

CHAPTER 5 NON-RESIDENTIAL DEVELOPMENT IN ZONE RU5 VILLAGE

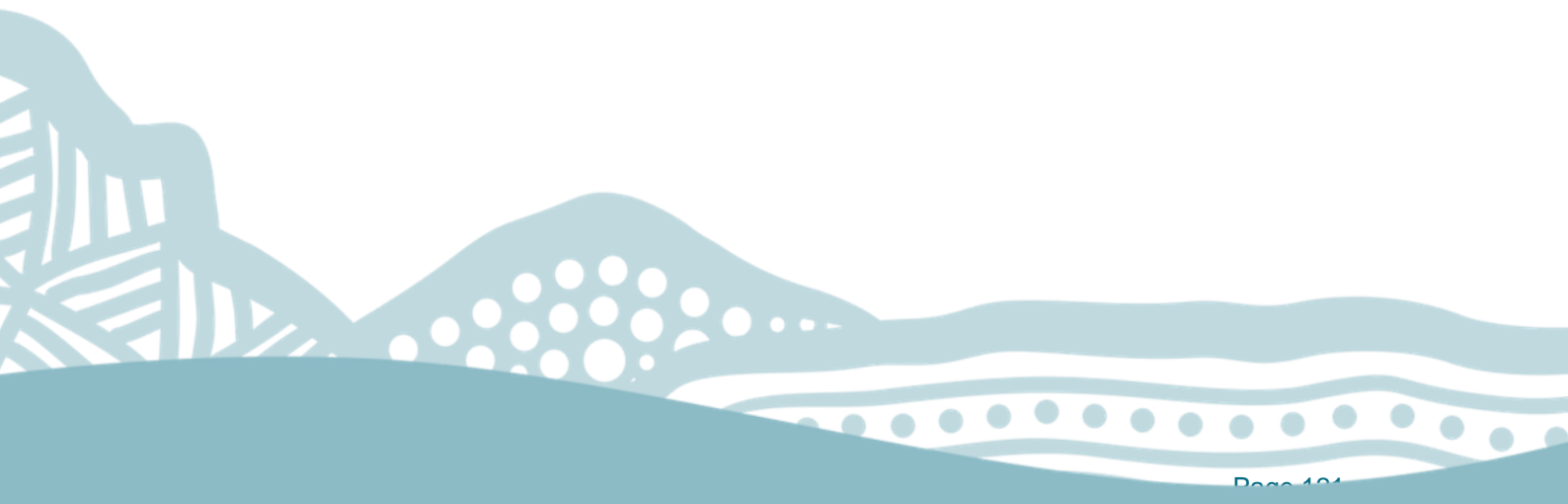


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1 INTRODUCTION

1.1 Application

This Chapter applies in preparing and assessing applications for non-residential development within Zone RU5 Village. This Chapter also applies to development that includes a minor or subordinate residential component, for example a caretaker's dwelling. This Chapter does not apply to development of dwellings or secondary dwellings in Zone RU5; Chapter 3 of the DCP provides guidelines for development of dwellings and secondary dwellings. This Chapter does not apply to development of other residential development in Zone RU5. This Chapter does not apply to development of signage in Zone RU5; Chapter 4 of the DCP provides guidelines for development of signage.

The Kyogle Council area features a number of villages each with its own character. The surrounding landscape, built environment, streetscape and land use of each village contributes to the sense of place and overall amenity. The development guidelines contained in this Chapter aim to facilitate development within the villages that preserves and supports the desirable characteristics of each village.

Council recognises that new commercial and industrial development has the potential to impact upon the existing character and amenity of the villages. Development applications must therefore demonstrate that the proposed development will positively contribute to the amenity of the locality. Sensitive building and development design is an important way to protect existing amenity and to achieve integration with existing development and streetscape.

1.2 Aims of Chapter 5

- a) To provide development guidelines to assist the design of development proposals and preparation of development applications for non-residential development within Zone RU5 Village and the assessment of those applications.
- b) To facilitate development that preserves and supports the unique and desirable characteristics of the villages and is consistent with the Zone objectives.

1.3 Objectives of Chapter 5

- a) To encourage development that responds appropriately to surrounding development in terms of its scale, character and nature and intensity of use.
- b) To ensure that new or expanded development is adequately serviced and that suitable provision is made for access, car parking and landscaping.
- c) To promote development in appropriate locations that reflects the pattern of existing development and contributes to the vitality and viability of the existing core commercial areas.

- d) To preserve the character of the villages by protecting heritage items and ensuring that development within heritage conservation areas or within the vicinity of a listed heritage item are designed having regard to the heritage significance of the locality or item.
- e) To ensure the amenity of existing development and residential properties is not adversely affected by new development.

2 DEVELOPMENT GUIDELINES

Note: the Acceptable Solutions in the table below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot, meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.

Performance criteria	Acceptable solution
Design of Buildings and structures	
P1 The height of buildings and structures is consistent with the surrounding area and does not create visual impact	A1 Building height does not exceed maximum height shown on Height of Buildings Map
P2 Bulk and scale of buildings is consistent with surrounding development and reflects or enhances the architectural character of the village	No Acceptable Solution is prescribed: demonstrate how the proposal achieves the Performance Criteria
P3 Form and design of buildings is compatible with surrounding development and reflects or enhances the architectural character of the village	No Acceptable Solution is prescribed: demonstrate how the proposal achieves the Performance Criteria
P4 Building materials reflect or complement the existing character of the village	No Acceptable Solution is prescribed: demonstrate how the proposal achieves the Performance Criteria
Boundary setbacks	
P5 The front boundary setback of buildings and structures is consistent with existing buildings in the street	A5.1 Buildings and structures must be set back a minimum of 6 metres from the front boundary or where adjoining buildings have a lesser setback; the average of adjoining buildings OR A5.2 Where other commercial buildings fronting the same street have a zero setback, new development may be located on the front boundary subject to compliance with building and access requirements

Performance criteria	Acceptable solution
	<p>OR Where site fronts a classified road: A5.3 Front boundary setback is at least 9 metres, except where A5.2 applies</p>
<p>P6 The side boundary setback of buildings and structures is consistent with surrounding development and does not impact on the amenity of surrounding development</p>	<p>Where development site has a side boundary to a residential area: A6.1 Buildings and structures are set back a minimum of 2 metres from side boundaries</p> <p>OR</p> <p>Where development site does not have a side boundary to a residential area: A6.2 Buildings and structures are set back a minimum of 1.5 metres from side boundaries</p> <p>OR</p> <p>A6.3 Where other commercial buildings fronting the same street have a zero setback, new development may be located on the side boundary subject to compliance with building and access requirements</p>
<p>P7 The rear boundary setback of buildings and structures is consistent with surrounding development and does not impact on the amenity of surrounding development</p>	<p>Where development site has a rear boundary to a residential area: A7.1 Buildings and structures are set back a minimum of 6 metres from rear boundaries</p> <p>OR</p> <p>Where development has a rear boundary to a laneway or commercial development: A7.2 Buildings and structures are set back a minimum of 3 metres from boundary</p> <p>A7.3 Uncovered car parks are set back a minimum of 1.5 metres from boundary and landscape planting is provided between car park and boundary</p>
<p>Corner allotments</p>	
<p>P8 Building setbacks on corner allotments permit safe conditions for pedestrians and vehicles, maintain the character and building line of the streets and do not impact on the amenity of adjoining properties</p>	<p>A8.1 Building setback to the primary street frontage* is as per A5.1, A5.2 or A5.3</p> <p>A8.2 Setback of buildings and structures to secondary frontage is a minimum of 3 metres or at least the setback of existing adjoining buildings, whichever is the lesser</p>

Performance criteria	Acceptable solution
	<p>OR</p> <p>A8.3 Where other commercial buildings fronting the same street have a lesser setback, new development may have the same setback subject to compliance with building and access requirements</p> <p>A8.4 Buildings and structures are set back a minimum of 2 metres from side boundaries</p> <p>A8.5 Vehicular access points are not closer than 6 metres from the intersection</p> <p><i>* The narrow street frontage is the primary street frontage</i></p>
Public realm, streetscape and pedestrian environment	
P9 Development maintains or restores the pattern of awnings in the village and provides appropriate protection for pedestrians and customers from sun and rain	A9 Development provides an awning over the footpath where fronting a street that features development with existing awnings
P10 Development addresses the street and makes a positive contribution to public realm	A10 The building entrance, shop front or customer service area face the street
P11 Development facilitates good pedestrian movement and accessibility and does not compromise the existing footpath width or function	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P12 Development minimises opportunities for crime	A12 Development incorporates 'Crime Prevention Through Environmental Design' (CPTED) principles
Development that includes a secondary residential component	
P13 Residential and non-residential uses of a site are compatible and buildings meet Building Code of Australia requirements	<p>A13.1 The development site does not include industrial uses</p> <p>A13.2 The front entrance to the dwelling or dwellings is visible from the street frontage</p> <p>A13.3 The residential component is not the primary use of the site</p> <p>A13.4 The development complies with the provisions of the Building Code of Australia concerning fire separation and noise attenuation</p>

Performance criteria	Acceptable solution
Garages, Carports and Outbuildings	
P14 Garages, sheds and carports are not visually intrusive and do not dominate the streetscape	<p>A14.1 Garages, carports and outbuildings are not located in front of the line of the main building</p> <p>A14.2 The design of garages, carports and outbuildings is complementary of the design of the principal building</p>
Landscaping and Vegetation	
P15 Development has a positive appearance and surrounding properties are buffered from impacts of the development, including; amenity, vehicular movements, appearance of buildings, operational areas and car parking	<p>A15.1 Where development includes off street car parking and/or outdoor operational areas a 1.5 m wide landscape buffer is provided on side and rear boundaries</p> <p>A15.2 A landscape concept plan is submitted demonstrating achievement of buffer</p>
P16 Development does not detract from the amenity or character of the site or neighbourhood through impacts on existing mature vegetation of significance	A16 Existing mature vegetation of significance is retained
Natural Hazards	
P17 Buildings, structures and persons on the development site are not exposed to unacceptable risk from flooding, landslip or bushfire	A17 Development is not on a site that is bushfire, flood or landslip prone
Servicing and Infrastructure	
P18 Development makes suitable provision for collection, management and treatment of effluent	<p>Where development is in a sewerred area:</p> <p>A18.1 Development is connected to the reticulated sewerage system</p> <p>OR</p> <p>Where development is not in a sewerred area:</p> <p>A18.2 The development is able to be serviced by an on-site sewage management system in accordance with Council's On-site Sewage Management Strategy</p>
P19 Development makes suitable provisions for management and disposal of liquid trade waste	A19 Where development generates liquid trade waste that waste is disposed of in accordance with Kyogle Council Liquid Trade Waste Policy
P20 The development is adequately serviced by power and telecommunications without	A20 The development is serviced by reticulated power and telecommunications

Performance criteria	Acceptable solution
impacting on surrounding properties by way of emissions of noise, odour, fumes or light	
P21 The development has adequate water supply	<p>Where development is in an area serviced by reticulated water: A21.1 Development is connected to the reticulated water system</p> <p>OR</p> <p>Where development is not in an area serviced by reticulated water: A21.2 The development is self-sufficient for water supply</p>
P22 Appropriate provisions are made for the collection and management of stormwater that does not contribute to flooding or impacts on surrounding properties	<p>Where development is in an area with a piped stormwater drainage network: A22.1 Stormwater is collected and discharged to the stormwater drainage network</p> <p>OR</p> <p>Where development is not in an area with a piped stormwater drainage network: A22.2 Stormwater is effectively managed on site and does not contribute to flooding or nuisance on adjoining properties</p>
P23 Solid waste collection and disposal system is appropriate to manage the waste generated by the development	<p>A23.1 The development is serviced by a commercial waste collection service</p> <p>A23.2 Waste disposal systems and storage areas comply with the requirements of the Kyogle Council Construction Site Waste Minimisation and Management Policy</p>
P24 Waste storage, collection or disposal areas do not create impacts on adjoining properties	<p>A24.1 External waste storage facilities are located so as to be not visible from public places and adjoining properties or are screened from view</p> <p>A24.2 Waste storage does not create odour impacts</p>
Protection of Amenity	
P25 Development does not result in adverse impacts on the residential amenity of the	A25.1 Operation of the development complies with the NSW Industrial Noise Policy where applicable

Performance criteria	Acceptable solution
<p>locality by reason of emission of noise, odour, dust, fumes or light</p>	<p>A25.2 Development does not create undesirable odours</p> <p>A25.3 Development does not utilise external lighting outside of operational/opening hours</p> <p>A25.4 External lighting is shielded to prevent light spill over surrounding development</p>
<p>P26 Potentially intrusive activities* do not impact on the amenity of surrounding properties**</p> <p><i>* Includes, but is not limited to; Light industries, Rural industries, Service stations, Transport depots, Truck depots, Freight transport facilities, Warehouse or distributions centres, Vehicle repair stations, Vehicle body repair workshops</i></p> <p><i>** Must be demonstrated through submission of a noise impact assessment or other</i></p>	<p>A26.1 Potentially intrusive activities* are not located on a site that adjoins a residential use or other sensitive uses including, but not limited to; hospitals, education facilities, child care centres and seniors housing</p> <p>A26.2 Air compressors and other stationary noise generating plant are located in an enclosed structure</p>
<p>P27 Where development is located on a site that adjoins potentially intrusive activities*, the development will not be subject to unacceptable amenity impacts**</p> <p><i>* Includes, but is not limited to; Light industries, Rural industries, Service stations, Transport depots, Truck depots, Freight transport facilities, Warehouse or distributions centres, Vehicle repair stations, Vehicle body repair workshops</i></p> <p><i>** Must be demonstrated through submission of a noise impact assessment or other</i></p>	<p>A27 Development does not adjoin land where potentially intrusive activities* are carried out</p>
<p>Hours of Operation</p>	
<p>P28 Hours of operation of the development do not create unacceptable impact on amenity of surrounding properties</p>	<p>A28 Hours of operation are in accordance with Table C5.1 in Appendix C5</p>
<p>Access and Parking</p>	
<p>P29 The development makes suitable provisions for vehicular and pedestrian access that is safe and does not create traffic impacts</p>	<p>A29.1 Vehicles are able to enter and leave the site in a forward direction</p>

Performance criteria	Acceptable solution
	<p>A29.2 The development site has access to a constructed public road</p> <p>A29.3 Site access, internal driveways, manoeuvring and parking areas are in accordance with the Northern Rivers Local Government Development & Design and Construction Manuals, and Council's Property Access and Addressing Management Plan</p> <p>A29.4 Access for people with disabilities is provided in accordance with the provisions of AS 1428.1</p>
P30 The development does not create unreasonable demand for on-street parking or adverse impacts on adjoining properties	A30 Car parking for employees and customers is provided on site in accordance with Chapter 8 Off street car parking where sufficient space is available
P31 Car parking does not detract from the streetscape or alter the existing building line	A31 Parking is provided at the rear of the premises
Where located on the site of a heritage item	
P32 Development does not adversely impact views or the setting of the heritage item	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
Where adjoining a site of a heritage item	
P33 Development does not adversely impact views or the setting of the heritage item	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
Where located in a heritage conservation area	
P34 Development complements the scale, form and character of existing development in the conservation area	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria

APPENDIX C5

Table C5.1 Preferred operational or opening hours

Development use or activity	Monday to Friday	Saturday	Sunday and Public Holidays
Retail, Food and drink premises (excluding licensed premises)	6am-8pm	7am-8pm	7am-8pm
Office, Medical Centre	7am-8pm	8am-8pm	8am-8pm
Light industry	7am-6pm	7am-6pm	7am-6pm
Depot, Freight transport facility, Transport depot, Truck depot, Warehouse and distribution centre	7am-6pm	7am-1pm	Not permitted
Service station	6am-8pm	6am-8pm	6am-8pm
Vehicle repair station, Vehicle body repair workshop	7am-6pm	7am-1pm	Not permitted
Rural industries	7am-6pm	7am-1pm	Not permitted