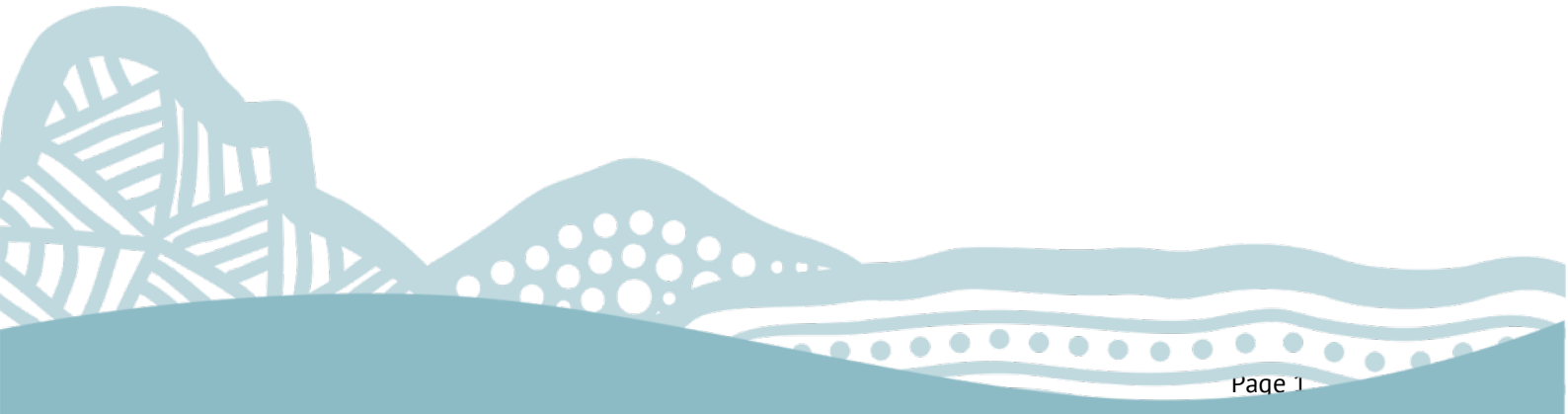


CHAPTER 12 NON-RESIDENTIAL DEVELOPMENT IN KYOGLE
TOWN CENTRE (ZONES B2 LOCAL CENTRE AND B4 MIXED USE)



ABLE OF CONTENTS

1	Introduction	3
1.1	Application	3
1.2	Exempt and Complying Development.....	3
1.3	Aim of Chapter 12	3
1.4	Objectives of Chapter 12	3
2	Development Guidelines.....	5
2.1	Building and site design	5
2.2	Awnings, active frontages, public realm and footpaths.....	11
2.3	Operations and amenity.....	12
2.4	Servicing and infrastructure	14
2.5	Site access, parking, storage and deliveries.....	16
2.6	Heritage conservation	17
	Appendix 1 Preferred operational hours.....	20

1 Introduction

1.1 APPLICATION

This Chapter applies in preparing and assessing applications for non-residential development in Zones B2 Local Centre and B4 Mixed Use. It does not apply to residential development in the zones. This Chapter does not apply to subdivision of land in Zones B2 and B4; criteria for subdivision are in Chapter 2 Subdivision.

1.2 EXEMPT AND COMPLYING DEVELOPMENT

Certain development (including changes of use of premises) is permitted to be established as exempt development (development that does not require development consent, subject to certain requirements). Reference should be made to Schedule 2 of the Kyogle LEP 2012 and any relevant State Environmental Planning Policy.

Certain development (including changes of use of premises) is permitted to be carried out as complying development (development which can be certified by Council or a private certifier as meeting certain criteria). Reference should be made to Schedule 3 of the Kyogle LEP 2012 and any relevant State Environmental Planning Policy.

1.3 AIM OF CHAPTER 12

The aim of this chapter is to provide development guidelines to assist the design of development proposals and preparation of development applications for non-residential development within Zones B2 Local Centre and B4 Mixed Use and the assessment of those applications, and to facilitate development in Zones B2 and B4 that is consistent with the applicable zone objectives.

1.4 OBJECTIVES OF CHAPTER 12

- a) To ensure that new development supports and enhances the desirable characteristics of the commercial centre of Kyogle.
- b) To ensure that new development is serviced by necessary infrastructure, and that suitable provision is made for site access, car parking, servicing or deliveries.
- c) To preserve the historic character of the Kyogle commercial area by encouraging the protection and use of heritage buildings and ensuring that new development does not adversely impact the character of the area and any nearby heritage items.
- d) To encourage provision of high-quality streetscapes and footpaths and an activated public realm and building frontages.

- e) To ensure the height, mass, scale and form of new buildings and structures is consistent with or complements adjoining buildings and contributes positively to the character of the commercial area.
- f) To ensure that new development does not adversely impact the amenity of its surroundings and is not adversely affected by activities or uses that exist in the surrounding area.

2 Development Guidelines

2.1 BUILDING AND SITE DESIGN

This section provides development criteria relevant to the design of development sites and new buildings, as well as alterations, additions or extensions to existing sites and buildings.

<p>PERFORMANCE CRITERIA</p> <p><i>Assessment against the Performance Criteria is only required if the proposal does not meet the Acceptable Solution</i></p>	<p>ACCEPTABLE SOLUTION</p> <p><i>If the proposal cannot meet the Acceptable Solution assess the proposal against the associated Performance Criteria</i></p>
<p>Primary road frontage</p>	
<p>P1 The primary road frontage of the development should not compromise the predominant pattern of development in the street</p>	<p>Where development site has frontage to Summerland Way:</p> <p>A1.1 The development’s primary pedestrian access and building frontage is oriented to Summerland Way</p> <p>Where development site has frontage to Bloore Street:</p> <p>A1.2 The development’s primary pedestrian access and building frontage is oriented to Bloore Street</p> <p>All other sites:</p> <p>A1.3 The orientation of the development’s primary pedestrian access and building frontage is consistent with surrounding development</p>
<p>Height of buildings and structures</p>	
<p>P2 The height of new buildings and structures is consistent with the height of adjoining buildings, contributes positively to the</p>	<p>A2 Height of new buildings and structures does not exceed maximum building height shown on LEP Height of Buildings Map</p>

<p>character of the commercial area and does not negatively impact significant views</p>	
--	--

Mass and scale of buildings and structures	
P3 Mass and scale of new buildings and structures should be consistent with, or complement, buildings on adjoining sites and the existing form of development in the street	<i>No Acceptable Solution is provided: demonstrate how the proposal meets the Performance Criteria</i>
Architecture	
P4 Architectural design of new buildings should reflect or complement the architecture of surrounding buildings or be an example of outstanding design that enhances the character of the centre and the sense of place	<i>No Acceptable Solution is provided: demonstrate how the proposal meets the Performance Criteria</i>
P5 New roofs should reflect or complement the built form of existing adjoining development	A5 New roofs are traditional forms that reflect or match rooves present in the locality or on adjoining buildings
Corner lots	
P6 New buildings on corner sites provide a landmark building that positively addresses both streets	<p>A6.1 The main building entrance is at or near the corner</p> <p>A6.2 The building provides active frontages to both streets i.e. windows and building entrances that address the streets and provide passive surveillance</p> <p>A6.3 The street corner is emphasised through a landmark built form element or architectural feature</p>
Boundary setbacks	
P7 Front boundary setback of buildings is consistent with adjoining buildings and/or the existing character of the street and contributes positively to the streetscape	<i>No Acceptable Solution is provided: demonstrate how the proposal meets the Performance Criteria</i>

<p>P8 Side boundary setbacks are consistent with adjoining buildings and/or the existing character of the street</p>	<p><i>No Acceptable Solution is provided: demonstrate how the proposal meets the Performance Criteria</i></p>
--	---

P9 Rear boundary setbacks should be consistent with adjoining development and should allow sufficient space for external parking, operational areas, servicing and deliveries as required	<i>No Acceptable Solution is provided: demonstrate how the proposal meets the Performance Criteria</i>
Site coverage	
P10 The extent of buildings and structures on the site retains sufficient site area for ancillary functions and operations (e.g. servicing, delivery and storage requirements to be provided on site) and does not adversely impact surrounding areas	<i>No Acceptable Solution is provided: demonstrate how the proposal meets the Performance Criteria</i>
Crime prevention	
P11 Development minimises opportunities for crime	A11 Development incorporates relevant 'Crime Prevention Through Environmental Design' (CPTED) principles
Energy and water efficiency and climate responsive design	
P12 The development is designed to minimise the requirement for artificial lighting, heating and cooling and water use	A12 The development includes energy and water efficiency measures
P13 The development is responsive to the subtropical climate	A13 The development includes appropriate measures to address the intrusive effects of the sub-tropical climate, such as awnings and sun shading devices over building openings, substantial eaves, allowance for cross ventilation and space for shade tree planting
Colours	
P14 External colours of buildings and signage should not significantly adversely affect the character of the commercial centre, the heritage conservation area and any adjacent items of heritage significance	<i>No Acceptable Solution is provided: demonstrate how the proposal meets the Performance Criteria</i>
Signage and advertising	

P15 Signage and advertising is complementary to, and does not adversely affect, the character of the centre	A156 Signage and advertising meets the criteria in DCP Chapter 4 Signage
Landscaping and vegetation	
P16 Development incorporates landscaping to contribute positively to the character development, street and centre	<p>A16.1 Where development is set back from lot boundaries, landscaping is utilised to:</p> <ul style="list-style-type: none"> • provide shade • break up the visual mass and extent of buildings and sealed surfaces • buffer adjoining development from visual impact • enhance the appearance of the development and the character of the centre <p>A16.2 Landscaping is provided in accordance with a landscape concept plan</p> <p>A16.3 Proposed plant species and design complement the landscape character of the site and its surroundings</p>
P17 The development contributes positively to the landscape character of the site and its surroundings	A17 Existing healthy and/or native mature vegetation of significance is retained and incorporated in the development design
Flooding	
P18 Buildings, structures and persons on the development site are not exposed to unacceptable risk from flooding and the development does not exacerbate flooding of surrounding properties	<p>A18.1 The development site is not prone to flooding from inundation or overland flow</p> <p>OR</p> <p>Where development is proposed on a lot within the Flood Planning Area shown on the LEP Flood Planning Map:</p> <p>A18.2 The development complies with the provisions of the Development Control Plan</p>

	in the <i>Kyogle Council Floodplain Risk Management Plan 2009</i>
--	---

2.2 AWNINGS, ACTIVE FRONTAGES, PUBLIC REALM AND FOOTPATHS

This section provides development criteria relevant to the design of those parts of new buildings and development that address public space, footpaths or streets.

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION
<i>Assessment against the Performance Criteria is only required if the proposal does not meet the Acceptable Solution</i>	<i>If the proposal cannot meet the Acceptable Solution assess the proposal against the associated Performance Criteria</i>
Active frontages	
P19 Development addresses the street and makes a positive contribution to activity in the street	<p>A19.1 The building entrance, shop front, reception or customer service area is oriented to the principal street frontage</p> <p>A19.2 Uses or activities on the ground floor of a building enable the development to provide an active frontage to its principal street frontage</p> <p>A19.3 The design of new or replacement shop fronts should allow for visual connection between the street and premises, be of appropriate character and provide good visual character and interest</p>
Awnings	
P20 Development provides appropriate protection for pedestrians and customers from sun and rain and preserves the pattern of development in the street	<p>Where development site has frontage to Summerland Way, Geneva Street and Stratheden Street:</p> <p>A20.1 New buildings provide an awning over the footpath/road reserve</p>

	<p>A20.2 Width and height of awning is consistent with surroundings</p> <p>A20.3 Where abutting an awning on an adjoining site, the development provides a logical and complementary interface</p> <p>OR</p> <p>All other sites:</p> <p>A20.4 Development provides an awning over the footpath where fronting a street that features development with existing awnings</p>
Footpaths and pedestrian environment	
P21 Development facilitates good pedestrian movement and accessibility	A21 Development does not unacceptably compromise the existing footpath width or function
Retention of significant views	
P22 New development must not adversely impact significant views and vistas	<p>Where development site has frontage to Summerland Way:</p> <p>A22 Buildings and structures do not adversely impact views of elevated landforms, including the Border Ranges, when viewed north along the Summerland Way</p>

2.3 OPERATIONS AND AMENITY

This section provides development criteria relevant to the consideration of potential impacts on surrounding sites and the compatibility of the proposed development with existing activities in the area.



<p><i>Assessment against the Performance Criteria is only required if the proposal does not meet the Acceptable Solution</i></p>	<p><i>If the proposal cannot meet the Acceptable Solution assess the proposal against the associated Performance Criteria</i></p>
<p>Protection of amenity</p>	
<p>P23 Development does not result in adverse impacts on the amenity of the locality by reason of emission of noise, odour, fumes, dust or light</p>	<p>A23.1 Operation of the development complies with the <i>NSW Noise Policy for Industry 2017</i></p> <p>A23.2 The development does not create offensive odour or fumes</p> <p>A23.3 External lighting is shielded to prevent light spill over the surrounding environment</p> <p>A23.4 Air compressors or other stationary noise generating machinery or plant is enclosed in a noise inhibiting structure</p>
<p>P24 External car parking and operational areas do not have adverse impacts on surrounding properties or the public realm</p>	<p>Where development includes off street car parking and/or outdoor operational areas:</p> <p>A24.1 Landscaping is provided in accordance with a landscape concept plan in order to mitigate visual and amenity impacts</p> <p>A24.2 Buildings or external areas used for loading, deliveries, waste storage and servicing are designed to minimise the visual impact on the public domain and adjoining sites</p> <p>A24.3 Vehicle manoeuvring and parking areas are provided with a sealed surface</p>

<p>P25 Development mitigates significant impacts from existing uses and activities in the surrounding area</p>	<p>A25 Development can demonstrate that it is not adversely affected by operation of existing lawful development in the surrounding area</p>
<p>Hours of operation</p>	
<p>P26 Hours of operation of the development do not create unacceptable impact on amenity of surrounding properties</p>	<p>Where development is listed in Table C12.1 in Appendix 1:</p> <p>A26.1 Hours of operation are in accordance with Table C12.3</p> <p>OR</p> <p>Where development is not listed in Table C12.1 in Appendix 1:</p> <p>A26.2 Hours of operation are appropriate for the services or products provided and do not create amenity impacts on surrounding properties</p>

2.4 SERVICING AND INFRASTRUCTURE

This section provides development criteria relevant to the servicing of, and provision of infrastructure to, development sites and premises.

<p>PERFORMANCE CRITERIA</p> <p><i>Assessment against the Performance Criteria is only required if the proposal does not meet the Acceptable Solution</i></p>	<p>ACCEPTABLE SOLUTION</p> <p><i>If the proposal cannot meet the Acceptable Solution assess the proposal against the associated Performance Criteria</i></p>
<p>Utilities and infrastructure</p>	
<p>P27 Development makes suitable provision for collection, management and treatment of effluent</p>	<p>A27 Development is connected to the sewerage system</p>

P28 Where development generates liquid trade waste development makes suitable provisions for management and disposal of liquid trade waste	A28 Liquid trade waste is disposed of in accordance with Kyogle Council Liquid Trade Waste Policy
P29 The development is adequately serviced by power and telecommunications without impacting on surrounding properties by way of emissions of noise, odour, fumes or light	A29 The development is serviced by reticulated power and telecommunications
P30 The development has adequate water supply	A30 Development is connected to the reticulated water supply system
P31 Appropriate provisions are made for the collection and management of stormwater that does not contribute to flooding or impact on surrounding properties	A31 Stormwater is collected and discharged to the stormwater drainage network
Waste management	
P32 Appropriate arrangements are made for the storage, collection and disposal of solid waste generated by the development	<p>A32.1 The development is serviced by a waste collection service</p> <p>A32. 2 Where the quantity of waste material generated by the development exceeds that capable of being accommodated in a standard wheelie bin, the development is serviced by a commercial waste collection service</p> <p>A32.3 Suitable arrangements are made for storage, collection and disposal of waste other than general waste (e.g. waste oil, cardboard tyres)</p>
P33 Waste storage, collection or disposal areas do not present poor visual amenity to adjoining sites, streets or public land	A33 External waste storage or collection facilities are not visible from public places

	and adjoining properties or are screened from view
--	--

2.5 SITE ACCESS, PARKING, STORAGE AND DELIVERIES

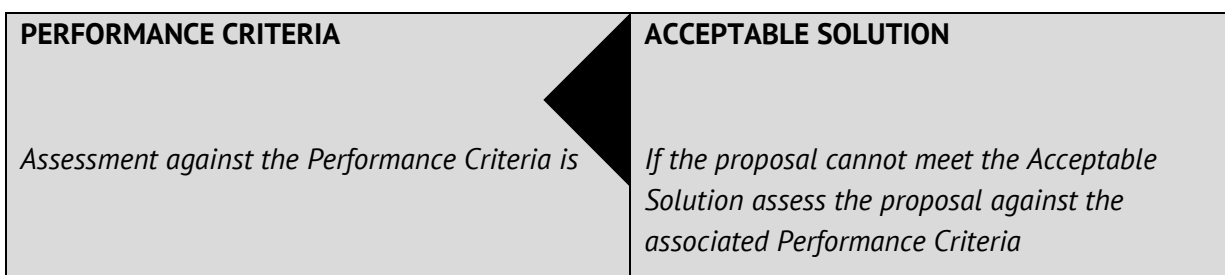
This section provides development criteria relevant to site access, parking, storage, servicing and deliveries of development sites.

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION
<i>Assessment against the Performance Criteria is only required if the proposal does not meet the Acceptable Solution</i>	<i>If the proposal cannot meet the Acceptable Solution assess the proposal against the associated Performance Criteria</i>
Access and parking	
P34 Vehicular access to the development does not create traffic impacts or disrupt pedestrian movement	<p>Where development site has frontage to Summerland Way:</p> <p>A34.1 The development does not require new vehicular access from Summerland Way</p> <p>Where development site has frontage to a rear laneway or road:</p> <p>A34.2 The rear laneway is utilised for vehicular access to the site, including on-site car parking</p>
P35 Vehicular and pedestrian access to the site is safe, inclusive and does not create traffic impacts	<p>A35.1 Vehicles are able to enter and leave the site in a forward direction</p> <p>A35.2 Accesses and parking area are designed and constructed in accordance with the <i>Northern Rivers Local Government Development Design and Construction Manual</i></p>

	A35.3 Access for people with disabilities is provided in accordance with the provisions of AS 1428.1
P36 The development does not create unreasonable demand for on-street parking or adverse impacts on adjoining properties or the character of the street	A36.1 The development provides on-site car parking that meets the requirements of DCP Chapter 8- Off Street Car Parking
External loading and storage	
P37 The development makes suitable arrangements for deliveries and loading	A37 The development allows all loading or unloading of vehicles to occur on the development site
P38 External storage areas do not detract from the visual appearance of the development or the streetscape	<p>A38.1 External storage areas are located behind the building line and preferably behind buildings</p> <p>A38.2 External storage areas are screened from view from the road frontage and adjoining properties</p>

2.6 HERITAGE CONSERVATION

Much of the Kyogle commercial centre is located within the Kyogle Town Heritage Conservation Area as scheduled in the LEP. This area also contains numerous buildings and items that are listed as items of local heritage significance in the LEP. Clause 5.10 Heritage conservation in the LEP provides criteria for development of heritage items or within heritage conservation areas. This section provides more specific development criteria relevant to the protection of heritage values in the Kyogle town centre.



<i>only required if the proposal does not meet the Acceptable Solution</i>	
Where development site is, or contains, a heritage item (in Schedule 5 of LEP)	
<p>P39 Development does not detract from the heritage significance of the heritage item</p> <p>Development is sympathetic and appropriate to the heritage significance of the heritage item</p>	<p>A39 Development involves retention and re-use of the heritage item including its external form and appearance</p>
Where development site is within the Kyogle town heritage conservation area	
<p>P40 Development does not detract from the heritage significance of the heritage conservation area</p>	<p>A40 The scale, appearance and character of development is consistent with development in the conservation area</p>
Where development site is adjoining a heritage item	
<p>P41 Development does not detract from the heritage significance of adjoining heritage items</p>	<p>A41.1 Development does not adversely impact on views, or the setting, of a heritage item</p> <p>A41.2 The scale of development is consistent with the scale of the heritage item and is not overbearing</p>
Alterations and additions to heritage items	
<p>P42 Development facilitates retention and re-use of the item and does not adversely affect the character or significance of heritage items</p>	<p>A42.1 Alterations and additions are sympathetic to the character of the existing building in terms of scale, materials, design and form</p> <p>A42.2 Subject to appropriate design, alterations and additions may incorporate different architectural style and materials so as to provide a clear differentiation between the original and new building components</p>

	<p>A42.3 Development retains the principal building façade or other important heritage elements</p> <p>A42.4 Where necessary, demolition is limited to elements of the building essential to allow the proposed extension or addition</p>
--	---

Appendix 1 Preferred operational hours

Table C12.1 Preferred operational or opening hours

Development use or activity	Monday to Friday	Saturday	Sunday and Public Holidays
Retail premises, Food and drink premises (excluding licensed premises)	6am-12am	6am-12am	7am-10pm
Office, Medical Centre, Business premises	7am-9pm	8am-8pm	8am-8pm
Light industry	7am-6pm	7am-6pm	8am-5pm
Service station	6am-12am	6am-12am	6am-12am
Vehicle repair station, Vehicle body repair workshop	7am-6pm	7am-1pm	Not permitted
Entertainment facilities, Registered clubs, Functions centres, Pubs	8am-2am	8am-2am	9am-12am