall be constructed with a minimum two (2) coat hot bitumen sealed pavement width of 6 metres with kerb and gutter, including all necessary underground drainage.
 - i) All cul-de-sac bulbs shall be constructed at the end of the proposed new internal roads with a minimum radius of 15 metres to face of kerb to accommodate the turning movement of a semi rigid truck.
 - j) At the new internal road's intersection with Warwick Street, the applicants shall design and construct a typical T intersection at both locations.

All the above works are to be designed and completed generally in accordance with Council's DCP 2011, and professional practical standards, before the issue of a Subdivision Certificate.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

9. The applicant shall have prepared an Erosion and Sediment Control Plan and Soil and Water Management Plan, in accordance with the requirements of the Department of Housing's *Managing Urban Stormwater - Soils and Construction*, to be submitted with the application for a Construction Certificate for the development for approval by the relevant Certifying Authority. The Soil and Water Management Plan must include sediment basin calculations and the approved plan implemented in conjunction with the project.
10. The applicant shall have prepared a plan demonstrating the protection of the development by provision of underground drainage pipelines (within easements or roadways) to cater for a stormwater flood frequency of 20% Annual Exceedance Probability (AEP) and fail-safe aboveground flood ways to cater as a minimum for a flooding frequency of 1% AEP, to connect to the existing drainage gully adjacent to the site. Details are to be provided to the relevant Certifying Authority for approval before the issue of a Construction Certificate for the development. Completed works are to be inspected and approved by the relevant Certifying Authority, or works secured for an amount approved by Council's Development Engineer or nominee, before the issue of a Subdivision / Occupation Certificate.
11. The applicant shall have prepared an Inter-allotment drainage design for all lots which do not drain naturally to a public road, to protect those lots and adjoining property. All inter-allotment drainage is to be contained within a suitably located easement (minimum width 2m). Details are to be provided to Council's Director of Infrastructure & Regulation or nominee for approval before the issue of a Construction Certificate for the development.

Title Plan submissions are to confirm easement details before the issue of a Subdivision Certificate for the development.

Stormwater systems must cater, as a minimum, for a stormwater flooding event of 20% Annual Exceedance Probability (AEP) for pipes, and 1% AEP for aboveground flow paths.
12. The applicant shall have prepared a design for the extension of sewer reticulation mains from the existing infrastructure downstream of the site to serve each of the proposed allotments within the development. Detailed Engineering drawings prepared by a suitably qualified person must be submitted for the approval of Council's Director of Infrastructure & Regulation or nominee before the issue of a Construction Certificate for the development.
13. The applicant shall have prepared a design for the extension of water supply mains to serve the proposed development. Detailed engineering drawings, prepared by a suitably qualified person, must be submitted for the approval of Council's Director of Infrastructure & Regulation or nominee before the issue of a Construction Certificate for the development.

The internal water mains within the estate are to form a looped system with no dead ends. Water supply design is to be a sustainable cost effective operation by Council in the future. Fire flows required are 11L/sec at a pressure of not less than 275 kPa (28m). These flows are to be supplied in addition to peak instantaneous demands for a typical residential water demand.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

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15. The applicants shall provide written advice from telecommunications and electricity providers, confirming that satisfactory arrangements have been made for the provision of telecommunications and electricity services to each of the proposed allotments within the development.
16. The applicants shall have made arrangements and paid for the provision of new street lighting to be provided to all new footways and streets, and thus maintain visibility and safety for pedestrians. The developer is to liaise with Essential Energy with regard to street light location. Completed works are to be inspected and approved by the Council's Director of Infrastructure & Regulation or nominee before the issue of a Subdivision Certificate/release of any bond for incomplete works.
17. Developer suggestions for the name of the new road, together with the reasons for the name proposed, should be submitted at least three (3) months before issue of the Subdivision Certificate for the development, for Council's consideration. Council favours names with historical, zoological, botanical or geographic association with the locality.
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19. The applicants shall provide one set of print film copies of "work as executed" plans to Council for works carried out on Council property or benefiting Council. Each plan is to have a scale adjacent to the title block showing the scale used on that plan. The location of any fill introduced, by both plan limit and depth, together with relevant classifications shall be shown on the "work as executed" plans to be submitted to Council.
20. At the time of the issue of a Subdivision Certificate, the applicants shall have prepared documentation for presentation to the Land Titles Office for the dedication to Council of all drainage easements, in order to protect the area from inadvertent filling or destruction that could change the flow characteristics of the flow regime.
21. At the time of submission of the application for a Subdivision Certificate, the applicant shall submit to Council three (3) copies of the Title Plan. The applicant/developer is to ensure that a checklist, clearly showing that all conditions of consent have been met, is provided with the application.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF CONSTRUCTION COMMENCING

22. Council is to be given written notice of the intention to commence works and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement, in accordance with cl 103 and 104 of the *Environmental Planning and Assessment Regulation 2000*.
23. Before construction commences on the site and throughout the construction phase of the development, erosion control measures are to be installed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
- divert contaminated run-off away from disturbed areas,
 - erect silt fencing along the downhill side of the property boundary,
 - prevent tracking of sediment by vehicles onto roads by limiting access to the site and, where necessary, installing a temporary driveway and
 - stockpile all topsoil, excavated material and construction debris on the site, erecting silt fencing around the pile where appropriate.

Failure to take effective action may render the developer liable to prosecution under the *NSW Protection of the Environment Operations Act*.

24. No storage of building materials, soil or equipment is to occur on Council's property or roads without the written consent of Council's Director of Infrastructure & Regulation. No unfenced, potentially dangerous activity or material is to be located in close proximity to the street boundary or pedestrian walkway adjoining the site. No unsupervised transit of plant, equipment or vehicles across public areas or other obstruction of those areas is permitted.
25. Under-road conduits are to be provided to cater for electricity, telecommunications, gas supply or other underground utility services. Utility crossings of public roads are to be under-road bored and Council's Director of Infrastructure & Regulation advised of the intention to commence work at least 48 hours in advance. The developer and its agents are responsible for ascertaining the location of existing underground services before commencing work. Any damage to existing services or to the road construction is to be made good at the expense of the developer.

CONDITIONS TO BE COMPLETED DURING CONSTRUCTION

26. Action being taken by the developer and contractors to ensure that public safety is maintained on roadways under construction at all times, by the provision of effective barriers to distinguish between adjacent public roadways and the roadways under construction.
27. Effective dust control measures are to be maintained during construction to maintain public safety/amenity and construction activities are to be restricted solely to the subject site.

ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

28. Materials must not be burned on-site. All waste generated on site must be disposed of at Council's Waste Disposal Depot or Waste Transfer Station, to protect the amenity of the area and avoid the potential of air pollution.
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 - identify the source of the fill and certify that it is free from contamination; and
 - classify the area within any building envelope on any such filled lot in accordance with the requirements of "Residential Slabs and Footings" AS 2870.1.

Stage One Specific Conditions

GENERAL CONDITIONS

30. A splay is to be taken from the north eastern corner of Lot 109 and is to be dedicated as road. This splay is to be 10 metres by 10 metres.

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

31. A cleared pedestrian path is to be constructed along the frontage of all lots in Stage One. This is to be constructed to a standard approved by Council's Director of Infrastructure & Regulation.
32. Access for Lot 109 is to be taken from Barleyfields Road due to site safety distance. This is to be noted on the title of the land by way of caveat.
33. Street lighting for Stage One is to incorporate one (1) street light. The location is to be subject to the approval of the Director of Infrastructure and Regulation and Essential Energy.
34. The applicant is to plant a landscape screen of medium shrubs along the northern edge of the intersection to minimise the impact of car headlights on the dwellings in Barleyfields Road. The species and density of plantings, along with length is to be approved by Council prior to planting. The screen is to be maintained for a period of two years.

Stage Two Specific Conditions

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

35. Fencing along the rear of Lots 203, 204, 205 and 206 is to be designed to minimise the accumulation of debris from flood water. Post and wire or collapsible fencing is preferred. Alternatively, fencing shall have a maximum obstruction up to 900mm to the flow of 15%, openings of no less than 125mm and a maximum height of 1.2m (the use of open mesh with 100mm minimum openings is permitted for swimming pool fences).

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

The fencing is to be approved by Council's Director of Infrastructure & Regulation prior to erection and is to be uniform throughout all stages of the subdivision and is to be constructed prior to the release of the Subdivision Certificate.

Stage Three Specific Conditions

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

36. Street lighting for Stage Three is to incorporate two (2) street lights. The location is to be subject to the approval of the Director of Infrastructure and Regulation and Essential Energy.
37. Fencing along the rear of Lots 307 is to be designed to minimise the accumulation of debris from flood water. Post and wire or collapsible fencing is preferred. Alternatively, fencing shall have a maximum obstruction up to 900mm to the flow of 15%, openings of no less than 125mm and a maximum height of 1.2m (the use of open mesh with 100mm minimum openings is permitted for swimming pool fences).

The fencing is to be approved by Council's Director of Infrastructure & Regulation prior to erection and is to be uniform throughout all stages of the subdivision and is to be constructed prior to the release of the Subdivision Certificate.

Stage Four Specific Conditions

GENERAL CONDITIONS

38. Approval for Lots 403 and 402 is not able to be given, as the land does not belong to the applicant. An amended application is to be submitted for inclusion of these lots subject to a successful conclusion to the proposed road closure.
39. Approval is to be sought from Local Land Services for access for any lot accessing from Warwick Street across the Travelling Stock Route.

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

40. The intersection of Barleyfields Road and Warwick Street is to be upgraded. Detailed engineering drawings prepared by a suitably qualified person must be submitted for the approval of Council's Director of Infrastructure & Regulation or nominee before the issue of a Construction Certificate for the development.

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

41. All works are to be completed and to be inspected, tested and approved by the Council's Director of Infrastructure & Regulation or nominee or works secured for an amount approved by Council's Director of Infrastructure & Regulation or nominee, before the issue of a Subdivision Certificate.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

42. Street lighting for Stage Four is to incorporate two (2) street lights. The location is to be subject to the approval of the Director of Infrastructure and Regulation and Essential Energy.

Stage Five Specific Conditions

GENERAL CONDITIONS

43. Approval for Lots 508, 509 and 510 is not able to be given, as the land does not belong to the applicant. An amended application is to be submitted for inclusion of these lots subject to a successful conclusion to the proposed road closure.

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

44. Street lighting for Stage Five is to incorporate two (2) street lights. The location is to be subject to the approval of the Director of Infrastructure and Regulation and Essential Energy.

Stage Six Specific Conditions

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

45. Street lighting for Stage Six is to incorporate one (1) street light. The location is to be subject to the approval of the Director of Infrastructure and Regulation and Essential Energy.
46. There is to be a joint access constructed for Lot 609 and 610. It is to be constructed down the centre of the access handle for each lot. It is to be constructed to a standard approved by Council's Director of Infrastructure and Regulation with a full bitumen seal for the length of the handle.
47. Maintenance provisions between Lots 609 and 610 for the access and associated handle are to be provided for within a Section 88b Instrument under the *Conveyancing Act 1919*. This instrument is further to restrict any other lot from gaining access by use of this access handle.
48. Lots 609 and 610 are not to be subdivided further. A restriction under the *Conveyancing Act 1919* is to be placed on the land to ensure this is noted for perpetuity.
49. The access handle between Lot 605 and 606 and to the residue land, which is to be developed in Stage Seven, is to be fully bitumen sealed to a standard approved by Council's Director of Infrastructure & Regulation.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

50. Fencing along the rear of Lots 601, 602, 603 and 604 is to be designed to minimise the accumulation of debris from flood water. Post and wire or collapsible fencing is preferred. Alternatively, fencing shall have a maximum obstruction up to 900mm to the flow of 15%, openings of no less than 125mm and a maximum height of 1.2m (the use of open mesh with 100mm minimum openings is permitted for swimming pool fences).

The fencing is to be approved by Council's Director of Infrastructure & Regulation prior to erection and is to be uniform throughout all stages of the subdivision and is to be constructed prior to the release of the subdivision certificate.

Stage Seven Specific Conditions

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

51. A joint access is to be constructed to Lots 701 and 703. This is to be constructed to a standard approved by Council's Director of Infrastructure and Regulation. This is to include a bitumen seal including splays to the property boundary, and a full bitumen seal along the internal access handle of Lot 701 for the full length of Lot 703.
52. Fencing between Lots affected by flood waters is to be designed to minimise the accumulation of debris from flood water. Post and wire or collapsible fencing is preferred. Alternatively, fencing shall have a maximum obstruction up to 900mm to the flow of 15%, openings of no less than 125mm and a maximum height of 1.2m (the use of open mesh with 100mm minimum openings is permitted for swimming pool fences).
- The fencing is to be approved by Council's Director of Infrastructure & Regulation prior to erection and is to be uniform throughout all stages of the subdivision and is to be constructed prior to the release of the Subdivision Certificate.
53. Lots 703 and 703 are to be connected to reticulated water and sewer supply. Lot 701 does not have this requirement. Any existing onsite sewer waste treatment systems are to be decommissioned to a standard approved by the Director of Infrastructure and Regulation.

BACKGROUND:

This land was zoned Residential under the Uralla Local Environmental Plan 1988 and was taken across into the Uralla Local Environmental Plan 2012 with no change. The New England Development Strategy 2010 identified this land as being a necessary residential land bank, and did not identify it as surplus to council's 20 year residential needs.

REPORT:

An application has been made for a 60 lot residential subdivision. The zoning of the land is R1 – General Residential and the area of the land is 9.588 ha. This type of subdivision is permissible under the Uralla Local Environmental Plan 2014. The minimum lot size of this land is 560 m² with the lots ranging in size from 820m² to 1.03ha. Lot 702 has an existing house. It is planned to make this a staged development. The staging details are:

- Stage One being Lots 101-109
- Stage Two being Lots 201-208
- Stage Three being Lots 301-307

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

- Stage Four being Lots 401-402, 405-411
- Stage Five being Lots 501-507
- Stage Six being Lots 601-612
- Stage Seven being Lots 701-703

Lots 403, 404, 508, 509 and 510 are excluded from this approval as they will require a road closure application to be successfully finalised. An amendment can be made at a later date to these stages to include these lots.

The infrastructure needs for this proposal would be:

1. A water main extension and the necessary connections. Easements may need to be created. This would be determined upon design completion.
2. A sewer main extension and the necessary connections. Easements may need to be created. This would be determined upon design completion.
3. Drainage is required Easements may need to be created. This would be determined upon design completion.
4. Kerb and gutter would need to be constructed for the full frontage of the subdivision.
5. A joint access would need to be constructed for lots 701 and 703.
6. Full street furniture including street lighting would be required.

There was no infrastructure issue that could not be conditioned in a straight forward and appropriate manner.

A Restriction to User by way of Section 88b under the *Conveyancing Act 1919* was requested to ensure compliance with the Uralla Development Control Plan 2011 in regards to fencing and the further subdivision potential of lots 609 and 610.

The connecting internal pedestrian walkways have been requested to be removed, as they often pose a safety and maintenance problem to Councils and member of the public using them. A pedestrian path has been requested along Barleyfields Road and Warwick Streets to create better and safer pedestrian path.

Notification was carried out as per the provisions of the Uralla Development Control Plan 2011. There were 7 submissions received, hence the trigger for this report. The Uralla Development Control Plan requires the Environment, Development & Infrastructure Committee to consider all submissions submitted by way of objection in relation to development applications.

The submissions raised the following issues:

- Pedestrian safety
- Decreased speed limit in the area
- Affect on the existing dwellings in Barleyfields Road
- Sewer supply
- Pedestrian safety and path provision in King Street
- The density of the development is inappropriate to Uralla

The developer is being asked to provide a safe cleared pedestrian area along the frontage of the development.

There will be a speed limit of 50 km/hour in the area.

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

Barleyfields Road and Warwick Street will have a definite increased traffic load.

There will be an affect on the existing dwellings in Barleyfield Road, as this development is similar in nature to that. It cannot be said this will be detrimental in nature.

All land will have reticulated water and sewer except for lot 701, with all onsite sewer treatment systems being decommissioned by stage 7.

It is subjective to assume the increased density is out of character for Uralla and that there is no demand for this type of development. Council is not able to determine this, as this is the responsibility of the developer, who take the financial risk of this nature. The developer determines the market and takes responsibility for the uptake of any such opportunity. Council responsibility is to provide the policy instruments (Uralla LEP & DCP) to enable this to occur.

The submissions were given to the developer for a response. In response the road intersecting with Barleyfields Road was relocated west, and the applicant also intends to plant a landscape screen of medium shrubs along the northern edge of the intersection to minimise the impact of car headlights on the dwellings.

The full development assessment is in attached along with the statement of environmental effects, the submissions and the developer's response tot eh submissions.

KEY ISSUES:

This proposed development:

- Is permitted under the Uralla Local Environmental Plan 2012.
- meets the minimum lots size requirements under the Uralla Local Environmental Plan 2012.
- The development has appropriate conditions applied in regards to the infrastructure of water, sewer, drainage provisions, kerb and gutter, and access upgrade and provision.
- Had seven submissions.

CONCLUSION:

This proposed development is a fair development. This subdivision will result in an increase in density for this area, but one that is not unreasonable in comparison to the surrounding development pattern. There is no reason this development can be refused, as all issues are able to be appropriately conditioned as part of the development approval.

COUNCIL IMPLICATIONS:

1. Community Engagement/ Communication (per engagement strategy)

Nil

2. Policy and Regulation

Uralla Local Environmental Plan 2012

Uralla Development Control Plan 2011

Environmental Planning & Assessment Act 1979

Roads Act 1993

3. Financial (LTFP)

Nil

REPORTS FROM THE ENVIRONMENT, DEVELOPMENT & INFRASTRUCTURE COMMITTEE

4. Asset Management (AMS)

Nil

5. Workforce (WMS)

Nil

6. Legal and Risk Management

Nil

7. Performance Measures

Nil

8. Project Management

Nil

Elizabeth Cumming
Manager Town Planning & Regulation

Prepared by staff member: Manager Town Planning & Regulation
TRIM Reference: DA-4-2015
Approved/Reviewed by Manager: Director of Infrastructure & Regulation
Department: Infrastructure & Regulation
Attachments: N. Development Assessment Report
 O. Statement of Environmental Effects
 P. Submissions – K & D Clayton
 Q. Submission – C & R Hargrave
 R. Submission – D Philp
 S. Submission - S Willey & D Vine
 T. Submission – G & J Maisey
 U. Submission – A Hacker
 V. Submission – E Wilkinson
 W. Developer response to submissions

SCHEDULE OF ACTIONS – COUNCIL MEETINGS

Key A: Action Required B: Being Processed C: Completed

Meeting Date	Business Minute Item No.	Report Title and Council Resolution	Responsible Officer	Community Engagement Assessment Completed	Media Release Required	Budget Variation Completed	Action Date	Comments	Status	Minute No. TRIM
	156/14	NSW Officer of Water 2012–2013 Water Supply and Sewerage Performance (ii) That Council continues to work on the Best Practice Management Framework.	DES					Report to September 2014 Council Meeting	B	

SCHEDULE OF ACTIONS – COUNCIL MEETINGS

Key: A: Action Required B: Being Processed C: Completed

Meeting Date	Business Minute Item No.	Report Title and Council Resolution	Responsible Officer	Community Engagement Assessment Completed	Media Release Required	Budget Variation Completed	Action Date	Comments	Status	Minute No. TRIM
23JUN	219/14	<p>Works Progress Advisory Unit</p> <ol style="list-style-type: none"> 1. Council note the minutes of the meeting of the Works progress Advisory Unit held on 11th June 2014. 2. That Council note the Plant Replacement list 3. That Council note the Black Spot funding offered by the Federal Government and write to the local Federal member thanking him for his support. 4. That Council meet with residents to discuss tree and shrub clearing and property addresses. 5. That council apply to have a 40km/hr speed limit placed on Andersons Road. 	DES							
									C	
									C	
									C	
								Traffic count complete.	C	
								Refer to Uralla Local Traffic Committee	C	
								Letters sent to all Anderson Road residents.	B	

SCHEDULE OF ACTIONS – COUNCIL MEETINGS

Key A: Action Required B: Being Processed C: Completed

Meeting Date	Business Minute Item No.	Report Title and Council Resolution	Responsible Officer	Community Engagement Assessment Completed	Media Release Required	Budget Variation Completed	Action Date	Comments	Status	Minute No. TRIM
22SEPT	316/14	35 East Street That Council: 1. Enter into a contract to sell 35 East Street, Uralia to P & S Dawson Investments P/L for \$210,000; and 2. Upon settlement of the transaction pay the applicable commission, fees and charges out of the proceeds of sale. 3. Pay the cost of erecting a headstone for Mr Max Edwards.	DES						C	
									C	
									C	

SCHEDULE OF ACTIONS – COUNCIL MEETINGS

Key A: Action Required B: Being Processed C: Completed

Meeting Date	Business Minute Item No.	Report Title and Council Resolution	Responsible Officer	Community Engagement Assessment Completed	Media Release Required	Budget Variation Completed	Action Date	Comments	Status	Minute No. TRIM
27OCT	361/14	<p>Application of Council Seal to Section 88b Instrument – DA 53/2014 – Mr M & Mrs B Baker</p> <p>That Council endorse the fixing of the Council Seal on the Section 88b Instrument relating to Development Application 53/2014 on land known as 38 Plane Avenue, Uralla, being Lots 12, 13 & 14 Sec A DP 6763.</p>	MP				13/11/14	Waiting on developer to submit Section 88b Instrument.	B	

SCHEDULE OF ACTIONS – COUNCIL MEETINGS

Key A: Action Required B: Being Processed C: Completed

Meeting Date	Business Minute Item No.	Report Title and Council Resolution	Responsible Officer	Community Engagement Assessment Completed	Media Release Required	Budget Variation Completed	Action Date	Comments	Status	Minute No. TRIM
24 Nov 14	377/14	<p>Visitor Information Centre (VIC) Refurbishment</p> <p>That:</p> <ol style="list-style-type: none"> The attached plans for the VIC Refurbishment project be received and noted; Project costings be presented back to Council once they have been received. 	MCC		N	N	January 2015	Proposal included in March Council papers for discussion	B	

SCHEDULE OF ACTIONS – COUNCIL MEETINGS

Key A: Action Required B: Being Processed C: Completed

Meeting Date	Business Minute Item No.	Report Title and Council Resolution	Responsible Officer	Community Engagement Assessment Completed	Media Release Required	Budget Variation Completed	Action Date	Comments	Status	Minute No. TRIM
24 Nov 14	395/14	<p>Application of Council Seal to Section 88b instrument – DA 49/2014 – B Hambrook & A Harker</p> <p>That Council endorse the fixing of the Council Seal on the Section 88b Instrument relating to Development Application 49/2014 on land known as 52 Budumba Road, Invergowrie being Lot 10 DP 246614.</p>	MP				16/2/15	Waiting on developer to submit Section 88b Instrument. 88b instrument not yet received.	B	

SCHEDULE OF ACTIONS – COUNCIL MEETINGS

Key A: Action Required B: Being Processed C: Completed

Meeting Date	Business Minute Item No.	Report Title and Council Resolution	Responsible Officer	Community Engagement Assessment Completed	Media Release Required	Budget Variation Completed	Action Date	Comments	Status	Minute No. TRIM
	392/14	<p>Regional Assessment Centres</p> <p>That:</p> <ol style="list-style-type: none"> Uralla Shire Council (USC) investigate being a party to a submission of a Tender for Regional Assessment Service(s) for New England and any other suitable regions; Council investigate partnerships and explore proposed options for Consortium partners with a view to forming a Consortium to tender for the New England region and any other suitable regions; A subsequent report be presented to Council once more information has been obtained and options identified. 	Manager Community Care				Dec 2014	<p>Applications submitted with three partnerships:</p> <ul style="list-style-type: none"> Benevolent Society (NSW bid with USC a partner in New England) New England and Northern NSW – lead Booroongen Djugin Limited, Clarence Valley Council, Tween Shire Council, Glen Innes Severn Council & Great Lakes Council Community Options Australia (NSW bid NSW bid with USC a partner in New England) <p>Outcomes of grants due to be released mid-March 2015</p>	C	

SCHEDULE OF ACTIONS – COUNCIL MEETINGS

Key A: Action Required B: Being Processed C: Completed

Meeting Date	Business Minute Item No.	Report Title and Council Resolution	Responsible Officer	Community Engagement Assessment Completed	Media Release Required	Budget Variation Completed	Action Date	Comments	Status	Minute No. TRIM
23 Feb	11.02/15	<p>Administration of 2016 Local Government Election That The Uralla Shire Council ("the Council") resolves:</p> <ol style="list-style-type: none"> pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council; pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council; 	GM	N/A	No		March 3rd	NSW Election Commission notified of Councils resolution.	C	

SCHEDULE OF ACTIONS – COUNCIL MEETINGS

Key A: Action Required B: Being Processed C: Completed

Meeting Date	Business Minute Item No.	Report Title and Council Resolution	Responsible Officer	Community Engagement Assessment Completed	Media Release Required	Budget Variation Completed	Action Date	Comments	Status	Minute No. TRIM
23 Feb	12.02/15	Draft Community Engagement Strategy That Council adopts the attached Community Engagement Strategy and places the document on public exhibition for a period of 14 days.	SE & CC				2 March 2015	Community Engagement Strategy placed in reception area of USC Admin Building & on website. Also advertised in USC newsletter.	C	
23 Feb	13.02/15	Acquired Brain Injury Facility Concept 1. That Support be provided in the form of a letter stating Uralla Shire Council is supportive of the concept of an Acquired Brain Injury unit being built in Uralla Shire Council. No land provision for the facility be committed to at this stage; however Council commits to reviewing land availability should funding to deliver the concept become available.						Letter provided to Mr Fuller. Various press undertaken by Mayor – Radio, newspaper and television.	C	

		3 That the request for financial support of \$1500.00 not be granted.	EM - C & C								
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SCHEDULE OF ACTIONS – COUNCIL MEETINGS

Key A: Action Required B: Being Processed C: Completed

Meeting Date	Business Minute Item No.	Report Title and Council Resolution	Responsible Officer	Community Engagement Assessment Completed	Media Release Required	Budget Variation Completed	Action Date	Comments	Status	Minute No. TRIM
23 Feb	29.02/15	<p>Affixing of Council Seal to Section 88b instrument – DA 74/2014 – J F Kennedy</p> <p>That Council endorse the affixing of the Council Seal on the Section 88b Instrument relating to Development Application 74/2014 on land known as 1202 Bakers Creek Road, Bundarra, being Lots 7, 8 & 29 DP 753657.</p>	MTP & R							
23 Feb	30.02/15	<p>Affixing of Council Seal to Section 88b instrument – DA 8/2014 – Mr S & Mrs L Grills</p> <p>That Council endorse the affixing of the Council Seal on the Section 88b Instrument relating to Development Application 8/2014 on land known as 7 Salisbury Street, Uralla being Lot 18 Sec 34 DP 759022.</p>	MTP & R							



CONFIDENTIAL BUSINESS

23 March 2015

20. Confidential Business

CONFIDENTIAL BUSINESS

CONFIDENTIAL BUSINESS

23 March 2015

Infrastructure & Regulation	2
2.16.03.13.....	2
Land Disposal - Karava Place, Uralla.....	2
Attachments:	
A. Advice from APJ Law – dated 4 February 2011.....	
B. Land Valuation – Liquid Pacific – 31 December 2013	



REPORT TO COMMITTEE

Department: Infrastructure & Regulation
Submitted by: Manager Town Planning & Regulation
Reference: 2.16.03.13
Subject: Land Disposal - Karava Place, Uralla

This report is presented to the CLOSED section of the Environment, Development & Infrastructure Committee meeting under section 10A (2c) of the Local Government Act (NSW) 1993.

A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:

- (a) the discussion of any of the matters listed in subclause (2), or
- (b) the receipt or discussion of any of the information so listed.

(2) The matters and information are the following: [delete non-relevant clauses]

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Objective: To have a community satisfied with land use control.
Strategy: Consult with the public on proposed amendments to planning instruments.
Action: Monitor and review Council's Local Environmental Plan and other strategic and supporting planning documents.

SUMMARY:

The purpose of this report is to provide options and the costing of these options to Council, to allow for a decision to be made on price for the land known as Lot 22 DP 746984 & Lot 613 DP 755846 Karava Place.

As a result of an audit of Council owned land in 2011, a problem with Council owned lots (Lot 22 DP 746984 & Lot 613 DP 755846) was identified. The land comprises the route of a former water race, which dissected 7 lots not owned by Council. Three of these lots had residential buildings on them, and the building site location had not been picked up as being on Council owned land at the time of Council approval for construction.

Legal advice was obtained, which suggested that it was not clear who is at fault for the encroachments having occurred, and as such land transfer at a notional cost would probably be the best approach for Council to pursue.

CONFIDENTIAL BUSINESS

The land was classified as being 'community' land; therefore it was required to be classified as being 'operational' under an amendment to the Uralla Local Environmental Plan 2012, to allow Council to subdivide and transfer to the affected landowners. This amendment was finalised on 6 February 2015.

OFFICER'S RECOMMENDATION:

That Council:

1. Notify all affected landowners of the completion to Amendment 2 of the Uralla Local Environmental Plan 2012,
2. Offer Option 5 to all affected landowners being purchaser payment consisting of a peppercorn payment of \$1.00, conveyancing costs and a percentage of the surveying relating to the area of land being purchased,
3. Give the General Manager delegation to negotiate payment options, and
4. Endorse the fixing of the Council Seal on any necessary documentation relating to the subdivision and sale

COMMITTEE'S RECOMMENDATION:

That Council:

1. Notify all affected landowners of the completion to Amendment 2 of the Uralla Local Environmental Plan 2012,
2. Offer Option 5 to all affected landowners being purchaser payment consisting of a peppercorn payment of \$1.00, conveyancing costs and a percentage of the surveying relating to the area of land being purchased,
3. Give the General Manager delegation to negotiate payment options, and
4. Endorse the fixing of the Council Seal on any necessary documentation relating to the subdivision and sale

BACKGROUND:

- Council Resolution - October 2011 - Initial report to Council & Resolution to prepare of Planning Proposal.
- Council Resolution – March 2013 - Gateway Determination Received
- Council Resolution - December 2013 – Public Hearing Report presented & Planning Proposal supported.
- Council resolution – March 2015 – Notification of LEP Amendment Gazettal

REPORT:

As a result of an audit of Council owned land in 2011, a problem with Council owned lots (Lot 22 DP 746984 & Lot 613 DP 755846) was identified. The land comprises the route of a former water race as indicated in the following diagram.

The Lands Department advised that it sold the water-race land to John Guy Allbut in 1974, and that he subsequently sold the land to Council on 6 January 1992. The reason that Council purchased the land has not been able to be determined.

CONFIDENTIAL BUSINESS

Required Actions

In order to resolve this matter in the manner indicated (i.e. by sale for a notional amount to the surrounding land owners), the following steps are required. Note that consultation with the affected land owners is already underway, and has been continued throughout the process. They are yet to be advised of the finalisation of the LEP amendment, but will be along with Council's proposed way forward.

1. Determine Costs and Notional Amount for Sale

- a) Obtain a valuation for the land.
- b) Obtain quotes from surveyors for the cost to do the necessary surveying work.
- c) Obtain quote for Conveyancing.
- d) Council to determine what the 'notional amount' should be for sale of the land to the surrounding land-owners.

2. Effect Sale of Land

- a) Engage surveyor to undertake necessary work.
- b) Negotiate with the land -owners about the transfer of ownership.
- c) Engage conveyancer to undertaken conveyancing.

Costings

There will be 8 lots created, with 7 land-owners being affected. The 8th lot will belong to Council, as it will form part of the road reserve. It has not yet been determined but will probably be dedicated as road. An approximation of land area for each lot has been undertaken through Council's Mapping system. The exact area can only be calculated at the time of survey. A percentage of the affected race lands has also been placed against the land be used for calculating costs belonging to each lot. A valuation of the land, which was undertaken by Liquid Pacific in December 2013, has been attached to this report. The value of the land was determined to be \$8,000. Using the percentage, a value has been placed against each lot to be created.

Proposed Owner	Lot	Area off Intramaps M ²	% Owned	Valuation \$ 8,000.00
Herbert	1	772.6	15.66472699	\$ 1,253.18
Clack	2	109.7	2.2242047	\$ 177.94
Chapman	3	123.3	2.499949312	\$ 200.00
Carter	4	1409.5	28.57809047	\$ 2,286.25
Hudson	5	340.3	6.899697897	\$ 551.98
Ackling	6	1108.3	22.47115833	\$ 1,797.69
O'Halloran	7	788.3	15.98304982	\$ 1,278.64
Council	8	280.1	5.679122483	\$ 454.33

CONFIDENTIAL BUSINESS

Quotes have been obtained. They are:

Surveying	New England Surveying & Engineering	Consolidation Survey & Lodgement & Arrange all owners' signatures and any mortgage authorisation	\$16,100
		Consolidation Compiled Plan & Lodgement & Arrange all owners' signatures and any mortgage authorisation	\$9,600
		Separate Lot Survey & Lodgement	\$11,700
		Separate Compiled Plan & Lodgement	\$6,400
	Michael Croft Surveying	Separate Lot Survey & Lodgement	\$7,880
		Separate Compiled Plan & Lodgement	\$5,720
Conveyancing	APJ Law	Conveyancing & Disbursements	\$700
	Northern Tablelands Conveyancing	Conveyancing & Disbursements	\$1,000
Legals	APJ Law	Preparation of Template Term of Agreement for Payment	Nil

Please note the above are all GST exclusive.

It is obvious that it will be more cost effective to not create plans of consolidation, but rather separate lots, the reason being that the only signatures required on the subdivision plan will be Council delegates, not each affected party and their bank if a mortgage is held against the land.

Michael Croft Surveying has provided the better price, and therefore is the recommended contractor for the subdivision plan preparation. He also took the step of confirming with the Land Titles Office that they would allow a plan of compilation rather than by survey. This is the cheaper option and has been provided in the costings below.

In the matter of the vendor conveyancing, an amount of \$100 has been allowed for disbursements on top of the quoted Conveyancing fee. APJ Law has provided the better price, and therefore is the recommended contractor for the vendor conveyancing. Property owners are required to pay for their own Conveyancing costs as the purchaser. Please note the Conveyancing quoted is to act upon Council's behalf only, and while all purchasers are welcome to also use APJ Law, they will be advised that they need to contract their own solicitor.

If Council chooses to allow the prospective owners to pay off the amount required for each lot, a payment template will need to be prepared for staff to complete.

The proposed total cost of the survey, including lodgement with the Land Titles Office(\$5,720) and vendor conveyancing (\$4,900) will be \$10,620.00. Please note there is no vendor conveyancing for the land in the road reserve, which will become dedicated road.

Options and Associated Costings

The following costings are based on the percentages above taken from Council's mapping system, and they will change slightly after the plan of subdivision has been prepared, but they will give an indicative costing for the purposes of this report. It is also important to note that there is a small part of Lot 613 DP 755846 which will be dedicated as road, as it sits within the road reserve.

CONFIDENTIAL BUSINESS

1. Peppercorn Only Payment by Purchaser

Proposed Owner	Lot	Area off GIS M ²	% Owned	Peppercorn Payment	Total Purchaser Payment
Herbert	1	772.6	15.66472699	\$ 1.00	\$ 1.00
Clack	2	109.7	2.2242047	\$ 1.00	\$ 1.00
Chapman	3	123.3	2.499949312	\$ 1.00	\$ 1.00
Carter	4	1409.5	28.57809047	\$ 1.00	\$ 1.00
Hudson	5	340.3	6.899697897	\$ 1.00	\$ 1.00
Ackling	6	1108.3	22.47115833	\$ 1.00	\$ 1.00
O'Halloran	7	788.3	15.98304982	\$ 1.00	\$ 1.00
Council	8	280.1	5.679122483	-	-

Therefore the cost to Council would be:

$$\begin{array}{rcl} \text{Surveying \& Lodgement \& Conveyancing} & - & \text{Peppercorn Payment} \\ (\$ 10,620.00) & & (\$ 7.00) & = & \$ 10,613.00 \end{array}$$

2. Land Value Only Payment by Purchaser

Proposed Owner	Lot	Area off GIS M ²	% Owned	Land Value	Total Purchaser Payment
Herbert	1	772.6	15.66472699	\$ 1,253.18	\$ 1,253.18
Clack	2	109.7	2.2242047	\$ 177.94	\$ 177.94
Chapman	3	123.3	2.499949312	\$ 200.00	\$ 200.00
Carter	4	1409.5	28.57809047	\$ 2,286.25	\$ 2,286.25
Hudson	5	340.3	6.899697897	\$ 551.98	\$ 551.98
Ackling	6	1108.3	22.47115833	\$ 1,797.69	\$ 1,797.69
O'Halloran	7	788.3	15.98304982	\$ 1,278.64	\$ 1,278.64
Council	8	280.1	5.679122483	-	-

Therefore the cost to Council would be:

$$\begin{array}{rcl} \text{Surveying \& Lodgement \& Conveyancing} & - & \text{Land Value} \\ (\$ 10,620.00) & & (\$ 7,545.67) & = & \$ 3,074.33 \end{array}$$

CONFIDENTIAL BUSINESS

3. Land Value + Proportion of Surveying + Vendor Conveyancing Payment by Purchaser

Proposed Owner	Lot	Area off GIS M ²	% Owned	Land Value	Vendor Convey.	Survey & Lodgement	Total Purchaser Payment
Herbert	1	772.6	15.66472699	\$1,253.18	\$ 700.00	\$ 896.02	\$ 2,849.20
Clack	2	109.7	2.2242047	\$ 177.94	\$ 700.00	\$ 127.22	\$ 1,005.16
Chapman	3	123.3	2.499949312	\$ 200.00	\$ 700.00	\$ 143.00	\$ 1,042.99
Carter	4	1409.5	28.57809047	\$ 2,286.25	\$ 700.00	\$ 1,634.67	\$ 4,620.91
Hudson	5	340.3	6.899697897	\$ 551.98	\$ 700.00	\$ 394.66	\$ 1,646.64
Ackling	6	1108.3	22.47115833	\$ 1,797.69	\$ 700.00	\$ 1,285.35	\$ 3,783.04
O'Halloran	7	788.3	15.98304982	\$ 1,278.64	\$ 700.00	\$ 914.23	\$ 2,892.87
Council	8	280.1	5.679122483	-	-	\$ 324.85	-

Therefore the cost to Council would be:

Surveying & Lodgement & Conveyancing - Total Purchaser Payment = \$ 7,220.82 profit
 (\$ 10,620.00) (\$ 17,840.82) (Land Value)

4. Peppercorn Payment + Vendor Conveyancing Payment by Purchaser

Proposed Owner	Lot	Area off Intramaps M ²	% Owned	Peppercorn Payment	Vendor Conveyancing	Total Purchaser Payment
Herbert	1	772.6	15.66472699	\$ 1.00	\$ 700.00	\$ 701.00
Clack	2	109.7	2.2242047	\$ 1.00	\$ 700.00	\$ 701.00
Chapman	3	123.3	2.499949312	\$ 1.00	\$ 700.00	\$ 701.00
Carter	4	1409.5	28.57809047	\$ 1.00	\$ 700.00	\$ 701.00
Hudson	5	340.3	6.899697897	\$ 1.00	\$ 700.00	\$ 701.00
Ackling	6	1108.3	22.47115833	\$ 1.00	\$ 700.00	\$ 701.00
O'Halloran	7	788.3	15.98304982	\$ 1.00	\$ 700.00	\$ 701.00
Council	8	280.1	5.679122483	-	-	-

Therefore the cost to Council would be:

Surveying & Lodgement & Conveyancing - Total Purchaser Payment = \$ 5,713.00
 (\$ 10,620.00) (\$ 4,907.00)

CONFIDENTIAL BUSINESS

5. Peppercorn Payment + Proportion of Surveying + Vendor Conveyancing Payment by Purchaser

Proposed Owner	Lot	Area off GIS M ²	% Owned	Peppercorn Payment	Vendor Convey.	Survey & Lodgement	Total Purchaser Payment
Herbert	1	772.6	15.66472699	\$ 1.00	\$ 700.00	\$ 896.02	\$1,597.02
Clack	2	109.7	2.2242047	\$ 1.00	\$ 700.00	\$ 127.22	\$828.22
Chapman	3	123.3	2.499949312	\$ 1.00	\$ 700.00	\$ 143.00	\$844.00
Carter	4	1409.5	28.57809047	\$ 1.00	\$ 700.00	\$ 1,634.67	\$2,335.67
Hudson	5	340.3	6.899697897	\$ 1.00	\$ 700.00	\$ 394.66	\$1,095.66
Ackling	6	1108.3	22.47115833	\$ 1.00	\$ 700.00	\$ 1,285.35	\$1,986.35
O'Halloran	7	788.3	15.98304982	\$ 1.00	\$ 700.00	\$ 914.23	\$1,615.23
Council	8	280.1	5.679122483	-	-	\$ 324.85	-

Therefore the cost to Council would be:

Surveying & Lodgement & Conveyancing (\$ 10,620.00) - Total Purchaser Payment = \$ 324.85 (\$10,302.15)

Please note: No staff time costing has been taken into account in the above Options.

KEY ISSUES:

- There are three dwellings constructed either wholly or partially on Council owned land.
- Legal advice sought advised that the suggestion of carelessness or negligence on behalf of either the property owners or legal advisers may be considered.
- Legal advice sought advised that some carelessness occurred on Council's behalf in the development approval process.
- Legal advice sought advised that notional consideration is appropriate.
- The water race land has little commercial value.

CONCLUSION:

Council needs to determine a way forward in regards to the ownership of the land, the cost of the land and which party bears which portion of the cost. The land has no community value and no value to Council. The only party it would have value for is the adjoining owner or nominated prospective purchaser.

COUNCIL IMPLICATIONS:

1. Community Engagement/ Communication (per engagement strategy)

The affected owners have been consulted throughout, and are expecting an offer of terms for the sale of the land which dissects their property.

2. Policy and Regulation

Conveyancing Act 1919

Uralla Local Environmental Plan 2012

Local Government Act 1993

Environmental Planning & Assessment Act 1979

Environmental Planning & Assessment Regulations 2000

CONFIDENTIAL BUSINESS

3. Financial (LTFP)

Proportion of Cost of Surveying for Lot 8 being in the road reserve and will be retained by Council.

4. Asset Management (AMS)

Nil

5. Workforce (WMS)

Nil

6. Legal and Risk Management

Legal advice has been sought from APJ Law

7. Performance Measures

Nil

8. Project Management

Nil

Elizabeth Cumming

Manager Town Planning & Regulation

Prepared by staff member:

Manager Town Planning & Regulation

TRIM Reference:

U15/7189

Approved/Reviewed by Manager:

Director of Infrastructure & Regulation

Department:

Infrastructure & Regulation

Attachments:

A. Advice from APJ Law – dated 4 February 2011

B. Land Valuation – Liquid Pacific – 31 December 2013



**AUTHORITY TO AFFIX
THE COMMON SEAL**

23 March 2015

21. Authority to Affix the Common Seal

AUTHORITY TO AFFIX THE COMMON SEAL

AUTHORITY TO AFFIX THE COMMON SEAL

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Nil	

AUTHORITY TO AFFIX THE COMMON SEAL



REPORT TO COUNCIL

Department:	Infrastructure & Regulation
Submitted by:	Manager of Town Planning & Regulation
Reference:	Item 1
Subject:	Affixing of Council Seal to Section 88b instrument – DA-21-2013 – A & K Wilkinson

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Objective: To ensure that Development Applications and land use enquiries are dealt with as expeditiously as possible.

Strategy: By delegations of authority to planning staff, where appropriate.

Action: Use of Delegation of Authority reported to management and Council monthly.

SUMMARY:

The purpose of this report is to gain approval to affix the Council Seal on the Section 88b Instrument relating to Development Application 21/2013 on land known as 41 Budumba Road, Invergowrie being Lot 13 DP 246614.

A section 88b Instrument needs to be prepared as per the requirements of the *Conveyancing Act 1919* to finalise the subdivision certificate, and it will require the Council Seal.

OFFICER'S RECOMMENDATION:

That Council endorse the affixing of the Council Seal on the Section 88b Instrument relating to Development Application 21/2013 on land known as 41 Budumba Road, Invergowrie being Lot 13 DP 246614.

BACKGROUND:

Council has placed a development approval condition on the abovementioned subdivision requiring a condition to enforce the conditions issued under the General Terms of Approval by the NSW Rural Fire Service in relation to the asset protection zones.

REPORT:

As part of a subdivision for A & K Wilkinson on land known as 41 Budumba Road, Invergowrie being Lot 13 DP 246614, a Section 88b land use restriction is required to ensure compliance with a development approval. The development approval enforces the conditions issued under the General Terms of Approval by the NSW Rural Fire Service in relation to the asset protection zones.

These conditions are in accordance with Section 91 of the *Environmental Planning & Assessment Act 1979* by the NSW Rural Fire Service:

AUTHORITY TO AFFIX THE COMMON SEAL

6. **Asset Protection Zones**

The intention of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling located on the western lot, to a distance of 15 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Council's Seal needs to be affixed to the Section 88b instrument to allow registration with the Land Titles Office. The *Local Government Act 1993* requires a resolution of Council to allow the seal to be affixed.

KEY ISSUES:

- Application of the Council Seal to the Section 88b Instrument is required to finalise the subdivision.

CONCLUSION:

The Council Seal is to be affixed to the Section 88b Instrument, which has been prepared as per the provisions of the *Conveyancing Act 1919*. The seal is required as Council has placed a development approval condition on the subdivision, enforcing the conditions issued under the General Terms of Approval by the NSW Rural Fire Service in relation to the asset protection zones.

COUNCIL IMPLICATIONS:

1. Community Engagement/ Communication (per engagement strategy)

Nil

2. Policy and Regulation

Conveyancing Act 1919

Uralla Local Environmental Plan 2012

Uralla Development Control Plan 2011

Local Government Act 1993

Environmental Planning & Assessment Act 1979

Rural Fires Act 1997

Planning for Bushfire Protection 2006

3. Financial (LTFP)

Nil

4. Asset Management (AMS)

Nil

5. Workforce (WMS)

Nil

6. Legal and Risk Management

Nil

AUTHORITY TO AFFIX THE COMMON SEAL

7. Performance Measures

Nil

8. Project Management

Nil

Elizabeth Cumming

Manager of Town Planning & Regulation

Prepared by staff member:

Manager of Town Planning & Regulation

TRIM Reference Number:

DA-21-2013

Approved/Reviewed by Manager:

Manager of Town Planning & Regulation

Department:

Regulation & Infrastructure

Attachments:

Nil

AUTHORITY TO AFFIX THE COMMON SEAL



REPORT TO COUNCIL

Department:	Infrastructure & Regulation
Submitted by:	Manager Town Planning & Regulation
Reference:	Item 2
Subject:	Application of Council Seal to Section 88b instrument – DA-76-2013 – R Howlett - Division Decision

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

- Objective:** To ensure that Development Applications and land use enquiries are dealt with as expeditiously as possible.
- Strategy:** By delegations of authority to planning staff, where appropriate.
- Action:** Use of Delegation of Authority reported to management and Council monthly.

SUMMARY:

The purpose of this report is to gain approval for the affixing of the Council Seal on the Section 88b Instrument relating to Development Application 76/2013 on land known as 64 Hill Street, Uralla being Lot 3 Section 3 DP 759022.

A section 88b Instrument needs to be prepared as per the requirements of the *Conveyancing Act 1919* to finalise the subdivision certificate for the abovementioned development, and it will require the Council Seal.

OFFICER'S RECOMMENDATION:

That Council endorse the fixing of the Council Seal on the Section 88b Instrument relating to Development Application 76/2013 on land known as 64 Hill Street, Uralla being Lot 3 Section 3 DP 759022.

BACKGROUND:

Council has placed a development approval condition on a subdivision, requiring a condition to enforce the conditions issued under the General Terms of Approval by the NSW Rural Fire Service in relation to the asset protection zones.

REPORT:

As part of a subdivision for R Howlett on land known as 64 Hill Street, Uralla being Lot 3 Section 3 DP 759022, a Section 88b land use restriction is required to ensure compliance with a development approval. The development approval enforces the conditions issued under the General Terms of Approval by the NSW Rural Fire Service in relation to the asset protection zones.

These conditions are in accordance with Section 91 of the *Environmental Planning & Assessment Act 1979* by the NSW Rural Fire Service:

AUTHORITY TO AFFIX THE COMMON SEAL

7. Asset Protection Zones

The intention of measures is to minimize the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply

At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Council's Seal needs to be affixed to the Section 88b instrument to allow registration with the Land Titles Office. The *Local Government Act 1993* requires a resolution of Council to allow the seal to be affixed.

KEY ISSUES:

- *Application of the Council Seal to the Section 88b Instrument is required to finalise the subdivision.*

CONCLUSION:

The Council Seal is to be applied to the Section 88b Instrument, which has been prepared as per the provisions of the *Conveyancing Act 1919*. The seal is required as Council has placed a development approval condition on the subdivision, enforcing the conditions issued under the General Terms of Approval by the NSW Rural Fire Service in relation to the asset protection zones.

COUNCIL IMPLICATIONS:

- 1. Community Engagement/ Communication (per engagement strategy)**
Nil
- 2. Policy and Regulation**
Conveyancing Act 1919
Uralla Local Environmental Plan 2012
Uralla Development Control Plan 2011
Local Government Act 1993
Environmental Planning & Assessment Act 1979
Rural Fires Act 1997
Planning for Bushfire Protection 2006
- 3. Financial (LTFP)**
Nil
- 4. Asset Management (AMS)**
Nil
- 5. Workforce (WMS)**
Nil
- 6. Legal and Risk Management**
Nil
- 7. Performance Measures**
Nil

AUTHORITY TO AFFIX THE COMMON SEAL

8. Project Management Nil

Elizabeth Cumming
Manager Town Planning & Regulation

Prepared by staff member:	Manager Town Planning & Regulation
TRIM Reference Number:	DA-76-2013
Approved/Reviewed by Manager:	Manager Town Planning & Regulation
Department:	Regulation & Infrastructure
Attachments:	Nil

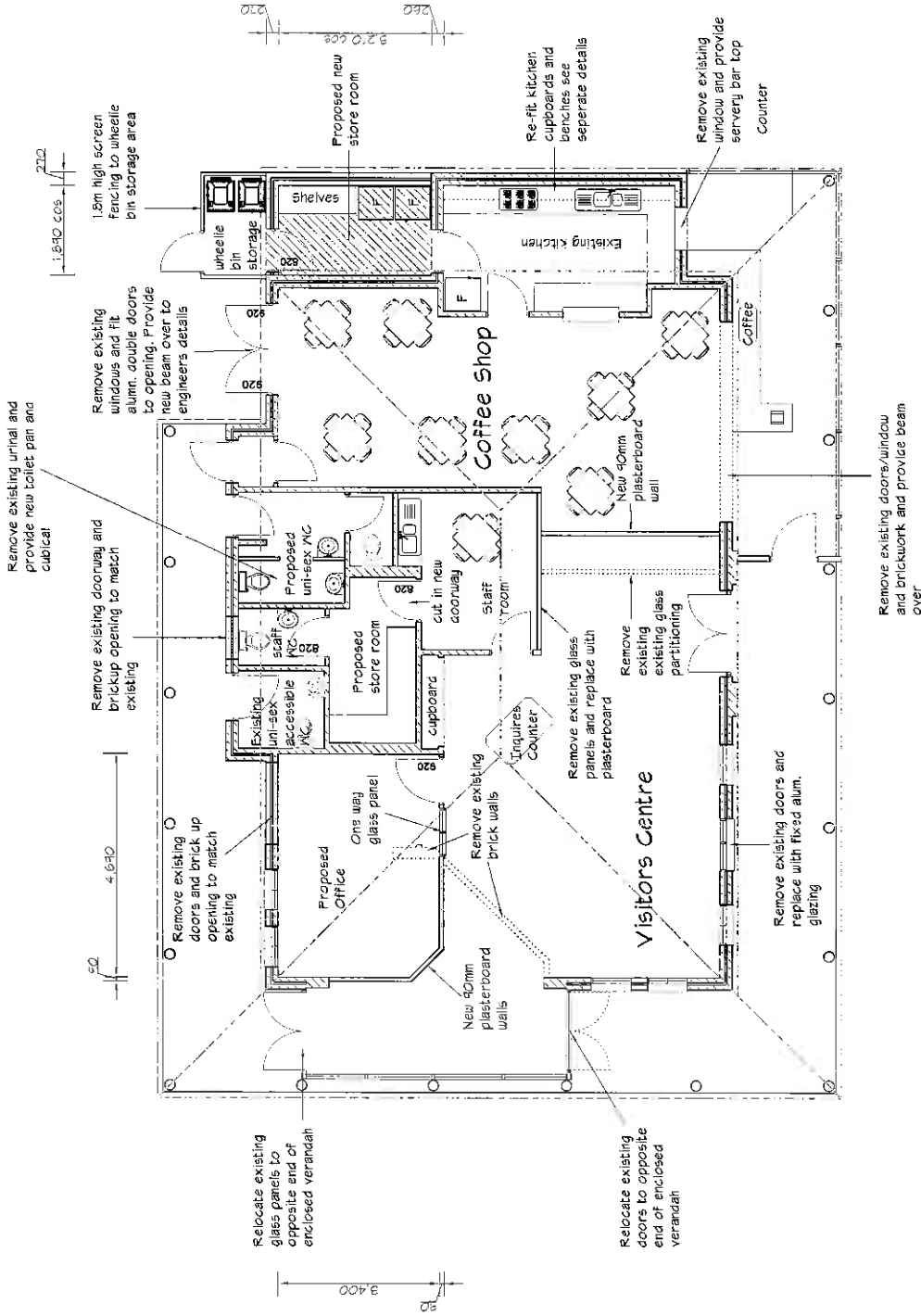


**Uralla Shire Council Business Paper
Attachments
23 March 2015**



**ATTACHMENTS TO REPORTS FROM
THE CORPORATE & COMMUNITY
STANDING COMMITTEE**

ATTACHMENT A



Do not scale drawing.
Use given dimensions only.



REV.	DATE	DESCRIPTION
A	30/09/14	AMENDMENT DRAFT
B	28/10/14	PRELIMINARY
C	27/12/14	AMENDED COFFEE SHOP LAYOUT
D		
E		
F		

FILE	14-863-Uralla Visitors Ctr.
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PROJECT: PROPOSED ALTERATIONS	
CLIENT: URALLA VISITORS CENTRE	
BRIDGE STREET	
URALLA	

FLOOR PLAN	
Scale:	1:100
Job No:	14-863
Sheet Ref:	1 OF 4
Amendment:	C

Drawn:	BW
Checked:	BW

ATTACHMENT B

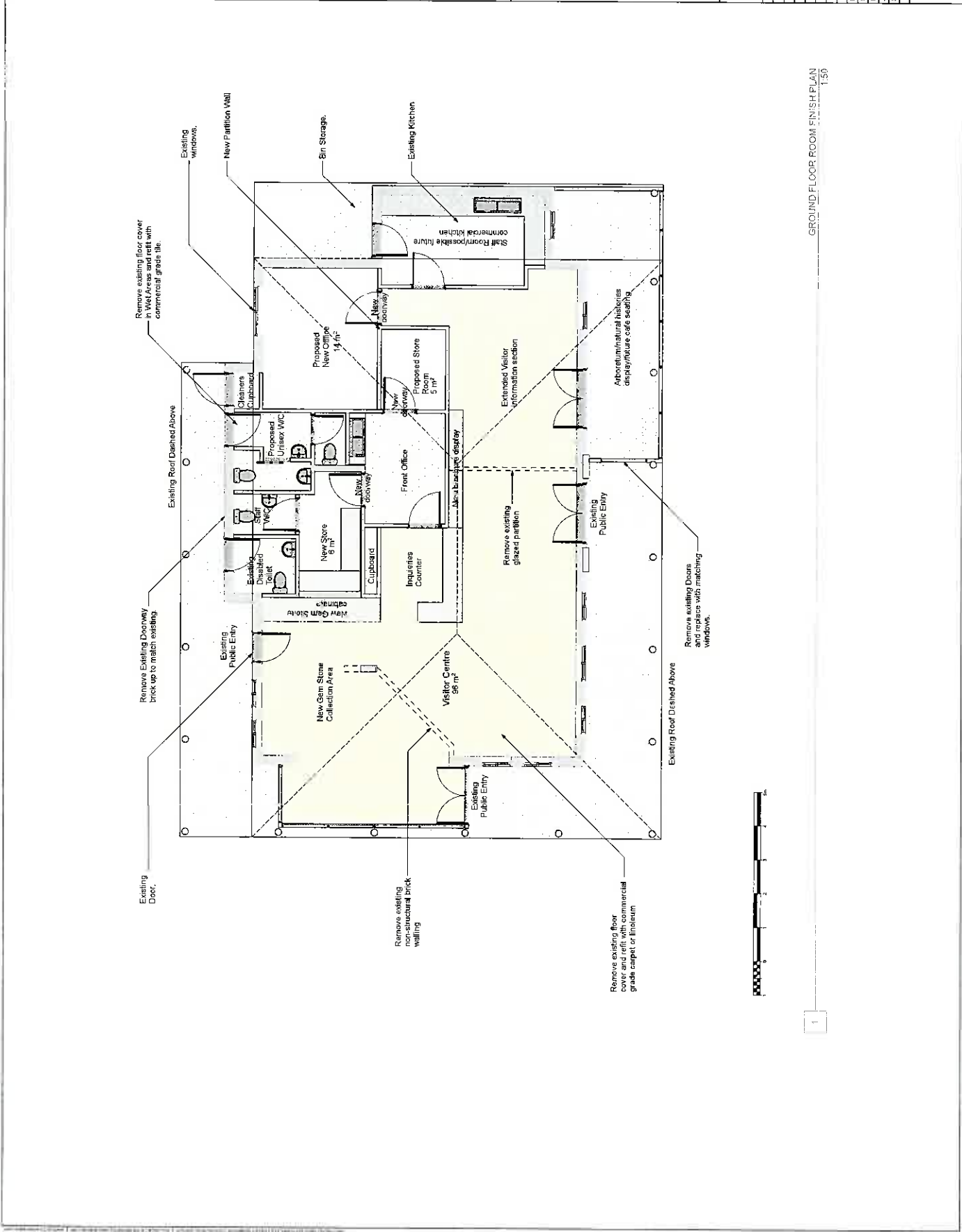
Uralia Shire Council
Visitor Information Centre

Uralia Visitor Centre
P o B o x 4 8 U r a l i a
NSW 2368
02 6778 6360

FIRST LEVEL PLAN

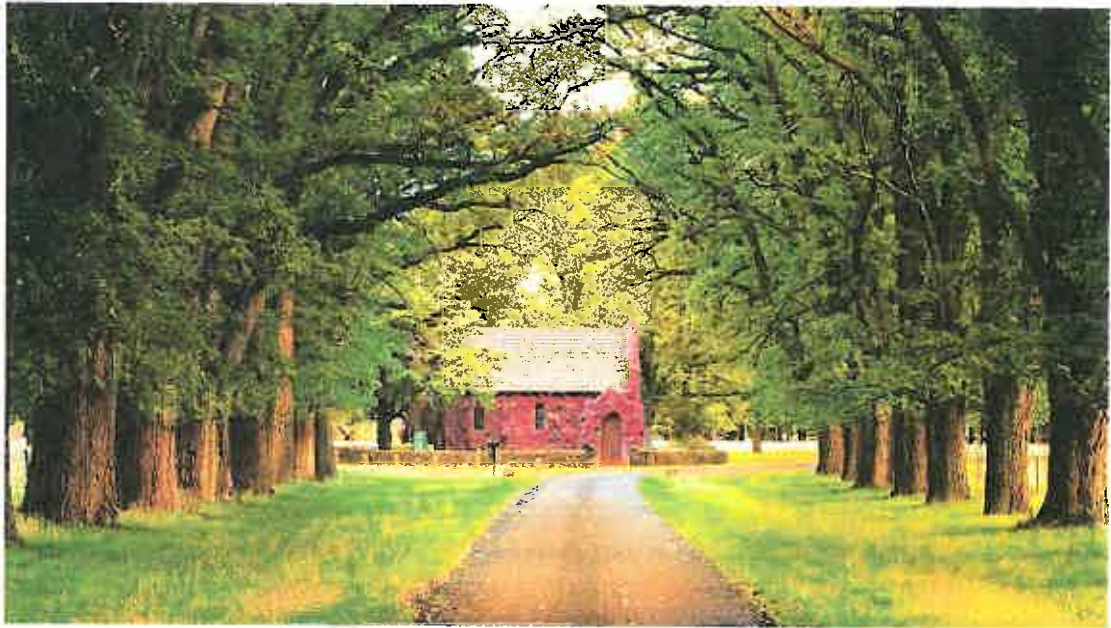
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10/02/2015
AS NOTED
1:50



GROUND FLOOR ROOM FINISH PLAN
1:50





URALLA VISITOR INFORMATION CENTRE

Review & Development Options 2013-15

Purpose

"This review identifies and assesses development options for the Uralla Visitor Information Centre, to enable its promotion of Uralla as a preferred tourism destination in NSW, and to achieve long term economic returns for Shire residents."

December 2013

WILL WINTER CONSULTING

will@willwinter.com.au

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EXECUTIVE SUMMARY

The Uralla Visitor Information Centre (UVIC) was purpose built in 1991 to create value for Shire residents and the Uralla Council, through promotion of economic, social, and environmental attributes of the Shire to visitors and prospective residents.

The Centre has undergone a series of changes since this time, including its decommissioning as a coach stop in 2009. The building, while somewhat dated, is in good repair.

The UVIC is currently staffed by 1.0 FTE employees of the Uralla Shire. It has modest sales of local craft and produce (approximately \$17,000 pa) and assists just over 11,000 visitors per year.

Since 1998 approximately half of the area of the building has been leased to Mr and Mrs Bruce Stubberfield. Prior to uptake of the lease, Mr Bruce Stubberfield was employed as manager of the Centre by Uralla Shire Council. Mr and Mrs Stubberfield utilize the area to run a small coffee shop in the building, next to the UVIC. While synergies exist between the two businesses, they are run separately and have their own power and utility metering arrangements. An internal joining door between The Espresso Cafe and the UVIC can be opened when required, but is usually locked and customers gain access to both businesses via external doors.

The coffee shop is leased to Mr and Mrs Stubberfield, through their company Desali Pty Ltd. Current term of the lease is for 12 months, which will end on June 30th 2014.

With the impending timeline for renewal or otherwise of the lease, the purpose of this review is to identify and assesses options for development of the UVIC, and improve its capacity to promote Uralla as a preferred tourism destination in NSW. The overall objective is to increase long term economic prosperity in the Shire through measured increases in visitor numbers, and average \$ spend per visitor over time, through marketing and other services provided by the UVIC.



This review will inform and make recommendations to the Uralla Shire Council about these options, to help maximize long term returns for Uralla residents from deployment of UVIC assets and human resources.

A number of options are identified and discussed throughout the review. These, along with recommendations (see p.19) may form the basis of a more comprehensive business plan for the UVIC, as part of a strategy to build long term economic value derived from tourism and hospitality in the Shire.

1. BACKGROUND – THE URALLA VISITOR INFORMATION CENTRE

The Uralla Visitor Centre (UVIC) is owned, operated and maintained by the Uralla Shire Council on behalf of ratepayers and approximately 6,000 residents of the Uralla shire. Its purpose is to create economic dividends for the Uralla Shire Council on behalf of its constituents, through promotion of business, social, and environmental amenities in the Shire to visitors and prospective residents.

Uralla Shire covers an area of approximately 3,230 km², and includes the towns and localities of Abington, Arding, Bakers Creek, Balala, Boorolong, Briarbrook, Bundarra, Camerons Creek, Dangarsleigh, Dumaresq, Gostwyck, Invergowrie, Kentucky, Kentucky South, Kingstown, Mihi, Rocky River, Salisbury Plains, Saumarez, Saumarez Ponds, Torryburn, Uralla, Wollun and Yarrowyck. Uralla is strategically located on the junction of two tourist routes - the New England Highway (linking Sydney with Brisbane) and Thunderbolts Way (with links to the east coast via Walcha and Gloucester)

The main purpose of the UVIC is to create economic dividends for the Uralla Shire Council on behalf of its constituents, through promotion of business, social, and environmental amenities in the Shire to visitors and prospective residents.

The UVIC is located at 104 Bridge Street Uralla, NSW. The 158 m² brick veneer building¹ was purpose built as a Visitor Information and Coach Centre in 1991. Apart from decommissioning of the Coach Centre in 2009 the structure and purpose of the UVIC building has not changed since this time. The north-west facing, premise includes a coffee shop (approx. 75m²) with a small kitchen. This shop has been leased to Mr and Mrs Bruce Stubberfield since 1998. Currently, the coffee shop (trading as The Espresso Café) is leased for \$8,580 pa Ex GST (\$165/week). Annual turnover for The Espresso Café is estimated at between \$70-130k². Following maturation of the previous three year lease in June 2013, it was renewed for a further year, and will expire on June 30th 2014. At time of writing no undertakings have been given by the Shire for renewal of this lease beyond this date, and current and potential uses for this part of the Visitor Centre form part of the scope of this review.



¹ Estimated from 1991 floor plan.

² Actual trading figures not available. Estimates are premised on 15,000 customer transactions pa (50/trading day), and \$5.00 - \$8.66 average spending per customer.

The Uralla Visitor Information Centre is situated in the eastern side of the building, and comprises a total of approximately 83m². The Uralla Shire Council utilize this space for displays of local produce, souvenir sales, and dissemination of tourism information. A local gem collection is also located in a partitioned section of this space (approx. 24 m²) in the south-eastern corner of the building. There are three public toilets (22 m²), externally accessible from the southern side of the building. The precinct also provides limited office accommodation (8 m²), which is currently used by the Uralla Shire Community Development Officer. The building is in good repair and well maintained.

The Uralla Visitor Information Centre has approximately 11,000 tourists each year, with revenue of approximately \$17,000 pa (\$1.50 per visitor) through sales of produce and souvenirs³. The UVIC does not at this stage take commissions for local accommodation bookings or other brokerage services. The Visitor Centre holds a liquor license for the sale of locally produced alcoholic products; stocks a small range of souvenirs; and sells a range of locally produced items sourced from within a 100 km radius from Uralla. The UVIC is located on the corner of Thunderbolt's Way and the New England Highway, and is a focal point for visitors and locals who wish to obtain information on events, tourism, hospitality and accommodation in the New England Tourism Region and wider NSW.

The Uralla Visitor Information Centre is a member of the Destination NSW network which supports tourism and events throughout NSW, and is linked to the "Visit NSW" website. It is currently staffed by two part time employees of the Shire (total FTE 1.0), assisted occasionally by community volunteers.

A number of options are currently under consideration to improve the delivery of services through the Uralla Visitor Information Centre over the next three years. These include measures to improve the layout, as well as product and service offering through the UVIC, in ways which help maximize economic and social returns to the Uralla community, and increase local 'value offerings' to visitors. Ideally these developments will be made in keeping with existing strategic priorities for the Shire, and align with preexisting tourism brands such as "Find Yourself in Uralla".

³ Estimates based on May 2013 Monthly Report Figures.

2. PURPOSE

This review identifies and assesses development options for the Uralla Visitor Information Centre, to enable its promotion of Uralla as a preferred tourism destination in NSW, and to achieve long term economic returns for Shire residents.

In considering options for the future of the Uralla Visitor Information Centre, this report will:

1. Identify options and methods to help increase social and economic returns to Uralla residents, through effective deployment of Uralla Visitor Information Centre resources.
2. Determine a reasonable commercial lease value for the Uralla Visitor Information Centre Coffee Shop as one of the options (above)
3. Outline two business models for improved operation of the UVIC, “with” and “without” a coffee shop
4. Outline further development options for the UVIC and its role in developing the Uralla Tourism and Hospitality industry, and
5. Make recommendations based on (3) and (4) above

3. METHODOLOGY

3.1. Operational Objectives and Strategic Outcomes

In considering future uses for the UVIC building in the future, a clear focus on the operational and strategic objectives of the Uralla Visitor Centre will remain paramount.

Operational Objectives for the UVIC include:

- A focus on increased sales and revenue for the Centre over time,
- Increasing visitor numbers to the shire,
- Development of operational planning, monitoring and reporting systems which focus on KPIs for achieving strategic outcomes, and
- Operational efficiencies to be gained, particularly through labour and utility overheads

Strategic Outcomes for the UVIC include:

- Improvements in economic returns to the Shire brought by the tourism and the hospitality industries.
- Longer term positioning of Uralla and the Shire as a preferred place to live and work.
- Design of systems and their implementation, to measure strategic outcomes from ongoing investments in the tourism and hospitality industries, and
- Communication of strategic outcomes with Shire and other stakeholders.

3.2. Measuring Ratepayer Returns for Investments into Tourism Infrastructure within the Uralla Shire

Shire Council decisions about future levels of investment, and ongoing operational expenditure for promotion of tourism in Uralla Shire require a detailed understanding of the economic value which tourism and hospitality bring to the region over time. After initial enquiries, it appears that there is limited information in this regard⁴.

A key question before planning and assessing options is:

What returns are being achieved now through tourism in the Uralla Shire?"

Answering this question will require quantification and qualification of the \$\$ and other values which visitors bring to the Uralla Shire each year.

A 'bottom line' measure of economic return from tourism, from a Shire perspective, is the annual \$ gross revenue brought into the Shire attributable to tourism activities.

Measurement of economic returns on strategic investments such as the UVIC requires a mix of qualitative and quantitative methods. A brief review of these measures is worth considering as backdrop for analyzing options in relation to the UVIC.

3.3. Economic Measures of Return from Tourism

Economic returns from tourism such as \$\$/year and \$\$/visitor are driven by a number of variables.

These variables can be segmented according to accommodation and visitor types. For example:

- Motels and caravan parks
- visits from friends and relatives (VFR);
- visits by trades and business people,
- visiting agriculturalists;
- visitors for local events,
- long distance stopover travelers; and
- gray nomads.

Each consumer segment will have particular characteristics, with different reasons and preferences wanting to stay in Uralla. Future monitoring visitor numbers in this regard will enable more targeted marketing, as well as selection of key messages and channels for each visitor segment.

Economic value derived from these segments is a function of combined supply and demand variables such as:

⁴ Pers. Com. Uralla Community Development Officer Patrick Dogan, and Director of Administrative Services Jane Michie

- Seasonal supply of rooms and visitor beds in the Shire
- Type of supply, eg Motels, Caravan Parks, B&Bs
- Seasonal customer numbers (% occupancy rates) for rooms and beds in the Shire
- Type of customer, eg Trade and Business Visitors; Gray Nomads
- New and returning visitor numbers to the Shire (day only vs overnight)
- The average 'spend' (\$) per visitor event (eg, \$ tariff/room) and
- Economic multipliers associated with generation of tourism and hospitality income in the Shire.

Investment returns on tourism brand development for the Uralla Shire can also be measured by qualitative methods (gathered for example, via surveys). These methods could be used to estimate (for example) how many new residents come to the Shire, as a direct or indirect consequence of exposure through tourism; and/or through jobs generated as a consequence of these services and marketing activities.



The above measures and methods will be important considerations in planning, monitoring, and reporting on returns associated with investments in Uralla Shire tourism infrastructure. In particular, and for the purposes of this review, to the extent that these variables are influenced by the UVIC will also have a bearing on decisions of how to operate and develop the Centre further.

Further market research, and development of systems to monitor drivers of tourism within the UVIC will help provide a platform for future investment decisions and increased economic returns from tourism in the Uralla Shire.

Development of information gathering systems to monitor (for example) bed-stays and capacity will also:

- Help inform the Shire Executive and Councilors about the changing performance of each sector within the industry.
- Assist to provide notional returns on tourism and marketing investments (measured by incremental improvements), by sector and customer type if required.
- Help guide the strategic deployment of staff, and development of staff amenities,
- Provide operational feedback to staff, about their strategic effectiveness
- Positively contribute toward improved staff engagement and retention rates, and
- Help to develop frameworks for strategically focused staff skills audits; professional development; and performance appraisals.

3.4. Gathering Baseline Data: Levels of Accommodation Supply and Demand in Uralla

As part of this report, a survey was administered with accommodation providers in the Shire. This survey was structured around parameters outlined in section 3.3 above, and involved a brief (10-20 minute) telephone interview with proprietors of accommodation businesses to ascertain capacity and occupancy rates. The survey also aimed to determine the gross \$\$ value of accommodation types in the shire; customer types; seasonality; and occupancy rates as 'baseline' information for future development of tourism in the Shire. A further objective was to estimate the economic value of tourism and accommodation in the Shire, in order to better inform Uralla Council and other stakeholders about returns on future investments (including possible CapEx for UVIC, and future Brand Campaigns). Aggregated data and key findings from this survey are attached (see 9.4 and 9.5 respectively).



3.5. Key findings: Uralla Bed-Stay Survey

Key findings from the Uralla Shire accommodation survey are summarized below:

- **Average occupancy for all accommodation** = **35%**
- **Highest occupancy average** = **Motels, 44%**
- **Estimated value of gross revenue** = **\$1.46m pa.**
- **Potential value of gross revenue (100% occupancy)** = **\$4.17m pa**
- **Number of rooms hired pa** = **20,940**
- **Estimated number of accommodation customers (assuming 1.6 occupants per room average)** = **33,500pa**
- **Estimated highest value market segment clientele, staying in motel accommodation** = **Business**
- **Second highest value market segment staying in motels and caravan parks** = **Grey nomads,**

3.6. Estimates of Economic Potential for Accommodation in the Uralla Shire

Estimates of potential economic value for the accommodation sector in Uralla shire have been calculated, based on current \$\$ revenue estimates, and using assumptions about potential increases in the average dollars spent by each customer, and growth in occupancy rates.

The analysis below indicates a range of possible growth scenarios for Uralla Shire accommodation, based on assumptions about additional \$\$ spending per customer, and higher occupancy rates (%).

Multiplier: Additional \$ spent / customer	Occupancy (%)					
	44% (current)	45%	55%	65%	75%	85%
1.0	\$m 1.46	\$ 1.47	\$ 1.62	\$ 1.77	\$ 1.94	\$ 2.12
1.5	\$m 2.19	\$ 2.21	\$ 2.43	\$ 2.65	\$ 2.91	\$ 3.18
2.0	\$m 2.92	\$ 2.95	\$ 3.24	\$ 3.53	\$ 3.88	\$ 4.24
2.5	\$m 3.65	\$ 3.68	\$ 4.05	\$ 4.42	\$ 4.86	\$ 5.30
3.0	\$m 4.37	\$ 4.42	\$ 4.86	\$ 5.30	\$ 5.83	\$ 6.36

Key:

	= Current Estimated Annual Accommodation Revenue for USC (\$m)
	= Possible Accommodation Revenue, assuming 85% occupancy and 3x increased spend/customer (\$m)

Note: The above estimates do not include direct and indirect economic multipliers, such as extra commercial laundry services and employment associated with growth scenarios.

The analysis above indicates significant 'upside' for the accommodation sector in Uralla Shire, and potential benefits resulting from a more strategic approach to growing the sector, utilizing UVIC and other resources.

3.7. Estimating the economic value of coffee sales, food and beverages in Uralla township

A simple face to face survey with six of the eight coffee shop proprietors in Uralla (January 2014) indicated sales of approximately 800 coffees or drinks per day in the town. Assuming 6 days a week trading, and 50 weeks trading per year, annual sales of approximately 291,000 drinks in the town (excluding hotels) are likely. Assuming an average sale price of \$4.00 per drink, the estimated gross value of these sales may be around \$1.164m pa. Additional sales associated with drinks was estimated by proprietors in the interview, and ranged from \$5-8. These sales usually comprise take away food or eat-in meals, as well as sales of delicatessen and other products.

Based on these findings, gross revenue for (non-hotel) sales of food and drink in the town is likely to range between \$2.6 and \$3.5m pa.

As part of the coffee shop vending survey, proprietors were also asked their opinions about:

- Whether or not coffee and refreshments should continue to be a part of the UVIC
- Whether they had any strong objections to the USC operating a coffee shop as part of the UVIC operations.

Responses to these questions were generally in favour of the UVIC providing coffee, drinks and food as part of its suite of services for visitors and locals. Additional comments included:

- “I don’t mind, either way”
- “It depends on what the alternative uses for the existing shop will be”
- “I don’t mind, but it needs to be run properly, and not put tourists off”
- “We need to up it, increase the services through the visitor information centre. This includes a revamp of park amenities opposite the centre, as well as providing additional parking so people will be tempted to walk up the street”
- “We need space for buses to park in the main street”
- “We would like to see an increase in historical signage in the street, so people can see what was here in the past” “We would like to see more of an historical precinct”
- “We all seem to work together pretty well on the surface, but underneath there is a fair bit of competition, and people don’t work together very well to help build our town”

4. OPTIONS FOR DEVELOPMENT OF THE URALLA VISITOR CENTRE

There are a number of considerations for improving service capacity and delivery through the UVIC, to enable promotion of Uralla as a preferred tourism destination in NSW, and build long term economic prosperity in the Shire.

Themes for development of the Centre include:

- The future role of coffee, food and other drinks sales as part of the UVIC ‘profit mix’, and if continued, in what form.
- Development of additional amenity and functionality for the building, such as a community ‘drop in’ centre; meeting rooms; business hot desks; internet kiosks; and family research facilities.
- Internal (re)design and refurbishment of rooms and layout of the building for improved displays; energy efficiency; staff amenity; customer service areas; public access and meeting facilities.
- Internal refurbishment and redesign of shop fixtures, fittings, lighting and displays for improved sales and turnover.
- Additional revenue streams, such as brokered accommodation and event bookings, and event management services.
- UVIC business development, marketing, monitoring and communications.

5. UVIC BUSINESS MODELS: ‘WITH’ A COFFEE SHOP

Options to continue the coffee shop as a part of the UVIC complex include:

- Renewal of the lease with Desali Pty Ltd after the current agreement expires on June 30th 2014.
- Re-lease of the coffee shop to another entity from July 2014.
- Non-renewal of the coffee shop lease, and/or

- Resumption of the coffee shop business, incorporating within the UVIC by Uralla Shire Council.

5.1. Guidelines for Assessment of Options to Continue the UVIC Coffee Shop

Guidelines for assessment of options to continue (or not) the UVIC Coffee shop can be based on strategic and operational criteria outlined in name section 3.1.

Revenue and operational efficiencies for alternative use of the current space deployed for a coffee shop will be discussed in some of the options outlined in this part of the review. In particular these may apply to the option of the Uralla Shire taking up operation of the coffee shop function, as part of a revised business model for UVIC service delivery.

The UVIC has an obligation to maximize both financial and social returns on assets for its constituents and stakeholders, and with this in mind, alternative uses (which may include incorporating the current lease space for purposes other than a coffee shop) will be discussed in section 6.0 of this report.

5.2. Determining “Reasonable” Rent for the UVIC Coffee Shop

Current rental arrangements have evolved over a number of years, and include ‘in kind’ arrangements between the current lessees and the Uralla Shire Council. As in kind arrangements are difficult to quantify and track, and it is recommended that future property lease contracts between the Uralla Shire and tenants be negotiated on an ‘arms-length’ commercial basis, without in kind considerations.

Formal (and more expensive) determinations of reasonable commercial rent can be made on the basis of sworn valuations and comparisons of like properties by registered property valuer(s). They can also be calculated through discounted cash flow (DCF) and net present value (NPV) analyses, based on future income streams from the asset.

For the purposes of this report estimates of the commercial lease value for The Espresso Café were obtained as rent appraisals from local real estate agents. Details of these valuations are attached with the report, and a summary of these is provided in the table below:

5.3. Lease Rental Estimates (ex GST) - 104 Bridge St Uralla Coffee Shop

AGENCY	RATE (LOW)	RATE (HIGH)	COMMENT
Northern Tablelands Property (NTP)	\$230	\$250	Based experience and similar rentals in the area
Iain Mackintosh	\$280	\$300	An annual adjustment equaling the CPI would also apply

Based on the above, annual GST exclusive rental estimates of between \$11,960 and \$15,600 pa would seem reasonable for the 75m² (estimated) self-contained area currently being operated as

The Espresso Café. Annual inflationary indexing and pro rata utility costs would also apply to new lease agreement(s), should the Uralla Council decide this to be a 'best use' for the precinct.

Estimates above indicate that current rental arrangements may be approximately \$7,000 pa below market rates in cash terms, notwithstanding other 'in kind' considerations with the current lease agreement.

5.4. Issues with Non-cash Payments for Property Leases

Current lease contracts with Mr and Mrs Stubberfield have been negotiated with implied understandings of in kind contributions around cleaning of the UVIC public toilets, and other non-written, complementary arrangements concerning operation of the Visitor Centre. These in-kind considerations may have been used to justify sub-commercial lease rates for the current tenants (section 5.3 above).

Issues:

There are a number of potential issues with informal payment of property leases, such as those agreed between Desali Pty Ltd and the Uralla Shire Council.

The first is that, if such payments are made with 'employment type' arrangements (such as regular cleaning of toilets) it may infer an employment relationship between the Uralla Shire and current lessees. If this was challenged it has the potential to open "Pandora's Box" around issues of pay, insurance, WHS, and other legal obligations for the Shire.

A second issue in relation to the current lease agreement is Uralla Shire Council has in the past agreed to pay legal fees on behalf of current lessees Mr & Mrs Stubberfield, to assist them in obtaining legal advice in relation to the current lease agreement with the Shire. It is understood that Council made this decision on the basis that the Shire had 'obligation' to pay for these expenses. However, there is no mention of these obligations in the lease contract. Further, it could also be argued that this expense is a 'usual' part of doing business, and that as such, it is the proprietors' liability to pay for such advice. The Shire's decision to pay for these legal expenses (it could be argued) further blurs the lines of an 'arms-length' agreement, and raises issues of pecuniary interest and legal liability for Shire Councillors. Shire payment for this advice may also raise issues of 'ownership' of the advice, and its impartiality.

It is strongly recommended that the Uralla Shire Council seek legal advice on these matters before proceeding to negotiate further lease agreements with Desali Pty Ltd. It is also recommended that future lease agreements not include 'in kind' considerations between either party, and that such conditions be neither explicit or inferred in lease contracts. Lack of clarity around lease arrangements with current lessees of The Espresso Café may present a legal risk for the Shire. Misunderstandings around both the nature and value of these payments, and their delivery, may have contributed to tensions between the parties in the past, and compromised (to some extent) delivery of UVIC customer services.

5.5. Strategic Alignment and Competition Issues Around the UVIC Coffee Shop

Leasing part or all of the UVIC floor space to an external business entity, for purposes other than promotion of tourism and visitor numbers is arguably not aligned with the strategic intent of the UVIC. Leasing part of the UVIC building renders this part of the premises unusable for these purposes, and takes it out of the direct control of the Shire. While there may be some synergies and shared interests between the contracting parties, it could be argued that the overriding (public good) objectives for operation of a VIC by a Shire will be significantly different to the (private profit) interests of lessees. The extent to which these interests can be reconciled will determine in part, the price of the coffee shop lease. For example, to the extent that a coffee shop promotes traffic to the VIC, or vice versa, there will be complementarity and mutual interest between the two entities, and this is a factor of value for both entities.

However, if it can be established that a commercial advantage is being gained by Desali as a private company through its lease of the Shire and, to the extent that this is not factored in as an extra \$\$ consideration in the lease, it could be argued (especially by competitors) that the lessees are gaining an 'unfair' trading advantage. This behoves extra care and diligence on behalf of the Shire to ensure an arms-length appraisal of the rental agreement.

Such an appraisal should take into account:

- The opportunity cost(s) of alternative uses of the space by the Shire
- The relative advantages which the lessees gain, compared with their competitors, from their proximity to a Shire business.
- The reciprocal value which the Shire and ratepayers gain, through the co-location and nature of the commercial business.

In the case of UVIC, the current lease agreement with Desali Pty Ltd has been agreed at below commercial rates paid by comparable businesses in the town. This would indicate that the Shire has a net benefit from co-location and leasing the area to The Espresso Café, compared with other options.

It further suggests that either:

- the value of the current lease has been underestimated compared with others (on a \$/m² basis), and/or
- That the economic value of the Visitor Information Centre is less than returns offered by other commercial ventures in the town.

Given the scale and estimated value of tourism⁵ to the Uralla Shire the last point is unlikely. In addition, the role which the UVIC has in promoting tourism and hospitality is likely to be significant. It is also likely that small changes in the use and management focus of the UVIC will have large economic returns for the Shire and its constituents. For instance, if the value of the visitor market is (say) \$5m, and the UVIC can, through revised use of its facilities and other activities, increase revenue by 10% over the next two years, the Shire and its constituents will

⁵ To be determined – estimates of \$5m to \$10m.

benefit by at least \$5000,000 pa from achievement of these objectives. The opportunity cost of not implementing these measures could be of this, or even larger magnitude to ratepayers.

5.6. Continuation of the Lease with Desali Pty Ltd after June 2014

The option to renew current lease arrangements with Desali Pty Ltd (trading as The Espresso Café) beyond June 2014 will require a review of current financial and in-kind considerations, and a possible increase in rental payments based on current or alternative 'arms-length' professional appraisals (sections 5.2, 5.3 and 5.4 above.).

Value:

If the lease is renewed, there is a strong case for increasing the rental price to at least commercial rates indicated in section 5.3. Rental of up to \$16,000 pa, CPI indexed may be achieved 'as is', without substantive changes to existing business models for either party. There is an additional case for a rental price over and above commercial rates, based on alternative uses and possible higher returns to the Shire, through reincorporation of the 'coffee shop' space into the operations of the UVIC. Some of these 'without coffee shop' options are discussed in section 6.0 below.

Renewal of the lease by the Shire should also take into consideration the 'premium' nature of the lease, by virtue of its co-location with a local government owned amenity with high public exposure. The value of this advantage could (for example) be estimated at around \$14,000 pa of 'extra' (marginal) profit per annum, based on assumptions of 4,000 additional customer sales per year⁶.

Strategic Alignment:

An overarching consideration for the Uralla Shire in deciding whether or not to renew the lease with Desali Pty Ltd (or continuing it with other entities) is whether or not re-lease will serve to advance the strategic objectives of the visitor information centre. Leasing part of the UVIC premises to a third party arguably does not align with the strategic (and/or operational) purpose of the Centre (see section 3.1 above), and on this ground alone, its renewal is difficult to justify.

Recommendation:

Based on the considerations above, it is recommended that Uralla Shire not re-lease the UVIC coffee shop space, either to Desali Pty Ltd or to other parties, after the current lease expires on June 30th 2014.

⁶ (Based on 4,000 customers x \$8.66 per sale x 40% marginal net profit on additional sales).

5.7. Uralla Shire Resumption of the Coffee Shop Business

If the Desali Lease is not renewed in 2014, it will open options for alternative uses of the space, more strategically aligned with UVIC objectives.

One such option will be for Uralla Shire to take up the coffee shop as an integral part of other services and products offered through the UVIC. A recent survey of Food Provision in NSW Regional VICs conducted by Upper Hunter Shire⁷ indicated a preference for food service either within, or immediately nearby, Visitor Information Centres. A survey of food and drink vending, along with current UVIC customers would help to further research local preferences for sales of food and drink through the Centre. If implemented, it might be assumed that this option would bring in at least as much income as the business does now – estimated in the vicinity of \$70-\$130k pa gross revenue. Assuming a revised commercial lease value for the coffee shop of \$16,000 pa, and a notional net profit on the coffee shop of 15% of turnover, the coffee shop would need to turnover around \$106,000 pa to breakeven with the lease option. Adjustments to UVIC FTE and salary considerations would also be required under this option, depending on revised opening hours for the Centre and/or coffee shop.

Consideration would also need to be given under this ‘resumption’ scenario (and a price negotiated if possible), to purchase The Espresso Cafés trading stock, equipment and other assets necessary for continued operation.

Advantages:

It is conceivable that this option could lead to economies of scale and increases in turnover over time, based on growth in visitor numbers to the UVIC (perhaps with more locals) and linked with joint advertising of coffee shop and other UVIC services. Sales of coffee beans if/when available, and locally grown/prepared food where possible could be built into sales revenue over time. Extra sales of produce associated with increased visitor numbers might also be achieved.

It is possible that synergies may also be gained through joint staffing and other operational efficiencies through these arrangements.

Nonrenewal of the coffee lease would also open the way for increased revenue streams from complementary and/or alternative uses of the 75m² space currently leased to Desali Pty Ltd.

Potential Issues:

Based on initial findings of a survey of take-away shop proprietors (outlined in 3.7 above), there appear to be few local concerns about the Shire opening a retail outlet in competition with other coffee shop businesses.

Further work to establish current and future demands for coffee shop services in the town, along with indicative benchmarks for breakeven sales of coffee (with ancillary food and drink sales)

⁷ Liam Garment, 2013 “*Visitor Information Centres Providing Food*” Provided by Patrick Dogan – Economic Development Officer, Uralla Shire. See attached.

would help inform this decision, and assist future investments in this section of retail trade in the town.

A thorough business plan would be required before implementing this option. Terms of reference for the plan would include:

- Purchase of equipment and trading stock
- Capital costs of shop refit (if required)
- Other capital outlays,
- A marketing plan
- Finance and operating capital
- Revised operating costs, including appropriate staffing (possibly an additional 1.0 FTE?), marketing costs, profit centres, estimates of gross profit, overhead expenses, cash flows and sensitivity analyses.



Recommendation:

For the above reasons, and taking into account the absence of more detailed supply/demand information for coffee shops in Uralla, it is recommended that, should the Shire Council decide not to renew the current lease in June 2014, a business plan be drawn up for ongoing operation of the coffee shop by the UVIC, incorporating prudent risk analyses, to determine the viability and feasibility of this option.

Regardless of the Shire's decision whether or not to proceed with this option, the Centre would not otherwise be precluded from serving coffee and other refreshments to visitors on a 'free' or 'cost recovery' basis.

6. OTHER UVIC BUSINESS MODELS: 'WITHOUT' A COFFEE SHOP

6.1. Gem Collection

Resumption of the area currently leased and used solely as a café would enable relocation of local and other gems/stones and minerals currently displayed in a separate section of the UVIC. Gems could be moved to a more darkened side of the building, possibly on the north-west

verandah currently used for the coffee shop, to minimize long term UV damage to exhibits currently exposed eastern light. Further work could be done to enhance and advertise this display with controlled lighting, and linking its history with mining and other heritage themes in the Shire. A longer term marketing campaign advertising the display through websites, journals and groups of mineral enthusiasts might also to encourage tourism and visitation around these themes.

6.2. Utilization of Space Vacated by Coffee Shop

Freeing up of space this space would enable refurbishment this and other areas of the UVIC layout, fixtures and fittings to provide for a greater range of produce and souvenirs for sale, more ambient use of light, increased storage and office space for UVIC Staff, and possibly construction of dedicated rest rooms (internally accessible) for staff. Improved office accommodation for the current Economic Development Officer and UVIC Manager would enable him to work from the Centre five days a week, and free up his main office accommodation he is currently using in the library. Currently Patrick works full time, between the two premises, and is rostered 2 days/week at the UVIC, and notes that work efficiency during his two days could be improved by having his main office (all files etc) located within the UVIC building.

Additional augmentation of the UVIC space could incorporate refurbished floor coverings; redesign of the customer service area and counter; and full length wall displays featuring historical scenes, and the Shire's scenic beauty.

6.3. Family History Research Centre

The Shire Library building is situated next to the UVIC, and has in recent times been successful in obtaining a grant for refit and equip a section within the library for family history research. A strong genealogy group exists in Armidale and there is anecdotal evidence that many visitors come to Uralla not only to explore the district's history, but also their family's historical connections with the region. Themes for these visitations include family involvement with the Shire's gold and pastoral pioneering history.

Freed up space in the UVIC could be used with displays and technology which augments, builds and markets visitation to Uralla around these themes, and repositions the UVIC as a 'gateway' for these activities. These themes would resonate with the "Find yourself in Uralla" and "Experience the Highs" brands, and could be woven into existing brand narratives.

Redevelopment of the UVIC with around historic themes could also include installation of some large interactive computer displays in Centre for visitors use, enabled by a high speed, high bandwidth wireless internet connection between the buildings. Further possibilities exist to bridge these facilities with nearby Shire Chambers, and to link with 'free' public WiFi zones around the town to enable exploration of historical and other themes for visitors. Enabling technology of this nature would also complement other initiatives around the town, such as the Uralla Sound Walk under development.



6.4. Traveler's Internet Kiosk

Current CDO and Manager of the UVIC Mr Patrick Dogan has suggested that facilities (above) could also include internet kiosks to enable the planning of travel itineraries, accommodation bookings and access to other information for an increasingly 'tech savvy' gray nomad visitor market. These amenities could also be used as a community meeting space by arrangement with the VIC when required, and would 'extend' opening hours and access to family genealogy technology currently being installed in the library.

6.5. Improved Display Areas and Extra Sales of Produce/Souvenirs

In recent years the UVIC has achieved sales of produce and souvenirs of around \$17,000 pa (approximately \$1.50/visitor). It is recommended that future business plans for the UVIC adopt a more targeted approach to building sales of merchandise (including food and drink). Sales are a function of the perceived purpose of the UVIC by customers, and (given the current low level of sales) modest investments in marketing (including internet and online), visual displays, lighting, layout and furnishings for the Centre are likely to produce good returns (revenue and profits) from improved retail sales resulting from these initiatives.

Negotiating and targeting monthly sales figures, and monitoring consumer response rates to marketing efforts will help to inform and engage staff around this area of operations for the UVIC. They are also likely to have a 'rub off' effect on improving visitor numbers to the Centre, as it becomes increasingly known as an outlet for quality local produce, crafts, artwork, clothing, etc.

Perceptions of the UVIC moving into ‘competition’ with other businesses in the town may be an issue with this renewed focus, and from this point of view commission sales of high quality representative goods from other retailers in the town, through the UVIC, may be worth considering. This would help to complement and extend the trading footprint of local businesses through the UVIC, especially if combined with a more focused and purposeful internet marketing strategy for the Shire. It would also help to reduce trading stock held by the Centre, and to promote a constructive relationship between the Shire and retailers. It would also enable improved exposure to the visitor market from businesses and residents operating beyond Uralla, such as Bundarra, Invergowrie and Wollun.



Constructive dialogue and ‘marketing’ with Shire residents around the purpose of the UVIC (ie ‘to increase visitor numbers and the economic value of tourism in the Shire’) will also help to assuage local concerns about ‘competition, particularly if future improvements in visitor numbers to the Shire can be linked with Shire strategies to develop tourism in the area.

6.6. Brokerage of Accommodation and Events

The option of improving UVIC revenue from management of bookings for accommodation and local events in the area should also be considered. This would require investment in online booking systems; marketing and event management skills for UVIC staff.

Quantification of the possible income to be derived from these activities could form part of a more detailed business plan for the Centre⁸. Brokerage of accommodation services could extend beyond the Shire, especially for ‘half-way’ visitors to Uralla who require accommodation also, at their next destination(s) such as Brisbane or Sydney.

If local accommodation booking brokerage proves successful, eventually it may be possible that UVIC could also provide brokerage services for neighbouring Shires and other entities. This would help to further boost ‘returns’ on investments for booking systems (etc) outlined above.

⁸ A business plan would draw on ‘baseline’ information about the size of the accommodation sector in the Shire to determine likely returns from brokered accommodation through the UVIC. Survey information forming part of this report could be used as a basis for these calculations. If (for example) the total accommodation revenue for the Shire is in the order of \$3,000,000 pa, and the UVIC manages to build and/or broker 10% of these sales, at 10% commission, it would result in additional revenue of \$30,000 pa for the Centre.

6.7. Estimates of CapEx Required

While initial estimates for some of the options outlined above have been obtained, more detailed costing of CapEx requirements, staffing ratios, utility and other overhead costs for development of the UVIC would form part of the scope of a detailed business plan based on recommendations outlined in section 7.0 below.

7. RECOMMENDATIONS

- 7.1. That the Shire seek legal clarification of its rights and responsibilities with regard to payment of legal and other professional services on behalf of third parties, with whom it also has property lease contracts.
- 7.2. That Uralla Shire Council seek legal advice concerning 'non-cash' considerations implied in current lease arrangements with Desali Pty Ltd (Mr & Mrs Stubberfield), in order to clarify taxation, employment and other potential legal liabilities which may arise from these arrangements.
- 7.3. That the Shire seek this advice (7.1 & 7.2) before proceeding with further negotiations to renew or rescind the current lease with Desali Pty Ltd early in 2014.
- 7.4. That (as a matter of precaution) future lease agreements made by the Shire should not include 'in kind' considerations (either explicit or inferred) between either contractual party.
- 7.5. That Uralla Shire not re-lease the UVIC coffee shop space, either to Desali Pty Ltd or to other parties, after the current lease expires on June 30th 2014.
- 7.6. That a detailed business plan be drawn up to explore the feasibility of UVIC continuing to operate a coffee shop as an integral part of the Centre's operations after June 2014. That such a plan be scoped to include risk analyses, as well as capital cost estimates associated with fit out, refurbishment and possible renovation of the UVIC for this option. That such a plan also incorporate new technology associated with family research and other themes outlined in section 6.0 of this report.
- 7.7. It is recommended that future business plans for the UVIC also focus on more targeted approaches to building sales of local produce, craft and merchandise (including food and drink).
- 7.8. That the Uralla Council further develops strategic and operational plans for advancement of tourism and hospitality industries in the Shire, based on business and economic 'return' guidelines outlined in section 3.0 of this report.
- 7.9. That, as a part of 7.7 & 7.8 above, the Uralla Council further researches and implements regular reporting systems to determine the size and value of the tourism and hospitality industries, for targeted and appropriate levels of future investment in the sector, and as background for further development of a comprehensive Shire Tourism Strategy.

8. CONCLUSION

Options and recommendations outlined above provide a method for assessment of economic and other merits around developing the tourism and hospitality industry in Uralla Shire. Based on initial survey work of the size of the accommodation sector (alone) in the Shire, there is significant 'upside' to be achieved through a more focused and strategic approach to further investment in this area. Given current low occupancy rates and relatively small numbers of visitors to the Shire, good returns are likely from strategically targeted investments, aimed at growing visitor numbers, average spend, and annual hospitality sales in the Shire.

It is recommended that the Shire Council and Executive give further consideration to a more detailed business plan for development of the UVIC to achieve these objectives, based around adoption (or otherwise) of recommendations provided in this review.

9. ATTACHMENTS

9.1. NTP Property Valuation



Phone (02) 67785000

[EMAIL: admin@northerntablelands.com.au](mailto:admin@northerntablelands.com.au)

90 Bridge Street Uralla NSW 2358

Postal: PO BOX 120 URALLA NSW

Tuesday 22nd January 2013

Attn: Jane Michie
Uralla Shire Council
Salisbury Street Uralla

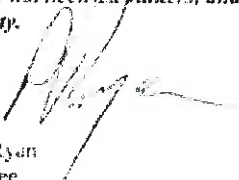
RE: RENT APPRAISAL THE ESPRESSO CAFE, 104 BRIDGE STREET
URALLA

Thank you for the opportunity to provide you with our opinion on the current commercial rental market.

This assessment is based on three main factors.

- Recent rentals in the area
- Other properties currently rented
- Our market expertise and real estate experience.

The market rental for 104 Bridge Street would be between \$230 and \$250 per week.
We are not licensed valuers, and as such this is an estimate of the value of the property.


Peter Ryan
Licensee

9.2. Iain Mackintosh Property Valuation



IAIN MACKINTOSH
Licensed Auctioneer Stock & Station Agent, Real Estate Agent
IMACKA PROPERTY & LIVESTOCK
48a Bridge St. (P.O. Box 161) Uralla 2358
ABN: 49 343 779 986

Telephone: (08) 3779 8268
Mobile: 0466 193 329
Fax: (08) 3779 8777
Email: iain@imacka.com.au
www.imacka.com

25th January, 2013

The General Manager,
Uralla Shire Council,
32 Salisbury Street,
URALLA NSW 2358

Dear Sir,

**Re: Lease Appraisal – 104 Bridge Street, Uralla NSW 2358
Uralla Visitor Information Centre Coffee Shop & Café.**

Following a request from Jane Michie, I have today carried out a lease appraisal on the above property.

I have below detailed the appraisal of the property with a view of establishing what I consider to be a reasonable lease for the above holding based upon my experience as a real estate agent and the current market trends.

The holding is part of the building used as the Uralla Visitor Information Centre, comprising of approximately 70m². It contains a commercial kitchen plus a counter and indoor and outdoor eating areas. It is of modern construction and in good order. I am informed that the café is fitted out by the Council, including cupboards, gas cooktop, fridge, freezer and tables and chairs.

Electricity and water charges are reported to be currently included in the lease as Council expenses. This is reflected in the appraisal figure.

- APPRAISAL -

**Lease: \$280.00 to \$300.00/week + GST
An annual adjustment approximately equalling the CPI should also apply.**

Yours faithfully,

Iain Mackintosh

Disclaimer: This report is a personal appraisal done in my capacity as a real estate agent combined with information provided by the Council. The figures stated have been formulated as a guide for lease only.

9.4. Uralla Bed Stay Survey Findings

Uralla Bed Stay Survey												
Objective: To assist USC establish baseline information regarding the current number of beds and bedstays in the Shire, as a basis for planning and assessing future investments for optimal returns from tourism and hospitality in the region.												
	# Rooms		# Rooms Hired/Yr	Est \$\$ PA	Room Occupancy/PA	Market % of Total Rooms	VFRs		Travelers		Agri & Grey Nomads	
	Total	Pillows					Business	Local	Business	Local	Business	Local
Total Motels	5	191	12173	1,082,178	44%	58%	8%	4%	28%	6%	18%	
Total Farmstay, B&B	16	70	2599	221,190	24%	12%	0%	8%	0%	0%	0%	
Total Caravan Parks	3	129	6169	155,052	38%	29%	0%	21%	0%	0%	7%	
Total	24	390	20,940	1,458,420	35%	100%	8%	33%	28%	6%	26%	

- Key:**
- # Rooms = Number of 'rooms' available in the Shire. Includes caravan and caravan sites (40+).
 - Total Pillows = Number of beds available per day
 - # Rooms Hired/Year = Number of room hires per year
 - Est \$\$ pa = Estimated total revenue for each accommodation type per year, based on occupancy rates
 - VFRs = Visiting friends and relatives
 - Travellers = Holiday makers, and Mid-way stopovers en route to other destinations
 - Business = Non-agricultural, including trade customers for accommodation
 - Agri & Local = Agricultural and regionally based hospitality clients.
 - Grey Nomads = Active pensioners embarking on longer term (>2 months) domestic travel

9.5. Key findings: Uralla Bed-Stay Survey

- Average occupancy for all accommodation = **35%**
- Highest occupancy average = **Motels, 44%**
- Estimated value of gross revenue = **\$1.46m pa.**
- Potential value of gross revenue (100% occupancy) = **\$4.17m pa**
- Number of rooms hired pa = **20,940**
- Estimated number of accommodation customers = **33,500 pa (assuming 1.6 occupants per room average)**
- Estimated highest value market segment = **Business clientele, staying in motel accommodation**
- Second highest value market segment = **Grey nomads, staying in motels and caravan parks**

9.6. Comments from Accommodation Providers

<p>More amenities - Park down at the bottom of the hill to encourage people to stop. Strong biker patronage. Holidays higher as well for stopovers and VFRs.</p> <p>Need more advertising! "Nothing". Difficult to get seating outside. Council not helpful. Themes for advertising/marketing? History.</p> <p>Local networks, Lions club etc. Country & Western from Tamworth; Christmas & Easter for VFRs, weddings; Reps don't stay in town due to 'lack of places to eat'; Local ag, cattle sales, sheep field days etc (10%); Supported Family Research brand development</p> <p>Word of Mouth the best; Likes idea of increasing family research; Lot of History in Bundarra; Thunderbolts visiting place; 1st Settlers history; Fair bit of trade accommodation - offer deals with meals and laundry;</p>	<p>1/2 way stopover btw Brissy/Syd; People gradually getting to know amenities in Uralla. Wineries, horse riding, museums, art galleries, McCrossins Mill. Estimate 5,000 visitors pa without weddings. Issue of burnout with volunteers - need shire help?</p> <p>Winter was busy. Strong web advertising - booking.com; URLs; Visit NSW; Google presence; Young grey nomads; younger people (couples); weekend retreats; some want single beds; Key words quaint; beautiful town, great views; ecitras; visitor book; quality; peacefulness.</p> <p>Demand increases with UNE residential; footy, wine festivals. Schools holidays also;</p> <p>Would like to see more brokerage from shire - systems Takeabreak, Sayz;</p> <p>Would like to have a catalogue of places to stay - and their availability in real time for customers to book via VIC;</p> <p>Need more analytics for websites (USC VIC); Also google - not accurate. Need to contact them (Google) to get position of out of town providers correct. Also best route to access - currently not accurate on Google.</p>	<p>At a B&B stay one gets to view many of the activities that go with our self sufficient life style due to their limited time frame, whilst a Farm Stay visitor will be able to participate in the activities. In both situations, it is our Time that is offered.</p>
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**ATTACHMENTS TO REPORTS FROM
THE ENVIRONMENT, DEVELOPMENT &
INFRASTRUCTURE STANDING
COMMITTEE**

From the Local Development Performance Monitoring Review Reports

		Development Application Numbers																	
		No Data Determined																	
Council		2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	
Council	Blaney	228	164	139	126	95	93	152	130	110	n/a	12	2	4	0	11	19	18	15
	Cobar	143	65	108	52	37	33	39	42	42	0	0	4	0	2	5	2	2	2
	Forbes	211	169	175	120	152	144	7	146	136	0	0	0	0	0	0	0	0	3
	Glen Innes Severn	124	135	150	161	130	112	119	82	95	6	14	9	13	11	7	19	15	15
	Gwydir	65	63	70	62	57	47	37	59	35	0	14	3	6	5	5	13	5	5
	Lachlan	102	85	68	76	40	44	63	85	33	3	0	0	0	0	0	0	0	11
	Liverpool Plains	179	121	120	77	76	89	62	59	79	1	0	9	1	4	0	0	8	11
	Narramine	133	104	58	59	58	86	86	61	80	0	0	0	0	0	0	0	0	0
	Oberon	147	128	120	81	103	91	69	60	101	14	14	12	31	21	25	16	12	12
	Uralla	164	153	135	66	77	67	67	57	73	4	4	6	3	4	0	5	7	7
	Walgett	49	42	49	29	41	34	38	39	39	4	5	0	4	3	1	1	2	2
	Wellington	118	92	139	115	74	87	74	74	72	0	0	2	4	14	11	6	15	15
	State Group Average NSW	n/a	170	127	107	71638	71550	91	89	89	75	10	13	11	15	10	8	10	7
			86287	82404	71638	71550	69617	58975	57032	60791									

		Development Application Value																
		Total Estimated Approved																
Council		2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Council	Blaney	\$15m	\$24.2m	\$11m	\$20m	\$9.3m	\$12.8m	\$24.3m	\$15.6m	\$18.9m								
	Cobar	\$10m	\$9.4m	\$22m	\$4.8m	\$6.1m	\$38.1m	\$9.4m	\$4.2m	\$4.9m								
	Forbes	n/a	\$3.1m	\$23m	\$26.3m	\$10.1m	\$15.9m	\$0.05m	\$26.4m	\$17.1m								
	Glen Innes Severn	\$12.7m	\$14.5m	\$8m	\$14.4m	\$7.2m	\$9.2m	\$6.9m	\$14.1m	\$8.1m								
	Gwydir	\$3.7m	\$3.9m	\$2m	\$3.3m	\$6.8m	\$3.3m	\$3.6m	\$9.3m	\$2.7m								
	Lachlan	\$12.4m	\$6.8m	\$6m	\$15.4m	\$3.5m	\$3.3m	\$15.9m	\$7.9m	\$2.9m								
	Liverpool Plains	n/a	\$16.2m	\$10m	\$8.6m	\$7.7m	\$16.5m	\$58.0m	\$5.0m	\$58.8m								
	Narramine	\$9.5m	\$4m	\$4m	\$6.3m	\$4.2m	\$4m	\$6.4m	\$4.5m	\$9.4m								
	Oberon	\$2.4m	\$13.8m	\$11m	\$17m	\$10.6m	\$20.2m	\$9m	\$6.8m	\$11.5m								
	Uralla	\$5.1m	\$6.4m	\$7m	\$4.7m	\$6.6m	\$3.8m	\$3.6m	\$4.0m	\$4.5m								
	Walgett	\$3.1m	\$3.6m	\$3m	\$18.1m	\$4m	\$4.7m	\$15.7m	\$8.2m	\$7.4m								
	Wellington	n/a	\$16.9m	\$10m	\$7.1m	\$4.5m	\$6.5m	\$5.5m	\$4.5m	\$4.7m								
	State Group Average	n/a	\$22.5m	\$14m	\$11.3m	\$10.4m	\$11.4m	\$12.4m	\$10.8m	\$12.6m								

Council	Development Application Type														
	% Alterations & Additions												2013-14		
	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2006-07	2007-08	2008-09	2009-10		2010-11	2011-12
Blaney	n/a	27	33	37	45	25	11	n/a	30	25	31	25	43	28	n/a
Cobar	n/a	25	23	30	36	36	45	n/a	33	15	19	13	21	24	n/a
Forbes	n/a	45	46	41	42	0	13	n/a	16	11	14	17	0	17	n/a
Glen Innes Severn	n/a	30	17	15	14	8	27	n/a	10	37	25	19	29	27	n/a
Gwydir	n/a	23	32	25	19	38	12	n/a	7	18	23	17	11	17	n/a
Lachlan	n/a	0	0	0	0	0	0	n/a	12	1	0	11	5	9	n/a
Liverpool Plains	n/a	37	0	30	36	48	32	n/a	28	34	20	25	26	29	n/a
Narrornine	n/a	10	15	12	15	15	23	n/a	21	12	10	8	14	18	n/a
Oberon	n/a	23	26	5	4	3	7	n/a	18	22	34	38	26	20	n/a
Uralla	n/a	57	11	10	24	14	13	n/a	22	23	17	12	16	6	n/a
Walgett	n/a	0	0	0	18	18	0	n/a	10	10	15	12	26	18	n/a
Wellington	n/a	21	24	46	38	34	53	n/a	33	30	11	17	14	16	n/a
State Group Average	n/a	32	24	27	26	21	20	n/a	19	22	26	23	25	24	n/a

Council	Development Application Type														
	% Commercial/ Retail/Office												2013-14		
	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2006-07	2007-08	2008-09	2009-10		2010-11	2011-12
Blaney	n/a	6	6	6	11	7	5	n/a	65	4	36	188	44	71	39
Cobar	n/a	5	17	14	3	10	12	n/a	0	11	n/a	4	26	65	3
Forbes	n/a	5	11	7	5	29	5	n/a	0	n/a	n/a	4	26	59	59
Glen Innes Severn	n/a	15	14	15	13	8	13	n/a	147	34	21	23	428	70	77
Gwydir	n/a	10	6	5	15	5	5	n/a	11	11	38	42	45	49	27
Lachlan	n/a	13	0	0	5	6	23	n/a	0	n/a	n/a	37	45	203	-
Liverpool Plains	n/a	16	3	16	9	6	3	n/a	0	59	1	37	45	47	47
Narrornine	n/a	16	24	17	17	19	20	n/a	0	n/a	n/a	37	45	203	-
Oberon	n/a	8	11	2	0	1	0	n/a	65	22	51	129	51	22	53
Uralla	n/a	0	5	5	6	16	0	n/a	19	26	55	30	2	19	30
Walgett	n/a	10	3	2	15	16	10	n/a	9	n/a	14	6	2	14	46
Wellington	n/a	6	7	5	9	20	6	n/a	0	16	56	38	44	8	19
State Group Average	n/a	8	7	8	8	9	7	n/a	77	44	36	51	54	62	33

Council	S 96 Gross Determination Times														
	S96 Mean Gross												2013-14		
	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2006-07	2007-08	2008-09	2009-10		2010-11	2011-12
Blaney	n/a	65	4	36	188	44	71	39	77	44	36	51	54	62	33
Cobar	n/a	0	11	n/a	4	26	65	3	58	53	52	52	54	51	42
Forbes	n/a	0	n/a	n/a	4	26	59	59	58	53	52	52	54	51	42
Glen Innes Severn	n/a	147	34	21	23	428	70	77	77	44	36	51	54	62	33
Gwydir	n/a	11	11	38	42	45	49	27	58	53	52	52	54	51	42
Lachlan	n/a	0	n/a	n/a	37	45	47	47	58	53	52	52	54	51	42
Liverpool Plains	n/a	0	59	1	37	45	47	47	58	53	52	52	54	51	42
Narrornine	n/a	0	n/a	n/a	37	45	47	47	58	53	52	52	54	51	42
Oberon	n/a	65	22	51	129	51	22	53	58	53	52	52	54	51	42
Uralla	n/a	19	26	55	30	2	19	30	58	53	52	52	54	51	42
Walgett	n/a	9	n/a	14	6	2	14	46	58	53	52	52	54	51	42
Wellington	n/a	0	16	56	38	44	8	19	58	53	52	52	54	51	42
State Group Average	n/a	77	44	36	51	54	62	33	58	53	52	52	54	51	42

Council		Development Application Gross Determination Times																
		Mean Gross																
		2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2005-06	2006-07	2007-08	2008-09	Median Gross				
														2009-10	2010-11	2011-12	2012-13	2013-14
Glen Innes Severn	Blaney	40	42	49	58	64	54	56	43	29	33	29	38	47	49	43	36	35
	Cobar	25	50	32	27	31	41	28	15	13	15	32	16	8	18	13	24	9
	Forbes	34	32	35	35	29	34	28	49	16	24	21	25	27	20	27	27	28
	Glen Innes Severn	29	43	35	40	27	31	42	42	17	26	32	25	20	19	15	20	19
	Gwydir	36	45	43	42	87	43	126	27	n/a	26	26	22	26	35	21	42	27
	Lachlan	30	21	28	25	28	60	55	58	14	14	14	20	8	27	31	31	39
	Liverpool Plains	43	36	33	32	69	51	99	47	32	33	24	17	24	39	35	30	34
	Narrornme	40	40	57	52	39	37	31	27	11	19	28	37	35	26	25	27	13
	Oberon	121	83	54	54	71	71	82	58	31	53	34	25	34	36	48	42	32
	Uralla	33	22	51	31	50	50	48	43	18	21	17	33	23	21	32	27	29
	Walgett	43	46	46	47	42	41	39	36	21	34	36	35	37	37	34	28	26
	Wellington	94	139	203	110	45	46	28	28	n/a	61	101	95	31	37	37	37	24
	State Group Average NSW	52	59	62	56	52	66	61	39	n/a	30	28	29	28	31	34	29	29
	76	74	74	67	68	71	68	70	n/a	43	43	42	41	44	45	42	42	
																		26
																		44

Council		Development Application Net Determination Times																
		Mean Net																
		2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2005-06	2006-07	2007-08	2008-09	Median Net				
														2009-10	2010-11	2011-12	2012-13	2013-14
Glen Innes Severn	Blaney	32	42	45	43	57	43	48	28	29	28	36	37	45	45	35	32	22
	Cobar	24	49	22	15	21	33	27	15	12	14	16	8	11	13	13	23	9
	Forbes	30	28	32	35	29	33	37	46	14	22	21	24	27	20	26	27	28
	Glen Innes Severn	27	35	30	23	21	23	29	27	17	24	30	23	16	15	14	17	15
	Gwydir	31	30	22	22	47	24	102	23	n/a	23	17	12	14	28	19	22	25
	Lachlan	15	12	19	24	24	46	31	56	11	11	6	12	8	21	28	28	37
	Liverpool Plains	25	17	15	29	63	39	76	30	25	21	9	11	14	35	30	26	27
	Narrornme	21	36	36	29	23	23	24	18	11	16	25	29	23	19	22	25	9
	Oberon	46	41	35	29	39	44	23	19	15	24	24	17	22	19	25	16	15
	Uralla	9	22	23	24	21	31	8	31	17	1	17	20	19	15	21	1	28
	Walgett	26	27	35	31	32	25	25	16	18	27	24	31	31	28	23	15	13
	Wellington	69	95	131	59	32	29	26	24	n/a	47	84	76	28	29	29	22	20
	State Group Average NSW	37	42	45	43	35	42	38	28	n/a	24	24	20	19	22	23	21	21
	50	46	45	43	45	46	45	45	n/a	31	30	29	29	31	31	30	30	

Staff Allocated to Development Assessment																
Council	DA Staff															
	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Blaney	4	5	4	4	4	5	4	4	41	27.8	31.5	23.8	23.8	30.4	32.5	27.5
Cobar	1	0.5	1	1	1	1	1	1	65	216	52	37	33	39	84	42
Forbes	0	1	1	2	2	2	2	2	n/a	175	120	76	72	4	73	45.3
Glen Innes Severn	1	2	2	2.5	2.5	1.5	2.5	2.5	135	75	107	52	45	79	33	38
Gwydir	2	1.6	1.9	1.89	1.89	1.89	1.89	1.89	32	43.8	32.6	30.2	24.9	19.6	31.2	18.9
Lachlan	3	2	2	2	2	2	2	2	28	34	38	20	22	32	33	33
Liverpool Plains	1	1.5	1	2.5	2.0	1.5	4.0	4.0	121	80	77	30	45	41	15	19.8
Narramine	3	4	4	5	5	5	4	3	35	14.5	14.8	11.6	17.2	17.2	15.3	26.6
Oberon	3	3	3	3	2	3	3	3	43	40	27	34	46	23	20	3.6
Uralla	2	2	2	1.5	1	1	1	1	77	67.5	33	51	67	57	63	73
Walgett	3	1.2	1.5	2	2	2	2	2	14	40.8	19.3	20.5	34.0	19.0	19.5	23.5
Wellington	3	4	8	3	3	2	3	3	31	34.8	14.4	24.7	29.0	37.0	25.7	24
State Group Average NSW	22773	1195	1231	1137	1104	1059	1022	1021	52	70.8	47.2	34.3	38.1	33.1	37	32.3

Staff Allocated to Development Assessment									
Council	% Change from Previous Year								
	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2013-14
Blaney	-28	-32.2	13.3	-24.4	-2.1	31	7	0	0
Cobar	-9	232	-75.9	-28.8	-10.8	18	115	0	0
Forbes	n/a	0	-31.4	-36.7	-5.3	-95	1986	50	50
Glen Innes Severn	9.0	-44.4	43.1	-51.5	-13.8	77	-59	0	0
Gwydir	n/a	38.9	-25.6	-7.4	-17.5	-21	60	-2	-2
Lachlan	-44	20	11.8	-47.4	10	43	3	-50	-50
Liverpool Plains	-32	-33.9	-3.8	-60.5	30.4	-7	-64	0	0
Narramine	4	-58.2	2.1	-21.6	46.3	0	-11	-25	-25
Oberon	-42	-6.3	-32.5	27	-13	-50	-13	0	0
Uralla	-53	-11.8	-51.1	55.5	30.5	-15	11	0	0
Walgett	-71	192	-52.7	6.2	65.9	-44	3	0	0
Wellington	30	13.3	-58.6	71.5	17.6	28	-31	0	0
State Group Average	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Complying Development Certificate Numbers

Council	No CDCs Issued										Issued by Council (08-09 changed to % determined)									
	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14			
Blaney	1	1	1	2	4	4	21	0	1	1	100	100	91	100	100	0	100			
Cobar	101	126	60	37	22	36	14	1	126	60	100	75	27	100	100	100	100			
Forbes	0	2	9	4	11	2	4	5	0	0	100	27	100	100	0	20	100			
Glen Innes Severn	85	93	55	65	58	55	49	34	93	55	100	100	100	100	94	100	100			
Gwydir	8	21	22	15	23	13	16	10	21	22	100	96	100	88	90	85	100			
Lachlan	17	18	24	8	44	32	24	23	18	24	130	93	100	94	100	100	100			
Liverpool Plains	55	54	113	64	59	34	24	25	53	112	98	100	65	0	97	60	100			
Narrornine	0	1	47	43	38	19	10	15	1	47	68	100	100	100	100	100	100			
Oberon	5	3	1	2	1	2	5	2	3	0	0	100	100	100	100	100	100			
Uralla	0	0	0	61	81	48	47	55	0	0	100	100	100	100	98	40	100			
Walgett	50	39	44	35	37	17	11	10	39	44	100	78	94	94	100	80	80			
Wellington	20	27	39	18	24	11	17	18	20	39	44	88	88	55	41	67	80			
State Group Average	n/a	34	30	27	31	29	22	23	n/a	28	92	95	94	94	68	86	85			

Complying Development Certificate Value

Council	Issued by Private Certifier (08-09 changed to % determined)										Total Estimated Value									
	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14				
Blaney	0	0	0	0	-	48	0	0	\$0m	\$0m	\$1.1m	-	\$1.8m	\$0m	\$0.01m					
Cobar	0	0	0	9	0	0	0	29	\$2.7m	\$2m	\$2.8m	\$0.67m	\$0.97m	\$0.06m	\$0.02m					
Forbes	2	9	25	73	0	100	80	0	\$0.02m	\$0.38m	\$0.5m	\$0.49m	\$0.97m	\$1.4m	\$0.3m					
Glen Innes Severn	0	0	0	0	0	6	0	0	\$3.7m	\$3m	\$2.4m	\$2.9m	\$3.5m	\$1.7m	\$2.6m					
Gwydir	0	0	0	4	0	0	10	15	\$0m	\$0.21m	\$0.8m	\$0.95m	\$0.64m	\$1m	\$1.5m					
Lachlan	0	C	0	7	6	0	0	0	\$0.1m	\$0.18m	\$0.2m	\$5.9m	\$1m	\$0.55m	\$1.5m					
Liverpool Plains	1	1	2	0	35	0	3	40	\$1m	\$8m	\$1.7m	\$4.5m	\$0.87m	\$1.3m	\$0.55m					
Narrornine	0	0	2	0	0	0	0	6	\$0.01m	\$1m	\$2.1m	\$2.1m	\$0.35m	\$0.74m	\$1.5m					
Oberon	0	1	100	0	0	0	0	0	\$0m	\$0m	\$0.1m	\$0.1m	\$0.02m	\$0.09m	\$0.5m					
Uralla	0	0	0	0	0	2	20	68	\$0m	\$0m	\$5.4m	\$7.8m	\$4m	\$2.3m	\$3.1m					
Walgett	0	0	0	22	6	6	20	17	\$3.1m	\$4m	\$2.9m	\$7.1m	\$1.3m	\$1.9m	\$3.1m					
Wellington	7	0	50	8	45	59	33	20	\$0.3m	\$0.75m	\$1.3m	\$3.6m	\$0.59m	\$1.7m	\$1.9m					
State Group Average	n/a	2	8	5	6	32	14	16	\$0.9m	\$1m	\$2m	\$2.7m	\$1.7m	\$2.9m	\$1.6m					

Council	Complying Development Application Gross Determination Times by Council													
	Mean													Median
	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14		
Blaney	32	32	-	17	-	42	32	24	-	13	-	6		
Cobar	14	8	23	32	16	15	7	5	8	4	15	6		
Forbes	8	-	-	-	5	52	8	-	-	-	5	10		
Glen Innes Severn	9	14	13	12	13	32	6	6	7	8	8	9		
Gwydir	8	14	9	10	20	22	8	9	8	8	14	13		
Lachlan	8	24	5	3	4	38	2	1	4	1	1	4		
Liverpool Plains	8	5	10	-	4	41	2	5	11	15	3	8		
Narramine	3	22	25	21	19	24	3	14	14	18	7	20		
Oberon	27	9	16	7	7	55	19	9	16	7	7	22		
Uralla	-	9	13	9	6	51	-	8	8	8	6	22		
Walgett	11	13	7	9	13	35	9	5	7	8	11	21		
Wellington	20	6	56	21	9	23	5	6	22	14	8	7		
State Group Average NSW	12	11	11	10	8	35	5	6	6	5	5	11		
	12	14	14	18	17	18	6	7	8	8	8	10		

Council	Construction & Occupation Certificate Issued																
	Construction Certificates							Occupation Certificates									
	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
Blaney	175	159	132	114	92	92	165	254	67	33	122	74	95	95	138	192	80
Cobar	31	55	70	40	25	22	24	44	38	30	43	34	33	26	29	17	30
Forbes	182	104	107	59	79	62	89	102	78	91	81	22	22	20	72	75	36
Glen Innes Severn	72	82	84	72	80	48	53	57	68	78	71	61	77	72	25	30	24
Gwydir	65	56	37	44	38	25	26	32	25	13	26	45	39	34	26	22	27
Lachlan	64	71	80	51	74	38	19	38	17	28	51	34	49	16	16	14	24
Liverpool Plains	70	88	64	44	39	44	57	27	17	43	43	63	12	17	42	36	39
Narramine	59	40	34	32	28	48	48	29	46	n/a	48	34	49	17	19	21	20
Oberon	100	119	0	85	85	41	71	48	45	12	18	112	12	17	52	38	23
Uralla	100	117	102	37	40	45	27	30	42	40	22	37	39	41	57	63	80
Walgett	22	21	20	19	7	28	20	30	34	14	17	19	11	8	15	14	10
Wellington	81	29	48	54	37	42	48	51	47	24	21	31	29	22	41	37	42
State Group Average	97	96	90	73	71	60	61	61	46	39	60	53	48	49	57	57	36



22 December 2014

Mr Stephen Bartlett
Executive Officer
Namoi Councils
PO Box 555,
Tamworth NSW 2340

**Novation of Water and Sewerage Consulting Services Agreement
from Hunter Water Australia to Hunter H₂O**

Dear Stephen

It is with much pleasure that I can announce that Hunter H₂O Holdings Pty Ltd (Hunter H₂O), a company lead by 25 managers and senior staff of Hunter Water Australia, is purchasing the Consulting Enterprise of Hunter Water Australia Pty Limited (HWA) as a going concern. The sale is scheduled to be completed by the 31st December 2014.

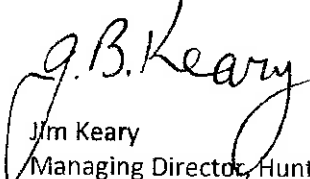
Hunter H₂O (ACN 602 201 552) will have the same skilled staff working to the same triple certified management systems and from the same office locations. In effect it is "business as usual".

We request your approval of novation to the agreement that we have covering the **Provision Of Water and Sewerage Consulting Services** from HWA to Hunter H₂O.

Hunter H₂O has secured replacement insurance policies that cover all of the previous policies held by HWA and if you need details of these policies or have any other queries then please contact me on jim.keary@hwa.com.au or 0418 494191

It would be appreciated if you could provide your requirements for approval to novation of the agreement or if it suits, by filling in and returning the attached pro forma.

Regards


Jim Keary
Managing Director, Hunter H₂O



**Novation approval
Water and Sewerage Consulting Services Agreement**

On behalf of the Namoi Councils, I approve the novation of the above agreement from Hunter Water Australia Pty Limited to Hunter H2O Holdings Pty Limited

Signed

Title

Date

Please return to Jim Keary by email at jjim.keary@hwa.com.au
or fax to Jim Keary on (02) 4941 5011

Minutes of a Meeting of the Namoi Water Alliance Technical Advisory Committee held on 25 February 2015 at Tamworth



Members: Gunnedah Shire Council
Liverpool Plains Shire Council
Tamworth Regional Council
Uralla Shire Council
Walcha Council
Narrabri Shire Council

Present: **Alliance Members**

Walcha Council	Tess Dawson
Tamworth Regional Council	Bruce Logan
Uralla Shire Council	Robert Bell
Gunnedah Shire Council	Kevin Sheridan
Liverpool Plains Shire Council	Rod Batterham
Narrabri Shire Council	Andre Kompler
Moree Plains Shire Council	David Wolfenden
Gwydir Shire Council	Andrew Cooper

Hunter H2O Holdings Pty Ltd
Geoffrey Long

Apologies: Nil.

- 1. Adoption of Minutes of Previous Meeting**
The Minutes of the meeting of the Technical Advisory Committee Meeting held on 26 November 2014, as circulated to members, were confirmed as a correct record of the proceedings of the Meeting.
- 2. Business Arising from Minutes of Previous Meeting**
Nil
- 3. Sale of Hunter Water Australia to Hunter H2O Holdings Pty Ltd**
Hunter H2O representative, Geoff Long, briefed the Committee on the completion of the sale of Hunter Water Australia to Hunter H2O Holdings Pty Ltd, a company now owned by 25 former managers and former senior staff of HWA, as a going concern.

The Namoi Councils Executive Officer advised that the Board of Namoi Councils had approved the novation to the Deed of Agreement for the Namoi Water Alliance covering the provision of water and wastewater services to Alliance member Councils from HWA to HunterH2O and had recommended

that Alliance member Councils sign and execute under seal the Deed of Novation.

DECISION: That it be noted the sale of Hunter Water Australia to Hunter H2O Holdings Pty Ltd has been completed and the Executive Officer be requested to forward a standard report to for use by Alliance member Councils to formally report completion of the sale and obtain approval for execution of the Deed of Novation.

4. Review of Current Projects:

4.1 Drinking Water Quality Management Plans (DWQMPs)

Geoff Long advised that all member DWQMPs had been received by HunterH2O with the exception of Narrabri. Moree and Gwydir indicated their interest in the project.

DECISION: That Narrabri be requested to supply a copy of its DWQMP and the proposal be forwarded to Moree and Gwydir Councils.

4.2 Minor Works Review of Environmental Factors Template

Geoff Long advised as an outcome of the purchase by HunterH2O, the new company structure did not include an Environmental Management section. In order to complete REF Template and provide training, HunterH2O intended to sub-contract the project.

Alliance members indicated their agreement to proceed with the Project on this basis.

DECISION: That it be noted HunterH2O will liaise with Councils to complete the the Minor Works Review of Environmental Factors Template and the provision of staff training as soon as possible.

4.3 Drought Managements Plans

Geoff Long made a presentation to the Committee in respect of the Standard Template to be used by all Alliance members for completion of their Council Drought Management Plans.

With some minor inclusions and comments, including a paragraph referencing the regional media campaign, the standard template was approved. HunterH2O will finalise the template and submit the completed template to all Alliance members. HunterH2O will provide assistance and Liverpool Plains and Gunnedah to finalise their plans. HunterH2O is currently preparing a DMP for Tamworth using the standard template.

DECISION: That it be noted HWA will circulate a Standard Template Drought Management Plan to all Alliance members for their completion and inclusion of specific information relating to each Council.

4.4 Standard Water Treatment Chemical Technical Specifications

This Project involves the creation of a specification in a generic format/template for common water treatment chemicals. The specifications will be created to be generic in nature but will have provided blank spaces (for each council to fill in) on the estimated delivery volumes which can be filled in by each council depending on the situation. The individual council can select the chemical specifications relevant for their water treatment facilities and add their own commercial and general conditions.

Bruce Logan offered to assist with the invitation of a joint tender for the supply of water treatment chemicals to Alliance member Councils.

DECISION: That the Namoi Water Alliance invite tenders for the supply of water treatment chemicals to Alliance members for a two year period.

5 Water Telemetry Systems

The Committee was advised that the representative proposed to be in attendance to make a presentation on water telemetry systems was unavailable but would be available to attend a future meeting.

Following general discussion of the different Telemetry Systems operating at each Council, HWA agreed to make a presentation to the next Alliance Meeting on Water Telemetry Systems and the capacity of different systems.

DECISION: That it be noted HunterH2O will make a presentation to the next Alliance Technical Advisory Committee on the capacity of different Water Telemetry Systems.

6 Water Sustainability Awareness Regional Media Campaign

The Committee discussed the merit of inviting GoCross Media to a future Alliance TAC Meeting to discuss a further media campaign for the up-coming summer period.

DECISION: That CoCross Media be invited to the July Alliance Technical Advisory Committee Meeting to discuss a media campaign for summer period 2015/2016.

7 Specialist Water & Wastewater Plant

The Meeting discussed any opportunities for the joint purchase of any specialist water and wastewater plant and equipment.

DECISION: That the Executive Officer be requested to circulate the list specialist water and wastewater plant and equipment owned and operated by Alliance members for the information of all Alliance members.

8 New Alliance Members

New Alliance members, Moree Plains Shire Council, represented by David Wolfenden, and Gwydir Shire Council, represented by Andrew Cooper, were

welcomed to the meeting as potential new members of the Namoi Water Alliance.

9 General Business

9.1 2015/2016 Water and Wastewater Projects

Alliance members were requested to advise the Executive Officer of Water and Wastewater Projects proposed for the 2015/2016 financial year for examination of any opportunities for joint tenders.

9.2 Hand Held Water Meter Readers

Alliance members were requested to advise the Executive Officer of their requirements for hand held water meter readers for consideration of whether there is merit in running a joint tender for the purchase of each member Council's requirements.

There being no further business, the meeting was concluded at 12.05pm.



The Hon. Duncan Gay MLC
 Minister for Roads and Freight
 Minister for the North Coast
 Leader of the Government
 Legislative Council

FG15/01369

Tuesday, 24 February 2015

Clr Michael Pearce
 Mayor
 Uralla Shire Council
 PO Box 106
 URALLA NSW 2358

Dear Clr Pearce

I'm pleased to advise you the following project submitted by Uralla Shire Council under *Fixing Country Roads* will receive funding from the state's dedicated infrastructure fund, *Restart NSW*.

Project	Project Cost	<i>Fixing Country Roads</i> Funding (\$)	Council Contribution (\$)	<i>Infrastructure NSW</i> qualification
Abington Creek Bridge (Replacement of single-lane timber bridge to two-lane concrete bridge (HML)).	1,453,000	705,000	43,000	None

Fixing Country Roads was introduced by the NSW Liberals & Nationals Government to ensure our local and regional road network supports regional producers, growers and businesses. I congratulate Uralla Shire Council for working closely with the local community, industry and the NSW Government.

Under the inaugural round of the NSW Government's \$42.85 million *Fixing Country Roads* program, 77 projects on council-owned roads will be largely funded from *Restart NSW*, with co-funding also from regional councils and in many other instances from the Commonwealth.

The NSW Government recognises a strong regional economy is important for a strong NSW and we're committed to supporting regional infrastructure projects which help get goods from 'paddock to port' more efficiently.

Transport for NSW's Freight and Regional Development Division invites two delegates

from Uralla Shire Council to attend a *Fixing Country Roads* Grants Information Briefing, during which councils with successful projects will receive important information about the payment of the grants and project management.

Further details about meeting times and locations, and the registration process for these briefings can be found in the enclosed schedule.

Yours sincerely

A handwritten signature in black ink, appearing to read "Duncan Gay". The signature is written in a cursive style with a large initial 'D' and 'G'.

The Hon. Duncan Gay MLC
Minister for Roads and Freight
Minister for the North Coast
Leader of the Government Legislative Council

Enclosed: Grants Information Briefing Schedule for Successful Fixing Country Roads Projects 2014/15



Adam Marshall MP

Member for Northern Tablelands

MEDIA RELEASE

Monday, 16 February 2015

\$2.8M FOR NORTHERN TABLELANDS COUNCILS' ROAD & BRIDGE UPGRADES

NORTHERN Tablelands MP Adam Marshall has today announced more than \$2.8 million in State government funding to assist four of the region's councils undertake major road and bridge improvements projects, valued at over \$4.8 million.

Mr Marshall congratulated Armidale Dumaresq Council, Inverell Shire Council, Moree Plains Shire Council and Uralla Shire Council on their successful applications to the government's new *Fixing Country Roads* program.

"These councils have been working hard to address their infrastructure backlogs and to make their road networks more efficient for freight," Mr Marshall said.

"The \$42.85 million *Fixing Country Roads* funding initiative was developed by the NSW Government to help regional councils upgrade their old roads and bridges which cause freight pinch point or 'last mile' problems.

"There's nothing worse for a local economy than roads and bridges not being up to the task of carrying freight in an efficient and cost effective manner."

Mr Marshall said Armidale Dumaresq Council would be receiving \$600,000 to seal a 1.6 kilometre section of the Rockvale Road, which joins the busy Guyra to Ebor Road.

"Council has been looking at this project for some time and this injection of funding now means upgrade can go ahead," he said.

Inverell Shire Council will be able to replace the ageing Tin Tot Bridge between Graman and Ashford with a modern concrete structure thanks to \$800,000 from the program.

"Tin Tot is council's last remaining timber bridge in the Shire, so its replacement with a new and higher bridge is a huge achievement for council," Mr Marshall said.

Moree Plains Shire Council will benefit from \$700,000 to assist with widening the road seal on the important freight route between Moree and Croppa Creek.

"This road carries many millions of dollars' worth of produce each year out of this region and the widening of the road will not only make it much safer for all motorists but also allow higher mass vehicles to be permitted to use the road," Mr Marshall said.

Uralla Shire Council is celebrating the news of \$705,000 which means it will be able to undertake another major bridge replacement on Thunderbolts Way, this time the Abington Creek Bridge.

"The bridge is an old and narrow one-lane timber deck bridge on a dangerous bend so its replacement will have huge benefits for the efficient transport of freight and goods through our region," Mr Marshall said.

Mr Marshall said he was incredibly proud of the hard work carried out by all four councils to secure funding for these major projects.

He said the councils had also made important funding contributions to the projects: Armidale Dumaresq Council (\$200,000), Inverell Shire Council (\$200,000), Moree Plains Shire Council (\$408,000) and Uralla Shire Council (\$43,000).

"I congratulate these councils for their vital funding commitments, representing a genuine working partnership with the NSW Government," Mr Marshall said.

Uralla Shire Council was successful in receiving \$705,000 from the Australian Government under its Bridges Renewal Programme for its project.

"The remaining funding for the project will be delivered from the existing historic roads budget for regional NSW."

Projects funded under *Fixing Country Roads* were selected purely on merit by an independent Assessment Panel made up of representatives from the NSW Farmers Association, Livestock and Bulk Carriers Association of NSW, Local Government NSW, Infrastructure NSW and senior officials from Transport for NSW Freight and Regional Development and the Office of Local Government.

Mr Marshall said this was a prime example of taking politics out of infrastructure funding; not to mention utilising the knowledge and expertise of recognised industry leaders from country NSW.

"The NSW Government is working closely with both local government and industry to reverse a \$4 billion backlog in critical council-owned road infrastructure," he said.

Mr Marshall said that if the NSW Government was re-elected then a further \$500 million would flow to future funding rounds of *Fixing Country Roads*.

"This means those projects not selected by the independent Assessment Panel will get further opportunities for funding in the future," he said.

MEDIA: Adam Marshall 0429 440 054 or 02 6772 5552

Northern Tablelands project details

Council	Project description	NSW Government funding (\$)	Council contribution (\$)	Federal (\$)	Total cost (\$)
Armidale Dumaresq Council	Rockvale Road Upgrade, 1.6km north of Boundary Creek. By addressing the most problematic section on Rockvale Road, the project creates significant travel time reductions for heavy vehicles in bad weather and a safer route for all road users.	600,000	200,000	-	800,000
Inverell Shire Council	Tin Tot Bridge Replacement	800,000	200,000	-	1,000,000

	Improves access, provides shorter freight route (savings of 100km round trips between Gunnee Feedlot and Warwick, and 180km per round trip between Gunnee Feedlot and Toowoomba) and improves access during flooding of Macintyre River.				
Moree Plains Shire Council	Widen seal on Moree to Croopa Creek Road. Widen the seal on remaining 7km of this road about 45km north east of Moree to allow the use of Higher Mass Vehicles (HMV).	700,000	408,000	500,000 (Roads to Recovery program)	1,608,000
Uralla Shire Council	Abington Creek Bridge (Replacement of single-lane timber bridge to two-lane concrete bridge (HML)). Abington Creek bridge is a vital link on an important connection between the North West and New England Highway, and would result in a more reliable route for the livestock industry.	705,000	43,000	705,000 (Bridges Renewal Program)	1,453,000

Fixing Country Roads

Local Roads and Bridges

Information Session for Councils with successful Fixing Country Roads applications 2014-15

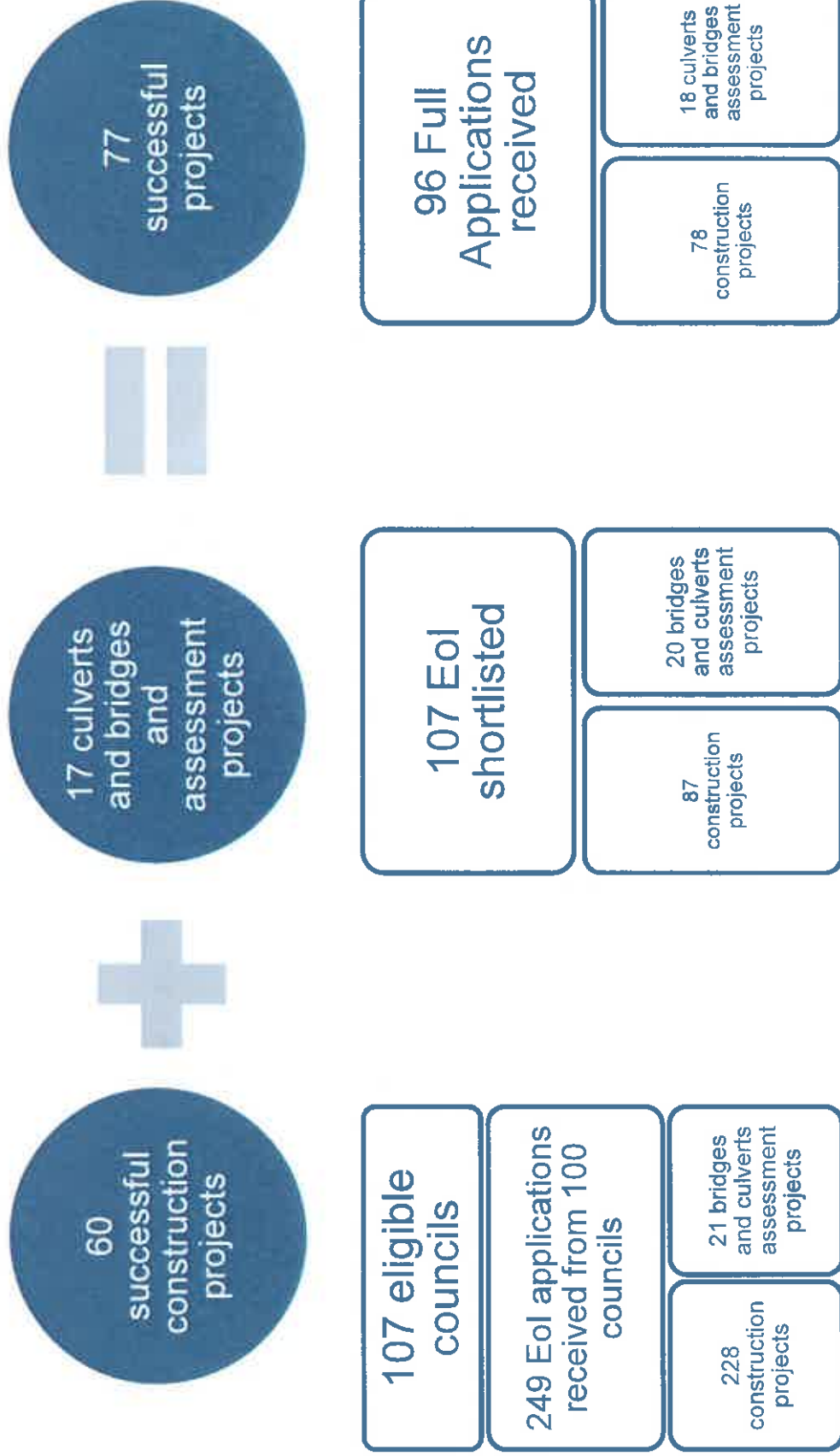
Frederic Horst
Principal Manager
Freight Strategy and Network Investment
Freight and Regional Development Division
Transport for NSW



Today's Presentation

1. Fixing Country Roads 2014-15 at a glance
2. Map of Fixing Country Roads projects
3. Funding Deeds
4. Funding Deed Arrangements
5. Important Principles
6. Reporting
7. Payment of Grant Funds
8. Restart NSW Signage
9. Federal Grant Funding
10. *Who will councils be dealing with?*
11. Future Rounds of Fixing Country Roads
12. Next steps
13. Questions
14. Conclusion (around 12.30pm-1pm)

Fixing Country Roads 2014-15 at a glance





[Map Fixing Country Roads projects](#)

Funding Deeds

- Councils will enter into a Restart NSW Funding Deed with the Treasurer.
- Infrastructure NSW administers the Deeds.
- The Deed sets out the terms and conditions – these are not negotiable..
- Draft deeds, including attachments, need to be developed as soon as possible.
- In the case of joint applications between multiple councils, the funding deed will be between the Treasurer and several councils, but coordination will be through the lead applicant.

A Pro-forma deed is available for collection after this briefing.

A soft copy and a sample Deed will be emailed to Council's nominated email address. Please ensure you provide us with your most up-to-date contact details.

Councils will finalise the deed, report and correspond with Infrastructure NSW.

Funding Deed Arrangements

- Council needs to prepare drafts of the Deed as soon as possible.
- The agreement particulars are straight forward.
- Infrastructure NSW's preferred payment method is monthly progress payments – these will be proportioned over the funding sources.
- The key task is to complete the following attachments:
 1. Project scope/outline
 2. Project Schedule/Timeline
 3. Asset Procurement Plan
 4. Risk Management Plan
 5. Cost Control Plan and Project Cashflows
- Infrastructure NSW can provide “samples” of completed Deed Attachments if required

Important Principles

- Grant funding is limited to the approved amount, any increase in project cost is to be borne by Council.
- There is no Restart NSW Fund allocation for project overruns, so any cost overruns are at the Council's risk.
- Funding can **only** be used for the project and nothing else.
- Payment will be made within 30 days of receiving claim
- Project scope and timing cannot be changed without prior approval by INSW
- All requests for change in project scope and timing need to be in writing to INSW
- Council cannot abandon project without providing one month's notice.

Reporting

Monthly Progress Reporting

Council will be required to report on and provide evidence of the status of the project on a monthly basis, and provide a final report on completion.

Infrastructure NSW uses a Public Works on-line reporting tool – template will be provided and access to view similar projects will be arranged.

Progress reports need to include the following information:

- Status of delivery against project schedule,
- Any delays in delivery of the project,
- Details of project costs incurred to date,
- Project risks and other issues,
- Key achievements in the reporting period,
- Copies of published reports and materials in relation to the project,
- Photos documenting the progress of the project,
- Any other info requested by Infrastructure NSW.

Reporting (continued)

Annual Project Plan

- Once the project is completed, councils are requested to provide an assessment of benefits realised by the upgrade.
- Post completion assessment could include vehicle profile and traffic counts, as well as letters from major users outlining the benefits achieved.
- Depending on the project, post completion assessment may follow a number of years after completion depending on how benefits are realised.

Payment of Grant Funds

- Payments come in the form of monthly progress payments for work completed.
- Monthly claims are submitted online, with the monthly report.
- Please ensure that GST is not added to the invoice.
- The Treasurer will pay within 30 days of receiving claim.



Restart NSW Signage

- We will email Restart NSW graphics
- Restart NSW logo must be used as described on all:
 - signs and documentation
 - media releases
 - public announcements and events



Applications submitted under Federal Programs

- Bridges Renewal Programme (BRP) and Heavy Vehicle Safety Productivity Programme (HVSPP)
 - Administrative Arrangements: Department of Infrastructure
 - Payments and Reporting: RMS
- National Stronger Regions Fund (NSRF)
 - Administration and payments: Department of Infrastructure
(Please note Round Two Applications close on 31 July 2015)

Applications submitted under Federal Programs (continued)

If the project relies on successful grant funding from Federal Government sources including the Bridges Renewal Programme, Heavy Vehicle Safety and Productivity Programme and/or National Stronger Regions Fund, then the funding deed will not be signed by the Treasurer until:

- execution of agreement with the Federal Government
- any other milestones required prior to start of the project in the agreement with the Federal Government

If the project relies on funding from Federal sources that is not yet approved, the approval of Restart NSW Funding will be put on hold until the outcome of these projects is known.

Who will councils be dealing with?

- Infrastructure NSW: please call
 - Lauren Francis, lauren.francis@infrastructure.nsw.gov.au, tel (02) 8016 0100
- Freight and Regional Development: future rounds of fixing country roads, advice on other funding programs, developing the business case for future projects
 - freight@transport.nsw.gov.au
- Department of Infrastructure and Regional Services:
 - Contact details are listed in the information pack distributed to councils.

Future rounds of Fixing Country Roads

- The NSW Government has accepted all recommendations for regional NSW outlined in Infrastructure NSW's updated State Infrastructure Strategy, which includes the following Restart NSW Reservation:
 - \$500 million for Fixing Country Roads
 - \$400 million for Fixing Country Rail
- This reservation is subject to funding availability from the *Rebuilding NSW* initiative.
- Timing of future rounds of Fixing Country Roads will depend on funding availability.
- Future rounds will focus on network issues.
- Expectation that there will be more or bigger projects involving multiple LGAs.
- With more funding available, larger projects can be considered .
- Next round will be preceded by thorough industry consultation to identify key network issues in regional NSW to inform council applications.
- Councils are encouraged to informally discuss potential projects on an ongoing basis with Freight and Regional Development.
- Criteria will be similar and have a strong focus on economic benefits.

Next Steps

- Please call Lauren Francis on 8016 0100, as soon as you have a draft deed ready to discuss.
- Infrastructure NSW will discuss the important points and provide assistance where required.
- Then submit your draft deed, unsigned.
- We will respond within 10 days and, hopefully, ask you to sign the Deed.
- Please arrange for an officer to be authorised to do so as soon as possible.
- When signed by Council, the Deed is returned to Infrastructure NSW to arrange approval by the Treasurer.
- Please note that Deeds cannot be signed while the Government is in caretaker mode.



The Hon Warren Truss MP
Deputy Prime Minister
Minister for Infrastructure and Regional Development
Leader of The Nationals
Member for Wide Bay

13 FEB 2015

PDR ID: MS14-001517

Councillor Michael Pearce
Mayor
Uralla Shire Council
PO Box 106
URALLA NSW 2358

Dear Councillor Pearce

Thank you for your council's interest in the Australian Government's Bridges Renewal Programme. The Australian Government has committed \$300 million over five years from 2014-15 to this programme which is focussed on contributing to the productivity of bridges serving local communities. Over 250 proposals were received from state, territory and local governments across Australia for Round One.

Following assessment of proposals against the Programme Criteria I am pleased to advise that your proposal below was successful.

- Abington Creek Bridge, NW of Uralla on Thunderbolts Way

As projects are to be managed under the Australian Government's National Partnership Agreement on Land Transport with state governments, I have written to relevant state ministers to advise them of successful projects in their state. State road agencies will be in contact with successful councils in relation to administrative arrangements.

I look forward to hearing about the progress on your bridge project in the near future.

Yours sincerely

WARREN TRUSS



Australian Government

Department of Infrastructure and Regional Development

BRIDGES RENEWAL PROGRAMME – ROUND ONE

PROJECT CONFIRMATION FOR SUCCESSFUL PROPONENTS

1. Introduction

Congratulations on the success of your proposal for funding under the Australian Government's Bridges Renewal Programme. This package outlines the funding approved for your proposal, the necessary administrative arrangements and the milestones/reporting requirements. The Department of Infrastructure and Regional Development (the Department) has populated this document with your project details based on the information you provided in your proposal.

Once we are satisfied that you have provided all required information and confirmations (see below) and agreed on the proposed milestones and related payments, the Department will settle the arrangements, execute the funding instrument and add your project to our Infrastructure Management Systems (IMS).

As outlined in the Programme Criteria and Proposal Form, successful projects and payments to proponents will be managed through state and territory governments under the National Partnership Agreement on Land Transport Infrastructure Projects and the related Notes on Administration.

Please note you need to read and respond to this package. You must receive confirmation from the Department that funding has been confirmed before undertaking any activity on your bridge project. Please also note that appropriate funding arrangements (e.g. a separate deed) between local and state governments may also be required.

2. Project Details – please identify any issues with the below details.

Project name	Abington Creek Bridge
Project number (DIRD ref)	BNL-07
Project Proponent	Uralla Shire Council
Project description	Replace a timber bridge with two lane concrete bridge and Rd alignment
Australian Government Funding Amount	\$705,000 or a maximum of 50% of the agreed project cost, whichever is the lesser.
Matching Funding amount	\$705,000
Matching Funding source	Fixing Country Roads
Relevant Project Contact	Robert Bell Director of Engineering (02) 6778 6309 rbell@uralla.nsw.gov.au PO Box 106, Uralla NSW 2358

3. Confirmations from Proponents – please note that all questions must be answered prior to settling funding arrangements.

Has the project commenced? Note Section C of the Programme Criteria and Proposal Form states that funding will not be provided for projects that have already commenced.	Yes/No <input checked="" type="radio"/> No	Provide details on current status of project.
Has the project budget been confirmed?	Yes/No <input checked="" type="radio"/> No	If the budget has been updated, please provide documentation.
Has the matching funding been confirmed?	Yes/No <input checked="" type="radio"/> No	Please provide evidence.
Has further planning or preparation been undertaken?	Yes/No <input checked="" type="radio"/> No	If so, please provide details – e.g. further planning approvals. Additionally, outline any new risks identified and how these are being managed.

4. Milestones and Payments

The Department has worked to identify appropriate milestones and payments based on the size and complexity of projects and information provided at the time the proposal was lodged. Given the large number of projects, and as project reporting and payments will be managed through state governments, the Department has worked to streamline the number of payment milestones. For smaller projects that can be completed within one financial year, the default position is one payment on the provision of a project completion report (consistent with the National Partnership Agreement). Larger projects and projects with cashflows over two years may have further milestones, including mandatory evaluation reporting within the post-completion report.

Given the time elapsed since schedules were originally provided, proponents should identify and provide current dates in the table below.

Number and Event	Amount	Completion Date
1. Post completion Report (see template and requirements in the attachment below)	\$705,000	
a. Scope, schedule, cost, innovation etc.		
Maximum Australian Government Funding	\$705,000	

Do you agree with the proposed milestones/payments?	Yes/No	If not, please provide reasons and alternatives.
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Proponents should note they will need to complete and return a signed milestone completion certification (see Attachment A) on the completion of a milestone – this should be sent to the Department with a copy also going to your state government contact. The state government, once satisfied, will claim the milestone payment from the Australian Government. The state government will then forward this payment to local government proponents – proponents should note that it may take around 6 weeks for state governments to receive funds from the Australian Government once a milestone is claimed. A further period should then be allowed for state government to forward the funds to the proponent under their arrangements in place with councils. The relevant state government contact in your jurisdiction is:

Peter A MCMAHON
 Principal Manager, Road Management Policy, Roads and Maritime Services
 Phone: 02 8588 5480
 Fax: 02 8588 4162
 Mobile: 0411 485 466
 e-mail: Peter.McMAHON@rms.nsw.gov.au

5. Monthly Reports

A requirement under IMS and as part of the funding arrangement, every proponent is required to provide a monthly report on progress – this will be completed by the state government on your behalf. As such, we suggest you provide your state government contact with the below information at the beginning of each month.

IMS Number	(to be advised to you)
Project name	
Amount expended (actual total amount paid)	\$
Project status	(brief description – maximum 30 words)
Any significant factors/risks that would affect meeting the next milestone in full.	Only comment if there is anything identified

6. Post- Completion Report

All proponents will be required to complete a post-completion Report (a template report from the Notes on Administration for Land Transport Infrastructure Projects 2014-15 to 2018-19 is attached). DIRD will provide details on what is required at a later stage noting that large and more complex projects will be required to provide more information for evaluation purposes.

7. Signage

It is a condition of Australian Government funding that signage needs to be displayed on either side of the bridge works. Photographic evidence will need to be supplied as part of your milestone reporting requirements.

Please refer to the Print and Signage Guidelines on the Department’s website at <http://investment.infrastructure.gov.au/publications/administration//index.aspx>. Note these requirements are similar to what is required for Black Spots programme projects.

8. Required Actions

Please consider this document and if you agree with requirements, complete all required information, sign and return before commencing any work and by **16 March 2015**.

If you do not agree with any requirements, or you need assistance, or you need to seek an adjustment to the milestones or content in this information pack, then please contact the Department of Infrastructure and Regional Development's Bridges Renewal information line on:

Telephone 02 6274 6758, or
Email: BridgesRenewal@infrastructure.gov.au

I agree with the terms and conditions outlined in this package and note it constitutes an agreement to the administrative requirements and funding conditions required by the Australian Government.

Signed

Name

Position

Date/...../2015

Return original document to:

Mr Craig Downsborough
Director, Small National Infrastructure Programs Team
Department of Infrastructure and Regional Development
111 Alinga Street
CANBERRA CITY ACT 2601

Please also send a scanned signed copy to your State Road Agency contact and the Department's email inbox at bridges.renewal@infrastructure.gov.au.

9. Next Steps

Agreement to this package will allow the Australian Government to execute the required funding instrument and add your project to IMS. We will then confirm when all arrangements are in place and when the councils can commence the project.

Cost

Provide a populated Project Cost Breakdown template detailing the actual Project costs. The template is available from the Department.

Performance

Provide information on the progress of the Project in meeting agreed Transport Performance Indicators. Include a table of figures if appropriate.

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Innovation

Provide innovative Project delivery techniques that have resulted in positive economic, safety, social, environmental, integration or transparency outcomes (for example, use of recycled material, techniques to reduce water and energy consumption, Project delivery methods that deliver Project savings, or private funding or financing models.)

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Indigenous Strategy

Was an Indigenous workforce strategy incorporated into the delivery of the Project? YES/NO
IF Yes - What were the Indigenous employment outcomes under that strategy?

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[Name]

Date

Position and organisation

Appendix D3 – Post-Completion Report

The Post-Completion Report must be submitted with the Claim for Payment of the Final Milestone. The Final Milestone will not be paid until the Department accepts the Post-Completion Report. If required, the Department may ask the Funding Recipient to revise the submitted report before accepting it.

PROJECT:

PROJECT NUMBER:

FUNDING RECIPIENT:

Scope

Provide details of all changes to the scope following Project approval.⁶ For comparison purposes, including descriptions of the:

1. original Project scope approved
2. scope change
3. rationale for the change.

Original scope	Scope change	Rationale for change

Schedule

Project Period as agreed on approval of the Delivery Phase		Actual Project Period	
Construction start date	Physical completion date	Construction start date	Physical completion date

Provide details of the rationale for changes to the construction start or physical completion dates and how the impact of these changes was managed.

⁶ Unapproved changes to scope and quality will require further investigation by the Department and the Final Milestone will not be paid until this has been achieved.



Attachment A – Milestone Certification

NAME
Position
Branch

**Infrastructure Investment Division
Department of Infrastructure and Regional Development**

NAME OF PROJECT - REQUEST FOR MILESTONE PAYMENT

Dear XXXX,

In accordance with the agreed Project Milestone schedule for the NAME of project, I certify that Milestone # has been achieved – ACTIVITY.

I request payment of \$XXXXXXX.00 as agreed in the Project milestone schedule.

[NOTE: IF THE MILESTONE IS A CONSTRUCTION MILESTONE, PLEASE INCLUDE PHOTO EVIDENCE THAT MILESTONE HAS BEEN ACHIEVED]

Yours Sincerely,

[Name Authorised Person]
[Position Title]
[Proponent name]

Date:

<p><i>Department of Infrastructure and Regional Development Use ONLY</i></p> <p><i>To Business Manager, Infrastructure Investment</i></p> <p><i>On the basis of information provided by NAME OF PROPONENT and our validation of that information, I am satisfied that the Milestone has been achieved and payment can now be made.</i></p> <p><i>Name</i> <i>Position</i> <i>Branch</i> <i>Infrastructure Investment</i> <i>Department of Infrastructure and Regional Development</i></p> <p><i>Date:</i></p>

Restart NSW Funding Deed

Formal Instrument

Parties **The Treasurer as the Minister administering section 8(a) of the Restart NSW Fund Act 2011 (NSW) acting for and on behalf of the Crown in right of the State of New South Wales**

Treasurer of NSW

The party named as the Recipient in the Agreement Particulars

~~Recipient~~ URALLA SHIRE COUNCIL

Background

- A. The Recipient's application for Restart NSW funding has been successful and the Treasurer, as the Minister administering section 8(a) of the Restart NSW Fund Act 2011 (the Act), has given his approval under that section for the funding to be paid out of the Restart NSW Fund established under section 5 of the Act (the **Restart NSW Fund**).
- B. This Agreement sets out the terms on which the funding will be provided.

Operative Provision

The parties promise to carry out their respective obligations under this Deed, which comprises:

- 1. this Formal Instrument;
- 2. the Agreement Particulars;
- 3. the General Conditions; and
- 4. the Attachments.

Signed as a deed.

<p>Signed sealed and delivered by the Treasurer as the Minister administering s.8(a) of the Restart NSW Fund Act 2011 (NSW) for and on behalf of the Crown in right of New South Wales</p> <p>in the presence of:</p> <p>_____</p> <p>(Signature of witness)</p> <p>_____</p> <p>(Name of witness in full)</p>	<p>_____</p> <p>(Signature of Minister)</p> <p>The Hon. Andrew Constance, MP, Treasurer of NSW</p> <p>_____</p> <p>(Date)</p>
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<p><i>(Alternate: Use if the Recipient is a local council and execution is under seal – delete the other execution blocks for Recipients)</i></p> <p style="text-align: right;"><i>URALLA SHIRE</i></p> <p>THE COMMON SEAL of [<i>insert name of Council</i>] was affixed on <u><i>7</i></u> <u><i>COUNCIL</i></u></p> <p>Pursuant to a resolution passed by the Council on <u><i>7</i></u></p> <p><i>(Note: Must be signed in accordance with Council resolution by Mayor/Councillor and GM or Mayor and Councillor or two Councillors)</i></p>	<p>_____</p> <p>(Signature)</p> <p>_____</p> <p>(Name of signatory)</p> <p>_____</p> <p>(Signature)</p> <p>_____</p> <p>(Name of signatory)</p>
<p><i>(Alternate: Use if the Recipient is a local council and the council has by resolution delegated execution of this Deed to the General Manager)</i></p> <p>SIGNED SEALED AND DELIVERED for and on behalf of [<i>insert name of Council</i>] by its delegate in the presence of :</p> <p>_____</p> <p>(Signature of Witness)</p> <p>_____</p> <p>(Name of Witness)</p>	<p>_____</p> <p>(Signature of delegate)</p> <p>_____</p> <p>(Name of delegate)</p> <p>General Manager (Position of delegate)</p>

Agreement Particulars

Name of Recipient	Recipient <u>URALLA SHIRE COUNCIL</u>
ABN of Recipient	<u>55 868 272 018.</u>
Address of Recipient	<u>P.O. Box 106 URALLA 2358</u>
Grant number	RNSW xxx <u>BNL-07</u>
Project title	Project Title : <u>ABINGTON CREEK BRIDGE</u>
Project description	<u>Replace Timber bridge with two lane concrete bridge & road realignment</u>
Funding Amount (Clause 2.1(a)) <u>\$705,000</u>
Progress Payments or Milestone Payments (Clause 2.1(b))	Monthly Progress Payments
Recipient's Representative (Clause 3.1) <u>ROBERT BELL</u>
Reporting (Clause 3.5 and clause 5.3)	Frequency of Progress Reports: Monthly Timing of Final Report: Within 20 Business Days after completion of construction of the Project.
Applicable NSW Government Policies (Clause 3.7)	<ul style="list-style-type: none"> • NSW Government Code of Practice for Procurement and Implementation Guidelines to the New South Wales Code of Practice for Procurement: Building and Construction; • Workplace Health and Safety Management Systems Guidelines; • Environmental Management Systems Guidelines
Other Recipient obligations (Clause 3.12)	<p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>(Specify whether any of these obligations are performance obligations for the purposes of clause 2.2(b) i.e. a condition precedent for payment.)</p>
Insurances (Clause 4.1)	<ul style="list-style-type: none"> • Public Liability Insurance and Insurance of Works • Workers' Compensation; and • where appropriate, Professional Indemnity Insurance.

Notices to the Treasurer (Clause 7.2)	Address: email: For the attention of:		
Notices to Recipient (Clause 7.2)	Address: [Insert address] Fax: [Insert fax] Email: [Insert email] For the attention of: [Insert addressee]	P.O. Box 106 JARRAH 2356 02 67 786349 rbell@uralta.nsw.gov.au ROBERT. BELL	
Attachments (including Project Plans)	<ol style="list-style-type: none"> 1. Project Scope/ Outline; * 2. Project Schedule/ Timeline; * 3. Asset Procurement Plan; * 4. Risk Management Plan; * 5. Cost Control Plan & Project Cash Flow; and * 6. Signage Guidelines * 		

2

General Conditions

1. Defined terms

Unless the context indicates otherwise, capitalised terms are as defined in the Agreement Particulars or the Background.

2. Funding

2.1 Provision of funding

- (a) The Treasurer will provide the Funding Amount to the Recipient in accordance with and subject to the terms of this Deed; and
- (b) the Funding Amount will be paid by way of Progress Payments or Milestone Payments (as specified in the Agreement Particulars).

2.2 Conditions precedent to payment

The payment of the Funding Amount or any part of the Funding Amount under this Deed is conditional on, as at the time for payment set out in clause 2.6(b):

- (a) there being sufficient funds available in the Restart NSW Fund;
- (b) the Recipient complying with the requirements of clauses 2.3, 2.4, 2.6, 3.2, 3.5, 3.6, 3.7, 3.8, 3.9, 3.11, 4.1 and any other obligations for the Recipient for the purposes of clause 3.12 set out in the Agreement Particulars which are specified to be performance obligations for the purposes of this clause 2.2(b); and
- (c) the Recipient having not abandoned the Project.

For the purposes of this Deed including without limitation this clause 2.2 and clause 3.10, the Recipient will have abandoned the Project if there has been a cessation of works for any reason for a continuous period of 6 months (or such longer period as the Treasurer may agree to in writing).

2.3 Funding to be used for Project only

The Recipient must use the Funding Amount for the purposes of the Project, and must not use the Funding Amount for any other purpose.

2.4 Use it or lose it

- (a) The Treasurer is not obliged to pay any further Progress Payments or Milestone Payments if:
 - (i) at any time, the Progress Payments earned by the Recipient are less than 50% of the Progress Payments which the Recipient was expected to have earned at that time; or
 - (ii) a Milestone is not achieved by the relevant Milestone Sunset Date.
- (b) The Treasurer may, at his discretion, agree to continue paying Progress Payments or Milestone Payments (as applicable) even if clause 2.4(a) applies.

2.5 Progress Payments

- (a) Subject to clause 2.5(b), if the Funding Amount is payable by way of Progress Payments, the amount of each Progress Payment will be:
 - (i) the value of the works completed; less
 - (ii) the Progress Payments already paid to the Recipient.
- (b) The Progress Payments can never exceed the Funding Amount.

2.6 Payment claims

- (a) The Recipient must give the Treasurer and the Treasurer's Representative a claim for payment:
 - (i) if the Funding Amount is payable by way of Progress Payments:
 - A. within 7 days after the end of each month; and
 - B. which includes the evidence reasonably required by the Treasurer of the Project costs incurred by the Recipient;
 - (ii) if the Funding Amount is payable by way of Milestone Payments, upon completion of each Milestone; and
 - (iii) in the format the Treasurer reasonably requires.
- (b) Within 30 days of receiving a payment claim under clause 2.6(a), the Treasurer must pay the amount claimed (or such lesser amount as the Treasurer determines is then payable).

2.7 GST

- (a) In this clause 2.7:
 - (i) except where the context suggests otherwise, words and phrases used in this clause 2.7 that are defined in the GST Act have the same meaning as in that Act;
 - (ii) unless otherwise expressly stated, all consideration to be provided under any other provision of this Deed is exclusive of GST; and
 - (iii) any part of a supply that is treated as a separate supply for GST purposes (including attributing GST payable to tax periods) will be treated as a separate supply for the purposes of this clause 2.7.
- (b) Any payment or reimbursement required to be made under this Deed that is calculated by reference to an amount paid or incurred will be limited to the total amount less any input tax credit to which an entity is entitled for an acquisition to which the amount relates.
- (c) If GST is payable in relation to a supply made under or in connection with this Agreement, then the party (**Recipient**) that is required to provide consideration to another party (**Supplier**) for that supply must pay an additional amount to the Supplier equal to the amount of that GST (**GST Amount**) at the same time as any

other consideration is to be first provided for that supply, or if later, within 7 days of the Supplier providing a valid tax invoice to the Recipient.

- (d) If the GST Amount recovered by the Supplier from the Recipient under paragraph (c) for a supply differs for any reason from the amount of GST paid or payable by the Supplier on that supply, then the Recipient must pay to the Supplier on demand (or the Supplier credit the Recipient with) the amount of that difference. If any adjustment event occurs in relation to a supply, the Supplier must give the Recipient an adjustment note within 7 days after the date of the adjustment event.
- (e) In this clause 2.7:
 - (i) GST includes amounts defined as "GST" under the GST law and:
 - A. amounts payable on account of a notional liability under Division 177 of the GST Act; and
 - B. "GST equivalents" payments under the Intergovernmental Agreement Implementation (GST) Act 2000 (NSW) (or similar payments under corresponding legislation of any other State or Territory).
 - (ii) GST Act means the A New Tax System (Goods and Services Tax) Act 1999 (Cth).
 - (iii) GST law has the same meaning as in the GST Act.

2.8 No rights to assets

The Treasurer has no rights with respect to the assets purchased with the Funding Amount, other than those set out in this Deed.

2.9 No other funding or support

The Treasurer has no obligation to provide the Recipient with:

- (a) subject to clause 2.2, any funding in addition to the Funding Amount; or
- (b) any other support or services of any kind.

3. Recipient's Obligations

3.1 Recipient's Representative

- (a) The Recipient's Representative is responsible for managing the Recipient's obligations under this Deed and must:
 - (i) be available at all reasonable times for communications with the Treasurer or the Treasurer's Representative referred to in clause 3.2; and
 - (ii) be capable to act with the Recipient's full authority in matters relating to this Deed.
- (b) The Recipient must notify the Treasurer and the Treasurer's Representative immediately of any change to the Recipient's Representative.

3.2 Treasurer's representative

- (a) The Treasurer may, from time to time, nominate in writing a representative (**Treasurer's Representative**) to act on the Treasurer's behalf to validate the Recipient's reporting in accordance with the Recipient's Project Plans, and payment claims.
- (b) The Recipient must co-operate with the Treasurer's Representative.
- (c) The Treasurer's Representative has no authority to amend or waive the requirements of this Agreement.

3.3 Acknowledgement and publicity

- (a) The Recipient will use the Restart NSW logo in accordance with the Signage Guidelines (contained in Attachment 6) and any other government signage in accordance with any signage guidelines relating to that signage provided to the Recipient or, in the event that there are no relevant signage guidelines, in accordance with the reasonable directions of the Treasurer or the Treasurer's Representative.
- (b) The Recipient may acknowledge the receipt of Restart NSW funding in all publications and media releases in relation to the Project.
- (c) The Recipient must use its best endeavours to:
 - (i) give the Treasurer and the Treasurer's Representative reasonable prior notice of any public announcements, launches and events relating to the Project; and
 - (ii) allow a representative of the Treasurer, the Treasurer's Representative or the State of New South Wales to participate in such public announcements, launches and events.

3.4 Use of materials and documents

- (a) The Recipient grants to the Crown in right of the State of NSW including without limitation all Ministers, NSW Government agencies, statutory bodies representing the Crown and/or any other body that has the status, privileges and immunities of the Crown (the **Crown**) a licence to use any intellectual property rights subsisting in any material or documents provided to the Treasurer or the Treasurer's Representative by the Recipient, including the right for the Crown to publish such material or documents, with the exception of material that is Confidential.
- (b) The Treasurer may publish the terms of this Deed and any material or documents provided to the Treasurer or the Treasurer's Representative by the Recipient, with the exception of material that is Confidential.
- (c) For the purposes of this clause 3.4, "Confidential" means any information that discloses:
 - (i) the Recipient's financing arrangements;
 - (ii) the Recipient's cost structure or profit margins;
 - (iii) the Recipient's full base case financial model; or

- (iv) any matter the disclosure of which would place the Recipient at a substantial commercial disadvantage in relation to its competitors and/or suppliers, whether at present or in the future.

3.5 Reporting

The Recipient must provide the following reports to Treasurer or, if directed, the Treasurer's Representative, at the frequency or time stated in the Agreement Particulars:

- (a) Progress Reports, which must include:
 - (i) the status of delivery against schedule;
 - (ii) any delay in the delivery of the Project;
 - (iii) details of the Project costs incurred to date;
 - (iv) Project risks/ issues;
 - (v) key achievements in the reporting period;
 - (vi) copies of published reports and materials in relation to the Project;
 - (vii) photographs documenting the progress of the Project; and
 - (viii) such other information reasonably requested by the Treasurer; and
- (b) a Final Report, outlining the achievements of the Project, including Project acquittal.

3.6 Access and audit rights

- (a) The Treasurer reserves the right to audit the Recipient's compliance with this Deed.
- (b) Provided that reasonable prior notice is given to the Recipient, the Recipient must provide the Treasurer or the Treasurer's Representative with access to:
 - (i) all sites on which the Project is being conducted; and
 - (ii) all Project material or information reasonably requested by the Treasurer or the Treasurer's Representative.

3.7 Compliance with law and policies

- (a) The Recipient must, in carrying out the Project, comply with, and ensure that any contractors engaged on the Project comply with, all applicable laws and obtain all necessary statutory approvals.
- (b) The Recipient must comply with, and ensure that any contractors engaged on the Project comply with, all applicable NSW Government Policies set out in the Agreement Particulars.

3.8 Changes to the Project

- (a) The Recipient must immediately notify the Treasurer and the Treasurer's Representative if the Recipient proposes to make a significant change to the Project.

- (b) The Recipient acknowledges and agrees that the Treasurer is not obliged to pay any further Progress Payments or Milestone Payments if there has been a significant change to the Project which has not been approved by the Treasurer.

3.9 Project Plans

- (a) The Recipient must use its best endeavours to deliver the Project in accordance with the project plans referred to in the Agreement Details as Attachments (**Project Plans**).
- (b) The Recipient must update the Project Plans:
 - (i) whenever necessary to address a significant change to the Project; and
 - (ii) in any event, annually,unless the parties agree otherwise.
- (c) The Recipient's obligations under this clause 3.9 are material obligations for the purposes of clause 5.2.

3.10 No abandonment

The Recipient must not abandon the Project without first providing the Treasurer and the Treasurer's representative with one months' notice of its intention to do so.

3.11 Project not to be brought into disrepute

The Recipient must not act in a way that may bring the Project into disrepute.

3.12 Other Recipient obligations

The Recipient must comply with any other obligations for the Recipient set out in the Agreement Particulars.

4. Risk

4.1 Insurance

The Recipient must effect and maintain any insurances that are set out in the Agreement Particulars and if requested, the Recipient must produce satisfactory evidence to the Treasurer and the Treasurer's Representative that these insurance policies have been effected and maintained.

4.2 Third party claims

- (a) The Recipient indemnifies the Treasurer against liability to or claims by any third party arising out of or in connection with the Project or this Deed.
- (b) The Recipient's responsibility to indemnify the Treasurer under clause 4.2(a) is reduced to the extent that an act or omission of the Treasurer has caused or contributed to the liability.

5. Termination

5.1 Rectification of a breach by the Recipient

If the Recipient is in breach of any of its obligations under this Deed, or is otherwise not undertaking or is unable to carry out the Project, then the Treasurer may:

- (a) request a rectification plan from the Recipient;
- (b) reject or approve the rectification plan; and
- (c) suspend any further Progress Payments and Milestone Payments until the breach has been rectified.

5.2 Termination for breach

- (a) The Treasurer may immediately terminate this Deed if:
 - (i) the Recipient fails to remedy any material breach of this Deed within a reasonable period after receiving notice from the Treasurer directing it to do so;
 - (ii) the Recipient fails to prevent the recurrence of a breach of any obligation which it has breached on 2 or more previous occasions, after receiving notice from the Treasurer directing it to do so;
 - (iii) the Treasurer is the victim of any fraud or dishonest conduct by the Recipient in connection with this Deed or the Project; or
 - (iv) an Insolvency Event occurs in respect of the Recipient.
- (b) Subject to clause 5.2(c), if this Deed is terminated in accordance with clause 5.2(a), the Recipient is not obliged to repay any Progress Payments or Milestone Payments which were paid to the Recipient prior to termination.
- (c) If the Deed is terminated due to clause 5.2(a)(iii), then the Recipient must repay to the Treasurer all Progress Payments or Milestone Payments paid to the Recipient prior to termination.
- (d) For the purposes of this clause 5.2, Insolvency Event means:
 - (i) a controller (as defined in section 9 of the Corporations Act), administrator or similar officer is appointed in respect of the Recipient or any asset of the Recipient;
 - (ii) a liquidator or provisional liquidator is appointed in respect of the Recipient;
 - (iii) any application (not withdrawn or dismissed within 7 days) is made to a court for an order, an order is made, a meeting is convened or a resolution is passed, for the purpose of:
 - A. appointing a person referred to in paragraph (i) or (ii) of this clause 5.2(d);
 - B. winding up or deregistering the Recipient; or

- C. proposing or implementing a scheme of arrangement, other than with the prior approval of the Facility Agent under a solvent scheme of arrangement pursuant to Part 5.1 of the Corporations Act;
- (iv) any application (not withdrawn or dismissed within 7 days) is made to a court for an order, a meeting is convened, a resolution is passed or any negotiations are commenced, for the purpose of implementing or agreeing:
- A. a moratorium of any debts of the Recipient;
 - B. any other assignment, composition or arrangement (formal or informal) with the Recipient's creditors, or
 - C. any similar proceeding or arrangement by which the assets of the Recipient are subjected conditionally or unconditionally to the control of that person's creditors or a trustee,
- or any agreement or other arrangement of the type referred to in this paragraph (iv) is ordered, declared or agreed to,
- (v) as a result of the operation of section 459F(1) of the Corporations Act, the Recipient is taken to have failed to comply with a statutory demand (as defined in the Corporations Act),
 - (vi) any writ of execution, garnishee order, mareva injunction or similar order, attachment or other process is made, levied or issued against or in relation to any asset of the Recipient;
 - (vii) anything analogous to anything referred to in paragraphs (i) to (vi) inclusive of this clause 5.2(d), or which has a substantially similar effect, occurs with respect to the Recipient under any law; or
 - (viii) the Recipient is, or admits in writing that it is, or is declared to be, or is taken under any applicable law to be (for any purpose), insolvent or unable to pay its debts.

5.3 Expiry

Unless terminated earlier, this Deed will expire 20 Business Days after the date on which the Recipient submits the Final Report in accordance with clause 3.5(b).

5.4 Survival

Clauses 3.3, 3.6, 5.2(c), 6 and 7 of this Deed, and any other clause which by its nature should survive termination or expiry of this Deed, survive the termination or expiry of this Deed on any basis.

6. Dispute resolution

- (a) If a dispute or difference (called collectively a "dispute" in this clause 6) arises between the Treasurer and the Recipient, both parties agree to deal with the dispute in the following way:
 - (i) the party who claims that a dispute exists will give the other party a notice setting out the nature of the dispute; and

- (ii) the parties will then try to resolve the dispute by negotiation, within 10 Business Days from when the notice is given, and for that purpose may authorise persons to act for them.
- (b) If the dispute is not resolved within 10 Business Days from when the notice is given, a party may commence legal proceedings in relation to the dispute.
- (c) A party does not need to follow the dispute resolution procedures set out in clause 6(a) or (b) if they are seeking urgent interlocutory relief from a court.

7. Other legal matters

7.1 Interpretation

In this Deed, unless the context indicates a contrary intention:

- (a) a reference to a party includes that party's executors, administrators, successors and permitted assigns, including persons taking by way of novation;
- (b) where there occurs a reference to the doing of anything by the Treasurer including giving any notice, consent, direction or waiver, this may be done by any duly authorised officer of the Treasurer;
- (c) a reference to a statute includes its delegated legislation and a reference to a statute or delegated legislation or a provision of either includes consolidations, amendments, re-enactments and replacements;
- (d) a reference to a document (including this Deed) is to that document as varied, novated, ratified or replaced from time to time;
- (e) "includes" in any form is not a word of limitation;
- (f) a reference to "\$" is to Australian currency;
- (g) a reference to "Business Day" is, in relation to the doing of any action in a place, any day other than a Saturday, Sunday or a public holiday in that place; and
- (h) no rule of construction operates to the detriment of a party only because that party was responsible for the preparation of this Deed or any part of it.

7.2 Notices

- (a) All notices in relation to this Deed must be in writing and must be signed by the party's representative.
- (b) A notice will be taken to be received:
 - (i) if it is delivered in person - when it is delivered to the relevant party's address specified in the Agreement Particulars or such other address as is notified by that party from time to time;
 - (ii) if it is sent by mail - 3 Business Days after the day it was posted to the relevant party's address specified in the Agreement Particulars or such other address as is notified by that party from time to time; and
 - (iii) if it is sent by fax - at the time shown on the transmission report confirming that the entire fax was sent to the relevant party's fax number

specified in the Agreement Particulars or such other fax number as is notified by that party from time to time.

However, if a notice is received after 5pm or on a day that is not a Business Day, it will be taken to be received at 9am on the next Business Day.

7.3 Entire agreement

To the extent permitted by law, this Deed sets out the entire understanding between the parties, includes all of the terms agreed between the parties, and supersedes any prior agreement between the parties.

7.4 Governing law

This Deed is governed by the law of New South Wales.

7.5 Jurisdiction

Each party irrevocably:

- (a) submits to the exclusive jurisdiction of the courts of New South Wales and the courts competent to determine appeals from those courts, with respect to any proceedings that may be brought at any time relating to this Deed; and
- (b) waives any objection it may now or in the future have to proceedings being brought in those courts for any reason.

7.6 No assignment

The Recipient must not assign or otherwise transfer its rights or obligations under this Deed without the Treasurer's prior written consent which may be given or withheld in the Treasurer's absolute discretion and if given may be given subject to conditions.

7.7 No agency or partnership

- (a) This Deed does not constitute a relationship of partners, employer and employee or principal and agent.
- (b) The Recipient must not, and must procure that its contractor does not, represent itself as being a partner, employee or agent of the Treasurer, the State of New South Wales including without limitation any other NSW Government agencies, statutory body representing the Crown and/or any other body that has the status, privileges and immunities of the Crown.

7.8 No waiver

- (a) If the Treasurer delays, partially exercises, or chooses not to exercise any right under this Deed or law, the Treasurer is not prevented from exercising that or any other right in the future.
- (b) No waiver of a breach of this Deed operates as a waiver of another breach of this Deed.
- (c) A waiver or consent given by the Treasurer under the Agreement is only effective and binding if it is given or confirmed in writing.

7.9 Variation of this Deed

This Deed may only be varied in writing, signed by both parties.

7.10 Severability

If any part of this Deed is prohibited, void, voidable, illegal or unenforceable, then that part is severed from this Deed but without affecting the continued operation of the remainder of the Deed.

7.11 Counterparts

This Deed may be executed by counterparts by the respective parties, which together will constitute one agreement.

Attachment 1 - Project Scope/ Outline

The Project is to be managed in accordance with the project scope to achieve the project objectives.

RNSW XXX – Project Title

Project Description:

Insert brief description of project

Project Scope:

- Insert dot points for project scope items
- Xxx
- xxx

Attachment:

- (if applicable) Document title, date, Pages

Attachment 2 - Project Schedule/ Timeline

The Project is to be managed in accordance with the project program to achieve the project objectives.

Project Start: Month, Year

Project Completion: Month, Year

Attachment:

- Attach Gantt Chart - Document title, date, Pages

Attachment 3 - Asset Procurement Plan

The Project is to be managed in accordance with a procurement plan to achieve the project objectives.

Reference document only (not attached):

- Document title, date, Pages

Attachment 4 - Risk Management Plan

Project risk is to be managed in accordance with a risk management plan to achieve the project objectives.

Reference document only (not attached):

- Document title, date, Pages

Attachment 5 - Cost Control Plan and Project Cash Flow

The Project is to be managed & delivered in accordance with the project cost plan to achieve the project objectives.

Funding Source details: (list all applicable funding sources for this project, if none enter zero)

▪ Restart NSW Fund Contribution:	\$xxx	705,000
▪ Federal Govt Funding:	\$xxx	705,000
▪ Council funding contribution:	\$xxx	43,000
▪ Other contribution:	\$xxx	0
▪ Total project:	\$xxx	1,453,000

Cost Estimate Breakdown:

Project Cost Plan:

- Insert Project Cost Plan for all project elements and identify contingency sum

Cash Flow (exclusive of contingency):

Note:

- A monthly project cash flow exclusive of contingency is to be provided for Restart Funding and for Co-contributor Funding.

Attachment:

- Attach Cash flow plan - Document title, date, Pages

Attachment 6 – Signage Guidelines

The attached graphics are to be used for the project.

Reference document & attachment:

Attached zip folders for:

- FIXING COUNTRY ROADS PROGRAM


Each folder has a guide (.pdf file) and a template (InDesign .IDML file), for portrait, landscape and square signs.



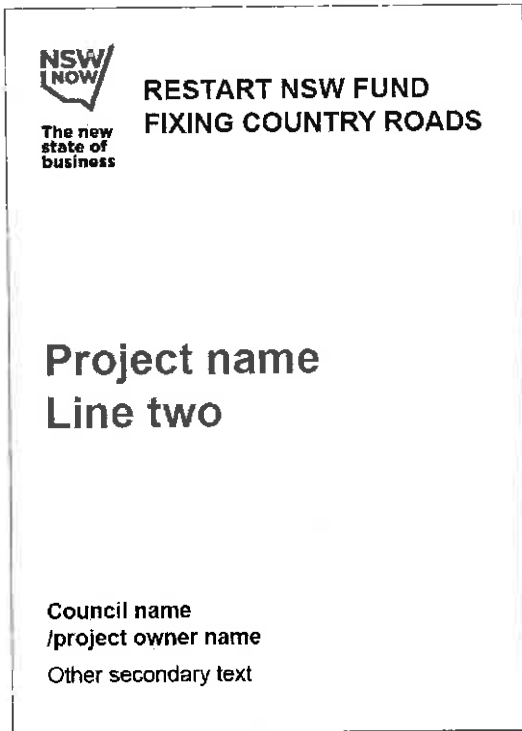
**The new
state of
business**

RESTART NSW FUND FIXING COUNTRY ROADS

Landscape sign version:

 The new state of business	RESTART NSW FUND FIXING COUNTRY ROADS
 Project name Line two	
 Council name/project owner name Other secondary text	

Portrait sign version:



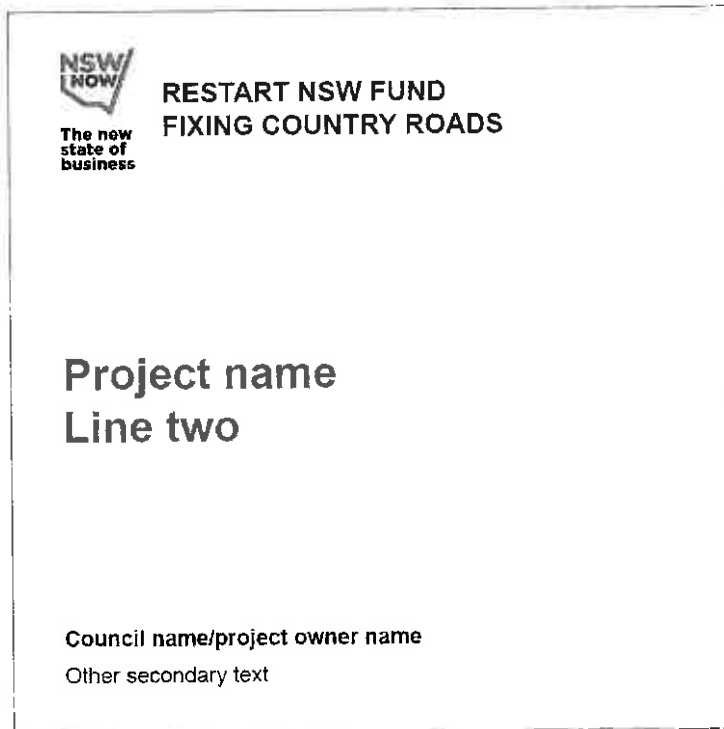
NSW
NOW
The new
state of
business

**RESTART NSW FUND
FIXING COUNTRY ROADS**

**Project name
Line two**

Council name
/project owner name
Other secondary text

Square sign version:



NSW
NOW
The new
state of
business

**RESTART NSW FUND
FIXING COUNTRY ROADS**

**Project name
Line two**

Council name/project owner name
Other secondary text



Drought Management Plan

Draft – October 2015

Uralla Shire Council Drought Management Plan

Acknowledgement: This Plan has been adopted from Tamworth Regional Council's Drought Management Plan dated 25 November 2009 (revision 7).

Prepared By:

Version:

Version no.	Updated by:	Date:	Nature of changes
Draft Report	J Lewis	October 2014	
Final Report			
Revision 1			
Revision 2			
Revision 3			

DROUGHT MANAGEMENT PLAN

In order to ensure that a structured and transparent approach is taken for ongoing management of drought impacts on the Uralla and Bundarra town water supplies operated by Uralla Shire Council (USC), this draft Drought Management Plan has been prepared for adoption by Council.

The Drought Management Plan outlines the various demand and supply side drought response actions that should be employed at various stages during an extended drought period. The Plan outlines Council's restriction policy and documents various backup supply sources and emergency supply options.

The fundamental objective of preparing and adopting a Drought Management Plan is to minimise the risk of the community running out of water, and ensure there is always sufficient water available to satisfy the basic needs of the community. The objectives of this Drought Management Plan will be enhanced by the USC adoption of an effective Demand Management Program. Further details of this program will be provided in the Demand Management Plan, which is proposed to be developed in association with this plan. The demand and drought management plans are applicable to Uralla and Bundarra customers connected to the reticulated town water supply systems operated by Uralla Shire Council.

Drought management planning is an essential component of the NSW Government's *Best Practice Management Guidelines* (DEUS, 2004) for local water utilities. The guidelines were prepared in response to urban water reform commitments made by the NSW Government as part of the National Water Initiative (NWI). Another essential component of the *Best Practice Management Guidelines* is the preparation of an Integrated Water Cycle Management (IWCM) Strategy. Council has prepared an IWCM Strategy, which outlines a plan for the integrated management of the water supply, sewerage and stormwater services within a whole of catchment strategic framework. Drought management will be a key component of the IWCM Strategy and therefore, this Draft Drought Management Plan is consistent with the principles of the IWCM Strategy.

OPERATING ENVIRONMENT

This plan is applicable to the town water supply systems under operation in the USC area, namely Uralla and Bundarra. Details of these water supply systems are included in Table 1 on the following page.

While there is a need to have some level of uniformity across the region for some drought response actions (eg the rules associated with water restrictions), there is also a need to have tailored drought management strategies that are related to the individual water supply system and the greater environment that it operates within (eg the triggers for activating water restrictions).

The New England Region experiences a dry sub-humid temperate climate. Summers are relatively short and mild and winters are long and cold. Mean monthly maximum temperatures vary from 25.7 degrees Celsius in February to 11.8 degrees Celsius in July. Mean monthly minimum temperatures vary from 12.7 degrees Celsius in February to minus 0.4 degrees in July.

Median rainfall is approximately 800mm per annum in Uralla and 763mm per annum in Bundarra with approximately 60% falling in summer and 40% in winter. Average annual evaporation is 1400mm/a. Figure 1 below graphs average monthly rainfall and temperatures.

Bureau of Meteorology charts showing historical annual rainfall for Uralla and Bundarra are included below in Figure 2 and Figure 3.

Figure 1 Average monthly rainfall and temperature

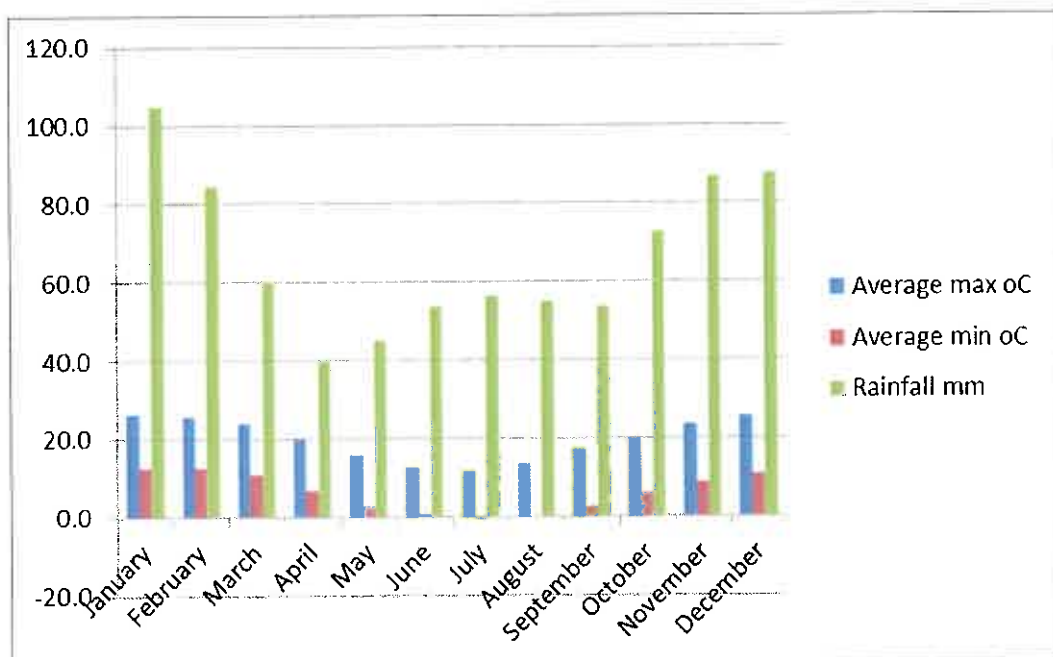
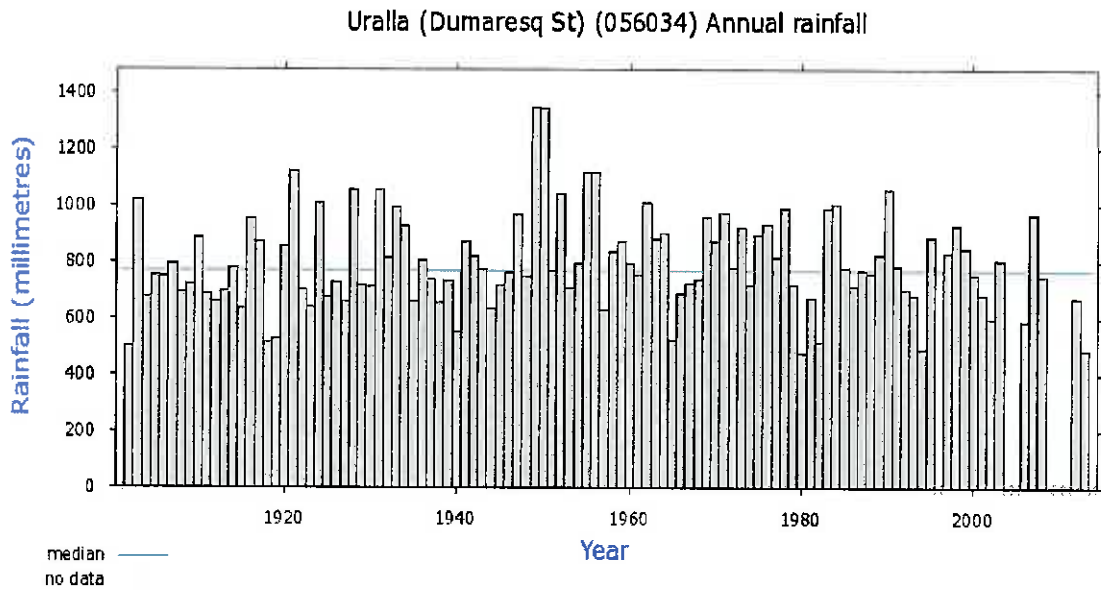
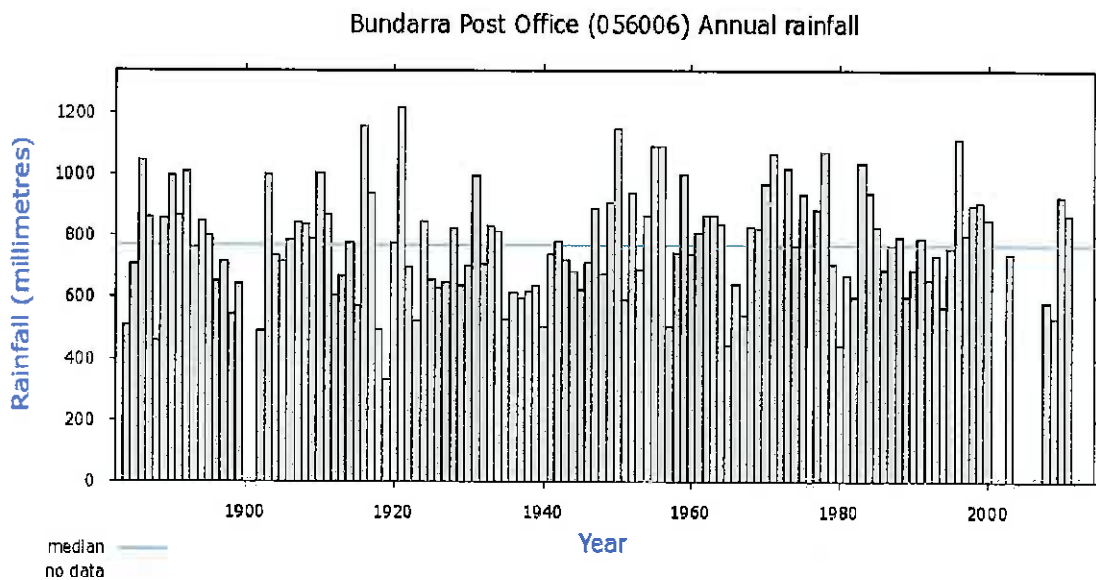


Figure 2



Climate Data Online, Bureau of Meteorology
Copyright Commonwealth of Australia, 2014

Figure 3



Climate Data Online, Bureau of Meteorology
Copyright Commonwealth of Australia, 2014

It is widely accepted that future climate changes could impact on water supply systems through changes to the frequency and duration of rainfall, as well as an increase in evaporation.

Uralla Shire Council

Table 1 Summary of Uralla Shire Council Water Supply Systems

Water Supply System	Population Served	Average Demand (kL/day)	Raw Water Source	Current Problems	Past Drought Experience
Uralla	2388	800	Kentucky Creek Dam 500ML capacity	<ul style="list-style-type: none"> Small catchment in upper reaches of Gwydir River Storage susceptible to algae growth in summer Impact of siltation on storage volume is unknown 	<ul style="list-style-type: none"> Whilst storage does not meet secure yield and demand projections, water restrictions have only been applied infrequently in the past. Last restrictions were applied in 1994.
Bundarra	404	123	Gwydir River – 90-120 ML sourced directly from Taylors Pond	<ul style="list-style-type: none"> System is not robust and is vulnerable to periods of low flow in Gwydir River. Upstream irrigators can place stress on town water supply. 	<ul style="list-style-type: none"> Water restrictions (including those on irrigators) are triggered by water levels in Taylors Pond. Severe restrictions were applied in (year) and (year). Past restrictions have been applied inconsistently. Taylors Pond was deepened by excavating river bed in (year). Carting of potable water from Gilgai was considered in 1994.

PRE-DROUGHT PLANNING

While the Drought Management Plan focuses primarily on the response actions to be undertaken during a drought, the extent of the various impacts of drought (including economic, social and environmental impacts) will be largely driven by the effectiveness of a range of pre-drought planning and management activities, as discussed below.

Demand Management Plan

Whilst historically Council has not had a formal Demand Management Plan, it is proposed that a Plan and associated Demand Management Program (DMP) will be prepared in association with this Drought Management Plan. A typical Plan would include the following eight key measures:

1. Community Awareness Program and Best Practice Pricing.
2. Residential Rebates for water efficient products, including showerheads, washing machines, dual flush toilets, pool covers, rainwater tanks and greywater reuse systems.
3. Residential Audits and Retrofits, for both indoors and outdoors
4. Non-Residential Water Audits for the top 10 water users, including Council
5. Permanent Water Conservation Measures (see **Table 10**).
6. Regulation and Planning Controls, including supporting current government initiatives like BASIX, WELS and Smart Approved WaterMark.
7. Water Loss Management, including the metering of all properties
8. Water Recycling, with initial focus on lot based recycling (including rainwater tanks and greywater reuse systems).

Operating Rules & System Monitoring

Efficient operation of water supply systems, particularly systems with either surface or groundwater storages, is an important pre-emptive strategy for managing droughts. Due to the difficulty in predicting future drought conditions, it is important that system storages are not drawn down excessively during non-drought periods as a result of inefficient operation of the system, as this would reduce the security of a supply system in the event of a drought and consequently worsen the impacts of drought. Council should also liaise with the NSW Office of Water (NOW) during the water year to ensure that allocation of General Security water is managed in a way that sufficient storages are provided to meet future High Security town water supply requirements.

Regular and accurate system monitoring of river flows, groundwater levels, dam levels, extractions and consumptions will be important inputs into future reviews of the Drought Management Plan.

Funding Strategy

The costs associated with managing drought can have a significant impact on Council's finances, due to a variety of factors, including:

- Reduced revenue due to water consumption reductions associated with enforcing restrictions, particularly in the mid to late stages of the drought. This would be partly offset by revenue from higher than average water consumption levels in the lead-up to the drought and in the early stages of the drought.
- Additional costs associated with Council activities, including running an ongoing community awareness campaign, increased frequency of supply and demand monitoring, liaison with government agencies and other stakeholders and policing of restrictions.
- Increased capital and operating expenditure associated with investigation, implementation and running of backup and emergency supply options.

When preparing budgets for the year ahead, Council will need to ensure that if drought conditions are expected and/or existent, sufficient funds are set aside for drought management activities. In addition, all costs associated with managing the drought should be tracked and be available to report to Council, government regulators NOW and the community (if required). These costs can then be used as a justification for further investment in long term supply strategies and other drought management planning initiatives.

Drought emergency funding may be available through NOW to manage depleted supplies, investigate and implement emergency capital works or to cart water.

Long Term Supply Strategies

All water supply systems should be designed to cope with at least a repeat of the worst drought on record. Larger systems (>1,000 people) should be designed to cope with more severe drought conditions than the worst on record, on the basis that it is reasonably expected that our communities could face in the future a more severe drought than the worst on record.

While the Uralla water supply system currently has fairly high supply security, Bundarra has a relatively low levels of supply security. Previous studies for both of these systems have identified a range of alternative long term supply strategies. However, to date long term supply strategies for these systems have not been adopted or implemented, mainly due to a lack of funding.

In accordance with IWCM principles, Council should prepare and adopt long term supply strategies for each system. Where required and/or available, part funding for the construction of works associated with the long term supply strategies should be sought from higher levels of government.

An important consideration in the preparation of these long term supply strategies is the consideration of the likely impacts of climate change on catchment yields and water usage (urban and rural).

DROUGHT MANAGEMENT ACTION PLAN

Drought Management Action Plans (DMAP) set out the actions to be taken during each phase (ie drought response level) of the drought. There are five drought response levels; from Level 1 (Low) to Level 5 (Emergency), with each level having a set of suggested actions to be undertaken during that phase of the drought, including an associated set of water conservation measures / restrictions (see **Table 10**).

The “all systems” DMAP (see **Table 2**) outlines the common actions that should be undertaken by Council at various drought response levels, including:

- The application of water conservation measures / restrictions and associated enforcement and issuing of fines
- Community awareness campaign and liaison with non-residential large water users
- Monitoring of water supply sources and town water demands
- Liaison with authorities and local irrigators
- Development or review of backup / emergency supply options

Specific DMAPs (see **Tables 3 and 4**) have also been prepared for each of the individual water supply systems, outlining additional specific actions to be undertaken in that system, generally related to the investigation and implementation of backup and emergency supply options. The DMAPs also nominate primary and secondary (or supplementary) supply sources for each of the drought response levels.

Triggers & Water Consumption Targets

The DMAPs for each water supply system include primary triggers for initiating each drought response level, as well as total system water consumption targets for those levels. In general, triggers for small town water supply systems had previously been based on the operator’s experience and were generally not directly related to a fixed flow or water level. Trigger Levels have been adopted and it is anticipated that over time more refined triggers will be developed and that they will be based more on the risk (based on historical flow records) of having a shortfall in supply.

Secondary triggers such as water quality incidents and failure to achieve water consumption targets are also suggested. Water consumption targets are average annual consumptions and should be adjusted for seasonal patterns (where appropriate). Note that once outdoor usage is banned (Levels 4 & 5), consumption targets become fixed daily targets due to the lack of influence from seasonal factors.

In considering the easing of water restrictions Council will take into consideration water supply demand, projected demand, level and security of bulk water sources, catchment parameters, seasonal conditions, and seasonal outlook.

The easing of water restrictions will generally not be implemented where it is likely that the revised restrictions will not be sustained for more than three weeks before tighter restrictions have to be re-imposed. Suggested timings for easing restrictions are included in the DMAP's.

Communication

A key aspect in ensuring the successful implementation of the Drought Management Plan is the communication strategy. A community awareness campaign is vital for ensuring the community is made aware of actions that directly impact them, such as water conservation measures / restrictions and any associated fines and exemptions, and the activation of backup or emergency supply sources and any associated changes in water quality.

The community also needs to be given advice on how to minimise the impact of various water conservation measures (including options for household recycling of water) and advice on saving water around the home in general. It is important that the community is kept up-to-date with the status of water supply sources (including river flows and dam storage volumes) and is given some idea of the consequences of not achieving target reductions in water consumption.

Uralla Shire Council is a member of the Namoi Water Alliance. In October 2014, the Alliance launched the Water Sustainability Community Awareness Regional Media Campaign, a television campaign designed to inform the public on water issues including preparations for droughts and how and when restrictions are applied.

Liaison with key government agencies is another important component of the communication strategy. Key agencies include NOW, Department of Environment & Climate Change & Water (DECCW), NSW Health, the Gwydir-Border Rivers Catchment Management Authority (CMA) and State Water. It is particularly important that the relevant agencies be informed when significant impacts on the community, the environment or other stakeholders are expected as a result of actions arising from implementation of the plan.

In most systems, liaison with local irrigators is also important, to ensure they are aware of any impacts they may be having on the town water supplies and conversely, to make sure they are aware of the potential impacts that Council's actions, arising from the implementation of the plan, may have on them.

Backup / Emergency Supply Options

After each of the water supply system DMAPs, backup and emergency supply sources (referred to in the action plans) are listed in order of preference. More details on these alternative sources are included in the Drought Management Plan Background Report.

Table 2 USC – Drought Management Action Plan (Both Systems)

Drought Response Level	Actions
<p>1 Low</p>	<ul style="list-style-type: none"> • Implement level 1 Water Conservation Measures (WCM) • Activation of Drought Management Plan • Establish a drought budget to track ongoing drought management costs • Establish a Drought Management Team to oversee the implementation of the Drought Management Plan • Review DMAP to ensure it is up-to-date, including a review of alternative / backup supply options and emergency response / supply options • Implement community awareness campaign (including media advertising, internet & appropriate signage at town entrances) • Review major existing Water Management Plans and update where necessary • Initiate regular (2 monthly) liaison with key government agencies (NOW, DECCW, State Water) and local irrigators (where appropriate) • Weekly review of river flows, dam levels (where applicable), weir levels (where applicable), water extractions, WTP production (where applicable), and monitoring of actual water consumption compared to target
<p>2 Moderate</p>	<ul style="list-style-type: none"> • Implement Level 2 WCM (restrictions), including banning sprinklers • Consider issuing warnings and fines for violation of restrictions • Continue regular (2 monthly) liaison with key government agencies (NOW, DECCW, State Water) and local irrigators (where appropriate) • Weekly review of river flows, dam levels (where applicable), weir levels (where applicable), water extractions, WTP production (where applicable), and monitoring of actual water consumption compared to target • Review all existing Water Management Plans and update where necessary
<p>3 High</p>	<ul style="list-style-type: none"> • Implement Level 3 WCM (restrictions), including banning sprinklers & hoses • More focus on the issuing of warnings and fines for violation of restrictions • Step-up community awareness campaign & meet with large non-residential users to discuss options for water reduction • Twice-weekly review of river flows, dam levels (where applicable), weir levels (where applicable), water extractions, WTP production (where applicable), and monitoring of actual consumption compared to target • Regular (monthly) liaison with key government agencies and local irrigators (where appropriate) • Notify NOW of intention to investigate and/or implement backup or emergency supply options and seek drought assistance. • Assess appropriateness of exemptions allowed under existing Water Management Plans
<p>4 Very High</p>	<ul style="list-style-type: none"> • Implement Level 4 WCM (restrictions), including banning outdoor water use • Step-up the issuing of warnings and fines for violation of restrictions • Step-up community awareness campaign, including non-residential water reduction appeal • Daily review of river flows, dam levels (where applicable), weir levels (where applicable), water extractions, WTP production (where applicable), and monitoring of actual water consumption compared to target • Regular (weekly) liaison with key government agencies and local irrigators (where appropriate) • Recall all Water Management Plans
<p>5 Emergency</p>	<ul style="list-style-type: none"> • Implement Level 5 WCM (restrictions) – minimum essential usage only • Issuing of warnings and fines for violation of restrictions • All-out community water reduction appeal – minimum essential usage only (residential use 150L/person/day) • Regular (fortnightly) meetings with large water users to discuss ongoing water reduction options • Consider temporary closure of non-essential, high water dependent services • Daily review of river flows, dam levels (where applicable), weir levels (where applicable), water extractions, WTP production (where applicable), and monitoring of actual water consumption compared to target • Regular (twice-weekly) liaison with key government agencies and local irrigators (where appropriate), including liaising with NOW re: emergency response options • Implementation of emergency response / supply options

Key:.

Table 3 Uralla Water Supply System – Drought Management Action Plan

Drought Response Level	Primary Trigger	Usage Target (kL/day)	Additional Actions
1 Low	Kentucky Creek Dam level falls to 64%	1020 (95% average)	
2 Moderate	Kentucky Creek Dam level falls to 52%	960 (90% average)	Implement Parks and Gardens water management plan and target 30% reduction in water usage.
3 High	Kentucky Creek Dam level falls to 44%	910 (85% average)	Target 50% reduction in Parks and Gardens water usage.
4 Very High	Kentucky Creek Dam level falls to 32%	800 (75% average)	Target 25% non-residential usage reduction. Investigate availability of tankers to transport potable water from Armidale.
5 Emergency	Kentucky Creek Dam level falls to 25%	540 (50% average)	Target 50% non-residential usage reduction Implement transport of potable water from Armidale to supplement supply.

Notes:

1. Secondary triggers may include failure to achieve consumption targets or major water quality incidents.
2. Usage targets are average annual consumptions and should be adjusted for seasonal variations.

Table 4 Bundarra Water Supply System – Drought Management Action Plan

Drought Response Level	Primary Trigger	Usage Target (kL/day)	Additional Actions
1 Low	Taylor's Pond level falls to 64%	164 (95% average)	Irrigation by adjoining rural landholders ceases.
2 Moderate	Taylor's Pond level falls to 52%	156 (90% average)	Target 20% reduction in Parks and Gardens water usage.
3 High	Taylor's Pond level falls to 44%	147 (85% average)	Target 50% reduction in Parks and Gardens water usage.
4 Very High	Taylor's Pond level falls to 32%	130 (75% average)	Draw on Warrabinda Pond (if supply available). Investigate availability of tankers to transport potable water from Gilgai.
5 Emergency	Taylor's Pond level falls to 22%	87 (50% average)	Target 50% non-residential usage reduction Implement transport of potable water from Gilgai to supplement supply.

Notes:

1. Secondary triggers may include failure to achieve consumption targets or major water quality incidents.
2. Usage targets are average annual consumptions and should be adjusted for seasonal variations.

Emergency Supply Options

1. Transporting potable water from Armidale to Uralla by tanker. A temporary connection to the new Armidale Regional Airport main would allow the closest point for the transfer of water to a tanker. Approval from Armidale Dumaresq Council would be required.
2. Transporting potable water from Gilgai to Bundarra by tanker: Tankers would need to fill using standpipe attached to the main in the village. Approval of Inverell Shire Council would be required.

Easing Restrictions

When Kentucky Creek Dam at or below 70 % Capacity

Drought Response Level	Trigger Point for tightening restrictions – ie. as Kentucky Creek Dam falls	Trigger Point for easing restrictions – ie. as Kentucky Creek Dam rises
Permanent Water Conservation		75%
1 Low	64%	70%
2 Moderate	52%	60%
3 High	44%	50%
4 Very High	32%	40%
5 Emergency	25%	30%

Water Conservation Measures (Restrictions)

In addition to Permanent Water Conservation Measures, there are five levels of water conservation measures (WCM) / restrictions that correlate to the five drought response levels (see **Table 10**). A general description of each level of restrictions is included below. The measures also include special provisions for the elderly, infirmed and disabled.

Permanent Water Conservation Measures. As part of Councils overall Demand Management strategy in conserving water at all times (during drought and non-drought periods) the following permanent water conservation measures apply;

1. Sprinklers / fixed hoses are not to be used for watering of gardens and lawns between; 8.00am to 6.00pm during Eastern Daylight Saving Time; and between 9.00am and 4.00pm Eastern Standard Time.
2. Hand held hoses fitted with a trigger nozzle may be used at any time for general watering of gardens and vehicle washing.
3. No hosing down of hard surfaces.
4. New turf may be watered at any time with an approved Water Management Plan for up to six weeks from installation of turf.

Level 1 Low: This is the first temporary level of WCM and would involve a restriction on the use of hoses and drip irrigation systems during the heat of the day, as well as limiting the use of sprinklers to 2 hours per day. The introduction of this level of restrictions would raise community awareness of drought conditions, however only minor reductions in water consumptions would be achieved.

New turf may be watered at any time with an approved Water Management Plan for up to six weeks from installation of turf.

Level 2 Moderate: This level of WCM and would involve a ban on sprinklers, as well as limiting the use of hoses and drip irrigation systems to 2 hours per day in order to reduce water consumption to just below average consumption levels. Implementation of this level of restrictions would create some level of inconvenience for the community, however most lawns and gardens would not be significantly impacted.

Level 3 High: This level of WCM would involve a ban on the use of hand-held hoses and drip irrigation systems in order to further reduce water consumption below average consumption levels. Implementation of this level of restrictions would create a major level of inconvenience for the community, with lawns being stressed due to a lack of watering and gardens having to be watered by buckets and cans 2 hours per day. Some losses of lawns and gardens would be expected at this stage.

Level 4 Very High: This severe level of WCM would involve a ban on all outdoor and non-essential usage in order to reduce water consumption to around winter consumption levels. Due to the major impacts of this level of restrictions, implementation of level 4 WCM would only occur in very rare circumstances. Impacts would include the severe stress, and in many cases dying off, of lawns and gardens.

Level 5 Emergency: This extreme level of WCM would involve an all-out campaign to reduce water consumption to absolute minimum levels (<150 L/person/day). This level of restrictions would involve a major disruption to normal lifestyles, including reduced shower times, reduced number of washing machine loads and a ban on the use of residential evaporative coolers (except where exemptions apply). Non-residential customers would be requested to restrict the use of water for only essential services, with the possible temporary shutting down of non-essential, water dependent services.

Category	Activity	Permanent	Level 1		Level 2		Level 3		Level 4		Level 5	
			Low	Moderate	High	Very High	Emergency					
General watering lawns and gardens	Buckets/cans	ok	ok	ok	R	2 hours	X	Recycled water only	X	Recycled water only		
	Hand held hoses	ok	R	Not during heat of the day	R	2 hours	R	Aged and disabled only. 15 mins on Sun and Wed	X	X		
	Water efficient drip irrigation	ok	R	Not during heat of the day	R	2 hours	X		X	X		
	Sprinklers and fixed hoses	R	Not during heat of the day	R	2 hours only	X	X		X	X		
	Watering of new turf	R	Not during heat of the day	R	Not during heat of the day	R	2 hours	X	X	X		
Public parks, gardens and facilities	Watering vegetation	ok	R	Watering permitted for Cat 1 and 2 sites but not during heat of the day.	R	As for Level 1 but for Cat 1 only. Garden beds only for Cat 2.	R	Garden beds only for Cat 1.	X	X		
Vehicle washing	Buckets	ok	ok	ok	R	Not during heat of the day	X	Clean windows only	X	Clean windows only		
	Hand held hoses	ok	R	Not during heat of the day	R	2 hours	X		X	X		
Washing down hard surfaces	High pressure cleaner	ok	ok	ok	X		X		X	X		
	Hand held hoses	X	X	X	X		X		X	X		
Private swimming pools	Filling	ok	R	With Council permission for >5kL	R	With Council permission for >5kL	X		X	X		
	Topping up	ok	ok	ok	R	Buckets only - no fixed hoses	X		X	X		
Motel swimming pools	Filling	ok	R	With Council permission for >5kL	R	With Council permission for >5kL	R	With Council permission for >5kL	X	X		
	Topping up	ok	ok	ok	ok		X		X	X		
Council swimming pool	Lawns and surrounds	ok	R	Lawn areas watered in accordance with Level 1 restrictions	R	Lawn areas watered in accordance with Level 2 restrictions	R	Lawn areas watered in accordance with Level 3 restrictions	X	Pool closed?	X	Pool closed
	Topping up	ok	ok	ok	ok		X		X	X		
Evaporative coolers	Use of water for cooling	ok	ok	ok	ok		ok		R	Business, commercial and domestic aged and disabled only		
Water cartage	Treated water for stock and domestic	ok	ok	ok	R	For internal domestic use only	R	For internal domestic use only	R	Internal domestic use only		
	Treated water for all other uses	ok	ok	ok	X		X		X	X		
Commercial and industrial	General use (excl lawns and garden)	ok	ok	ok	R	Target 15% reduction in usage.	R	Target 20% reduction in usage.	R	Target 25% reduction in usage.		
	Landscaping (incl lawns and garden)	ok	R	Not during heat of the day	R	Hand held hoses only for 2 hours	X		X	X		
	Irrigation of sports areas	ok	R	2 hours with approved Water Management Plan	R	2 hours with approved Water Management Plan	R	Target 50% reduction in usage	X	X		
Key:	Notes:											
ok = Allowed at all times	1. Restrictions apply to the use of Uralla and Bundarra town water.											
X = Banned at all times	2. Greywater and rainwater can be used at any time provided that rainwater tanks are not topped up from town supplies.											
R = Restricted use only	3. A Water Management Plan may be approved to allow the use of fixed sprinklers outside the nominated hours during Permanent and Level 1 restriction periods.											
	4. Any reference to 2 hours of restricted watering means between the hours of 6.00pm and 8.00pm during daylight saving and 5.00pm and 7.00pm at all other times.											
	5. Not during the heat of the day means not between 9.00am and 5.00 pm during daylight saving and 10.00 am and 3.00pm at other times.											
	6. Periods of water restrictions will be policed by Council Officers. The maximum penalty under the Local Government Act for a breach of restrictions is \$2,200 for corporations and \$220 for individuals.											

Emergency Response Strategies

In the event of severe water shortage it is assumed that external residential water use would be stopped altogether by way of restrictions, and that indoor water use could also be reduced through persuasive advertising and community education campaigns.

Emergency response strategies should only be considered when all other options have been exhausted, and should be applied in conjunction with the application of level 5 water conservation measures.

Water Carting

It is anticipated that water carting to Bundarra could be achieved using a single truck (eg. milk tanker), however Uralla may require several large trucks or semi-trailers. In order to reduce transportation times and costs, Bundarra could be supplied from Gilgai (if possible) and Uralla could be supplied from Armidale.

Technical and financial assistance towards the cost of water cartage is available from the NSW Minister for Water but is subject to quantities and cartage arrangements being agreed with NOW. Further details regarding water carting are provided in the NOW document titled "Drought Relief for Country Towns".

Rationing

In association with Level 5 water conservation measures, voluntary rationing of indoor water use will be strongly encouraged through persuasive advertising and community education. Council has adopted a Level 5 residential water allowance (or target) of 150 L/person/day. Feedback on how much water each household is using compared to the allowance will be provided through the quarterly billing cycle. This puts the onus on each household to decide what internal restrictions or water savings devices they will employ in order to achieve the Level 5 residential water allowance.

Once Level 5 Restrictions are introduced Council will implement the following measures;

- Introduce investigation of properties claiming the use of recycled or alternate sources of supply and, if the claims are valid, provide a Council approved sign at no cost to the property owner verifying the inspection and alternate use;
- Advise that the ban on evaporative air conditioners under level 5 restrictions excludes, business, commercial and institutions and that exemptions will be available to the elderly and infirm from the ban provided a doctors certificate, attesting to the need for access to cooling for health related reasons, can be provided;
- Commence monitoring water consumption at residential properties on a quarterly basis and formally approach property owners where savings in treated water consumption are not shown or other unusual consumption is indicated requesting an explanation;

- Mail out to all residential properties connected in the effected area one or two shower timers to be used to encourage residents to reduce the period of time spent showering.
- Write to all businesses (including motels, schools and other institutions) in the effected area which used more than 3.5 Megalitres of water in the previous financial year and advise that they must undertake one of the following two options
 1. Undertake initiatives that will reduce the consumption of treated water at each particular business by at least 20% over the consumption figures for the business in the previous financial year.
 2. In cases where a business does not elect to undertake option (1) undertake an independent water audit (Council will subsidise 50% of the cost of the audit to a maximum of \$3,000) to ascertain savings in water consumption that could be made.

Each business will be given 1 month to respond to Council's initial letter with details of what option they will be pursuing, and then a further 3 months to have put in place any initiatives as per option (1) or a further 2 months to have completed a water audit as per option (2) and provide Council with the results of the audit, what proposals mentioned in the audit will be implemented, a time frame for doing so, and the reasons why some and/or all of the proposals are not going to be implemented.

Definitions

Aged and Disabled Watering Exemption under Level 3 water restrictions is an exemption granted to aged and disabled persons at an approved site for watering with a hand held hoses for 15 minutes only on Sundays and Wednesdays between the hours of 4.00pm and 8.00pm during daylight saving time and 4.00pm to 6.00pm during Eastern Standard Time. A Council approved sign supplied by Council is to be displayed at the site (visible from the street) while watering is in operation. The person authorised under the exemption or any other persons at the site are not permitted to use a bucket or watering can while the exemption is in place at the site.

Alternate Water Source means water from a bore, dam, stream, rainwater tank that is not connected to the Council reticulated water supply, or recycled water.

Approved Alternate Water Source means an approved alternate water source approved by Council.

Domestic Purposes means for internal household use.

Hand held hose means a hose fitted with a trigger nozzle that is only held by hand.

Fixed Sprinkler means sprinklers, micros rays, or misters fitted to a hose or pipe.

Drip irrigation system means an irrigation system that complies with the following requirements;

- Drippers must have a manufacturer's discharge rating of not greater than 8L/hour at a water pressure of 100kPa;
- The maximum rate of the complete irrigation system per property is 5 L/minute;
- The following devices must be those approved by Council and fitted at the appropriate locations in a drip irrigation system;
 1. Backflow prevention device
 2. Automatic timer; and
 3. 100kPa pressure reduction valve.

Use of Bucket or Can (when permitted under water restrictions). A bucket or can is to be of no more than 20L capacity, is to be filled directly from a tap (or a length of hose of not exceeding one metre in length connected directly to a tap) during the allocated watering time. The bucket or can must only be decanted by way of tipping directly onto the garden, lawn, pool or motor vehicle, and must not be decanted into another vessel or storage vessel prior to use. A limit of only one bucket or can may be used during the allocated hours of watering at each property or tenement (unit, villa or strata unit).

Water Restrictions means regulations introduced by Council to enforce restrictions of water consumption to ensure that water supply can be maintained at levels consistent with good

management practices, considering volume.

Drought Management Action Plan

Water Management Plan means a plan approved by Council for the approved hours and method of on-site water use. The approved plan relates to a specific property and a sign provide by Council must be displayed at the site for the duration of the plan.

Council Approved Sign means a sign approved and supplied by Council.

Compliance with Water Restrictions

Periods of water restrictions and use of appliances in accordance with water restrictions in place will be policed by Council officers.

Under the Local Government Act 1993 the maximum penalty that may be applied for a breach of imposed water restrictions is \$2,200 for corporations and \$220 for individuals.

POST-DROUGHT ACTIONS

Post-Drought Evaluation & Revision

Once the drought has broken and water supply systems return to normal operating conditions, a review needs to be undertaken of the effectiveness of the Drought Management Plan. The post-drought evaluation should include:

- A review of both supply side and demand side actions, including their effectiveness and timing, should be undertaken for each system and documented.
- An assessment should be made of the impact of drought management actions (including water conservation measures) on various stakeholders, including the community.
- An assessment of the impact of drought management actions on Council should also be undertaken.
- Community response to the imposition of various restrictions should be sought, including feedback on the effectiveness of the Community Awareness Campaign, how they managed the impacts of drought and any suggested changes / modifications to the water conservation measures.
- Feedback should also be sought from various government agencies and other stakeholders, including local irrigators.

Based on this review of the previous drought and any feedback received, the Drought Management Plan will need to be revised to include issues that were not previously considered and potentially modified to improve the future management of droughts.

Regular Review & Update of the Plan

In addition to evaluation and revision after each period of drought, regular reviews of the Drought Management Plan should be undertaken initially at least every 3 years. Plans should be updated with the latest information on water supply systems, including any augmentations that have occurred, changes to operating rules and up-to-date water consumption data and flow / level monitoring data for water sources. Plans should also be updated after any major changes / augmentations to water supply systems. Future revisions of the plans should consider climate change projections developed by the CSIRO.

SUPPORTING ACTIONS & INITIATIVES

It is recommended that the following actions and initiatives be undertaken to improve the effectiveness of the Drought Management Plan and overall supply security.

Urgent Actions

Discuss proposed emergency sources with adjoining Councils

Future Actions / Improvements.

Review Yield Study once it has been completed for Uralla and Bundarra.

Advertise the drought management plan and invite public comment.

Uralla Shire Council

List of Public Parks, Gardens and Reserves showing categories for the application of water restrictions in the draft Drought Management Plan.

Location	Name	Category	Comments
Uralla	Alma Park	1	Established gardens
	Uralla Sporting Complex: <ul style="list-style-type: none"> cricket/rugby oval and main soccer field All other facilities 	1	
		2	
	Fuller Park	2	
	Gilmore Park	3	No town water
	The Glen	3	No town water
	Hampden Park	3	
	Mount Mutton	3	No town water
	Creek adjoining Park and Duke Streets	3	
	Porter Park	2	Adjacent Council Offices
	Rotary Park	3	
	Pioneer Park	1	Adjacent CBD
	Uralla Creek	3	
	Bridge Street blisters	1	In CBD
Bundarra	Bundarra Park	2	
Rural	Kentucky Park	3	No town water
	Wooldridge Fossicking Area	3	No town water
	Racecourse Lagoon	3	No town water
	Rifle Range Reserve	3	No town water
	Saumarez Ponds	3	No town water

PLANNING PROPOSAL
Under Section 55 of the EP&A Act

Draft Uralla Local Environmental Plan 2012
(Amendment No 3)

Proposed Flood Planning Map
Uralla

Prepared for: Uralla Shire Council
Date: FEBRUARY 2015



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Planning Proposal status

STAGE	VERSION / DATE
Draft	24/2/15
Reported to Council (section 55) Adopted by Council and referred to Department of Planning (sec 56(1)) Gateway Panel determination (sec 56 (2)) Revisions required : Completed Public exhibition (where applicable) (sec 57) For Council review (sec 58 (1)) Adopted by Council for final submission to Department of Planning (sec 58(2))	

This Planning Proposal was prepared by Keiley Hunter Urban Planner in February 2015 as requested by the Planning Manager, Uralla Shire Council.

Council will carry out the statutory processing of the Planning Proposal.

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PART 1

Objectives or Intended Outcomes

1.1 Overview

This Planning Proposal was prepared under Section 55 of the *Environmental Planning and Assessment Act 1979* in relation to a proposed amendment to Uralla Local Environmental Plan (ULEP 2012).

The purpose of this report is to recommend that Council seek a Gateway Determination from NSW Planning and Environment (P&E) requesting to place the Planning Proposal on public exhibition.

The purpose of the Planning Proposal is to include an additional **Flood Planning Map** in the ULEP that identifies land within a "Flood Planning Area". The proposed mapping was derived from the **Rocky and Uralla Creeks Flood Study**. The proposed *Flood Planning Map* relates to the Uralla town area and will be included in the Map Index and statutory mapping that is part of the ULEP 2012.

The Flood Planning Map identifies land to which Part 6 *Additional Local Provisions* of the ULEP 2012 applies. Currently, the Flood Planning Map (sheet FLD_001 A) only applies to the town of Bundarra. The Planning Proposal seeks to include a Flood Planning Map for the town of Uralla.

The Rocky and Uralla Creeks Flood Study was adopted by Council on 23 June 2014. Figure 13 *Design 1% AEP Flood Extents* (see Illustration 1.1) of the Flood Study provides the base mapping for the proposed Flood Planning Map for the town of Uralla.

The Flood Planning Area is based on the 1% AEP flood extent plus 0.5 m (500mm) freeboard.

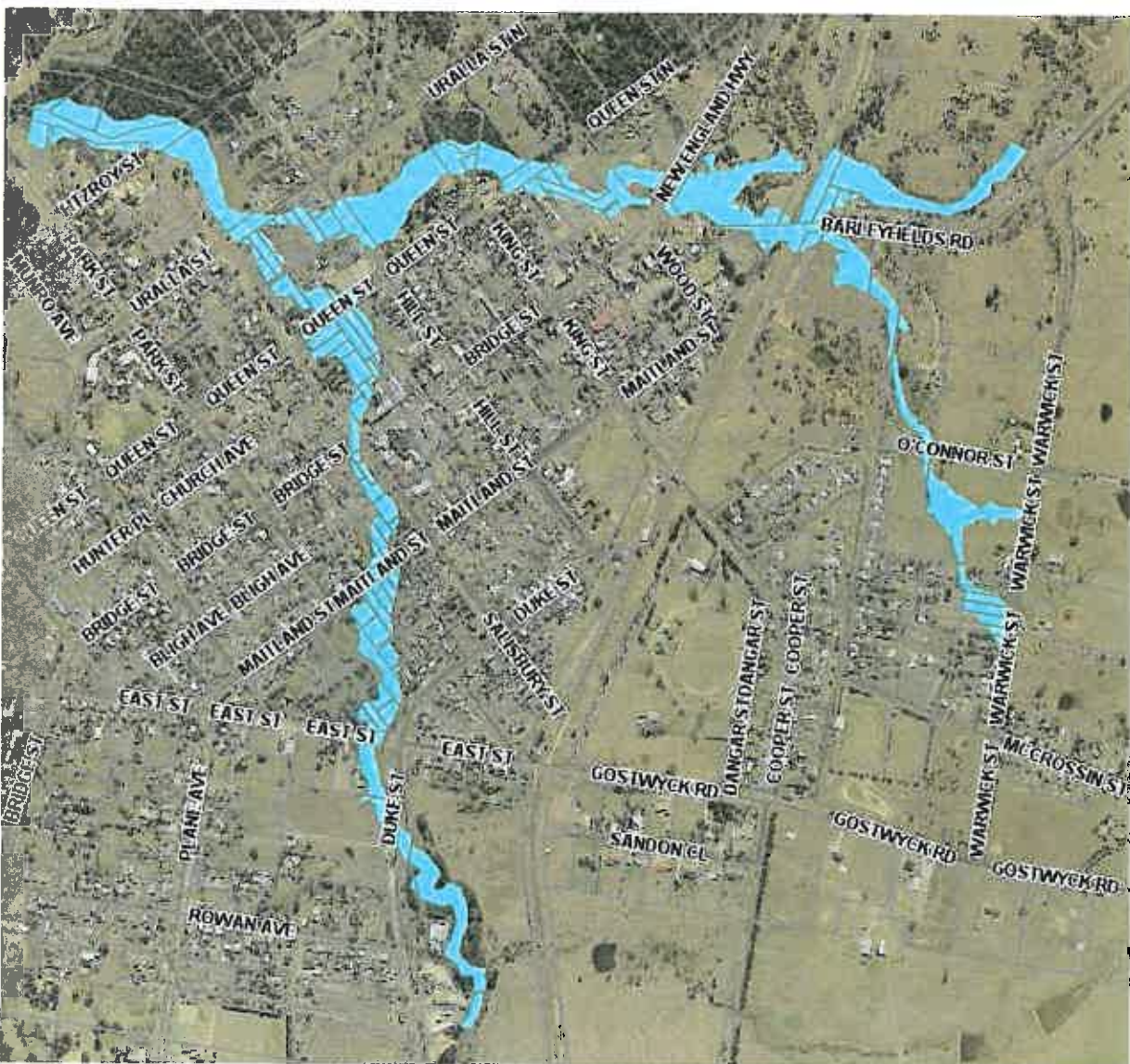
The key issues reported to Council arising from the Flood Study included '*the end use of this flood study will be the basis for setting development controls*'. Development on land that is identified as "Flood Planning Area" on the Flood Planning Map is captured by Clause 6.2 of the ULEP, which provides that:

- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
- a. *is compatible with the flood hazard of the land, and*
 - b. *is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*

- c. incorporates appropriate measures to manage risk to life from flood, and
- d. is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- e. is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding

It is noted that additional flood controls will be drafted and included in Chapter 11 of the Uralla Development Control Plan.

Illustration 1.1 1% AEP Flood Extents



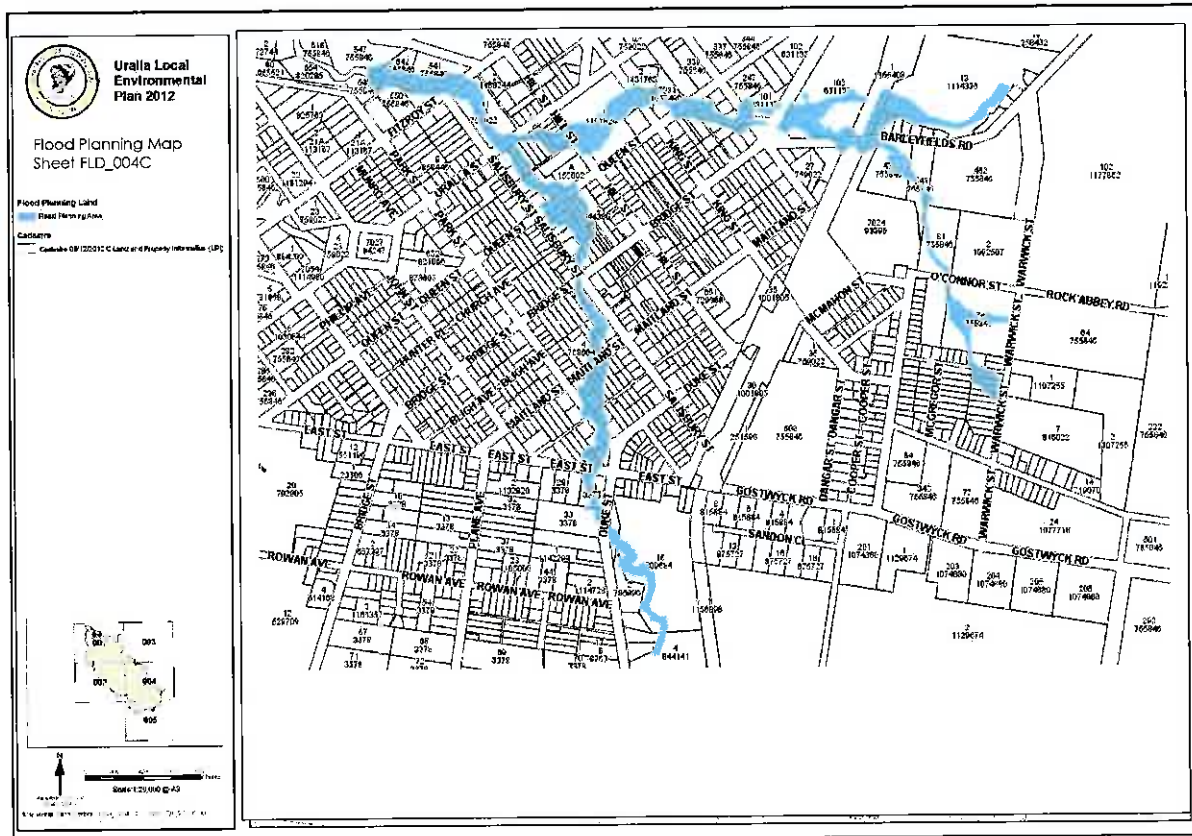
Part 2

Explanation of Provisions

The intended outcome of the Planning Proposal will be achieved by including an additional Flood Planning Map for the town of Uralla within the statutory mapping associated with the Uralla Local Environmental Plan (ULEP) 2012.

The proposed Flood Planning Map will be referenced in the ULEP Map Index as “Flood Planning Map Sheet FLD_004C”. An illustration of the proposed map is shown below.

Illustration 2.1 Draft Flood Planning Map



Part 3

Justification

3.1 Justification

Need for a Planning Proposal

Is the planning proposal a result of any strategic study or report?

Yes. The Planning Proposal has resulted from the findings of the Rocky and Uralla Creeks Flood Study, prepared by Patterson Consultants Pty Ltd in 2014 and adopted by Council on 23 June 2014.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the only statutory method of amending the ULEP 2011 to enable the inclusion of an additional Flood Planning Map.

Relationship to strategic planning framework.

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The New England North West Strategic Regional Land Use Policy was prepared in September 2012 and applies to the land. The policy focuses on mineral resources and agriculture and is not particularly relevant to the subject rezoning.

The proposal is consistent with applicable Section 117 directions (see below).

Is the planning proposal consistent with the council's local strategy or local strategic plan?

The New England Development Strategy (NEDS) was prepared to identify land use planning objectives and strategies to guide growth and change in the Uralla Local Government Area. The Strategy was adopted by Council in April 2010 and was prepared as context for the preparation of the standard template LEP conversion which is now the ULEP 2012

The Planning Proposal is consistent with Section 9.2 *Natural hazards and land capability* (pages 76 and 77) of the NEDS as follows:

- **Policies**

- ✓ Adopt a consistent flood standard for the Sub-region, in accordance with floodplain management studies and the NSW Floodplain Development Manual.
- ✓ Recognise the need to appropriately consider bushfire, flooding and salinity as natural hazards in LEP provisions.
- **Strategic Actions**
 - ✓ Upgrade and maintain spatial information systems on natural hazards for planning overlay maps to be included in proposed LEP provisions
 - Include all available data relating to floodways and land subject to inundation within urban zonings as overlays.

The NEDS also recommends identifying flood constraints relevant to urban infill development 'some flood prone areas along Uralla Creek (that) are unsuitable for intensification' (page 42).

The Planning Proposal is consistent with the NEDS in that the Flood Planning Map for Uralla is an overlay based on the findings of the Rocky and Uralla Creeks Flood Study. The Flood Study was prepared in accordance with the NSW Floodplain Development Manual. The ULEP already includes Flood Planning provisions and Clause 6.2 and a Flood Planning Map for Bundarra.

Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPP)?

There are no SEPPs relevant to this Planning Proposal.

Is the Planning Proposal consistent with applicable Ministerial Directions (Section 117 Directions)?

The PP is consistent with the applicable 117 Directions below.

1. Employment and Resources	
1.1 Business and Industrial Zones	
RELEVANT TO PLANNING PROPOSAL	Yes
APPLICATION	This direction applies when a relevant planning authority prepares a PP that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).
CONSISTENCY	Yes. The PP affects all zoned land in the town of Uralla.
1.2 Rural Zones	
RELEVANT TO PLANNING PROPOSAL	Yes

APPLICATION	This direction applies when a relevant planning authority prepares a PP that will affect land within existing or proposed rural zone (including the alteration of any existing rural zone boundary)
CONSISTENCY	Yes The PP does not rezone land or contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).
1.3 Mining, Petroleum Production and Extractive Industries	
RELEVANT TO PLANNING PROPOSAL	No
1.4 Oyster Aquaculture	
RELEVANT TO PLANNING PROPOSAL	No
1.5 Rural Lands	
RELEVANT TO PLANNING PROPOSAL	No
2. Environment and Heritage	
2.1 Environment Protection Zones	
RELEVANT TO PLANNING PROPOSAL	No
2.2 Coastal Protection	
RELEVANT TO PLANNING PROPOSAL	No
2.3 Heritage Conservation	
RELEVANT TO PLANNING PROPOSAL	No
2.4 Recreation Vehicle Areas	
RELEVANT TO PLANNING PROPOSAL	No
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
RELEVANT TO PLANNING PROPOSAL	Yes
APPLICATION	This direction applies when a relevant planning authority prepares a planning proposal that will affect land within: (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted.
CONSISTENCY	The subject PP is inconsistent with this direction however the inconsistency is minor and is justified by an adopted flood study.
3.2 Caravan Parks and Manufactured Home Estates	
RELEVANT TO PLANNING PROPOSAL	No
3.3 Home Occupations	

RELEVANT TO PLANNING PROPOSAL	No
3.4 Integrating Land Use and Transport	
RELEVANT TO PLANNING PROPOSAL	No
3.5 Development Near Licensed Aerodrome	
RELEVANT TO PLANNING PROPOSAL	No
3.6 Shooting Ranges	
RELEVANT TO PLANNING PROPOSAL	No
4. Hazards and Risk	
4.1 Acid Sulfate Soils	
RELEVANT TO PLANNING PROPOSAL	No
4.2 Mine Subsidence and Unstable Land	
RELEVANT TO PLANNING PROPOSAL	No
4.3 Flood Prone Land	
RELEVANT TO PLANNING PROPOSAL	Yes
OBJECTIVES	<p>(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p>
WHEN THIS DIRECTION APPLIES	This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.
APPLICATION	
<i>A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).</i>	The Uralla and Rocky Creeks Flood Study (Patterson 2014) was prepared in accordance with the NSW Flood Prone Land Policy.
<i>A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</i>	Consistent.

<p>A planning proposal must not contain provisions that apply to the flood planning areas which:</p> <ul style="list-style-type: none"> • permit development in floodway areas, • permit development that will result in significant flood impacts to other properties, • (c) permit a significant increase in the development of that land, • (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or • permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development. 	<p>Consistent.</p> <p>The Planning Proposal give effects to the Flood Planning provisions at Clause 6.2 of the ULEP 2011 by identifying land affected by the 1% AEP flood extent.</p>
<p>A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>	<p>Consistent.</p>
<p>For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</p>	<p>Consistent.</p> <p>The proposed Flood Planning Map is based on the mapping and findings of the Uralla and Rocky Creeks Flood Study (Patterson 2014) which was prepared in accordance with the NSW Flood Prone Land Policy.</p>

4.4 Planning for Bushfire Protection	
RELEVANT TO PLANNING PROPOSAL	No
5. Regional Planning	
5.1 Implementation of Regional Strategies	
RELEVANT TO PLANNING PROPOSAL	No
5.2 Sydney Drinking Water Catchments	
RELEVANT TO PLANNING PROPOSAL	No
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
RELEVANT TO PLANNING PROPOSAL	No
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
RELEVANT TO PLANNING PROPOSAL	No
5.8 Second Sydney Airport: Badgerys Creek	
RELEVANT TO PLANNING PROPOSAL	No
6. Local Plan Making	
6.1 Approval and Referral Requirements	
CONSISTENCY	Substantially consistent with this direction.
6.2 Reserving Land for Public Purposes	
CONSISTENCY	PP does not involve land reserved for public purposes.

3.2 Environmental, Social and Economic Impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The Planning Proposal will have no adverse effects on critical habitat or threatened species, populations or ecological communities, or their habitats.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The Planning Proposal will have a positive effect on the way in which flood prone land is managed by identifying land as a "Flood Planning Area". Development proposals involving land identified as "Flood Planning Area" require consideration and consistency with the provisions of Part 6.2 of the ULEP.

Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal will have a positive social and economic effect by identifying land within the 1% AEP flood extent to which the provisions of Clause 6.2 of the ULEP apply. Clause 6.2 requires that a consent authority must consider flood affects to life and property when assessing development within the flood planning area.

3.3 State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

Not applicable.

What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

NSW Planning and Environment will indicate their views during the Gateway determination of the proposal. Consultation will occur with other state agencies following Gateway assessment and/or determination.

Part 4

Mapping

Proposed Flood Planning Mapping to be included in the ULEP is shown at Illustration 2.1 of this report.

Part 5

Community Consultation

In accordance with Section 57 (2) of the EP&A Act 1979, this Planning Proposal must be approved under a Gateway determination prior to community consultation being undertaken by Council.

Pursuant to "A guide to preparing local environmental plans", the subject proposal meets the criteria and definition of being a low impact planning proposal given that the Planning Proposal will give effect to the recommendations of a Council adopted Flood Study.

It is proposed for this Planning Proposal should be exhibited for a period of fourteen (14) days.

Part 6

Project Timeline and Conclusion

6.1 Project Timeline

Planning Proposal Process Outline

Estimated timeframe	2015									
	F	M	A	M	J	J	A	S	O	
Report to Council / Resolution to refer to department for Gateway determination	X									
Refer to Department of Planning and Environment		X								
Completion of additional information		X	X							
Government agency consultation		X	X							
Commencement and completion of public exhibition				X						
Public hearing (if required)										
Consideration of submissions					X					
Post submission amendments (if required)						X				
Department to finalise LEP							X	X		
Date of (making) amendment to LEP										X

6.2 Conclusion

The subject Planning Proposal is the logical conclusion to the recommendations of the adopted Rocky and Uralla Creeks Flood Study. The Planning Proposal is a simple draft LEP amendment and seeks to include an additional **Flood Planning Map** for the Uralla town area into the Map Index and statutory mapping that is part of the ULEP 2012.

The proposed Flood Planning Map for Uralla provides a clear illustration of the land that is affected by the 1% AEP flood extents.

As demonstrated in this report, the proposal is consistent with the objectives of the relevant Section 117 Ministerial Directions, Council's Strategic Planning reports and relevant State Environmental Planning Policies.

It is recommended that Council seek a Gateway Determination from NSW Planning and Environment (P&E) requesting permission to place the Planning Proposal on public exhibition.

ATTACHMENT K

PLANNING PROPOSAL Under Section 55 of the EP&A Act

Draft Uralla Local Environmental Plan 2012
(Amendment No 4)

BOUNDARY ADJUSTMENTS AND DETACHED DUAL
OCCUPANCY DWELLINGS IN CERTAIN
RURAL AND ENVIRONMENTAL ZONES

Prepared for: Uralla Shire Council
Date: MARCH 2015



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Planning Proposal status

STAGE	VERSION / DATE Blank until achieved
Draft	01/03/15
Reported to Council (section 55)	
Adopted by Council and referred to Department of Planning (sec 56(1))	
Gateway Panel determination (sec 56 (2))	
Revisions required : Completed	
Public exhibition (where applicable) (sec 57)	
For Council review (sec 58 (1))	
Adopted by Council for final submission to Department of Planning (sec 58(2))	

This Planning Proposal was prepared by Keiley Hunter Urban Planner in March 2015 as requested by the Planning Manager, Uralla Shire Council.

Council will carry out the statutory processing of the Planning Proposal.

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Appendices

- A** Model LEP Provision
- B** Proposed LEP Provision

PART 1

Objectives or Intended Outcomes

1.1 Overview

This Planning Proposal was prepared under Section 55 of the *Environmental Planning and Assessment Act 1979* in relation to a proposed amendment to Uralla Local Environmental Plan (ULEP 2012).

The purpose of this report is to recommend that Council seek a Gateway Determination from NSW Planning and Environment (P&E) requesting to place the Planning Proposal on public exhibition.

This Planning Proposal applies to all relevant rural, residential (R5 Large Lot) and environmental zoned land located in the Uralla Local Government Area.

There are two draft LEP amendments that are proposed in this Planning Proposal:

1. **Boundary Adjustments**

To include the 'standard' LEP rural and environmental boundary adjustment clause in the ULEP 2012. The boundary adjustment clause provides flexibility for boundary adjustment subdivisions. The proposed clause replaces the variation provisions previously found in the repealed *State Environmental Planning Policy (SEPP) 1 Variations to Development Standards*.

2. **Detached Dual Occupancy Dwellings**

To expand permissible uses within rural and environmental zones to include detached dual occupancies with certain restrictions. The intended outcome is to permit detached dual occupancies within the RU1, RU2, E3 and E4 Zones while ensuring that they remain in close proximity to the primary dwelling, share the same access and remain on the same title.

1.2 Background

Rural detached dual occupancy dwellings and rural boundary adjustment subdivisions were previously permissible with consent subject to justification and, in the case of boundary adjustments of land below the minimum rural lot size, a SEPP 1 variation.

The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) provides for certain rural boundary adjustment subdivisions to be exempt development, however, there are exclusions to this exemption, including:

- lots that are wholly mapped as heritage items; and
- rural boundary adjustments that are not considered to be minor.

Therefore the Codes SEPP does not provide for all potential boundary adjustment subdivisions and LEP provisions that are required.

The subject Planning Proposal seeks to amend the ULEP 2012 to include appropriate provisions to enable rural detached dual occupancies and boundary adjustment subdivisions of 'undersized' rural lots within RU1, RU2, E3 and E4 zoned land.

A review of surrounding Councils shows that there is a genuine and justifiable need for detached rural dual occupancy dwellings and flexibility when dealing with rural boundary adjustment subdivisions.

Detached rural dual occupancy dwellings in rural and environmental zones are necessary for the following key reasons:

- To provide a degree of separation between dwellings to allow for privacy for "intergenerational" occupants.
- The use of 'rural workers dwellings' provisions can be unwieldy in terms of justification of the need for additional rural worker's accommodation and require costly supporting studies such as agricultural viability and agronomists reports.
- In many cases, the need for additional farm dwellings is simply to accommodate family members within an 'intergenerational' property.

Traditional reasons against the use of detached dual occupancies in rural areas have been:

- Raising expectations of future subdivision to separate rural dwellings;
- Impacts from additional road access driveways;
- Loss of agricultural land; and
- Increase in value of agricultural land as a result of built improvements.

Additional controls to manage detached dual occupancy dwellings will be included in the Uralla Development Control Plan and will require:

- Consolidation of separate land parcels so that the primary dwelling and the detached dual occupancy dwelling are located within a single lot.
- Access to the primary dwelling and the detached dual occupancy dwelling via a single (existing) access driveway and single point of access location of a public road.
- Justification for the separation distance between the proposed detached dual and the primary dwelling.

Part 2

Explanation of Provisions

The objectives of the Planning Proposal will be achieved by an amendment to the Uralla LEP 2012.

Boundary Adjustment Provision

It is proposed to include an additional provision to enable boundary adjustments of land that is already below the minimum lot size within the RU1, RU2, R5, E3 and E4 zones.

The draft provision and an explanation is provided below.

PROPOSED NEW LEP PROVISION:

4.2C Exceptions to minimum subdivision lot size for boundary adjustments

1. The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances, to give landowners a greater opportunity to achieve the objectives of a zone.
2. This clause applies to land in the following zones:
 - a) Zone RU1 Primary Production,
 - b) Zone RU2 Rural Landscape,
 - c) Zone R5 Large Lot Residential,
 - d) Zone E3 Environmental Management,
 - e) Zone E4 Environmental Living.
3. Despite clause 4.1(3), development consent may be granted to the subdivision of 2 or more adjoining lots, being land to which this clause applies, if the consent authority is satisfied that the subdivision:
 - a) will not result in an increase in the number of lots, and
 - b) will not result in an increase in the number of dwellings on, or dwellings that may be erected on, any of the lots, and
 - c) will not adversely impact on the long-term agricultural production potential or environmental values of the lots and the surrounding locality.
4. In determining whether to grant development consent for the subdivision of land under this clause, the consent authority must consider the following:
 - a) the existing uses and approved uses of other land in the vicinity of the subdivision,
 - b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,

- c) whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),
 - d) whether or not the subdivision is likely to be incompatible with a use of land in any adjoining zone,
 - e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),
 - f) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
 - g) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.
5. This clause does not apply in relation to a subdivision under the [Community Land Development Act 1989](#), the [Strata Schemes \(Freehold Development\) Act 1973](#) or the [Strata Schemes \(Leasehold Development\) Act 1986](#).

Explanation of each subclause

1. Explains the objectives of the provisions.
2. Defines which zones to which the proposed provisions apply.
3. Indicates that despite minimum lot size provisions contained in the plan, subdivision of undersized allotments may occur where Council is satisfied that no additional dwelling entitlement would be created and the potential for land use conflicts are not increased.
4. Council must also be satisfied that E3 and E4 zoned land will not be detrimentally impacted by the adjustment.

Detached Dual Occupancy Provision

Definitions:

Dual occupancy (detached) means two (2) detached dwellings on one lot of land, but does not include a secondary dwelling.

Dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

Presently, dual occupancies (attached) are permitted with consent in the RU1, RU2 and E4 zone. Dual occupancies (attached and detached) are permitted with consent in the R5 Large Lot Residential zone.

The ULEP 2012 already contains minimum lot size provisions relating to subdivision of land, therefore, prohibiting the severance of detached dual occupancy dwellings by subdivision of land into lots of below the minimum size for that land. Any other planning controls relating to dual occupancy development are to be provided in the Uralla DCP, as mentioned earlier.

Presently, rural dual occupancies are required to be attached through the use of covered walkways, adjoining garages and other mechanisms for compliance. The

proposed amendment will enable separation between dual occupancy dwellings provided both dwellings share a single access and are located within the one lot.

Presently, only dwelling houses are permitted with consent in the E3 Environmental Management zone. The Planning Proposal seeks to permit dual occupancies (attached or detached) in the E3 zone.

The objectives of the Planning Proposal in relation to detached dual occupancy development within rural and environmental zoned land can be achieved by:

- Removing "Dual occupancies (attached)" from the Land Use Table for RU1, RU2 and E3 zoned land as a use that is permitted with consent ; and
- Including "Dual occupancies" in the Land Use Table for RU1, RU2, E3 and E4 zoned land as a use that is permitted with consent.

Part 3

Justification

3.1 Justification

Need for a Planning Proposal

Is the planning proposal a result of any strategic study or report?

No.

Boundary adjustment subdivisions resulting in lots below the minimum rural lot size were previously dependent on a SEPP 1 variation to Clause 12A of the Uralla LEP 1988. SEPP 1 variations were removed with the implementation of the Standard Instrument LEP. Council's intention in preparing the ULEP 2012 was to complete a best fit transfer of the old LEP into the new format. This new provision complies with Council's intent and is based on similar approved LEP provisions for boundary adjustment subdivisions that have been adopted by other regional local government areas.

The need for detached dual occupancy dwellings in rural areas has been identified through the operation of the current ULEP since it came into force in 2012.

Additional detached dwellings within rural land is a traditional land use that can be readily managed by existing LEP provisions and the adoption of specific DCP controls relating to access and lot consolidation.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best way to achieve the intended outcomes.

Is there a net community benefit?

There is a net community benefit by ensuring boundary adjustments are permissible. This is important where boundary adjustments are necessary for farm management purposes or to enable development to occur in a logical manner.

Removing the requirement for dual occupancy dwellings to be attached in rural and environmental areas will benefit the community by enabling appropriate separation between rural households. Farm dwellings have traditionally be located nearby the main house to maintain a practical pedestrian connection between dwellings and to share resources such as gardens, fowl yards, orchards and outbuildings, however it is impractical to require attachment of those dwellings. Spatial separation is a practical means of providing privacy between households and maintaining the rural character of the landscape.

Implications of not proceeding at this time

Should the LEP amendment not proceed at this time, Council is unable to assess and determine logical boundary alteration subdivisions that do not meet the criteria of the Codes SEPP or to consider applications for detached dual occupancies within rural and environmental zoned land.

Relationship to strategic planning framework.

Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The New England North West Strategic Regional Land Use Policy was prepared in September 2012 and applies to the land. The policy focuses on mineral resources and agriculture and is not particularly relevant to the subject rezoning.

The proposal is consistent with applicable Section 117 directions as shown later in this report.

Is the planning proposal consistent with the council's local strategy or local strategic plan?

The New England Development Strategy (NEDS) was prepared to identify land use planning objectives and strategies to guide growth and change in the Uralla Local Government Area. The Strategy was adopted by Council in April 2010 and was prepared as context for the preparation of the standard template LEP conversion which is now the ULEP 2012

The Planning Proposal is consistent with the objectives of the NEDS for subdivision in rural areas **to provide for flexibility in overall land use management** and **to consider a farm adjustment clause** in the ULEP. Rural boundary adjustments are often necessary for efficient farm management purposes or to facilitate estate planning.

'Strategic Actions- Planning provisions for development in rural areas' of the NEDS includes developing policies for dwellings erected in conjunction with intensive agricultural production. The Planning Proposal will enable additional detached dwellings within agricultural land.

The NEDs also identified the trend towards smaller household sizes, indicating that more dwellings are required to house fewer people per dwelling. This trend occurs across urban and rural dwellings alike.

Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPP)?

The Planning Proposal is consistent with the SEPP Rural Lands (2008) as follows:

The aim of the SEPP is to facilitate the orderly and economic use and development of rural lands for rural and related purposes. This SEPP does not directly relate to LEP amendments or Planning Proposals, however it does provide a number of 'Rural Planning Principles' to be considered when assessing development applications.

The rural planning principles are listed and addressed below:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable activities in rural areas.*
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture*
- (c) recognition of the significance of rural land uses to the state and rural communities, including the*
- (d) in planning for rural lands to balance the social economic and environmental interests of the community*
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land;*
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities;*
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing;*
- (h) ensuring consistency with any applicable regional strategy of the department of planning or any applicable local strategy endorsed by the director general.*

The Planning Proposal meets the Rural Planning Principles in the following ways:

- The proposed boundary adjustment clause requires the consent authority to consider whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.
- The proposed amendment will not result in any addition rural housing or subdivision entitlements as the amendments do not alter minimum lot size for subdivision or dwellings.
- The proposed boundary adjustment clause requires consideration of whether subdivision is appropriate having regard to the natural and physical constraints affecting the land.
- The proposal balances the social, economic and environmental interests of the community by enabling boundary adjustment subdivisions for improved land management opportunities for rural land holders where no adverse environmental impact will occur. Providing for detached, rather than attached rural dual

occupancy dwellings will increase the range of rural housing options permitted within rural zones.

The SEPP also provides the following Rural Subdivision Principles:

- (a) the minimisation of rural land fragmentation
- (b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses
- (c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands
- (d) the consideration of the natural and physical constraints and opportunities of land
- (e) ensuring that planning for dwelling opportunities takes account of those constraints

As stated previously the amendment includes provisions to minimise potential land use conflicts. The Planning Proposal will allow for subdivision of rural and environmental zoned land only where it will not result in additional dwelling entitlements or land use conflicts. The amendment includes provisions to ensure that boundary adjustment subdivision occurs in a manner that is compatible with surrounded land uses. Existing legislative requirements (S79C EP&A Act) requires consideration of natural and physical constraints when assessing development applications.

The proposed amendment will not affect the planned release of rural or environmental zoned land, rather it enable land to subdivided in a manner that supports logical rural land management practices.

It is therefore considered that the Planning Proposal is generally consistent with the principles of the SEPP (Rural Lands) 2008.

Is the Planning Proposal consistent with applicable Ministerial Directions (Section 117 Directions)?

The Planning Proposal is consistent with the applicable 117 Directions as shown in the table below:

TABLE OF CONSISTENCY WITH 117 DIRECTIONS

1. Employment and Resources	
1.1 Business and Industrial Zones	
RELEVANT TO PLANNING PROPOSAL	No
1.2 Rural Zones	
RELEVANT TO PLANNING PROPOSAL	Yes
APPLICATION	This direction applies when a relevant planning authority

	prepares a PP that will affect land within existing or proposed rural zone (including the alteration of any existing rural zone boundary).
CONSISTENCY	Yes The PP does not rezone land or contain provisions that will increase the permissible density of land within a rural zone.
1.3 Mining, Petroleum Production and Extractive Industries	
RELEVANT TO PLANNING PROPOSAL	No
1.4 Oyster Aquaculture	
RELEVANT TO PLANNING PROPOSAL	No
1.5 Rural Lands	
RELEVANT TO PLANNING PROPOSAL	Yes
APPLICATION	This direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary).
CONSISTENCY	Yes A planning proposal must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008. The Planning Proposal is consistent with the Rural SEPP as demonstrated in this report.
2. Environment and Heritage	
2.1 Environment Protection Zones	
RELEVANT TO PLANNING PROPOSAL	Yes
APPLICATION	This direction applies when a relevant planning authority prepares a Planning Proposal. A Planning Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. A Planning Proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).
CONSISTENCY	Yes The Planning Proposal does not reduce current environmental protection standards and includes consideration of whether or not boundary adjustment subdivision is appropriate having regard to the natural and physical constraints affecting the land.

2.2 Coastal Protection	
RELEVANT TO PLANNING PROPOSAL	No
2.3 Heritage Conservation	
RELEVANT TO PLANNING PROPOSAL	No
2.4 Recreation Vehicle Areas	
RELEVANT TO PLANNING PROPOSAL	No
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
RELEVANT TO PLANNING PROPOSAL	Yes
APPLICATION	This direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within: (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), (b) any other zone in which significant residential development is permitted or proposed to be permitted.
CONSISTENCY	The proposed boundary adjustment clause applies to R5 Large Lot Residential zoned land. The Planning Proposal does not include any conservation provisions, however, this is considered to be of minor significance. Detached dual occupancies are permitted with consent in the R5 zone under the current LEP provisions.
3.2 Caravan Parks and Manufactured Home Estates	
RELEVANT TO PLANNING PROPOSAL	No
3.3 Home Occupations	
RELEVANT TO PLANNING PROPOSAL	No
3.4 Integrating Land Use and Transport	
RELEVANT TO PLANNING PROPOSAL	No
3.5 Development Near Licensed Aerodrome	
RELEVANT TO PLANNING PROPOSAL	No
3.6 Shooting Ranges	
RELEVANT TO PLANNING PROPOSAL	No
4. Hazards and Risk	
4.1 Acid Sulfate Soils	
RELEVANT TO PLANNING PROPOSAL	No
4.2 Mine Subsidence and Unstable Land	
RELEVANT TO PLANNING PROPOSAL	No
4.3 Flood Prone Land	

RELEVANT TO PLANNING PROPOSAL	No
4.4 Planning for Bushfire Protection	
RELEVANT TO PLANNING PROPOSAL	Yes
APPLICATION	This direction applies when a relevant planning authority prepares a Planning Proposal that will affect, or is in proximity to land mapped as bushfire prone land.
CONSISTENCY	Yes Development for detached dual occupancy dwellings and boundary adjustment subdivisions within bushfire prone land will be subject to assessment against <i>Planning for Bushfire Protection 2006</i> .
5. Regional Planning	
5.1 Implementation of Regional Strategies	
RELEVANT TO PLANNING PROPOSAL	No
5.2 Sydney Drinking Water Catchments	
RELEVANT TO PLANNING PROPOSAL	No
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
RELEVANT TO PLANNING PROPOSAL	No
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
RELEVANT TO PLANNING PROPOSAL	No
5.8 Second Sydney Airport: Badgerys Creek	
RELEVANT TO PLANNING PROPOSAL	No
6. Local Plan Making	
6.1 Approval and Referral Requirements	
CONSISTENCY	Substantially consistent with this direction.
6.2 Reserving Land for Public Purposes	
CONSISTENCY	PP does not involve land reserved for public purposes.

3.2 Environmental, Social and Economic Impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The Planning Proposal will have no adverse effects on critical habitat or threatened species, populations or ecological communities, or their habitats. Development Applications for boundary alterations or detached dual occupancies will be subject to normal merit assessment.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

It is unlikely that the Planning Proposal will result in any adverse environmental impacts. Development applications received under the proposed new provisions will require appropriate consideration of the potential for impacts to environmental values of the land and the natural and physical constraints of the land.

Has the planning proposal adequately addressed any social and economic effects?

Yes, the Planning Proposal will enable logical boundary adjustment subdivisions to occur that, in some cases, will facilitate appropriate social and economic outcomes, for example, farm adjustments for estate planning purposes.

Beneficial social and economic impact will arise from increasing the range of permissible housing choices in rural areas.

3.3 State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

There are no additional infrastructure requirements arising from the Planning Proposal.

What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

NSW Planning and Environment will indicate their views during the Gateway determination of the proposal. Consultation will occur with other state agencies following Gateway assessment and/or determination.

Part 4

Mapping

There are no amendments to the ULEP mapping required for the subject Planning Proposal.

Part 5

Community Consultation

In accordance with Section 57 (2) of the EP&A Act 1979, this Planning Proposal must be approved under a Gateway determination prior to community consultation being undertaken by Council.

Pursuant to "A guide to preparing local environmental plans", the subject proposal meets the following definition of being a low impact Planning Proposal:

A 'low' impact planning proposal is a planning proposal that, in the opinion of the person making the Gateway determination is:

- *consistent with the pattern of surrounding land use zones and/or land uses*
- *consistent with the strategic planning framework*
- *presents no issues with regard to infrastructure servicing*
- *not a principal LEP*
- *does not reclassify public land.*

It is proposed for this Planning Proposal should be exhibited for a period of fourteen (14) days.

Part 6

Project Timeline and Conclusion

6.1 Project Timeline

Planning Proposal Process Outline

Estimated timeframe	2015									
	F	M	A	M	J	J	A	S	O	
Report to Council / Resolution to refer to department for Gateway determination		X								
Refer to Department of Planning and Environment		X								
Completion of additional information			X							
Government agency consultation			X							
Commencement and completion of public exhibition				X						
Public hearing (if required)										
Consideration of submissions					X					
Post submission amendments (if required)						X				
Department to finalise LEP							X	X		
Date of (making) amendment to LEP										X

6.2 Conclusion

The ability for rural land owners to be able to undertake routine boundary adjustments is considered to be a valid and sustainable approach to land management. It allows property owners to look at best practice when it comes to management of their farms whether that is protection of environmental values, agricultural viability of the land or for estate management.

The subject Planning Proposal provides a logical additional clause to the ULEP 2012 that has been "tested" in other regional local government areas and addresses a "gap" in the standard instrument LEP template.

Including detached dual occupancy dwellings within rural and environmental zones is a minor but important addition to the range of permissible housing options available for rural households.

As demonstrated in this report, the Planning Proposal is consistent with the objectives of the relevant Section 117 Ministerial Directions, Council's Strategic Planning reports and relevant State Environmental Planning Policies.

It is recommended that Council seek a Gateway Determination from NSW Planning and Environment (P&E) requesting permission to place the Planning Proposal on public exhibition.

A

Model LEP Boundary Adjustment Provision

1 Boundary changes between lots in certain rural, residential and environment protection zones (d01.06)

- (1) The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances, to give landowners a greater opportunity to achieve the objectives of a zone.

Drafting direction for subclause (1).

A Council may choose to restrict the application of this clause to just 2 adjoining lots by omitting "or more" from subclauses (1) and (3).

- (2) This clause applies to land in any of the following zones:

- (a) Zone RU1 Primary Production,
- (b) Zone RU2 Rural Landscape,
- (c) Zone RU3 Forestry,
- (d) Zone RU4 Primary Production Small Lots,
- (e) Zone RU6 Transition,
- (f) Zone R5 Large Lot Residential,
- (g) Zone E1 National Parks and Nature Reserves,
- (h) Zone E2 Environmental Conservation,
- (i) Zone E3 Environmental Management,
- (j) Zone E4 Environmental Living.

Drafting direction for subclause (2).

If any of the above rural, residential or environment protection zones are not used in the Plan they should be omitted from subclause (2).

- (3) Despite clause 4.1 (3), development consent may be granted to the subdivision of 2 or more adjoining lots, being land to which this clause applies, if the subdivision will not result in any of the following:

- (a) an increase in the number of lots,
- (b) an increase in the number of dwellings on, or dwellings that may be erected on, any of the lots.

Drafting direction for subclause (3).

If the intention is to permit secondary dwellings or dual occupancies as well as dwelling houses, then the specific types of dwellings for which the clause is to apply should be included in the appropriate places.

- (4) Before determining a development application for the subdivision of land under this clause, the consent authority must consider the following:

- (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
- (b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
- (c) whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),
- (d) whether or not the subdivision is likely to be incompatible with a use on land in any adjoining zone,
- (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),
- (f) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
- (g) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.

- (5) This clause does not apply:

- (a) in relation to the subdivision of individual lots in a strata plan or a community title scheme, or
- (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.

B

Proposed LEP Boundary Adjustment Provision

4.2C Exceptions to minimum subdivision lot size for boundary adjustments

6. The objective of this clause is to permit the boundary between 2 or more lots to be altered in certain circumstances, to give landowners a greater opportunity to achieve the objectives of a zone.
7. This clause applies to land in the following zones:
 - a) Zone RU1 Primary Production,
 - b) Zone RU2 Rural Landscape,
 - c) Zone R5 Large Lot Residential,
 - d) Zone E3 Environmental Management,
 - e) Zone E4 Environmental Living.
8. Despite clause 4.1(3), development consent may be granted to the subdivision of 2 or more adjoining lots, being land to which this clause applies, if the consent authority is satisfied that the subdivision:
 - a) will not result in an increase in the number of lots, and
 - b) will not result in an increase in the number of dwellings on, or dwellings that may be erected on, any of the lots, and
 - c) will not adversely impact on the long-term agricultural production potential or environmental values of the lots and the surrounding locality.
9. In determining whether to grant development consent for the subdivision of land under this clause, the consent authority must consider the following:
 - a) the existing uses and approved uses of other land in the vicinity of the subdivision,
 - b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
 - c) whether or not the subdivision is likely to be incompatible with a use referred to in paragraph (a) or (b),
 - d) whether or not the subdivision is likely to be incompatible with a use of land in any adjoining zone,
 - e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d),
 - f) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
 - g) whether or not the subdivision is likely to have an adverse impact on the environmental values or agricultural viability of the land.
10. This clause does not apply in relation to a subdivision under the [Community Land Development Act 1989](#), the [Strata Schemes \(Freehold Development\) Act 1973](#) or the [Strata Schemes \(Leasehold Development\) Act 1986](#).

ATTACHMENT L



Development Control Plan

Adopted 19 December 2011

As Amended

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

Acknowledgements

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

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

Disclaimer

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

For Further Information

Visit www.uralla.nsw.gov.au or contact Council on 02 6778 6300 or by email at council@uralla.nsw.gov.au

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Prepared By: Uralla Shire Council

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Version no.	Updated by:	Date:	Nature of changes
1	E Cumming & J Wolfenden	19.12.2011	Preparation due to the template Conversion LEP and review of existing DCP's
2	E Cumming	27.8.2012	Housekeeping
3	K Hunter, Consultant	March 2015	Bed & Breakfast, Shipping Containers, Flood Controls, Lane Widening, Review Code SEPP Compliance & Housekeeping

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Chapter 1 Introduction and General Provisions

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

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

This DCP repeals the following Development Control Plans:

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

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

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

Amendment of the plan

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

This plan was amended by Council on 27 August 2012 and [xxx 2015](#)

Interpretation of Legislative References

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

Repeal of the plan

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

Relevant Local Environmental Plan

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



Planning Pathways

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

Exempt Development

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

Complying Development

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

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

- Dwelling construction;
- Housing alterations;
- Commercial and industrial works;
- Subdivision;
- Demolition; and
- [Temporary Uses and structures](#).

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

e-Planning – Electronic Housing Code

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

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

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

Full Development Application

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

State Environmental Planning Policies (SEPPs)

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

National Building Code (NBC)

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

Contributions

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

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

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

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

Planting of Vegetation

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

Definitions

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

~~1% AEP Flood means 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 means land which abuts an application site or is separated from it only by a roadway, pathway, driveway or similar thoroughfare;

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

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

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

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

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

AHD means Australian Height Datum;

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

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

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

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

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

building line see *front building line*;

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

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

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

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

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

~~**flood investigation report** means 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)** means the level of a 1% AEP flood event plus 0.5 metres freeboard;~~

~~**Flood Planning Map** means the Uralla Local Environment Plan 2011 Flood Planning Map;~~

~~**floodplain risk management plan** means a plan adopted pursuant to the principles of the Floodplain Development Manual.~~

~~**floodplain development manual** means 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) means 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;~~

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

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

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

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

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

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

owner means:

- the person or persons who appear on Council's computer property records to be the owner of the land at the date of notification

- in the case of land that is the subject of a strata scheme under the Strata Titles Act 1973, or a leasehold strata scheme under the Strata Titles (Leasehold) Act 1986, the Owners' Corporation
- in the case of land that is community, precinct or neighbourhood parcel within the meaning of the Community Land Development Act 1989, the Association for the parcel;

~~*probable maximum flood (PMF)* means the largest possible flood that could conceivably occur;~~

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

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

temporary sign means an advertisement of a temporary nature which:

- 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.;

Uralla LEP means the Uralla Local Environmental Plan 2012;

About this Chapter

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

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

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

Where this Chapter applies

This Chapter applies to all land within the Uralla Shire.

General Advice to Applicants for Subdivision

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

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

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

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

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

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

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

Subdivision of Bushfire Prone Land

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

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

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

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

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

Subdivision in Residential Areas

Where this Section Applies

The Section applies to the following land use zones:

- R1 General Residential
- R2 Low Density Residential

Aims and Objectives

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

Performance Outcomes

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

Acceptable Solutions

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

- Where no other alternative is possible, (e.g. access or laneway), Council may ~~consider hatchet shaped battle axe allotments~~. The specifications for these allotments shall be:
 - The access handle is to be excluded from calculation of area of the lot for the purposes of minimum lot size calculations,
 - Minimum width of access handle - 3.65 metres,
 - The access handle is to be concreted or sealed,
 - The access handle shall have a setback of at least that specified for a side setback in the section Setbacks and Building Envelopes in the Residential Development chapter,
 - A maximum of one ~~hatchet battle axe~~ lot per existing lot to have access over the handle,
 - The maximum height of the access way fencing shall be 900mm between the front of the adjacent dwelling and the street, and 1800mm between the front of the adjacent dwelling and the rear of the lot.
 - The prime objective in designing the access way is to provide for vehicles to be able to move in a forward direction when entering or leaving the site. However, this does not generally apply to the road frontage lot, unless there is a special problem concerning available sight distance.
 - Turning facilities are to be provided within the terms of the access/right-of-carriageway or within each lot, as determined by the Council. This is to be provided for in a Section 88B Instrument as required.
- In subdivisions involving ten or more lots the subdivider shall be required to provide a financial contribution in accordance with the relevant Section 94 plan with the funds to be applied by the Council in acquiring or improving recreation reserves.
- **New roads** created by the subdivision shall be constructed and sealed according to Council's technical specifications;
- Council may require that a **traffic study** to be undertaken where there is a likelihood of a significant increase in traffic volumes resulting from the subdivision;
- Council may require that **existing roads be upgraded** to a suitable standard to cater for any expected increase in traffic;
- The following **services** shall be provided to each lot at the subdivider's cost:
 - reticulated water,
 - a sewerage connection,
 - electricity,
 - telephone service,
 - the necessary underground conduits for the passage of future service lines,
 - any easements required to facilitate the provision of services and/or inter-allotment drainage;
- **Council will carry out all works associated with connection to the existing reticulated water and sewerage network** with full costs to be met by the developer;
- Proof of **satisfactory arrangements concerning the provision of electricity and telephone service** shall be provided prior to issue of the subdivision certificate;
- In general, for any new lot created by a subdivision, the applicant is to meet 100 percent of the **costs of constructing kerbing and guttering** and all necessary associated stormwater drainage infrastructure. A more detailed treatment of this is provided in Chapter 16 – Kerbing and Guttering.
- **Lane Widening:** Where land facing an existing lane is to be subdivided, Council requires the provision of a strip of land no more than 4.57m wide across the frontage to be dedicated as a public road at no cost to Council, for the purpose of **lane widening**. This control applies to subdivision adjacent to the public lanes identified in **Figure 2.1**. The width of this strip will depend upon:
 - the width of the pavement required;
 - the width required to locate services in the road reserve; and
 - the logical extension of footpaths on both sides of the road.

Note: Council requires the minimum road reserve width of 13.7 metres to provide services to new lots and to provide a road carriageway and pedestrian footpaths. The consistent application of this development control will enable Council to continue its policy of upgrading lanes. Road reserve width refers to the width of the whole road area from fence to fence.

Figure 2.1 Land Where Lane Widening is Applicable

Alternative Solutions

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

Subdivision in Village Areas

Where this Section Applies

The Section applies to the following land use zones:

- RU5 Village

Aims and Objectives

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

Performance Outcomes

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

Acceptable Solutions

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

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

Alternative Solutions

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

Subdivision in Large Lot Residential Areas

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

Where this Section Applies

The Section applies to the following land use zone:

- R5 Large Lot Residential

Aims and Objectives

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

Performance Outcomes

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

Acceptable Solutions

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

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

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

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

Alternative Solutions

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

Subdivision in Rural Areas

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

Where this Section Applies

The Section applies to the following land use zones:

- RU1 Primary Production
- RU2 Rural Landscape

Aims and Objectives

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

Performance Outcomes

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



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

Acceptable Solutions

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

Alternative Solutions

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

Subdivision in Commercial and Industrial Areas

Where this Section Applies

The Section applies to the following land use zones:

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

Aims and Objectives

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

Performance Outcomes

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

Acceptable Solutions

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

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

Alternative Solutions

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

Chapter 3 Residential Development

About this Chapter

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

Where this Chapter applies

This Chapter applies to the following zones under Uralla LEP:

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

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

General Advice to Applicants for Residential Development

Aim

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

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

Vehicular access and parking requirements are outlined in Chapter 6.

Application of Controls

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

Site Design and Layout

Aims

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

Performance Outcomes

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

Acceptable Solutions

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

Alternative approaches and design suggestions

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

Density

Introduction and General Provisions

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

Aims

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

Performance Outcomes

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

Acceptable Solutions

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

Table 3.1 Density

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

Alternative approaches and design suggestions

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

Setbacks and Building Envelopes

Introduction and General Provisions

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

Aims

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

Performance outcomes

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

Acceptable solutions

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

Table 3.2 Setbacks

Zone R1 – General Residential

Zone RU5 – Village

Standard	Conditions
Street setback (from primary street frontage) – at least the average distance of the setback of the two adjoining dwelling houses located within 40m of the lot on which the dwelling house is to be erected; or, where there are not two dwelling houses located within 40m of the lot, the front setback shall be a minimum of 6m.	Nil
Street setback (from secondary street frontage if applicable) – minimum of 4m. as per the Codes SEPP.	Nil
Side and rear setback – Build to boundary	Walls less than 3.5m in height; Fire rated (e.g. brick or masonry); No windows; Not more than 10m along the boundary;

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

Zone R2 – Low Density Residential

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

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

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

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

Open Space

Introduction and General Provisions

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

Aims

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

Performance Outcomes

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

Acceptable Solutions

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

Table 3.3 Landscaping

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

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

Alternative approaches and design suggestions

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

Secluded private open space

Introduction and General Provisions

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

Aims

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

Performance Outcomes

Ground floor dwellings

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

Upper floor dwellings

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

Acceptable Solutions

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

Table 3.4 Secluded Private Open Space

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

Alternative approaches and design suggestions

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

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

Landscaping of Open Space Areas

Introduction and General Provisions

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

Aims

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

Performance Outcomes

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

Acceptable Solutions

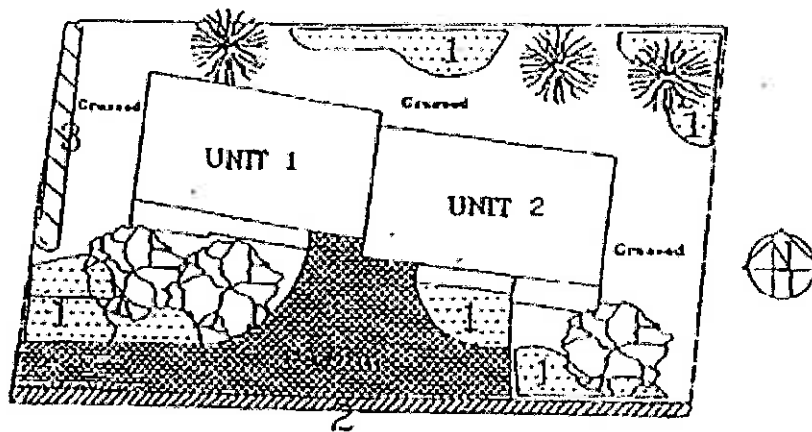
A landscape concept plan (similar to the example given in **Figure 3.1**) is provided with the development application. A mix of exotic and native vegetation may be used noting that:

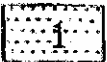




- Native trees (particularly ones from the local area) can help to enhance biodiversity and provide urban habitat for birds and other wildlife; and
- Exotic deciduous trees have an important role to play as part of managing solar access (i.e. shading in summer, and allowing sunlight to permeate in the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

Advisory Note

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

Figure 3.1 Example of Concept Landscaping Plan



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	

Alternative approaches and design suggestions

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

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

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

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

Privacy

Introduction and General Principles

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

Aims

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

Performance Outcomes

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

Acceptable Solutions

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

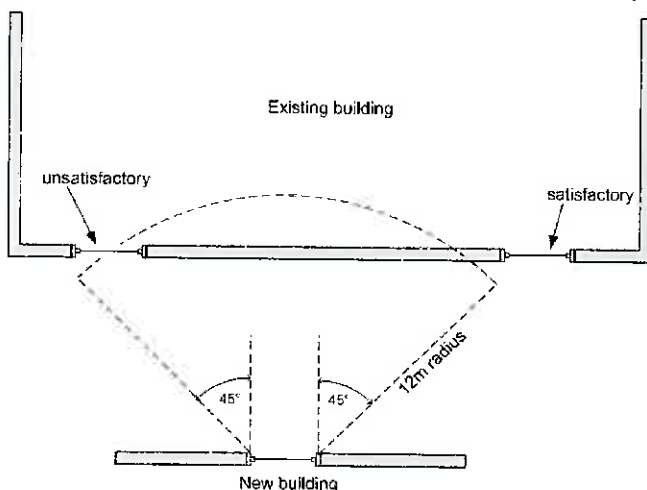


Figure 3.2 Avoid direct viewing of adjacent windows

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

Alternative Approaches and Design Suggestions

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

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

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

Fencing

Introduction and General Principles

Fencing of land provides the following benefits:

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

Aims

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

Performance Outcomes

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

Zone R1 – General Residential & Zone RU5 – Village

Acceptable Solutions

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

Alternative Approaches and Design Suggestions

Nil

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

Acceptable Solutions

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

Solar Access

Introduction and General Principles

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

Aims

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

Performance Outcomes

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

Acceptable Solutions

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

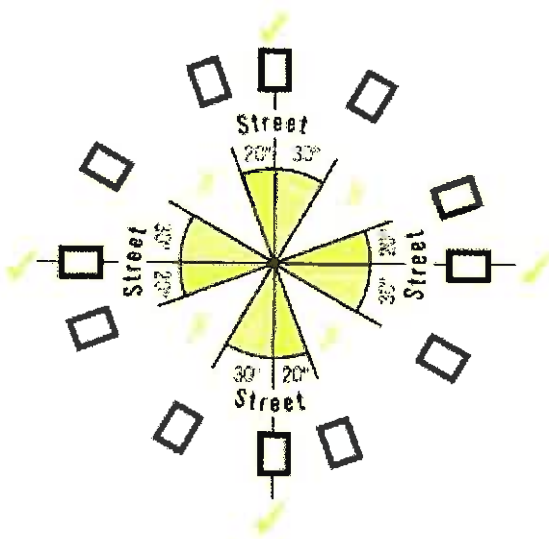
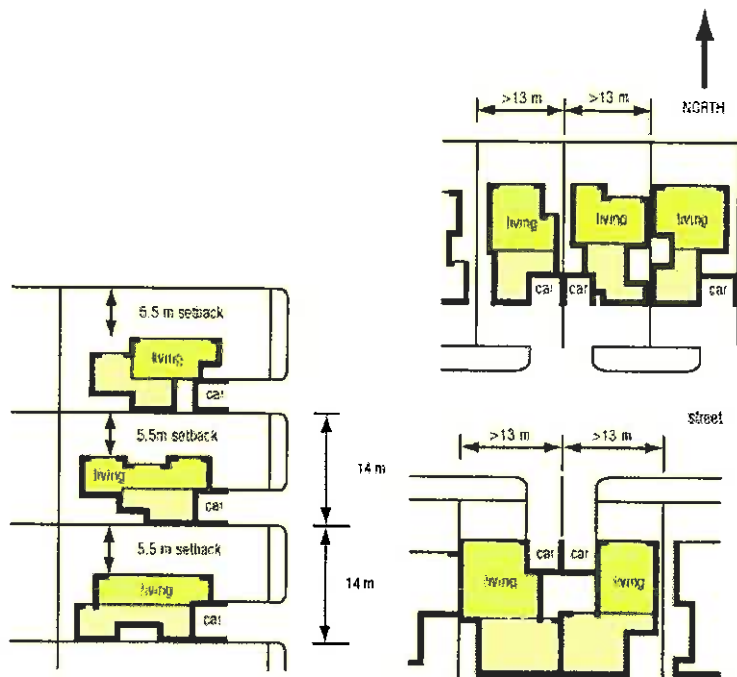
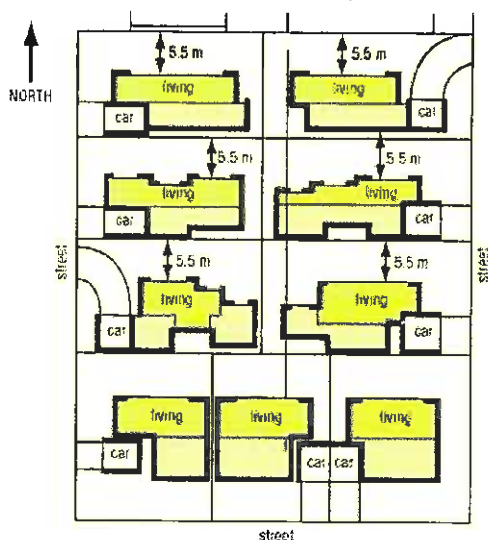


Figure 3.3 Acceptable range for solar orientation

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



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



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

Figure 3.4 Placement on lots for best solar access

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

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

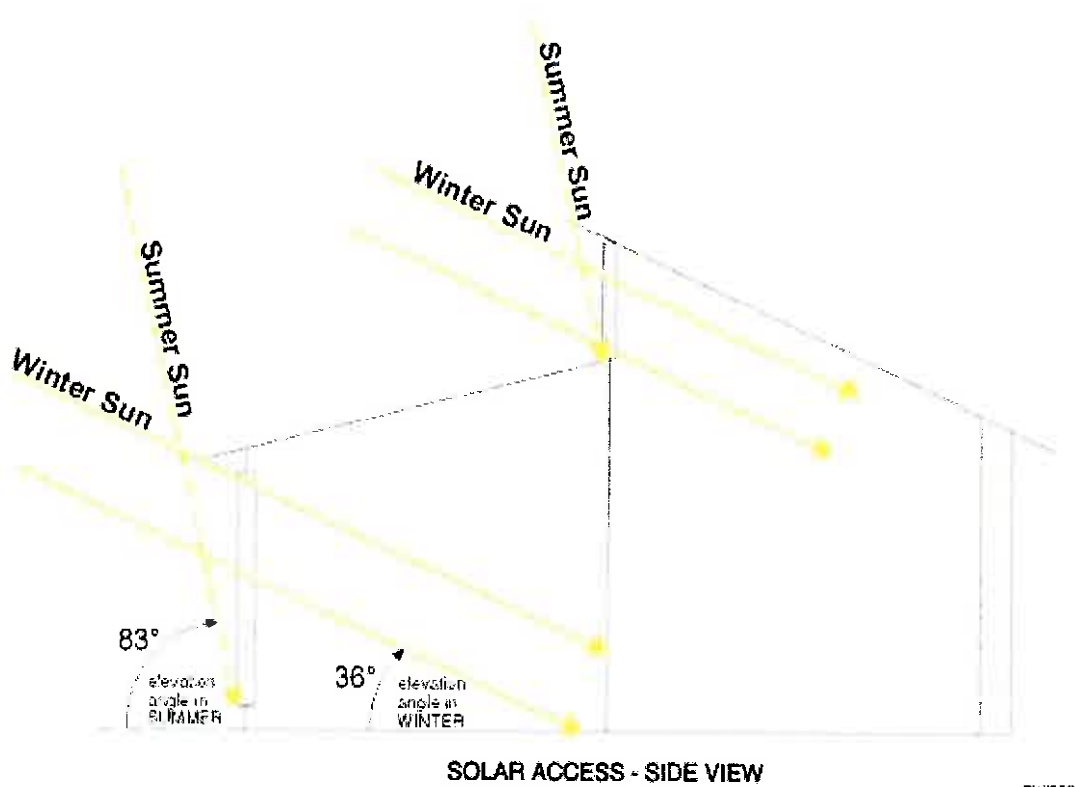


Figure 3.5 Windows and Eaves

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

Alternative Approaches and Design Suggestions

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

Dual Occupancy

Introduction and General Principles

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

Aims

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

Performance Outcomes

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

Acceptable Solutions

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

Alternative Approaches and Design Suggestions

Nil.

Secondary Dwellings

Introduction and General Principles

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

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

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

Secondary dwellings are permitted in the following zones:

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

Complying Development

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

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

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

Aims

The aims of the AHSEPP are:

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

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

Objectives

Lot requirements

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

Site Coverage

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

Design

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

Private Open Space

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

Acceptable Solutions

- The site area of the land in which the principal and the secondary dwelling are located must be at least 450 m².
- Secondary dwellings must have only one bedroom.
- Secondary dwellings must be constructed to be adaptable for people with a disability. (*Adaptable housing is designed so that if and when accessible features are required the superstructure is in place to provide them without major work. It will suit future occupants with varying levels of disability. AS 4299 Adaptable Housing provides relevant construction standards.*)
- A lot on which a secondary dwelling is erected must have lawful access to a public road.
- The lot on which a secondary dwelling is located cannot be subdivided.
- A secondary dwelling cannot be located on a single lot of land that is twice the size (200%) of the minimum lot size for that land. The ULEP 2011 specifies the minimum lot size for land.
- The floor area of a secondary dwelling must not be greater than 60 m² or 30% of the total floor area of the principal dwelling.

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

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

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

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

Multi Dwelling Housing

Introduction and General Principles

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

Aims

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

Performance Outcomes

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

Acceptable Solutions

- May be attached or detached;
- Must comply with all other requirements for dwellings within this Chapter of the DCP;
- Must be connected to a reticulated water supply and Council's sewerage system;
- Car parking facilities shall be provided behind the front building line for the allotment at a minimum rate of 1 space per dwelling, and served by a driveway having a minimum width of 3 metres. Also refer to Chapter 6 Access and Parking. Other specific engineering requirements may also apply (including the provision of parking for visitors);

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

Alternative Approaches and Design Suggestions

Nil.

About this Chapter

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

Where this Chapter applies

This Chapter applies to land zoned in the Uralla LEP as

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

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

Biodiversity

Aims

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

Performance outcomes

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

Acceptable solutions

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

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

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

Alternative approaches and design suggestions

None specified.

Bushfire Management

Aims

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

Performance outcomes

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

Acceptable solutions

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

Alternative approaches and design suggestions

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

Access to Rural Properties - General

Performance outcomes

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

Acceptable solutions

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

Alternative approaches and design suggestions

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

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

Table 4.1 Rights of Carriageway

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

Access to Rural Properties – Land subdivided for agricultural purposes

General

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

Performance Outcomes

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

Acceptable Solutions

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

Rural Dwellings

General

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

Note regarding permissibility

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

Note regarding consultation

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

Basic information to be provided – all applications

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

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

Additional information

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



Performance Outcomes

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

Acceptable Solutions

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

Alternative approaches and design suggestions

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

Dual occupancies in Rural Areas

Additional considerations for dual occupancies:

- Only *attached* dual occupancies are permitted in the RU1, RU2, R5 and E4 zones;
- Dual occupancies are *not* permitted in the E3 zone;
- No additional vehicular access point to the property is required;
- Provision is made on-site for all weather driveway and parking spaces to serve both dwellings;
- The development is adequately landscaped to protect the scenic amenity of the area;
- Any extensions to an original dwelling (to permit dual occupancy) shall have a design relationship with the existing dwelling house;
- Building materials and colours shall blend with any existing buildings and the natural features of the area and landscape;
- Details of water supply including source of supply, and, where that is from a tank, details of calculations so as to ensure that water supply will be adequate to serve both dwellings. Water supply and storage information also needs to address Planning for Bushfire Protection 2006;
- The proposed treatment of waste water must be in accordance with Council's On-Site Waste Water Management Strategy
- The development must comply with the provisions of the [National Building Code](#).

About this Chapter

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

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

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

Where this Chapter applies

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

General Advice to Applicants

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

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

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

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

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

Aims and Objectives

This chapter is intended to achieve the following:

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

Performance Outcomes

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

Acceptable Solutions

Change of Use

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

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

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

Provision of Services

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

Access for Persons with Disabilities

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

Height

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

Access and car parking

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

On-site facilities

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

Development on land adjoining land zoned R1 General Residential

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

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

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

Energy efficiency

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

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

Exempt and Complying Development

~~The Codes SEPP specifies a range of developments that can be undertaken as exempt and/or complying development. The following are of particular note for commercial and industrial buildings.~~

~~Change of use of premises can be undertaken as either exempt or complying development depending on the particular circumstances. If undertaken as exempt development, it is a Council requirement that written advice be lodged with Council detailing the change of use.~~

~~Other complying development that can be undertaken includes internal building alternations, mechanical ventilation systems, shop front and awning alterations, and skylights and roof windows.~~

~~Further information on the requirements to permit development to be undertaken as either exempt or complying can be obtained from the Codes SEPP or by contacting Council's planning staff. The Codes SEPP can be downloaded via links provided at the Department of Planning's website (www.planning.nsw.gov.au).~~

Zone B2 – Specific Considerations

B2 Local Centre

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

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



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

Heritage Considerations

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

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

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

Building lines and setbacks

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

Front Building line

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

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

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

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

Side and rear setbacks

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

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

Zone B4 – Specific Considerations

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

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

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

Building lines and setbacks

Front setbacks

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

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

Side and rear setbacks

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

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

Zone B6 – Specific Considerations

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

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

Building lines and setbacks

All street frontages in the zone

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

Side and rear setbacks

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

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

Development in Gateway Areas

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

Zone IN1 – Specific Considerations

The objectives of this zone are:

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

Building lines and setbacks

All street frontages in the zone

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

Side and rear setbacks

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

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

Zone IN2 – Specific Considerations

The objectives of this zone are:

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

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

Building lines and setbacks

All street frontages in the zone

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

Side and rear setbacks

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

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

Chapter 6 Access and Parking

About this Chapter

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

Where this Chapter applies

This Chapter applies to all zones under the Uralla LEP.

Aims and Objectives

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

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

Access and Traffic Generation

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

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

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

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

Parking Requirements

General

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

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

Provision of Parking Spaces

Aims

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

Performance Outcomes

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

Acceptable Solutions

- Council will require the provision of on-site car parking at the rate set out in Table 6.3 for any particular type or category of development;
- Car parking is provided on the site of the development;
- The layout and dimensions of car parking areas is in accordance with the design standards and principles as set out in Appendix B;
- Provision of car parks for people with disabilities shall be in accordance with AS 2890.6 (2009);
- All required car parking areas, driveways, turning areas and loading areas are paved in either a bitumen seal coat, asphaltic or bituminous concrete, cement concrete, concrete paving blocks, or brick paving blocks. *Note: The standard of paving required will be dependent upon the type of development proposed, with regard to traffic loadings including turning movements of heavy vehicles;*
- In villages and rural areas paving to driveways, turning areas, loading areas and car parking areas shall be all-weather. *Note: surface materials to be at the discretion of Council's Director of Technical 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 cash contribution in lieu. Contributions will be based upon the number of spaces, rate of total parking demand, cost of provision and Council's ability to provide parking.

Table 6.1 Car Park Provision - Acceptable Solutions

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

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

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

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

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

Explanatory Notes

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

Chapter 7 Commercial Use of Public Footways

About this Chapter

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

Where this Chapter applies

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

General Advice to Applicants for Commercial Use of Public Footways

Aims

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

Objectives

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

Gaining Approval

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

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

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

Lease Agreement

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

Public Liability Insurance

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



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

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

Hours of Operation

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

Footpath Clearance and Building Access

Introduction and General Provisions:

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

Aims

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

Performance outcomes

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

Acceptable solutions

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

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



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

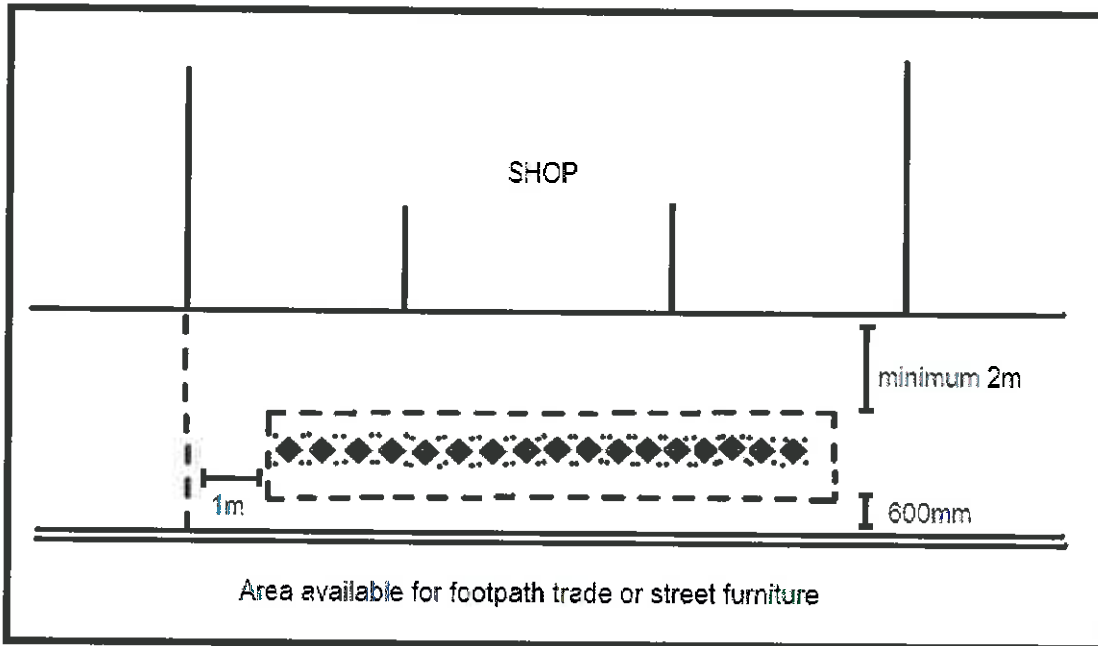


Figure 7.1 Footpath lease area adjacent to the kerb

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

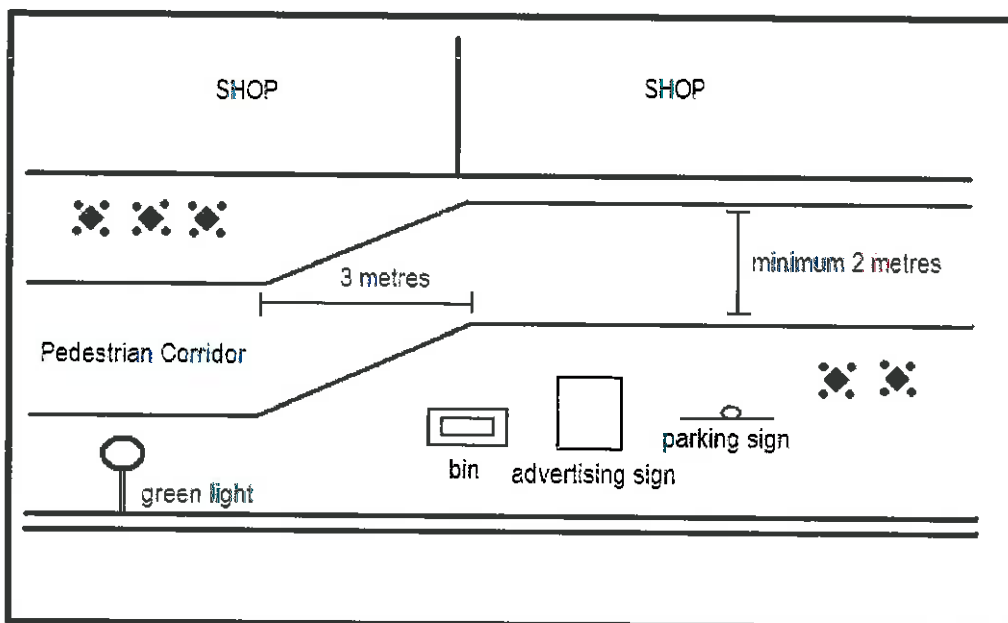


Figure 7.2 Alternative footpath lease area arrangements

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

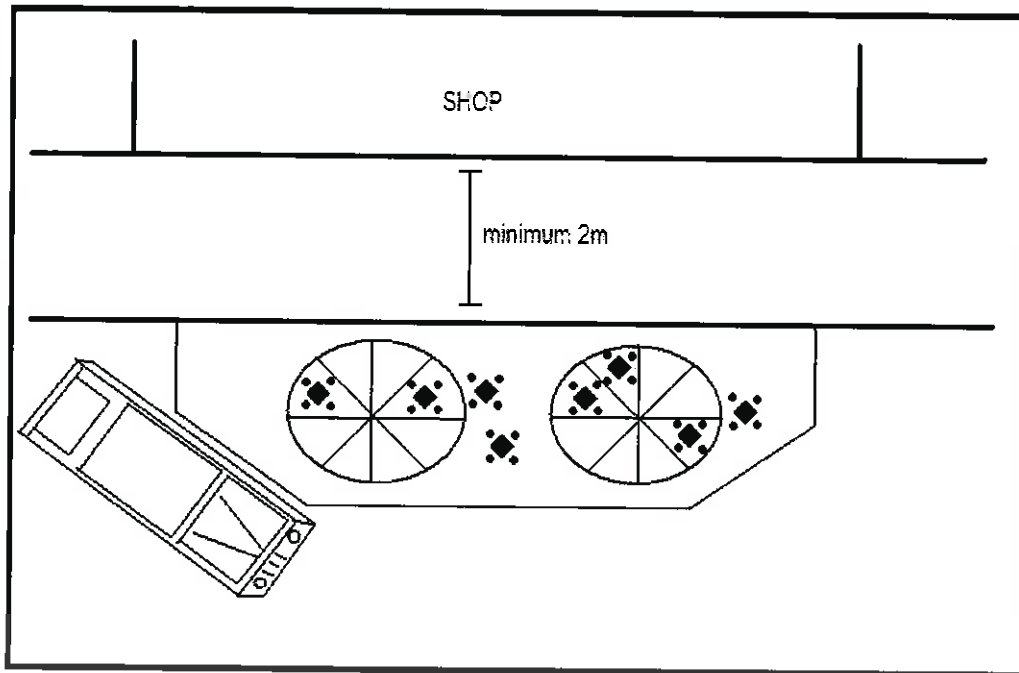


Figure 7.3 Blister dining or displays

Operation of Outdoor Dining Areas

Aims

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

Performance Outcomes

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

Acceptable Solutions

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

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

Alternative approaches and design suggestions

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

Merchandise Displays on Public Footpath Areas

Aims

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

Performance Outcomes

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

Acceptable Solutions

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

- Merchandise from each business house must be located immediately in front of the subject premises only, and must not obstruct pedestrian or vehicular traffic unnecessarily;
- The merchandise must be located in accordance with Figures 7.1, 7.2 and 3-7.3 and shall be removed from the road reserve at night;
- The merchandise is to be anchored to the satisfaction of the Council, e.g. suitably designed 5kg weight or an approved recessed ring;
- Shopkeepers/proprietors are responsible for ensure adequate Public Risk Insurance coverage (to a minimum of \$10m) is taken out to indemnify Council against any claims for damages that may arise from claims of damage from the merchandise. A copy of the current Policy is to be submitted to Council annually; and
- A clear pedestrian pathway of 2m shall be maintained at all times between merchandise displays and any street furniture located wholly or partly within the clear pathway.

Sandwich Boards

Aims

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

Performance Outcomes

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

Acceptable Solutions

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

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

Chapter 8 Signage and Outdoor Advertising

About this Chapter

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

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

Where this Chapter Applies

This Chapter applies to all zones under the Uralla LEP.

Aims and Objectives

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

Performance Outcomes

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

General advice to Applicants for Development

No Approval Required for Some Signs

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

The replacement of:

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

The standards specified are that the development must:

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

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

Development applications

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



- A development application fee is payable as specified in Council's current Management Plan; and
- The application shall indicate the sign's position and location, site, size, construction details, if double sided, distance from other signs, wording, and colour. (The sign must be non-flashing and not interfere with traffic.)

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

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

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

Maintenance

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

Signs that are not acceptable

The following types of signs are not considered acceptable:

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

Illegal signs

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

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



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

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

Acceptable Solutions

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

Signs in Heritage Areas or on or near Heritage Buildings

The only permissible signs for heritage areas are the following:

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

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

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

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

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

Street seat and bus shelter advertising

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

Sandwich boards

See Chapter 7 Commercial Use of Public Footways.

Tourist information/directional signs

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

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

Signs in Residential Zones (R1, R2 & R5)

The only permissible signs for residential zones are the following:

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

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

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

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

Area and height of signs

- No advertising structures will have a surface area greater than 10m² except where such signs are replacement signs. In this case, if the sign is larger than that allowed and was erected prior to the introduction of this policy, Council may approve it provided that the new sign is not larger than the sign it replaces;
- The height of any free-standing sign will not exceed 8m from the ground except where it replaces an existing sign, in which case Council may approve such sign provided that it does not exceed the height of the original sign;
- The height of signs erected on roof lines shall not exceed 1m between the roof line and the bottom of the advertising sign;
- All advertising signs approved by Council are to comply with State and regional electricity regulations in respect to safety distances from electrical power lines and installations.

Location

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

Number of signs

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

Signs in Rural Zones (RU1 and RU2)

The only permissible signs for rural zones are the following:

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

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

Location

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

Controls for signs greater than 20m² in area.

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

Table 8.1 Signage

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



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



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

Reference

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

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

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

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

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



Chapter 9 Development and Heritage Conservation

About this Chapter

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

This Chapter provides additional information about development and heritage conservation.

Where this Chapter applies

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

General Advice to Applicants for Development

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

Exempt Development

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

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

- Complying development generally cannot take place on heritage items and draft heritage items locally listed on Schedule 5 of the LEP; but if the item is clearly mapped or described, the development can still take place on the land outside the mapped area;
- ~~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 Uralla 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 (residential) detached outbuilding or a swimming pool; and
- Certain complying development types are permissible under the General Commercial and Industrial Code in the Codes SEPP (see chapter 5 Development in Commercial and Industrial Areas).

Performance Criteria

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

Acceptable Solutions – Uralla Town Centre

Aims and Objectives

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

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

Significant features

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

Material and external appearance

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

Streetscape

Colour schemes

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



Lucas and Stapleton on Colour Schemes for Old Australian Houses (~~see reference list at end of this floor areastorey~~).

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

Infill development

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

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

Verandahs and awnings

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

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

Roofs

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

Contributory buildings (includes Heritage items)

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

Table 9.1 Heritage significance categories

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



Category	Description	Acceptable Solutions
Category 2: Significant Contribution	Buildings of form and character with a high degree of intactness which contribute significantly to the character of the area.	Maintain and where appropriate, restore heritage characteristics and streetscape intactness.
Category 3: Contribution Compromised	Buildings which contribute to the character of the area but whose significance has been reduced by loss of original materials/details (e.g. roofs, fences, verandas verandahs and unsympathetic changes) or inappropriate decorative treatment.	Reconstruct original features/ remove unsympathetic additions.
Category 4: Complementary In-fill or Neutral Impact Buildings	In-fill buildings which complement heritage characteristics and streetscape qualities. Buildings whose impact on the heritage character of the area is neutral.	Ensure buildings and/ or the site continues to complement its surrounding development with no adverse impact on the heritage significance of the area. Maintain the neutral impact of such buildings and improve as and when appropriate, by reconstruction of original features or removal of unsympathetic additions.
Category 5: Adverse Impact	Buildings which have an adverse impact on the precinct because of their scale, design, assertiveness, materials, or because their original qualities have been altered, removed or destroyed	Encourage the ultimate replacement of the building with one less assertive, or ameliorate their adverse impact by more appropriate colour scheme, etc.

Acceptable Solutions – Bundarra Town Centre

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

Acceptable Solutions – Rocky River Gold Mining Precinct

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

Acceptable Solutions – Wollun Village Precinct

- This precinct has ~~no~~ few specific heritage buildings to be protected, ~~however~~ and it does represent an important location in terms of being the site of a former small town that has been subjected to decline through increased mobility and depopulation; and
- Consent is required for any development that would involve altering a heritage item or a building, work, relic, tree or place.

Alternative Solutions

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

Reference

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

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

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

Chapter 10 Development in Gateway Areas

About this Chapter

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

Where this Chapter applies

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

Aims and Objectives

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

Performance Outcomes

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

General Advice to Applicants for Development

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

Acceptable Solutions

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

The landscaping requirements and guidelines for development are:

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

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

Chapter 11 Floodplain Development and Management

About this Chapter

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

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

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

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

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

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

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

Where this Chapter applies

This Chapter applies to all land within the Uralla Shire.

Terms used in this Chapter

Technical terms used in this Chapter are defined below.

Annual exceedance

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

Extreme flood

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

Floodway areas:

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



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

Relationship to Other Planning Instruments

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

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

General Advice to Applicants

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

Aims and Objectives

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

Performance Outcomes:

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



Acceptable Solutions:

Flood Planning Controls – Bundarra

Flood planning controls are based upon a flood plain management study completed in 1982 by consultants Cameron McNamara. In this study, the consultants identified two distinct flood control areas within the flood planning area at Bundarra – Area A which can be characterised as a *floodway*, and Area B which can be characterised as a *flood storage area*.²

The Flood Planning Area is as mapped in Flood Planning Map Sheet FLD_001A in the LEP, and reflects a level at the Bundarra gauge of 13.2m plus a freeboard of 0.5m (AHD 653.54). This height (AHD 653.54) is the *Flood Planning Level* for Bundarra.

Land in the floodway would be subject to relatively deep inundation and access problems in the 1% AEP flood event, and as such further development within this zone should be limited. The flood storage area can support further development provided that various precautions are implemented. The areas hatched in light blue in Figure 11.1 are the flood storage areas, while the rest of the flood planning area enclosed by the dark blue line is expected to behave as a floodway in a 1% AEP flood event.

Before determining an application for development on land within the Flood Planning Area in Bundarra, Council must take into account the general considerations applying to all applications as well as those additional matters which are relevant to the type of development that is proposed.

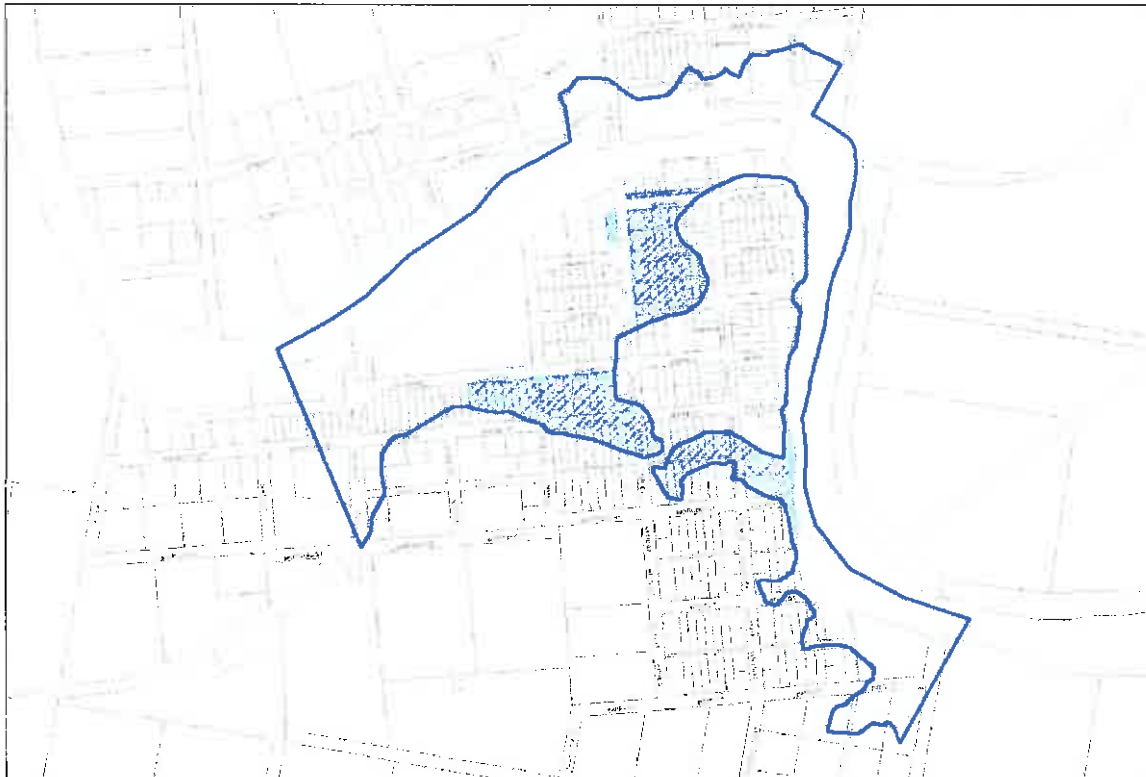


Figure 11.1 Flood Planning Area at Bundarra. Flood storage areas are hatched in light blue. Unhatched area is floodway in a 1% AEP event.

² While not formally identified as either ‘floodway’ or ‘flood storage area’ in the Cameron McNamara study, the areas can be reasonably characterized in this way given the general comments about flood behavior and flow provided in that study.

Flood Planning Controls - Uralla

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

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

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

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

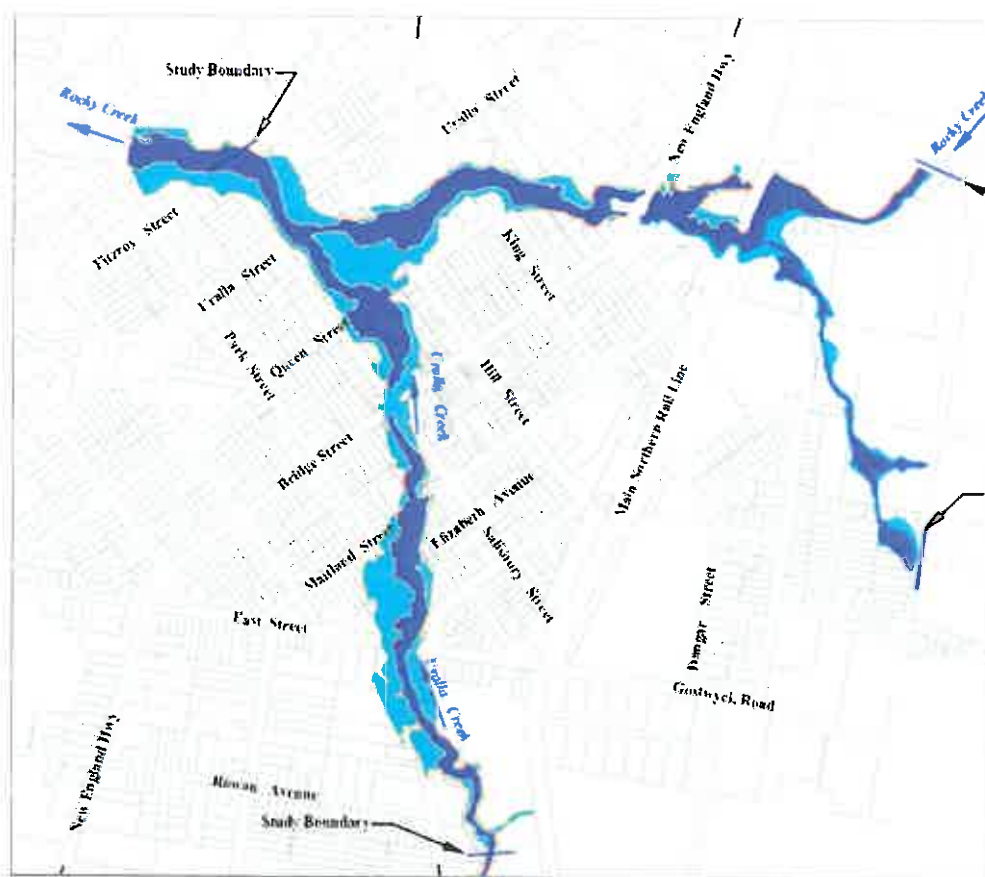


Figure 11.2 Flood Planning Area at Uralla



Development in Floodways

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

Development Generally

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

New Development

- No new buildings are to be constructed in the floodway unless the site has been filled to above the 1% AEP flood level (refer separate controls for filling of land in the floodway) or the development is certified³ by a qualified engineer that it will not alter flood behaviour to the detriment of other property.
- Filling of land or enclosed building foundations will only be permitted where it can be demonstrated there will be no change to flood behaviour beyond the property boundary.
- Where filling or enclosed building foundations are involved, the proposal shall be accompanied by a certified flood study report (refer footnote #3) which demonstrates that there will be no measurable adverse effect on flood behaviour, over the full range of floods, beyond the property boundary or adverse effects to drainage or surface runoff of adjoining properties.
- Buildings will not be enclosed below the Flood Planning Level, except for the purposes of a garage and laundry facilities and the entry to a maximum enclosed area of 40 square metres;
- Any on-site sewerage management system must be constructed above the Flood Planning Level or must be sealed against flood waters.
- Development shall be sited to provide safe access (vehicular and pedestrian) to a location above the 1% AEP flood level.

Redevelopment

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

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

⁴ Refer Appendix 11.1 Flood Proofing Guidelines

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

Fencing

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

Development in Flood Storage Areas and Extreme Flood Extent

Prior to giving consent to any development with [these areas](#), Council shall take into consideration the following:

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

Additional Matters for Consideration – Commercial and Industrial Development

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

- The floor level of any structure or building shall be at or above the Flood Planning Level.
- The likely depth of water and the proposed floor level.
- Measures to store or remove goods and plant above the Flood Planning Level.
- Whether any development below natural ground level is capable of being adequately drained.
- Whether satisfactory egress is provided from the building during times of a major flood event.

- Any dangerous goods or chemicals must have adequate and proper storage above the Flood Planning Level.

Flood Planning Controls – Unmapped Areas

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

The Floodplain Management Manual provides the following advice:

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

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

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

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

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

Alternative Solutions and Design Suggestions:

Other forms of development

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



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

Variations to the DCP requirements

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

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

Decision criteria for variations to the DCP

In assessing all such applications Council will have regard to:

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

Flood Proofing Guidelines

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

Flood proofing by filling of the site is generally preferable where

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

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

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

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

Table A.11.1 Flood Compatible Materials

Component	Flood Compatible Material
Flooring and Sub-floor	Concrete slab-on-ground monolith construction Suspended reinforced concrete slab
Wall Structure	Solid brickwork, blockwork, reinforced, concrete or mass concrete
Wall and Ceiling Linings	Fibro-cement Brick, face or glazed Clay tile glazed in waterproof mortar Concrete Concrete block Steel with waterproof applications Stone, natural solid or veneer, waterproof grout Glass blocks Glass Plastic sheeting or wall with waterproof adhesive
Roof Structure	Reinforced concrete construction Galvanised metal construction
Doors	Solid panel with water proof adhesives Flush door with marine ply filled with closed cell foam Painted metal construction Aluminium or galvanised steel frame
Insulation	Closed cell solid insulation Plastic/polystyrene boards
Windows	Aluminium frame with stainless steel rollers or similar corrosion and water resistant material.
Nails, Bolts, Hinges and Fittings	Brass, nylon or stainless steel Removable pin hinges Hot dipped galvanised steel wire nails or similar
Main Power Supply	Subject to the approval of the relevant authority the incoming main commercial power service equipment, including all metering equipment, shall be located above the designated flood level. Means shall be available to easily disconnect the dwelling from the main power supply.

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

Chapter 12 Regulation of Brothels

About this Chapter

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

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

Where this Chapter applies

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

General Advice to Applicants for Brothels

Purpose

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

Aims

This aims of this chapter are to:

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

Objectives

The objectives of this chapter of the DCP are:

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

Application of the Chapter

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



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

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

Information to be supplied

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

(a) Plan Information:

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

(b) Written Information:

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

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

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

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

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

Establishment of Brothels

Introduction and General Provisions

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

Aims:

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

Performance outcomes

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

Acceptable solutions

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

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

Alternative approaches and design suggestions

N/A.

Operation of Brothels

Introduction and general provisions

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

Other general provisions:

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

Aims

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

Performance outcomes

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

Acceptable solutions

Sanitary facilities:

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

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

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

Linen:

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

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

Contaminated waste:

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

Spa and swimming pools:

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

Note: Approved methods include:

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

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

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

Ventilation and Lighting:

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

Noise:

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

Alternative approaches and design suggestions

N/A.

About this Chapter of the DCP

Outline

This Chapter of the DCP:

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

Purpose

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

Aims and Objectives

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

Structure of this Chapter

This Chapter is divided into the following parts:

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

Notification Procedures and Guidelines for Applications

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

Notification of Applications

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

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

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

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

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

Applications which will not be notified

The following Applications will not be notified [as per the provisions of this document](#):

Exempt and Complying Development:

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

Subdivisions:

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

Commercial or Industrial Uses:

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

Houses and Extensions:

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



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

Swimming Pools:

- Private swimming pools.

Persons to be Notified

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

Other Referrals

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

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

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

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

Notification of Amendments prior to determination & Modification Applications under S96

Amendments prior to Determination

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

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

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

Modification of an Approval (after Determination) under Section 96

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



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

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

Notification Period

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

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

Form of Submissions from Persons Notified & the General Public

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

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

Consideration of Submissions

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

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

Applicant to be advised of Objections

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

Notification of Determination

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



Advertising of Applications

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

Advertising & Notification Costs

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

Integrated, Designated Development and other Categories of Development

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

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

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

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

Integrated Development

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

Public Notification and Exhibition

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

Designated Development

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

Public Notification and Exhibition

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

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

Other types of Approval

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

Public Notification and Exhibition

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

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

Chapter 14 Contaminated Land

About this Chapter

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

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

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

Where this Chapter applies

This Chapter applies to all land within the Uralla Shire.

General Advice to Applicants

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

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

Table 14.1 Potential land contaminating activities

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

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

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

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

Aims and Objectives

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

Performance Outcomes

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

Acceptable Solutions

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

SEPP 55 Requirements for Development

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

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



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

Other Planning Considerations for Contaminated Land

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

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

Alternative Solutions

Any alternative solutions must comply with the provision of:

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

Former Pole Treatment Plant

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

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

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

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

Chapter 15 Other Matters

About this Chapter

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

Where this Chapter applies

This Chapter applies to all land within the Uralla Shire.

Temporary Dwellings

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

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

Occupation of a temporary dwelling cannot commence until:

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

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

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

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

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

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

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

Relocation of Buildings

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

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



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

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

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

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

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

Shipping Containers

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

Exempt Development

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

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

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

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

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

General Standards (All zones)

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



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

Residential, Village or Rural Residential zones:

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

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

Rural and Environmental zones:

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

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

Industrial zones:

(IN1 and IN2 Industrial Zone)

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



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

Business zones:

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

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

Modification of shipping container :

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

Bed and Breakfast Accommodation

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

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

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

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

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

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

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

Objectives

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



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

Controls

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

Chapter 16 Kerbing and Guttering

About this Chapter

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

Where this Chapter Applies

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

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

Aims and Objectives

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

Performance Outcomes

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

Acceptable Solutions

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

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

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

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

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

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

Exemptions

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

Alternative Solutions

Nil.

Uralla Shire Council Development Control Plan

Adopted: 19 December 2011

Amended: XXXXX 2015

Version: v6.3.2015

For further information:

Visit www.uralla.nsw.gov.au or contact Council on
02 6778 6300 or by email at
council@uralla.nsw.gov.au

**Uralla Shire Council
Council Chambers and Administration Centre
32 Salisbury Street
Uralla NSW 2358**

**T (02) 6778 6300
F (02) 6778 5073
council@uralla.nsw.gov.au
www.uralla.nsw.gov.au**





Mr Damien Connor
General Manager
Uralla Shire Council
PO Box 106
URALLA NSW 2358

Your ref: DA 55-2014

Attention: Elizabeth Cumming

Dear Mr Connor

Uralla LEP 2012 Clause 4.6 Variation for Development Application 55-2014

I refer to Council's letter dated 22 January 2015 seeking the concurrence of the Secretary of the Department of Planning and Environment under clause 4.6 of Uralla LEP 2012 for a minimum lot size variation associated with Development Application 55-2014 (dwelling entitlement at Lot 74 DP 3378, Thunderbolts Way, Uralla).

As discussed with Council staff, the Secretary is unable to consider the request as it is not possible to grant consent for a 'dwelling entitlement'. A dwelling entitlement is not considered to be development as defined under the Environmental Planning and Assessment Act for which approval can be granted. While it has been argued at times that it may be considered as the 'use of land', the High Court has held that the use of land must be for a present use rather than a contemplated or intended use. The obtaining of consent for a 'dwelling entitlement' in this instance would only facilitate the intended use of the land at some time of the future (and only once consent for the erection of a dwelling has been obtained) and therefore does not constitute a present use that can be approved.

Should the proponent wish to pursue this matter, it is recommended that the development application be amended to a present use by including proposed dwelling plans and details. In accordance with Clause 252A of the Environment Planning and Assessment Regulation, a concurrence fee of \$320.00 should also be forwarded to the Department with the submission of an amended proposal.

Should you require any further information concerning this matter please me on (02) 6701 9685.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Craig Diss'.

Craig Diss 29/1/15
Team Leader, Northern Region



RECEIVED
- 6 MAR 2015

Mr D Connor
General Manager
Uralla Shire Council
PO Box 106
URALLA NSW 2358

Our ref: 15/05214
Your ref: DA-55-2014

4 March 2015

Attention: Elizabeth Cumming

Dear Mr Connor

Subject: Request for Concurrence for Development Application No 55-2014

I refer to Council's recent request for the Secretary's concurrence for Development Application No DA-55-2014 in accordance with clause 4.6 of the Uralla Local Environmental Plan 2012 (LEP).

Following consideration of the application, concurrence has been granted under clause 4.6(4)(b) of the LEP in respect to the application to allow a dwelling house on Lot 74, DP 3378, 14 Marsh Street, Uralla.

Concurrence has been granted in this instance for the following reasons:

- the lot is surrounded to the south and south west by lots of similar size each containing a residential dwelling, and
- there is no public benefit in maintaining the 200ha minimum lot size development standard for the proposed development.

Should you require any further information please contact Ms Gina Davis on 67019687.

Yours sincerely

4/3/15

Craig Diss
Team Leader
Northern Region

URALLA SHIRE COUNCIL	
F/N	DA-55-14
R/N	VI/15/828
A/P	Planning

Development Assessment Report

DA Number: 4/2015 **Council:** Uralla
Location: 44 Barleyfields Road, Uralla
Development Description: 60 Lot Subdivision
Title Details: Lot Lots 81, 462 & 543 DP 755846

Proposal Overview

The proposed development is for a 60 lot subdivision being small to medium sized residential lots over seven stages.

Property Details/History

	Checked	Comments
File History	Yes	
Title Plan	Yes	
Check Ownership	Yes	

Is there any other issue that requires notation? No

Application Type

Is this application an Integrated Development Application? No
 Is this application a Designated Development Application? No
 Is this application for State Significant Development? No
 Is this application submitted by/on behalf of a Public Authority? No
 Is this application a staged Development? Yes
 Is this application a section 96 amendment? No

Concurrence/Referral

Section 79b – EP & A Act

Does this application require concurrence referral? No
 Does this application require courtesy comment? No
 Is there any other issue that requires notation?
 Does this application require referral to the Environment, Development & Infrastructure Committee? Yes
 Does this application require referral for decision by Council? Yes

Local Environmental Plan

Section 79c(1)(a)(i) – EP & A Act

This land is zoned: R1 – General Residential

List the relevant clause/clauses applicable under the LEP

Clause	Compliance	Comment
Land Use Table	Yes	Complies with zone objectives
4.1	Yes	Minimum subdivision lot size

Is there a draft LEP or draft LEP amendment which may affect this proposal? No

Is there any other issue/feature that requires notation? No

Do 'existing use' provisions apply to this development?

No

Development Control Plan

Section 79c(1)(a)(iii) – EP & A Act

Does the Uralla DCP 2011 applies to this land/proposal? Yes

List the relevant clause/clauses under the applicable DCP

Chapter	Compliance	Comment
2. Subdivision	Yes	<ul style="list-style-type: none"> • Complies with aims & objectives for R1 zoning. • All acceptable solutions have been applied to this subdivision. • There are no alternative solutions required for this subdivision.
3. Residential Development	Yes	<ul style="list-style-type: none"> • The subdivision design has taken into account the provisions in this chapter.
6. Access and Parking	Yes	<ul style="list-style-type: none"> • Access and traffic generation have been complied with. • Council's design specifications have been taken into account.
14. Notification Procedures	Yes	<ul style="list-style-type: none"> • Notification was carried out as per the provisions of this chapter. • There were 5 submissions that were require referral to the ED&I Committee for consideration.
15. Kerbing and Guttering	Yes	<ul style="list-style-type: none"> • All acceptable solutions have been applied to this subdivision. • There are no alternative solutions required for this subdivision.

Is there a draft DCP which may affect this proposal? No

Is there any other issue that requires notation? No

Regional Environmental Plan

There is no REP applicable to this area.

State Environmental Planning Policy

Is this proposal affected by a SEPP? No

Planning Agreement

Section 93F (10) – EP & A Act

Is there a Planning Agreement in force under section 93F of the EP&A Act? No

Has a Planning Agreement been offered under this development? No

Planning Strategies/Local Policy

Section 79c(1)(b) – EP & A Act

Is there a Planning Strategy or Local Policy that requires notation? No

Has the applicant submitted any supporting planning assessments? Yes

Comment: An extensive statement of environmental effects.

Is there any other issue/feature that requires notation? No

Subdivision

Is this application for subdivision? Yes

How many new lots are being created? 57

Environmental Impacts

Section 79c(1)(b) – EP & A Act

Does this proposal have any potential impact on?

	Impact	Comment
Social	Yes	The size of this residential subdivision will result in a growth on the services within the Uralla township and community. This growth will affect social infrastructure such as schools, medical, emergency services and sporting clubs. The size of the potential growth will be a beneficial not a detrimental effect.
Economical	Yes	The size of this residential subdivision will include the added potential benefit of extra patronage to the Uralla commercial and industrial community.
Siting & Configuration	Yes	The siting of the subdivision is on the outskirts of Uralla. The configuration of the design has taken into account where possible all favourable aspects in relation to the size of the allotments and the natural topography.
Setbacks	No	The size of the lots will allow setbacks for dwellings and associated structures as per the provisions set out in the Uralla DCP 2011.
Privacy	Yes	The road location has been amended to ensure waiting traffic entering Barleyfields Road give as much privacy as possible to the existing dwellings across the road. The affected existing residential dwellings are on the northern side of Barleyfields Road. It is hard to argue privacy loss when the existing dwellings are of the same nature and the lot sizing similar as the proposed.

Overshadowing	No	There will be no overshadowing on the existing dwellings on the northern side of Barleyfields Road. Overshadowing of any future dwellings will be considered at the time of construction.
Solar Access	Yes	The subdivision design and the size of the lots will allow for good solar access within the design of any future dwellings.
Visual	Yes	This development will create a visual impact, but it will not be offensive, and will one that should be expected from residential development.
Significant Views	No	No significant views will be lost.
Amenity	Yes	The siting of the subdivision is on the outskirts of Uralla. The configuration of the design has taken into account where possible all favourable aspects in relation to the size of the allotments and the natural topography, hence creating a favourable amenity for this development.
Water	Yes	Reticulated water will be made available to the subdivision.
Air	No	There will be no effect on the air.
Noise	Yes	There will be an increase in noise in the area. This noise will be residential in nature and not industrial.
Land Degradation	Yes	Land degradation has been taken into account. A soil and erosion control plan will be required for all construction works, with drainage measures being put in place to prevent and land degradation in the future.
Tree Loss	No	There will be minimal tree loss, but it is expected there will be extensive landscaping as per the normal for residential development such as this.
Flora	No	There will be some effect and any clearing especially in the northern eastern corner or on the TSR will require Council compliance before it happens. This has been conditioned.
Fauna	No	There will be some effect but it is expected to be minimal as the land is currently used for grazing purposes.

Environmental Impacts – Threatened Species

Section 79c(1)(b) – EP & A Act

Has a Threatened Species Impact Assessment been prepared?	No
Are there any species/communities listed under the TSC Act?	No
Does the proposed development require approval under the EPBC Act?	No

Environmental Impacts – Heritage

Section 79c(1)(b) – EP & A Act

Does this proposal have any potential impact on?

Heritage	Impact	Comment
European	No	
Aboriginal	No	

Is this land classified as containing an item of environmental heritage?	No
Is there an impact on and adjoining or in close vicinity to an item of environmental heritage?	No
Is this proposal in a heritage conservation Zone?	No
Is this proposal in an adjoining or in close vicinity to a conservation zone?	No
Has a Heritage Impact Statement been prepared for this proposal?	No
Has an Archaeological Survey been prepared for this proposal?	No
Is there any other issue/feature/impact that requires notation?	No

Flooding

Section 79c(1)(b) – EP & A Act

Is this property flood affected? Yes

Comment: The land has been identified in the Rocky and Uralla Creeks Flood Study 2014. The flood affected land has been marked on the proposed development and no building sites have been placed within the flood affected areas.

Bush Fire Prone Land

Section 79c(1)(b) – EP & A Act

Is this property bush fire prone as per the Bush Fire Prone Map? No

Contaminated Land

Section 79c(1)(b) – EP & A Act

Has this land been identified as being contaminated land by Council? No

Is this land in the close vicinity or adjoining a known contaminated site? No

Infrastructure

Has an engineering assessment been completed? Yes

Does this proposal have any potential impact on:

	Impact	Comment
Sewer	Yes	Reticulated Council service will be supplied to the subdivision. This will be subject to final engineering design and approval. Easements will be provided where necessary.
Water	Yes	Reticulated Council service will be supplied to the subdivision. This will be subject to final engineering design and approval. Easements will be provided where necessary.
Drainage	Yes	This will be subject to final engineering design and approval, and will take into account the natural topography. Easements will be provided where necessary.

Access	Yes	This will be subject to final engineering design and approval. All Council engineering specifications will be taken into account in the final design process. All access handles are to be bitumen sealed and where there are 2 users a maintenance agreement created as part of a section 88b instrument. Approval will be required from LLS to get access across TSR for stages 4 & 5. No access for lot 109 from Warwick street due to site safety distance.
Kerb & Gutter	Yes	This will be subject to final engineering design and approval.
Upgrade Existing Road	No	The intersection of Barleyfields Road and Warwick street will require upgrading and a 10m splay taken from lot 109.
Road Network	Yes	There will be an increased traffic generation created from the subdivision.
Existing Easements	Yes	No effect
Electricity	Yes	This will be constructed to the requirements of the energy provider.
Telecommunications	Yes	This will be constructed to the requirements of the telecommunications provider.
Pedestrian Access	No	A raised flat pedestrian path will be required along the frontage of the subdivision, particularly in Barleyfields Road. This will be conditioned.
Loading & Unloading	No	Not Applicable
Parking	No	Not Applicable
Energy Conservation	No	Not Applicable

Does the development require any new easements?

Yes

Comment: Easements will need to be created for; water, sewer and drainage provisions; access to the lots 906 and 610.

Has an Erosion and Soil Control Plan been submitted?

No

Was there any outstanding issues requiring attention?

No

Construction Assessment

Is a construction assessment required?

No

Section 68 Assessment

Section 68 – LGA Act

Is a section 68 assessment required?

No

Developer Contributions

Section 94 – EP & A Act

Does this proposal require any Developer Contribution? No
 Is there any other issue that requires notation? No

Signage

Has this application included signage? No

Notification

Section 79c(1)(d) – EP & A Act

Is this application an advertised development application? Yes
 Was this application advertised as per the provisions of? DCP
 Was this application notified as per the provisions of Council's Notification Policy? Yes
 Were there any written submissions received? Yes
 If Yes, what was the number of submissions received? 7

Submission Maker	K & D Clayton
Issues:	
<ul style="list-style-type: none"> • The subdivision should only be accessed by Warwick street and not Barleyfields Road due to the increased impact on the existing residential dwellings in Barleyfields Road. 	
Comment: It makes more design sense to have an access into the subdivision off both Barleyfields Road and Warwick Street. The aspect will change for the existing dwellings in Barleyfields Road, as they will be looking into a like natured residential subdivision and not a rural aspect. The land is has been identified for residential purposes and not rural, therefore the Barleyfields Road residents should expect to seen this land developed at some point for residential purposes.	
Submission Maker	C & R Hargrave
Issues:	
<ul style="list-style-type: none"> • Due to the increased speed limit that the speed limit be reduced to 50 kms per hour • Would like to see a walking /cycling track to ensure pedestrian safety. 	
Comment: The speed limit would automatically be decreased past this residential area. The speed limit will definitely be 50 kms through this subdivision. The Director of Infrastructure and Regulation will direct staff to change once the construction works for the subdivision are commenced.	
Submission Maker	D Philip
Issues:	
<ul style="list-style-type: none"> • Speed limit would be decreased to 50 kms/hour • A designated walking track be provided along Warwick Street and Barleyfields Road. 	
Comment: As per the above comment.	

Submission Maker	S Willey & D Vine
Issues:	
<ul style="list-style-type: none"> Noise from the braking and turning traffic, plus the exhaust fumes. Lights would turn into driveway and onto the house. Would like the intersection to be relocated further east where there are no houses in Barleyfields Road. 	
Comment:	
<p>As a result of this submission, the developer was requested to make a representation. The layout has been altered to ensure that the intersection of the new road into stage 2 with Barleyfields Roads runs between two houses instead of directly opposite a house. Investigation was undertaken in regards to the relocation further east but due to topography constraints, this was considered the better option. The applicant also intends to plant a landscape screen of medium shrubs along the northern edge of the intersection to minimise the impact of car headlights on the dwellings.</p>	
Submission Maker	G & J Maisey
Issues:	
<ul style="list-style-type: none"> The access into the subdivision should be off Warwick Street and not Barleyfields Road. Effect the viaduct has on the traffic. Speed limits along Barleyfields Road. Concerned about the safety of walking and cycling pedestrians along Barleyfields Road. The design will lead to many homes facing west. There is no land set aside for recreation. 	
Comment:	
<p>See comments above. The lot sizing will allow houses to gain the best possible solar access. Houses are not limited to facing west. No land has been set aside for recreation purposes as the recreation area known as The Glen is in very close proximity.</p>	
Submission Maker	A Hacker
Issues:	
<ul style="list-style-type: none"> The dense cluster of housing is out of ambience with the village aspect of Uralla Concerned that the development is not going to be connected to the towns sewerage system. 	
Comment:	
<p>This type of development is not out of the ambience with Uralla. The development could be classed as being of medium density with limited future subdivision potential. There are many lots throughout Uralla of a similar size. The smallest lot is 820m² which is 32% larger than Council's minimum lot size for this area (560m²). The subdivision will have reticulated water and sewer supply. There will be no onsite sewer treatment systems except for lot 701 which is 1.03 ha. Lots 702 and 703 will be connected and any existing onsite waste treatment systems will be decommissioned.</p>	
Submission Maker	E Wilkinson
Issues:	
<ul style="list-style-type: none"> Concerned about the increased traffic effect on King Street Would like to see a cement path from the corner of Gostwyck Street to the rail bridge and continued around the sports field along Maitland Street. 	
Comment:	
<p>There may be increased traffic along King Street, but most of the increase will be on Barleyfields Road. The Uralla Traffic Committee will investigate further pedestrian paths in this area of Uralla.</p>	

Is there any other issue/feature that requires notation?

No

Section 88b Instrument

Does Council require a Section 88b instrument to be prepared? Yes

Comment: Council will require a section 88b instrument to be prepared to take into account and easements for water, sewer, drainage, access, subdivision restriction and fencing..

Public Interest

Section 79c(1)(e) – EP & A Act

Does this proposal have any construction or safety issues? No

Is there any public health issues? No

Are there any other public interest issues? No

Site Suitability

Section 79c(1)(c) – EP & A Act

Is this a suitable site for this proposal No

Comment: Council determined this site suitable for this type of development by zoning it General Residential in 1988 and then again in 2012 by use of the Local Environmental Plan.

Assessing Officer General Comment

Comment: This development should be classified as being a positive development for Uralla. It will encourage further in residential development.

Recommendation

Tat this development application be approved subject to the following conditions, including any necessary engineering or construction conditions that result from the conclusion of the engineering and construction assessment.

PRESCRIBED CONDITIONS (under Environmental Planning and Assessment Regulation 2000)

NII

GENERAL CONDITIONS

1. This approval is for seven stages being:
 - Stage One being Lots 101-109
 - Stage Two being Lots 201-208
 - Stage Three being Lots 301-307
 - Stage Four being Lots 401-402, 405-411
 - Stage Five being Lots 501-507
 - Stage Six being Lots 601-612
 - Stage Seven being Lots 701-703
2. The development must take place in accordance with the approved plans (bearing the Council approval stamp) and documents submitted with the application, and subject to the conditions below to ensure the development is consistent with Council's consent.
3. All Engineering works to be designed by a competent person, endorsed by a Certified Practicing Engineer, and carried out in accordance with Council's Engineering Code, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.

4. A Construction Certificate shall be submitted to and approved by the relevant Certifying Authority prior to construction commencing on each stage.
5. The method and type of fencing material used for boundary fencing is to be approved by Council prior to installation. Council will not allow paling or Colorbond fencing as boundary fencing.
6. The dedicated pedestrian walkways between Lots 303 and 304, and 411 and 501 are to be removed from the design of the subdivision.
7. No tree removal is allowed from the road reserve unless prior consent has been given by Council.

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

8. The applicant shall have prepared, by a suitably qualified person, detailed engineering drawings, submitted for Council's approval, generally in accordance with Council's DCP 2011, for the construction of all the internal roads and intersections of Warwick Street and the new internal road in accordance with the following requirements:
 - a) Pavement design for all new internal roads shall be based on a design traffic load of 3×10^5 ESA's with subgrade testing on 10 day soaked CBR's.
 - b) Full kerb and gutter is to provided along the frontage of Barleyfields Road and Warwick Street.
 - c) The internal access roads to the development shall be constructed with a minimum two (2) coat hot bitumen sealed pavement width of 6 metres with kerb and gutter, including all necessary underground drainage.
 - d) All cul-de-sac bulbs shall be constructed at the end of the proposed new internal roads with a minimum radius of 15 metres to face of kerb to accommodate the turning movement of a semi rigid truck.
 - e) At the new internal road's intersection with Warwick Street, the applicants shall design and construct a typical T intersection at both locations.

All the above works are to be designed and completed generally in accordance with Council's DCP 2011, and professional practical standards, before the issue of a Subdivision Certificate.

9. The applicant shall have prepared an Erosion and Sediment Control Plan and Soil and Water Management Plan, in accordance with the requirements of the Department of Housing's *Managing Urban Stormwater - Soils and Construction*, to be submitted with the application for a Construction Certificate for the development for approval by the relevant Certifying Authority. The Soil and Water Management Plan must include sediment basin calculations and the approved plan implemented in conjunction with the project.
10. The applicant shall have prepared a plan demonstrating the protection of the development by provision of underground drainage pipelines (within easements or roadways) to cater for a stormwater flood frequency of 20% Annual Exceedance Probability (AEP) and fail-safe aboveground floodways to cater as a minimum for a flooding frequency of 1% AEP, to connect to the existing drainage gully adjacent to the site. Details to be provided to the relevant Certifying Authority for approval before the issue of a Construction Certificate for the development. Completed works are to be inspected and approved by the relevant Certifying Authority or works secured for an amount approved by Council's Development Engineer or nominee, before the issue of a Subdivision / Occupation Certificate.

11. The applicant shall have prepared an Inter-allotment drainage design for all lots which do not drain naturally to a public road, to protect those lots and adjoining property. All inter-allotment drainage is to be contained within a suitably located easement (minimum width 2m). Details to be provided to Council's Director of Infrastructure & Regulation or nominee for approval before the issue of a Construction Certificate for the development.

Title Plan submissions are to confirm easement details before the issue of a Subdivision Certificate for the development.

Stormwater systems must cater, as a minimum, for a stormwater flooding event of 20% Annual Exceedance Probability (AEP) for pipes, and 1% AEP for aboveground flow paths.

12. The applicant shall have prepared a design for the extension of sewer reticulation mains from the existing infrastructure downstream of the site to serve each of the proposed allotments within the development. Detailed Engineering drawings prepared by a suitably qualified person must be submitted for the approval of Council's Director of Infrastructure & Regulation or nominee before the issue of a Construction Certificate for the development.

13. The applicant shall have prepared a design for the extension of water supply mains to serve the proposed development. Detailed engineering drawings, prepared by a suitably qualified person, must be submitted for the approval of Council's Director of Infrastructure & Regulation or nominee before the issue of a Construction Certificate for the development.

The internal water mains within the estate are to form a looped system with no dead ends. Water supply design is to be a sustainable cost effective operation by Council in the future. Fire flows required are 11L/sec at a pressure of not less than 275 kPa (28m). These flows are to be supplied in addition to peak instantaneous demands for a typical residential water demand.

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

14. All works are to be completed and to be inspected, tested and approved by the Council's Director of Infrastructure & Regulation or nominee or works secured for an amount approved by Council's Director of Infrastructure & Regulation or nominee, before the issue of a Subdivision Certificate.
15. The applicants shall provide written advice from telecommunications and electricity providers, confirming that satisfactory arrangements have been made for the provision of telecommunications and electricity services to each of the proposed allotments within the development.
16. The applicants shall have made arrangements and paid for the provision of new street lighting to be provided to all new footways and streets, and thus maintain visibility and safety for pedestrians. The developer is to liaise with Essential Energy with regard to street light location. Completed works are to be inspected and approved by the Council's Director of Infrastructure & Regulation or nominee before the issue of a Subdivision Certificate/release of any bond for incomplete works.
17. Developer suggestions for the name of the new road, together with the reasons for the name proposed, should be submitted at least three (3) months before issue of the Subdivision Certificate for the development, for Council's consideration. Council favours names with historical, zoological, botanical or geographic association with the locality.
18. The applicants shall lodge with Council a monetary security for civil works, to cover the cost of carrying out rectification work in public areas in connection with the proposal should any defect arise within twelve (12) months of completion of the works. Security shall be in the form of cash or bank guarantee for an amount determined by Council. Application for a 90% refund of the security may be made on documented completion of the works, with full refund of the remaining 10% upon satisfactory completion of the twelve-month defects liability period.
19. The applicants shall provide one set of print film copies of "work as executed" plans to Council for works carried out on Council property or benefiting Council. Each plan is to have a scale adjacent to the title block showing the scale used on that plan. The location of any fill introduced, by both plan limit and depth, together with relevant classifications shall be shown on the "work as executed" plans to be submitted to Council.

20. At the time of the issue of a Subdivision Certificate, the applicants shall have prepared documentation for presentation to the Land Titles Office for the dedication to Council of all drainage easements, in order to protect the area from inadvertent filling or destruction that could change the flow characteristics of the flow regime.
21. At the time of submission of the application for a Subdivision Certificate, the applicant shall submit to Council three (3) copies of the Title Plan. The applicant/developer is to ensure that a checklist clearly showing that all conditions of consent have been met is provided with the application.

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF CONSTRUCTION COMMENCING

22. Council is to be given written notice of the intention to commence works and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement, in accordance with cl 103 and 104 of the Environmental Planning and Assessment Regulation 2000.
23. Before construction commences on the site and throughout the construction phase of the development, erosion control measures are to be installed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
 - divert contaminated run-off away from disturbed areas,
 - erect silt fencing along the downhill side of the property boundary,
 - prevent tracking of sediment by vehicles onto roads by limiting access to the site and, where necessary, installing a temporary driveway and
 - stockpile all topsoil, excavated material and construction debris on the site, erecting silt fencing around the pile where appropriate.

Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.

24. No storage of building materials, soil or equipment is to occur on Council's property or roads without the written consent of Council's Director of Infrastructure & Regulation. No unfenced, potentially dangerous activity or material to be located in close proximity to the street boundary or pedestrian walkway adjoining the site. No unsupervised transit of plant, equipment or vehicles across public areas or other obstruction of those areas is permitted.
25. Under-road conduits are to be provided to cater for electricity, telecommunications, gas supply or other underground utility services. Utility crossings of public roads are to be under-road bored and Council's Director of Infrastructure & Regulation advised of the intention to commence work at least 48 hours in advance. The developer and its agents are responsible for ascertaining the location of existing underground services before commencing work. Any damage to existing services or to the road construction is to be made good at the expense of the developer.

CONDITIONS TO BE COMPLETED DURING CONSTRUCTION

26. Action being taken by the developer and contractors to ensure that public safety is maintained on roadways under construction at all times, by the provision of effective barriers to distinguish between adjacent public roadways and the roadways under construction.
27. Effective dust control measures to be maintained during construction to maintain public safety/amenity and construction activities are to be restricted solely to the subject site.

ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.
28. Materials must not be burned on-site. All waste generated on site must be disposed of at Council's Waste Disposal Depot or Waste Transfer Station, to protect the amenity of the area and avoid the potential of air pollution.

29. Any fill which is placed on the site shall be free of any contaminants and placed in accordance with the requirements of AS 3798-1990 *Guidelines on Earthworks for Commercial and Residential Developments*. The developer's structural engineering consultant shall:
- identify the source of the fill and certify that it is free from contamination; and
 - classify the area within any building envelope on any such filled lot in accordance with the requirements of "Residential Slabs and Footings" AS 2870.1.

Stage One Specific Conditions

GENERAL CONDITIONS

30. A splay is to be taken from the north eastern corner of Lot 109 and is to be dedicated as road. This splay is to be 10 metres by 10 metres.

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

31. A cleared pedestrian path is to be constructed along the frontage of all lots in Stage One. This is to be constructed to a standard approved by Council's Director of Infrastructure & Regulation.
32. Access for Lot 109 is to be taken from Barleyfields Road due to site safety distance. This is to be noted on the title of the land by way of caveat.
33. Street lighting for Stage One is to incorporate one (1) street light. The location is to be subject to the approval of the Director of Infrastructure and Regulation and Essential Energy.
34. The applicant is to plant a landscape screen of medium shrubs along the northern edge of the intersection to minimise the impact of car headlights on the dwellings in Barleyfields Road. The species and density of plantings, along with length is to be approved by Council prior to planting. The screen is to be maintained for a period of two years.

Stage Two Specific Conditions

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

35. Fencing along the rear of Lots 203, 204, 205 and 206 is to be designed to minimise the accumulation of debris from flood water. Post and wire or collapsible fencing is preferred. Alternatively, fencing shall have a maximum obstruction up to 900mm to the flow of 15%, openings of no less than 125mm and a maximum height of 1.2m (the use of open mesh with 100mm minimum openings is permitted for swimming pool fences).

The fencing is to be approved by Council's Director of Infrastructure & Regulation prior to erection and is to be uniform throughout all stages of the subdivision and is to be constructed prior to the release of the Subdivision Certificate.

Stage Three Specific Conditions

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

36. Street lighting for Stage Three is to incorporate two (2) street lights. The location is to be subject to the approval of the Director of Infrastructure and Regulation and Essential Energy.

37. Fencing along the rear of Lots 307 is to be designed to minimise the accumulation of debris from flood water. Post and wire or collapsible fencing is preferred. Alternatively, fencing shall have a maximum obstruction up to 900mm to the flow of 15%, openings of no less than 125mm and a maximum height of 1.2m (the use of open mesh with 100mm minimum openings is permitted for swimming pool fences).

The fencing is to be approved by Council's Director of Infrastructure & Regulation prior to erection and is to be uniform throughout all stages of the subdivision and is to be constructed prior to the release of the Subdivision Certificate.

Stage Four Specific Conditions

GENERAL CONDITIONS

38. Approval for Lots 403 and 402 are not able to be given as the land does not belong to the applicant. An amended application is to be submitted for inclusion of these lots subject to a successful conclusion to the proposed road closure.
39. Approval is to be sought from Local Land Services for access for any lot accessing from Warwick Street across the Travelling Stock Route.

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

40. The intersection of Barleyfields Road and Warwick Street is to be upgraded. Detailed engineering drawings prepared by a suitably qualified person must be submitted for the approval of Council's Director of Infrastructure & Regulation or nominee before the issue of a Construction Certificate for the development.

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

41. All works are to be completed and to be inspected, tested and approved by the Council's Director of Infrastructure & Regulation or nominee or works secured for an amount approved by Council's Director of Infrastructure & Regulation or nominee, before the issue of a Subdivision Certificate.
42. Street lighting for Stage Four is to incorporate two (2) street lights. The location is to be subject to the approval of the Director of Infrastructure and Regulation and Essential Energy.

Stage Five Specific Conditions

GENERAL CONDITIONS

43. Approval for Lots 508, 509 and 510 are not able to be given as the land does not belong to the applicant. An amended application is to be submitted for inclusion of these lots subject to a successful conclusion to the proposed road closure.

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

44. Street lighting for Stage Five is to incorporate two (2) street lights. The location is to be subject to the approval of the Director of Infrastructure and Regulation and Essential Energy.

Stage Six Specific Conditions

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

45. Street lighting for Stage Six is to incorporate one (1) street light. The location is to be subject to the approval of the Director of Infrastructure and Regulation and Essential Energy.
46. There is to be a joint access constructed for Lot 609 and 610. It is to be constructed down the centre of the access handle for each lot. It is to be constructed to a standard approved by Council's Director of Infrastructure and Regulation with a full bitumen seal for the length of the handle.
47. Maintenance provisions between Lots 609 and 610 for the access and associated handle are to be provided for within a Section 88b Instrument under the *Conveyancing Act 1919*. This instrument is further to restrict any other lot from gaining access by use of this access handle.
48. Lots 609 and 610 are not to be subdivided further. A restriction under the *Conveyancing Act 1919* is to be placed on the land to ensure this is noted for perpetuity.
49. The access handle between Lot 605 and 606 and to the residue land, which is to be developed in Stage Seven, is to be fully bitumen sealed to a standard approved by Council's Director of Infrastructure & Regulation.
50. Fencing along the rear of Lots 601, 602, 603 and 604 is to be designed to minimise the accumulation of debris from flood water. Post and wire or collapsible fencing is preferred. Alternatively, fencing shall have a maximum obstruction up to 900mm to the flow of 15%, openings of no less than 125mm and a maximum height of 1.2m (the use of open mesh with 100mm minimum openings is permitted for swimming pool fences).

The fencing is to be approved by Council's Director of Infrastructure & Regulation prior to erection and is to be uniform throughout all stages of the subdivision and is to be constructed prior to the release of the subdivision certificate.

Stage Seven Specific Conditions

CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

51. A joint access is to be constructed to Lots 701 and 703. This is to be constructed to a standard approved by Council's Director of Infrastructure and Regulation. This is to include a bitumen seal including splays to the property boundary, and a full bitumen seal along the internal access handle of Lot 701 for the full length of Lot 703.
52. Fencing between affected by flood waters is to be designed to minimise the accumulation of debris from flood water. Post and wire or collapsible fencing is preferred. Alternatively, fencing shall have a maximum obstruction up to 900mm to the flow of 15%, openings of no less than 125mm and a maximum height of 1.2m (the use of open mesh with 100mm minimum openings is permitted for swimming pool fences).

The fencing is to be approved by Council's Director of Infrastructure & Regulation prior to erection and is to be uniform throughout all stages of the subdivision and is to be constructed prior to the release of the Subdivision Certificate.
53. Lots 703 and 703 are to be connected to reticulated water and sewer supply. Lot 701 does not have this requirement. Any existing onsite sewer waste treatment systems are to be decommissioned to a standard approved by the Director of Infrastructure and Regulation.

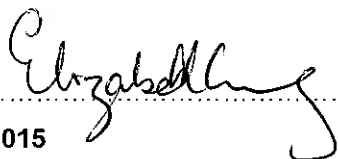
Conclusion

I confirm that I am familiar with the relevant heads of consideration under the Environmental Planning & Assessment Act and Local Government Act (if applicable) and have considered them in the assessment of this application.

I certify that I have no pecuniary or non-pecuniary interest in this application.

Additional Notes Attached:

No

Signed: 

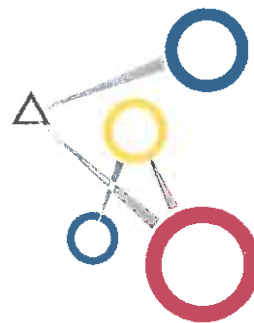
Date: 6 March 2015

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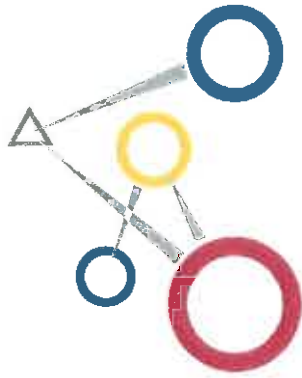
Statement of Environmental Effects

Proposed Subdivision

44 Barleyfields Road, Uralla



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STATEMENT OF ENVIRONMENTAL EFFECTS

**PROPOSED SUBDIVISION OF
Lots 81, 462 & 543 in DP755846
44 Barleyfields Road, Uralla**

Client:

R.L. & K.A. BURNET
46 Bridge Street
URALLA NSW 2358

Prepared for Submission to:

URALLA SHIRE COUNCIL
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Job Reference: 20140901

Date: 18 December, 2014

Written by: Sean Doodson

Approved by: Rowan Donnelly

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1. Introduction

1.1 Overview

This Statement of Environmental Effects ('SEE') has been prepared on behalf of R.L. & K.A. Burnet ('The Clients') to form part of a Development Application ('DA') for a proposed 60 Lot staged subdivision of Lots 81, 462 & 543 in DP 755846, also known as Number 44 Barleyfields Road, Uralla ('The Site'). Upon the site stands a brick dwelling and several corrugated iron and timber outbuildings. The land is currently utilised as a rural lifestyle block, with low intensity livestock grazing. In summary this proposal will consist of;

- Subdivision resulting in 60 small to medium size residential lots,
- Development to occur over 7 stages,
- Existing dwelling is to be retained on residue parcel of each stage (eventually Lot 701),
- New lots to be provided with town water and connection to Councils sewer network,
- Stormwater drainage infrastructure is to be incorporated into the development,
- Roads to be constructed to Uralla Shire Council specifications (including kerb and gutter) and,
- Part of the Warwick Street Road reserve (TSR) to be closed and incorporated into the Stage 4 development.

1.2 Consent Authority

Uralla Shire Council ('Council') is the consent authority for the proposed development.

1.3 Classification of Development Pursuant to the Environmental Planning and Assessment Act 1979

The proposed development is not Integrated Development pursuant to the provisions of Section 91 of the Environmental Planning and Assessment Act 1979 ('EP&A Act').

1.4 Scope of Statement of Environmental Effects

This Statement of Environmental Effects accompanies a development application for the proposed development. It has been prepared on behalf of the client and includes the matters referred to in Section 79C of the Environmental Planning and Assessment Act 1979 ('the Act') and the matters required to be considered by Council.

The purpose of this SEE is to:

- Describe the land to which the DA relates and the character of the surrounding area.
- Describe the proposed development.
- Define the statutory planning framework within which the DA is to be assessed and determined.

- Assess the proposal against the relevant heads of consideration as defined by Section 79C of the Environmental Planning & Assessment Act 1979.

2. The Site

2.1 Location

The site is located on the southern side of Barleyfields Road, and on the western side of Warwick Street.

This site is located approximately 500m west of the Uralla CBD and is in close proximity to public open space facilities and to the Uralla Railway station.



Figure 1: Site Location (Sourced from Google Maps).

2.2 Zoning

The site is located in the R1 General Residential Zone, pursuant to the Uralla Local Environmental Plan 2012. This can be seen on the Zoning Map, Figure 2, below.

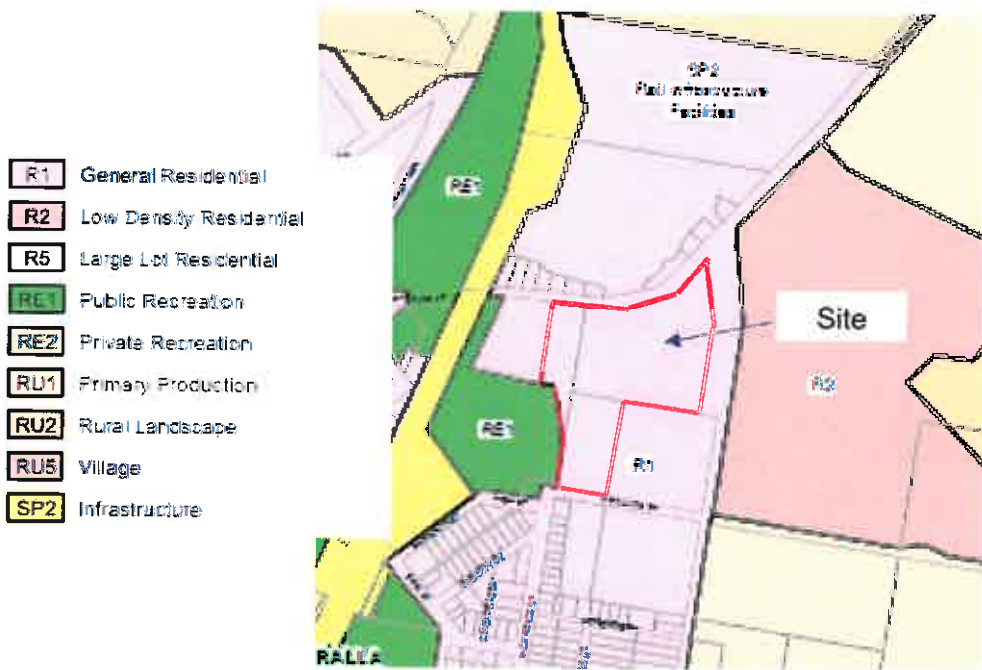


Figure 2: Zoning Map (Sourced from Uralla Shire Council LEP 2012)

2.3 Area, Frontages and Layout

The site has a total area of approximately 9.5 ha with a frontage to Barleyfields Road of approximately 360 metres and to Warwick Street of approximately 320 metres (please refer to Plan of Proposed Subdivision in Appendix A).

2.4 Topography

The site typically slopes to the west, draining into a Creek (a tributary to Rocky Creek) which flows from south to north through the western portion of the site. Please refer to site contours as indicated on the Plan of Proposed Subdivision in Appendix A.

2.5 Vegetation

The site contains several well established native trees and shrubs in the vicinity of the existing dwelling. It is proposed that these trees and shrubs be retained. There is also an area of medium size native shrubs in the north-east corner of the site. These shrubs will be partially cleared as part of this proposal.

2.6 Flooding & Bushfire

The site is not identified as bushfire prone in accordance with Uralla Shire Council's bushfire mapping.

The creek flowing through the site has been identified as flood prone in the latest Uralla flood study. The flood planning level as identified in the flood study has been marked on site and is indicated on the plan of proposed subdivision in Appendix A.

2.7 Heritage

The site is not within Uralla Shire Council's heritage conservation area. An investigation of the New South Wales Heritage register indicated that there were no buildings of significance located upon the site.

2.8 Existing Services

The site has access to overhead electricity, reticulated water supply, sewage and telecommunications, as identified on the plan of proposed subdivision in Appendix A.

2.9 Existing Development

Upon the site stands an existing Brick and corrugated iron dwelling as well as several corrugated iron and timber out buildings (refer to Plan of Proposed Subdivision in Appendix A).

2.10 Surrounding Area

The site is surrounded by a mix of lot sizes with small residential lots opposite the site along Barleyfields Road, small farms to the south and a future rural residential development on the eastern side of Warwick Street.

3. The Proposal

3.1 Lot Layout

The proposed lot layout will result in 60 new residential allotments to be created over seven stages. The lots range in size from 824m² through to 1.2 ha (being the eventual residue lot containing the existing house). A range of lot sizes has been incorporated into the design to allow for a range of future housing types. The median lot size of the development is approximately 1100m², which would deny future subdivision potential (under the provisions of the current LEP).

The lot layout and road network has been designed based on the existing site constraints including slope, drainage, vegetation, flooding and views. Where ever possible roads have been designed to align perpendicular to the slope, minimising earthworks and allowing roads to be drainage corridors. In addition where lots are positioned on sloping ground the long axis of the lot has been orientated perpendicular to the slope to minimise cross cut of house pads, and to maximise future dwellings access to views and sunlight.

The lots adjacent to the creek have been designed to be entirely above the flood planning level. The land under the flood planning level has been fully absorbed into Lots 58, 59 and 60. These lots are larger in size so as to allow opportunities for building above the flood planning level. A restriction on the use of land will be registered on lots affected by the flood planning level to prevent building on flood prone land.

3.2 Access & Traffic

3.2.1 Access

The subdivision has been designed with two main access points. Road 1 will enter the site from Barleyfields Road and will service the western half of the site. Road 3 will enter the site off Warwick Street and will service the eastern half of the site. Both entry points have been positioned to maximise sight distances along the existing roads.

3.2.2 Traffic

This proposal will result in an increase in local traffic volumes on Barleyfields Road and Warwick Street. It is our opinion that the existing local road network has the capacity to safely carry the increased numbers of vehicles per day.

3.3 Services

3.3.1 Telecommunications & Electricity

Telecommunications and overhead electricity are readily available to the site with the services currently connected to the existing dwelling. These services will be upgraded and extended to provide network capacity for new dwellings.

3.3.2 Potable Water

The site will be connected to Council reticulated water supply system which will be extended from the existing main in Barleyfields Road. It is anticipated that as part of BASIX requirements, a large proportion of dwellings on the site will be connected to rain water tanks. The servicing strategy for Potable water is illustrated on the Servicing Plan in Appendix B.

3.3.3 Sewer

Details of the proposed sewer and water service connections will be provided to Council with the detailed engineering design plans for the lodgement of a Construction Certificate. The servicing strategy for Sewer is illustrated on the Servicing Plan in Appendix B.

Our preliminary servicing strategy indicates that providing a sewer connection to Lots 701, 702 and 703 will not be possible due to the depth of the creek (which the sewer main would need to cross). This being the case we propose that Council allow onsite waste water treatment to be installed on these larger lots.

3.4 Stormwater Design & Management

This proposal intends to incorporate Water Sensitive Design approaches for the management of stormwater quality and quantity.

Overflows from rainwater tanks and stormwater runoff from non-roof surfaces will be directed into street guttering situated on each side of road pavements or otherwise into the existing waterways. Easements will be created where appropriate for drainage of water.

Further details will be provided in the subsequent application for a Construction Certificate.

3.5 Flora and Fauna

This proposal will possibly require the removal of some native vegetation in the north-east corner of the site. Clearing of vegetation where necessary will be undertaken by a qualified and appropriately insured arborist following submission of a tree clearing application and approval by Council.

3.6 Erosion and Sediment Control

During all necessary construction works suitable Erosion and Sediment Control measures will be implemented in accordance with the relevant Council standards.

3.7 Staging Strategy

This proposal has highlighted an indicative staging strategy implemented for planning purposes. The proposed staging strategy is illustrated on the Plan of Proposed Subdivision in Appendix A. The proposed staging strategy is subject to change after a detailed assessment of the engineering design constraints and property market conditions.

The indicative staging strategy as shown in Appendix A is as follows:

Stage	Number of Lots / Lots Included / Comments
Stage 1	9 Lots. Includes Lots 101 to 108 fronting Barleyfields Road. No new road construction necessary (kerb and guttering and re-shaping of the shoulder along Barleyfields Road).
Stage 2	8 Lots. Includes Lots 201 – 208, intersection at Barleyfields Road, 100m of Road 1 and temporary cul-de-sac.
Stage 3	7 Lots. Includes Lot 301 – 307, construction of Road 2 and cul-de-sac.
Stage 4	11 Lots. Includes Lots 401 – 412, intersection on Warwick Street, Road 3 and 50m of Road 4 and Cul-de-sac.
Stage 5	10 Lots. Includes Lots 501 – 510, completion of Road 4 and cul-de-sac.
Stage 6	12 Lots. Includes Lots 601 – 612, completion of Road 1 and cul-de-sac.
Stage 7	3 Lots (including residue). Includes 701-703, construction of entry off Gostwyck Street.

Table 2: Indicative Staging Strategy

3.8 Closure of Warwick Street TSR

This proposal incorporates land in Warwick Street which is currently a designated Travelling Stock Route. Preliminary discussions with Crown Lands and the Local Lands Service have indicated that closure of the TSR would be appropriate and not opposed due to the residential zoning of the surrounding land. No formal indication has been given by either organisation however it is intended that the closure process occurs prior to Stage 4 of the development commencing.

It should be noted that the subdivision layout has been designed so that the lots on the TSR land can be removed from the development should the closure not occur.

4. Uralla Local Environmental Plan 2012

4.1 Clause 2.8 Zone R1 General Residential

The zone objectives are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment

This proposal complies with the objectives of the R1 General Residential zone and is appropriate given the context of the adjacent properties and land uses.

4.2 Clause 4.1 Minimum Subdivision Lot Size

(1) The objectives of this clause are as follows:

- (a) to ensure that lot sizes are compatible with local environmental values, constraints and permissible uses,*
- (b) to facilitate the efficient use of land and its resources for residential and other human purposes,*
- (c) to minimise potential land use conflicts,*
- (d) to ensure rural lands are not fragmented in a manner that threatens their future use for agricultural production.*

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

Comment

This proposal complies with the minimum lot size mapping for the R1 General Residential Zone.

4.3 Clause 6.2 Flood Planning

(1) The objectives of this clause are as follows:

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) to avoid significant adverse impacts on flood behaviour and the environment.*

(2) This clause applies to:

- (a) land identified as "Flood Planning Area" on the Flood Planning Map , and*
- (b) other land at or below the flood planning level.*

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and*
- (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

Comment

This site contains land which has been identified in the Uralla Flood study as flood prone. This land has been identified on the ground and the lot layout has been designed to minimise the risk of flooding to future dwellings on the site. Where lots do contain flood prone land an appropriate restriction on the use of land will be registered on the title to prevent the construction of a dwelling on the flood affected parts of the lot.

5. Uralla Development Control Plan 2012

5.1 Subdivision in Residential Areas

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

Comment

The proposed subdivision has been designed to meet these objectives.

6. The Environmental Planning and Assessment Act 1979

In determining the subject DA, Council is required to consider those relevant matters listed in Section 79C(1) of the Environmental Planning and Assessment Act 1979. Each of the relevant matters is addressed below.

6.1 Section 79C (1)(a) – Statutory Planning Considerations

(a) the provisions of:

- i. any environmental planning instrument, and*
- ii. any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
- iii. any development control plan, and*
- iv. the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

Comment:

These matters have been considered within this DA and are consistent with the relevant provisions and objectives of the Uralla LEP 2012.

6.2 Section 79C (1)(b) – Environmental, Social and Economic Impacts

(b) 'the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.'

Comment:

This proposal will not have any significant environmental, social or economic impacts upon the immediate site or upon the surrounding properties.

6.3 Section 79C (1)(c) – Suitability of The Site

'(c) 'the suitability of the site for the development'

Comment:

Development of the site is considered appropriate as described in Parts 1 and 2 of this SEE. The site has a moderate slope, has current access to reticulated water, sewage telecommunications and overhead electricity and is compatible with the surrounding area.

6.4 Section 79C (1)(d) – Submissions

'(d) any submissions made in accordance with this Act or the regulations'

Comment:

Public submissions will be considered by Uralla Shire Council during the assessment period for this application.

6.5 Section 79C (1)(e) – Public Interest

'(e) the public interest'

The public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning regime and predominantly in accordance with the prevailing planning controls. This development is a permissible form of development, is in-keeping with existing amenity, will not have any significant environmental impacts and will be undertaken in an orderly and socially responsible manner. This proposal is therefore considered to be in the public's interest.

7. Conclusion

This DA is seeking approval for a proposed 60 Lot staged subdivision of Lots 81, 462 & 543 in DP 755846, also known as Number 44 Barleyfields Road, Uralla ('The Site'). Upon the site stands a brick dwelling and several corrugated iron and timber outbuildings. The land is currently utilised as a rural lifestyle block, with low intensity livestock grazing. The site is zoned R1 General Residential pursuant to the Uralla LEP 2012.

This proposal complies with the relevant provisions of the Uralla DCP 2012 and LEP 2012. The proposal is considered to have no significant adverse environmental, social or economic impacts and is in keeping with the existing amenity of the locality.

This proposal is deemed to be appropriate when considered under Section 79C(1) of the Environmental Planning and Assessment Act 1979 and should therefore be worthy of favourable consideration by Uralla Shire Council.

Appendix A

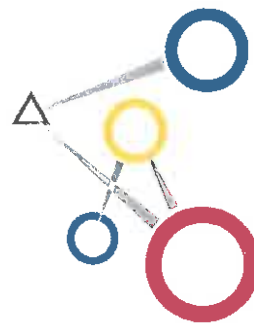
Plan of Proposed Subdivision
Prepared by New England Surveying & Engineering

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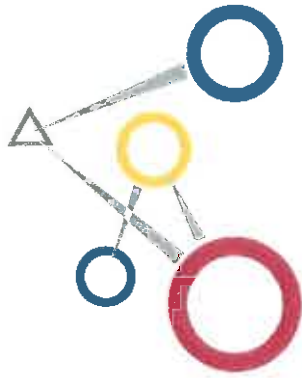
Statement of Environmental Effects

Proposed Subdivision

44 Barleyfields Road, Uralla



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Surveying the New England since 1955

STATEMENT OF ENVIRONMENTAL EFFECTS

**PROPOSED SUBDIVISION OF
Lots 81, 462 & 543 in DP755846
44 Barleyfields Road, Uralla**

Client:

R.L. & K.A. BURNET
46 Bridge Street
URALLA NSW 2358

Prepared for Submission to:

URALLA SHIRE COUNCIL
PO Box 106
Uralla NSW 2350

Prepared by:

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Job Reference: 20140901

Date: 18 December, 2014

Written by: Sean Doodson

Approved by: Rowan Donnelly

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1. Introduction

1.1 Overview

This Statement of Environmental Effects ('SEE') has been prepared on behalf of R.L. & K.A. Burnet ('The Clients') to form part of a Development Application ('DA') for a proposed 60 Lot staged subdivision of Lots 81, 462 & 543 in DP 755846, also known as Number 44 Barleyfields Road, Uralla ('The Site'). Upon the site stands a brick dwelling and several corrugated iron and timber outbuildings. The land is currently utilised as a rural lifestyle block, with low intensity livestock grazing. In summary this proposal will consist of;

- Subdivision resulting in 60 small to medium size residential lots,
- Development to occur over 7 stages,
- Existing dwelling is to be retained on residue parcel of each stage (eventually Lot 701),
- New lots to be provided with town water and connection to Councils sewer network,
- Stormwater drainage infrastructure is to be incorporated into the development,
- Roads to be constructed to Uralla Shire Council specifications (including kerb and gutter) and,
- Part of the Warwick Street Road reserve (TSR) to be closed and incorporated into the Stage 4 development.

1.2 Consent Authority

Uralla Shire Council ('Council') is the consent authority for the proposed development.

1.3 Classification of Development Pursuant to the Environmental Planning and Assessment Act 1979

The proposed development is not Integrated Development pursuant to the provisions of Section 91 of the Environmental Planning and Assessment Act 1979 ('EP&A Act').

1.4 Scope of Statement of Environmental Effects

This Statement of Environmental Effects accompanies a development application for the proposed development. It has been prepared on behalf of the client and includes the matters referred to in Section 79C of the Environmental Planning and Assessment Act 1979 ('the Act') and the matters required to be considered by Council.

The purpose of this SEE is to:

- Describe the land to which the DA relates and the character of the surrounding area.
- Describe the proposed development.
- Define the statutory planning framework within which the DA is to be assessed and determined.

- Assess the proposal against the relevant heads of consideration as defined by Section 79C of the Environmental Planning & Assessment Act 1979.

2. The Site

2.1 Location

The site is located on the southern side of Barleyfields Road, and on the western side of Warwick Street.

This site is located approximately 500m west of the Uralla CBD and is in close proximity to public open space facilities and to the Uralla Railway station.



Figure 1: Site Location (Sourced from Google Maps).

2.2 Zoning

The site is located in the R1 General Residential Zone, pursuant to the Uralla Local Environmental Plan 2012. This can be seen on the Zoning Map, Figure 2, below.

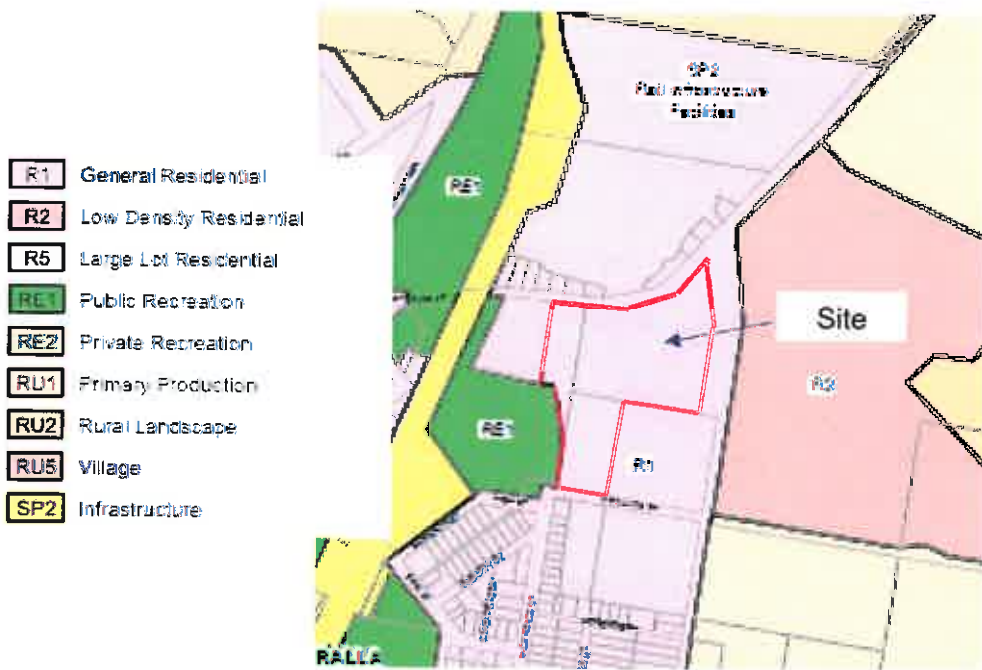


Figure 2: Zoning Map (Sourced from Uralla Shire Council LEP 2012)

2.3 Area, Frontages and Layout

The site has a total area of approximately 9.5 ha with a frontage to Barleyfields Road of approximately 360 metres and to Warwick Street of approximately 320 metres (please refer to Plan of Proposed Subdivision in Appendix A).

2.4 Topography

The site typically slopes to the west, draining into a Creek (a tributary to Rocky Creek) which flows from south to north through the western portion of the site. Please refer to site contours as indicated on the Plan of Proposed Subdivision in Appendix A.

2.5 Vegetation

The site contains several well established native trees and shrubs in the vicinity of the existing dwelling. It is proposed that these trees and shrubs be retained. There is also an area of medium size native shrubs in the north-east corner of the site. These shrubs will be partially cleared as part of this proposal.

2.6 Flooding & Bushfire

The site is not identified as bushfire prone in accordance with Uralla Shire Council's bushfire mapping.

The creek flowing through the site has been identified as flood prone in the latest Uralla flood study. The flood planning level as identified in the flood study has been marked on site and is indicated on the plan of proposed subdivision in Appendix A.

2.7 Heritage

The site is not within Uralla Shire Council's heritage conservation area. An investigation of the New South Wales Heritage register indicated that there were no buildings of significance located upon the site.

2.8 Existing Services

The site has access to overhead electricity, reticulated water supply, sewage and telecommunications, as identified on the plan of proposed subdivision in Appendix A.

2.9 Existing Development

Upon the site stands an existing Brick and corrugated iron dwelling as well as several corrugated iron and timber out buildings (refer to Plan of Proposed Subdivision in Appendix A).

2.10 Surrounding Area

The site is surrounded by a mix of lot sizes with small residential lots opposite the site along Barleyfields Road, small farms to the south and a future rural residential development on the eastern side of Warwick Street.

3. The Proposal

3.1 Lot Layout

The proposed lot layout will result in 60 new residential allotments to be created over seven stages. The lots range in size from 824m² through to 1.2 ha (being the eventual residue lot containing the existing house). A range of lot sizes has been incorporated into the design to allow for a range of future housing types. The median lot size of the development is approximately 1100m², which would deny future subdivision potential (under the provisions of the current LEP).

The lot layout and road network has been designed based on the existing site constraints including slope, drainage, vegetation, flooding and views. Where ever possible roads have been designed to align perpendicular to the slope, minimising earthworks and allowing roads to be drainage corridors. In addition where lots are positioned on sloping ground the long axis of the lot has been orientated perpendicular to the slope to minimise cross cut of house pads, and to maximise future dwellings access to views and sunlight.

The lots adjacent to the creek have been designed to be entirely above the flood planning level. The land under the flood planning level has been fully absorbed into Lots 58, 59 and 60. These lots are larger in size so as to allow opportunities for building above the flood planning level. A restriction on the use of land will be registered on lots affected by the flood planning level to prevent building on flood prone land.

3.2 Access & Traffic

3.2.1 Access

The subdivision has been designed with two main access points. Road 1 will enter the site from Barleyfields Road and will service the western half of the site. Road 3 will enter the site off Warwick Street and will service the eastern half of the site. Both entry points have been positioned to maximise sight distances along the existing roads.

3.2.2 Traffic

This proposal will result in an increase in local traffic volumes on Barleyfields Road and Warwick Street. It is our opinion that the existing local road network has the capacity to safely carry the increased numbers of vehicles per day.

3.3 Services

3.3.1 Telecommunications & Electricity

Telecommunications and overhead electricity are readily available to the site with the services currently connected to the existing dwelling. These services will be upgraded and extended to provide network capacity for new dwellings.

3.3.2 Potable Water

The site will be connected to Council reticulated water supply system which will be extended from the existing main in Barleyfields Road. It is anticipated that as part of BASIX requirements, a large proportion of dwellings on the site will be connected to rain water tanks. The servicing strategy for Potable water is illustrated on the Servicing Plan in Appendix B.

3.3.3 Sewer

Details of the proposed sewer and water service connections will be provided to Council with the detailed engineering design plans for the lodgement of a Construction Certificate. The servicing strategy for Sewer is illustrated on the Servicing Plan in Appendix B.

Our preliminary servicing strategy indicates that providing a sewer connection to Lots 701, 702 and 703 will not be possible due to the depth of the creek (which the sewer main would need to cross). This being the case we propose that Council allow onsite waste water treatment to be installed on these larger lots.

3.4 Stormwater Design & Management

This proposal intends to incorporate Water Sensitive Design approaches for the management of stormwater quality and quantity.

Overflows from rainwater tanks and stormwater runoff from non-roof surfaces will be directed into street guttering situated on each side of road pavements or otherwise into the existing waterways. Easements will be created where appropriate for drainage of water.

Further details will be provided in the subsequent application for a Construction Certificate.

3.5 Flora and Fauna

This proposal will possibly require the removal of some native vegetation in the north-east corner of the site. Clearing of vegetation where necessary will be undertaken by a qualified and appropriately insured arborist following submission of a tree clearing application and approval by Council.

3.6 Erosion and Sediment Control

During all necessary construction works suitable Erosion and Sediment Control measures will be implemented in accordance with the relevant Council standards.

3.7 Staging Strategy

This proposal has highlighted an indicative staging strategy implemented for planning purposes. The proposed staging strategy is illustrated on the Plan of Proposed Subdivision in Appendix A. The proposed staging strategy is subject to change after a detailed assessment of the engineering design constraints and property market conditions.

The indicative staging strategy as shown in Appendix A is as follows:

Stage	Number of Lots / Lots Included / Comments
Stage 1	9 Lots. Includes Lots 101 to 108 fronting Barleyfields Road. No new road construction necessary (kerb and guttering and re-shaping of the shoulder along Barleyfields Road).
Stage 2	8 Lots. Includes Lots 201 – 208, intersection at Barleyfields Road, 100m of Road 1 and temporary cul-de-sac.
Stage 3	7 Lots. Includes Lot 301 – 307, construction of Road 2 and cul-de-sac.
Stage 4	11 Lots. Includes Lots 401 – 412, intersection on Warwick Street, Road 3 and 50m of Road 4 and Cul-de-sac.
Stage 5	10 Lots. Includes Lots 501 – 510, completion of Road 4 and cul-de-sac.
Stage 6	12 Lots. Includes Lots 601 – 612, completion of Road 1 and cul-de-sac.
Stage 7	3 Lots (including residue). Includes 701-703, construction of entry off Gostwyck Street.

Table 2: Indicative Staging Strategy

3.8 Closure of Warwick Street TSR

This proposal incorporates land in Warwick Street which is currently a designated Travelling Stock Route. Preliminary discussions with Crown Lands and the Local Lands Service have indicated that closure of the TSR would be appropriate and not opposed due to the residential zoning of the surrounding land. No formal indication has been given by either organisation however it is intended that the closure process occurs prior to Stage 4 of the development commencing.

It should be noted that the subdivision layout has been designed so that the lots on the TSR land can be removed from the development should the closure not occur.

4. Uralla Local Environmental Plan 2012

4.1 Clause 2.8 Zone R1 General Residential

The zone objectives are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment

This proposal complies with the objectives of the R1 General Residential zone and is appropriate given the context of the adjacent properties and land uses.

4.2 Clause 4.1 Minimum Subdivision Lot Size

(1) The objectives of this clause are as follows:

- (a) to ensure that lot sizes are compatible with local environmental values, constraints and permissible uses,*
- (b) to facilitate the efficient use of land and its resources for residential and other human purposes,*
- (c) to minimise potential land use conflicts,*
- (d) to ensure rural lands are not fragmented in a manner that threatens their future use for agricultural production.*

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

Comment

This proposal complies with the minimum lot size mapping for the R1 General Residential Zone.

4.3 Clause 6.2 Flood Planning

(1) The objectives of this clause are as follows:

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) to avoid significant adverse impacts on flood behaviour and the environment.*

(2) This clause applies to:

- (a) land identified as "Flood Planning Area" on the Flood Planning Map , and*
- (b) other land at or below the flood planning level.*

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and*
- (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

Comment

This site contains land which has been identified in the Uralla Flood study as flood prone. This land has been identified on the ground and the lot layout has been designed to minimise the risk of flooding to future dwellings on the site. Where lots do contain flood prone land an appropriate restriction on the use of land will be registered on the title to prevent the construction of a dwelling on the flood affected parts of the lot.

5. Uralla Development Control Plan 2012

5.1 Subdivision in Residential Areas

- *To provide safe, convenient and attractive neighbourhoods that meet the diverse and changing needs of the community by:*
 - *Offering a wide choice of good quality housing and associated community facilities,*
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- *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.*

Comment

The proposed subdivision has been designed to meet these objectives.

6. The Environmental Planning and Assessment Act 1979

In determining the subject DA, Council is required to consider those relevant matters listed in Section 79C(1) of the Environmental Planning and Assessment Act 1979. Each of the relevant matters is addressed below.

6.1 Section 79C (1)(a) – Statutory Planning Considerations

(a) the provisions of:

- i. any environmental planning instrument, and*
- ii. any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
- iii. any development control plan, and*
- iv. the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

Comment:

These matters have been considered within this DA and are consistent with the relevant provisions and objectives of the Uralla LEP 2012.

6.2 Section 79C (1)(b) – Environmental, Social and Economic Impacts

(b) 'the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.'

Comment:

This proposal will not have any significant environmental, social or economic impacts upon the immediate site or upon the surrounding properties.

6.3 Section 79C (1)(c) – Suitability of The Site

'(c) 'the suitability of the site for the development'

Comment:

Development of the site is considered appropriate as described in Parts 1 and 2 of this SEE. The site has a moderate slope, has current access to reticulated water, sewage telecommunications and overhead electricity and is compatible with the surrounding area.

6.4 Section 79C (1)(d) – Submissions

'(d) any submissions made in accordance with this Act or the regulations'

Comment:

Public submissions will be considered by Uralla Shire Council during the assessment period for this application.

6.5 Section 79C (1)(e) – Public Interest

'(e) the public interest'

The public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning regime and predominantly in accordance with the prevailing planning controls. This development is a permissible form of development, is in-keeping with existing amenity, will not have any significant environmental impacts and will be undertaken in an orderly and socially responsible manner. This proposal is therefore considered to be in the public's interest.

7. Conclusion

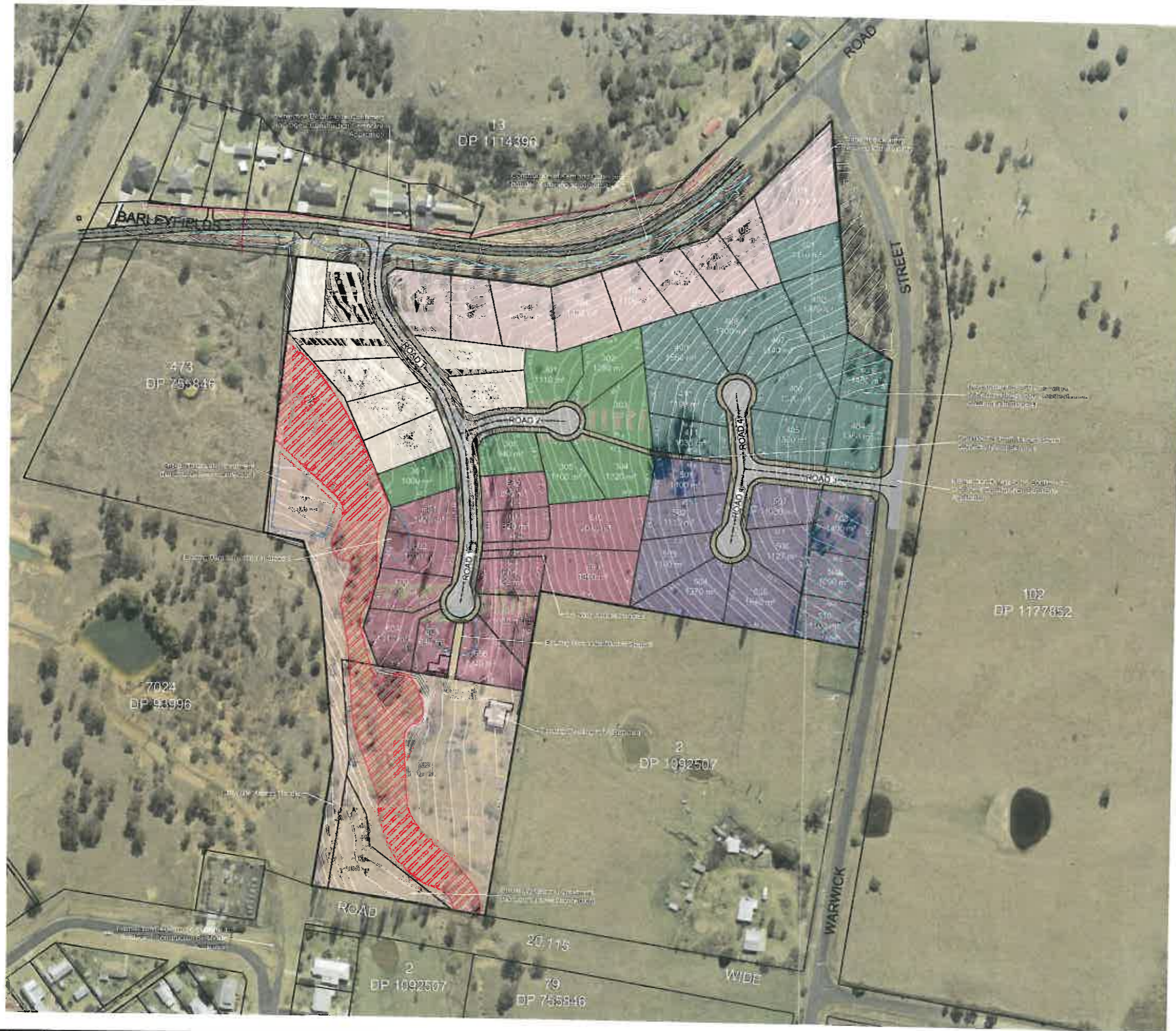
This DA is seeking approval for a proposed 60 Lot staged subdivision of Lots 81, 462 & 543 in DP 755846, also known as Number 44 Barleyfields Road, Uralla ('The Site'). Upon the site stands a brick dwelling and several corrugated iron and timber outbuildings. The land is currently utilised as a rural lifestyle block, with low intensity livestock grazing. The site is zoned R1 General Residential pursuant to the Uralla LEP 2012.

This proposal complies with the relevant provisions of the Uralla DCP 2012 and LEP 2012. The proposal is considered to have no significant adverse environmental, social or economic impacts and is in keeping with the existing amenity of the locality.

This proposal is deemed to be appropriate when considered under Section 79C(1) of the Environmental Planning and Assessment Act 1979 and should therefore be worthy of favourable consideration by Uralla Shire Council.

Appendix A

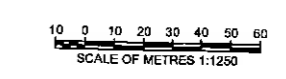
Plan of Proposed Subdivision
Prepared by New England Surveying & Engineering



Legend

- Stage 1
- Stage 2
- Stage 3
- Stage 4
- Stage 5
- Stage 6
- Stage 7
- Bitumen Surface
- Building Envelope
- Flood Planning Area
- TSR Subject to Road Closure Application

CONTOUR INTERVAL IS 1.0m.



NOTES:
 1. ALL AREAS AND DIMENSIONS SHOWN ON THIS PLAN ARE APPROXIMATE ONLY AND ARE SUBJECT TO COUNCIL APPROVAL, CONSTRUCTION AND THE FINAL TITLE SURVEY.
 2. ALL SERVICES SHOWN ON THIS PLAN HAVE NOT BEEN LOCATED AND ARE SHOWN AS AN APPROXIMATE POSITION ONLY.

Revision	Date	Description
A	18/12/14	Original Issue

THIS DETAIL SURVEY IS NOT A "SURVEY" AS DEFINED BY THE SURVEYORS ACT 2002. IF ANY CONSTRUCTION IS PLANNED IT WOULD BE ADVISABLE TO CARRY OUT FURTHER SURVEY WORK TO DETERMINE THE BOUNDARY DIMENSIONS.
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Project
 Proposed Subdivision
 44 Barleyfields Road, Uralla
 Lots 81, 462 & 543 in DP 755816

Drawing Title
 Plan of Proposed Subdivision

R.L. & K.A. Burnet
 46 Bridge Street
 Uralla NSW, 2358

New England SURVEYING & ENGINEERING
 Land Development Consultants

1/161 Rusden Street
 P.O. Box 656
 Armidale NSW 2350

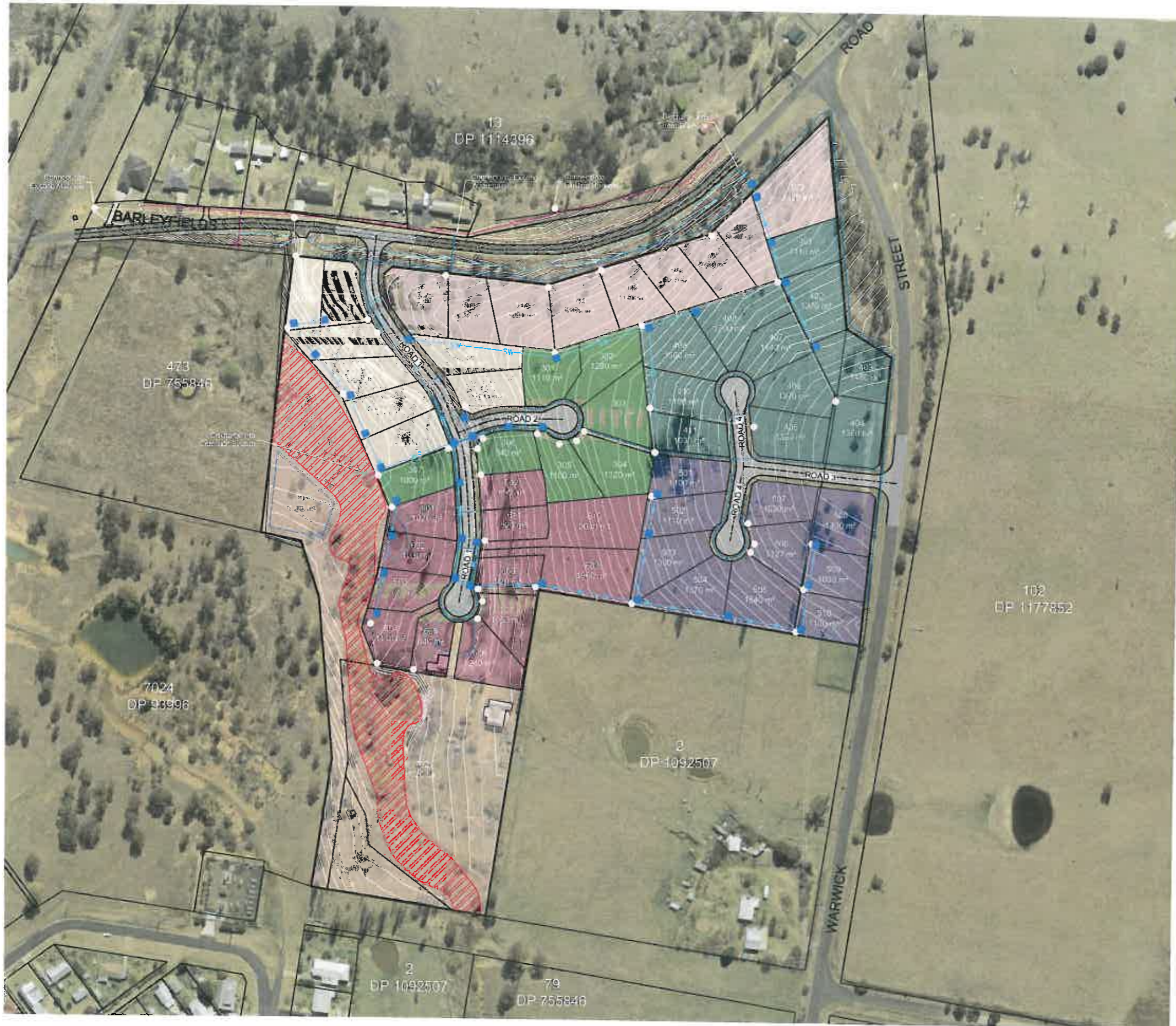
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Cad Scale Factor: X 1.0	Drawn: SD
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Datum: MGA	Surveyed: SD
Surveyors Reference: 20140901	Revision: 1/1 A

Appendix B

Preliminary Servicing Strategy

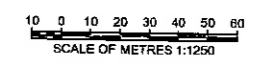
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- Stage 1
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- Stage 3
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- Stage 5
- Stage 6
- Stage 7
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- Building Envelope
- Flood Planning Area
- TSR Subject to Road Closure Application
- Proposed Sewer Line
- Proposed Sewer Manhole
- Proposed Drainage Line
- Proposed Drainage Pit
- Proposed Water main

CONTOUR INTERVAL IS 1.0m.



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Project
 Proposed Subdivision
 44 Barleyfields Road, Uralla
 Lots 81, 462 & 543 in DP 755846

Drawing Title
 Plan of Proposed Servicing

R.L. & K.A. Burnet
 46 Bridge Street
 Uralla NSW, 2358

New England SURVEYING & ENGINEERING
 Land Development Consultants

1/161 Ruaden Street
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Backup Disk No: Server	Surveyed: SD
Job Number: 20140901	Revision: A
Datum: MGA	Sheet: 1 of 1
Surveyors Reference: 20140901	

Development Application No. DA 4-2015

Lot 60 Staged Subdivision

44 Barleyfields Rd Walla.

USC Received

11 FEB 2015

Kenneth R Clayton.

DOROTHY Y. CLAYTON

10 Barleyfields Rd
Walla.

Ken & Dorothy Clayton wish to lodge a
objection to the proposed entrance site off
Barleyfields Rd.

We submit the entrance should be off
Warich St therefore not interfering with
existing dwellings, thereby causing increased
turning traffic.

We will be sorry to lose the lovely rock
aspect presently across the road from us

Yours sincerely

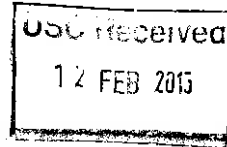
K.R. Clayton

D. Clayton

ATTACHMENT Q

Carol & Rodney Hargrave
28 Queen St
Uralla 2358
02 6778 4554

9th February 2015



Uralla Shire Council
PO Box 106
Uralla 2358

Dear Sir / Madam,

Re: Application No DA-4-2015

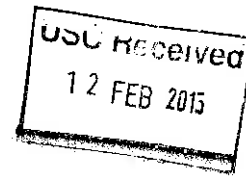
We have no objection to the proposal as detailed in the notification letter we received, however, due to the increased traffic expected in the area with a development such as this we would ask that the speed limit for both Warwick St and the development area on Barley Fields Rd be reduced to 50 km per hour.

For the safety of the many residents that currently use Barley Fields Road and Warwick St as a regular walking / cycling track we would expect that a designated track be provided for these purposes along both Warwick St and Barley Fields Rd. We feel the provision of this track should be considered imperative regardless of the outcome of the subdivision application.

The area is used daily by cyclists, pedestrians, elderly residents and the visually impaired, the safety of those using this area is difficult at the present and will become increasingly more so.

Yours sincerely

Carol & Rodney Hargrave



9th February 2015

Uralla Shire Council
PO Box 106
Uralla 2358

Dear Sir / Madam,

Re: Application No DA-4-2015

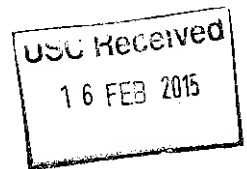
I am a resident of Warwick St and have lived in the Woodville area of Uralla all my life. I am totally blind and every day I walk along Warwick St and Barley Fields Rd with my guide dog. I ensure my safety by stepping completely off the road when a car approaches but I often have difficulty hearing traffic, especially when it is windy.

Traffic has increased along these roads over the past few years and the proposed development means that traffic flow will increase even more.

I am not objecting to the proposal as detailed in the letter I received, however I would expect that the speed limit for both Warwick St and the development area on Barley Fields Rd be reduced to 50 km per hour and for my safety and the safety of the many people that already use Barley Fields Road and Warwick St, that a designated walking track be provided along both Warwick St and Barley Fields Rd.

Daphne Philp
24 Warwick St
Uralla 2358

Ph 02 6778 4420



Stephen Willey
Diane Vine
12 Barley Fields Rd URALLA

16-02-2015

Attention - Town Planner

Dear Madam

Reference : Development application 44 Barley Fields Road URALLA

We write in connection with the above planning application. I have examined and understand the plans. I wish to object strongly to the positioning of proposed Road 1.

The proposed road affects our property by :

Health

- Noise from breaking and turning traffic.
- Exhaust fumes from turning traffic.

Privacy

- Lights from turning traffic would shine directly down our driveway and onto the house.

Safety

- We believed that positioning of proposed Road 1 to the east off Barley Fields road where there are no houses opposite will increase the safety of using the intersection.

Yours Sincerely

Two handwritten signatures in black ink. The top signature is a cursive name, likely "S. Willey". The bottom signature is another cursive name, likely "D. Vine".

Linda Maynard

From: Jackie Maisey <maiseyjackie@gmail.com>
Sent: Friday, 13 February 2015 12:33 PM
To: Council
Subject: TRIM: Application DA-4-2015

Follow Up Flag: Follow up
Flag Status: Flagged

HP TRIM Record Number: UI/15/457

Dear Council members.

We are objecting to the above application on several grounds.

In general we support the development. We think it will be good for Uralla but we think the access to the development should be on Warwick Street, perhaps as a crescent which will give two access roads, surely access opposite a paddock would be the preferred option. Internal traffic will flow more freely, road construction may be cheaper and Stage 1 will cost less as a road will not be needed. There has been no consideration given to Number 12 Barleyfields road. They will have car lights straight into their home and in the case of an accident cars could very well end up in their yard or even worse in their home. Access on Barleyfields road is invasive to houses already built and we think that the proposed access road is in an accident prone area, just near a bend. We have noticed drivers well over the limit using Barleyfields road as an alternative to the highway traveling at least 80 kms, an accident waiting to happen. Barleyfields road is also a very popular walking and Cycling route for many residents of Uralla. The viaduct is narrow so the less traffic directed that way has to be a plus.

Uralla has been chosen for the first environmental town to be solar efficient. An enormous affect on passive solar housing is the North-South aspect. With the proposed plan many homes will be facing west. We realise that buyers of land can choose to build homes that harness the benefits of the sun but the majority of homes are built facing their road, which with this plan will not make them solar efficient. Surely Uralla council should be a leader in ensuring that houses have the best chance of comfortable living with good planning. This proposed subdivision is the largest, as far as we're aware, in Uralla so isn't this an opportunity for the council planning department to shine and show the way to the future?

The last point is that we don't see any land put aside for recreation. With the number of blocks that will be built on we think that at least one park is needed. Where will the children play, presumably in the streets, and that isn't good town planning. 25 years ago the Batts subdivision had provision for a park, looks like we may be going backwards. The nearest park is quite a distance away and has no play equipment, so that means Alma park is the closest.

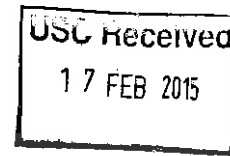
Yours sincerely
Glenn and Jackie Maisey
13/2/2015

Please inform us of your receipt of this email. Thank you

Sent from my iPa

ATTACHMENT U

8 McKenzie Street
URALLA 2358



Ms Elizabeth Cumming
Manager of Planning
Uralla Shire Council
32 Salisbury Street
URALLA 2358

16 February, 2015

Dear Ms Cumming

Re: Application No. DA-4-2015
60 Lot Staged Subdivision 44 Barleyfields Road, Uralla

I have examined the subdivision proposal for the Barleyfields Road property of Mr & Mrs Burnett. Thank you for sending it to me.

I have two concerns about this proposal.

The first is that a group of dense cluster housing such as this proposal shows is, aesthetically, totally out of keeping with the ambience and village aspect of Uralla with its many heritage properties.

The second, and most worrying, is about the proposed waste treatment sites. I would like to know why the whole project is apparently not going to be connected to the town's sewerage system.

I am extremely concerned about this and would be very interested to know if the proposed waste facilities, being located so close to existing and proposed residences, pose any sort of threat to public health.

I look forward to your response

Yours faithfully

A handwritten signature in black ink, appearing to be "Arjn Hacker". The signature is stylized with loops and a long horizontal stroke at the bottom.

Arjn Hacker

Philip Steedman

From: Erin <eza307@hotmail.com> on behalf of Erin
Sent: Tuesday, 17 February 2015 2:33 PM
Subject: Development no. DA-4-2015 44 Barleyfields road uralla

G'day Uralla Council.

My name is Erin Wilkinson of 2 king street uralla. I am worried the proposed development will increase traffic along king street.

I walk everyday along king st with my two kids in a pram. I have to use the road as the grass along the verge makes a pram ride very bumpy for my youngest, and the pram hard to push. King street is a rather narrow road especially before the overpass over the rail bridge.

I would like to propose a cement pathway from the corner of king st and gostwick st to the rail bridge. The path would allow many people who walk king street easy safe access to the shopping center. This may also be incredibly useful for the lady and her guide dog who live around the corner in Warrick st.

The path could follow close to the pine trees at the show ground, making use of the shade they provide in the afternoon. A path would also allow pedestrian access past the show ground when events are on such as the recent car show and Uralla show without trying to watch cars parking and exiting when the area gets very congested.

The path could then be continued around the sports field on Maitland street, following the dirt path that gets washed away in heavy rain leading to trip hazards. As the dirt path is currently.

King street is one of only two streets that led into 'woodville' and I believe the proposed development which could potentially bring 500 new residents to Barleyfields road will increase traffic along king street making a cement pathway a safety necessity.

Thank you for your consideration into my concern.

Erin Wilkinson
2 King st Uralla
eza307@hotmail.cpm
0267783181

Elizabeth Cumming

From: Sean Doodson <sean@nese.com.au>
Sent: Friday, 6 March 2015 9:57 AM
To: Elizabeth Cumming
Cc: burnets@bigpond.net.au
Subject: Response to Objections lodged - Subdivision of 44 Barleyfields Road
Attachments: 20140901 - Plan of Proposed Subdivision Servicing (Rev B).pdf; 20140901 - Plan of Proposed Subdivision (Rev B).pdf

Good morning Libby,

In response to the objections received by Council to the proposed subdivision of 44 Barleyfields Road, Uralla we make the following comments.

We acknowledge that the original position of the proposed intersection of Road 1 and Barleyfields Road may have resulted in additional disturbance caused by traffic to the residents living on the northern side of Barleyfields Road. As such we have modified the location of the intersection to ensure that it does not align with any dwellings on the northern side of Barleyfields Road. We also propose to plant a landscape screen of medium shrubs along the northern edge of the intersection in order to minimise the impact of car headlights on the dwellings. There will also be intersection chevron signs which will also act as a screen. The intersection has been moved approximately 20m to the west of the original position. This option is considered suitable as it maintains safe site distances along Barleyfields Road and given the site constraints (topography, vegetation and large rocks). This change resulted in the need to adjust the boundaries of Lots in stages 1 and 2, however the overall number of Lots has not changed. Please find attached the amended plans of Proposed Subdivision which reflect these changes.

We also acknowledge that Council is not in a position to approve the subdivision of Lots 403, 404, 508, 509 and 510 as they are currently situated on a road reserve. As such it is now indicated on the plan that those lots will be subject to a subsequent development application once that portion of the road has been closed and purchased by our client.

Please do not hesitate to contact me should you have any queries or require further information.

Regards,

Sean Doodson
Director
Registered Surveyor



M: 0422 578 159 P: (02) 6772 3141

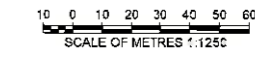
1/161 Rusden Street
Po Box 656
ARMIDALE, 2350

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- Legend**
- Stage 1
 - Stage 2
 - Stage 3
 - Stage 4
 - Stage 5
 - Stage 6
 - Stage 7
 - Bitumen Surface
 - Building Envelope
 - Flood Planning Area
 - TSR Subject to Road Closure Application & Subsequent DA

CONTOUR INTERVAL IS 1.0m.



NOTES:
 1. ALL AREAS AND DIMENSIONS SHOWN ON THIS PLAN ARE APPROXIMATE ONLY AND ARE SUBJECT TO COUNCIL APPROVAL, CONSTRUCTION AND THE FINAL TITLE SURVEY.
 2. ALL SERVICES SHOWN ON THIS PLAN HAVE NOT BEEN LOCATED AND ARE SHOWN AS AN APPROXIMATE POSITION ONLY.

Revision	Date	Description
B	6/03/15	Intersection of Road 1 relocated, boundaries in Stage 1 & 2 Adjusted
A	18/12/14	Original Issue

THIS DETAIL SURVEY IS NOT A "SURVEY" AS DEFINED BY THE SURVEYORS ACT 2002. IF ANY CONSTRUCTION IS PLANNED IT WOULD BE ADVISABLE TO CARRY OUT FURTHER SURVEY WORK TO DETERMINE THE BOUNDARY DIMENSIONS.
ELECTRONIC DATA NOTE:
 THE HARD COPIES OF THESE PLANS ARE THOSE TO WHICH WE CERTIFY TO BE CORRECT. THE ADDITIONAL ELECTRONIC DATA SUPPLIED IS SUPPLIED ON A "USER BEWARE" BASIS. HAWKINS HOOK & Co. HOLDS ORIGINAL DATA FOR VERIFICATION.

Project
 Proposed Subdivision
 44 Barleyfields Road, Uralla
 Lots 81, 462 & 543 in DP 755816

Drawing Title
 Plan of Proposed Subdivision

R.L. & K.A. Burnet
 46 Bridge Street
 Uralla NSW, 2358

New England SURVEYING & ENGINEERING
 Land Development Consultants

1/161 Rusden Street
 Po Box 656
 Armidale NSW 2350

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 info@nese.com.au

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Cad Scale Factor: X 1.0	Drawn: SD
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Datum: MGA	Surveyed: SD
Surveyors Reference: 20140901	Revision: B



- Legend**
- Stage 1
 - Stage 2
 - Stage 3
 - Stage 4
 - Stage 5
 - Stage 6
 - Stage 7
 - Bitumen Surface
 - Building Envelope
 - Flood Planning Area
 - TSR Subject to Road Closure Application & Subsequent DA
 - Proposed Sewer Line
 - Proposed Sewer Manhole
 - Proposed Drainage Line
 - Proposed Drainage Pit
 - Proposed Water main

CONTOUR INTERVAL IS 1.0m.

10 0 10 20 30 40 50 60
SCALE OF METRES 1:1250

NOTES:

- ALL AREAS AND DIMENSIONS SHOWN ON THIS PLAN ARE APPROXIMATE ONLY AND ARE SUBJECT TO COUNCIL APPROVAL, CONSTRUCTION AND THE FINAL TITLE SURVEY.
- ALL SERVICES SHOWN ON THIS PLAN HAVE NOT BEEN LOCATED AND ARE SHOWN AS AN APPROXIMATE POSITION ONLY.

Revision	Date	Description
B	6/03/15	Intersection of Road 1 re-sited, boundaries in Stage 1 & 2 Adjusted
A	18/12/14	Original Issue

THIS DETAIL SURVEY IS NOT A "SURVEY" AS DEFINED BY THE SURVEYORS ACT 2002. IF ANY CONSTRUCTION IS PLANNED IT WOULD BE ADVISABLE TO CARRY OUT FURTHER SURVEY WORK TO DETERMINE THE BOUNDARY DIMENSIONS.

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Project
Proposed Subdivision
44 Barleyfields Road, Uralla
Lots 81, 462 & 543 in DP 755816

Drawing Title
Plan of Proposed Servicing

R.L. & K.A. Burnet
46 Bridge Street
Uralla NSW, 2358

New England SURVEYING & ENGINEERING
Land Development Consultants

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Cad Scale Factor: X 1.0	Drawn: SD
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Job Number: 20140901	Revised: B
Datum: MGA	
Surveyors Reference: 20140901	



**ATTACHMENTS TO CONFIDENTIAL
REPORTS**

CONFIDENTIAL
ATTACHMENT A



Our Reference: PS:RR:110010

4 February 2011

The General Manager
Uralla Shire Council
32 Salisbury Street
URALLA NSW 2358

ATTENTION: MR JOHN WOLFENDEN / MS LIBBY CUMMING

Dear Sir/Madam

**RE: ENCROACHMENTS ON COUNCIL OWNED LAND
LOT 22 DP 746984 & LOT 613 DP 755846 – KARAVA PLACE & KLEINDEINST RD**

We refer to your letter of 3rd December 2010 and the Writer's prior conversation with Mr Wolfenden relating to this matter. We have reviewed the material provided with your correspondence. The Writer endeavoured to contact Mr Wolfenden or Ms Cumming but neither were available. Accordingly we give you our response in writing.

We have examined the material provided and note your advice that the land should be transferred to the adjoining owners. We concur with that view and suggest that immediate steps be taken to re-classify the various lands forming the water races as operational land.

We note your suggestion that as the water races were clearly shown as being excluded from the surrounding land, that the suggestion of carelessness or negligence on behalf of either the property owners or legal advisors may be considered. We are of the view that the only carelessness that may have applied is the siting of dwelling houses and sheds on the areas which form the water races, as the position of the races is clearly shown on all the Deposited Plans and it is noted on those Plans that the water races are excluded from the title to the surrounding land. Accordingly it is conceivable that some carelessness occurred on Council's part in the Development Approval process for the erection of dwellings and sheds, again bearing in mind that the provision of the old water races is clearly shown on the Deposited Plans and we presume that the Development Application process requires an indication from the owner of the land as to site or the proposed site of the structures to be erected.

As such, we suggest that a notional consideration would be more appropriate and we also have in mind that the water races have little commercial value to either Council or the adjoining owners and accordingly a notional consideration would be more appropriate.

You might care to consider the above and if you wish us to proceed further with the matter, you might let us know.

In the meantime we enclose a Tax Invoice for work done to date.

Armidale

Glen Innes

Inverell

Guyra

97 - 101 Faulkner Street Armidale NSW 2350

PO Box 196A Armidale NSW 2350

DX 6001 Armidale

Phone: 02 6776 4500

Fax: 02 6776 4533

RR:URALLA_110010_001.doc



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www.apjlaw.com.au

ABN 43 674 504 644

Yours faithfully
APJ LAW



Peter Schultz
Partner
pschultz@apjlaw.com.au
Enclosure



Uralla Shire Council

Lot 22 DP 746984 & Lot 613 DP 755846

Property Valuation Report

Version: 1.0
Report Date: 31 December 2013
Valuation: Current Market Value
Contact: Martin Burns - Project Manager
Office: New South Wales

Adelaide: 81 Payneham Road • St Peters • South Australia • 5069 • Australia • p: +61 (0) 8 8132 9222 • f: +61 (0) 8 8132 1799
Perth: 45 Ventnor Avenue • West Perth • Western Australia • 6005 • Australia • p: +61 (0) 8 9389 4432 • f: +61 (0) 8 9389 4400
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1.0 INTRODUCTION

This valuation has been conducted under instructions from Uralla Shire Council and provides advice in relation to the current market value of:

Lot 22 DP 746984 | Lot 613 DP 755846, Uralla, New South Wales

The interest been valued in the subject property is the fee simple of the land only and this valuation disregards any improvements to the site.

1.1 Valuation Summary

Valuation Inputs	
Instructing Entity	Uralla Shire Council
Purpose of Valuation	Current Market Value
Current Land-Use	Water Race
Interest valued	Fee simple in land only
Zoning	RU2 Rural Landscape
Date of Valuation	31/12/2013
Market Valuation	\$8,000
Valuation Methodology	Direct Comparison

On receipt of this report, the Instructing Party acknowledges and agrees to the definitions and qualifications set-out at the end of the document.

Our valuation analysis indicates the highest and best use of the subject property is as a rural land holding.

1.2 Assumptions

In providing this advice we have made certain assumptions about the subject property and its legal composition if put to market. These include:

- a. Any development potential would meet all necessary regulatory and legislative requirements and alternative uses would be permissible under existing or future planning and building regulations.
- b. The property is a saleable and marketable asset on its own legal title and could be put to market as at the date of valuation.
- c. The site is not contaminated.
- d. The site has legal access together with access to full site services.

2.0 VALUATION DATE

Valuations are operative as at 31 December 2013. In the current market and assuming no future legal, regulatory or physical changes will occur to the property or surrounding development, this valuation is relevant for a period of three months.

We strongly recommend, if after the expiration of the relevant period values are to be adopted a review of the current market be undertaken to assess any changes in the supply and demand for the property and the impacts (if any) these have on the property's value.

3.0 ASSET DESCRIPTION

Address	Lot 22 in Deposited Plan 746984 and Lot 613 in Deposited Plan 755846, Uralla, New South Wales
Land-use	Water race
Land	<p>Two irregular shaped and contiguous allotments with an estimated combined length of 850 linear metres and a width of approximately six metres.</p> <p>Both lots are enclosed within private properties. Lot 22 in Deposited Plan 746984 is classified as operational land and Lot 613 in Deposited Plan 755846 is currently classified as community land.</p> <p>We have been advised by Uralla Shire Council there is currently a proposal to reclassify Lot 613 in Deposited Plan 755846 to operational land, however; the subject property is situated within the Rocky River Gold Mining Heritage Precinct and a heritage study would be required to be undertaken prior to reclassification.</p> <p>Our valuation is based on the assumption that both Lot 22 in Deposited Plan 746984 and Lot 613 in Deposited Plan 755846 are classified as operational land and have no heritage significance.</p>
Area	<p>Deposited Plan 746984 states Lot 22 has a site area of 2,634 square metres.</p> <p>A search of DP 755846 indicates the plan is unregistered and therefore we are unable to obtain a copy at this point in time. We have relied upon Council's estimated area of some 2,644 square metres for Lot 613.</p> <p>The combined area of the subject property is therefore estimated to be 5,278 square metres.</p>
Improvements	N.A.
Surrounding Development	Surrounding land-uses comprise country living, hobby farms and large rural land holdings.

Graphics



Northerly view of the subject property along Karava Place.



Southerly view of the subject property along Karava Place.

Uralla . . .

**Graphics
(cont)**



Westerly view of the subject property at the intersection of New England Highway and Kliendienst Road.

3.1 Asset Tenure

The subject property is denoted as being:

- a) Lot 22 in Deposited Plan 746984 and Lot 613 in Deposited Plan 755846, at Uralla, in the Local Government Area of Uralla, Parish of Uralla, County of Sandon, and
- b) the whole of the property contained in Folio Identifiers 22/746984 and 613/755846.

3.2 Contamination

Our valuation has not made allowance for the presence of soil contamination which would impact on the permissible use of the land under current planning legislation. If a study is undertaken, which shows the type and extent of any contamination and the associated impact on the development potential of the site then we may review our valuation accordingly.

4.0 LOCATION

The subject property is located in the New England region of New South Wales, approximately three kilometres north-east of the township of Uralla and some 20 kilometres south-west of Armidale, a major regional centre in the New England region of New South Wales.

According to the Australian Bureau of Statistics 2011 Census, the population of Uralla Township is 2,388 and the main employment sectors within the Shire are; Health Care and Social Assistance (13.7%), Manufacturing (12.6%) and Retail (12.6%). Further, the Australian Bureau of Statistics defines the demographics of the Shire of Uralla in the following table:

Table 1 -Uralla Shire Demographics

Category	Qty	Category	Qty
Total population	6,034	No. private dwellings	2,624
- Male	2,980	Average people per household	2.6
- Female	3,054	Median weekly household income	\$933
Median age	43	Median monthly mortgage repayments	\$1,230
No. Families	1,662	Median weekly rent	\$150
Average children per family	2	Average motor vehicles per dwelling	2

Figure 1 - Regional Location Map (Google)



Specifically, the holding runs east west across six separate lots which are bound by Kliendienst Road and Karava Place. Both roads which are bitumen sealed bi-directional access ways with Kliendienst Road linking the New England Highway with Rocky River Road.

Figure 2 - Location Map (Google)

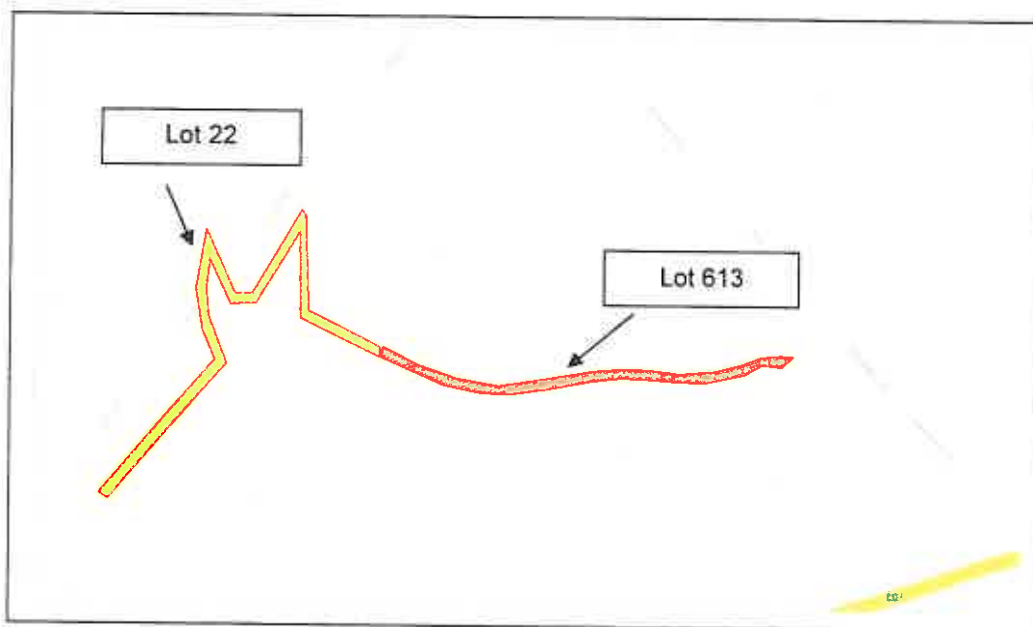


Figure 3 - Location Map (Google - Satellite)



5.0 STATUTORY CONTROLS

Enquiries with Uralla Shire Council revealed that the subject property is zoned “RU2 Rural Landscape” under the Uralla Local Environmental Plan 2012.

The objectives of the zone are stated in the following extract from the Uralla Local Environmental Plan 2012:

Table 2 - Planning Regulations

OBJECTIVES	
1	To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
2	To maintain the rural landscape of the land.
3	To provide for a range of compatible land uses, including extensive agriculture.

The subject property appears to be a complying land-use under these regulations.

Confirmation of the above zoning information should be obtained by written application to Council for a Certificate under S149 of the Environmental Planning and Assessment Act, 1979.

6.0 VALUATION DETAIL

All assets the subject of analysis have been personally inspected by Liquid Pacific for the purposes of determining value and any issues which may impact on the highest and best use of the property. Liquid has relied upon information available from subscriber databases, local and regulatory sources and the client in assisting with the recognition, quantification and calculation of asset values.

The advice contained herein is subject to definitions and guidelines as derived by professional organisations and Government agencies as follows:

6.1 Market Value

In accordance with the International Valuation Standards Committee, Market Value is defined as:

“The estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arm’s-length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently, and without compulsion.”¹

We referenced the Australia and New Zealand ‘Valuation and Property Standards’ to determine the correct approach to forming our opinion of the subject property’s market value, which recommends the direct comparison of sales approach to valuation. Described as:

“A sales comparison technique for land valuation involves direct comparison of the subject property with similar land parcels for which actual data on recent market transactions are available.”

Valuing influencing variables include but are not limited to:

Table 3 - Value influencing variables

Variable	Description
Site Area	Traditionally, diminishing returns exist for larger parcels whereby values reduce per unit of site area as the site area increases.
Topography	Impacts value due to costs associated with construction (i.e. either levelling the site or constructing on a sloping parcel).

¹ API Professional Practice Manual 6th Ed 2008

Zoning	Each zone has associated permissible land-uses. Supply and demand reflected by population and availability of appropriately zoned land contributes to value and ultimately returns to investors.
Location	The micro-location (i.e. exposure to traffic, vehicular and pedestrian) as well as the macro (i.e. access to airports, major transport routes, etc) will impact a property's value. More often a purchaser's desire to obtain a position which benefits their business can drive selling prices.

In determining the market value for the subject property we made reference to transactions of land within the general vicinity. Sales indicate achieved rates of \$0.61 to \$14 per square metre of land area dependent upon location, extent of the site, land area and any improvements on the land.

The subject property is a water race spanning some 850 metres across a number of allotments and located between two roadways but with minimal street frontage. We consider if the property were placed on the open market, there would be little interest in the holding other than from adjoining owners.

Having consideration to the above, we are of the opinion an appropriate market value for the property equates to around \$1.50 per square metre of land area.

Below are details of some of the transactions considered in deriving our opinion of the subject property's value.

Table 4 - Property Sales

Address	Lot 303 Anderson Road, Rocky River	Sale Price	\$66,000	Date	11/08/2012
Comments	Site improved with a dilapidated cottage. Land area of 4,723 square metres, located in an area zoned RU2 Rural Landscape under Uralla Local Environmental Plan 2012. Equates to approximately \$14 per square metre of land area.				
Address	2722 Bundarra Road, Yarrowyck	Sale Price	\$670,000	Date	02/10/2012
Comments	Site improved with a homestead. Land area of 800,400 square metres, located in an area zoned RU2 Rural Landscape under Uralla Local Environmental Plan 2012. Equates to approximately \$0.83 per square metre of land area.				
Address	2000 Kingstown Road, Balala	Sale Price	\$245,000	Date	23/01/2012
Comments	Vacant site. Land area of 400,700 square metres, located in an area zoned RU2 Rural Landscape under Uralla Local Environmental Plan 2012. Equates to approximately \$0.61 per square metre of land area.				

In addition to achieved values we are aware there are several properties on the market which reflect values considered appropriate for comparison purposes. In particular the Woodland Estate located at Panhandle Road some four kilometres from Uralla which comprises a number of small bush blocks (2ha – 5ha) for sale at a rate of between \$3 per square metre and \$5 per square metres of site area. Whilst asking prices are not necessarily indicative of market value they can assist in supporting opinions when market evidence is thin.

Table 5 – Valuation Calculations

Calculations			
Lot 22 in Deposited Plan 746984			
Land Area (m2)	2,634		
Rate/m2	\$15.00		
		\$39,510	
Lot 613 in Deposited Plan 755846			
Land Area (m2)	2,644		
Rate/m2	\$15.00		
		\$39,660	
Sub-total			\$79,170
Discounted for irregular shape, utility and access		90%	\$7,917
Total		Say	\$8,000

6.2 Highest and Best Use

The concept of highest and best use has its foundation in the maximisation of the utility of an asset, more often than not reflected as a use which achieves, or could possibly achieve, the highest financial return in the market at time of analysis. The API Professional Practice Manual further clarifies highest and best use as:

“...the most probable use of the asset that is physically possible, appropriately justified, legally permissible, financially feasible, and which results in the highest value.”²

We consider the highest and best use of the site is as a contributing parcel to an existing rural land holding.

² API Professional Practice Manual 6th Ed 2008

7.0 RESULTS

Liquid Pacific considers the market value of the subject property, as at the date of valuation and taking into account the above parameters to be:

Eight Thousand Dollars
(\$8,000)

**All values are exclusive of GST.*



Martin Stansfeld Burns
Associate Australian Property Institute, C.P.V.
Member Royal Institution of Chartered Surveyors



Guiseppe Orlando
Associate Australian Property Institute, C.P.V.

DEFINITIONS & QUALIFICATIONS

Market Value

For the purposes of this valuation Market Value is defined as;

*"The estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arm's-length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently, and without compulsion."*³

Scope

We have not carried out a structural survey of the improvements, and any opinion given as to the condition of any improvements on the property is not given in the capacity as an expert. This report is not a structural survey. We have not examined the improvements for signs of timber infestation. This report does not make any allowance for contamination or pollution of the land which may have occurred as a result of past usage, with the exception of those noted in the body of the report. Consequently, should any of these matters be found to exist, the report should be referred back to Liquid Pacific for reappraisal.

Valuations conducted at 'Fair Value' have been done so for statutory reporting purposes only and in the majority of cases under the assumption of continuing use whereby the client has no intention to cease operations or liquidate. Valuations contained herein are not to be relied upon for any other purpose than to meet the reporting requirements of the entity as set-out in Australia Accounting Standards. Liquid Pacific accepts no liability for use of the enclosed 'Fair Values' for any other purpose whatsoever.

Market Forces

Real estate values vary from time to time in response to changing market circumstances and it should therefore be noted that this valuation is based on available information leading up to the date of valuation. No warranty can be given as to the maintenance of this value into the future. It is recommended that the valuation be reviewed periodically.

Information

Assumptions are a necessary part of this valuation. Liquid Pacific adopts assumptions because some matters are not capable of accurate calculation, or fall outside the scope of our expertise, or instructions. The risk that any of the assumptions adopted in this document may be incorrect should be taken into account. Whilst reasonable care is taken to ensure that assumptions are soundly based, Liquid Pacific does not warrant or represent that the assumptions on which this valuation is based are accurate, correct, or particularly reflect Liquid Pacific's professional opinion.

This document contains information which is directly derived from other sources without verification by us including but not limited to tenancy schedules, planning documents and environmental or other expert reports. Further, the information is not adopted by Liquid Pacific as our own, even where it is used in our calculations.

Where the content of this document has been derived, in whole or in part, from outside sources, Liquid Pacific does not warrant or represent that such information is accurate or correct. To the event that this document includes any statement as to a future matter, that statement is provided as an estimate and/or opinion based on the information known to Liquid Pacific at the date of this document. Liquid Pacific does not warrant that such statements are accurate or correct. From November 2002 the identity of vendors and purchasers has been eliminated from sales data provided to us by the South Australia Government. Whilst reasonable efforts are made to eliminate sales from our analysis that do not conform with the definition of value contained herein, Liquid Pacific cannot warrant the veracity of sales upon which our judgments are based.

³ API Professional Practice Manual 6th Ed 2008

Goods and Services Tax

Goods and Services Tax (GST) became law in July 1999 and commenced operation on the 1st July 2000. As at this date rental payments for non-residential leases generally became subject to GST except where deferred under transitional provisions. The sale of GST may also be subject to GST, the amount of tax payable being subject to the tax status of the parties, available input tax credits and the operation of the Margin Scheme and Transitional Arrangements.

We advise that Liquid Pacific have made no allowance in our valuation for any impact of the GST on passing or imputed rentals paid and/or received by the parties. Where this valuation is based on analysis of recent market transactions it is unclear whether the market is influenced by GST.

This valuation has being calculated on a GST exclusive basis.

Restrictions

This report and its findings have been presented to the Instructing Party for the sole purpose of delivering a valuation outcome. All information utilised to derive the valuation outcome provided in this report and which supports or is incidental to the valuation conclusion does not form part of the service provision and may not be relied upon by the Instructing Party for any other purposes.

The contents of this report may not be used or relied upon by the Instructing Party for any purpose until clear authority is provided in writing by an authorised member of Liquid Pacific. In addition, neither the whole nor any part of this report, including restatement of values nor any reference thereto may be included in any published document, circular or statement or published in any way without the written approval of Liquid Pacific as to the form and context in which it may appear.


Upon release, this report is for the use of and may be relied upon only by the Instructing Party. No other party is entitled to use or rely on the whole or any part of the contents of this report and Liquid Pacific shall accept no liability to any party that does so. If this report and its findings are provided to meet financial reporting purposes, then this valuation may only be relied upon to fulfill those regulatory requirements and cannot be relied upon for any other purpose (i.e. acquisition, purchase, etc). For all valuation advice this report's findings may be relied upon by the Instructing Party to make decisions regarding the assets the subject of the analysis, provided that the Instructing Party adopts prudent practices and reasonable due diligence.

Insurers Mandatory Clauses

This valuation is current as at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relative short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value. Without the general scope of the above comment, we do not assume responsibility or accept any liability where this valuation is relied upon after the expiration of 3 months from the date of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.

(If applicable) This valuation is prepared on the assumption that the lender as referred to in the valuation report (and no other) may rely on the valuation for mortgage finance purposes and the lender has compiled with its own lending guidelines as well as prudent finance industry lending practices, and has considered all prudent aspects of credit risk for any potential borrower, including the borrowers liability to service and repay any mortgage loan. Further, the valuation is prepared on the assumption that the lender is providing mortgage finance at a conservative and prudent loan to value ratio.

Appendix - Title Information



Order number: 18177024
Your Reference: 121305
08/12/13 11:57

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 02/746984

SEARCH DATE	TIME	EDITION NO	DATE
8/12/2013	11:57 AM	2	20/1/1992

LAND

LOT 22 IN DEPOSITED PLAN 746984
 AT URALLA
 LOCAL GOVERNMENT AREA URALLA
 PARISH OF URALLA COUNTY OF SANDON
 TITLE DIAGRAM EP746984

FIRST SCHEDULE

THE COUNCIL OF THE SHIRE OF URALLA (T 2100923)

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND
 CONDITIONS IN FAVOUR OF THE CROWN - SEE MEMORANDUM S700000A

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES
 NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED
 CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS
 RECOMMENDED THAT STRINGENT PROCEDURES ARE ADOPTED IN VERIFYING THE
 IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND
 COMPRISED IN THIS FOLIO.
 UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 8/12/2013

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.
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