

Chapter E – Non Residential Development

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E1 Tourist Development

1 Background

Tourism plays a substantial role in the economy and social structure of the Snowy River Shire. This is particularly so close to the alpine areas of Snowy River Shire, which are experiencing growth in summer and year round tourist activities.

Chapter E1 contains objectives and controls for tourism development. *Tourist and visitor accommodation* is a group term in the Snowy River LEP 2013, including a range of accommodation types, defined as follows:

Tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- *Backpackers' accommodation*
- *Bed and breakfast accommodation*
- *Farm stay accommodation*
- *Hotel or motel accommodation*
- *Serviced apartments*

But **does not include** camping grounds, caravan parks or eco-tourist facilities. These are separately defined in SR LEP 2013

Objectives and controls contained in Chapter E1 apply to town, village, rural and environmental management areas. These provisions ensure that the impact on the surrounding environment resulting from tourism development and the use of community resources to maintain them and promote self-sufficiency is minimized.

The Snowy River LEP 2013 identifies types of tourism development that are permitted in each land use zone.

1.1 Intent

The intent of Chapter E1 in relation to tourism development, including *tourist and visitor accommodation* and *eco-tourist facilities*, is:

- To encourage environmentally sustainable tourism development for the economic and social benefit of the Shire.
- To ensure that tourism development provides quality outcomes for the built environment of the Shire.
- To ensure that the subdivision of tourism development does not lead to permanent residential settlement in areas outside the townships within the Shire.
- To ensure that tourism development results in a net benefit to the condition of the land upon which it is proposed to be located.

2 Bed & Breakfast Accommodation

Bed and breakfast accommodation is a form of *tourist and visitor accommodation*. It is defined in the Snowy River LEP 2013 as follows:

Bed and breakfast accommodation means an existing dwelling in which temporary or short term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:

- meals are provided for guests only, and
- cooking facilities for the preparation of meals are not provided within the guests' rooms, and
- dormitory-style accommodation is not provided.

Bed and breakfast accommodation has been increasing in popularity in Snowy River Shire. This section includes standards from the publication "Guidelines for Bed and Breakfast Operations – best practice assessment and policy guidelines for use by Local Government and the Bed and Breakfast Industry in NSW". Copies of the publication are available from the Local Government and Shires Association of NSW.

The Snowy River LEP 2013 (clause 5.4 Controls relating to miscellaneous permissible uses) also specifies in relation to *bed and breakfast accommodation*:

If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of not more than three (3) bedrooms.

2.1 Operation of Bed and Breakfast Accommodation

2.1.1 Objective MANAGEMENT

To ensure that the operation and management of *bed and breakfast accommodation* is of an appropriate standard.

Controls

Bed and breakfast accommodation will:

- Be operated by a permanent resident of the premises.
- Not permit visitors to stay at the bed and breakfast accommodation in excess of one (1) month continuous duration.
- Include a notice in the reception and/or office area requiring guests to respect the residential or rural nature of the immediate area and the amenity and privacy of neighbours.
- Store all goods and equipment associated with the bed and breakfast accommodation within a building.
- Receive all deliveries to the bed and breakfast accommodation during normal business hours.
- Ensure that on-going management will monitor and reduce any impacts on neighbours and ensure compliance with the relevant health and safety standards. A Management

Plan for the bed and breakfast accommodation is to be provided with the development application and must address:

- Waste management
- Provision and maintenance of essential services
- Natural hazard protection (eg bushfire)

Note: the development must comply with the Environmental Planning & Assessment Regulation in relation to fire safety and the requirements of the NSW Food Authority.

2.2 Provision of Guest Space, Facilities and Access

2.2.1 Objective ACCOMMODATION STANDARDS

To ensure that safe, healthy, clean and functional areas for sleeping, storage and amenity of guests are provided.

Controls

Bed and breakfast accommodation will:

- Provide clear floor space (excluding beds and furniture) of at least 60% of the total floor area in sleeping rooms.
- Provide sleeping rooms each containing appropriate furnishing and facilities including window coverings, non-key operated door latch and clothes storage.
- Adhere to a minimum floor area of 5.5m² per person to be accommodated within a given sleeping room in an unsewered area. The minimum floor area per person can be decreased in accordance with the table below, provided it can be demonstrated that the property has the capacity to accommodate any additional requirements for wastewater disposal.

Note: Domestic septic systems are generally able to accommodate up to 11 people.

- Adhere to the following table with respect to the number of people accommodated in a sleeping room in an area that is sewered:

Number of persons	Minimum floor area (m ²)
2	7
3	11
4	15
5	19
6	23

- Provide adequate space and security storage facilities to allow occupants to store clothes and travel gear in each sleeping room. Alternatively, adequate facilities must be provided elsewhere in the building.
- Provide adequate toilet and shower facilities available to guests.
- Provide one bathroom and toilet available for the use of guests which is separate from the bathroom/toilet used by the permanent residents of the dwelling where more than one guest bedroom is proposed.

- Locate toilets and bathrooms in the dwelling where access is available without entering another bedroom.

2.2.2 Objective PARKING

To ensure that suitable and sufficient car parking is provided on the site.

Controls

Bed and breakfast accommodation will:

- Adhere to the provisions as detailed in Chapter C3 Car Parking & Access for parking rates and design.
- Where practical, car spaces are to be provided behind the building line with vehicles leaving the site only in a forward direction.
- Access in rural areas is to be two (2) wheel drive all weather access only.

2.2.3 Objective ACCESS

To ensure reasonable provision is made within the building and access areas for the movement and circulation of people with disabilities.

Controls

Bed and breakfast accommodation will:

- Make reasonable provision within the building and access areas for the movement and circulation for people with disabilities.
- Be subject to an assessment on the balance between providing disabled persons access and the required modification to the original building fabric, where existing buildings are identified as heritage items within the Snowy River LEP 2013.

2.3 Waste Management and Essential Services

2.3.1 Objective WASTE

To ensure that waste is managed in a safe, tidy and environmentally responsible manner.

Controls

Bed and breakfast accommodation will:

- Manage waste in accordance with legislative requirements.
- Base waste management on the principles of waste avoidance and maximising reuse and recycling of materials.
- Submit details of the waste management strategy for the bed and breakfast accommodation (both construction and operational phases) to Council when a Development Application is lodged. (Refer to Chapter A2 Development Application Requirements)

Note: Any processes that generate liquid waste must have measures in place to dispose of the waste. A trade waste application must be made to Council under section 68 of the Local Government Act when liquid waste is proposed to be discharged to Council's sewer.

- On sites without reticulated sewerage or town water supply, effluent disposal and water supply (including domestic supply and fire fighting purposes) must be in accordance with Chapter C9 Energy & Water Efficiency, Water Supply and Effluent Disposal of this DCP.

2.3.2 Objective ESSENTIAL SERVICES

Provide adequate essential services to all bed and breakfast accommodation.

Controls

Bed and breakfast accommodation will:

- Make telephone and electricity services available to guests.
- Include provisions for the maintenance and monitoring of all services in the Management Plan for the development.

2.4 Amenity, Visual and Acoustic Privacy

2.4.1 Objective AMENITY

To maintain the amenity of the property and locality, including the amenity of neighbouring properties.

Controls

Bed and breakfast accommodation will:

- Not use a dwelling for bed and breakfast accommodation where it negatively impacts the privacy of adjoining neighbours.
- Design any development to ensure there is no overlooking from guest common areas to the living areas of neighbouring dwellings.
- Not locate any noise source adjacent to neighbour sleeping or living areas.
- Consider sound transmission between sleeping rooms, toilets, bathrooms, laundries and kitchens within all new construction.
- Ensure any signage advertising the bed and breakfast accommodation is consistent with the visual character of the surrounding area and displayed wholly within the property.
- Display no more than one (1) sign on the property.
- Provide suitable and sufficient car parking on site. (Refer to Chapter C3 Car Parking & Access for parking rates and design)
- Situate, where practical, car spaces behind the building line, with vehicles leaving the site in a forward direction only.
- Always provide two (2) wheel drive all weather access in rural areas.

3 Farm Stay Accommodation

Farm stay accommodation is a form of *tourist and visitor accommodation*. It is defined in the Snowy River LEP 2013 as follows:

Farm stay accommodation means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

The Snowy River LEP 2013 (within Clause 5.4 Controls relating to miscellaneous permissible uses) states that in the case of *farm stay accommodation* the accommodation that is provided to guests must consist of no more than eight (8) bedrooms.

Farm holidays have become a popular holiday option for domestic and international tourists wanting to experience rural Australia. An important element of the experience of the farm holiday is contact with the life and activities of the owners of a farm. The opportunity to participate in farm activities may be the most important and rewarding component of the development and may include the promotion of agricultural education.

3.1 Operation of Farm Stay Accommodation

3.1.1 Objective MANAGEMENT

To ensure that the operation of farm stay accommodation is of an appropriate standard.

Controls

Farm stay accommodation will:

- Be compatible with the current use of the site and uses on adjoining land.
- Not detrimentally impact on the amenity of adjacent residences and other land uses in relation to noise, traffic or other activities.
- Prepare and submit a management plan accompanying the development application which:
 - Details the current and proposed commercial operation of the farm;
 - Lists activities that guests will participate in during the operation of the farm;
 - Demonstrates the farm is the full-time occupation of the operator.

3.2 Diversification of Individual Farm and Rural Area Income

3.2.1 Objective DIVERSIFICATION

To strengthen the agricultural component of the economic base of the Shire through provision of diversified forms of income.

Controls

Farm stay accommodation will:

- Accommodate a number of guests that is commensurate to the size of the farm and does not detract from the efficient and effective operation of the farm. The maximum

number of guests to be accommodated is fifteen (15), with the maximum accommodation for guests of eight (8) bedrooms.

- Demonstrate that the proposal will contribute to year-round tourism in the Shire through the availability of farm holidays.

3.2.2 Objective FARM EXPERIENCE

To provide visitors with an understanding of an operating farm and experiences of farming activities.

Controls

Farm stay accommodation will:

- Offer a rural holiday where guests are exposed to, and are able to take part in, farm activities in order to experience an existing operating farm.

3.3 Provision of Guest Space, Facilities and Access

3.3.1 Objective ACCOMMODATION STANDARDS

To ensure that farm stay accommodation meets reasonable standards of comfort and safety for visitors.

Controls

Farm stay accommodation will:

- Adhere to a minimum floor area of 5.5m² per person to be accommodated within a given sleeping room in an area that is unsewered. The minimum floor area per person can be decreased in accordance with the table below, provided it can be demonstrated that the property has the capacity to accommodate any additional requirements for wastewater disposal.

Number of persons	Minimum floor area (m ²)
2	7
3	11
4	15
5	19
6	23
- Provide adequate space and secure storage facilities to allow occupants to store clothes and travel gear in each sleeping room. Alternatively, adequate facilities must be provided elsewhere in the building.
- Provide adequate toilet and shower facilities that are available to guests. Where more than one (1) guest bedroom is proposed, one (1) bathroom and toilet is to be available for the use of guests which is separate from the bathroom/toilet used by the permanent residents of the dwelling.
- Locate toilets and bathrooms in the accommodation where access is available without entering another bedroom.

3.3.2 Objective ACCESS

To ensure reasonable provision is made within the building and access areas for the movement and circulation of people with disabilities.

Controls

Farm stay accommodation will:

- Make reasonable provision within the buildings and access areas for the movement and circulation by people with a disability.
- Demonstrate consistency with the provisions of the Disability Discrimination Act (1992) Commonwealth.
- Comply with the Building Code of Australia with respect to access and circulation for persons with a disability.

3.3.3 Objective PARKING

To ensure that suitable and sufficient car parking is provided on the site.

Controls

Farm stay accommodation will

- Adhere to the provisions as detailed in Chapter C3 Car Parking & Access for parking rates and design.
- Situate all car parking spaces behind the building line with vehicles leaving the site only in a forward direction.

3.4 Waste Management

3.4.1 Objective WASTE

To ensure that waste is managed in a safe, tidy and environmentally responsible manner.

Controls

Farm stay accommodation will:

- Manage waste in accordance with legislative requirements.
- Base waste management on the principles of waste avoidance and maximising reuse and recycling of materials.
- Submit details of the waste management strategy for the farm stay accommodation (both construction and operational phases) to Council when a development application is lodged.
- Have measures in place to dispose of waste arising from any processes that generate liquid waste. A trade waste application must be made to Council under section 68 of the Local Government Act when liquid waste is proposed to be discharged to Council's sewer.

3.5 Amenity, Visual and Acoustic Privacy, and Maintenance of Rural Landscape Themes

3.5.1 Objective AMENITY AND LANDSCAPE

To maintain the amenity and rural landscape themes of the property and locality, including the amenity of neighbouring properties.

Controls

Farm stay accommodation will:

- Demonstrate compatibility with the current use of the site and uses on adjoining land.
- Not detrimentally impact the amenity of adjacent residences and other land uses in relation to noise, traffic or other activities.
- Situate all car parking spaces behind the building line with vehicles leaving the site only in a forward direction.
- Accommodate a number of guests that is commensurate to the size of the farm and does not detract from the efficient and effective operation of the farm.

4 Eco-tourist Facility

Eco-tourist facilities provide for a combination of tourism, education and hands-on activities relating to the natural or cultural environment. An *eco-tourist facility* is defined in the Snowy River LEP 2013:

Eco-tourist facility means a building or place that:

- *Provides temporary or short-term accommodation to visitors on a commercial basis, and*
- *Is located in or adjacent to an area with special ecological or cultural features, and*
- *Is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.*

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

The Snowy River LEP 2013 (clause 5.13 Eco-tourist facilities) provides detailed considerations for the development of *eco-tourist facilities*.

*As there is no maximum number of guests set for an **eco-tourist facility**, the onus is on the applicant to demonstrate that the development is specifically located and designed for eco-tourist purposes and demonstrates a significant practical reliance on renewable energy and water uses.*

4.1 Design of Eco-Tourist Facilities

4.1.1 Objective SITE DESIGN

To improve the environment of a site and incur minimal site disturbance through integrative design which reflects rather than alters the natural existing landscape.

Controls

Eco-tourist facilities will:

- Be designed to utilise building materials that blend in with the surrounding landscape, promoting the use of recycled materials and materials sourced from the region.
- Maximise energy efficiency and use a minimum of non-renewable energy.
- Be designed on the basis of ecological sustainability and an understanding of the potential environmental impacts.
- Not dominate the visual landscape through any component buildings and infrastructure and will be compatible with the local cultural character.
- Reduce the footprint of development components to the minimum required for development to proceed.
- Acknowledge and consider the social fabric of the locality and the need to respect, support, and not adversely affect, the local community.
- Avoid the use of non-renewable resources where practical.

4.1.2 Objective PARKING

To ensure that suitable and sufficient car parking is provided on the site.

Controls

Eco-tourist facilities will:

- Provide adequate on-site car parking and bus parking and maneuvering space to cater for the peak use of the facility. (Refer to Chapter C3 Car Parking & Access for parking rates and design)
- Require a traffic assessment prepared by a suitably qualified traffic engineer to support the development application at Council's discretion. Any such traffic assessment must demonstrate that adequate parking is provided for the peak use of the facility.

4.1.3 Objective EDUCATION AND AWARENESS

To incorporate and promote visitor education and environmental awareness as integral components of eco-tourist development.

Controls

Eco-tourist facilities will:

- Contain facilities for the teaching, researching or dissemination of knowledge in respect of the natural and cultural history of the area.
- Provide opportunities for visitors to experience nature and culture in ways that lead to a greater understanding, appreciation and enjoyment.
- Recognise the importance of key natural features to the visitor experience, and where these are off site (eg National Parks), recognise and address the potential indirect impacts associated with a development.

4.1.4 Objective ACCESS

To ensure reasonable provision is made within the building and access areas for the movement and circulation of people with disabilities.

Controls

Eco-tourist facilities will:

- Demonstrate consistency with the provisions of the Disability Discrimination Act 1992 (Commonwealth).
- Comply with the Building Code of Australia with respect to access and circulation for persons with a disability.

4.2 Operation of Eco-Tourist Facilities

4.2.1 Objective MANAGEMENT

To achieve appropriate standards for the operation and management of eco-tourist accommodation.

Controls

Eco-tourist facilities will:

- Be centrally managed by on-site management, where that eco-tourist facility accommodates over 15 guests. All structural and land components will be the responsibility of one management whether or not individual structures are owned by different entities.
- Use an existing or proposed dwelling as the manager's residence (where possible), where a manager's residence is provided as part of the eco-tourist facility.
- Be permitted only one manager's residence on land on which the eco-tourist facility is proposed.
- Operate on a year-round basis.
- Be used solely for the provision of temporary holiday accommodation (no more than three (3) consecutive months).
- Incorporate ongoing monitoring of the development in total and continually assess cumulative impacts, striving to improve the environment within which the development is situated.

4.3 Waste Management

4.3.1 Objective WASTE

To integrate waste minimization and energy efficiency within the design and operation of a development.

Controls

Eco-tourist facilities will:

- Manage waste in a safe, tidy and environmentally responsible manner and in accordance with legislative requirements.
- Base waste management on the principles of waste avoidance and maximising reuse and recycling of materials.
- Submit details of the waste management strategy for the eco-tourist facility (both construction and operational phases) to Council when a Development Application is lodged. (Refer to Chapter A2 Development Application Requirements).

5 Serviced Apartments

"Serviced Apartments" are a form of "Tourist and Visitor Accommodation" and are defined in

the Snowy River LEP 2013:

“serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner’s or manager’s agents”.

The Snowy River LEP 2013 (Land Use Table) identifies whether “serviced apartments” are allowed in the land use zone. The land use zone applying to a particular site is shown on the Land Zoning Map.

The provisions of this chapter of the Snowy River DCP 2013 will also apply to the proposal.

5.1 Amenity, Neighbourhood Impacts and Living Conditions

5.1.1 Objective AMENITY

To ensure that the amenity of the area is maintained and protected.

Controls

Serviced apartments will:

- Demonstrate to Council’s satisfaction that the development is consistent and compatible with the predominant character, land use and activity levels of the surrounding area.
- Demonstrate that any new dwelling to be built for use as a serviced apartment is;
 - compatible with surrounding buildings in bulk and scale.
 - suitable for and capable of accommodating permanent residents should future need or repurposing arise.
 - capable of contributing to the housing stock of the Shire should the use of that dwelling change in future.
- Demonstrate the proposed serviced apartment has adequate kitchen, bathroom and recreational area within the dwelling for the maximum number of occupants.

5.1.2 Objective SIGNAGE

To prevent the proliferation of signs in relation to serviced apartments and to ensure that signs are properly designed, located and maintained.

Controls

Serviced apartments will:

- Place or erect any signs in accordance with the Snowy River DCP 2013 requirements.
- Be permitted only one sign per premises.

5.1.3 Objective NOISE

To protect the surrounding and adjoining residents from noise intrusion by providing a reasonable acoustic environment for guests.

Controls

Serviced apartments will:

- Provide appropriate floor coverings in sleeping rooms to minimise the impact of noise and noise generation.
- Site and design sources of noise (such as the kitchen, communal rooms, communal

recreation areas and parking areas) to minimise noise nuisance to adjoining properties, when new serviced apartments are constructed.

- Be insulated (new buildings) to the extent that offensive noise levels are minimised at any boundary.

5.1.4 Objective ACCOMMODATION USE

To provide a high standard of amenity to visitors of Snowy River Shire free from overcrowding within accommodation dwellings and inappropriate intensification of dwelling use affecting the area at large.

Controls

Serviced apartments will:

- Be permitted a total dwelling occupancy of no more than 10 persons for serviced apartment use.
- Adhere to the following table with respect to the number of people accommodated in a sleeping room in an area that is sewered:

Number of persons	Minimum floor area (m ²)
2	7
3	11
4	15
5	19
6	23
- Allocate a minimum floor area of 5.5m² per person when accommodating people in a sleeping room in an unsewered area. A specialist report will be required to confirm that waste management can be accommodated.

5.1.5 Objective SOFA BEDS

To avoid inappropriate or unwarranted use of sofa beds for the purpose of extra accommodation resulting in overcrowding, impacting on amenity and use of living spaces.

Controls

Serviced apartments will:

- Not be permitted to use sofa beds for the purpose of sleeping additional guests beyond the approved number for that serviced apartment use.
- Only be permitted the use of sofa beds where the total occupancy level of the dwelling will not exceed 10 persons.
- Ensure that the dwelling has commensurate living space and facilities to accommodate the additional guests that will utilize sofa beds.
- Adhere to a rate of one additional car-parking space provided for each sofa bed used within the dwelling.
- Not allow the safety of the dwelling, occupants, or occupants of adjoining properties and dwellings to be compromised through the use of sofa beds.
- Be permitted the use of a sofa bed in the living area of studio or one bedroom dwellings used as serviced apartments as an alternative to a bed.

- On the condition that there is sufficient internal space, facilities and parking to accommodate such use.

5.1.6 Objective PARKING

To ensure an adequate level of on-site parking is provided to meet parking demand.

Controls

Serviced apartments will:

- Provide car parking in accordance with the requirements of Snowy River DCP 2013 – Chapter C3 Car Parking, Traffic and Access.
- Adhere to a parking rate of 1 parking space for each bedroom in excess of 3 bedrooms.
- Consider Objective 5.1.3 regarding noise when providing for car parking and vehicle access.
- Landscape parking areas to soften the visual impact, and minimise potential noise intrusion on neighbouring properties.
- Parking areas are to be clearly marked and available to guests on a 24 hour basis.
- Council does not encourage, but may consider, stacked parking for parked spaces in a controlled parking situation which:
 - allows no more than two cars in the stacked parking arrangement;
 - is likely to maintain a very low turnover; or
 - is able to function easily within the management of the site's future operation.

5.2 Ongoing Management and Safety of Serviced Apartments

5.2.1 Objective FIRE SAFETY

To ensure that serviced apartments have a minimum standard of properly maintained fire safety services.

Controls

Serviced apartments will:

- Be provided with automatic fire detection or smoke detection and alarm system connected to the mains power with battery back up (to comply with the Building Code of Australia).

5.2.2 Objective MANAGEMENT

To ensure quality ongoing management of serviced apartments to preserve the amenity of neighbourhoods and the reputation of Snowy River Shire as a holiday destination.

Controls

Serviced apartments will:

- Include the name and contact details of the manager of the serviced apartment with the development application for the serviced apartment.
- Include a written statement accepting the management's responsibility for ensuring guest numbers do not exceed the number permitted.
- Display the number of persons permitted to be accommodated in the serviced apartment on the back of the main entrance door into the premises at all times.
- Display the contact details of the property manager on the back of the main entry door of the premises at all times.
- Require notification to be given to Council when management of that serviced apartment changes.

5.2.3 Objective WASTE

To ensure that serviced apartments make adequate provision for the management of waste and recyclable materials.

Controls

Serviced apartments will:

- Provide waste bins within the serviced apartment in food preparation rooms and communal areas (if any).
- Display signage indicating the location of waste and recycling bins when in a unit complex of more than two dwellings.
- Provide clearly identified indoor recycling bins adjacent to waste bins within the premises.
- Assign responsibility to the manager of the serviced apartment for ensuring that garbage bins are placed at the kerbside in time for collection. Waste is contracted for weekly collection and recycling for fortnightly collection from the kerbside adjacent to the premises.

Note: Council can provide a service for waste bin collection where bins are taken from bin enclosures and replaced after emptying for a fee.

- Assign responsibility to the manager of the serviced apartment for ensuring that the garbage and recycling bins are removed from the kerbside after collection. Garbage bins are not to remain on the kerbside for longer than 24 hours at a time (either before or after collection).
- Assign responsibility to the manager of the serviced apartment for ensuring that recycling bins are placed at the kerbside in time for collection.

E2 Agriculture & Rural Industry

1. Background

Agriculture and rural industries play an important role in supporting the core functions of the Snowy River Shire. Intensive agriculture, along with more traditional farming techniques require reasonable access to bulk supplies of agricultural products and industrial equipment in rural locations to enable the easy access of goods and services.

The range of rural and commercial development in rural areas includes intensive plant growing and intensive livestock agriculture. Sales of bulky agricultural products and new technology are also part of this potential. This Chapter provides objectives and controls for *agriculture, rural industries, extractive industries* and specific types of *retail premises* permitted in the RU1 Primary Production and E3 Environmental Management zones.

The Snowy River LEP 2013 identifies which forms of *agriculture, rural industries* and *retail premises* are permitted in each of the land use zones. It is noted that *agriculture and rural industries* are group terms in the Snowy River LEP 2013 and are defined as follows:

Agriculture means any of the following:

- (a) Aquaculture,
- (b) Extensive agriculture,
- (c) Intensive livestock agriculture,
- (d) Intensive plant agriculture.

Rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) Agricultural produce industries,
- (b) Livestock processing industries,
- (c) Composting facilities and works (including the production of mushroom substrate),
- (d) Sawmill or log processing works,
- (e) Stock and sale yards,
- (f) The regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

Note: Refer to the Snowy River LEP 2013 for the types of retail premise permissible, and their definitions.

2. Aims

The aims of this Chapter are to:

- Encourage environmentally acceptable agricultural and rural industry development for the economic and social benefit of the Shire.
- Ensure that agricultural and rural industry development provides quality outcomes for the built environment of the Shire.
- Ensure that the subdivision of agricultural and rural industry development does not lead to permanent residential settlement and additional demand for urban services in areas outside of the townships within the Shire.
- Ensure that agricultural and rural industry development is located on suitable land with consideration of the surrounding locality.

3. Land and Development to which this Chapter applies

This Chapter applies to all forms of agriculture and rural industries in any land use zone in the Shire where the land use is permitted with consent, and retail premises in the RU1 Primary Production and E3 Environmental Management zones that requires a development application under the Snowy River LEP 2013.

4. General requirements for agriculture & rural industries

Rural developments are typically located in areas where they have high accessibility for agricultural users. Development sites are also likely to be in the vicinity of active agricultural uses that need to be considered in the site planning of new development.

Rural and commercial land uses will typically be required to provide their own potable water supply and non-potable landscaping and fire fighting water supply, and to provide an environmentally sound method of effluent disposal.

Where development is to be located in close proximity to mature vegetation and existing water bodies, careful consideration should be given to design and planning for water use and effluent disposal.

The objectives and controls below are common to most rural and commercial developments and are aimed at ensuring quality, environmentally sound development which contributes to the economic and social well-being of the Shire.

4.1 Intensive Agriculture

The Snowy River LEP 2013 identifies and defines two forms of intensive agriculture:

Intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

- (a) Dairies (restricted),
- (b) Feedlots,
- (c) Piggeries,
- (d) Poultry farms,

But does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

Intensive plant agriculture means any of the following:

- (a) The cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) Horticulture,
- (c) Turf farming,
- (d) Viticulture.

Objectives

The objectives for the development of *intensive livestock agriculture* and *intensive plant agriculture* are to:

- Provide a coordinated and sustainable approach to the development of intensive agricultural activities to ensure that impacts are mitigated and adjoining land uses are fully considered.
- Ensure that site layout and buildings are appropriately designed and implemented to reduce any visual impacts on the rural landscape.

Controls

E2.1-1 Land Use Compatibility

- (a) The proposed development is to be located adjoining compatible land uses and is to have no adverse visual or amenity impacts.
- (b) The site of the proposed development must contain sufficient area to allow for the economic sustainability of intensive agriculture, including any necessary buffer areas.
- (c) All equipment, materials, machinery and tools associated with the proposal must be housed within buildings forming part of the development application.
- (d) All heavy vehicles associated with the use are not use roads that are located within residential areas unless where they are State or National classified roads.

E2.1-2 Environmental Constraints

- (a) The design of the proposed development must consider environmental constraints of the site including sensitive areas, water quality and quantity, and any emissions that may causesignificant impacts.
- (b) The proposed development is not to be located on, adjoining or utilising areas of environmental significance.
- (c) The proposed development must not discharge any water or effluent arising from the agricultural process directly to any waterway.
- (d) Any contaminated water is to be collected, treated and disposed of without causing pollution.
- (e) The proposed development must not emit noise, light or emissions to the air or water that will causesignificant environmental harm or nuisance unless accompanied by the required

licences and mitigation measures as identified in a plan of management prepared by a suitably qualified professional.

- (f) Where the proposed development requires the removal of native vegetation or the disturbance of habitats to native bird and animals then a Flora and Fauna report will be required to be carried out by a suitably qualified person.
- (g) The proposed development is to be designed and operated in accordance with best practice environmental management techniques.

E2.1-3 Transport Infrastructure

- (a) The site must have good access to main roads, all weather access within the site and appropriate on provision for on-site parking.
- (b) The proposed development must have access arrangements, to appropriate standards, suitable to the largest likely transport vehicles required for the development.
- (c) On-site access roads servicing all aspects of the agricultural uses are designed to be an appropriate standard required for the transport type to be used.
- (d) Car parking is to be provided on-site which is sufficient to cater for all staff and visitors.

Note: refer to Chapter C3 Car Parking, Traffic and Access for specific requirements.

E2.1-4 Chemical Use / Spray Drift

- (a) The development is to minimise the risks to public health, property and the environment from chemical and fertiliser use.
- (b) The development is to minimise spray drift through proper farm management and landscaping.
- (c) Spraying is not to be carried out on windy days or when humidity is very high. Adjoining neighbours should be given 24 hours notice prior to spraying occurring.
- (d) All chemicals are to be contained within the property.
- (e) Farm dams and sedimentation ponds shall be constructed such that any runoff from spraying is detained in the dam preventing runoff to other properties.

4.2 Rural Industries

As noted above, *rural industry* is defined in the SnowyRiver LEP 2013 as:

Rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) *Agricultural produce industries,*
- (b) *Livestock processing industries,*
- (c) *Composting facilities and works (including the production of mushroom substrate),*
- (d) *Sawmill or log processing works,*
- (e) *Stock and sale yards,*
- (f) *The regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.*

Objectives

The objectives for the development of *rural industry* are to:

- Encourage the establishment of rural industries.
- Ensure that new rural industry developments are suited to the rural environment and designed to minimise impacts on the visual amenity of the landscape.

Controls

E2.2-1 Land Use Compatibility

- (a) The proposed development is to be located adjoining compatible land uses and is to have no adverse visual of amenity impacts.
- (b) The proposed development is to be separated from residential buildings (not related to the use) by a minimum of 500 metres.
- (c) All equipment, materials, machinery and tools associated with the proposed use are to be housed within buildings forming part of the development application.
- (d) All heavy vehicles associated with the use are not to use roads that are located within residential areas unless the roads are State or National classified roads.

E2.2-2 Environmental Impacts

- (a) The proposed development is to be designed with consideration of environmental constraints including sensitive areas, water quality and quantity, any emissions, which may cause significant impacts.
- (b) The proposed development is not to be located on, adjoining or utilising areas of environmental significance.
- (c) The proposed development must not discharge any water used in the industrial process directly to any waterway.
- (d) The proposed development must not emit noise, light or emissions to the air or water that will cause significant environmental harm or nuisance unless accompanied by required licences and mitigation measures.
- (e) The proposed development must be designed and operated in accordance with best practice environmental management techniques.

E2.2-3 Transport Infrastructure

- (a) The site of the proposed development must have good access to main roads and appropriate on-site car parking.
- (b) The proposed development must have access arrangements, to appropriate Australian Standards, suitable to the largest likely transport vehicles required for the development.
- (c) All car parking spaces are to be located behind the building line with vehicles leaving the site only in a forward direction.

Note: refer to Chapter C3 Car Parking, Traffic and Access for specific requirements.

4.3 Retail Premises in RU1 and E3 Zones

There are a number of types of retail premises that are permissible with consent in the RU1 Primary Production and/or E3 Environmental Management zones under the Snowy River LEP 2013 (refer to Land Use Table). This section provides objectives and controls for retail development in these zones

including: *cellar door premises, garden centres, landscaping material supplies, plant nurseries, roadside stalls, rural supplies and timber yards.*

Objectives

The objectives for the development of *retail premises* that are permitted in the RU1 and E3 zones are to:

- Encourage the establishment of specialists retail activities outside residential, business or industrial areas to support agricultural businesses in rural locations.
- Ensure new specialist retail developments are suited to the rural environment and designed to minimise impacts on the visual amenity of the landscape.

Controls

E2.3-1 Land Use Compatibility

- (a) The proposed development is to be located adjacent to compatible land uses and is to have no adverse visual or amenity impacts.
- (b) The proposed development is to be separated from residential buildings (not related to the use) by a minimum of 250 metres.
- (c) All equipment, materials, machinery and tools associated with the proposed use are to be housed within the buildings whenever the use is not in operation.
- (d) All heavy vehicles associated with the use are not to use roads that are located within residential areas unless where they are State or National classified roads.

E2.3-2 Environmental Impacts

- (a) The proposed development is to be designed with consideration of environmental constraints including sensitive areas, water quality and quantity, and any emissions, which may cause significant impacts.
- (b) The proposed development is not to be located adjoining, or utilising areas of environmental significance.
- (c) The proposed development must not discharge any contaminated water generated by the land use directly to any waterway.
- (d) The proposed development must not emit noise, light or emissions to the air or water that will cause significant environmental harm or nuisance unless accompanied by required licences and mitigation measures.
- (e) The proposed development should be designed and operated in accordance with best practice environmental management techniques.

E2.3-3 Transport Infrastructure

- (a) The site is to have good access to main roads and appropriate on-site car parking.
- (b) The proposed development must have access arrangements, to appropriate Australian Standards, suitable for the largest likely transport vehicles required for the development.
- (c) All car parking spaces are to be located behind the building line with vehicles leaving the site only in a forward direction.

Note: refer to Chapter C3 Car Parking, Traffic and Access for specific requirements.

E3 Commercial & Retail Development

1. Retail Premises, Wholesale Supplies & Rural Industries

1.1 Background

This Chapter applies to all types of *retail premises* (including *bulky goods premises*), *wholesale supplies* and *rural industries* where they are permissible with consent under the Snowy River LEP 2013 and in the following zones:

- RU1 Primary Production
- RU5 Village
- IN1 General Industrial

1.2 Objectives

The objective of this Chapter is to ensure that certain *retail premises*, *wholesale supplies* and *rural industries* in the Rural and Industrial Zones are located and designed to minimise impact on the visual amenity of the rural, village and industrial landscape.

1.3 Controls

E3.1-1 Land Use Compatibility

- (a) The proposed development is to be located adjoining compatible land uses and is to have no adverse visual or amenity impacts and the surrounding neighbourhood.
- (b) All equipment, materials, machinery and tools associated with the proposed development are to be housed within the buildings whenever the use is not in operation.
- (c) All heavy vehicles associated with the use do not use roads that are located within residential areas unless they are State or National classified roads.

E3.1-2 Environmental Impacts

- (a) The proposed development is to be designed with consideration of environmental constraints including sensitive areas, water quality and quantity, and any emissions, which may cause significant impacts.
- (b) The proposal is not to be located on, adjoining or utilising areas of environmental significance.
- (c) The proposed development must not discharge any contaminated water generated by the land use directly into any waterway.
- (d) The proposed development must not emit noise, light or emissions to the air or water that will cause significant environmental harm or nuisance unless accompanied by required licences and mitigation measures.
- (e) The proposed development is designed and operated in accordance with best practice environmental management techniques.

E3.1-3 Transport Infrastructure

- (a) The site of the proposed development must have good access to main roads and appropriate on-site car parking in accordance with Chapter C3 Car Parking, Traffic and Access.
- (b) The proposed development must have access arrangements, to appropriate Australian Standards, suitable to the largest likely transport vehicles required for the development.
- (c) All car parking spaces are to be located behind the building line with vehicles leaving the site only in a forward direction.

2. Outdoor Dining & Trading

2.1 Background

This Chapter provides objectives and controls for outdoor dining and trading activities on and over public footpaths, shopping centres and associated public spaces. Footpath dining and trading, in the right locations, contributes to an active street frontage and adds vitality to the public place.

This Chapter regulates the use of public places and footpaths for commercial activities including:

- Use by the adjacent *retail premises* for the display and sale of goods.
- Use by the adjacent *food and drink premises* for outdoor dining including the provision of tables, chairs, umbrellas and associated outdoor dining furniture.

Development consent is required prior to the use of a public place or footpath for the purposes of outdoor dining and/or the display of merchandise directly related to the use of the adjacent retail or commercial development. Any use that is unrelated to an existing approved business, office or retail premises is prohibited.

2.2 Consent Authority, Owner's Consents and Statutory Processes

Proposals for **outdoor dining on public footpaths** require the following processes:

- Development consent and approval under the Roads Act and the Local Government Act, and current public indemnity insurance; and
- If adjacent to a classified road, the concurrence of the Roads and Maritime Services (RMS).
Proposals for the use of footpath airspace for outdoor dining require the above as well as the following processes:
 - Lease agreement with Council for use of the airspace; and
 - Approval of the Director-General of Department of Planning and Infrastructure (if Council is also the roads authority).

Note: Council retains management and ownership of its footpaths at all times and has the right to assess and remove all trading items at any time for any purpose deemed suitable by it. No compensation is payable in the event of Council or any statutory authority carrying out works that require the removal, cessation and/or alteration to any approved footpath trading activity.

Proposals for **goods displays on footpaths** require the following processes:

- Local Approval under the Local Government Act 1993 or development consent and Local Approval if not exempt development; and

- Current public indemnity insurance. Applicants are required to maintain current public liability insurance, indemnifying Council against damage to third parties and against the issue of licences. Applicants should consult with Council for information regarding insurance.

2.3 Objectives

- To provide controls for footpath dining and trading in conjunction with associated, approved indoor premises and in a manner which complements the best interests of the business, residents and visitors.
- To encourage where appropriate, outdoor dining areas that will contribute to the commercial viability of an area and at the same time enhance the ambiance and streetscape.
- To ensure access, safety and amenity of public footpaths is maintained, while facilitating active and lively street frontages.
- To ensure footpath dining is compatible with other community use of the footpath and does not adversely impact upon the amenity of adjacent residences.

2.4 Controls

The following minimum requirements must be taken into consideration in the assessment of applications for the use of a public place.

Location and layout of footpath trading activities

Proposed footpath trading activities will be considered only in conjunction with an approved or proposed associated indoor business in contiguous premises (food premises in the case of outdoor dining and any other type of business in the case of goods displays).

Objectives

- To maintain the primary function of footpaths as public pedestrian corridors and domains, while encouraging opportunities for outdoor dining and other footpath trading activities.
- To allow for the use of airspace over public roads and public land for dining, only where appropriate.
- To ensure access for people with disabilities is provided within dining areas and associated facilities.
- To maintain public safety including unobstructed access to footpaths and adjacent buildings.
- To require high quality furniture and fittings that enhances the streetscape.
- To have regard to the heritage significance of an item or area, where applicable.

Controls

E3.2-1 Location and Layout of Footpath Trading

- (a) Provide a clear zone on the footpath with a minimum width 2.0m or 2.5m for locations adjacent to classified roads, busy footpaths, footpaths in excess of 4m width.
- (b) Provide a minimum kerb setback 0.6m. Note the following kerb setbacks apply regardless of footpath width:
 - 0.9m adjacent to loading zones
 - 1.0m adjacent to “No Standing” zones
 - 1.2m adjacent to angle parking
 - is not appropriate adjacent to a disabled parking space or bus stop.
- (c) If the minimum criteria in (a) – (b) cannot be achieved, applicants must demonstrate the following:
 - (a) Existing levels of public access and safety will be maintained for the footpath and the adjacent road, and
 - (b) No unreasonable impacts on amenity or streetscape.

- (d) Where no footpath trading occurs in a locality, a proposed footpath trading activity is to be provided adjacent to the kerb.
- (e) Locating footpath trading adjacent to the building line must demonstrate consistency with existing footpath trading activities, exceptional circumstances and/or a public benefit.
- (f) For trading areas longer than 10m, provide a 1.5m break in the centre of the trading area (excluding doorways and other essential openings).
- (g) Provide a minimum break of 1.0m from public utilities including fire hydrants, rubbish bins, seats, telephones, bicycle stands and bus shelters.
- (h) Provide a minimum break of 0.5m from all other street furniture including bollards, tree pits, street lights and traffic and electricity poles.
- (i) Only that part of the footpath or public place directly in front of a restaurant/cafe may be used for footpath trading. The area may not extend to the area in front of neighbouring properties.
- (j) Seating may not be located next to the building line.
- (k) Provide a minimum depth of 1.1m within the footpath trading area for the comfort of patrons.
- (l) Comply with a footpath gradient (crossfall) range of 1:100 to 1:40 (maximum) or demonstrate to Council that suitable access can be provided if a proposal is located on grades outside this range.
- (m) Locate the footpath trading area consistent with adjacent footpath trading activities, existing public utilities, landscaped areas and open spaces to provide consistent pedestrian access subject to the minimum setbacks above.
- (n) Provide clear sight lines from the indoor premises to the outdoor trading area.

Note:References to footpaths in this Plan relate to existing grades. Structures or works to change footpath levels (for example, platforms) will generally not be supported, unless it can be demonstrated that pedestrian access on the footpath and to premises will not be impaired.

E3.2-2 Use of a Public Place for the Sale and Display of Merchandise

- (a) Each commercial premises (business, office or retail premises) is only permitted two (2) items (excluding café tables and chairs) to be placed on the public place outside the business. This includes items such as a sandwich board sign, trading table, display stand and/or display rack.
- (b) The display of goods and articles are limited to fresh flowers, fruit and vegetables, clothing and accessories, sporting equipment and tourist promotional material. Approval of other types of articles will be undertaken on an individual merit based assessment.
- (c) Articles displayed shall relate specifically and only to the primary approved business conducted at the directly adjoining premises.
- (d) All articles or display stands shall be secure and finished so as not to cause injury to pedestrians and shall be removed from the public place when the premises are closed.
- (e) Public address systems and cash registers are prohibited.
- (f) The maximum size of each item (trading table, display racks, promotional stands) is 750mm wide, 1500mm long and 1500mm high.

E3.2-3 Use of a Public Place for Footpath Dining

- (a) Tables, chairs, umbrellas, pot plants and other necessary outdoor dining furniture may be placed only on that part of the footpath directly adjacent to the commercial premises. Any additional items shall not extend beyond the property side boundaries.

- (b) Tables, chairs, umbrellas, pot plants and ancillary outdoor furniture must not be fixed to the pavement without the approval of Council.
- (c) The canopy of umbrellas or any other outdoor furniture shall not project beyond the designated licence area and shall have a minimum clearance above the footpath level of two (2) metres. Umbrellas must be securely fixed to tables and/or anchored in an acceptable manner.
- (d) All tables, chairs and other outdoor furniture shall be removed from the public place when the premises are closed.
- (e) All tables, chairs and other outdoor furniture shall be of an approved structural and aesthetic quality (meets Australian Standards) and details are to be included in the development application.
- (f) At the expiration of the approval period, the operator shall remove all outdoor furniture, tables and chairs and immediately reinstate any damaged footpath areas at their own expense.
- (g) Community street furniture is provided for community use and shall not be included within the licence area for the exclusive use as part of a footpath dining area for any particular business.
- (h) Food and drink preparation equipment is not permitted on a public place.
- (i) No entertainment or amplified music is generally not supported in the licence area, however an application may be submitted under the Local Government Act.
- (j) The consumption of alcohol is only permitted where it is served with a meal and satisfies a merit-based assessment. Matters taken into consideration include:
 - type and nature of the food business
 - history of the existing premises in relation to compliance with liquor licensing requirements
 - impact of serving alcohol in a public place directly outside the subject food premises
 - considerations and consultation with the Liquor Administration Board and the Local Area Commander of NSW Police Service.
- (k) Statutory authorities have the right of access at all times to utilities and the like to effect repairs or to maintain their infrastructure and equipment.

E3.2-4 Furniture and fittings

- (a) Demonstrate that furniture and fittings:
 - Dimensions fit into the footpath trading area including consideration for the comfort of patrons.
 - Are safe, sturdy, (but not bulky), waterproof and weather resistant, can be easily removed at the close of business each day, will not damage the footpath or other public infrastructure or pose a trip/fall hazard or inconvenience to the public.
 - Are weighted down or otherwise secured so as to prevent accidental dislodgement (e.g. umbrellas, A-frames).
 - Visually complement and be physically aligned with other street furniture (including adjacent footpath trading areas) and adjacent public utilities.
 - Define a footpath trading activity by landscape planter boxes and flowerpots, bollards or screens (all to a maximum 1.2m height and maximum 1.8m length) provided they are located within the boundaries of footpath trading area and are removable at the close of business or otherwise designed as an integral part of a public open space area. Fittings are supplied and maintained at the expense of the applicant.
 - Do not define the footpath trading area by full height solid or plastic screens or any other type of enclosure.
 - Comply with provisions in Chapter C6 Signage and Advertising.

- (b) Umbrellas are to have a safe and secure anchor point, (permanently fixed and which does not pose a trip hazard when the umbrella is in storage).
- (c) Umbrellas are not to overhang any roadway. Fire-retardant materials if located near a heating device. Market style, not beach umbrellas.

Note: Design details of the proposed furniture shall be submitted to the Council for approval as part of the development application. Fully enclosed café structures are not encouraged. This can privatise the public place that results in reduced accessibility, visibility, amenity and safety to the public.

Council reserves the right to require the replacement of inappropriate tables and chairs as a condition of the licence.

E3.2-5 Amenity

- (a) Demonstrate that the proposal will not have unreasonable impacts on the amenity of adjacent residences.
- (b) Provide adequate toilet and sanitary facilities to cater for patrons.
- (c) Provide lighting and/or heating adequate for safety and amenity for all patrons.
- (d) Demonstrate that lighting and/or heating will not cause a potential nuisance.
- (e) Demonstrate suitable management measures to control noise, litter and cleanliness of the outdoor trading area.

E3.2-6 Goods displays

- (a) Goods display structures (racks, shelves or similar) must be portable, and must be removed out of trading hours.
- (b) Goods displays may be provided on footpaths with a minimum footpath width of 3.0m.
- (c) Goods display may abut the shopfront only and, only where other footpath trading activities exist adjacent to other adjoining shopfronts and a clear pathway is provided.
- (d) Do not affix advertising or signage.
- (e) Use for the orderly display of goods that are sold in the contiguous business premises.
- (f) Maximum of one stand per commercial business or multiple occupancy commercial tenancy.
- (g) Maximum display width of 1.0m measured at right angles from the front of the premises.
- (h) Maximum length of 50% of the total length of the shopfront.
- (i) Do not affix, or restrict access to, any public utility.
- (j) Do not pose a hazard or inconvenience to pedestrian movement or access to premises.
- (k) Do not display food.

E3.2-7 A-frame advertising structures

- (a) Minimum footpath widths of 2.0m.
- (b) Maintain a minimum clear zone of 2m.
- (c) Locate adjacent to the kerb line with a minimum setback of 0.6m.
- (d) Minimum 2m setback from a building corner at intersections or at arcade entries.
- (e) Maximum height 1200mm and width 600mm.
- (f) Maximum of one sign per commercial business or multiple occupancy commercial tenancy.
- (g) Do not affix, or restrict access to, any public utility.
- (h) Be safely anchored, secured and positioned so as not to pose a hazard or inconvenience to pedestrians especially those with a disability or, to traffic safety.

- (i) Use durable, fade proof materials of a high aesthetic and professional quality.
- (j) Have a design theme compatible with adjacent elements within the footpath.
- (k) Content must relate directly to an activity carried out on or, associated with the related business premises.
- (l) Content must not substantially duplicate advertising or signage elsewhere within the footpath trading area or on the frontage of the associated indoor premises.

E4 Industrial Development

1. Background

The development of industry is an important part of the local economy. Opportunities for a wide variety of industrial, manufacturing and bulky goods storage have been provided within areas zoned IN1 General Industrial and RU5 Village under the Snowy River LEP 2013. The purpose of this Chapter is to provide more detailed standards for the siting of industrial buildings to accommodate service access, car parking and landscaping.

The Snowy River LEP 2013 defines the different types of industry and which land use zones particular types of industry are permissible.

2. Objectives

The objectives of this Chapter are:

- To provide performance standards for industrial development within the Shire.
- To encourage quality design of industrial development that is both functional and attractive.
- To ensure industrial development activities do not conflict with adjoining landuse and have a detrimental impact on the surrounding environment.

3. Controls

3.1 Site Coverage

Site coverage in conjunction with setback controls determines the extent and location for buildings on a site. Site coverage controls aim to reserve sufficient unbuilt upon areas on a site for accommodating landscaping, deep soil planting, permeable surfaces and service areas.

Site coverage is expressed as a percentage to describe the proportion of a site that could be built upon.

Objective

- To ensure that sufficient area on the land is available for parking, landscaping and service access.

Controls

E4.1-1 Site Coverage

(a) The maximum site coverage for is shown in the table below:

Site size	Site Coverage (maximum)
0 – 2000m ²	Up to 50%
2001m ² – 4000m ²	Up to 60%

4001m² or greater

Up to 70%

3.2 Setbacks

Setbacks define a building line from the front, side and rear boundaries of a property and provide adequate space for landscaping, visual and acoustic privacy, sunlight penetration, safety requirements and for the establishment of an attractive streetscape. They reflect the character, and establish the development's relationship, with neighbouring buildings and the surrounding area.

Objective

- To ensure that adequate setbacks are established to maintain sufficient area for landscaping, noise mitigation and aesthetic considerations.

Controls

E4.1-2 Setbacks

- (a) The front setback must be consistent with the average setbacks of the adjoining development. Where there is no adjoining development, the setbacks must be in accordance with the setback requirements in below.
- (b) Where there is no adjoining development, the proposed development must have a setback of a minimum of six (6) metres from the road boundary.
- (c) Setback requirements may be reduced:
 - Where the building is designed to complement the streetscape (ie. porticos and other prominent design features;
 - Where substantial landscaping is provided to screen the development from the street
 - Where adjoining buildings are not affected by a reduced setback.
- (d) The side boundary setback in the IN1 General Industrial zone is zero.

3.3 Height

The maximum building height for development on a particular site is identified in the Snowy River LEP 2013 Clause 4.3 – Height of buildings and accompanying Height of Buildings Maps. Building height is defined as:

Building height (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

In addition, **ground level (existing)** is defined as: the existing level of a site at any point.

3.4 Parking & Vehicular Access

Adequate on-site parking for visitors and staff with easy service access will rely on building siting and layout. Construction of parking areas and service access areas is to reflect the industrial nature of development.

Objectives

- To ensure the location and configuration of car parking is integrated with site planning and building design.
- To ensure that car parking and access features do not visually dominate the property frontage or adversely detract from the streetscape character.

Controls

E4.1-4 Parking & Vehicular Access

- (a) On-site parking is to be provided in accordance with Chapter C3 Car Parking, Traffic and Access.
- (b) Council will accept in lieu of concrete or other hard surface methods the construction of car parking and service access in industrial areas with all weather compacted gravel surface.
- (c) Car parking and service access areas if gravel surface must be drained to a slit arrestor pit with all car parking areas clearly marked.
- (d) The driveway apron from the street onto the site (minimum one (1) metre) is to be concrete or bitumen sealed.

3.5 Landscaping

Landscaping enhances the appearance of a development and adds to the amenity of the locality through visually integrating development with the streetscape and wider neighbourhood. The provision of well designed landscaped areas will assist in screening storage areas and improving the appearance of industrial developments.

Landscaping can moderate local climate conditions, and enhance the permeability of surface water and infiltration of stormwater and thereby improving the environmental performance of the development. It also provides for trees, shade and screening that improves visual amenity between the development and its neighbours. Chapter C5 Tree Preservation and Landscaping also provides additional information and requirements.

Objectives

- To promote development which enhances and complements the established landscape character and natural habitat.
- To conserve the landscape and habitat so that the built environment is dominated in both scale and form by the natural landscape.
- To provide screening between buildings.
- To assist with stormwater infiltration and the reduction of overland flow.

Controls

E4.1-5 Landscaping

- a) The design of the development is to minimise (where possible) site disturbance and preserve existing landscape elements such as rock formations, trees and other natural features. The use of a properly qualified arborist will assist in determining which trees should be retained, transplanted or removed.
- b) Existing mature native trees on the site must be retained and incorporated in the landscape design wherever possible. Where a development involves the removal of such existing trees, suitable replacement planting of equivalent or large size must be provided.
- c) Landscaping is to be designed to meet user requirements including maintenance, specific design opportunities and shade provision without reducing aesthetic quality.
- d) Landscaping to the street frontage is to be substantial and aimed to enhance the appearance of the development.
- e) Landscaping design should account for the following:
 - climatic conditions of the area
 - siting of new trees, shrubs and ground cover based their full growth potential (root system and canopy spread)
 - scale of the street reserve width and bulk of the building

3.6 Storage Areas

External areas of industrial sites may be necessary for the storage of certain goods and materials. The siting and screening of storage areas are essential and must be included in the overall design of the development.

Controls

E4.1-6 Storage Areas

- a) Storage areas are to be designated on plans submitted with the development application.
- b) Storage areas are not to be located to be visible from the street unless adequately screened from public view.

3.7 Fencing

Site security and enclosing of storage areas are often necessary for industrial development. The location of fencing is important to overall site planning.

Controls

E4.1-7 Fencing

- a) Fencing is to be detailed in landscaping plans and incorporated into landscaped areas to reduce visual impact.

3.8 Advertising and Advertising Structures

Advertising will assist to locate and identify industrial development. Advertising detail is to be provided in accordance with Chapter C6 Signage and Advertising. The Snowy River LEP 2013 and the SEPP (Exempt and Complying Development Codes) also identifies particular types of signage and advertising as exempt or complying development.

3.9 External Finishes of Buildings

Council encourages the use of materials and finishes that reduce the visual impact of development when viewed from a public place.

Controls

E4.1-8 External Finishes

- a) Materials and finishes are to reduce the visual impact of the development when viewed from a public place.
- b) External finishes are to be of a low reflective quality.
- c) Details of external colours and finishes are to be submitted with the development application.

3.10 Sale of Goods in Industrial Areas

Council recognises that certain types of industrial development may provide outlets for goods that are manufactured or processed on the site where those goods are not readily available to the general public through retail or commercial outlets within the Shire. The Snowy River LEP 2013 (clause 5.4 Controls relating to miscellaneous permissible uses) includes controls for *industrial retail outlets*. *Industrial retail outlets* are defined as:

Industrial retail outlet means a building or place that:

- a) *is used in conjunction with an industry or rural industry, and*
- b) *is situated on the land on which the industry or rural industry is located, and*
- c) *is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located.*

The Snowy River LEP 2013 also permits bulky good premises with consent in the IN1 General Industrial Zone. Bulky goods premises are defined as:

Bulky goods premises means a building a place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- a) *A large area of handling, display or storage, and*
- b) *Direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire, and includes goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.*

Controls

E4.1-9 Sale of Goods

- a) Snowy River LEP 2013 Clause 5.4 identifies the maximum retail floor space for industrial retail outlets.

- b) Goods offered for sale by the industrial retail outlet are only those that have been manufactured or processed on the site.
- c) Goods offered for sale are not available in any existing commercial area within the Shire.
- d) Goods offered for sale are to be of a size that would require transportation by vehicle (ie large or bulky).

E5 Recreation Facilities

1. Recreation Facilities

The Snowy River Local Environmental Plan 2013 identifies permits two (2) types of recreation facilities:

Recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

Recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

2. Horse Riding Establishments

Horse riding establishments are not specifically defined in the Snowy River LEP 2013 but fall within the land use *Recreation facility (outdoor)* as noted above.

Horse riding and tuition is a popular pastime within the Shire. Horse riding establishments allows for horse accommodation on-site and the ability to conduct trail rides off-site within overnight camping or accommodation for guests off-site.

2.1 Objectives

The objectives for the establishment of horse riding establishments are:

- To enable horse riding establishments to be developed in rural areas while at the same time protecting the rural amenity.
- To ensure that development of horse riding facilities is undertaken in a way that protects the environment and ensures the appropriate care of animals.
- To ensure that development for the purposes of a horse riding establishment will not result in land-use practices and management that are in conflict with surrounding land uses, particularly agricultural activities.

2.2 Controls

E5.1-1 Appropriate Site Selection

- (a) The suitability of the site for the proposed development must be considered, including the intensity of the use, extent of any proposed trial riding system and ancillary structures.
- (b) Where the number of horses in the establishment will exceed seven (7), the applicant must provide sufficient detail to document the physical features of the site (including off-site riding trails) and its susceptibility to environmental change through clearing, erection of structures, horse trails and horse riding or vehicle access, erosion, compaction, effluent discharge or visual impact.

E5.1-2 Management of Impacts

- (a) Noise or odours from the proposed development must not adversely impact on the amenity of neighbours or other land holders within the vicinity of the site.
- (b) The proposed development must not cause pollution of surface water or groundwater or the degradation of soils and vegetation.

E5.1-3 Environmental Management

- (a) Appropriate measures must be undertaken to mitigate any potential adverse impacts including the maintenance of horse riding trails and the measures proposed to dispose of effluent and horse manure.
- (b) Where the number of horses in the establishment will exceed seven (7), an environmental management plan is to be prepared by a suitably qualified professional that identifies the impacts of the development and demonstrates how those impacts will be avoided or mitigated.
- (c) Structures, horse trails or vehicle access routes located on property not owned or leased by the facility are to have land owner's written consent and appropriate clauses have been included in the environmental management plan to address property damage, maintenance, security bonds and the like.

E5.1-4 Car Parking

- (a) Adequate on-site car parking and bus parking and manoeuvrability is to be provided to cater for the peak use of the facility.
- (b) Car parking is to be provided at the rate of one (1) space per five (5) persons or the development application is to be supported by a traffic assessment prepared by a suitably qualified traffic engineer demonstrating that adequate parking is provided for the peak use of the facility.

Note: refer to Chapter C3 Car Parking, Traffic and Access for specific requirements.

E5.1-5 Access for Persons with a Disability

- (a) Reasonable provision within the building and access is to be made for movement and circulation for people with disabilities.
- (b) The development is to demonstrate consistency with the provisions of the Disability Discrimination Act 1992.

E5.1-6 Waste Management

- (a) Waste is to be managed in a safe, tidy and environmentally responsible manner and in accordance with legislative requirements.
- (b) Details of the waste management strategy for the horse riding establishment (operational phase) must be submitted to Council when a development application is lodged.
- (c) Waste management to be based on the principles of waste avoidance and maximising reuse and recycling of materials.
- (d) Any processes that generate liquid wastes must have measures in place to dispose of waste. A trade waste application must be made to Council under section 68 of the Local Government Act when liquid waste is proposed to be discharged to Council's sewer.

E5.1-7 Animal Protection

- (a) Appropriate measures are to be undertaken to ensure the health and welfare of animals used by the establishment.
- (b) Documentation is to be provided that demonstrates compliance with the animal welfare requirements of the RSPCA and relevant government bodies.

E6 Educational Establishments

1. Educational Establishments

The Snowy River Local Environmental Plan 2013 defines:

Educational establishment means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

Note: State Environmental Planning Policy (Infrastructure) 2007 includes development controls that apply to development for Educational Establishments.

1.1 Objectives

The objectives for the establishment of *educational establishments* are:

- To enable a variety of educational establishments to be developed in rural areas while at the same time protecting the rural amenity and character of the locality.
- To ensure the development will not result in land-use conflicts and any adverse impacts are identified and managed.
- To ensure that educational establishments can provide adequate access, parking, water supply, protection from hazards and manage waste generation on site.

1.2 Controls

E6.1-1 Access for People with a Disability

- (a) Reasonable provision within the building and access areas is to be made for movement and circulation by people with disabilities.
- (b) The development must comply with the provisions of the Disability Discrimination Act 1992 (Commonwealth).
- (c) Where existing buildings are identified as heritage items, an assessment may be made on the balance between providing disabled access and the required modification of the original building fabric.

E6.1-2 Amenity

- (a) Noise and odour impacts must be assessed and determined not to adversely impact on the amenity of neighbours or other land holders within the vicinity of the site.
- (b) Suitable documentation is to accompany the development application that clearly demonstrates that no impacts on land uses in the vicinity of the development will result from noise or odour emissions from the subject development.

E6.1-3 Year Round Operation Basis

- (a) The educational facility is to provide sufficient diversity to maintain a year round operation.
- (b) The educational facility is managed to achieve at least 75% of its student capacity during any NSW school term, whether through student term rotation or full year attendance by students; or
- (c) Where seasonal operation is proposed, the applicant is to provide with the development application sufficient justification to demonstrate why year round operation is not possible and justify the need for seasonal operations.

E6.1-4 Waste Management

- (a) Waste is to be managed in a safe, tidy and environmentally responsible manner and in accordance with legislative requirements.
- (b) Waste management is to be based on the principles of waste avoidance and maximising reuse and recycling of material.
- (c) Details of the waste management strategy for the educational facility (both construction and operational phases) are to be submitted to Council when a development application is lodged.
- (d) Any processes that generate liquid waste must have measures in place to dispose of the waste. A trade waste application must be made to Council under section 68 of the Local Government Act when liquid trade waste is proposed to be discharged to Council's sewer.

E6.1-5 Car Parking

- (a) Car parking and manoeuvring is to be sufficient to ensure safe and adequate on-site parking.
- (b) Car parking, loading and manoeuvring areas are to be visually attractive and located, designed and constructed to ensure safe use and minimise conflict between vehicles and pedestrians.
- (c) A car parking plan is to be provided that demonstrates adequate on-site parking and manoeuvring and sufficient screening through design and landscape treatment to minimise visual impact of car parking areas. The car parking plan must show:
 - Car parking layout
 - Landscape treatment
 - Site entry and exit points
 - Loading and unloading areas (where required)
 - Manoeuvring
 - Disabled access and parking (where required) must meet the requirements of the Building Code of Australia.

Note: refer to Chapter C3 Car Parking, Traffic and Access for specific requirements.