

B20 - UKI VILLAGE

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B20 - UKI VILLAGE

B20.1 INTRODUCTION

B20.1.1 Aims of this Section

- Facilitate the implementation of the objectives and provisions relating to the Uki Village with regard to the Tweed LEP 2000 and other codes, policies and plans applicable to Uki.
- Provide controls to protect the identified heritage values and significant character of the village of Uki and encourage contemporary design that responds appropriately to that character
- Encourage a broad range of community, commercial and service uses to support the village community.
- Integrate planning, design and decision making associated with development initiated by the private and public sectors.
- Enable appropriate consideration of proposed development applications to be made by applicants, the community and Council.

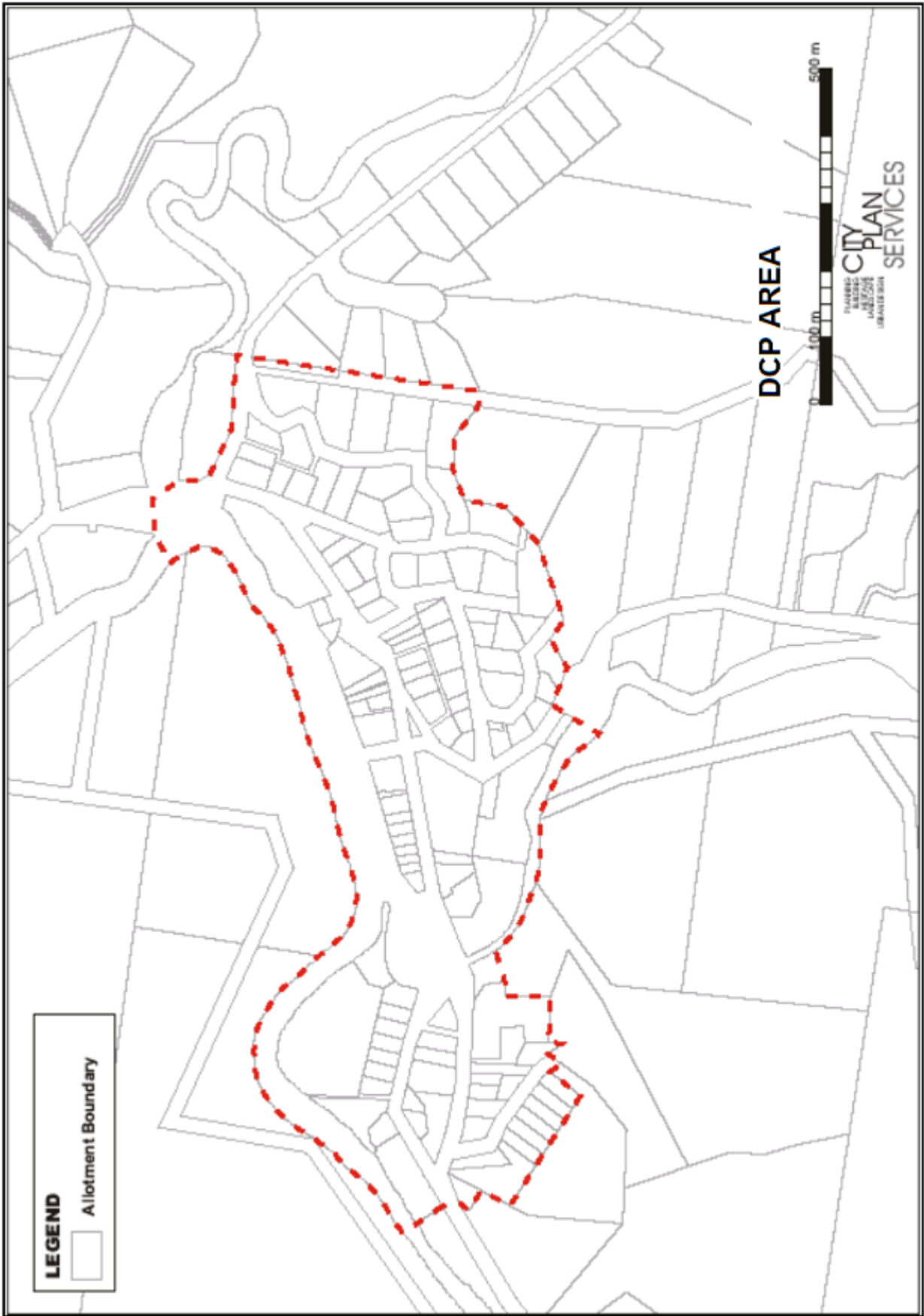
B20.1.2 Land to which this Section applies

This Section applies to the area within the village boundary as indicated by the bold dashed line shown in B20 - Map 1.

This Section applies to all development (whether on private or public land) in Uki village that requires consent under the Tweed Local Environmental Plan 2000, including:

- alterations or additions to an existing building and its site;
- demolition in part or full;
- infill development;
- land subdivision;
- traffic management works;
- development in parks;
- service infrastructure.

B20 - Map 1



B20.1.3 How does this Section relate to other Sections and Environmental Planning Instruments?

Where an inconsistency arises between this Section and any environmental planning instrument applying to the same land, the provisions of environmental planning instrument prevails. An environmental planning instrument means a State Environmental Planning Policy, a Regional Environmental Plan or a Local Environmental Plan.

Where there is an inconsistency between this Section and any other Sections, the provision of this Section shall prevail.

To encourage good overall design and utilise the body of knowledge held by Council, it is important that linkages are made between this Section and the various other plans, policies and codes that apply. These include the following:

- Section A1 – Residential and Tourist Development Code;
- Section A2 - Site Access and Parking Code;
- Section A3 - Development of Flood Liable Land;
- Section A4 - Advertising Signs Code;
- Section A5 - Subdivision Manual;
- Section A7 - Child Care Centres;
- Section A9 - Energy Smart Homes;
- Section A10 - Exempt and Complying Development;
- Section A11 - Public Notification Policy;
- Section A12 – (Repealed 29 April 2008);
- Section A13 - Socio-Economic Impacts of Development;
- Section A14 – (Repealed 29 April 2008);
- Section B18 – (Repealed 29 April 2008).

Uki Locality Plan

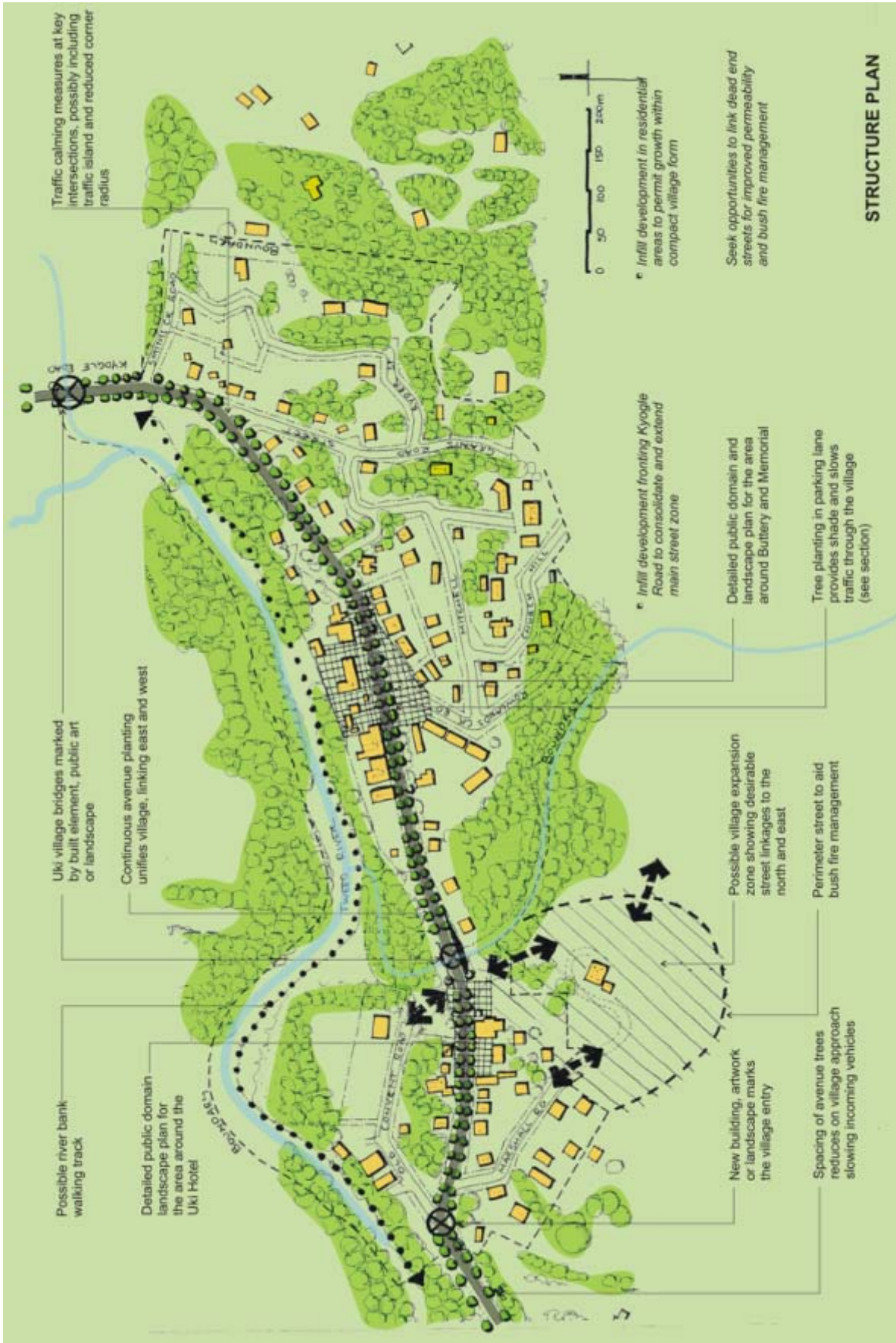
The Locality Plan applies to the same area as this Section of the DCP applies, which is identified by B20 - Map 1.

The aim of the Locality Plan is to establish a comprehensive planning framework that provides strategies, desired future outcomes and legal policy provisions addressing the most prominent issues affecting Uki, including:

- Urban Design;
- Land Use Planning; and
- Traffic Management.

The primary tool for achieving the preferred outcomes identified in the Locality Plan is this Section of the DCP. Whilst some of the strategies identified during the locality planning process are beyond the scope of this Section, the preparation of the Locality Plan has culminated in the completion of a Structure Plan for the village (see B20 - Map 2). The controls contained within this Section aim to deliver the guidance for decision making in respect of the desired outcomes specified within the Structure Plan.

B20 - Map 2



B20.2 HOW TO USE THIS SECTION

B20.2.1 What does this Section contain?

This Section consists of four (4) basic Sub-Sections, as follows:

Sub-Sections 1 and 2, the Introduction and Explanatory Material, indicate the purpose and objectives of this Section, its relationship to other planning documents and the type of development covered by the plan.

The Design Elements (Sub-Section 3) are further divided into five (5) separate categories, including:

- Land Use Planning.
- Urban Design.
- Movement and Access.
- Infrastructure.
- Environment.

The Design Elements each contain a statement of **objectives** and **performance criteria**. Where possible, each design element also includes **acceptable solutions**.

The final component of this Section provides details of information required with an application and the assessment procedures used by Council (see Sub-Section 4). A Dictionary is also included at the end of the document.

The structure of the Plan is illustrated by the following below.

Sub-Section 1 – Introduction

Sub-Section 2 – How This Plan Works

Sub-Section 3 – Design Elements

Sub-Section 4 – Application Advice & Procedures

B20.2.2 Why has this format been selected?

This format has been selected to achieve a higher standard of development for Uki through encouraging use of the Performance Method to design and assess development projects. This approach to the regulation of development is a method based on performance rather than specifying prescriptive standards.

The performance method concentrates on matters to be considered in preparing, or assessing, a design (called *performance criteria*) in order to achieve a desired result (called the *objective*).

The *objectives* of each *design element* are general statements of the overall intent of the particular *design element*. The *performance criteria* are general statements of the means of achieving the *objective*. *Acceptable solutions* are provided as examples of what is considered acceptable to enable the *performance criteria* to be achieved. They are simply examples and **do not exclude** other solutions which achieve the desired *performance criteria*.

B20.2.3 How to use this Section

In preparing an application for development there are a number of specific steps which should be followed:

- Step 1:** Check the zoning of the site under the Tweed LEP to ensure the proposed development is permissible.
- Step 2:** Determine whether any other Sections of this DCP or Council Policies apply to the site or the particular type of development.
- Step 3:** Carefully work through the *design elements* – Sub-Section 3.

The *design elements* are arranged to work down from broad considerations affecting the village as a whole to detailed considerations within the development each site. Within each *design element*, designers should work through the following steps:

- Step 4:** Read the objectives of the particular *design element*.
- Step 5:** Read the *performance criteria* of the particular *design element*. It is these components of the Plan that will be used by Council to assess the proposal.
- Step 6:** Whilst it is not essential to study the *acceptable solutions*, these do contain useful examples of how the objectives and *performance criteria* may be satisfied. However, compliance with the relevant *acceptable solutions* does not guarantee that the proposal will be approved by Council.

B20.2.4 How does each design element work?

Considerable effort has gone into making this Section as user friendly as possible. The details below are intended as a guide to the layout of the Design Elements to assist with understanding the use of this Section.

Each of the Design Elements contains an explanatory section, set of objectives, performance criteria and acceptable solutions.

SUBJECT HEADINGS are listed in numerical order under the five (5) main Design Element headings and are generally ordered from broader issues dealing with the village as a whole and down to building detail for individual sites.

INFORMATION SECTIONS provide an outline of the background to the particular element as well as some of the considerations that apply. It is included for information rather than statutory purpose.

OBJECTIVES are general statements of the overall intention of applying a Design Element. In complying with an objective of a Design Element, an application can either use the performance criteria or the acceptable solutions or a combination of both.

ILLUSTRATIONS are used to support the discussion, provided explanation of some of the approaches, and in some cases, form part of the acceptable solutions.

PERFORMANCE CRITERIA are general statements of the means of achieving the objective. They are not meant to be overly limiting in nature. Instead, they provide designers and developers an opportunity to work through a variety of design criteria. Not all performance criteria will be applicable to every development.

ACCEPTABLE SOLUTIONS are provided as examples of what is considered acceptable to enable the performance criteria to be achieved, but should not be interpreted as an alternative prescriptive form of regulation. They are examples only of what is considered acceptable, but they do not preclude other solutions which achieve the desired performance. Also, compliance with the acceptable solutions **does not** guarantee approval by Council.

B20.3 DESIGN ELEMENTS

B20.3.1 Design Element 1 – Land Use Planning

Land Use

The land use characteristics of Uki are a reflection of its historical development and the town planning framework established under the Tweed Local Environmental Plan.

Whilst the present zoning of the village encourages a range of uses beyond residential development that include community, commercial and service activities to support the village and district community, there are distinctive precincts of land use throughout the village based on these historical development patterns. These precincts are identified in B20 - Map 3. The land use characteristics of each precinct are summarised below:

Main Street – Centred on the Buttery and Public Hall along Kyogle Road, this precinct contains a mix of commercial, residential and community activities. All have significant character and community and cultural heritage value for the village.

Uki East – Primarily east of Rowlands Creek and contained by the eastern boundary of the village, this area is predominantly occupied by detached residential that have traditional village residential qualities such as large lots, mature trees and architecture reflecting rural (rather than suburban) qualities.

Uki West – West of Rowlands Creek road, this precinct is primarily residential in nature with similar village residential qualities as the Uki East Precinct. However, the precinct also contains a number of significant non-residential uses, including the Mt Warning Hotel, church, the local service station and the administrative and storage activities associated with the local earthmoving contractor.

Riverfront – This precinct forms the northern boundary of the village and is generally devoid of development other than the existing buildings located in Old Convent Road. Opportunities exist for increased use of the riverbank adjacent to the Main Street Precinct through the incorporation of a river bank walking track.

It is important to retain the flexibility in the range of uses permitted within the village zone to ensure that the broader objectives of the Tweed LEP can be achieved. However, it is also important to encourage particular types of development in a manner that is consistent with the characteristics of the each precinct identified by B20 - Map 3.

Historically, Uki has developed along the main road (Kyogle Road) adjacent to the Tweed River. However, over time, the development of the village expanded to its current boundaries which coincide with the village zoning under the Tweed LEP. Additional rural residential development has occurred adjacent and nearby to village boundary which can potentially erode the compact nature of the village discussed elsewhere in this Section.

The village boundaries form a distinct edge that reinforces the importance of consolidating and enhancing the role of the village centre as a place of social interaction and everyday business and consolidating residential and other urban development within the current village boundaries.

At some time in the future, it may be necessary to investigate areas of non-urban land that may be suitable for development to accommodate future growth of the village.

At all times, however, the expansion of the village must not compromise the established character and should contribute to the amenity of the area.

Objectives – Land Use

The objectives for land use and development within the village are as follows:

General

- O1. To retain the flexibility in land use activities permitted in the village by the Tweed LEP 2000.
- O2. To limit the expansion of the village to ensure a clearly defined edge to the village is maintained.
- O3. To ensure that the management of environmental impacts associated with non-residential development does not unduly detract from the established village character and amenity.

Main Street Precinct

- O4. To retain the traditional business and community role of the village and surrounding rural area.
- O5. To promote the vitality of the precinct by encouraging new development that incorporates a mix of commercial (and/or community) and residential uses.

Uki East Precinct

- O6. To ensure that the precinct continues predominantly as an area of detached houses having traditional village residential qualities.
- O7. To allow for alternative residential uses (e.g. dual occupancies, bed and breakfasts) where the development is sympathetic to existing residential qualities of the precinct.

Uki West Precinct

- O8. To ensure that the precinct continues predominantly as an area of detached houses where the land does not have a frontage to Kyogle Road.
- O9. To encourage further employment and service opportunities on land that fronts Kyogle Road.
- O10. To protect and enhance the role of the Mt Warning Hotel in providing an important informal meeting place for the local and surrounding rural populations.

Riverfront Precinct

- O10. To improve the connectivity and relationship of the Tweed River and the remainder of the village.

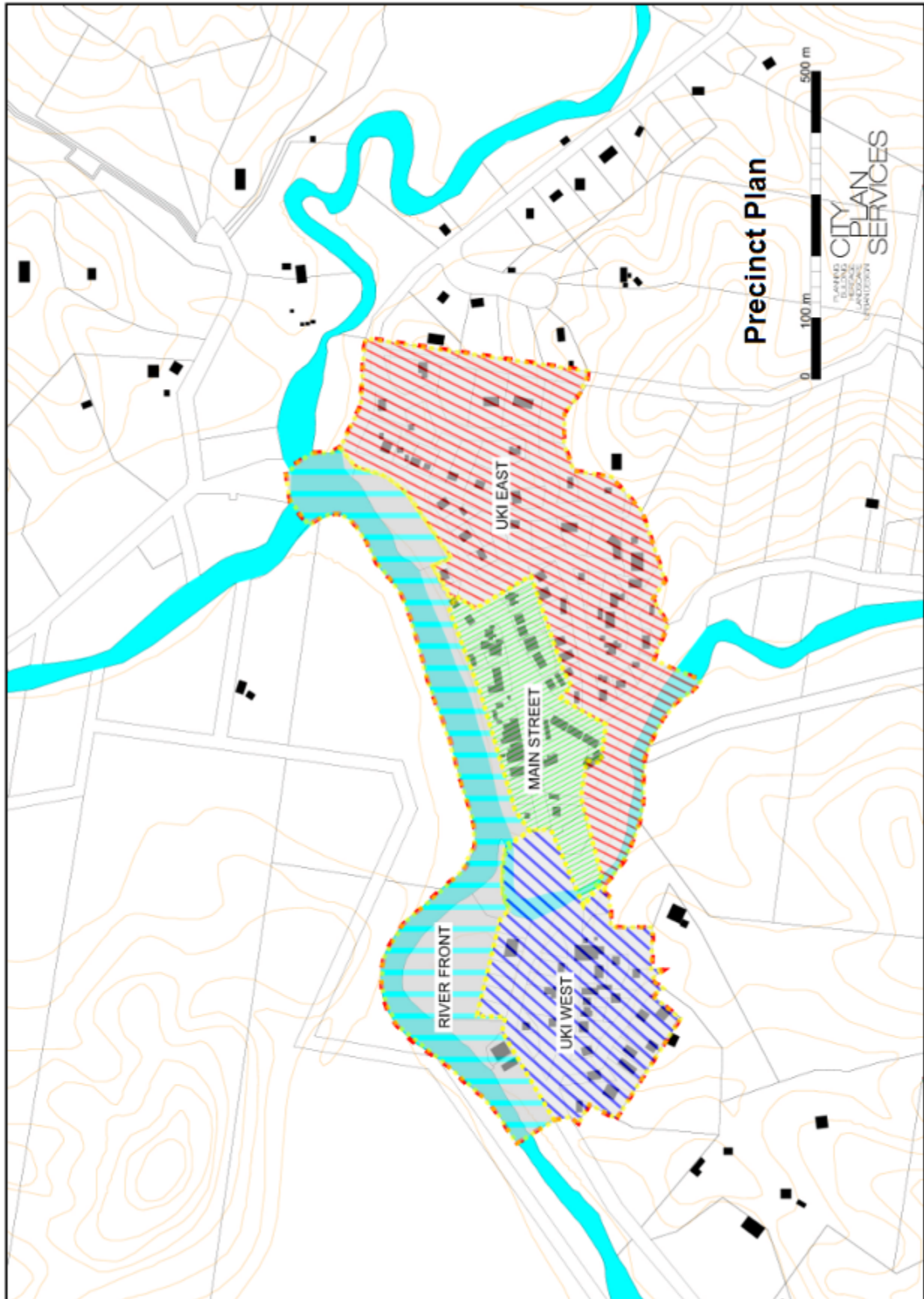
O11. To protect and enhance the environmental attributes associated with the Tweed River and its immediate environs.

Performance Criteria and Acceptable Solutions – Land Use

Performance Criteria		Acceptable Solutions	
General			
P1	The rural service role of the village is encouraged through the continued provision of a range of business uses and community and recreational facilities for the local and surrounding rural populations.	A1	Residential and other urban development is consolidated within the village rather than sprawling across surrounding rural land.
		A2	Existing commercial, retail and service businesses are retained and protected.
		A3	Existing recreation and community facilities are retained and protected.
Main Street Precinct			
P2	The commercial/community role of the Main Street Precinct is reinforced by ensuring new non-residential development occurs in the main street.	A4	Any expansion of commercial and/or community uses is limited to redevelopment or infill development of presently under-utilised or vacant sites located within the Main Street Precinct identified by B20 - Map 3.
		A5	Higher density housing and shop top housing is encouraged within the Main Street Precinct identified by B20 - Map 3.
		A6	New residential development at the ground floor level within the Main Street Precinct identified by B20 - Map 3 must be directly related to the commercial use of the building.
Uki East Precinct			
P3	The role of the Uki East Precinct is reinforced by ensuring new development is sympathetic to the village residential qualities.	A7	Detached residential development is encouraged within the Uki East Precinct identified by B20 - Map 3.
		A8	Low-scale multi-unit development and other compatible alternatives (i.e. bed and breakfasts) are encouraged within the Uki East Precinct identified by B20 - Map 3.
Uki West Precinct			
P4	The residential role of the Uki West Precinct is reinforced by ensuring that land without frontage to Kyogle Road is used for residential purposes.	A9	Land without frontage to Kyogle Road within the Uki West Precinct shall be used primarily for purposes detached residential development.
P5	The commercial role of the Uki West Precinct is reinforced through the continued provision of a range of business uses and service industries along Kyogle Road.	A10	Higher density housing and shop top housing is encouraged along Kyogle Road.
		A11	Any commercial expansion should be limited to redevelopment or infill development of presently under-utilised or vacant sites located within the Uki West Precinct identified by B20 - Map 3.
		A12	Commercial development within the Uki West Precinct shall not detract from the established residential amenity by way of noise, dust or odour emissions.
River Front Precinct			
P6	The scenic and environmental values of the Riverfront precinct are protected through restricting urban development in this area.	A13	Development within the Riverfront Precinct is limited to passive recreation facilities such as seating and walking trails.
		A14	Rehabilitation (i.e. weed removal) of the

Performance Criteria	Acceptable Solutions
	Riverfront Precinct is to be undertaken in association with any proposed development.

B20 - Map 3



Public Domain

The public domain describes those areas of land owned and/or managed by Council or other public authorities.

The public domain includes roadways, gutter, kerbs, footpaths, retaining walls, landscaped verges and reserves, natural landforms and other elements located beyond private property boundaries.

The public domain plays a significant role in determining the overall character of Uki. The village and its environs contain a diverse and contrasting range of public domain environments and open space areas.

Each area performs a different function, and independently these spaces experience relatively high levels of useage. It is cumulatively, however, that these spaces play an important role in establishing the visual, cultural and environmental qualities identified for the village, and provide extensive opportunities for community cohesion and interaction. Figure 1 illustrates some examples of important elements of the public domain within the village.

The Uki Locality Plan, prepared as a background report to underpin this Section of the DCP, identifies a list of potential public domain projects. Whilst this Section can not determine the certainty or the timing of these projects, it is essential that they conform with the general principles and requirements outlined below to ensure that the unique character and important role of the Uki public domain is protected and enhanced.

Objectives – Public Domain

The public domain objectives are as follows:

- O1. To ensure that existing key elements of the public domain that contribute towards the distinctive character of the village are conserved.
- O2. To ensure that the future management and development of the Uki Village Square respects and retains its existing role within the public domain hierarchy established within the village.
- O3. To ensure that new elements within the public domain are appropriately designed and managed to retain and enhance the character of the village and its precincts.

Performance Criteria and Acceptable Solutions – Public Domain

Performance Criteria		Acceptable Solutions	
Public Domain			
P1	The public domain within the village contains a range of spaces to accommodate a diverse range recreational and community activities.	A1	The design of new public domain works should have regard to the following parameters: Functionality (design for ergonomic comfort and ease of use, consideration of social and interactive behaviour patterns); Suitability to the Uki village context; Safety, durability, robustness and resistance to vandalism;
P2	The importance of the public domain is reinforced by ensuring continued improvements are made to the quality of street furniture, paving and other landscape treatments.		Compliance with relevant Australian Standards.
P3	The role of historic Butter Factory as an important local community and economic asset is supported through its role as the primary public space in the village.	A2	Signs should be provided and, where appropriate, provide information on special heritage sites, parks and open space areas, heritage and riverwalks, and local commercial and community services and

Performance Criteria	Acceptable Solutions
	<p>facilities.</p> <p>A3 Signs should be discreet, of slender appearance and of a design which is consistent with other street furniture and the established built character and form.</p> <p>A4 Structures such as toilet blocks, playgrounds, shade structures and shelters should be located to protect and enhance public vistas and designed to enhance the character of the village.</p>



Figure 1: The diversity of public spaces in Uki provide for a range of community activities and interactions.

Economic Development

The established planning framework recognises the need to provide a range of services and facilities for the residents of the village and the surrounding rural district. The diverse range of established businesses located within the village reflects the intent of the planning framework and the importance of continuing to allow for a range of commercial and service activities.

The locality planning process undertaken for Uki has established that economic and employment related development is fundamental to the continuing viability and vitality of the village.

Changing trends in employment, such as the hospitality/tourism industry and small-scale, home-based business operations, reinforces the importance of

retaining flexibility in land use planning as well as ensuring that new development does not detract from the identifiable village character.

Objectives – Economic Development

The objectives for the future economic development of the village are as follows:

- O1. To encourage further employment opportunities that are compatible with the quiet clean rural environment and complement existing economic activity in the area.
- O2. To ensure that the management of environmental impacts associated with non-residential development does not detract from the established village character and amenity.

Performance Criteria and Acceptable Solutions – Economic Development

Performance Criteria	Acceptable Solutions
Economic Development	
<p>P1 The commercial and rural service role of the village is reinforced by new development within the Main Street Precinct and along Kyogle Road.</p> <p>P2 Small-scale tourist facilities and “niche-market” enterprises provide diversity to the economic base of the village.</p>	<p>A1 Any commercial expansion is be limited to redevelopment or infill development of presently under-utilised or vacant sites located within the Main Street Precinct identified by B20 - Map 3 or elsewhere along Kyogle Road</p> <p>A2 Commercial development outside of the Main Street Precinct identified by B20 - Map 3 shall not detract from the established residential amenity by way of noise, dust or odour emissions.</p>



Figure 2: The diversity of business types in Uki provide for a range of services easily accessible to the community

B20.3.2 Design Element 2 – Urban Design
Village Form and Structure

Uki is characterised by a compact village form with clear edges and a distinct boundary created by the local environmental attributes, such as topography, water courses and vegetation.

The local planning framework, such as the zoning provisions, and the pattern of development have also influenced the relatively compact structure of the village. The village, particularly the older, historic areas, has a strong built identity that reinforces the village form and its interaction with adjacent and nearby land.

The subdivision pattern of Uki is varied and reflects the historical stages of the village's development. The subdivision pattern contributes to the village's aesthetically significant visual complexity and appeal. Its interplay with the local topography forms the basis of the location of buildings and landscape elements that contribute to the recognised character of Uki. Consequently, Uki is distinguished by its discrete changes in residential densities in different areas throughout the village and adjacent to the village boundary. The pattern of development and its topographical relationship is illustrated by Figure 3 and is reinforced by the land use precincts identified by B20 - Map 3.

The subdivision and land use approval process is currently controlled by the Tweed LEP 2000, which defines the village boundary through the zoning provisions and allows for a minimum allotment size of 450m² for each detached dwelling.

In addition, accepted standards for infill development, such as multi-dwelling housing and integrated housing, are prescribed by Clause 11 of the Tweed LEP 2000 and Section A1 - Multi-Dwelling Housing and Tourist Accommodation of this DCP.

Whilst these density controls relate to multi-dwelling housing in the Zone 2(a) – Low Density Residential, they could equally apply to new infill development in the village centre, subject to the new development achieving the broader outcomes prescribed for each precinct identified by this Section of the DCP.

Objectives – Village Form and Structure

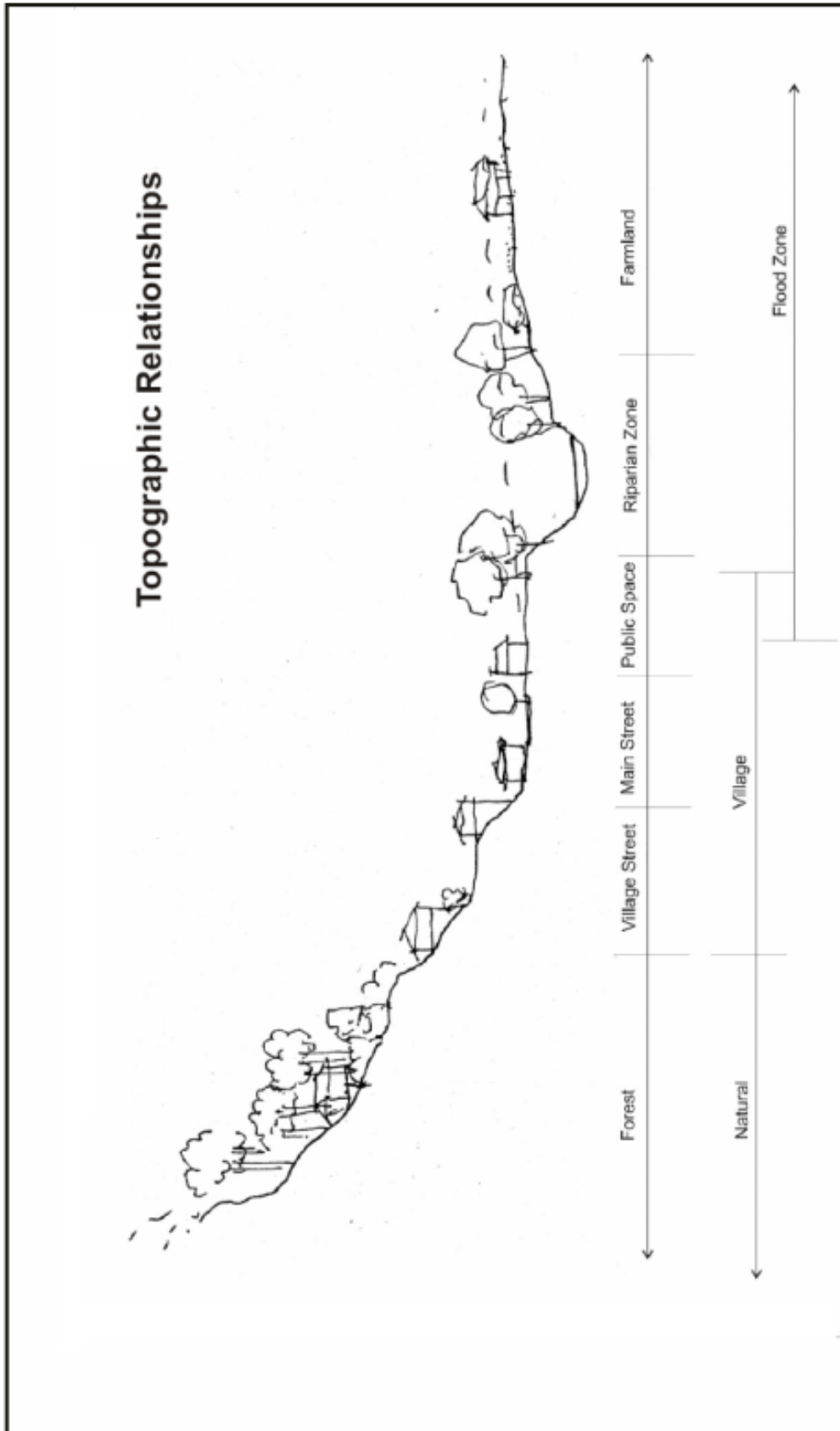
The objectives of the village form and structure are as follows:

- O1. To protect and enhance the relatively compact setting of the village and consolidate residential and other urban development within the village.
- O2. To ensure that new subdivision or increased site density will not lead to adverse impacts on the visual and scenic qualities of the village.
- O3. To ensure that sufficient information is submitted with all applications for the subdivision of land to enable an adequate assessment to be undertaken by Council.

Performance Criteria and Acceptable Solutions – Village Form and Structure

Performance Criteria	Acceptable Solutions
<i>Village Form and Structure</i>	
P1 The village is focused on a vibrant, mixed use centre servicing the local community and the surrounding rural population.	A1 All residential and other urban development is consolidated within the village boundary identified by B20 - Map 1.
P2 There is limited expansion of the village such that greater support is given to local services and facilities and a clearly defined “edge” to the village is maintained.	A2 Site densities for new multi-dwelling development is limited to the following within the Main Street Precinct identified in B20 - Map 3:
P3 Battle-axe lots will only be approved where they can achieve adequate amenity for residents and neighbours.	<p>not greater than one dwelling/250m² site area for mixed use development (commercial at ground level and residential or tourist accommodation above); and</p> <p>not greater than one dwelling/450m² area for other development.</p>
	<p>A3 Site densities for all new residential development is limited to the following within the Uki East and Uki West Precincts identified in B20 - Map 3:</p> <p>not greater than one dwelling/450m² site area on land with a slope 0-10%; and</p> <p>not greater than one dwelling/750m² site area on land with a slope 11-20%; and</p> <p>not greater than one dwelling/1,000m² site area on land with a slope greater than 20%;</p>
	A4 Applications for the subdivision of land shall comply with the provisions of Section A5 - Subdivision Manual of this DCP.
	A5 Applications for multi-dwelling housing shall comply with the provisions of Section A1 - Multi-Dwelling Housing and Tourist Accommodation of this DCP.

Figure 3



Village Heritage, Character and Identity

Uki is a relatively small country village located centrally to the Tweed Shire. The village provides important commercial, community, social and recreational facilities and services for the village community and the Shire's rural population.

The village also contains the old Butter Factory, a heritage listed building owned by the local community and used extensively for social and community activities and interaction. Key components of the village identity include the bushland and rural setting, historic building character and the important role of the public spaces within the village. The whole of the village is located within a Heritage Conservation Area as prescribed by the Tweed Local Environmental Plan 2000 and B20 - Map 4 illustrates the location of the existing buildings of Heritage Significance in the village.

It is intended that Uki retain its traditional village form of a vibrant, mixed use centre focused on a wide, attractive and pedestrian-friendly main street. Future public works will be required to contribute to the established character and identity of the village and create a sense of cohesion in terms of materials and design.

The predominantly residential areas surrounding the Main Street will consolidate the village as an important centre for local residents and the surrounding rural population. The existing compact structure of the village, with clearly defined edges, will be promoted through the limited expansion of the village such that greater support is given to local services and facilities.

Objectives – Heritage, Character and Identity

The village character and identity objectives of this Section of the DCP are as follows:

- O1. To ensure the bushland and rural character and identity of Uki is maintained and protected through the appropriate siting of new development.
- O2. To protect and enhance the role of the Main Street Precinct and associated historic buildings as an important place of social interaction and commercial/community activity.
- O3. To retain the historically based building and subdivision pattern of the village, particularly where it contains heritage items or other contributory traditional buildings.
- O4. To ensure that sufficient information is submitted with all development applications which provides an assessment of the likely impact to heritage significance of the village.

Performance Criteria and Acceptable Solutions – Village Character and Identity

Performance Criteria	Acceptable Solutions
Village Heritage, Character and Identity	
<p>P1 The character of Uki is retained and enhanced by regulating the demolition, removal and development of places of local and regional significance.</p> <p>P2 New development sits harmoniously within the rural mountain landscape and shall maintain and enhance the existing scale of the village.</p> <p>P3 New development is not to obstruct views or vistas from the public domain.</p>	<p>A1 Heritage buildings and places listed in Appendix 2 are to be retained, protected and enhanced.</p> <p>A2 All development applications are accompanied by an assessment of the impact on the heritage significance of the Uki Village Heritage Conservation Area as prescribed by the Tweed Local Environmental Plan 2000.</p> <p>A3 Existing patterns of principal roof forms within unaltered groups of buildings are to be retained, whether or not listed as heritage buildings in Appendix 2.</p> <p>A4 Where a building is one of a group of similar buildings, the design of new development must: not compromise or dominate the group as a whole; be consistent with the form and pattern of original roof forms of the adjoining buildings; be consistent with the form of the group as a whole and must not visually disturb the cohesiveness of the group.</p> <p>A5 Existing mature vegetation is to be retained and incorporated into new development where possible. Mature vegetation that is lost due to new development is to be replaced within any proposal.</p> <p>A6 New buildings on sloping sites are not to protrude above the ridgeline and are to incorporate a stepped building form to reduce the visual impact of the development.</p>

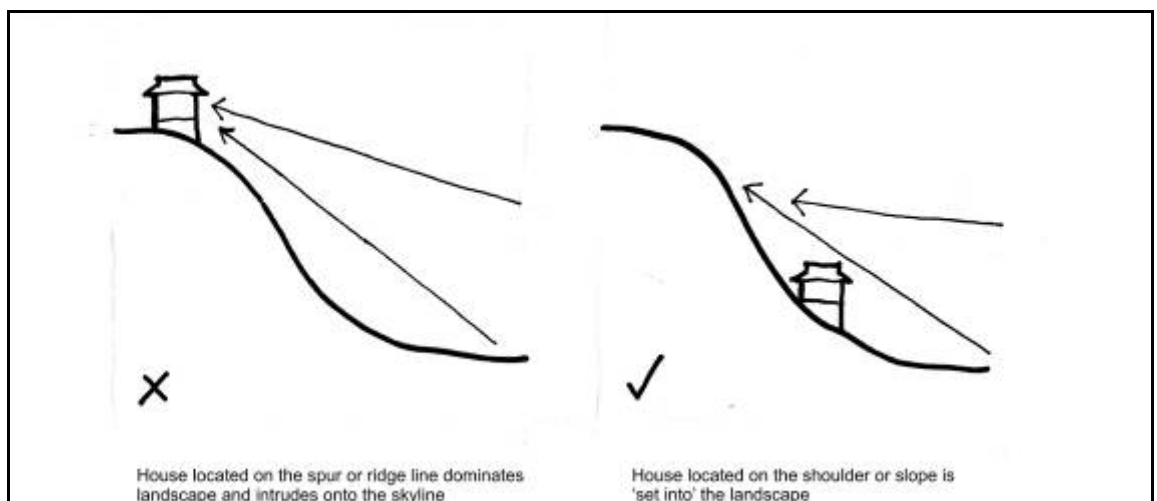


Figure 4: location of new development below ridgeline will reduce visual impacts. (Acceptable Solution A5)

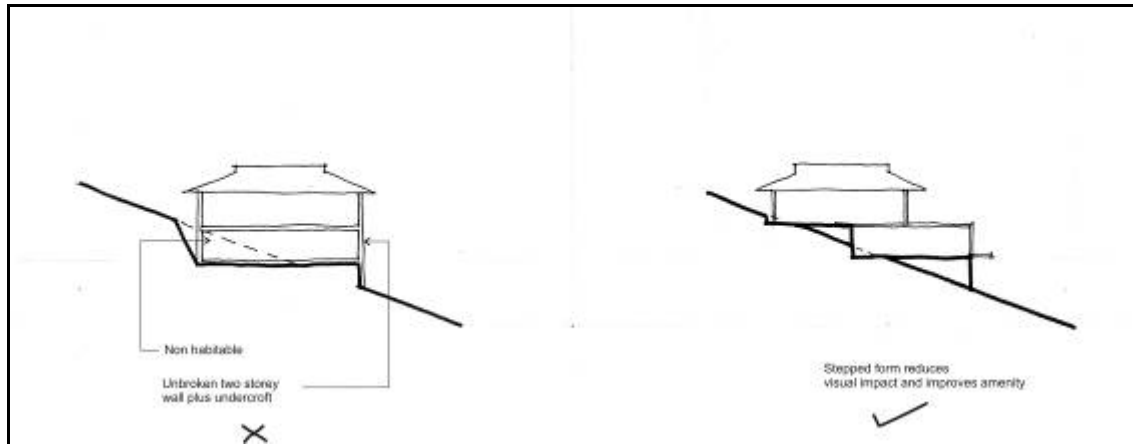
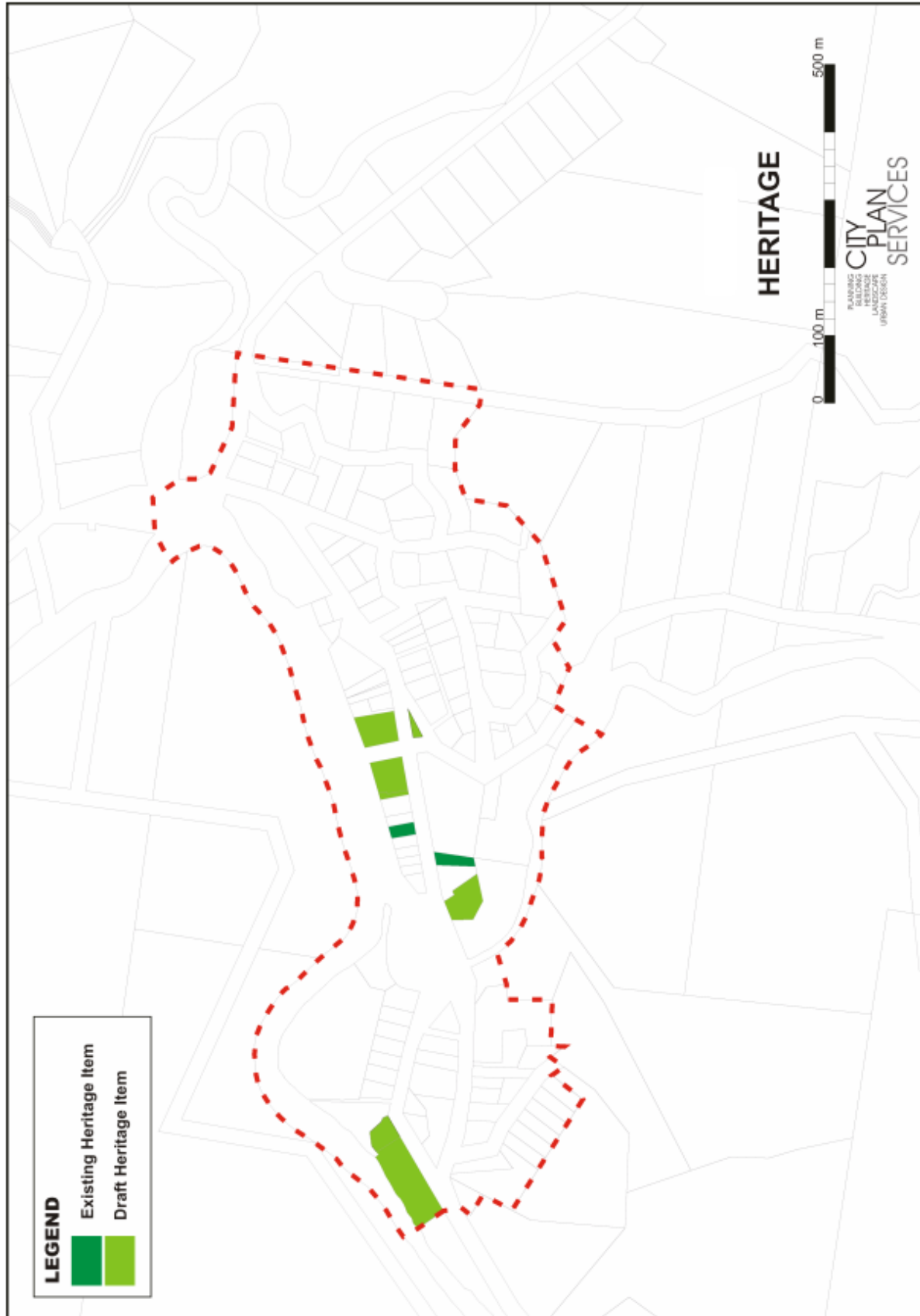


Figure 5: A stepped building form reduces impact of development on steeper slopes (Acceptable Solution A5).

B20 - Map 4



Built Form, Scale and Appearance

The existing scale of development in Uki is reflective of the mountain village character. Predominantly, development is no more than two storeys in height and the building form sits well within the topography and landscape of the village.

New development may take the form of infill (replacement or new) or additions to existing buildings. This control relates to the visual environment of Uki and is intended to maintain the visual dominance of the landscape, vegetation and topography over buildings.

The purpose of the control is to preclude the intrusion of buildings into the skyline when viewed from key locations in the adjacent public domain and in the wider landscape. It particularly relates to the development of sloping sites.

Objectives – Built Form, Scale and Appearance

The following objectives of this Section of the DCP relate to the built form, scale and appearance of new development:

- O1. To ensure that the siting and levels of new additions and infill development are compatible with the existing pattern of development.
- O2. To retain patterns of height, bulk and scale distinctive to individual streetscapes and precincts.
- O3. To provide attractive streetscapes that reinforce the functions of a street, enhance the amenity of buildings and are sensitive to the built form, landscape and environmental conditions of the locality.

Performance Criteria and Acceptable Solutions – Built Form, Scale and Appearance

Performance Criteria		Acceptable Solutions	
<i>Building Height and Scale</i>			
P1	The height, bulk and scale of new development is consistent with the predominant height, bulk and scale of existing buildings in the streetscape that are of a similar building type.	A1	Building heights must conform to those of adjoining significant heritage items and other contributory buildings.
P2	Buildings are designed and constructed to relate to the existing topographical characteristics of the land and avoid excessive cut and fill.	A2	New development is not to exceed two (2) storeys and 8 metres in height in the residential areas of Uki East and Uki West Precincts.
		A3	New commercial development is not to exceed two (2) storeys and 10 metres in height in the Main Street Precinct and elsewhere along Kyogle Road.
		A4	Mixed-use development (commercial at ground level and residential/tourist accommodation above) is not to exceed 10 metres in height in the Main Street Precinct and elsewhere along Kyogle Road.
		A5	All building heights are calculated in accordance with the provisions of Section B18 - Tweed Coast Building Heights of this DCP.
		A6	Habitable rooms in new development must have a minimum floor to ceiling height of 2.7 metres.
		A7	Ancillary development must be no higher than one storey and should be constructed of material in style and character with the principal building.

Performance Criteria		Acceptable Solutions	
<i>Building Form and Appearance</i>			
P3	The building form and location complements the existing setting within the streetscape.	A8	New development shall incorporate architectural elements consistent with the prevailing character of each precinct identified by B20 - Map 3.
P4	Setbacks are generally consistent with those of adjoining development. Some variations to minimum setbacks can be considered particularly where such variations are used to create streetscape variety and interest.	A9	Where there are uniform levels or setbacks within the streetscape, infill development is to be consistent with the levels and setbacks of adjoining buildings.
		A10	Where front building setbacks vary, and there is a dominant pattern displayed by adjoining and nearby development, new development is to align with that pattern.
		A11	Where front building setbacks vary, and there is no predominant pattern, new development is to provide an appropriate transitional front setback between adjoining properties.
		A12	The maximum width of garages or carports facing the street should be 6 metres or 30% of the frontage width, whichever is the lesser.
		A13	Carports and garages should be setback behind the front façade of the building and form an integral part of the overall building design.
<i>Streetscape Character</i>			
P5	The scale and appearance of new development is compatible and sympathetic to existing development in the locality, or the desired future character of the locality, particularly on the perimeter of the development site and where the locality or development site has some heritage significance or distinctive character.	A14	Sketch plans and photographs are submitted which depict the existing streetscape character and demonstrate how the proposal fits in to the existing streetscape.
		A15	Plans include elevations for all buildings facing public streets or public open spaces showing: differences in building height between existing buildings and new development; building design, roof form, architectural detailing and materials visible to the public.

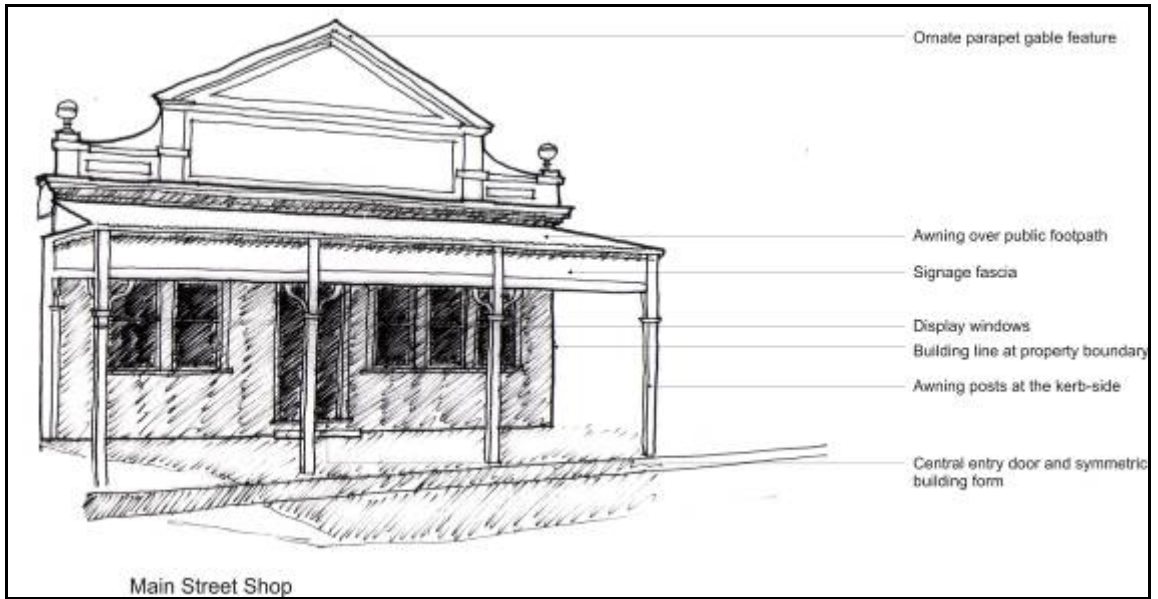


Figure 6: Key design elements of traditional commercial buildings in Main Street Precinct. (Acceptable Solution A8)

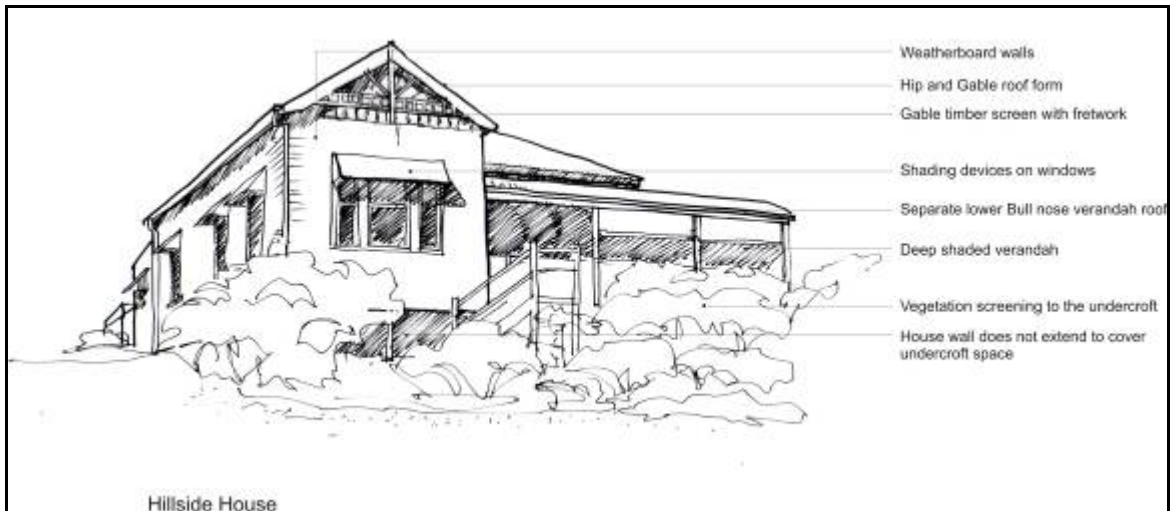


Figure 7: Key design elements of hillside house. (Acceptable Solution A8)

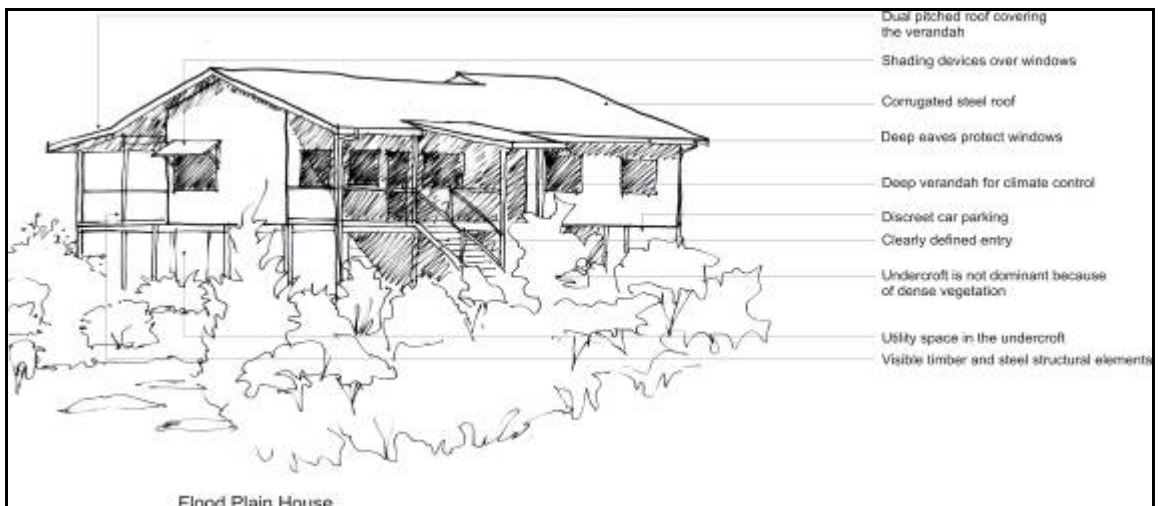


Figure 8: Key design elements of floodplain house. (Acceptable Solution A8)

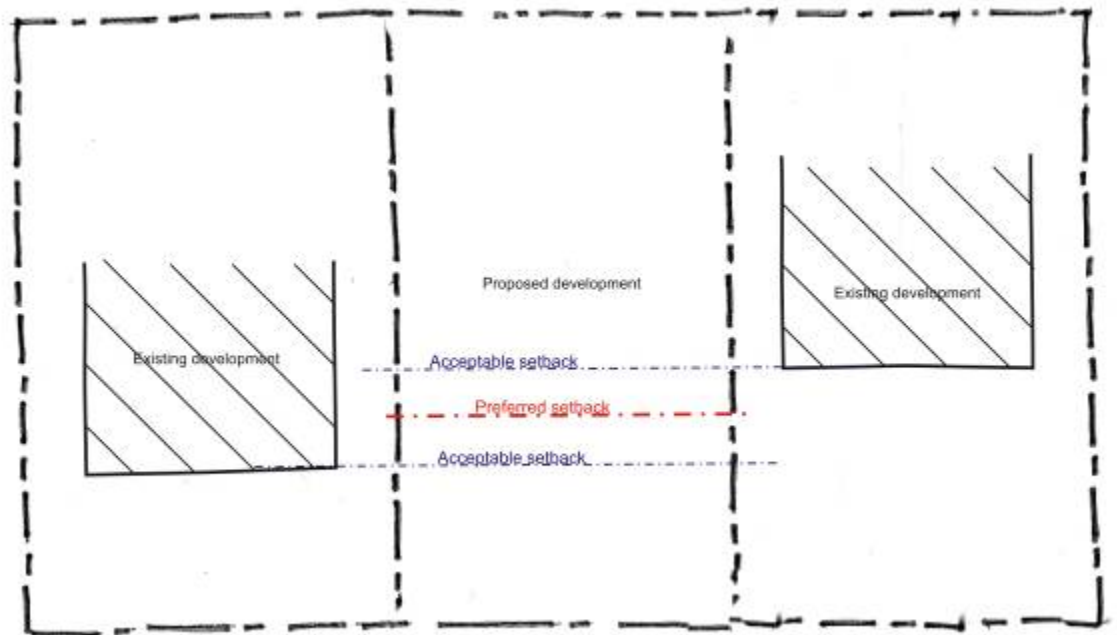


Figure 9: Setbacks of new development are to complement established building setbacks (



Figure 10: Maximum width of garage door should not be more than 30% of the site frontage or 6m, whichever is less.

Open Space and Landscaping

Open space and landscaping play important roles in the preservation of habitat, the establishment of village identity, the provision of recreation opportunities and stormwater management.

Integrated landscaping can be designed to enhance the appearance of new development in the street, relate to the scale of the building and enhance the amenity and energy efficiency of buildings. Landscaping appropriate to building type and function will also contribute to the character of the village.

Objectives – Open Space and Landscaping

The objectives related to open space and landscaping include:

- O1. To protect existing views and vistas from streets and other public places and to provide additional views and vistas when opportunities arise.
- O2. To create aesthetically pleasing and functional environments for people to live, work and visit.
- O3. To use landscape planting to mitigate adverse visual impacts of new development by screening and framing views.
- O4. To extend biodiversity outcomes through the use of native habitat plants and avoidance of invasive plants introduced to the local area.

Performance Criteria and Acceptable Solutions – Open Space and Landscaping

Performance Criteria		Acceptable Solutions	
Landscape Character			
P1	Landscaping creates a sense of place or specific character, ensures functionality for different users and provides long term visual interest.	A1	Where a street or locality has a specific character derived from existing vegetation, similar species are planted in conjunction with new development and on the street, except where the existing species are considered undesirable.
P2	Landscaping is consistent with the established landscape character of the area and accommodates the retention of existing vegetation, including street trees.	A2	Landscaping for new infill development shall be in accordance with an approved landscape plan for the site.
P3	Landscaping along site boundaries maintains privacy between adjoining properties and enhance the visual appearance of development.	A3	Trees, shrubs and groundcovers to be used are to be based on "Trees and Shrubs – A Guide for Selection in Tweed Shire".
P4	The location and type of planting must not compromise the function and accessibility of services and facilities.	A4	Mature trees on private land are to be retained in place and incorporated into any proposed landscape treatment wherever possible.
P5	Selected plants provide visual interest through form, texture and seasonal variations in colour.	A5	Established significant vegetation removed and/or damaged is replaced with similar advanced vegetation.
P6	Site design minimises site disturbance and, where possible, preserves existing landscape elements.	A6	Trees and other vegetation are to be of a species and size at maturity that will not have an adverse impact on building fabric, significant elements or infrastructure services.
		A7	For infill development, trees are to be selected and located to contribute to energy efficiency and amenity by providing substantial shade in summer, especially to west facing windows.
		A8	The minimum landscaped area for all new development within the residential precincts identified by B20 - Map 3 is 40% of the site area.

Performance Criteria		Acceptable Solutions	
Ecological Considerations			
P7	The ecological values of a site or adjoining land must be protected and enhanced.	A9	A suitable landscaped buffer is provided to the edges of any ecologically valuable remnant vegetation on or adjacent to the site and conforms with the guideline document "Planning for Bushfire Protection" prepared by New South Wales Rural Fire Services.
		A10	Proposed planting within any landscaped buffer is compatible with existing ecological values.

B20.3.3 Design Element 3 – Movement And Access

Movement and Linkages

Limiting unnecessary car use within the village and encouraging other modes of transport, such as walking, cycling and public transport, helps to improve the local amenity and to minimise pollution and the use of non-renewable energy resources. This is particularly important during significant community events when the village is busy.

However, the service role of the village extends to the rural community beyond the village boundary and the main street continues to provide a through traffic function for vehicles travelling along Kyogle Road between the larger centres of Murwillumbah and Kyogle.

The dual role of the village movement network potentially results in conflict between vehicles and other modes of transport, particularly walking and cycling.

There are significant opportunities to improve linkages between the commercial, community and recreational facilities and services distributed throughout the village whilst maintaining and improving the main access role of Kyogle Road.

Objectives – Movement and Linkages

The objectives of the design element with respect to movement and linkages are as follows:

- O1. To protect and enhance the character and functioning the main access road between Murwillumbah and Kyogle.
- O2. To improve the convenience and amenity of pedestrian, cyclist and equestrian access through the village and between nodes of commercial and community activity.

Performance Criteria and Acceptable Solutions – Movement and Linkages

Performance Criteria		Acceptable Solutions	
Movement and Linkages			
P1	The main access function and role of Kyogle Road is protected and the amenity of the main street is enhanced.	A1	Public domain improvements to the main street shall create a speed environment of 50km/h.
P2	Conflict between local traffic and through traffic is reduced.	A2	Entry/exit statements are provided for the village along Kyogle Road at the locations shown in B20 - Map 2.
P3	Pedestrian, cyclist and equestrian access is improved through new and safe linkages between activity nodes.	A3	Public lanes, unformed road reserves and pedestrian passageways are not to be amalgamated with private land.

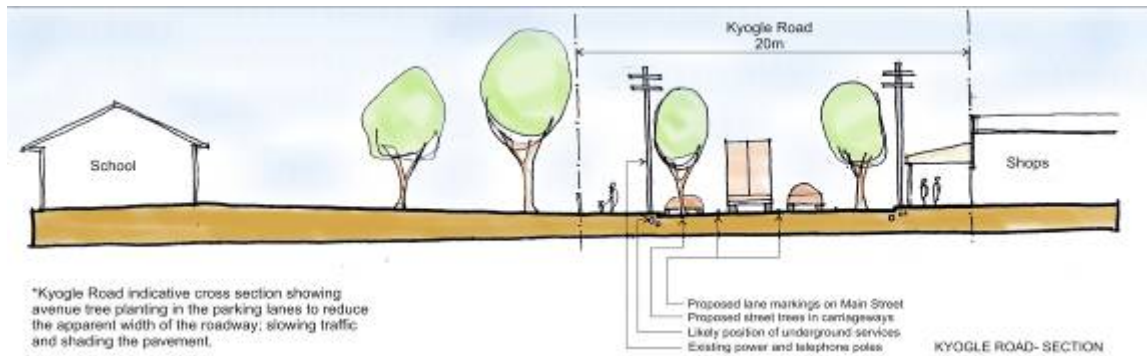


Figure 11: Kyogle Road cross section

Car Parking Provision

The role of the village centre necessitates a high level of on and off-street parking to maintain the viability of and convenient access to local business and community facilities.

However, the regular community activities occurring in the village centre make it difficult to provide sufficient parking at peak times. Opportunities are available to manage peak parking demands by encouraging parking in the open spaces areas external to the village boundary. This strategy will require improvements to pedestrian linkages between these areas.

Objectives – Car Parking Provision

The objectives of the design element are as follows:

- O1. To sufficient parking to meet the needs of commercial and residential development.

Performance Criteria and Acceptable Solutions – Car Parking Provision

Performance Criteria		Acceptable Solutions	
Car Parking Provision			
P1	Parking requirements for any development has regard to: The intensity of the development proposed; Street width, traffic volume and on-street parking capacity; and Need for visitor parking and service vehicle access and parking.	A1	All development must conform to the car parking provision performance criteria by compliance with Section A2 - Site Access and Parking Code of this DCP and Council's "Access to Property" pamphlet.
P2	Garages, driveways and parking structures do not visually dominate the street frontage:		

Access, Driveways and Parking

Driveways and crossovers mark the threshold to a private residence. In some cases throughout the village, this line is not clear creating uncertainty as to whether the street is private or the driveway is public.

Hard paved driveways and vehicle standing areas can reduce area available for soft landscaping and useable open space. This has the dual effect of adding

pressure to surface storm water drainage systems and reducing the visual quality of the house surrounds.

In most circumstances garages built to street alignments represent inappropriate intrusions to streetscapes. The careful design of parking areas driveways and garages must build upon the appearance of the development and the surrounding streetscape.

Objectives – Access, Driveways and Parking

The objectives of the design element are as follows:

- O1. To ensure that buildings and landscape elements, rather than vehicle access and parking structures, remain the dominant elements in the streetscape.

Performance Criteria and Acceptable Solutions – Access, Driveways and Parking

Performance Criteria	Acceptable Solutions
Access and Parking Design	
<p>P1 The design of driveways and parking areas has regard to the safety of pedestrian, cyclists and vehicles.</p> <p>P2 The visual impact of driveways and parking structures is minimised by: The selection of paving materials; Integration with landscape design; and/or Car parking structure designs that add interest to the development.</p> <p>P3 The areas of driveways are designed to minimise the volume of stormwater runoff and increase the area available for landscaping.</p>	<p>A1 All development must conform to the access and parking design performance criteria by compliance with Section A3 - Site Access and Parking Code of this DCP and Council's "Access to Property" pamphlet.</p> <p>A2 Vehicle access and parking may not be permitted where: The parking of a vehicle has a detrimental impact on the amenity of an adjoining property, the health or form of existing mature vegetation, the character of a streetscape or the significance or architectural character of a building on the site; Extensive areas of excavation and hard stand areas are required; A driveway can not conform to a maximum gradient of 20% with adequate transitions at the top and bottom in accordance with AS 2890.1. Vehicle entries and exits have a detrimental impact on pedestrian movements, traffic movements, Council infrastructure or service authority infrastructure such as Telstra pits; Inadequate sight distances may result in unsafe vehicle movement to and from the site.</p> <p>A3 Vehicle movement areas are broken up by landscaping elements and alternative materials, patterns or threshold treatments.</p>

B20.3.4 Design Element 4 – Infrastructure

Essential Services

The water and sewerage infrastructure of Uki is a constraint to the future development of the village.

The catchment-based reticulated sewerage system (see B20 - Map 5), whilst extending beyond the boundaries of the village, provides limited growth opportunities relative to the availability of residential land within the study area that could be subdivided into smaller allotments.

Water supply is limited in terms of both adequate pressure and based on current consumption rates. The extent of the reticulated water supply system is shown in B20 - Map 6.

Strategies have been formulated in the locality planning process to assist in the orderly development and growth of the village having regard to the urban design, land use and environmental performance strategies identified elsewhere in this Section, and will aim to ensure that all development is provided with the necessary essential services.

Objectives – Essential Services

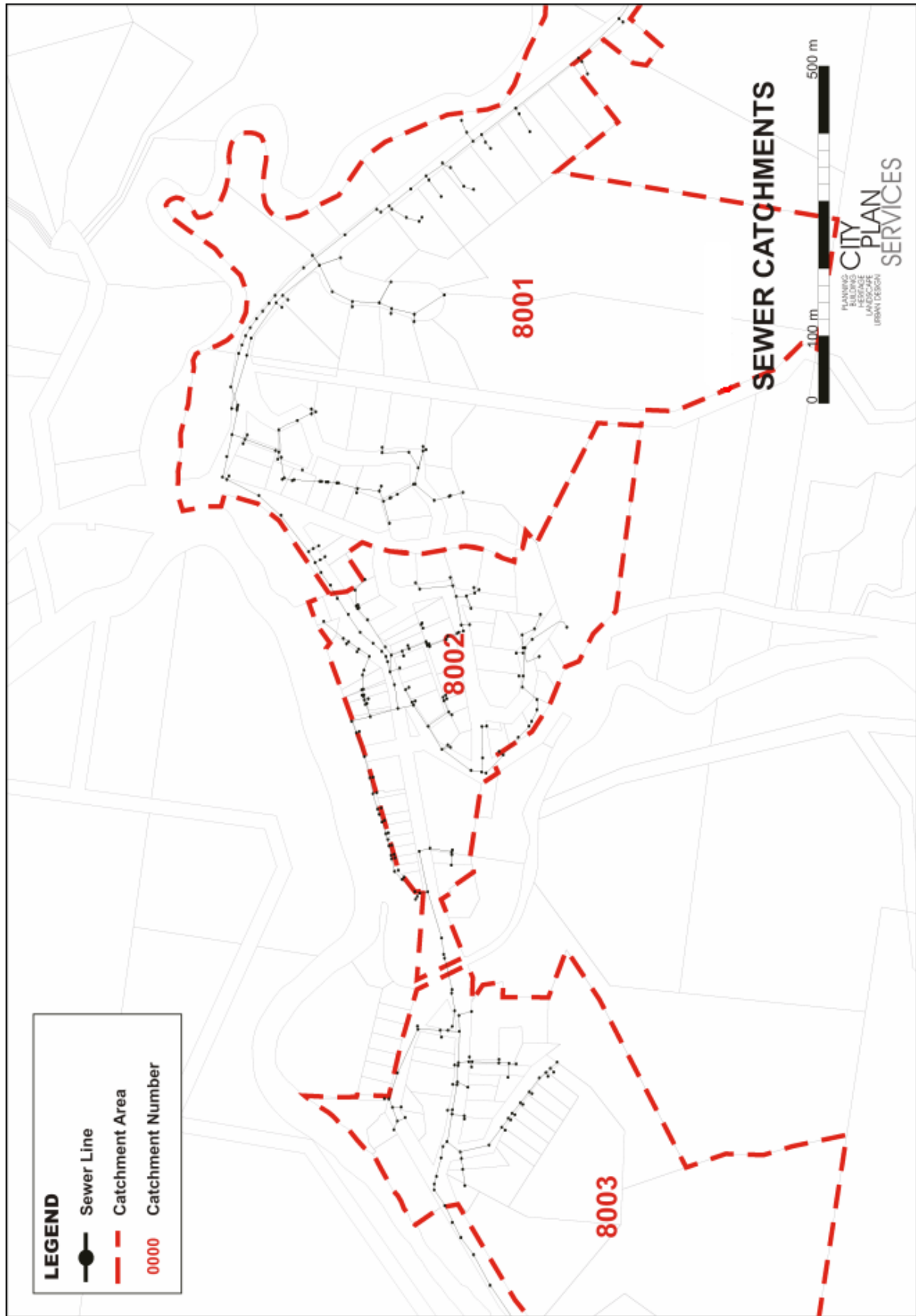
The objectives of the design element are as follows:

- O1. To ensure all new development is adequately serviced with essential services in an equitable, cost effective and efficient manner.
- O2. To promote new development that reduces water consumption through improved and efficient plumbing fixtures and provides water storage tanks.
- O3. To offset infrastructure contribution costs for new houses that make smaller demands on existing sewerage and water infrastructure.

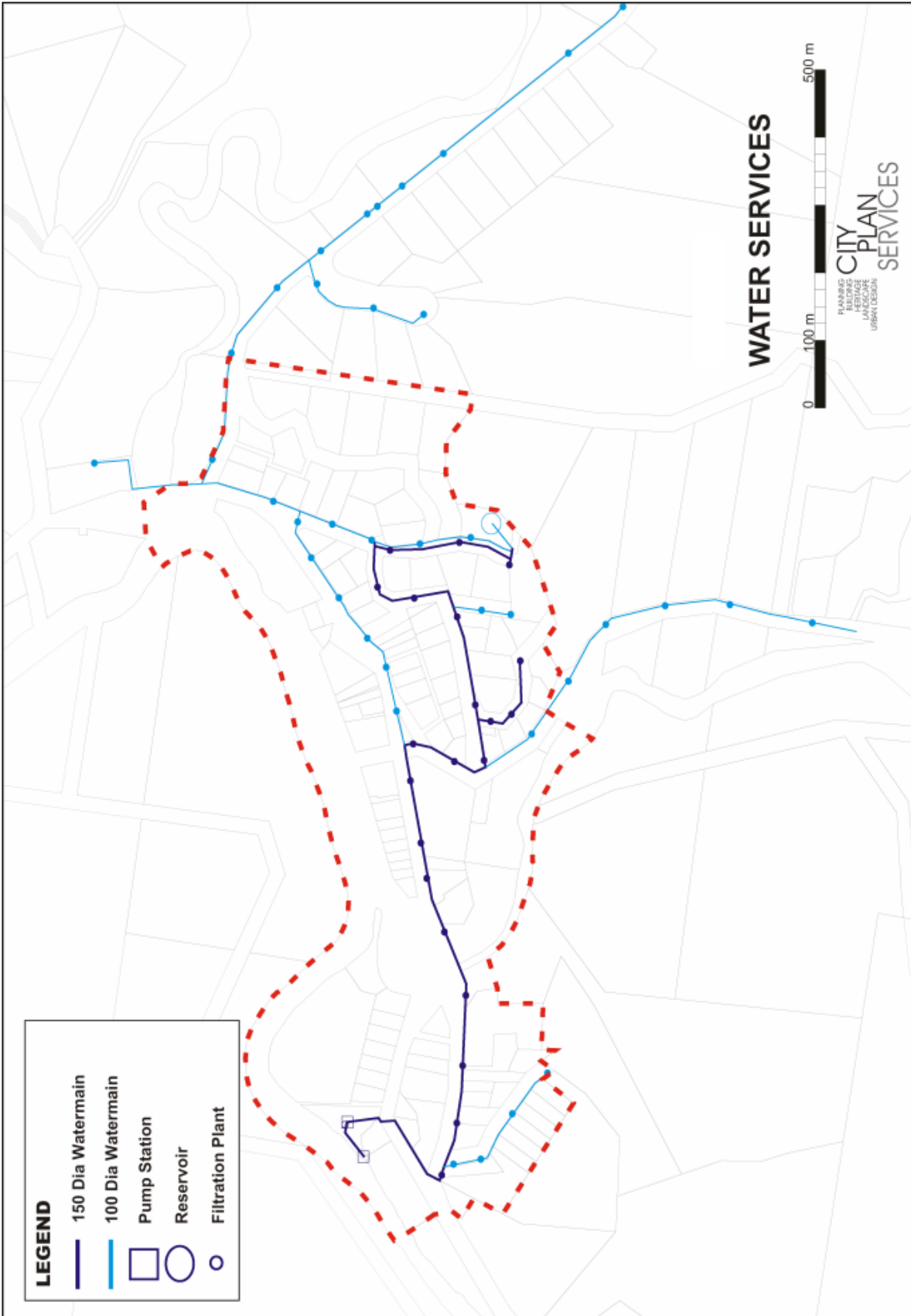
Performance Criteria and Acceptable Solutions – Essential Services

Performance Criteria		Acceptable Solutions	
Essential Services			
P1	Urban development occurs in accordance with an equitable, efficient and cost-effective extension of infrastructure services.	A1	The design and provision of public utilities, including sewerage, water, electricity, street lighting, telephone, gas services conform with the cost-effective performance measures of the relevant servicing authority.
P2	Development which reduces reliance on essential services through water-reuse and the like is encouraged.		

B20 - Map 5



B20 - Map 6



Community and Recreation Facilities

The village currently has strong community associations. These are reflected in the extensive range of community groupings within the village and the recent purchase of the Buttery by the Uki Village and Districts Residents Association.

These community associations are strongly aligned with the public domain and open space areas distributed throughout and adjacent to the village, as witnessed by the role of the public domain in accommodating the local produce and art and craft markets.

Key strategies identified to maintain and enhance these community associations relate primarily to improving the appearance and function of public domain areas and linkages between these spaces. These strategies require design guidance to ensure that they protect and enhance the established character of Uki and its community and recreational facilities.

Objectives – Community and Recreation Facilities

The objectives of the design element are as follows:

- O1. To ensure that adequate provision is made for accessible and useable public open space for passive and active recreation and community events.
- O2. To promote pedestrian and cycle movement between open space areas and community and commercial facilities that is safe, legible and attractive.

Performance Criteria and Acceptable Solutions – Community and Recreation Facilities

Performance Criteria		Acceptable Solutions	
Community and Recreation Facilities			
P1	The open spaces areas used for community events and recreation activities are managed and maintained to allow for a broad range of activities and to accommodate all user groups.	A1	Community and recreational activities are restricted to the existing areas of the public domain.
P2	The design and provision of community facilities and recreation infrastructure contributes to the character of the village.	A2	Alterations and additions to community and recreation facilities are in keeping with the scale and appearance of adjoining and nearby buildings.
P3	Safe and legible linkages between community facilities and recreation nodes are identified and provided.		

B20.3.5 Design Element 5 – Environment

Environmental Performance

This Section of the DCP requires a higher than average performance standard for new development in Uki in terms of environmental rating; urban design qualities; public domain contribution and building quality.

This reflects the desired outcomes that have been expressed in the community consultation process and the legislative and policy framework that is applicable to new development in the village and the Shire. This may represent an additional cost to the developer at the time of development relative to other locales within the Tweed Shire. Equally, however, it will have the effect of ensuring the quality of the physical environment for all existing and future residents, generally increasing the desirability of Uki as a place to live, work and recreate.

Stormwater management is required to protect people and property during storm and flood events. It is also required to ensure that stormwater discharge does not adversely impact on the quality of the natural waterways that form part of the village environment.

‘Stormwater Harvesting’, where stormwater is saved in rainwater tanks for gardening, washing and toilet flushing, helps to reduce the unnecessary consumption of domestic water supplies and the amount of run-off entering the drainage system.

Energy efficiency provisions aim to promote ecologically sustainable development (ESD) by minimising greenhouse gas emissions and the consumption of non-renewable resources resulting from residential development.

Energy efficiency can lead to significant cost savings for households and can provide additional capacity through existing resources and infrastructure capacity. The NSW State Government has recently introduced BASIX energy efficiency guidelines which must be imposed on all new residential development.

Objectives – Environmental Performance

The objectives of the design element are as follows:

- O1. To control stormwater quality and quantity and avoid discharge impacts on adjoining properties and natural waterways.
- O2. To reduce the pressure of new development on domestic water supply and sewerage infrastructure.
- O3. To minimise fuel use and greenhouse gas emissions through the promotion of energy efficiency in the design, construction and use of development.

Performance Criteria and Acceptable Solutions – Environmental Performance

Performance Criteria	Acceptable Solutions
Environmental Performance	
<p>P1 Stormwater controls are designed to:</p> <ul style="list-style-type: none"> Ensure that existing downstream systems are not adversely affected; Fit in with the hydrology of the natural system as much as possible; Use on-site infiltration and stormwater retention systems; Take advantage of opportunities for rainwater harvesting and stormwater re-use; Retain existing trees and mature vegetation. <p>P2 Buildings are designed to reduce consumption of energy and water through appropriate passive design initiatives.</p>	<p>A1 All new subdivision complies with the provisions of Section A5 - Subdivision Manual of this DCP in terms of stormwater management and infrastructure services.</p> <p>A2 A detailed stormwater management plan will be submitted for new development.</p> <p>A3 The design of new development incorporates the following measures to minimise water consumption:</p> <ul style="list-style-type: none"> Rainwater tanks with direct plumbing; Dual flushing toilet systems; Use of endemic species in landscape design; Directing stormwater run-off from impervious areas and water tanks to vegetation. <p>A4 Development applications for new development are accompanied by an accredited certificate demonstrating a minimum NatHERS (or equivalent) star rating of 3.5 stars.</p> <p>A4 New residential development conforms to the energy conservation performance criteria by compliance with BASIX.</p>

Hazard Management

The current legislative context requires consideration of bush fire protection and flooding immunity for the construction of new development in the village of Uki. It has also been established that the prevailing local environmental conditions subject the village and its environs to a relatively high level of threat from bush fire and flooding risk.

Implications for retaining the existing visual qualities of Uki and allowing new development that is adequately protected from bush fire are obvious, particularly the removal of vegetation within the village and adjacent to the village boundary. The strategies identified by the Uki Locality Plan form the basis of this Section's objectives for hazard management and reduction and attempt to find synergies with the urban design, biodiversity and landscape strategies identified elsewhere in this Section.

Objectives – Hazard Management

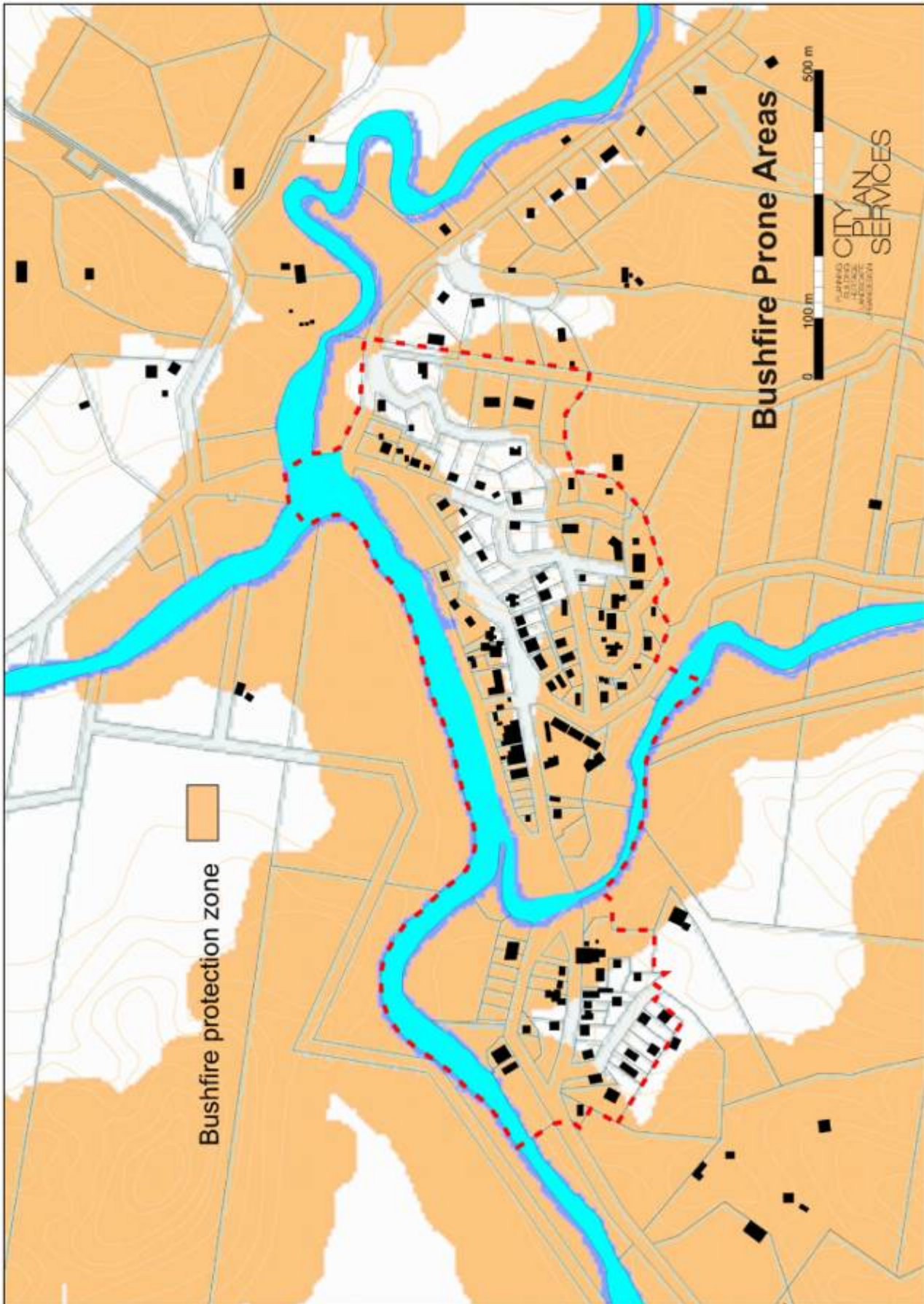
The objectives of the design element are as follows:

- O1. To ensure that development has proper regard to environmental constraints such as flooding and bushfire.

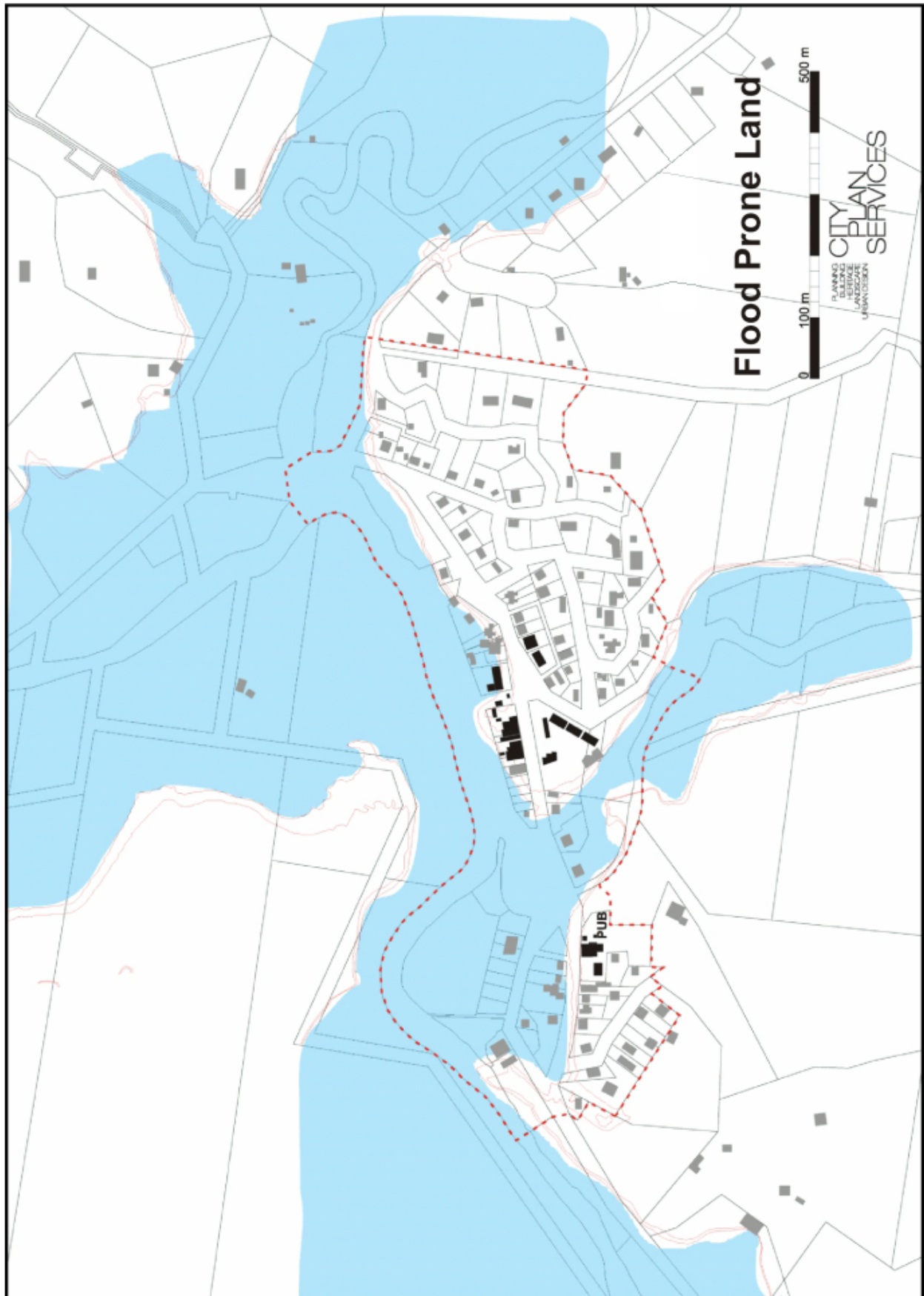
Performance Criteria and Acceptable Solutions – Hazard Management

Performance Criteria		Acceptable Solutions	
<i>Hazard Management</i>			
P1	New development has provision for fire fighting purposes.	A1	All development in the areas identified by B20 - Map 7 conforms with guideline document "Planning for Bushfire Protection" and is supported by a Bushfire Management Plan.
P2	New development does not create or worsen existing flooding problems.	A2	Where vegetation clearing is required for fire risk management and fuel load reduction, seek to remove weed and exotic species and retain or re-plant native plant species to maximise habitat values and the biodiversity outcome. A weed Management Plan is to be submitted.
		A3	All new development in the flood prone land identified by B20 - Map 8 shall achieve a minimum habitable floor level of 23.2m AHD.

B20 - Map 7



B20 - Map 8



APPENDIX 1 – DICTIONARY

The following definitions have been adopted for the purpose of this Section of the DCP.

Allotment - means an area of topographical space shown on an approved plan of subdivision and on which it is intended to construct a dwelling or dwellings.

Demolition - in relation to a building or work means the damaging, defacing, destruction, pulling down or removal of the building or work, in whole or in part.

External Wall - means an outer wall of a building which is not a party wall.

Finished Ground Level - in relation to land means:

- (a) Where land is within an area designated by the Council as flood liable land, the adopted design flood level adopted by Council; or
- (b) Where land is not within such an area, the level of the land (after earthworks) as approved by the Council or where no earthworks are proposed the finished ground level of the land.

Habitable Room - means a room used for normal domestic activities; and

- includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom and sunroom, but;
- excludes a bathroom, laundry, water closet, food-storage pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

Height in Relation to a Building - the greatest distance measured vertically from any point on the building to the natural ground level immediately below that point.

Heritage Significance - means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

Landscaped Area - means that part of the site area not occupied by any building or buildings, except for swimming pools or open air recreation facilities, which part is to be predominantly landscaped by way of the planting of gardens, lawns, shrubs or trees and is available for use and enjoyment by the occupants of the building erected on the site area, but does not include so much of the site area as is used for driveways, garbage collection, parking areas or drying yards.

Lot - refer to Allotment.

Objectives - means statements of the desired outcomes to be achieved in the development.

Performance Criteria - means criteria to be used in the preparation, submission and assessment of development proposals for measuring performance of the proposals against objectives.

Primary Street Frontage - means a boundary of an allotment having frontage to the highest class of road or, where intersecting roads are of the same road hierarchy, the road with the highest traffic generation.

Private Open Space - means an area of land suitable for private outdoor living activities.

Public Open Space - means land used or intended for use for recreational purposes by the public and includes parks, public gardens, riverside reserves, pedestrian and cyclist

accessways, playgrounds and sports grounds, and any natural bushland reserved for open space.

Setback - means the distance between the boundaries of a lot and the external wall of a building erected or proposed to be erected thereon.

Secondary Street Frontage - means the boundary of an allotment having frontage to the lowest class of road or, where intersecting roads are of the same road hierarchy, the road with the lowest traffic generation.

Site Area - means the area contained within the title boundaries of the site or the area of land to which an application for consent relates, excluding any land upon which the development to which the application relates is not permitted by or under the local environmental plan.

Small Dwelling - means a dwelling with a gross floor area less than 85m².

Storey means:

- a) the space between two floors, or
- b) the space between a floor and any ceiling or roof immediately above it, or
- c) foundation areas, garages, workshops, storerooms and the like, where the height between natural ground level and the top of the floor immediately above them is 1.5 metres or more.

For the purpose of counting the number of storeys in a building, the number is to be the maximum number of storeys of the building which may be intersected by the same vertical line, not being a line which passes through any wall of the building.

Useable Open Space - means a space at ground level which is open to the sky with a minimum dimension of 3m, excluding car parking and vehicle access requirements.

APPENDIX 2 – HERITAGE ITEMS

Item	Street Address	Locality Description
Plane Trees	1205 Kyogle Road Uki	Lot 20 DP 790517
Doon Doon / Commissioners Creek War Memorial Roll	1454 Kyogle Road Uki	Lot 71 DP 755730 In the care of Historical Society
Mount Warning National Park *	Water Works Road Uki	
Mount Warning / Korrumbyn Creek Dam *	Mount Warning Road Uki	

* Items up for consideration (may be removed considering their nature (i.e. national park) / possible location within a national park)

Uki Village Precinct	Kyogle Road, Uki	
(F01): Holy Trinity Anglican Church	1473 Kyogle Road, Kyogle	Lot 116 DP 755730
(F02): General Store Shed including Painted Flood Markers (1954 & 1956)	1466 Kyogle Road, Uki	Lots 7 + 8 DP 8107 Located at rear of property adjacent Milsoms Lane
(F03): Remains of Moore Bros. Flying Fox	Milsoms Lane, Uki	Creek side of Road Reserve approx. 20m west Cnr Milsoms Lane / Norco Street
(F04): Uki Community Hall / Uki School of Arts & War Memorial Rolls	1462 Kyogle Road, Uki	Lot 233 DP 721129
(F05): Mount Warning Hotel	1497-1501 Kyogle Road, Uki	Lot 11 DP 838447 Lot 102 DP 1061154 Lot 9 DP 825218
(F06): Fmr Uki Butter Factory	1454 Kyogle Road, Uki	Lot 71 DP 755730
(F07): Uki Post Office & Newsagency	1464 Kyogle Road, Uki	Lot 232 DP 721129
(F08): Fmr Sisters of St Joseph's Convent (currently private residences)	9 Old Convent Lane, Uki	Lot 1 DP 1002893
(F09): St Columba Roman Catholic Church	7 Old Convent Lane, Uki	Lot 4 DP 563015
(F10): Fmr English, Scottish & Australian Bank (currently Uki Gallery)	1468 Kyogle Road, Uki	Lot 6 DP 8107
(F11): Uki War Memorial featuring Town Clock	Kyogle Road, Uki	Road Reserve within central traffic island intersection Kyogle Road / Norco Street / Rowlands Creek Road

APPENDIX 3 – ADVICES, PROCEDURES AND CHECKLISTS

1. GENERAL

Compliance with the objectives and performance criteria will be the overriding consideration when assessing a proposed development. Variations to numeric provisions will be accepted where an applicant can clearly demonstrate that the objectives and performance criteria will be achieved.

Applicants are encouraged to use the services of architects, town planners, engineers, landscape architects and professional designers to design their development and prepare necessary support documentation.

2. WHAT ARE THE REQUIREMENTS FOR MAKING AN APPLICATION?

The Application Form

Applicants are advised to contact Council to determine the type of application (separate or joint BA/DA application) that meets the requirements of Council and best suits the needs of the applicant.

Development applications are to be made by completing Council's development application form in accordance with the instructions and paying of the correct fees.

The completed form must be either signed by the owner of the land or accompanied by written authority of the owner to lodge the application, including where appropriate, the company seal or seal of the body corporate.

Plans

Three copies of plans and statement of environmental effects are to be submitted. These plans are to be drawn to scale of 1:100 and must include:

- (a) the location, boundary, dimensions, site area and north point of the land;
- (b) the existing trees and vegetation on the land noting which are to be retained and which trees are to be removed.
- (c) the location and uses of existing buildings on the land;
- (d) the existing levels of the land in relation to buildings and roads; with large sites, contours may be required especially if the land is steep;
- (e) the location and uses of the buildings on sites adjoining the land, including dimensioned elevations or photomontage of front elevations (either side of the development site) for unit development where required;
- (f) the location of proposed new buildings or works (including alterations, extensions and additions) in relation to boundaries of the land;
- (g) floor plans of proposed buildings showing layout, partitioning, intended uses of each part of the building and room sizes;
- (h) elevations and sections showing proposed external finishes and heights;
- (i) proposed finished levels of land in relation to buildings and roads;
- (i) building perspectives where necessary to illustrate the proposed building;
- (k) proposed parking arrangements, vehicular ingress, egress and movements on the land. All applications must provide information on the gradients of proposed

internal roads and driveways from kerb and gutter (see Section A2 - Site Access and Parking Code of this DCP);

- (l) Proposed methods of draining the land, location of any sewer lines running through the site, and proposed/existing easements and rights of ways and any areas proposed for retention of stormwater;
- (m) flood levels, source of data, proposed treatment of the site and availability of public road access and egress.
- (m) a landscape concept plan showing the design principles and including:
 - the location, height and species of all existing vegetation;
 - the location, height (at maturity) and species of proposed vegetation;
 - cross sections through the site showing level changes and proposed landscape works;
 - areas proposed for the retention of stormwater; and
 - ground levels such as spot levels or contours

The landscape plan shall be prepared by a qualified Landscape Architect/Designer where the application is for a building over 6m in height and/or containing a significant number of dwellings. The name and qualifications of the Architect/Designer must be indicated.

- (o) A plan detailing methods employed to minimise soil erosion.
- (p) Shadow diagrams - For Multi dwelling housing over 6m in height or development where there is likely to be an overshadowing of adjoining properties, Council requires that shadow diagrams, showing the effect of 9.00am, 12 noon and 3.00pm shadows on 21 June and 22 December be lodged with the development application.

Council may also require diagrams showing likely impact on views, privacy and wind.

- (q) Models - For larger developments Council may require a model of the proposed development and adjoining properties to be submitted.
- (r) A site attributes and constraints plan annotating the manner in which the proposed design has considered the Site Planning and Layout criteria specified in Sections 3.1.1 and 3.1.2.
- (s) A plan showing the height and external configuration of the proposed development on the site to be provided on A3 or A4 sheets. This is for the purpose of notifying adjoining owners.

Subdivision

Existing and proposed subdivision patterns are to be provided (including the number of lots and location of roads), including an indicative "footprint" for future buildings.

Details of consultation with public authorities responsible for the provision of amplifications of utility services.

Demolition

Details of the age and condition of the buildings or proposed works to be demolished. NB. Separate application and approval is required for demolition under the Local Government Act, 1993.

Statement of Environmental Effects

This Statement (a requirement of the EP&A Act, 1979) must demonstrate that consideration has been given to the environmental impact of the development and set out any measures that have been taken to mitigate any likely adverse environmental impact. Where any criteria within this Section have not been satisfied, the applicant must demonstrate that the intent of the criteria has been satisfied by reference to relevant objectives. The Statement is to address the relevant items contained in Section 79C of the EP&A Act, 1979.

Where the proposed development does not meet the Site Density criteria stipulated in Section 3.1.3, an objection may be required under SEPP No. 1. The objection must be on the relevant form and applicants should consult Council staff before submitting their objection.

Heritage

Where the subject site is listed under Tweed Local Environmental Plan 2000 as a heritage item, or being within a Heritage Conservation Area, it will be necessary to lodge a Conservation Plan with the application in order to assess the impact on the heritage significance of the item and to define a curtilage.

Please note that Clause 46 of Tweed LEP 2000 provides certain incentives for heritage conservation.

Development Application Determination Policy:

The full Policy is available from the Development Services Division. In summary, it states that it is the applicant's responsibility to ensure that an application is legally valid, adequate and conforming. Where an application is not statutorily valid Council will refuse the application immediately. Where an application is manifestly inadequate in its supporting information or conformity with Council's planning instruments, the application will be refused promptly.

3. WHAT APPLICATIONS NEED TO BE ADVERTISED?

All applications for multi-dwelling housing development (other than some dual occupancy developments) will be advertised for a period of 14 days. Details of the advertising procedure are set out in Council's Notifications Policy. Notice shall be given to:

- (a) Such persons as appear to own or occupy land adjoining the site of the development;
- (b) Such persons as may be adversely affected by the development; and
- (c) Such public authorities which may have an interest in the development.

4. WHO SHOULD BE CONSULTED?

Council provides a four (4) tier system of pre-lodgement consultation for proponents to provide guidance and assistance in ensuring that applications are valid, adequate and generally acceptable. These include:

Discussion with individual Council officers;

Consultation with Council's Development Assessment Panel;

Consultation with Council's Pre-lodgement Committee;

Address full Council at Community Access sessions.

Please contact the Development Services Division for full details of consultation options. Proponents are encouraged to consult at the appropriate level PRIOR to finalising and lodging their applications so that the potential for refusal is minimised.

It is desirable, particularly for major, sensitive or complex applications that proponents consult key community groups and members of the public generally PRIOR to finalising and lodging their application.

Applicants are also urged to consult with adjoining landowners likely to be affected by their proposal, prior to lodging an application with Council. Such consultation will allow the concerns of affected parties to be taken into account in the design process and may thereby minimise the delays in the processing of the application.

5. CAN AN APPLICATION OR APPROVAL BE CHANGED OR MODIFIED?

An application can be changed or an approval can be modified under Section 96 of the Environmental Planning and Assessment Act, provided the changes are not considered significant by Council. If the changes are considered significant, a new application will be required. In any event, the proposal may need to be readvertised in which case additional fees may be charged.

6. BUILDING PERMIT

A Building Permit must be obtained from Council prior to any work being commenced. The building is to comply with requirements of the Building Services Unit particularly in regard to fire resistance and structural requirements.

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