clarence
VALLEY COUNCIL

RESIDENTIAL ZONES

DEVELOPMENT CONTROL PLAN

2011

In force from 23 December 2011

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DCP ORIGIN

Clarence Valley Residential Zones Development Control Plan 2011	
Adopted by Council.	13 December 2011
In force.	23 December 2011 – supersedes Clarence Valley Council Development Control Plan – Development in Residential Zones
Clarence Valley Residential Zones Development Control Plan 2011 - Amendment No 1	
Adopted by Council	21 July 2015
In force.	31 July 2015
Clarence Valley Residential Zones Development Control Plan 2011 - Amendment No 2	
Adopted by Council	19 July 2016
In force	22 August 2016
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Adopted by Council	23 April 2019
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Clarence Valley Residential Zones Development Control Plan 2011 - Amendment No 5	
Adopted by Council	28 May 2019
In force	5 July 2019
Clarence Valley Residential Zones Development Control Plan 2011 - Amendment No 6	
Adopted by Council	17 December 2019
In force	17 January 2020

Summary of Amendments

Summary of Amendment No 1	
New PART X	Insert new DCP Part adding urban release area controls both generally for Councils LEP Part 6 “Urban Release Areas” and specifically (new Schedule X1 for – West Yamba Urban Release Area).
Summary of Amendment No 2	
New PART Y	Insert controls for Biodiversity and Habitat Protection Provisions.
Summary of Amendment No 3	
PART B	Amend Table B1 due to review of notification and advertising. Update B5.3.
PART C	Amend C23 for consistency with the CVLEP in terms of floor area for secondary dwellings. Replace C22 to apply improved landscaping controls. Amend C19 and C20 to update landscaped area and private open space requirements for secondary dwellings. Amend C16 to improve clarity of side and rear setback requirements. Amend C24 to update criteria for suitable road access.
PART W	Update Maps W1 and W2 to align with amendments to the CVLEP maps.
Dictionary	Update of definitions to align with the CVLEP.
Throughout	Correction of various minor errors and updates to align with Council Policies and BASIX requirements.
Summary of Amendment No 4	
PART E	Update Part E so that is in line with recent legislation updates and Koala Management studies.
Summary of Amendment No 5	
PART Y	Added Y5.1A Baseline Ecological Assessment Exemptions
Summary of Amendment No 6	
PART B	The provisions in Part B have been deleted and transferred into Council’s Community Participation Plan.

PART A. INTRODUCTION

PART A INTRODUCTION

A1. What is the name of this Plan?

This plan is called "Clarence Valley Residential Zones Development Control Plan 2011".

A2. What are the aims and objectives of the plan?

The aim of the plan is to support and complement Clarence Valley Local Environmental Plan 2011 (CVLEP 2011) and to encourage well designed, high quality development within residential zones in the Clarence Valley.

The objectives of the plan are:

(a) To provide, setbacks, site coverage requirements, private open space controls and other development controls for residential zones.
(b) To set out procedures for notification and advertising of development applications in residential zones.
(c) To ensure that there is adequate provision for car parking facilities and for the safe and convenient circulation of all forms of vehicles, pedestrians and bicycles in the residential areas.
(d) To provide controls for erosion and sediment control.
(e) To provide controls to manage water in a sustainable way.
(f) To provide subdivision and engineering standards.
(g) To provide controls for advertising structures.
(h) To ensure that development in flood prone areas is compatible with the flooding characteristics of the site and is designed so that the likelihood of damage to buildings, stock and equipment from floodwater is minimized.

A3. Where does this plan apply?

The Clarence Valley Council Development Control Plan – Development in Residential Zones applies to land in residential zones within the Clarence Valley Local Government Area (LGA).

This DCP applies to land in the following zones:

- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R5 Large Lot Residential

Where an allotment of land is included in two zones in an LEP and if the larger area is within a residential zone, then the provisions of this DCP must be applied to development of the land.

A4. When does the plan come into force?

The Clarence Valley Residential Zones Development Control Plan (DCP) 2011 was adopted by Council on 13 December 2011 and came into force on 23 December 2011.

A5. How does this plan relate to other planning instruments?

This plan is to be read and considered in conjunction with the Clarence Valley Local Environmental Plan 2011 (CVLEP 2011) which applies to all land within the Clarence Valley Local Government Area (LGA).

First determine whether your proposed development is permissible within the residential zone applying to your land.

Your development may be exempt development. Refer to provisions in CV LEP 2011 Clauses 3.1 and 3.3, Schedule 2 and Codes SEPP. www.housingcodes.planning.nsw.gov.au,

Depending on the type and location of a proposed development /use State Environmental Planning Policies (SEPPs)

PART A. INTRODUCTION

may apply. For example, SEPP (Housing for Seniors or People with a Disability) 2004, SEPP Infrastructure 2007 and SEPP Building Sustainability Index: BASIX 2004.
For a complete list of up-to-date SEPPs refer to the Department of Planning website www.planning.nsw.gov.au ;
SEPPs are found under 'the planning process', 'Environmental Planning Instruments (SEPPs & REPs)'.

A6. How to Use this Plan

All development must comply with the controls in Part C of the DCP and depending on location of the land and the type of development other parts of the DCP may apply.

Particular locality controls apply for some residential zones. Check to determine whether specific controls apply to your land before preparing a Development Application. Other sections of the DCP may apply depending on the type of development proposal.

If your development requires;

- Car parking, see Part G.
- Changes in water usage, see Part H.
- Disturbance of soil or a change in run-off flowing from the site, see Part I.
- Subdivision, see Part J.
- Advertisements and advertising structures, see Part K.

Any reference to a publication, State or Council Policy in this DCP is a reference to the current edition of the publication or policy at the time of using the DCP.

A7. Consult with Council Staff

If you are unsure of the controls applying on the land you are considering for development consult with Council's staff. You can contact Council's Development Planners or Building Surveyors between 8:30am and 11am Monday to Friday, or at other times by making an appointment.

To discuss your development proposal you can arrange a meeting prior to lodging your Development Application with Council's Development Management Unit (DMU) for a small cost. The DMU includes a planner, building surveyor and an engineer. You need to contact Council's Customer Service Officers to arrange a DMU meeting.

A8. What information shall be provided to Council?

When lodging a Development Application the following information needs to be provided:

1. A completed development application form with relevant fees.
2. 3 copies of the site plan, floor plan (if relevant) and elevations
3. 1 copy A4/A3 of the site plan (without internal layout) and elevations for notification /exhibition purposes.
4. Two copies of specifications (construction certificate and complying development only).
5. A Basix Certificate, if required.

Note: A Basix Certificate is required for most residential development. Basix is an on-line program that assesses a house or unit design, and compares it against energy and water reduction targets. The design must meet these targets before a Basix Certificate can be issued. See www.basix.nsw.gov.au

6. A Statement of Heritage Impact (SOHI) may be required if the property is located within a Heritage Conservation Area. A Conservation Management Plan may be required for certain proposals in relation to heritage listed items.

7. A Statement of Environmental Effects. For all Designated Development, an Environmental Impact Statement is required.
8. Flora and fauna assessment, prepared in accordance with the Office of Environment and Heritage document, *Threatened Biodiversity Survey and Assessment: Guidelines for Development and Activities Working Draft November 2004*. Refer to Office of Environment and

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Heritage website www.environment.nsw.gov.au.

9. A species impact statement where land is, or is part of, critical habitat or development that is likely to significantly affect threatened species, populations or ecological communities, or their habitats.
10. If the development involves any subdivision work, preliminary engineering drawings of the work to be carried out that includes details necessary to clearly demonstrate that the proposed development will comply with the relevant standards in this DCP, particularly access road widths and storm water drainage.
11. A landscape plan showing existing and proposed trees and vegetation.
12. A car parking plan showing on-site manoeuvring, loading and unloading, details of estimates of frequency of deliveries, types of service vehicles to be used and information detailing compliance with the requirements of Part E. This includes identification and assessment of access to the land.
13. Details of Sustainable Water Management and an Erosion and Sediment Controls Plan (ESCP), if applicable.
14. Details of any advertisement and/or advertising structures proposed.
15. Details of the proposed waste water management strategy.
16. Details of waste management for demolition, construction and operational phases in accordance with Council's *Waste Not Development Control Policy*.
17. Details of essential fire services within existing buildings.
18. On bush fire prone land, information to show compliance with the NSW Rural Fire Service *Planning for Bushfire Protection 2006.*
19. Where applicable detail of hours of operation, types of manufacturing processes, related noise generating equipment and means to reduce pollution.
20. An assessment of potential land contamination and the suitability of the site for the proposed development. This must include the following details:
    (a) Present use of the land;
    (b) History of past uses of the land;
    (c) Details of any uses (past or present) that may involve potentially contaminating activities;
    (d) Details of fill, chemicals, pesticides, insecticides and fertilisers known to have been used on the site.

Applicants should refer to State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55), the NSW *Managing Land Contamination: Planning Guidelines* and Council's Contaminated Land Policy for further information.

21. Details of any specific information required by any clause of this DCP relevant to the development application.

Where a Development Application includes filling the following information needs to be provided:

(a) The depth of the fill and the location of area to be filled.
(b) The type of fill.
(c) The source of the fill.
(d) The extent of any clearing of undergrowth required.
(e) The location of any proposed buildings.
(f) The provision of drains and drainage measures to prevent run-off to adjoining properties.
(g) The provision of retaining walls, if required.
(h) The effects of the fill on existing drainage patterns.

A9. Variation to DCP controls

Council can grant consent to a development proposal that does not comply with the specific requirements of this DCP after considering the particular merits of a development proposal.

Justification for departure from the DCP requirements must be provided with the Development Application and the overall objectives of the DCP achieved.

PART A. INTRODUCTION

A10. Controls for 'existing uses' in residential zones

Where a Development Application is for a use operating as an 'existing use' the development proposal will be considered on its merits. Controls in this DCP and other appropriate/relevant standards in use will be considered in determining the Development Application. For example, RTA Guidelines and other Council DCPs.

Note:
Changes to 'existing use' Regulations have been made so that:

- An existing use can no longer be changed to another prohibited use (unless the zoning is also changed to permit that use).

The EP & A Amendment (Existing Uses) Regulation 2006 amends the E P & A Regulation 2000 (Gazetted 29 March 2006)

A11. Assessment of development applications

Compliance with development standards and other DCP requirements does not guarantee development consent. A development application will be assessed on the merits of the proposal, taking into account the heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979.

PART B. NOTIFICATION AND ADVERTISING OF DEVELOPMENT APPLICATIONS

PART B NOTIFICATION AND ADVERTISING OF DEVELOPMENT APPLICATIONS

This section was deleted on 17 December 2019 when Council adopted the Clarence Valley Council Community Participation Plan (CPP) in accordance with new legislative requirements of the Environmental Planning and Assessment Act 1979 (EP & A Act).

Note - The requirements for public notification and exhibition of development proposals are now contained within the Clarence Valley Council CPP. Refer to Council's website or the NSW Planning Portal.

PART C GENERAL DEVELOPMENT CONTROLS FOR RESIDENTIAL ZONES

C1. What are the objectives for development in residential zones?

The following objectives should be met in designing development in residential zones:

(a) Siting.
Development which is responsive to site constraints and the surrounding environment.

(b) Local Character and Identity. Development which is of a high quality and is sensitive to the character of the locality in which it is being developed.

(c) Streetscape.
Streetscapes which enhance the amenity of an area and preserve the established character of the locality where this is warranted.

(d) Building Design.

i. Building design that responds to the site and reflect a North Coast character.
ii. The siting and design of buildings which provides visual and acoustic privacy for residents and their neighbours.

(e) Building height and setbacks. Buildings which conform with the prevailing setbacks in the street and which are an appropriate scale and height so as to minimise adverse impacts on adjacent properties.

(f) Open Space and Landscaping. To provide private areas of open space and accompanying landscaped areas to enhance the appearance and amenity of development.

(g) Services and infrastructure. Services and infrastructure that are essential for the carrying out of the development are available and/or can be economically provided to service the land and the development.

C2. How to apply Part C Controls

The controls in Part C of this DCP apply to all development in residential zones. These controls include:

(a) Site assessment requirements.
(b) Consideration of the NSW Coastal Design Guidelines.
(c) Requirements where there is a potential to impact on coastal views.
(d) Streetscape requirements.
(e) Building design requirements.
(f) Minimum site areas, for different types of residential development.
(g) Some building height controls.
(h) Setbacks
(i) Landscaped area requirements.
(j) Private open space requirements.

These controls must be read in conjunction with the site specific controls applying to your land, under separate Parts of this DCP and controls for car parking, erosion and sediment control, sustainable water controls, advertising structures and subdivision.

Where conflict arises between general and site specific controls, the site specific controls prevail.

These controls must be read in conjunction with provisions of CV LEP 2011, in particular minimum lot sizes for subdivision and maximum building heights are included in CV LEP 2011. Refer to Clause 4.1 Minimum subdivision lot size and clause 4.3 Height of buildings.

PART C. GENERAL DEVELOPMENT CONTROLS FOR RESIDENTIAL ZONES

C3. Site Assessment Requirements

The site assessment should be included as part of the development application. The site assessment should consider the existing characteristics, opportunities and constraints of the site and the surrounding area, which should form the basis for site layout and building design.

The site assessment should identify;
(a) topography and slope.
(b) drainage pattern.
(c) existing vegetation.
(d) aspect and prevailing winds.
(e) location of all services
(f) views (to and from the site).
(g) existing buildings (structures) on the site and adjoining land.
(h) heritage and archaeological features.
(i) access (pedestrian and vehicular).
(j) contaminated soils.
(k) easements.

An assessment of the impact of the proposed development on the surrounding area should also be made. This should address the site specific matters and the following:
(a) privacy.
(b) views.
(c) solar access.
(d) difference in levels between the site and adjacent properties, particularly at their boundaries.
(e) the built form and character of adjacent development, particularly street frontage features eg. fencing.
(f) access to local shops, schools, public transport, open space, recreation and community facilities.
(g) adjoining bushland or environmentally sensitive land.
(h) sources of nuisance, eg. traffic noise, industries.
(i) the location and height of neighbouring buildings, including the location of facing windows and doors.
(j) Drainage pattern.

Building design and siting should seek to balance the benefits of views, solar access, prevailing breezes and vegetation. The building design should also seek to minimise adverse impacts on adjoining properties and adjacent land.

Of particular concern is the potential impact on coastal views from buildings that are adjoining or adjacent (separated by public road) to a proposed development, though in assessing these impacts Council will always be aware that no-one can own a view across private property. Accordingly, Council has adopted the principle of view sharing in respect to coastal views.

The potential impact on river views must be given consideration in assessing the impact of the proposed development and where applicable information regarding impact on river views submitted with a Development Application.

C4. Streetscape Requirements

C4.1. Presentation to the street

New development should face the street. Long walls should be broken into sections by the use of bay windows, verandahs, balconies or wall offsets. This should create a balance between areas of solid wall and openings such as doors and windows. The main entry to a building should be visible from the street to convey a sense of address.

Garages should not visually dominate the street frontage. They should preferably be set back behind the front facade of the dwelling or suitably screened.

C4.2. Setbacks

Setbacks should provide sufficient space for landscaping and allow for the retention of existing vegetation where possible.

C4.3. Heritage

New development near heritage buildings and in heritage conservation areas should be sympathetic in design and should not detract from the existing streetscape character.

PART C. GENERAL DEVELOPMENT CONTROLS FOR RESIDENTIAL ZONES

C4.4. Building height

For most areas the maximum height of buildings is restricted to 9 metres. Both LEP and DCP height restrictions apply. In most areas where residential flat buildings are permitted and a maximum height limit of 12 metres applies, the streetscape will change over time.

C4.5 Buildings on corner blocks

Buildings should be designed to relate architecturally to the corner position, to mark the corner. Blank walls should not be presented to either street frontage.

C4.6. Roofing

Variation in roof forms is encouraged to add interest to the streetscape.

In established areas roofs should be compatible with the pitch, materials and colour of roofs of surrounding development. This helps to maintain the character of the street, but does not necessarily require all roof lines to look exactly the same

However zincalume and white colorbond roofs will not be permitted where reflectivity and glare are a potential problem to adjoining residences. Where a metal roof is proposed colour details are to be submitted with a Development Application.

C4.7. Fences and walls

Front fences and walls should be compatible with the character of the locality.

C4.8. Landscaping

Landscaping provides an effective 'softening' of the hard edges of buildings and can be used to reduce the bulk and visual impact of development.

Significant trees should be retained and incorporated into the landscaping. Landscaping should enhance the natural vegetation that surrounds the site. Existing vegetation and landscape elements, such as significant trees, rock formations and water courses should be considered and integrated with the landscape design.

A Landscape Plan is required for all Development Applications on lots less than 560m². See Clause C22.

Note: Streetscape is the way in which individual buildings, landscaping and the road environment combine to give streets a particular identity. Different streets in a town or village can have different characters which may need to be maintained.

PART C. GENERAL DEVELOPMENT CONTROLS FOR RESIDENTIAL ZONES

C5. Building Design Requirements

C5.1. Siting

Building design should take advantage of the sub-tropical climate, provide for views, provide outdoor living areas and provide protection from sun and rain. For example, the positioning of living rooms, balconies, windows and outdoor living areas should respond directly to views, breezes, sunlight and privacy.

C5.2.Cut and fill

The maximum height for cut and fill is 1.2 metres above or below the existing ground level, except where the cut and fill is incorporated into the design of the building.

On steeper sites an excavation above 1.2 metre can be approved where it will be retained by the wall of the proposed building, eg under floor garage.

Council may consider a variation to the 1.2 metre requirement, where an adequate area is available for battering and benching the cut area.

In all cases adequate provision for surface and subsurface water drainage shall be made. Retaining walls shall be set in from boundaries so that agricultural pipes and crushed stone backfill can be wholly located within the subject property and surface water is not dammed or concentrated onto adjoining properties.

Cut and fill must be approved by Council in conjunction with the Development Application. Full details of all proposed earthworks must be clearly indicated on plans and section drawings

C5.3. Energy Efficiency

The NSW Government Building Sustainability Index (Basix) covers most new residential development including dwellings, alterations and additions and swimming pools. See www.basix.nsw.gov.au.

Where Basix does not apply to residential alterations and additions, the following minimum requirements apply:

(a) walls - R1.5 insulation,
(b) roof/ceilings - R2.5 insulation,
(c) glazing to provide adequate shading from summer sun and allow adequate winter sun entry, and
(d) hot water system - if the hot water system is being replaced or an additional hot water system is being installed a gas, solar or heat pump system must be installed.

C5.4. Materials and colours

The existing character of an area will often determine what colours and building materials are most appropriate, eg. light weight materials and lighter colours may be more appropriate in coastal areas, while the use of traditional materials, such as timber cladding and corrugated metal roofs may be more appropriate in older areas.

However zincalume and white colorbond roofs will not be permitted where reflectivity and glare are a potential problem to adjoining residences. Where a metal roof is proposed colour details are to be submitted with a Development Application

Brickwork incorporating very strong colours or strong contrasts in colour should be limited to architectural details, i.e. trims, window surrounds and string courses. Details of colours must be submitted with a Development Application for residential flat buildings and multi dwelling housing.

C5.5. Carports and garages

Carport, garages, sheds and other buildings should be compatible with the building design and adjacent development in terms of height, roof form, detailing, materials and colours.

For each dwelling, the maximum width of a garage or carport opening that faces the street should not exceed 2 car widths.

C5.6 Enclosure of subfloor area

All elevated buildings are to be provided with subfloor walls or sufficient infill panels to effectively screen the subfloor area from the street or any public area. The enclosure must return at least 1.8m down side walls not facing the street.

PART C. GENERAL DEVELOPMENT CONTROLS FOR RESIDENTIAL ZONES

C5.7. Privacy

Direct overlooking of living areas of adjacent dwellings should be avoided by building layout, location and design of windows and balconies, screening devices and landscaping.

Dwellings close to high noise sources (such as busy roads and industry) should be designed so that habitable rooms and private open spaces are located away from noise sources and are protected by walls, screens or landscaping.

C5.8. Design Quality Principles for residential flat buildings.

The design quality principles of SEPP 65 need to be considered in designing residential flat development where SEPP 65 applies.

Refer to SCHEDULE C1 Design Quality Principles of SEPP 65.

NOTE:

SEPP 65 - Design Quality of Residential Flat Buildings applies to residential flat building as defined by the SEPP.

A ***residential flat building*** is defined in SEPP 65 to mean a building that comprises or includes:

(a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metes above ground level), and

(b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops),

but does not include a Class 1a building or a Class 1b building under the *Building Code of Australia*. Class 1a and Class 1b are commonly referred to as "town houses" or "villas" where the dwelling units are side by side, rather than on top of each other.

SEPP 65 applies to residential flat development which includes the erection of a new residential flat building, the substantial redevelopment or refurbishment of an existing residential flat building and the conversion of an existing building to a residential flat building.

A development application for residential flat development is required under SEPP 65 to be accompanied by a design verification from a qualified designer (registered architect) verifying that the qualified designer designed, or directed the design, of the development and that the design quality principles of SEPP 65 are achieved.

In addition, the statement of environmental effects that is to accompany a development application is required to include a range of information that explains and justifies the design of the residential flat development in terms of the design principles of SEPP 65.

For a complete list of up-to-date SEPPs refer to the Department of Planning website www.planning.nsw.gov.au; SEPPs are found under 'the planning process', 'Environmental Planning Instruments (SEPPs & REPs)'.

PART C. GENERAL DEVELOPMENT CONTROLS FOR RESIDENTIAL ZONES

C6. Consideration of the NSW Coastal Policy and NSW Coastal Design Guidelines

C6.1. Development in the coastal zone must comply with the principles of the NSW Coastal Policy.

C6.2. Clause 5.5 *Development within the coastal zone* in Clarence Valley LEP 2011 requires consideration of a number of matters related to access, impacts on coastal processes and the scenic and visual impacts of proposed development in the coastal zone before granting consent to development.

In order for the consent authority to consider the matters required by clause 5.5 of the Clarence Valley LEP 2011, a development application for land in the coastal zone must include information on the following matters:

(a) public access to and from the coastal foreshore for pedestrians, both existing public access and opportunities for new public access; and
(b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:
    (i) the type of proposed development and any associated land uses, and
    (ii) the location, and
    (iii) the bulk, scale, size and overall built form design of any building or work; and
(c) the impact of the proposed development on the amenity of the coastal foreshore, including overshadowing of the coastal foreshore and loss of views from a public place to the coastal foreshore; and
(d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected; and
(e) how biodiversity and ecosystems can be conserved, including native vegetation, existing wildlife corridors, rock platforms, water quality of coastal waterbodies and native fauna and native flora, and their habitats; and
(f) the effect of coastal processes and coastal hazards and potential impacts, including sea level rise:
    (i) on the proposed development, and
    (ii) arising from the proposed development; and
(g) the cumulative impacts of the proposed development and other development in the coastal catchment.

C6.3. The NSW Coastal Design Guidelines must be considered in design of new buildings and additions in areas within the coastal zone.

The following general guidelines should be considered:

1. Locate and design buildings to respond to and appropriately address the effects of coastal processes within the local hazard context.

2. Reinforce the village character with new buildings that are appropriate in terms of location, use, scale, height and site configuration.

3. Consider the appropriateness of new buildings within the whole streetscape, rather than each building as a stand-alone object.

4. Maintain consistent street setbacks.

5. Ensure buildings address the street by providing direct and on-grade entries to the street for residential, commercial and retail purposes.

6. Rationalise car-related uses on-site, such as driveways widths and lengths.

7. Protect views from public places and streets by maintaining consistent setbacks along streets and not placing buildings in view corridors.

8. Protect local views and vistas throughout and in the surrounding residential area or the village from

public places. This can be achieved by relating new buildings to the topography, reducing heights to maintain views of the surrounding landscape and maintaining consistent, height, bulk, scale with the street and local context.

9. Ensure developments and neighbouring properties have:
   (a) access to daylight
   (b) access to natural ventilation
   (c) visual privacy and acoustic privacy
   (d) private open space
   (e) a pleasant microclimate.

10. Achieving amenity relates to the design of individual buildings and, in particular, to:
   (a) building orientation and depth.
   (b) the size of the lot.
   (c) open-space location, size and connection with the inside of the building.
   (d) car parking, location and access.
   (e) pedestrian access from the street.
   (f) street edge configuration and building separation.
   (g) mature trees, vegetation and soil areas.

C7. Requirements where there is a potential to impact on coastal views.

Where the proposed development has the potential to affect coastal views from buildings that are adjoining or adjacent (separated by public road) you must provide detailed and accurate elevation plans prepared by a duly qualified professional, showing the actual impact on the view from adjoining or adjacent properties and providing the technical basis for the plans (RL's, contour details etc), and provide Council with details of measures that you have taken to reduce the impact on those views (or reasons why the impact cannot be reduced).

Proposed developments that Council staff consider will have a major impact on coastal views in their locality will be required to provide photomontages from selected locations with the initial submission of the Development Application.

Where Council receives valid objections relating to loss of coastal views from buildings that are adjoining or adjacent (separated by public road) you must either:

(a) provide photomontage(s) taken from affected buildings (views from balconies and windows to living areas) with the proposed development inserted.

Or

(b) If the requirements of (a) above have not been provided, you will be required to frame-up the profile of the portion of the building which is responsible for the impact prior to Council inspecting the site. You may at that stage wish to amend the application to reduce impacts or provide an explanation as to why the impacts cannot be reduced.

The validity of objections will be determined by Council staff.

PART C. GENERAL DEVELOPMENT CONTROLS FOR RESIDENTIAL ZONES

C8. Different Types of Residential Development

The CV LEP 2011 permits with development consent different types of residential development depending on the residential zone as shown in TABLE C1. See CV LEP 2011 for all land uses permitted in residential zones.

TABLE C1

Permitted with consent	R1 General	R2 Low Density	R3 Medium Density	R5 Large Lot
Attached dwelling	√	X	√	X
Dual occupancy	√	√	√	√
Dwelling house	√	√	√	√
Multi dwelling housing	√	X	√	X
Residential flat building	√	X	√	X
Secondary dwelling	√	√	√	√
Semi detached dwelling	√	√	√	X
Seniors housing	√	√	√	X
Serviced apartment	√	X	√	X

The Dictionary in the CV LEP 2011 and at the end of this DCP includes the definitions of these different types of residential development.

Minimum lot sizes for subdivision and maximum building heights are included in CV LEP 2011. See clause 4.1 *Minimum subdivision lot size* and clause 4.3 *Height of buildings.*

A summary of the Minimum Site Area Requirements for all main forms of residential accommodation is at Table C2.

Height controls and setbacks apply to all types of residential development. See DCP clauses C14, C15 and C16.

Different types of residential development have different controls in relation to the following

- Minimum site area.
- Landscaped area requirements.
- Private open space.

See clause C22 for controls for secondary dwellings.

New residential developments of 10 or more dwellings are to provide 1 unit of affordable housing in each 10 units of housing developed. Refer to Council's Affordable Housing Policy (2015) for further information.

All new residential housing must address the Clarence Valley Council Adaptable Housing Guidelines, June 2011.

Note: Contributions May Apply

Any additional dwellings must pay a cash contribution, referred to as Section 94 contributions, to Council for public open space and community facilities, based on the number of additional dwellings.

Contributions for water and sewer headworks, Section 64 contributions, may also be applicable.

These contributions are indicated in Council's current Schedule of Fees and Charges

Contributions are not required for secondary dwellings. See clause C23.

Refer to Council's Section 94 and Section 64 Contributions Plans for details.

C9. Minimum site area for dwelling houses

C9.1. In the R1 General Residential, R2 Low Density and R3 Medium Density zones a minimum site area of 400 m² for dwelling houses applies

Within this area it must be possible to fit a rectangle suitable for building measuring 10 metres by 15 metres behind the building line.

For lots less than 560m^2 special requirements apply to development applications for subdivision. See clause J8 Subdivision *Requirements for lots less than 560m^2.*

PART C. GENERAL DEVELOPMENT CONTROLS FOR RESIDENTIAL ZONES

Note:
Approval of dwellings on existing lots less than 400m² will be considered on merit and in particular in relation to the adequacy of effluent disposal.

C9.2. In the R5 Large Lot Residential zone different localities have different minimum lot sizes required for a dwelling house, ranging from 4000m² to 4 hectares.

The site area for a dwelling house in the R5 zone is the minimum lot size for subdivision shown for the land on the Lot Size Map.

Note: *Site area* is defined in the CV LEP 2011. ***Site area*** means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

C10. Minimum site area for dual occupancies and semi-detached dwellings in R1, R2 and R3 zones

C10.1. The minimum site area for dual occupancies and semi-detached dwellings in the R1, R2 and R3 zones are as follows:

In the R1 General Residential and R2 Low Density Residential zone:

- 600m² in Grafton and South Grafton.
- 800m² in unsewered localities.
- 800m² in Angourie, Iluka, Maclean, Townsend, Wooloweyah and Yamba

In the R3 Medium Density Residential zone:

- 500m² in Grafton and South Grafton.
- No minimum site area applies in Angourie, Iluka, Maclean, Townsend and Yamba.

Refer also to Table C2.

A minimum site area does not apply for secondary dwellings, that is, where the secondary dwelling has a maximum floor area of 60m² or 18% of the total floor area of the principal dwelling, whichever is the greater. See clause 5.4 in the CV LEP 2011 for floor area controls and DCP clause C23.

C10.2. A variation to the minimum site area requirement may be permitted if;

(a) all other requirements of this plan are met, i.e. height limit, landscaped area requirements, private open space provisions, setbacks and car parking.
(b) the allotment utilises two formed street frontages.
(c) the streetscape and character of the neighbourhood are not detrimentally affected.

All these requirements must be met.

C11. Requirements for dual occupancies in the R5 zone

Dual occupancy development on land in the R5 Large Lot Residential zone must be attached. The development must be designed so that the 2 dwelling are:

(a) Attached by a garage, carport or common roof (excluding walkways), with a maximum separation distance of 12 metres, to give the appearance of a single building; and

(b) Designed to create a harmonious building by the use of matching building materials, colours and design elements, for example, roof pitch, gables, etc.

Note:
Unsewered areas will be constrained in terms of residential flat development, attached dwellings, multi dwelling housing serviced apartments and dual occupancy by the amount of area available for effluent disposal. Refer to clauseC24.3.

PART C. GENERAL DEVELOPMENT CONTROLS FOR RESIDENTIAL ZONES

C12. Minimum site area for residential flat buildings, attached dwellings, multi dwelling housing and serviced apartments

C12.1. A minimum site area of 600m² applies for residential flat buildings, attached dwellings, multi dwelling housing and serviced apartments unless specified in the sub-clauses C12.2 and C12.3.

C12.2 A minimum site area of 500m² applies for residential flat buildings, multi dwelling housing and serviced apartments in the R3 zone in Grafton and South Grafton.

C12.3. A minimum site area does not apply in the R3 zones in the Angourie, Iluka, Maclean, Townsend and Yamba for residential flat buildings, multi dwelling housing and serviced apartments, except for the Yamba Hill area, where a 400m² minimum site area applies for these residential accommodation. See Part W of this DCP for controls applying to Yamba Hill.

A summary of the Minimum Site Area Requirements for all main forms of residential accommodation is at Table C2.

PART C. GENERAL DEVELOPMENT CONTROLS FOR RESIDENTIAL ZONES

Table C2 - Summary of Minimum Site Area Requirements

Residential Use	R1 General Residential	R2 Low Density Residential Zone	R3 Medium Density Residential Zone	R5 Large Lot Residential Zone
Dwelling house	400m²	400m²	400m²	See CV LEP 2011 clause 4.1.
▪ **Dual occupancy** ▪ **Semi-detached dwelling**	600m²: - • Grafton • South Grafton 800m²: - • Unsewered localities	800m²: - • Unsewered localities 800m²: - • Angourie • Iluka • Maclean • Townsend • Wooloweyah • Yamba	500m²: - • Grafton • South Grafton No minimum site area: - • Angourie • Iluka • Maclean • Townsend • Yamba	See CV LEP 2011 clause 4.1.
▪ **Attached dwelling** ▪ **Residential flat building** ▪ **Multi dwelling housing** ▪ **Serviced apartment**	600m²: - • Grafton • South Grafton	Not permitted	400m²: - Yamba Hill 500m²: - • Grafton • South Grafton No minimum site area:- • Angourie • Iluka • Maclean • Townsend • Yamba, except Yamba Hill	Not permitted
Secondary dwelling	None.	None.	None.	None.

NOTE: Specific development controls apply to Urban Release Areas.

PART C. GENERAL DEVELOPMENT CONTROLS FOR RESIDENTIAL ZONES

C13. Building height

C13.1. A maximum building height applies to all development of land in the R1 General Residential, R2 Low Density and R3 Medium Density residential zones. Clause 4.3 and the associated Height of Buildings Map in the CV LEP 2011 detail these controls.

The CV LEP 2011 Height of Buildings Map should be checked to determine the maximum building height applying to any property /site.

The height of a building is not to exceed the maximum height shown for the land on the Height of Buildings Map.

A maximum building height does not apply to land in the R5 Large Lot Residential Zone.

Refer also to clause 30 for building heights for sheds and outbuildings.

Note: The maximum building heights are summarised in TABLE C3.

TABLE C3

Maximum Height Limit (metres)	Land in Residential Zones
12	R3 zone in Yamba Hill, except land on the eastern side of Ocean and Pilot Streets. Refer to Part N
10	R2 and R3 zones in Angourie. Refer to Part P
9	R1, R2 and R3 zones, except at Yamba Hill, Angourie and land behind coastal dunes at Diggers Camp, Minnie Water, Sandon and Wooli.
6.5	▪ Land behind the coastal dunes at Diggers Camp, Minnie Water, Sandon and Wooli. ▪ Land on the eastern side of Ocean and Pilot Streets, Yamba Hill.

Note: The CV LEP 2011 contains the definitions used to determine building height controls. These are:

Building height (or ***height of building***) means:
(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
(b) in relation to the RL of a building — the vertical distance from the Australian Height Datum to 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.

Reduced Level (RL) means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

Ground level (existing) means the existing level of a site at any point.

Ground level (finished) means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for abasement, footings or the like) for which consent has been granted or that is exempt development.

C13.2. Maximum top plate height of buildings

Where a maximum building height limit applies to land, a maximum top plate building height applies as shown in TABLE C4.

TABLE C4

Maximum height of building metres	**Maximum height to the top plate of building** metres
6.5	4
9	6.5
12	9.5

The top plate building height is measured from ground level (existing) to where the roof beams meet the top plate.

In the case of skillion roofs, the maximum height to the top plate is to be measured to the lower point at which the roof beams meet the top plate.

PART C. GENERAL DEVELOPMENT CONTROLS FOR RESIDENTIAL ZONES

Variations to the top plate height controls for dwelling houses will be considered on merit for single storey houses on steep slopes.

Note: For Angourie see Part P, Wooli see Part V and Yamba Hill see Part W.

C14. Building height controls on internal lots.

C14.1. On land in R1, R2 and R3 zones, other than where a 12 metre height limit applies (see PART W for Yamba Hill controls), all rear dwellings must not exceed a maximum building height to the top plate of 4 metres and 6.5 metres to the highest point on the roof (that is, single storey). This height limit is to maintain the amenity of adjacent dwellings and prevent problems of overlooking.

C14.2. All dual occupancies and residential accommodation on internal allotments, that being allotments served by rights-of-carriageway, battleaxe lots, or other non street frontage allotments, are also limited to a maximum building height to the top plate of 4 metres and 6.5 metres to the highest point on the roof for the same reasons.

C14.3. Dwellings located at the rear or on internal lots that exceed the 6.5 metre height limit may be considered where;

(a) the predominant form of development is 2 storeys or more, and
(b) topography enables 2 storeys without loss of amenity, views and privacy from neighbouring dwellings.

C14.4. Variation to the requirements for single storey development (the 6.5 metre height limit) on internal lots or buildings without street frontages will be considered if it can be demonstrated that there is no unreasonable loss of privacy (overlooking) or over-shadowing caused by the additional height of the proposed building.

C14.5. Where the 6.5 metre height limit is to be exceeded, privacy screens on balconies or landscaping should be considered to address privacy.

C15. Variation to the Maximum Height of a Building

A variation to the maximum height of buildings as identified on the Clarence Valley LEP 2011 Height of Buildings Map may be achieved by using clause 4.6 (2) *Exceptions to development standards* in the following circumstances:

(a) to meet flood control requirements of Part D of this DCP only if the fill required is less than 1 metre in height, or

(b) to enable development to be stepped down a steep slope where a 6.5 metre maximum building height applies.

C16. Setbacks

C16.1. Setbacks are required to meet the following objectives:

- sufficient separation of buildings to provide privacy and sunlight access for neighbouring dwellings
- buildings setback from the street to provide adequate space for landscaping, privacy and an attractive streetscape**.**
- a design that reduces the apparent bulk of the new buildings.

All development in R1, R2, R3 and R5 residential zones must comply with the following setbacks, except where setbacks are identified in another Part of this DCP. For example, See PART P for Angourie setbacks.

Unroofed patios, no greater than 600 mm. above ground level, will be permitted to extend 1.2 metres beyond the front setback but must not have balustrades.

NOTE: *Building line* or *setback* is defined in the CV LEP 2011, as below:

Building line or ***setback*** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:
(a) a building wall, or
(b) the outside face of any balcony, deck or the like, or
(c) the supporting posts of a carport or verandah roof,
whichever distance is the shortest.

PART C. GENERAL DEVELOPMENT CONTROLS FOR RESIDENTIAL ZONES

C16.2. In the **R1**, **R2 and R3 zones** minimum setbacks are as follows:

- **Front** - 6 metres
- **Side and rear-** as set out in the TABLE C5 below, unless zero setback provisions are to be used.

TABLE C5

Maximum height of building (metres)	**Side & rear setbacks**
Up to 6.5m	900mm
Over 6.5m and up to 9m	1.5 metres
Over 9m and up to 12m	3 metres

C16.3. In the **R5 Large Lot Residential** zone minimum setbacks are as follows:

- **Front** – 10 metres
- **Side** and rear – 3 metres

Where the proposed development, including sheds, is higher than 3.6 metres (measured to the roof ridgeline), the side and rear setback must be greater than 3 metres. The side and rear boundary setbacks are to be directly proportional to the height of the building; E.g. height 4.5 metres, setback is to be 4.5 metres.

Where the established front setback is greater than 10 metres then the established front setback should be maintained. For example, a 20 metre front setback may be established in some rural residential areas.

Note: Setback requirements mean that as the height of a building increases the side and rear setbacks will increase.

C16.4. Setbacks from Services
Buildings should not be built over any registered easement, sewer main or water main. All buildings should be setback 1.5 metres from any sewer main.

All buildings should be setback a minimum of 1.5 metres from any sewer main that is less than 1.5 metres deep. Where the sewer is between 1.5 metres and 3 metres deep, the minimum setback from buildings should be 2.5 metres. Where the sewer is greater than 3 metres deep, the minimum setback for buildings will be determined by Council staff following an assessment of maintenance and access requirements.

For detailed engineering requirements for setbacks to sewer lines see Council's Policy for Building in Close Proximity to Sewers No. 1.42.

Consult with Council's Engineering staff when the proposed development is close to any easement or required easement setback.

C16.5. Secondary Frontage Setbacks
For development on corner sites, the secondary frontage should have a minimum setback from the property boundary as follows;

- R1, R2 and R3 zones - 3.5 metres.
- R5 zone - 6 metres.

C16.6. Setbacks to levee walls
All buildings must be setback from the outside masonry levee wall or from the toe of any levee wall as follows;

- R1, R2 and R3 zones – 1.5 metres
- R5 zone – 3.5 metres.

Any request for variation to setbacks from a levee wall must be referred to Flood Plain Services for comment.

C16.7. Setbacks to Canals and Waterways
In R1, R2 and R3 zones on land with direct access to canals or waterways, buildings must comply with locality specific building setbacks, which are detailed in SCHEDULE C2

On land in the **R5 Large Lot Residential zone,** buildings must be setback 40 metres from any waterway.

Note: On-site effluent disposal areas may be required to be setback more than 40 metres from a intermittent waterway and/or 100 metres from a permanent waterway. Consult Council's On-Site Waste Water Management Strategy.

PART C. GENERAL DEVELOPMENT CONTROLS FOR RESIDENTIAL ZONES

C16.8. **Setbacks to laneways**
Setbacks to laneways will be considered on merit. Garages fronting laneways should be setback 4.5 metres from the property boundary.

A minimum 6 metre setback to Queens Lane, Iluka applies to land on the southern side of Queens Lane. A minimum 3.6 metre setback to Queens Lane applies to land located on the northern side of Queens Lane, Iluka.

C16.9. Additional setbacks may be required on classified roads.

C17. Variation to Setbacks

C17.1. New development should complement the existing setback pattern in the street, be it uniform or varied.

Variation to reduce the front setback will be considered where existing front setbacks in the R1, R2 and R3 zones are not 6 metres and in the R5 zone are not 10 metres. A variation to a setback will be considered on merit.

C17.2. Where the established front setback in R1, R2 and R3 zones is greater than 6 metres and in the R5 zones greater than 10 metres then the established setback should be maintained. For example, in parts of Junction Hill a 7.6 metre front setback has been established and there is an existing 20 metre front setback in some rural residential areas.

C17.3. Any request to vary the front setback should meet the setback objectives and address the following;

(a) the position of adjacent buildings and their residential character
(b) location of existing vegetation
(c) the effect on sightlines and visibility for pedestrians and vehicles
(d) size, shape and grade of the lot.
(e) the facade of the proposed building or buildings which will face the street and the proposed landscaping which is visible from the street.
(f) the proposed location of any private open space, courtyard or landscaped areas.
(g) the orientation of the allotment and the proposed siting of the dwelling with regard to the sun and prevailing winds.

Reasons for the variation must be provided. Eg. steep slope, existing setback is 4 metres, solar access, etc.

C17.4. Courtyard walls or other screening of private open space will be permitted forward of the 6 or 10 metre front setback if;

(a) visibility for traffic is not detrimentally affected.
(b) The orientation of the lot requires the setback area to be used as private open space.
(c) the amenity and landscaping are enhanced.

C17.5. Variation to side and rear setbacks will be considered on merits if a better development outcome or clear advantages in other aspects of the design are achieved with regard to overshadowing and overlooking. Compensatory setbacks elsewhere in a development will be considered in granting variation to side and rear setback requirements.

C18. Zero Setbacks

Applications for zero lot line development (zero setbacks) will be considered in R1, R2 and R3 zones where the relevant lot or lots are part of an integrated subdivision design and provision is made for adequate easements on adjoining properties for maintenance and support.

A zero side setback can apply if;

(a) there is no significant overshadowing and no additional overshadowing of adjoining land.
(b) there are no windows or openings.
(c) the eaves do not overhang.
(d) the building is no higher than 4 metres to where the roof beams meet the top plate and 6.5 metres to the highest point on the roof.
(e) The wall has the applicable fire rating under the BCA.

Consideration of zero setbacks for infill development, where the proposal is not part of an integrated development, will

only be considered for garages, carports and similar buildings/structures and where the wall on the boundary has a maximum length of 7 metres.

C19. Landscaped Area Requirements in R1, R2 and R3 zones

C19.1. All development on land in the R1 and R2 Low Density Residential zone must have a minimum of 45% of the site area as landscaped area, unless a landscaped area requirement is identified in another clause of this DCP.

C19.2. All development on land in the R3 Medium Density Residential zone must have a minimum of 35% of the site area is landscaped area.

C19.3. A Development Application must clearly indicate the area designed to meet the landscaped area requirements. Dimensions must be shown on the plans.

NOTE:

CV LEP 2011 defines *landscaped area* as follows:

Landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

Note:

Landscaped area requirements apply to dwelling houses, secondary dwellings, dual occupancies, attached dwellings, multi dwelling housing, semi-detached dwellings, residential flat buildings and non - residential uses.

Note:

Effluent disposal areas can be included as landscaped area.

C20. Private Open Space Requirements

C20.1. All dwellings in R1, R2 and R3 residential zones must be provided with an area of private open space. Where a dwelling is within a residential flat building or serviced apartment with no ground level access, the requirements of Clause C21.1 apply.

C20.2. For attached dwellings, dwelling houses, secondary dwellings, dual occupancies, multi dwelling housing and semi-detached dwellings, private open space must meet the following requirements:

1. An area of $50m^2$ in one parcel, with a regular shape and a minimum dimension of 4.5 metres.
   For secondary dwellings, a minimum area of $24m^2$ with a minimum dimension of 4 metres must be provided.
2. A level area, or if terraced, a minimum width of 4.5 metres.
3. Located with direct access to living areas of the dwelling.
4. Located behind the front setback line.
5. Located on the northern or eastern side of the dwelling.

Additional private open space may be provided within the front setback.

Private open space should appear clearly defined for private use. This can be achieved by siting in relation to the dwelling, and enhanced by landscaping and screening. Walls, fences and/or planting and the buildings themselves can be used to provide screens to avoid overlooking onto private open space.

Private open space and landscaped area for secondary dwellings must comply with *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

Note:

Private open space is defined in CV LEP 2011, as follows:
Private open space *means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.*

PART C. GENERAL DEVELOPMENT CONTROLS FOR RESIDENTIAL ZONES

Note:

Private open space is defined in CV LEP 2011, as follows:
Private open space *means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.*

C21. Private open space for dwellings within residential flat buildings and serviced apartments

C21.1. For dwellings in a residential flat building and serviced apartments with no ground level access, open space must be provided in the form of a balcony and communal open space, unless the clause C21.2 requirements are to be applied.

The following requirements must be met:

1. A balcony with a minimum area of 15m^2 and a minimum dimension of 2 metres.
2. A balcony located with direct access to the living areas of the unit.
3. A communal open space, calculated by multiplying the number of units by a 50 m² private open space area, minus the area provided as a balcony. For example; 8 units each with balconies of 20m^2 - the communal open space is 8 x (50 - 20) = 8 x 30 = 240m^2.
4. Communal open space located on the northern or eastern side of the site.
5. The communal open space must have a minimum dimension of 4.5 metres.
6. The communal open space must be a level area and have a regular shape.
7. The communal open space can not be located within the 6 metre front setback.

C21.2. Where dwellings in a residential flat building have ground level access, as an alternative to meeting the requirements of C21.2, the requirements of clause 20.2 can be applied.

C22. Landscaping

C22.1. The objectives of the Landscaping controls are:

- To contribute to the streetscape character and enhance the appearance of development from the street and neighbouring properties;
- To encourage plant selection that is sensitive to local climate, topography and natural features;
- To ensure that landscaping is safe and appropriate in the setting;
- To identify the types of developments to which landscaping requirements apply;
- To ensure landscaping is integrated into the design of development and that development applications requiring landscaping provide sufficient information to enable a proper assessment of the proposal.

C22.2. A Landscaping Plan is required with all development applications except applications for:

- Minor ancillary development (e.g. shed, fence, garage);
- Dwelling houses (unless on a lot with an area less than 560m²);
- Secondary dwellings;
- Change of use where no building works are proposed;
- Minor alterations and additions to existing developments;
- Subdivision proposals that do not involve the provision of a public road.

C22.3. The following criteria apply to landscaping in Residential zones:

(i) Landscaping should complement the building design and function of the development and a large proportion of the front setback area must be landscaped. Trees with a mature height matching the

scale and bulk of the development should be used.

(ii) Planting should be in keeping with the principles of the NSW Police *Safer by Design: Crime Prevention Through Environmental Design Guidelines*.

(iii) Landscaping should integrate with the design of stormwater management systems.

(iv) Outdoor parking bays are to be broken-up with planting beds comprising a mix of trees, low shrubs (up to 1m) and groundcovers. Tree species selected for shade are to have high spreading branches, non-intrusive root systems and low risk of falling branches.

(v) Plantings and garden beds are to be located where they can be easily accessed for maintenance and will not be adversely impacted by, or impact upon, vehicle or pedestrian movement, electricity wires or other utility infrastructure.

(vi) Species used should be predominantly local indigenous plant species. No biosecurity matter weed species registered as a priority weed for the North Coast by the Department of Primary Industries should be used.

(vii) Landscaping on bushfire prone land must comply with bushfire hazard management requirements, in particular, the NSW Rural Fire Service's *Planning for Bushfire Protection 2006*.

(viii) Specific landscaping requirements may apply in some localities, particularly in heritage conservation areas. See Part F and the locality based provisions of this DCP.

C22.4. Development applications are to be accompanied by a Concept Landscaping Plan (at a minimum) or a Detailed Landscaping Plan. The landscaping plan submitted with the Development Application must provide enough detail to enable assessment of the proposed landscaping in relation to the objectives at clause C22.1 and the criteria at clause C22.3. Where a Detailed Landscaping Plan is not provided with the Development Application, any development approval will include a condition requiring submission of a Detailed Landscaping Plan prior to the release of any Construction Certificate. Landscape plans are to be prepared by a person competent in the field.

C22.5. Concept Landscaping Plans are to contain the following information:

(i) Lot boundaries, dimensions and area;

(ii) North point and appropriate scale (e.g. 1:100 or 1:200);

(iii) Legend;

(iv) Date, version and draftsperson's name;

(v) Location of any utility infrastructure and easements;

(vi) Indicative planting areas (indicated as trees, shrubs, groundcovers) and indicative plant species;

(vii) Calculation of landscaped area, demonstrating compliance with any minimum landscaped area required by clause C19;

(viii) Fencing, retaining walls and other structures;

(ix) Location and botanical name of any existing trees that are to be retained as well as any existing trees that are to be removed.

C22.6. Detailed Landscaping Plans are to contain the information required in a Concept Landscaping Plan at clause C22.5 as well as the following:

(i) Materials, height and dimensions of proposed fences, retaining walls and other structures;

(ii) Layout and spacing of all plants, with each species clearly labelled;

(iii) Contours and topographical features;

(iv) Proposed buildings, surface treatments and edging treatment to garden beds including paving, gravel, turf, concrete, car parks, driveways and driveway crossovers;
(v) Root barriers to prevent impact on existing and proposed infrastructure where relevant;
(vi) A 'Plant Schedule' that lists:
   a. The Botanical Name and Common Name of all plants, sorted under the headings: Trees, Shrubs, Groundcovers;
   b. Quantity of each species;
   c. Planting pot/container sizes;
   d. Species height at maturity;
   e. Section details of proposed planting method and staking;
   f. Details of maintenance period and program.

C23. Secondary Dwellings

C23.1. Development previously known as a 'granny flat' is now referred to as a 'secondary dwelling'.

NOTE: The CV LEP 2011 defines a *secondary dwelling* as follows:

Secondary dwelling means a self contained dwelling that:
(a) is established in conjunction with another dwelling (the principal dwelling), and
(b) is on the same lot of land as the principal dwelling), and
(c) is located within, or is attached to, or is separate from, the principal dwelling.

Clause 5.4 of CV LEP 2011 limits the size of a secondary dwelling. The total floor area of a secondary dwelling (excluding any area used for parking) must not exceed 60m² or 18% of the total floor area of the principal dwelling, whichever is the greater.

A secondary dwelling is permitted with development consent in all residential zones; that is the R1, R2, R3 and R5 zones.

Note: For the purposes of this clause, ***total floor area*** is defined as:

Total floor area means the sum of the areas of each storey of the principal dwelling or secondary dwelling, measured at a height of 1.4 metres above each floor level, where the area is taken to be the area within the inner face of the external walls of the dwelling, but excluding any of the following:
(a) any carport, garage, balcony, deck, patio, pergola, terrace or verandah,
(b) any part of an awning, blind or canopy that is outside the outer wall of a building,
(c) an eave,
(d) a lift shaft,
(e) a stairway,
(f) a void above a lower storey.

C23.2. Secondary dwellings must comply with the following controls:
- Clauses C13, C14 and C15, Building height.
- Clause C16, C17 and C18, Setbacks.
- Clauses C19 – C21 - Landscaped area / private open space requirements.

C23.3. Any development proposed under SEPP (Affordable Housing) 2008 must comply with the requirements of that policy.

C23.4. It is not mandatory to provide additional car parking for a secondary dwelling.

Note: Section 94 contributions for open space and community facilities and section 64 contributions for sewer headworks do not apply to secondary dwellings.

C24. Provision of Essential Services

C24.1. General

The controls in this part of the DCP provide further guidance in relation to clause 7.8 Essential Services of the Clarence Valley LEP 2011. Refer also to Part J of this DCP.

Clause 7.8 requires Council to be satisfied that any utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available.

Such infrastructure includes the supply of water, electricity, the disposal and management of sewage, stormwater management, telecommunications and suitable road access.

C24.2. Supply of water

(a) Subdivision and development must be connected to a reticulated town water supply system at a point acceptable to Council. Variations to this requirement may be considered where reticulated services are not currently available to the property and extension of those services is not environmentally and/or economically realistic.

Note;
- Under section 124 of the Local Government Act Council can require premises that are situated within 225 metres of a water pipe of the Council to be connected to Council's water supply.
- Water and sewer connection is to comply with minimum sewer and water connection requirements set out in Council's Sewer and water connection policy .

(b) Hydraulic details, prepared by a suitable qualified hydraulic consultant, must be provided for water supply work (including fire services) in all new multi dwelling housing and residential flat buildings. These details are to be submitted to Council for approval prior to issue of the Construction Certificate.

(c) In areas where a reticulated water supply is not available or connection to such is deemed unacceptable a domestic water storage capacity (i.e. for a dwelling house) of 45,000 litres must be provided.

(d) Where more than 2 Class 1a dwellings are to be erected on a property and any of those dwellings are more than 90 metres from a street hydrant, an on-site fire hydrant must be provided. The fire hydrant system shall comply with AS 2419.1.

(e) On land in bush fire prone areas that is not serviced by a reticulated water supply, a water supply reserve must be provided for fire fighting purposes. The water requirements for fire fighting purposes in TABLE C6 must be met.

TABLE C6

Development Type	Water Requirement
Dwellings on lots < 1,000m^2	5,000 litres/lot
Dwellings on lots 1,000-10,000m2	10,000 litres/lot
Dwellings on lots > 10,000m2	20,000 litres/lot
Dual occupancy	2,500 litres/dwelling
Townhouses and units	5,000 litres/unit up to 20,000 litres maximum

Refer to the NSW Rural Fire Service current publication, Planning for Bushfire Protection 2006.

C24.3. Disposal and management of sewage

(a) Subdivision and development must be connected to a reticulated sewerage system. Where connection to a reticulation sewerage system is not available nor otherwise possible, wastewater disposal must comply with the Clarence Valley Council On-site Wastewater Management Strategy 2005.

Note:
- Under section 124 of the Local Government Act Council can require premises that are situated within 75 metres of a sewer system of the Council to be connected to Council's sewer system.
- Water and sewer connection is to comply with minimum sewer and water connection requirements set out in Council's Sewer and water connection policy No. 1.68.
- For developments requiring reticulated sewerage in areas identified as reticulated sewerage catchments where sewerage is not yet available, refer to Council's Development Approvals in Future Sewer Areas Policy.

- For development applications proposing pressure sewerage systems, refer to Council's Pressure Sewerage Policy.

(b) A development application for a new dwelling in an unsewered area must meet the standard criteria in the On-site Wastewater Management Strategy. Where the criteria cannot be met, then the development application must include an Effluent Management Report prepared by a suitably qualified waste water consultant or Engineer.

(c) In unsewered areas on an existing lot where there is an increase in the number of dwellings, or an increase in the number of bedrooms or it is proposed to replace an existing dwelling, Council will require upgrading of the on-site waste water system in accordance with the current On-site Wastewater Management Strategy unless a wastewater consultant can justify otherwise. Refer to the Clarence Valley Council On-site Wastewater Management Strategy for details.

(d) Hydraulic details, prepared by a suitable qualified hydraulic consultant, must be provided for sewer work in all new multi dwelling housing and residential flat buildings. These details are to be submitted to Council for approval prior to issue of the Construction Certificate.

C24.4 Supply of electricity

(a) Development must be connected to a mains power supply. Connection to an underground power network is required unless the lot has frontage to a road which is serviced by an existing overhead electricity service or where the energy provider determines the ground conditions are unsuitable for underground provision of services. Refer also to Part J12.1.

(b) Alternative power sources can be considered where the economic cost and likely environmental impact of connections is unacceptable.

C24.5. Provision of suitable road access

(a) Development (including dwelling houses/residential development) and subdivision must be serviced by a sealed constructed vehicular access that has direct frontage to a sealed public road or a Category 1 unsealed road that is listed in Councils adopted Roads Policy, that is Councils' Road Asset (Maintenance) List; the standard of road access is to comply with Part J of this DCP, the Northern Rivers Local Government Development and Design Manual, the Northern Rivers Local Government Construction Manual. A lesser standard may be considered having regard to the nature and scale of the proposed development, the context of the site and locality and the Northern Rivers Local Government Development and Design Manual, the Northern Rivers Local Government Construction Manual.

(b) Where an allotment does not have direct frontage to a sealed public road or a Category 1 unsealed road, an applicant may request that Council extend the sealed public road or the Category 1 unsealed road network to service the development. Any request under this clause must accompany the development application and must address the criteria set out in Council's Roads Policy.

(c) In relation to proposed dwelling houses on existing allotments only, where an allotment does not have direct frontage to a sealed public road or a Category 1 unsealed road, Council may permit provision of vehicular access from a Category 2 road subject to the considerations at (e) and (f) below. Any request for Council to extend the Category 2 unsealed road network to service the development must accompany the development application and must address the criteria set out in Councils Roads Policy.

(d) A decision to extend the sealed public road or unsealed Category 1 and

Category 2 road network must be made by resolution of Council, as such any application using (b) or (c) above will be reported to Council for determination.

The applicant must note that the Roads Policy requires any additional lengths of sealed public road or unsealed Category 1 or Category 2 road to be constructed to current engineering standards at no cost to Council prior to being transferred to Council ownership or added to the scheduled maintenance list as a Category 1 or Category 2 road. This will be reflected in any conditions of consent should the road network extension be approved.

Note: Category 1 roads are unsealed rural roads listed for regular maintenance by council. Grading frequency is up to 2 times per year.

Note: Category 2 roads are unsealed rural roads in council's ownership that are maintained as resources permit. No regular maintenance frequency is proposed for Category 2 roads.

(e) Category 2 Roads

Factors that Council will consider in approving access via a Category 2 road include:

(i) Nature of topography & terrain.
(ii) Whether other existing lawful dwellings are serviced by the road.
(iii) Degree to which the route is subject to natural hazards including flood inundation and bush fire.
(iv) Vegetation.
(v) Number of watercourse crossings – both permanent and intermittent.

Note: No further development may occur where the allotment is serviced by a Crown road reserve.

(f) The location and design of any road extension must also avoid, minimise or otherwise mitigate any adverse environmental impact on:

- land containing high biodiversity value and endangered ecological communities.
- a waterway and water quality.
- the natural habitat of a threatened species.
- the scenic landscape of the locality.
- the amenity of other adjoining residents.

C24.6 Storm water Management

Development must comply with the requirements of Part H Sustainable Water Controls and Part I Erosion and Sediment Control and the latest Northern Rivers Design Manuals**.**

C24.7. Provision of other services and infrastructure

Development must be serviced by telecommunications and street lighting, as further provided for in Part J12.

C25. Development on flood liable land

Development of flood prone land must comply with the requirements of PART D of this DCP.

Note:
Clause 7.2 (*Earthworks* requires development consent for earthworks, except works that are exempt development or the work is ancillary to other development for which development consent has been given. Clause 7.2 lists matters to be considered in determining a Development Application. Considerations include the effect on drainage, likely future use of the land, source and quality of the fill, likely disturbance of Aboriginal objects and potential adverse environmental impacts.

(See the SEPP (Exempt and complying Development Codes) 2008 (Code SEPP) http://housingcode.planning.nsw.gov.au

C26. Controls for Bush Fire Prone Land.

On bush fire prone land a Development Application must comply with the NSW Rural Fire Service *Planning for Bushfire*

Protection 2006. An Asset Protection Zone (APZ) and adequate access is required. Use of non-combustible materials may be required. It is advisable to consult the NSW Rural Fire Service.

A Development Application for bush fire prone land must include information to show compliance with the NSW Rural Fire Service *Planning for Bushfire Protection 2006.*

C27. Development of land with Acid Sulfate Soils

Specific controls apply to disturbance of land classified and identified as Acid Sulphate Soils On the Clarence Valley LEP 2011 Acid Sulphate Soils Map.

See CV LEP 2011 clause 7.1 *Acid Sulfate Soils.*

C28. Sites Subject to Land Slip /Geotechnical Hazard

Council's Geotechnical Risk Management Policy, including specific geotechnical report requirements, must be complied with where:

(a) Land has a potential for landslip due to natural slope and/or soil conditions (geotechnical hazards); and/or

(b) Land has a potential for landslip due to coastal forces or river flow conditions; and/or

(c) Land is identified as being of particular concern due to geotechnical hazards; and/or

(d) Any developments that will or may generate a geotechnical hazard due to the work proposed, developments such as those involving excavation close to another property or near a large tree, deep excavations that may impact on adjoining property, deep filling or any other activity that will or may significantly increase the geotechnical risk to another property.

C29. Waste Management

C29.1. Any waste that is generated must be disposed of in accordance with the Protection of the Environment & Operations Act 1997 and Regulations and the Local Government Act 1993.

Waste management must be based on the principles of waste avoidance and maximising reuse and recycling of materials. All demolition and construction waste should be separated for reuse or recycling wherever possible.

Details of the waste management strategy for a development (including demolition, construction and operational phases) must be submitted to Council when a development application is lodged.

All applications for development, except for minor construction and demolition works involving a construction footprint of less than $50m^2$, must be accompanied by a Waste Management Plan addressing the requirements of Council's *Waste Not Development Control Policy* (available on Council's website at www.clarence.nsw.gov.au). The waste management facilities proposed as part of the development must also be clearly illustrated on the plans of the proposed development.

In multi dwelling housing developments provision should be made for the storage of a garbage and recycling 240 litre 'wheelie bin' (mobile garage bin MGB) at each unit/dwelling. The storage location must be easily accessible to the occupant and to the collection point.

In large multi dwelling housing and residential flat building developments, Council may require access to the site by waste collection vehicles. This will require internal access roads to be of a standard suitable for a collection vehicle.

In large multi level developments, containing units without ground level access, an appropriately located and screened waste bin enclosure must be provided. The enclosure shall have capacity to store a 240 litre garbage and recycling bin for every two units.

PART C. GENERAL DEVELOPMENT CONTROLS FOR RESIDENTIAL ZONES

C29.2 Liquid Waste

Any processes that generate liquid wastes 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. Application forms are available from Council and provide details that must accompany the application prior to any work being undertaken. Typically, such waste will need pre-treatment to remove oils, greases etc., using an approved device.

Note:

Refer also to Council's Liquid Trade Waste Discharges and Environmental Management of Commercial and Industrial Activities Policy, available on Council's website by following the link:
http://www.clarence.nsw.gov.au/cp_themes/metro/page.asp?p=DOC-OVF-11-62-35

C29.3 Solid Waste

Provision must be made for waste to be disposed of in a safe, tidy and environmentally responsible manner. The principles of waste avoidance, reuse and recycling must be followed to develop a sustainable approach to waste management.

C30. Sheds and Occupation of Sheds and Caravans

C30.1. On land in R1, R2 and R3 residential zones sheds and outbuildings must comply with the following:

- Maximum floor area 100m².
- Maximum wall height 3m.
- Maximum building height 4.5m.
- Must be behind the front setback.
- Located at least 900mm from side and rear boundaries.

C30.2. On land in the R5 Large Lot residential zone sheds and outbuildings must comply with the following:

- Maximum floor area 200m².
- Maximum wall height 4.5m
- Maximum building height 6.5m
- Must be behind the front setback.
- Side and rear boundary setbacks to be directly proportional to the height of the building. E.g. Building height 4.5m, side and rear setback to be 4.5m.

Note:

Refer also to clause C13 for building heights in general which also refers to Clarence Valley LEP 2011 *clause 4.3 (Height of Buildings).*

C30.3. Variations to these requirements will be considered where a shed or outbuilding is not highly visible from the street and reasonable side boundary setbacks are available for landscaping.

C30.4. Sheds and outbuildings on unsewered lots will only be approved where they will not adversely impact on the on site waste water system, including the reserve area. The site plan submitted with the Development Application must indicate the location of the existing septic tank and trenches/disposal area in relation to the proposed building, driveway and boundaries.

C30.5. Council will permit the occupation of a caravan or shed on an allotment where a dwelling is being constructed, subject to:

(a) The occupation of the caravan or shed only being for a 12 months or less.
(b) The occupation being for the immediate family of the owner of the property or to a paid nightwatchman
(c) A shower, basin, and toilet connection to either sewerage or an approved on-site effluent disposal system.
(d) Construction of the dwelling has commenced.
(e) Ongoing commitment to dwelling construction.
(f) Before occupation the access road and on-site water supply that meets the NSW Rural Fire Service requirements must be in place.

C30.6. Some sheds and outbuildings may not require approval of a Development Application if the exempt development requirements are met. Refer to State

Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Parts 1 and 2) and CV LEP 2011 clause 3.1 *Exempt development* and Schedule 2 Exempt Development.

C31. Fences and walls

C31.1. On land in R1, R2, R3 and R5 zones front fences and side fences forward of the building line should have a maximum height of 1.2 metres except on corner allotments.

On corner allotments fences are not to exceed 900mm in height within 6 metres of the corner of the boundary of the allotment that marks the junction of the two streets.

C31.2. On land in R1, R2, R3 and R5 zones fences not located within the front setback area are to be a maximum of 1.8 metres. Fences to a height of 1.8 metres may be permitted within the front setback area on a road with high traffic noise or where the main area of private open space is located at the front of the dwelling to achieve optimum solar access and require an application. Adequate safety for driveway access must be considered where front fences are higher than 1.2 metres. For example, setting the fence back or lowering the fence height adjacent to the driveway, or constructing the fence on an angle.

C31.3. On land in the R5 zone fences should not detract from the rural character of the locality. This means that in most cases extensive colorbond fencing should not be used.

C31.4. Where a fence to a height of 1.8 metres is to be constructed within the front setback area the following apply;

(a) 50% of the fence is to be open (not solid); and
(b) the fence is compatible with the dwelling; and
(c) the fence is to be constructed of materials compatible with the dwelling/building and character of the locality; and
(d) the front setback area is the dwelling's main area of private open space; and
(e) safe driveway access.

Variation to fencing controls will be considered on merit.

C31.5. Some fences may not require approval of a Development Application if the exempt development requirements are met. Refer to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Parts 1 and 2) CV LEP 2011 clause 3.1 *Exempt development* and Schedule 2 Exempt Development.

PART C. GENERAL DEVELOPMENT CONTROLS FOR RESIDENTIAL ZONES

SCHEDULE C1

Design Quality Principles of SEPP 65.

Principle 1: Context
Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.

Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.

Principle 2: Scale
Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

Principle 3: Built form
Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Principle 4: Density
Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

Principle 5: Resource, energy and water efficiency
Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

Principle 6: Landscape
Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-coordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.

Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.

SCHEDULE C1

Design Quality Principles of SEPP 65.

Principle 7: Amenity
Good design provides amenity through the physical, spatial and environmental quality of a development.

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

Principle 8: Safety and security
Good design optimises safety and security, both internal to the development and for the public domain.

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

Principle 9: Social dimensions and housing affordability.
Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.

New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.

Principle 10: Aesthetics
Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

SCHEDULE C2
Building alignments to canals and waterways
Crystal Waters, Yamba Shores and Oyster Cove

1. A 7.5m rear building alignment applies on all Crystal Waters "wet" lots.

2. A 3.5m rear building alignment applies to those lots in Yamba Shores Estate which take frontage to the Peninsula, The Anchorage, The Mainbrace, Mariners Way or Binnacle Court and have rear boundaries to the waterway in Lot 2-64 DP 1141129.

3. A 2.5m rear building alignment applies to all "wet" lots created in the Yamba Shores subdivision approved under DA 82/349, in conformity with the required development conditions.

4. Buildings of any kind are not permitted on the canal side of the revetment wall except jetties when approved by the Deputy General Manager Civil and Corporate.

5. Building lines as set apply only to the major buildings on the site. Council allows the construction of inground swimming pools, retaining walls, fences, paving and minor structures such as barbecues, pergolas and the like within the areas set by the building line from the canal front boundaries of the lots, but no structure be erected on the canal side of the revetment wall except jetties. Structures are not to be supported by or to adversely affect the stability of revetment walls.

6. Fences erected within the area between Council's set building alignment and the revetment wall is not to exceed 1.2m in height.

7. Building line - Palm Terrace foreshore
   For Lots 22 to 38 DP 786682, Palm Terrace, Yamba, a foreshores building line applies whereby no structure (including pergolas, gazebos, barbecue structures, garden or other sheds, swimming pools or similar structures, but not excluding boat launching, launching or mooring facilities) shall be permitted within the areas covered by Restriction- as-to-user marked "T", "W", "S" or "R".

8. Oyster Cove
   On Lots 2 to 24 in DP 828368 no major buildings are allowed within the area marked as restriction as to user, but that this restriction not apply to the construction/ erection of inground swimming pools, retaining walls, fencing, paving, and minor structures such as barbecues, pergolas and the like.

Note:
For the purposes of SCHEDULE C2, structure means minor buildings, constructions and assemblies, including barbecues, pergolas and the like, and all constructions, materials and objects placed for a specific purpose.

PART D FLOODPLAIN MANAGEMENT CONTROLS

PART D FLOODPLAIN MANAGEMENT CONTROLS

D1. What are the aims of the Floodplain Management Controls?

This plan aims to:-

(a) Increase public awareness of the hazard and extent of land affected by all potential floods, including floods greater than the 100 year average recurrence interval (ARI) flood and to ensure essential services and land uses are planned in recognition of all potential floods.

(b) Inform the community of Council's policy for the use and development of flood prone land.

(c) Manage the risk to human life and damage to property caused by flooding through controlling development on land affected by potential floods.

(d) Provide detailed controls for the assessment of applications lodged in accordance with the Environmental Planning and Assessment Act 1979 on land affected by potential floods.

(e) Apply a "merit-based approach" to all development decisions which takes account of social economic and ecological considerations.

D2. How to Use this Part of the Plan?

The following is a summary of the major steps to be followed in applying this part of the DCP:

STEP 1 Determine the relevant flood plain (eg. Grafton or Lower Clarence River, Yamba or other Floodplains).

Note:
The controls applying to "all other floodplains" are interim only until catchment specific Flood Risk Management Plans are prepared as required by the Floodplain Development Manual.

STEP 2 Determine the Flood Management Area (General Floodplain or Floodway) within which your site is situated. Consult Council.

Note: Figure 3.3 in the Grafton and Lower Clarence Floodplain Risk Management Plan identifies Flood Management Areas.

STEP 3 Verify by enquiring with Council and if necessary undertaking independent studies to determine if the property contains flood storage areas.

STEP 4 Enquire with Council regarding existing flood risk mapping or whether a site-specific assessment may be warranted in your case (for example, if local overland flooding is a potential problem).

Note:
A property may be located in more than one Flood Management Area, in which case the assessment must consider the controls relative to each Flood Management Area.

STEP 5 Determine the development category relevant to your proposal, by firstly confirming how it is defined in the Clarence Valley LEP 2011 and secondly by ascertaining the applicable land use category from Schedule D2 of this Plan.

Note:
Some minor forms of development may be classified as either exempt or complying development . In such cases, this DCP may not need to be applied.

STEP 6 Check if the proposal will satisfy the prescriptive controls for different land use categories in different Flood Management Areas, as contained in the clauses below.

PART D FLOODPLAIN MANAGEMENT CONTROLS

STEP 7 Assess and document how the proposal will achieve the performance criteria for development or any filling.

If the proposal does not comply with the prescriptive controls, determine whether the performance criteria are nonetheless achieved.

The assistance of Council staff or an experienced floodplain consultant may be required at various steps in the process to ensure that the requirements of this Plan are fully and satisfactorily addressed.

D3. What Development Controls Apply?

D3.1 Performance Criteria

All development requiring Council consent must comply with the following performance criteria:

(a) The proposed development should not result in any increased risk to human life.

(b) The additional economic and social costs which may arise from damage to property from flooding should not be greater than that which can reasonably be managed by the property owner and general community.

(c) The proposal should only be permitted where effective warning time and reliable access is available for evacuation from an area potentially affected by floods to an area free of risk from flooding. Evacuation should be consistent with any relevant flood evacuation strategy.

(d) Development should not detrimentally increase the potential flood effects on other development or properties either individually or in combination with the cumulative impact of development that is likely to occur in the same floodplain.

(e) Motor vehicles are able to be relocated, undamaged, to an area with substantially less risk from flooding, within effective warning time.

(f) Procedures would be in place, if necessary, (such as warning systems, signage or evacuation drills) so that people are aware of the need to evacuate and relocate motor vehicles during a flood and are capable of identifying an appropriate evacuation route.

(g) Development should not result in significant impacts upon the amenity of an area by way of unacceptable overshadowing of adjoining properties, privacy impacts (e.g. by unsympathetic house-raising) or by being incompatible with the streetscape or character of the locality.

(h) Proposed development must be consistent with Ecological Sustainable Development (ESD) principles.

(i) Development should not prejudice the economic viability of any Voluntary Acquisition Scheme.

D3.2 Prescriptive Controls

Schedules D3 and D4 outline the controls relevant to each of the floodplains to which this Plan applies.

Compliance with the prescriptive controls as defined in Schedules D3 and D4 is deemed to comply with the performance criteria specified in Clause D3.1 unless, in Council's opinion, particular circumstances apply that require a variation in light of D3.1.

Proposals seeking a variation to the prescriptive controls specified in Schedules D3 or D4 will need to be justified in terms of the performance criteria under D3.1.

Note:
Additional requirements relating to fencing, filling and other uses may also apply – refer to Clauses D4, D5 and D6.

PART D FLOODPLAIN MANAGEMENT CONTROLS

D4. Are there Special Requirements for Fencing?

D4.1 Performance Criteria

Development involving fencing must also comply with the following performance criteria:

(a) Fencing is to be constructed in a manner that does not affect the flow of flood waters so as to detrimentally increase flood affects on surrounding land.
(b) Ability to be certified by a suitably qualified engineer, that the proposed fencing is adequately constructed so as to withstand the forces of floodwaters, or collapse in a controlled manner to prevent the undesirable impediment of flood waters.

D4.2 Prescriptive Controls

The following prescriptive controls also apply to development involving fencing within a floodway:

D4.2.1 Fencing within a Floodway will not be permissible except for security /permeable/ open type/safety fences of a type approved by Council. Council may require such fencing to be able to be opened at the bottom with the force of floodwaters. (This requirement may be secured by a Section 88B instrument burdening the title of the land).

D4.2.2 An applicant will need to demonstrate that the fence would create no impediment to the flow of floodwaters. Appropriate fences must satisfy the following:-

(a) An open collapsible hinged fence structure or pool type fence;
(b) Other than a brick or other masonry type fence (which will generally not be permitted); or
(c) A fence type and siting criteria as prescribed by Council.

D4.2.3 Other forms of fencing will be considered by Council on merit.

D5. Are There Special Controls for Filling of Flood Liable Land?

D5.1 Performance Criteria

Development involving filling of flood liable land must comply with the following criteria:

(a) The filling of flood liable land must not increase the flood risk on other land within the floodplain.

(b) Filling and associated works must not have any unacceptable associated environmental impacts such as detrimental affects on the ecology of riparian corridors.

D5.2 Prescriptive controls

The following development controls apply to development involving filling on flood liable land.

D5.2.1 The flood impact of the development to be considered to ensure that the development will not increase flood affects elsewhere, having regard to:

(i) loss of flood storage;

(ii) changes in flood levels and velocities caused by alterations to the flood conveyance; and

(iii) the cumulative impact of multiple potential developments in the floodplain. An engineer's report may be required to address potential impacts.

D5.2.2 If a *Flood Storage Area* has been defined in the floodplain, any filling of the floodplain inside this area is not permitted as it will reduce the volume of flood storage available on the floodplain and increase flood effects elsewhere, except:

i) where this occurs in conjunction with compensatory excavation, or
ii) where, in Council's opinion, such impacts are likely to be negligible

PART D FLOODPLAIN MANAGEMENT CONTROLS

D5.2.3 Notwithstanding Clause D5.2.2 no net filling of land is permitted in Grafton, South Grafton and the Heber Street Catchment within the Grafton floodplain, below levels 4.2, 4.65 and 5.7 metres AHD respectively.

D5.2.4 Where compensatory excavation and fill works are proposed in a flood storage area, an engineers report will be required to demonstrate compliance with Clause D5.2.1.

D6. Are There Other Special Considerations for Development in a Floodplain?

When assessing proposals for development or other activity within the floodplain, Council will take into consideration the following specific matters.

(a) Measures employed to mitigate the potential impact of flooding (eg. house raising) must be undertaken in a manner which minimises the impact upon the amenity and character of the locality.

(b) The design of car parking (enclosed or uncovered) and associated

driveways should not result in unacceptable environmental or amenity impacts. Unacceptable impacts may include visual intrusion from elevated driveways and parking structures and overshadowing of adjoining residential properties in excess of Council's relevant standards.

(c) The proposal must not constrain the orderly and efficient utilisation of the waterways for multiple purposes.

(d) The proposal must not adversely impact upon the recreational, ecological, aesthetic or utilitarian use of the waterway corridors, and where possible, should provide for their enhancement.

(e) Proposals for house raising must provide appropriate documentation including:

i) a report from a suitably qualified engineer to demonstrate that the raised structure will not be at risk of failure from the forces of floodwaters in a 100 year flood; and
ii) the provision of details such as landscaping and architectural enhancements which ensure that the resultant structure will not result in significant adverse impacts upon the amenity and character of an area.

(f) Notwithstanding any other provision where a property is identified within a Voluntary Acquisition Scheme area, Council will only consent to further development being "concessional development"; provided:

(i) the development is for only minor works such as small awnings over existing balconies or in-ground swimming pools; and
(ii) the capital investment intended for the property is, in the opinion of Council, not greater than the minimum

required to satisfy acceptable standards.

Note:
Council will not permit any type of development that would be inconsistent with the objective of discouraging intensification of development, or heightened community risk in floodways.

PART D FLOODPLAIN MANAGEMENT CONTROLS

D7. What information is Required with an Application for Development on Flood Liable Land?

D7.1 Applications must include information that addresses all relevant controls listed above, and the following matters as applicable.

D7.2 Applications for 'Concessional Development' (which includes alterations and additions to existing developments or minor development – see Schedule D2) to an existing dwelling on Flood Prone Land shall be accompanied by documentation from a registered surveyor confirming existing floor levels.

D7.3 Development applications affected by this plan shall be accompanied by a survey plan showing:-

(a) The position of the existing building/s and all proposed building/s;
(b) The existing ground levels to Australian Height Datum around the perimeter of the building and contours of the site; and
(c) The existing or proposed floor levels to Australian Height Datum.

D7.4 Applications for earthworks, filling of land and subdivision shall be accompanied by a survey plan (with a contour interval appropriate to the topography of the site or a contour internal of 0.5m) showing relative levels to Australian Height Datum.

D7.5 For large scale developments, or developments in critical situations, particularly where an existing catchment based flood study is not available, a flood study using a fully dynamic one or two dimensional computer model may be required.

For smaller developments the existing flood study may be used if available and suitable (eg it contains sufficient local detail), or otherwise a flood study prepared in a manner consistent with the "Australian Rainfall and Runoff" publication, any relevant Council Drainage Design Code and the Floodplain Development Manual, will be required. From this study, the following information shall be submitted in plan form:

(a) water surface contours (including the 100 year flood and PMF extents)
(b) velocity vectors;
(c) velocity and depth produce contours;
(d) delineation of Flood Management Areas relevant to individual floodplains; and
(e) show both existing and proposed flood profiles for the full range of events for total development including all structures and works (such as revegetation /enhancements).

This information is required for the pre-developed and post-developed scenarios.

D7.6 Where the controls for a particular development proposal require an assessment of structural soundness during potential floods, the following impacts must be addressed:

(a) hydrostatic pressure;
(b) hydrodynamic pressure;
(c) impact of debris; and
(d) buoyancy forces.

Foundations need to be included in the structural analysis.

PART D FLOODPLAIN MANAGEMENT CONTROLS

SCHEDULE D1
FLOOD COMPATIBLE MATERIALS & BUILDING COMPONENTS

BUILDING COMPONENT	FLOOD COMPATIBLE MATERIAL	BUILDING COMPONENT	FLOOD COMPATIBLE MATERIAL
Flooring and Sub-floor Structure	• Concrete slab-on-ground monolith construction • Suspension reinforced concrete slab	**Doors**	• Solid panel with water proof adhesives • Flush door with marine ply filled with closed cell foam • Painted metal construction • Aluminium or galvanised steel frame
Floor Covering	• Clay tiles • Concrete, precast or in situ • Concrete tiles • Epoxy, formed-in-place • Mastic flooring, formed-in-place • Rubber sheets or tiles with chemical-set adhesives • Silicone floors formed-in-place • Vinyl sheets or tiles with chemical-set adhesive • Ceramic tiles, fixed with mortar or chemical-set adhesive • Asphalt tiles, fixed with water resistant adhesive	**/Wall and Ceiling Linings**	• Fibro-cement board • Brick, face or glazed • Clay tile glazed in waterproof mortar • Concrete • Concrete block • Steel with waterproof applications • Stone, natural solid or veneer, waterproof grout • Glass blocks • Glass • Plastic sheeting or wall with waterproof adhesive.
Wall Structure	• Solid brickwork, blockwork, reinforced, concrete or mass concrete	**Insulation** **Windows**	• Foam (closed cell types) • Aluminium frame with stainless steel rollers or similar corrosion and water resistant material.
Roofing Structure (for Situations Where the Relevant Flood Level is Above the Ceiling)	• Reinforced concrete construction • Galvanised metal construction	**Nails, Bolts, Hinges and Fittings**	• Brass, nylon or stainless steel • Removable pin hinges • Hot dipped galvanised steel wire, nails or similar.

PART D FLOODPLAIN MANAGEMENT CONTROLS

SCHEDULE D1 : cont
FLOOD COMPATIBLE MATERIALS & BUILDING COMPONENTS

Electrical and Mechanical Equipment For dwellings constructed on land to which this Plan applies, the electrical and mechanical materials, equipment and installation should conform to the following requirements.	**Heating and Air Conditioning Systems** Heating and air conditioning systems should, to the maximum extent possible, be installed in areas and spaces of the house above the relevant flood level. When this is not feasible every precaution should be taken to minimise the damage caused by submersion according to the following guidelines.
Main power supply – Subject to the approval of the relevant authority the incoming main commercial power service equipment, including all metering equipment, shall be located above the relevant flood level. Means shall be available to easily disconnect the dwelling from the main power supply.	**Fuel** – Heating systems using gas or oil as a fuel should have a manually operated valve located in the fuel supply line to enable fuel cut-off.
Wiring – All wiring, power outlets, switches, etc., should, to the maximum extent possible, be located above the relevant flood level. All electrical wiring installed below the relevant flood level should be suitable for continuous submergence in water and should contain no fibrous components. Earth core linkage systems (or safety switches) are to be installed. Only submersible-type splices should be used below the relevant flood level. All conduits located below the relevant designated flood level should be so installed that they will be self-draining if subjected to flooding.	**Installation –** The heating equipment and fuel storage tanks should be mounted on and securely anchored to a foundation paid of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks should be vented to an elevation of 600 millimetres above the relevant flood level.
Equipment – All equipment installed below or partially below the relevant flood level should be capable of disconnection by a single plug and socket assembly.	**Ducting –** All ductwork located below the relevant flood level should be provided with openings for drainage and cleaning. Self draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a water-tight wall or floor below the relevant flood level, the ductwork should be protected by a closure assembly operated from above relevant flood level.
Reconnection – Should any electrical device and/or part of the wiring be flooded it should be thoroughly cleaned or replaced and checked by an approved electrical contractor before reconnection.	**Ancillary Structures (steps, pergolas, etc.) –** Suitable water tolerant materials should b e used such as masonry sealed hardwood and corrosive resistant metals. Copper Chrome Arsenate (CCA) treated timber is not a suitable material.

PART D FLOODPLAIN MANAGEMENT CONTROLS

SCHEDULE D2
LAND USE CATEGORIES

Critical Uses and Facilities	Sensitive Uses and Facilities	Urban Residential & Associated Uses	Concessional Development
• Public administration building or public hall that may provide an important contribution to the notification or evacuation of the community during flood events (e.g. SES Headquarters and Police Stations); • Hospitals.	• Community facility • Telecommunications facility • Institutions • Educational establishments • Liquid fuel depot • Public utility (including electricity generating works and utility installations) undertakings which are essential to evacuation during periods of flood or if affected would unreasonably affect the ability of the community to return to normal activities after flood events, • Residential care facility • School and seniors housing	• Attached dwelling • Backpackers' accommodation • Bed and breakfast accommodation • Boarding house • Caravan park • Child care centre • Correctional centre • Dual occupancy • Dwelling • Dwelling house • Group home • Home-based child care centre • Home business • Home industry • Home occupancy • Home occupation (sex services) • Hostel • Hotel accommodation • Moveable dwelling • Multi dwelling housing • Neighbourhood shop • Permanent group home • Place of public worship • Public hall (other than critical uses and facilities) • Residential flat building • Semi-detached dwelling • Serviced apartments • Tourist and visitor accommodation • Transitional group home and utility installations (other than critical uses and facilities)	(a) <u>In the case of residential development:</u> (i) An addition or alteration to an existing dwelling of not more than 10% or 30m^2 (whichever is the lesser) of the habitable floor area which existed at the date of commencement of this Plan; (ii) The construction of an outbuilding with a maximum floor area of 30m^2; or (iii) Rebuilt dwellings which substantially reduce the extent of flood affectation to the existing building; (b) <u>In the case of other development:</u> (i) An addition to existing buildings of not more than additional 100m^2 or 10% of the floor area which existed at the date of commencement of this DCP (whichever is the lesser); (ii) Rebuilding of a development which substantially reduces the extent of flood effects to the existing development. (iii) A change of use which does not increase flood risk having regard to property damage and personal safety; or (iv) Subdivision that does not involve the creation of new allotments with potential for further development.

PART D FLOODPLAIN MANAGEMENT CONTROLS

SCHEDULE D3
GRAFTON (NORTH & SOUTH) FLOODPLAIN
Prescriptive Controls (Refer to clause D3.2)

	Floodplain Management Area									
	General Floodplain					Floodway				
Planning Consideration	Critical Uses & Facilities	Sensitive Uses & Facilities	Urban Residential & Associated Uses	R5 Zone I & Associated Uses	Concessional Development	Critical Uses & facilities	Sensitive Uses & Facilities	Urban Residential & Associated Uses	Rural Residential & Associated Uses	Concessional Development
Floor & Pad Levels	6	1,5	1,2	1,2,4	1,3					1,3
Building Components	1	1	1	1	1					1
Structural Soundness	3	1	2	2	2					1
Flood Effects	2	2	2	2	2					1,3 or 2,3 or 3,4,6
Evacuation	3,5	1,2 or 3,5	1,3 or 3,5	1,3 or 2,3	1,3 or 2,3 or 3,4,6					1,3 or 2,3 or ,,4,6
Management & Design	1,2,3, 4	1,2,3,4	1,2	1,2	1,2					1,2

COLOUR LEGEND: Controls specifically applicable to this DCP — Unsuitable Land Use

General Notes

1	Freeboard equals an additional height of 500mm.
2	The Clarence Valley LEP 2011 identifies development permissible with consent in various zones in the LGA. Notwithstanding, constraints specific to individual sites may preclude Council granting consent for certain forms of development on all or part of a site. This matrix identifies where flood risks are likely to determine where certain development types will be considered "unsuitable" due to flood related risks.
3	Filling of the site, where acceptable to Council, may change the Flood Management Area considered to determine the controls applied in the circumstances of individual applications. Refer to clauses providing specific controls on filling in floodplains.
4	Refer to clause D4 for planning considerations for proposals involving only the erection of a fence. Any fencing that forms part of a proposed development is subject to the relevant flood effects and Structural Soundness planning considerations of the applicable land use category.
5	Refer to clause D6 for special considerations for properties identified for voluntary acquisition.
6	The proposed subdivision of flood liable land which creates allotments with potential for further development must be able to demonstrate that the allotments are capable of being developed in compliance with the relevant controls below. Refer to Control No. 1 of the Management and Design Provision. Reference should also be made to other provisions of the DCP which relate specifically to subdivision.
7	Terms in italics are to be defined in the glossary of the DCP and the attached Schedule D2 specifies development types included in each land use category.
8	Where the site is protected by a levee, the "100 year flood level" quoted below refers to the flood level if the levee was removed (i.e. the River level adjacent to the site).

Floor & Pad Levels

1	Unless otherwise specified all floor levels to be no lower than the 5 year flood level plus freeboard unless justified by site specific assessment.
2	*Primary habitable floor* levels to be no lower than the 100 year flood level plus *freeboard*. The *primary habitable floor* levels for *infill development* in Grafton, South Grafton and the Heber Street Catchment may be reduced to no lower than 6.4, 7.1 and 8.0 metres AHD respectively where the development (i) would be otherwise incompatible in the streetscape; (ii) result in unacceptable visual, overlooking or overshadowing impacts on adjoining properties; or is not part of a larger proposal which does not need to conform with the height and character of existing surrounding development.
3	Floor levels to be no lower than the *design floor level*. Where this is not practical due to compatibility with the height of adjacent buildings, or compatibility with the floor level of existing buildings, or the need for access for persons with disabilities, a lower floor level may be considered. In these circumstances, the floor level is to be as high as practical, and, when undertaking alterations or additions, no lower than the existing floor level.
4	Ground level or a *raised fill pad level* with a surface level equal to or greater than the 100 year flood level. Signage, unique to each property, is required to allow aerial identification.
5	*Habitable floor* levels to be no lower than the 100 year flood level plus *freeboard*.
6	*Habitable floor* levels to be no lower than the *PMF* level. Non-*habitable floor* levels to be no lower than the *PMF* level unless justified by a site specific assessment.

PART D FLOODPLAIN MANAGEMENT CONTROLS

SCHEDULE D3 continued
GRAFTON (NORTH & SOUTH) FLOODPLAIN

Building Components & Method

1	All structures to have *flood compatible building components* below the design level of the *primary habitable floor* level.

Structural Soundness

1	Engineer's report to certify that the structure can withstand the forces of floodwater, debris and buoyancy up to and including a 100 year flood plus *freeboard*, or a *PMF* if required to satisfy evacuation criteria (see below).
2	Applicant to demonstrate that the structure can withstand with forces of floodwater, debris and buoyancy up to and including a 100 year flood plus *freeboard*, or a *PMF* if required to satisfy evacuation criteria (see below). An engineer's report may be required.
3	Engineer's report to certify that the structure can withstand the forces of floodwater, debris and buoyancy up to and including a *PMF*.

Flood Effects

1	Engineer's report required to certify that the development will not increase flood effects elsewhere, having regard to: (i) loss of flood storage; (ii) changes in flood levels and velocities caused by alterations to the flood *conveyancing*; and (iii) the cumulative impact of multiple potential developments in the floodplain.
2	The flood impact of the development to be considered to ensure that the development will not increase flood effects elsewhere, having regard to: (i) loss of flood storage; (ii) changes in flood levels and velocities caused by alterations to the flood *conveyancing*; and (iii) the cumulative impact of multiple potential developments in the floodplain. An engineer's report may be required.

Evacuation

1	Reliable access for pedestrians or vehicles required during a 100 year flood to a publicly accessible location above the PMF.
2	Reliable access for pedestrians or vehicles is required from the building, commencing at a minimum level equal to the lowest *habitable floor* level to an area of refuge above the *PMF level*, or a minimum of 20% of the gross floor area of the dwelling to be above the *PMF* level.
3	The development is to be consistent with any relevant *flood evacuation strategy, Flood Plan adopted by Council* or similar plan.
4	The evacuation requirements of the development are to be considered. An engineers report will be required if circumstances are possible where the evacuation of persons might not be achieved with the *effective warning time*.
5	Safe and orderly evacuation of the site (in any size flood) has been demonstrated in a regional evacuation capability assessment prepared to the satisfaction of Council and the SES. Where such an assessment has not been prepared, development will only be permitted where, in the opinion of Council, safe and orderly evacuation can occur (in any size flood).
6	Adequate flood warning is available to allow safe and orderly evacuation (in any size flood) without increased reliance upon the SES or other authorised emergency services personnel.

Management and Design

1	Applicant to demonstrate that potential development as a consequence of a subdivision proposal can be undertaken in accordance with this DCP.
2	*Site Emergency Response Flood Plan* required where floor levels are below the *design floor level,* (except for single dwelling-houses).
3	Applicant to demonstrate that area is available to store goods above the 100 year flood level plus *freeboard.*
4	No storage of materials below the *design floor level* which may cause pollution or be potentially hazardous during any flood.

PART D FLOODPLAIN MANAGEMENT CONTROLS

SCHEDULE D4
LOWER CLARENCE RIVER FLOODPLAIN, YAMBA FLOODPLAIN & OTHER FLOODPLAINS

Prescriptive Controls (Refer to clause D3.2)

	Floodplain Management Area										
	General Floodplain					Floodway					
Planning Consideration	Critical Uses & Facilities	Sensitive Uses & Facilities	Urban Residential & Associated Uses	R5 Zone & Associated Uses	Concessional Development	Critical Uses & facilities	Sensitive Uses & Facilities	Urban Residential & Associated Uses	Rural Residential & Associated Uses	Concessional Development	
Floor & Pad Levels		1,5	1,2	1,2,4	1,3						1,3
Building Components		1	1	1	1						1
Structural Soundness		1	2	2	2						1
Flood Effects		2	2	2	2						
Evacuation		1,2 or 3,5	1,3 or 3,5	1,3 or 2,3	1,3 or 2,3 or 3,4,6						1
Management & Design		1,2,3,4	1,2	1,2	1,2						1,2

COLOUR LEGEND: Controls specifically applicable to this DCP — Unsuitable Land Use

General Notes

1	Freeboard equals an additional height of 500mm.
2	The Clarence Valley LEP 2011 identifies development permissible with consent in various zones in the LGA. Notwithstanding, constraints specific to individual sites may preclude Council granting consent for certain forms of development on all or part of a site. This matrix identifies where flood risks are likely to determine where certain development types will be considered "unsuitable" due to flood related risks.
3	Filling of the site, where acceptable to Council, may change the Flood Management Area considered to determine the controls applied in the circumstances of individual applications. Refer to clauses providing specific controls on filling in floodplains.
4	Refer to clause D4 for planning considerations for proposals involving only the erection of a fence. Any fencing that forms part of a proposed development is subject to the relevant flood effects and Structural Soundness planning considerations of the applicable land use category.
5	Refer to clause D6 for special considerations for properties identified for voluntary acquisition.
6	The proposed subdivision of flood liable land which creates allotments with potential for further development must be able to demonstrate that the allotments are capable of being developed in compliance with the relevant controls below. Refer to control No. 1 of the Management and design provision. Reference should also be made to other provisions of the DCP which relate specifically to subdivision.
7	Terms in italics are to be defined in the glossary of the DCP and the attached Schedule D2 specifies development types included in each land use category.
8	Where the site is protected by a levee, the "100 year flood level" quoted below refers to the flood level if the levee was removed (i.e. the River level adjacent to the site).

Floor & Pad Levels

1	Unless otherwise specified all floor levels to be no lower than the 5 year flood level plus freeboard unless justified by site specific assessment.
2	*Primary habitable floor* levels to be no lower than the 100 year flood level plus *freeboard*.
3	Floor levels to be no lower than the *design floor level*. Where this is not practical due to compatibility with the height of adjacent buildings, or compatibility with the floor level of existing buildings, or the need for access for persons with disabilities, a lower floor level may be considered. In these circumstances, the floor level is to be as high as practical, and, when undertaking alterations or additions, no lower than the existing floor level.
4	Ground level or a *raised fill pad level* with a surface level equal to or greater than the 100 year flood level. Signage, unique to each property, is required to allow aerial identification.
5	*Habitable floor* levels to be no lower than the 100 year flood level plus *freeboard*.
6	*Habitable floor* levels to be no lower than the *PMF* level. Non-*habitable floor* levels to be no lower than the *PMF* level unless justified by a site specific assessment.

PART D FLOODPLAIN MANAGEMENT CONTROLS

SCHEDULE D4 continued
LOWER CLARENCE RIVER FLOODPLAIN, YAMBA FLOODPLAIN & OTHER FLOODPLAINS

Building Components & Method

1	All structures to have *flood compatible building components* below the design level of the *primary habitable floor* level.

Structural Soundness

1	Engineer's report to certify that the structure can withstand the forces of floodwater, debris and buoyancy up to and including a 100 year flood plus *freeboard*, or a *PMF* if required to satisfy evacuation criteria (see below).
2	Applicant to demonstrate that the structure can withstand with forces of floodwater, debris and buoyancy up to and including a 100 year flood plus *freeboard*, or a *PMF* if required to satisfy evacuation criteria (see below). An engineer's report may be required.
3	Engineer's report to certify that the structure can withstand the forces of floodwater, debris and buoyancy up to and including a *PMF*.

Flood Effects

1	Engineer's report required to certify that the development will not increase flood effects elsewhere, having regard to: (i) loss of flood storage; (ii) changes in flood levels and velocities caused by alterations to the flood *conveyancing*; and (iii) the cumulative impact of multiple potential developments in the floodplain.
2	The flood impact of the development to be considered to ensure that the development will not increase flood effects elsewhere, having regard to: (i) loss of flood storage; (ii) changes in flood levels and velocities caused by alterations to the flood *conveyancing*; and (iii) the cumulative impact of multiple potential developments in the floodplain. An engineer's report may be required.

Evacuation

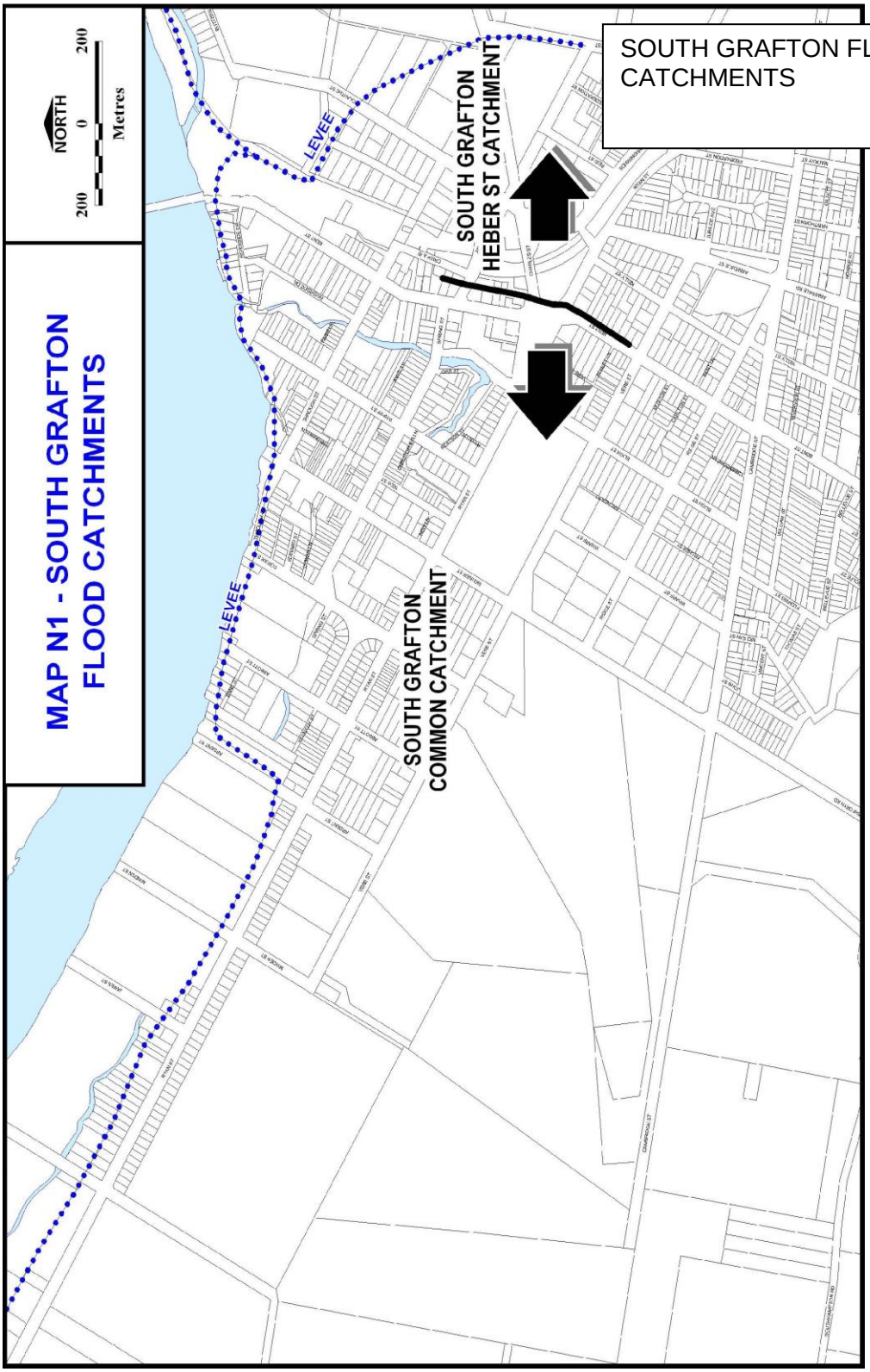
1	Reliable access for pedestrians or vehicles required during a 100 year flood to a publicly accessible location above the PMF.
2	Reliable access for pedestrians or vehicles is required from the building, commencing at a minimum level equal to the lowest *habitable floor* level to an area of refuge above the *PMF level*, or a minimum of 20% of the gross floor area of the dwelling to be above the *PMF* level.
3	The development is to be consistent with any relevant *flood evacuation strategy, Flood Plan adopted by Council* or similar plan.
4	The evacuation requirements of the development are to be considered. An engineers report will be required if circumstances are possible where the evacuation of persons might not be achieved with the *effective warning time*.
5	Safe and orderly evacuation of the site (in any size flood) has been demonstrated in a regional evacuation capability assessment prepared to the satisfaction of Council and the SES. Where such an assessment has not been prepared, development will only be permitted where, in the opinion of Council, safe and orderly evacuation can occur (in any size flood).
6.	Adequate flood warning is available to allow safe and orderly evacuation (in any size flood) without increased reliance upon the SES or other authorised emergency services personnel.

Management and Design

1	Applicant to demonstrate that potential development as a consequence of a subdivision proposal can be undertaken in accordance with this DCP.
2	*Site Emergency Response Flood Plan* required where floor levels are below the *design floor level,* (except for single dwelling-houses).
3	Applicant to demonstrate that area is available to store goods above the 100 year flood level plus *freeboard.*
4	No storage of materials below the *design floor level* which may cause pollution or be potentially hazardous during any flood.

PART D FLOODPLAIN MANAGEMENT CONTROLS

SOUTH GRAFTON FLOOD CATCHMENTS



PART E NATIVE VEGETATION MANAGEMENT

PART E NATIVE VEGETATION MANAGEMENT

E1. Where do controls for preservation of native vegetation apply?

E1.1 Controls for preservation of native vegetation apply to all land within zone R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, and R5 Large Lot Residential under *Clarence Valley Local Environmental Plan 2011* (CVLEP 2011).

E1.2. Applies to private land when clearing of native vegetation is proposed independently of a development application lodged under Part 4 of the Environmental Planning and Assessment Act 1979 that can otherwise authorise clearing works or other action that is authorised under Section 60O of the *Local Land Services Act 2013*.

E1.3 Clearing controls in R zones apply to land subject to the Council adopted Koala Plan of Management for Ashby, Woombah and Iluka (2015) localities as well as the Waterview Heights koala population hub as identified in the Southern Clarence Areas of Regional Koala Significance report by Biolink, 2018. These areas are shown in Map E1 and E2.

Note E1:

Native vegetation is defined in CVLEP 2011. It has the same meaning as in Part 5A of the *Local Land Services Act 2013*, and generally means any of the following types of plants native to NSW:

- (a) trees (including any sapling or shrub, or any scrub)
- (b) understorey plants
- (c) groundcover (being any type of herbaceous vegetation)
- (d) plants occurring in a wetland

It does not include any mangroves, seagrasses, or any other species of vegetation that at any time in its life cycle must inhabit saltwater.

Full terms of the definition are at Section 60B of the *Local Land Services Act 2013*.

Other legislation may apply to the removal and/or damage to trees and native vegetation – refer to Part E7.

E2. What are the objectives of Part E?

E2.1 The objectives of **Part E** are:

(a) To specify, in conjunction with the provisions of Part 3 of *State Environmental Planning Policy (Vegetation in non-rural areas) 2017*, when a **native vegetation works permit** from Council is required for the actions of ringbarking, cutting down, topping, lopping, removal, injuring or wilfully destroying a tree or other vegetation or a substantial part of the tree or other vegetation;
(b) To provide a framework for the protection of native vegetation in residential zones;
(c) To protect and enhance the environmental amenity, special landscape characteristics, unique vegetation qualities and ecological values of the Clarence Valley Local Government Area;
(d) protect biodiversity in accordance with Council's Biodiversity Management Strategy 2010;
(e) to enable clearing native vegetation to the minimum extent necessary to ensure reasonable levels of safety to human life and property. [Note: Clause 8 of the Vegetation SEPP does not require an authority to remove vegetation if Council is satisfied that it is dead or dying and not habitat or is a risk to human life or property]; and
(f) to preserve koala feed trees species in the area covered by the Ashby, Iluka and Woombah Koala Plan of Management and the Waterview Heights koala population hub to which this Part of the DCP applies.

PART E NATIVE VEGETATION MANAGEMENT

Note E2 – Heritage items, Heritage conservation areas, Aboriginal objects, Aboriginal places of heritage significance or heritage conservation areas**:**

1. Clause 5.10 of CVLEP 2011 requires development consent for ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation demolishing (or moving) a tree that is or forms part of a heritage item, Aboriginal object, Aboriginal place of heritage significance or that is within a heritage conservation area [except as otherwise dispensed with by clause 5.10(3)].

2. Clearing required for maintenance of a heritage item or place in a heritage conservation area or that is of a minor nature or is considered to be a risk to human life or property (minor works application).

E3. Definitions

Native vegetation works permit is the authority referred to in Part 3 of *State Environmental Planning Policy (Vegetation in non-rural areas) 2017*.

Clearing native vegetation means any one or more of the following:

(a) cutting down, felling, uprooting, thinning, or otherwise removing native vegetation,

(b) killing, destroying, poisoning, ringbarking or burning native vegetation.

Other definitions of terms used within this chapter are as contained within CVLEP 2011.

E4. When is a Native Vegetation Works Permit required?

E4.1 A **native vegetation works permit** or **authority** is required prior to any clearing of native vegetation that is not associated with development that requires separate development consent.

E4.2 Clearing of native vegetation that is ancillary to an activity or development that requires separate development consent must be considered in conjunction with a relevant development application. Part Y Controls for Biodiversity and Habitat Protection in this DCP are likely to apply in this circumstance.

E4.3 Clearing of native vegetation that has been approved under a lawful and valid development consent does not require any further native vegetation works permit or authority or additional development consent.

E5. Clearing controls in areas of koala habitat or management

Council has adopted the Ashby, Woombah and Iluka localities Koala Plan of Management 2015 (KPoM). This plan seeks to ensure management of native vegetation, in particular koala feed tree species listed in *State Environmental Planning Policy No 44 - Koala Habitat Protection*, are subject to additional consideration before any clearing takes place. Map E1 shows the area subject to this KPoM where these vegetation control provisions also apply.

NOTE E3 – The list of koala feed tree species contained in SEPP 44 (from Schedule 2) as at October 2018 that are naturally occurring in the Clarence Valley LGA are:

Forest Red Gum (Eucalyptus tereticornis)
Tallowood (Eucalytpus microcorys)
Grey Gum (Eucalyptus punctata)
Scribbly Gum (Eucalyptus signata)
Swamp Mahogany (Eucalyptus robusta)

The list is currently under review and subject to change. Please refer to the online version of the SEPP at www.legislation.nsw.gov.au for the up-to-date details.

Council commissioned Biolink to prepare a report to guide management of koala populations in the Southern Clarence Area of Regional Koala Significance (SCARKS). The report was completed in 2018 and recommends that in the Waterview Heights koala population hub (see Map

PART E NATIVE VEGETATION MANAGEMENT

E2) that there be no net loss of native vegetation. Preferred koala feed tree species relevant to the Waterview Heights koala population are:

- Tallowwood (Eucalyptus microcorys);
- Forest Red Gum (Eucalyptus tereticornis);
- Swamp Mahogany (Eucalyptus robusta);
- Grey Gum (Eucalyptus propinqua); and
- Grey Box (Eucalyptus moluccana).

In both the Ashby, Woombah and Iluka and Waterview Heights koala management areas clearing of koala feed trees (as relevant to the local koala population and listed above) in proximity to property boundaries or boundary fences cannot utilise the exemptions listed in Part E6. In such instances, a **native vegetation works permit** will be required.

Council will encourage retention of koala feed trees as the first preference.

E6. Exemptions from the need to obtain a native vegetation works permit.

E6.1 Notwithstanding Part E4, a native vegetation works permit is not required for the clearing of native vegetation in the following situations:

i) Where the base of the trunk or stem is within 10 metres of the face of a lawful existing dwelling house;

ii) Where the works are undertaken by Council or a contractor acting on behalf of Council or a public authority on land owned or controlled by Council or public authority, including but not limited to lands within a sportsground, park, reserve, road reserve. (Note: Part 5 of the *Environmental Planning and Assessment Act 1979* applies to works undertaken by Council or a public authority);

iii) Where the works are undertaken within 1.5 metres of the common boundary between lands owned or occupied by different persons, where there is no dividing fence between those lands (except koala food trees as provided in Part E5);

3 metres where there is a fence (except koala food trees as provided in Part E5); and

iv) Where the works are undertaken within 0.5 metres of the boundary between lands owned or occupied by different persons, for the purpose of allowing a survey to be carried out along that boundary by a registered surveyor.

Note E4 - Part 3 of the *SEPP (Vegetation in non-rural areas) 2017* does not apply to:

1. clearing authorised under other legislation as listed in Section 60O of the Local Land Services Act 2013;
2. a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna – clause 8(2);
3. a tree or other vegetation that the Council is satisfied is a risk to human life or property – clause 8(3);
4. or in respect of the clearing of native vegetation that is authorised by a development consent.

Note E5 - This DCP does not apply where bushfire hazard reduction work is undertaken to comply with a Hazard reduction Notice issued by the NSW Rural Fire Service under the *Rural Fires Act 1997*.

E7. Assessment criteria

E7.1 Council will take into consideration any one or more of the following criteria when assessing development applications or native vegetation works permit applications:

(i) Whole of life tree management – the Safe Useful Life Expectancy (SULE)

PART E NATIVE VEGETATION MANAGEMENT

of the tree and whether the tree is dead, dying or diseased;

(ii) Whether the tree is causing structural damage to a building, structure, water main or sewer. Note: A report will be required by a suitably qualified and experienced consultant where the damage is not visually evident;

(iii) Whether the tree is severely stressed, diseased or is suffering insect damage and whether the health of the tree can be improved;

(iv) Whether the growth habit or mature size of a trees is undesirable in a given situation (e.g. powerlines, root interference with service, infrastructure or building);

(v) The current size, expected size at maturity, growth habit of the vegetation in the context of its location to dwellings, other buildings, public infrastructure or private utilities and its potential to interfere and damage such assets and to endanger human life and health. In instances of where branches are dangerous and overhang a building or an adjoining property the assessing Council officer will determine the amount of pruning permitted to address any public nuisance issue.

(vi) Whether the tree shows poor form and shape and / or vigour typical to the species. A report will be required by a suitably qualified and experienced consultant;

(vii) Whether the tree species or other vegetation is of regional significance (ie identified regionally as a rare species due to heavily cleared or under represented vegetation community) or a koala feed tree species;

(viii) Whether the tree or other vegetation is of local significance and is considered relatively rare or has limited distribution or is a critical indigenous species;

(ix) Whether the removal of the tree(s) or other vegetation will pose any adverse impact upon the amenity or scenic environmental quality of the locality;

(x) Whether the removal of the tree(s) or other vegetation is necessary as part of any bushfire hazard reduction work under the Rural Fires Act 1997;

(xi) Whether the removal of the tree(s) is a habitat tree (e.g. nesting tree or roosting tree) for any threatened fauna species;

(xii) Whether the removal of the tree(s) will adversely affect any riparian corridor and / or wildlife corridor;

(xiii) Whether the removal of the tree(s) will cause any potential adverse slope instability or geotechnical impacts upon the site or the locality;

(xiv) Whether the removal of the tree or other vegetation is part of an endangered population, endangered ecological community or is critical habitat for any threatened fauna species;

(xv) Whether any previous condition of development consent required the retention of the tree(s).

(xvi) Whether the tree(s) restricts the reasonable solar access to dwellings on adjoining properties.

Note E6 - The following are not necessarily considered to be valid grounds for the removal or significant pruning of native tree(s) or other vegetation:

(i) Improvement of views.

(ii) Minimisation of leaf fall into a swimming pool or roof gutters.

(iii) Shedding of leaves, bark, fruit flowers, sticks etc, which is part of the normal life cycle of the tree.

PART E NATIVE VEGETATION MANAGEMENT

E8. Replacement vegetation

E8.1 Council may impose conditions of a permit or authority requiring that clearing native vegetation is replaced by suitable species of plant/vegetation (in suitable quantities and/or locations) given the circumstances of the proposed development.

E9. Other legislation

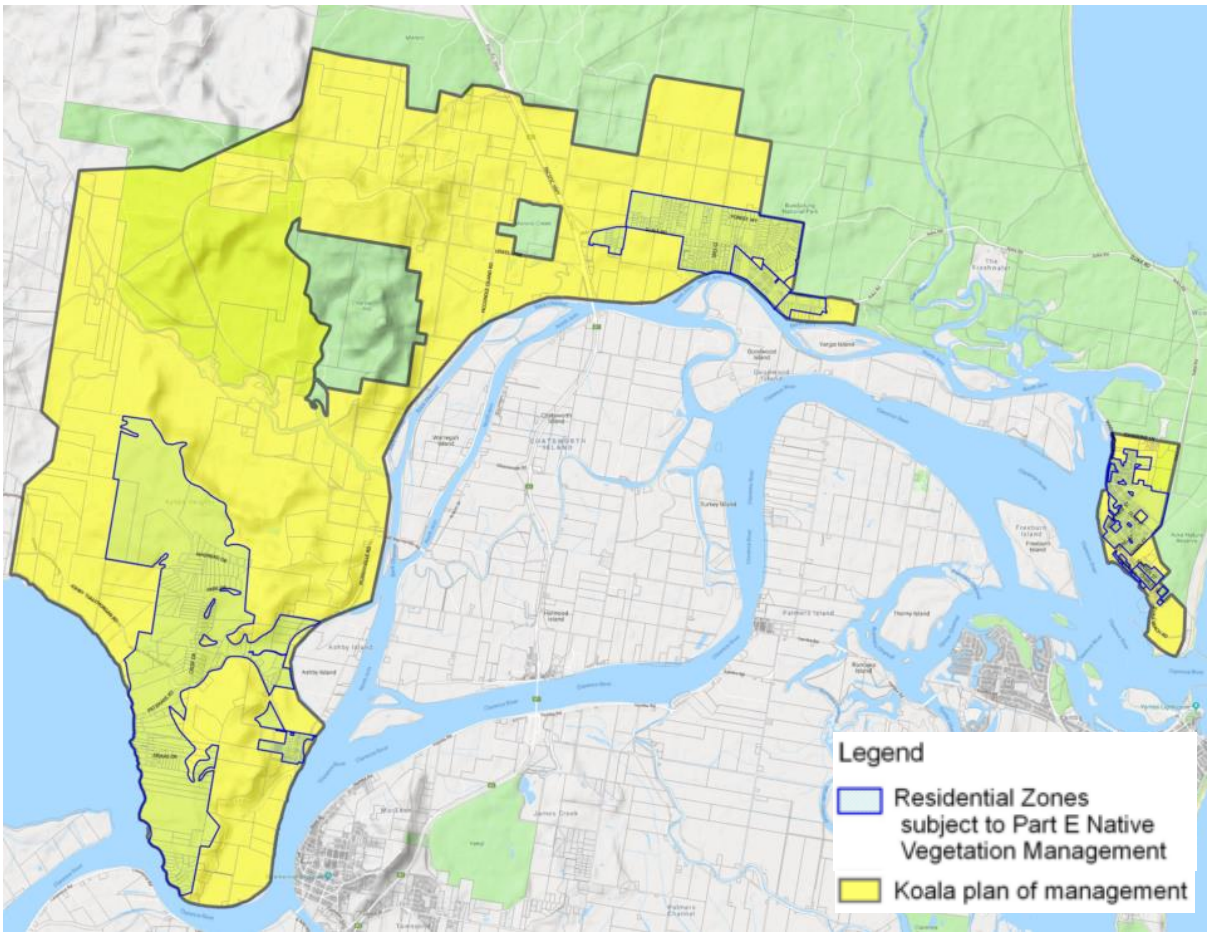
E9.1 ***Biodiversity Conservation Act 2016***

The clearing or removal of any habitat of a threatened species or threatened ecological community or harm to any animal or plant that is a threatened species or is part of a threatened ecological community or damaging a declared area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016* requires separate approval from the Environment Agency Head, being the Chief Executive of the Office of Environment and Heritage.

E9.2 ***Environment Protection and Biodiversity Conservation Act 1999***

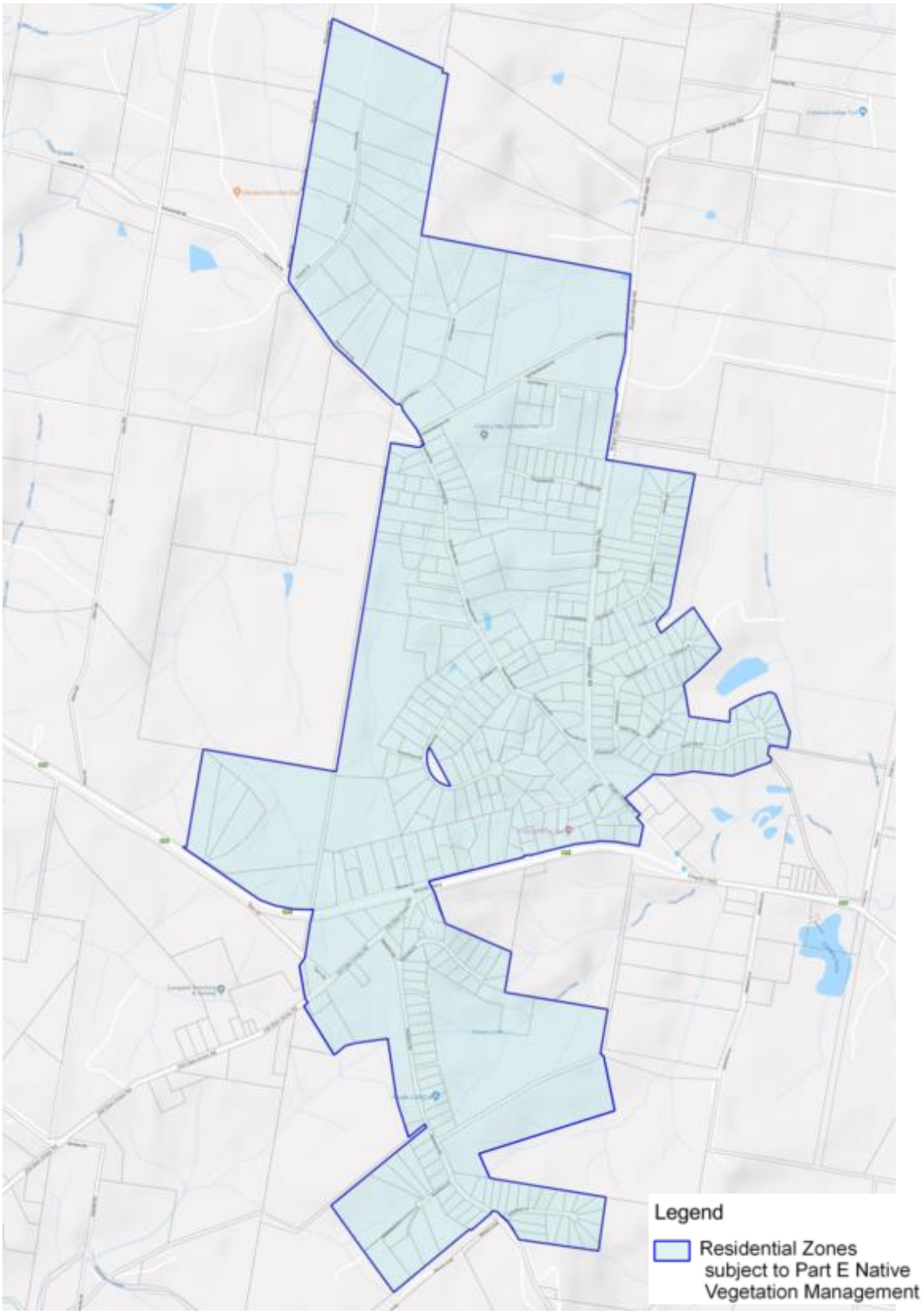
The clearing or removal of remnant trees or other native vegetation which is listed as a "matter of national significance" under the *Environment Protection and Biodiversity Conservation Act 1999* requires the separate approval from the Commonwealth Minister for the environment.

Map E1 – Land within the Ashby, Woombah and Iluka KPoM area and within the R1, R2, R3 or R5 zones are subject to Part E Native Vegetation Management.



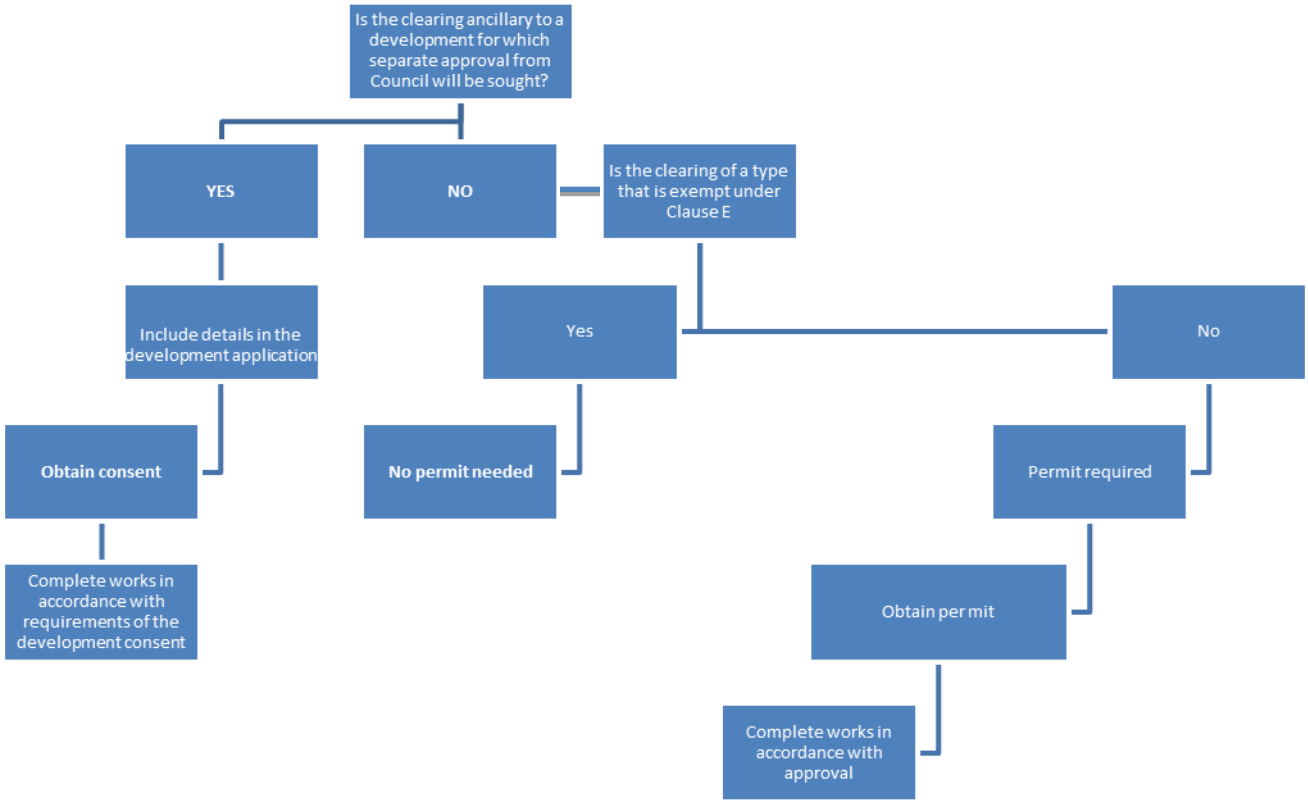
PART E NATIVE VEGETATION MANAGEMENT

Map E2 – Waterview Heights land within the koala population hub and the R5 zone is subject to Part E Native Vegetation Management



PART E NATIVE VEGETATION MANAGEMENT

SUMMARY OF APPROVAL PROCESS



Note: Biodiversity Conservation Act 2016 may have separate requirements for work that may harm or damage flora, fauna or habitat.

PART F. HERITAGE CONSERVATION

PART F HERITAGE CONSERVATION

F1 Introduction

The Clarence Valley is rich in natural and built heritage. Towns and villages nestled on the banks of the Clarence River have historic associations from the days of river transport.

Council has an extensive schedule of statutory heritage items and Heritage Conservation Areas which are the result of detailed community based heritage studies for most of the Clarence Valley LGA. Careful management is needed to ensure that the heritage significance and character of the Clarence Valley is maintained for future generations.

This DCP sets out policies to ensure that decisions taken about heritage precincts and streetscapes and heritage items are well informed and properly assessed.

Note:
Council provides heritage advice on proposed maintenance, restoration and new works.

Before lodging a Development Application, you are advised to consult with Council's heritage officer and for large or sensitive development proposals attend a Development Management Unit (DMU) meeting. See clause A7.

F2 Objectives

The general objectives of the heritage policies are:

1. To conserve and enhance the heritage significance and qualities of Conservation Areas and Heritage Items

2. To ensure that alterations, additions and new infill developments are sympathetic, well designed, and appropriate to the values of the heritage item or streetscape context of the setting in terms of scale, mass, height, roof form and pitch, materials, setbacks, landscaping, and architectural treatment.

3. To preserve and maintain trees and vegetation which contribute to the significance of heritage conservation areas and heritage items,

4. To ensure a thorough process of assessment is applied for any proposed demolition or removal of a heritage item or a building located within a heritage conservation area, and the archival recording of these buildings in circumstances of demolition.

5. To promote public awareness and education on heritage conservation.

F3 Where do the controls for heritage conservation apply?

This Chapter of the DCP applies to the following land within the Clarence Valley Local Government Area:

(i) land upon which an item or a draft item of environmental heritage as listed under Schedule 5 of the Clarence Valley Local Environmental Plan 2011 is situated; or

(ii) land that is located within one of the Heritage Conservation Areas or a draft Heritage Conservation Area as contained in Schedule 5 of Clarence Valley Local Environmental Plan 2011- refer also to Schedule F1 Heritage Conservation Areas; or

(iii) land that is located adjacent to, or within the vicinity of a heritage item or heritage conservation area (or within the visual catchment of a heritage site).

Note:
'Within the vicinity' is generally the streetscape surrounding the item including the opposite side of the road, including vistas to and from the site. In rural areas, the impact of a development could include a wider area. This will be assessed on the merits of each case.

PART F. HERITAGE CONSERVATION

F4 Development Application Information Requirements and Matters for Consideration

Applicants will be required to include information with a Statement of Environmental Effects (SEE) addressing the following matters when submitting a development application for works to a heritage item or within a Conservation Area. These matters will be assessed by Council when determining the application.

a) The heritage significance of the item.

b) The extent to which the carrying out of the proposed development would affect the significance of the heritage item and its setting, or the heritage significance and heritage character of the Conservation Area

c) Whether any stylistic, horticultural or archaeological features of the building or item or its setting should be retained.

d) The scale, height, bulk, setbacks, the pitch and form of any roof and proportions of the proposed development and how it relates to it's streetscape context.

e) The colour, texture, style, size and type of finish of any materials (including signage) to be used on the exterior of the building

f) The style, proportion and position of openings for any windows and doors which will result from, or be affected by, the carrying out of the development.

g) The appropriate management, establishment or reinstatement of landscape features; and the style, type and height of any fencing.

h) Whether the building or work constitutes a danger to the users or occupiers of that item or to the public.

F5 Statements of Heritage Impact and Conservation Management Plans

In some cases, especially where demolition is proposed, applicants may be required to submit a Statement of Heritage Impact and/or a Heritage Conservation Management Plan, prepared by an appropriately qualified specialist, to enable the Council to fully consider the significance of the building and the impact of the proposed development on the item and its setting.

Guidelines for heritage impact statements and conservation management documents (including conservation management plans can be accessed and viewed on the "Heritage Branch's" website by using the following link:
http://www.heritage.nsw.gov.au/03_index.htm#impact

Note:
Relevant documents include:

- *Conservation management documents: Guidelines on Conservation Management Plans and Other Management Documents,* Heritage Office and Department of Urban Affairs & Planning, 1996, revised 2002
- *Conservation Management Plan (CMP): A Checklist,* Heritage Office, 2003
- *Statements of Heritage Impact***,** Heritage Office and Department of Urban Affairs & Planning 1996, revised 2002.

PART F. HERITAGE CONSERVATION

F6 Demolition Controls

F6.1 An application to demolish a heritage item or a building or work within a heritage conservation area must be accompanied by:

a) a Statement of Heritage Impact prepared by a suitably qualified specialist endorsed by NSW Heritage Office, unless consultation with Council's Heritage Officer confirms that the building or work proposed to be demolished is not of a contributory nature; and

b) detailed plans of the building which is proposed to take its place. Council will have regard to this proposal in considering the application for demolition.

Note:
A proposed new building(s) is to be designed sympathetically to the existing streetscape context and conservation values of the area in terms of scale, bulk, form, setbacks, proportions, and materials.

F6.2 An application for demolition shall also address in the statement of heritage impact:

1. The historic, aesthetic, social or technical significance of the building, its nature and degree, and its relationship to the overall character and significance of the locality.

2. The impact of the removal of the building or work on the overall significance of the area.

3. The reason for the proposed removal, especially why it is considered, and to what extent, the building/site can no longer be used in its existing form or with appropriate adaptation.

F 7 Subdivision

F7.1 Objectives

The objectives for subdivision in relation to heritage items, draft heritage items and heritage conservation areas are:

(a) To ensure appropriate heritage curtilages are maintained as part of any subdivision of land containing a heritage item.
(b) To ensure a proposal for the subdivision of land which contains a heritage item addresses the likely impacts on the heritage item and its curtilage.

F7.2 Controls

Note:
Clause F7.2 does not apply to a proposal to subdivide land (or adjoining land) on which a heritage item is located where if in the opinion of the Council the subdivision is:

- of a minor nature; and
- will not adversely affect the curtilage of the heritage Item.

1. Any Development Application lodged for a proposed subdivision of land containing a heritage item or within a heritage conservation area will require a supporting site plan, subdivision plan and a Heritage Impact Statement and/or Conservation Management Plan prepared by an appropriately qualified specialist.

2. The subdivision plan must be prepared by a registered surveyor and must show the exact dimensions of the proposed subdivision lots and the location of the heritage item.

3. The required site plan must show the location of the existing heritage item and the proposed subdivision lot boundaries, including dimensions of the proposed curtilage surrounding the heritage item.

PART F. HERITAGE CONSERVATION

Note:
The impact of any subdivision on the curtilage of the heritage item or the actual item is to be evaluated in the conservation assessment or management plan.

4. A conservation assessment/management plan or heritage impact statement must:
   - Provide evidence that the integrity of the heritage item and its surroundings will be conserved using an appropriate curtilage.
   - Ensure that the fabric of the building as a whole is protected and maintained.
   - Address any additional matters raised by the Council through pre-development application consultations related to heritage significance .
   - Define an appropriate curtilage for any affected heritage item upon the subject site.

Note:
In determining the curtilage of a heritage building, consideration is to be given to the following:

(j) Original Form and Function of the Heritage Item: The type of structure that constitutes the heritage item should be reflected in the curtilage. For example it may be appropriate that a larger curtilage be maintained around a former rural homestead than that of a suburban building;

(ii) Outbuildings: A heritage building and its associated outbuildings should be retained on the same allotment;

(iii) Gardens, Trees, Fencing, Gates and Archaeological Sites: Features that are considered valuable in interpreting the history and in maintaining the setting of a building should be identified and retained within the curtilage;

(iv) Access Points and Orientation: In order to maintain the historic association of a heritage building with its locality, it is desirable to retain where possible the original access arrangements to the site. The manner in which a heritage building is orientated in respect to public roads contributes to its significance. Creating new street frontages at the rear or side elevations of a heritage building is not desirable;

(v) Visual Links: The significance of many heritage sites includes important visual links from the item to a particular feature such as the street frontage, garden settings, important vegetation, outbuildings, stables, water features, or distant topographical features. Where possible, these linkages should be retained within the curtilage and should not be obscured by new work; and

(vi) Historic subdivision pattern in the locality.

5. In certain cases, Council may require the proposed subdivision plan to show the proposed building envelopes for each proposed lot, in order to determine whether or not the proposed curtilage of the heritage item is appropriate, in order to maintain the significance of the item and to maintain any views to or from the heritage item.

F8 Development in the vicinity of a Heritage Item or within a Heritage Conservation Area

In assessing a development proposal that is located in the vicinity of a Heritage Item or heritage conservation area, Council will consider the impact of the development on the heritage significance of the heritage item or character, of the relevant heritage conservation area, having regard to the objectives and controls.

F8.1 Objectives

The objective for development in the vicinity of a heritage item or heritage conservation area is to:

(a) Manage and minimise impacts upon heritage items or heritage conservation areas caused by development in the vicinity of such items and areas.

Note:
'Within the vicinity' is generally the streetscape surrounding the item including the opposite side of the road, including vistas to and from the site. In rural areas, the impact of a development could include a wider area. This will be assessed on the merits of each case.

PART F. HERITAGE CONSERVATION

F8.2 Controls

1. Development on land adjacent to, or within the vicinity of a heritage item or a heritage conservation area should not detract from the identified significance or setting of the heritage building or the heritage conservation area.

2. Where development is proposed adjacent to or within the vicinity of a heritage site or heritage conservation area, the following matters must be taken into consideration:-

(a) The character, siting, bulk, scale, height and external appearance of the development;
(b) The visual relationship between the proposed development and the heritage item or heritage conservation area;
(c) The potential for overshadowing of the adjoining heritage item or any building within a heritage conservation area;
(d) The colours and textures of materials proposed to be used in the development;
(e) The landscaping and fencing of the proposed development;
(f) The location of car parking spaces and access ways into the development;
(g) The impact of any proposed advertising signs or structures;
(h) the maintenance of the existing streetscape, where the particular streetscape has significance to the heritage site including impact on grassed verges in the road reserve;

(i) The impact the proposed use would have on the amenity of the heritage site; and
(j) The effect the construction phase will have on the well being of a heritage building.

3. Development in the vicinity of a heritage item should give strong regard to any significant views to and from the heritage item or heritage conservation area and any public domain area.

4. Where subdivision is proposed in the vicinity of a heritage item, the impact of future development of the lots should be considered.

F9 General Principles for Heritage Conservation

The following general principles are a useful guide in preparing any proposal involving an older building.

F9.1 Planning Stage

(a) Survey and document the existing condition of the building. Photographs are acceptable.
(b) Research old photos and documents about the building.
(c) Assess its significance (prepare a Conservation Management Plan or Statement of Heritage Impact if appropriate.)
(d) Obtain approvals
(e) Schedule works/staging.

F9.2 Works

(a) Stabilise problem areas.
(b) Repair rather than replace.
(c) Make reversible alterations
(d) Make a visual distinction between old and new
(e) Ensure alterations are sympathetic
(f) Avoid precise imitation of architectural detail in new additions.
(g) Respect the ageing process
(h) Record works carried out.

F10 Policies for New Development Alterations and Additions

F10.1 General Context

The design elements outlined below need to be carefully considered in the design of new development to enable it to integrate successfully with the old. This does not require a copy of a historic building, but encourages new development which is sympathetic to its context.

Understanding this context provides a good basis for the design of new

extensions and structures. Basic principles to be observed are

(a) Keep it simple – do not use a mixture of features from different eras
(b) Use design elements that exist in the streetscape or area to guide the design of the new structure
(c) Ensure that the size and scale is compatible with neighbours and the general streetscape.

F10.2. Roof Pitch and Form

The pitch and form of a roof has a major effect on the overall appearance of a building and has a strong relationship to its proportions. The style of the roof will have an important bearing on whether or not a new building fits comfortably within an existing streetscape in a conservation area.

Roof pitch is traditionally steeper in older buildings than in conventional modern buildings and often involves more complex forms, even on a small building. Roofs with a low pitch or angle will look out of place in an area where traditional roof pitches are in the order of 30^{o} to 35^{o}.

Roofs of new buildings need not be exact copies of historic building stock but should be of similar pitch, proportion, orientation and materials to traditional roofs to ensure compatibility. Uncoloured galvanized steel or zincalume is recommended where it raises no conflicts with reflectivity otherwise, grey coloured colourbond is recommended. Concrete tiled roofs are not compatible within the Conservation Areas and should be avoided.

The use of correct gutters for maintenance and new work is also an important part of maintaining historic character.

F10.3 Verandahs

Verandahs have a functional purpose as well as an aesthetic one, being useful in climate control as well as providing sheltered outdoor space. The incorporation of verandahs into the design of new buildings helps integrate the building with the existing built character of historic precincts.

1. Verandahs for new development should be straightforward and simple in style.
2. Avoid the use of styles and features which have no historical context. For example, bullnose style verandahs with cast iron balustrade should not be added to modern buildings.
3. Large round posts and thick masonry columns are too heavy in aesthetic character in the context of a Conservation Area and should not be used.

F10.4. Windows and Doors

Window and door proportions have a major impact on the individual character of a building and its relationship with neighbouring buildings, and are also very important in the design of a new extension or infill development. Many heritage buildings have double-hung timber framed windows which provides a strong vertical element to the window proportions.

Strong vertical proportions are recommended to maintain the historic character within Conservation Areas.

Timber windows should be used in restoration of historic buildings. Aluminium windows with a suitable frame size and proportions can be considered for new development but have a different aesthetic character and limit the ability to vary colour schemes in the future.

F10.5. Building Materials

To maintain the local vernacular character, the use of traditional building materials such as timber weatherboards and metal roofing is strongly encouraged for new development.
In a mixed street frontage of timber and masonry, the use of masonry would be acceptable. However, in a frontage dominated by timber buildings, infill development should use a similar material. Compressed sheeting/hardiplank cladding in weatherboard style, vertical cladding, may be considered. Where brick or masonry construction is proposed, the brickwork should be painted and/or

rendered, to blend with existing construction and finish.
White, light, multi-coloured and double height bricks are inappropriate for use in a conservation area or in the vicinity of heritage items.

F10.6 Setbacks

Setbacks for new development should accord with the established pattern of development in the street.

F10.7 Garages and Carports

Garages must not detract from the historic character of a building, adjoining buildings or the streetscape.

(a) Locate garages and carports towards the rear of allotments, set back from the front building line.
(b) As far as possible match the roof pitch, form and materials of the main building.
(c) Respect vertical proportions – do not use wide horizontal doors.
(d) Respect traditional materials and aim to integrate the new structure with the existing building. Pre fabricated coloured metal sheds are not considered appropriate where visible from street frontages and should be avoided.
(e) A simple car port under a continued roof line may be preferable as it has less visual impact.

F10.8 Colour Schemes

F10.8.1 A colour scheme appropriate to the age of the building should be used. Buildings can be broadly classified into 4 groups,

Victorian	1837 - 1901
Edwardian / Federation	1901 - 1914
Inter-War	1914 – 1945
Post War	1945 - present

Council can offer advice on an appropriate colour scheme for your property and there are many paint charts available.

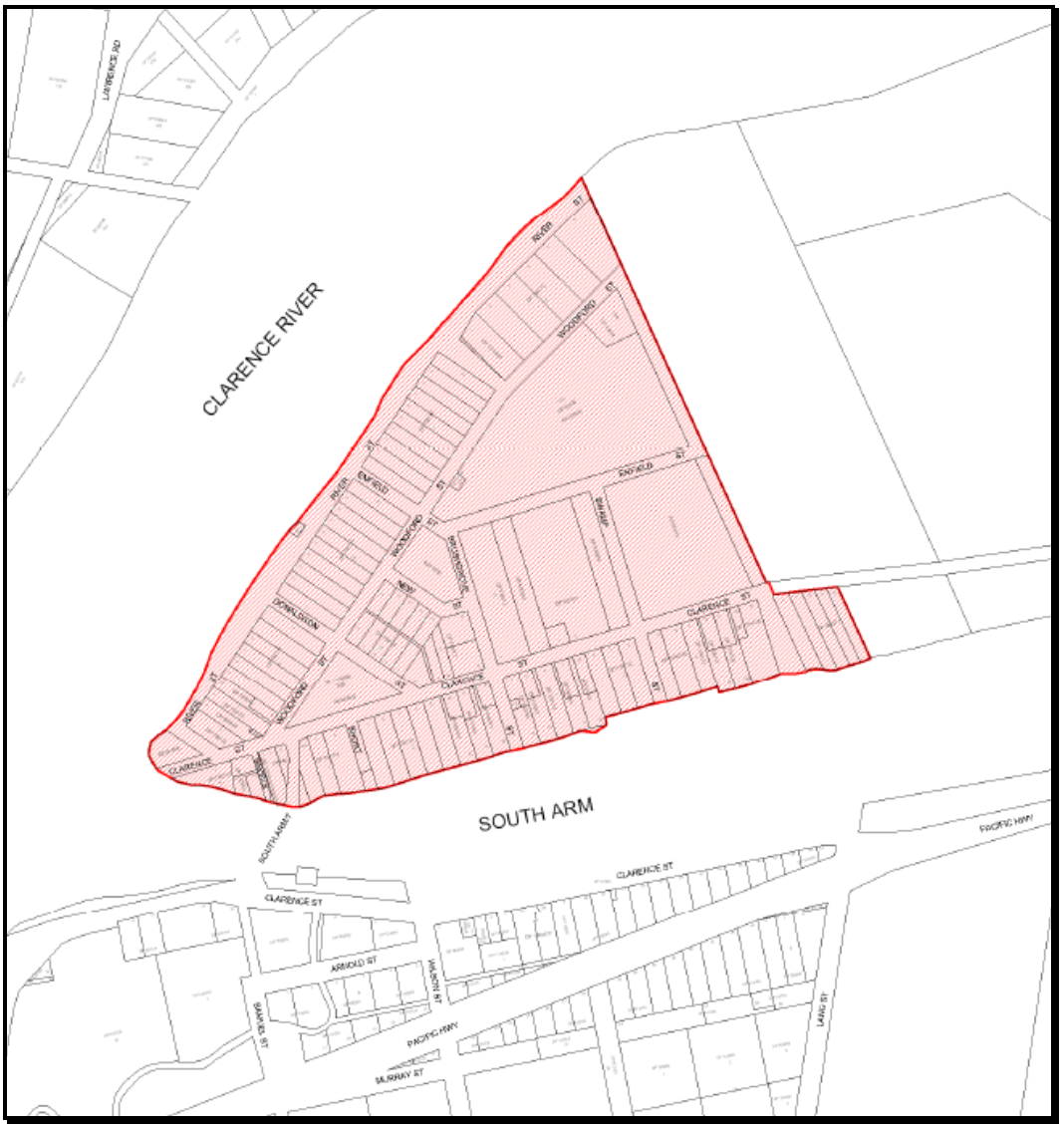
F10.8.2 Colour Scheme Policies

1. Use an appropriate colour scheme for the age of the building.
2. If possible, base colour schemes on original colours which can be revealed by paint scrapes, or found in concealed areas.
3. Use old photographs where appropriate to gauge the previous use of dark and light tones.
4. Generally, restrict dark colours to joinery, doors, and trims on architectural features, (unless shown otherwise originally).
5. External walls should generally be painted in a matt finish, while doors and joinery should be painted with a gloss finish.
6. Brickwork on historical buildings must be left unpainted. If it has been previously painted and removal is desired, this should be done by stripping and gentle water washing, not sandblasting to avoid damage to the brickwork and mortar. Precautions must be taken to avoid lead hazard and contamination from old lead based paint.
7. Buildings divided into separate units should be painted in a consistent/harmonious colour scheme to unify rather than divide the building eg parapets and first floor.
8. New buildings should use colours which are sympathetic to the streetscape without being a traditional colour scheme. A base colour for walls should be selected which will blend with the streetscape, and highlight colours for joinery and trims should be selected which will distinguish the building from its older neighbours.

PART F. HERITAGE CONSERVATION

SCHEDULE F1 HERITAGE CONSERVATION AREAS

Brushgrove Heritage Conservation Area - see CV LEP Heritage Map Sheet 11C

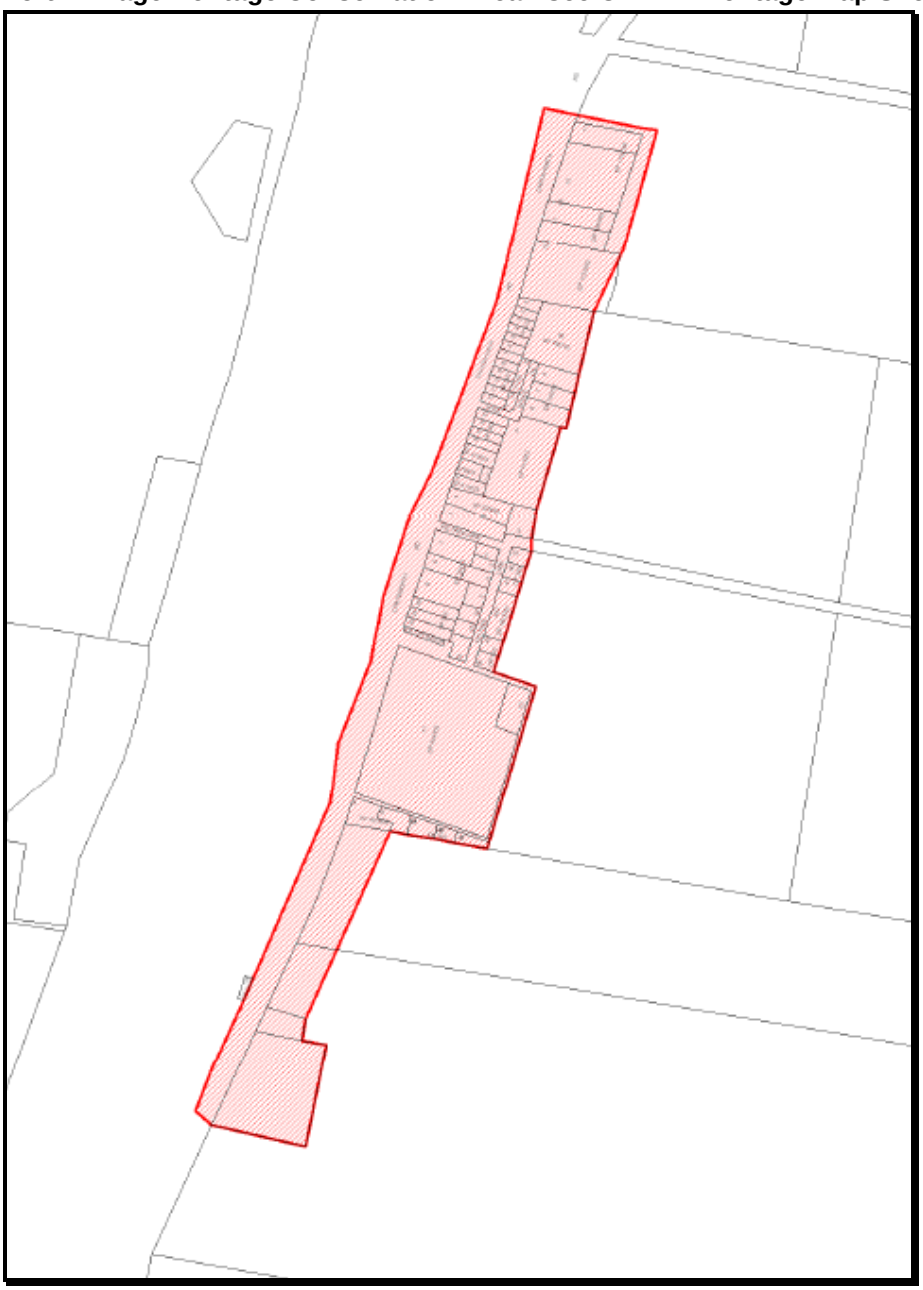


Statement of significance

Brushgrove developed as a port following the “land rush” associated with the Free Selection Act of 1861. In the 1880s it was a major node in the distribution of maize but by the 1870s sugar cane production became the dominant crop. Dairying followed and was to be a main rural industry along with cane production until the 1950s. However by the 1950s the village began to decline in importance as road transport supplanted river transport. Despite the fact that the village is subject to flooding it still contains many significant buildings including the 1868 Brushgrove Hotel, one of the earliest on the Lower Clarence, the regionally significant brick police station and residence, several church buildings, Brushgrove Post Office, former shops, bank and residences. In addition it includes two areas of open space, the Brushgrove Common and the Triangle. The Brushgrove Common is rare being one of only six remaining on the North Coast of NSW. The integrity of this village and its rural landscape is fairly intact. While the village is unlikely to be subject to substantial growth, sympathetic development is encouraged which respects the village character. New and infill development needs to be very sympathetic to the heritage values of this conservation area.

PART F. HERITAGE CONSERVATION

Chatsworth Village Heritage Conservation Area - see CV LEP Heritage Map Sheet 11I

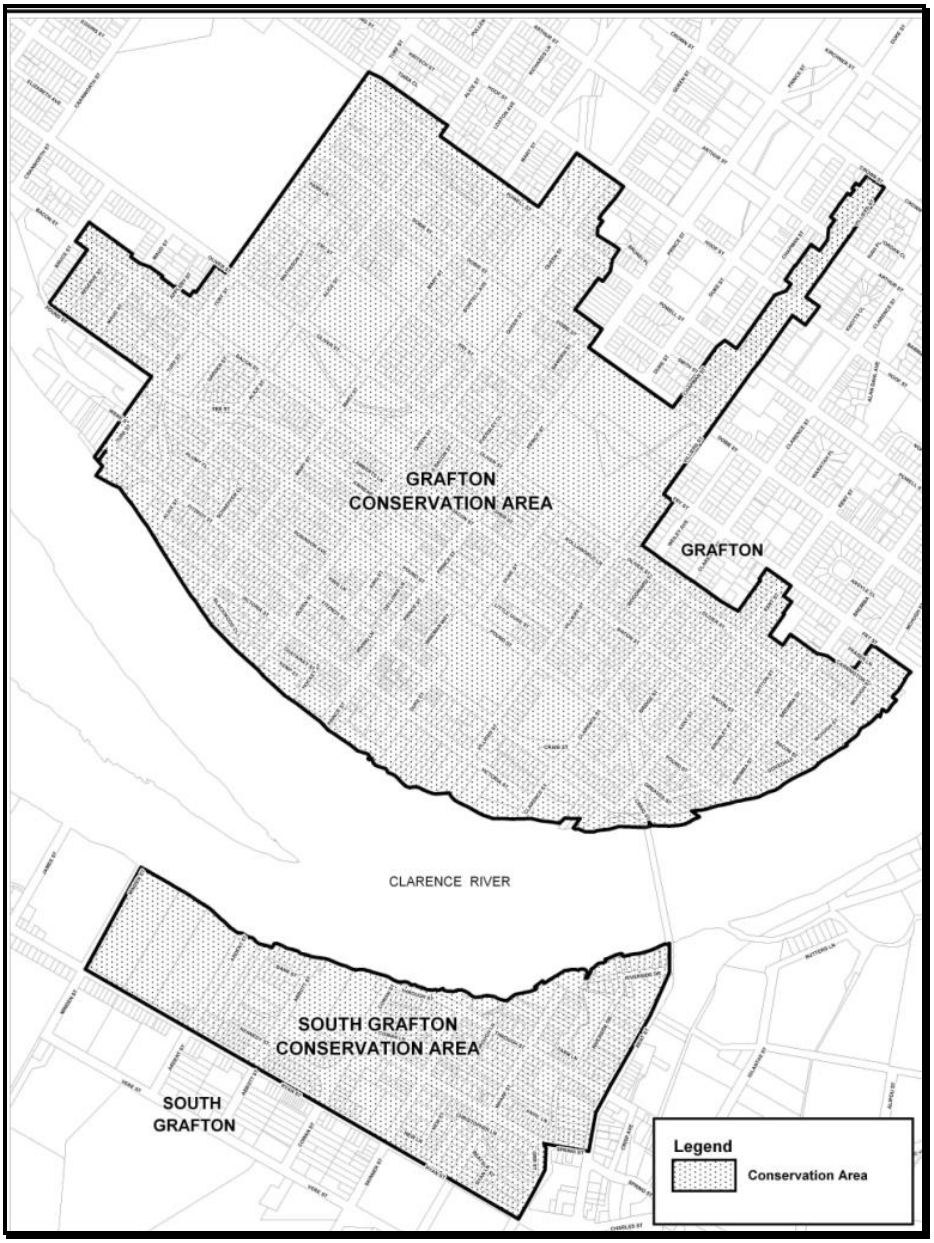


Statement of significance

Chatsworth Island is a village which typifies the riverside communities which once dominated the region. It was the southern link between the Richmond and Clarence Rivers during the second half of the 1800s, providing the terminus for river boats from Grafton and coaches from Woodburn. It was also the location of the CSR sugar mill (1870). At its peak Chatsworth had several stores, blacksmiths, a bank, police station, two hotels, a school and a creamery erected on the site of the sugar mill (1896).
Development Control Plan controls were first introduced in 1999 and infill development has been generally sympathetic. The village is characterised by a predominance of timber and iron buildings many of which face gable end to the street. The 2004 heritage study recognised the contribution of other significant items and places including several memorials namely the CSR and War Memorials, community hall, former Presbyterian Church and memorial river-side tree plantings including Camphor Laurels. Just outside the Conservation Area, the former Puntman's cottage and ferry approach is very important in the history of the village and is listed individually. New and infill development needs to be very sympathetic to the heritage values of this conservation area.

PART F. HERITAGE CONSERVATION

Grafton and South Grafton Heritage Conservation Area - see CV LEP Heritage Map Sheet 7HB and Sheet 7HC



Statement of significance

Wool was shipped from what is now called South Grafton by the late 1830s. Much of this came from New England. Gradually a settlement developed on the opposite side of the river. Grafton and South Grafton were surveyed as a Government township by William Darke in 1847. The town drew pastoral produce from the upper reaches of the Clarence and once agricultural settlement commenced on the lower reaches of the river, produce was also shipped from there.

The Grafton Heritage Conservation Area includes a fine gamut of architectural types from the nineteenth and early twentieth century through to the inter-war and post war periods. Distinctive streetscapes have developed from planning and landscaping. These elements create a distinctive townscape in which much of its original character and evidence of its development, together with the predominance of timber and iron construction, characterise this settlement and reinforce its identity. Stately avenues of mature street trees line the original grid based layout of the town's streets and create a distinct sense of place.

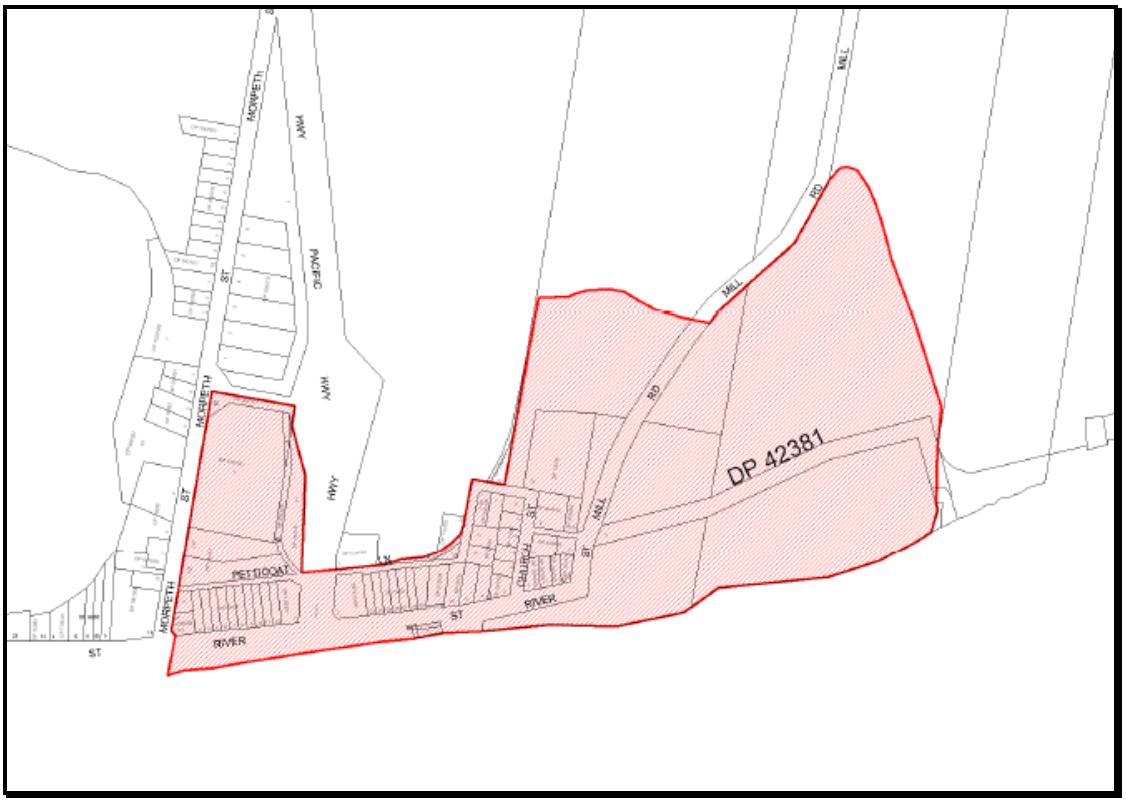
Prince Street comprises the main street within the CBD and contains a variety of buildings many of which are listed or contributory. There is potential to conserve and enhance the heritage values of this

precinct and adjacent streetscapes through removal of unsympathetic later alterations to some buildings and sensitive signage. Some streetscapes around the CBD which are zoned for business maintain a residential built character through the change of use of many dwellings. It is important that the leafy streetscapes, informal grassed verges and setbacks are retained in new developments to maintain the historic integrity of these streetscapes. New and infill development needs to be very sympathetic to the heritage values of this conservation area.

South Grafton is an outstanding example of a 19th century commercial centre with an almost intact streetscape of original buildings. A masterplan was prepared and streetscape works implemented in 2010 to enhance the setting and encourage a vibrant business centre. Many heritage items in South Grafton are located within this precinct. Surrounding the commercial core are groups of period dwellings and traditional tree lined streetscapes. The integrity of some streetscapes has been impacted upon by some modern light industrial development, however, the predominant character of period timber houses remains and contributes to a strong sense of place, including an important group lining the approach to the state listed Grafton rail and road bridge. New and infill development needs to be very sympathetic to the heritage values of this conservation area.

PART F. HERITAGE CONSERVATION

Harwood Heritage Conservation Area - see CV LEP Heritage Map Sheet 11I



Statement of significance

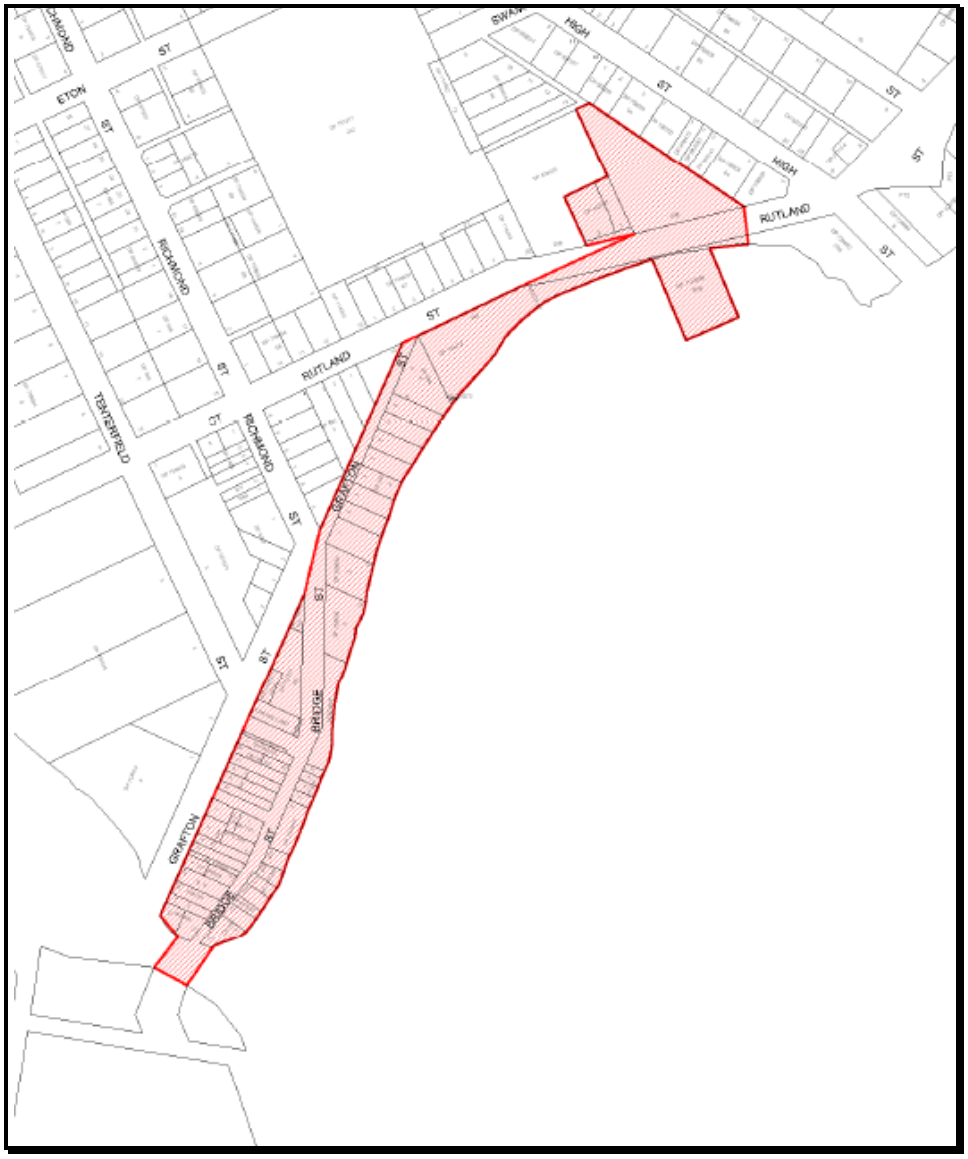
The Harwood Mill has been the central component of the sugar industry on the Lower Clarence since 1873. It is the oldest continuously operating sugar mill in NSW and is one of only three sugar mills in NSW. Not surprisingly over the years this mill has seen many changes including the introduction of the cane derrick (1913) and the gradual move to burn all cane harvested; the construction of tramlines in 1925 -1931 to transport the cane more efficiently to the mill; bulk handling of raw sugar for shipment to refineries in 1954 and the start of mechanical harvesting in 1974 which resulted in the replacement of water by road transport.

The Harwood Conservation Area incorporates not only the sugar mill structures but items in the village itself whose growth and demise are linked to its history. Sites include the Mill and Refinery buildings, remnant tram tracks, the wharf and foreshore and substantial mature trees e.g. figs, mango, typical timber workers' housing and places in the village such as the Sports Field and Grandstand, War Memorial and riverside tree plantings, Water Brigade Hall, Post Office and Police Station, Convent, and residence at 3 Church Street. The Mill site also contains several movable heritage items including the Tug the *Beardmore*, a cane grab lying on the foreshore, early cane planter and other pieces of equipment.

The Precinct is of potential State level significance and should be researched in conjunction with the two other CSR mills at Broadwater and Condong so that a strategy can be developed to protect significant elements. There is the potential for the Harwood Conservation area to be part of a thematic drive through the north coast as it is visible from the Harwood Bridge and has the ability to tell much about the story of the sugar industry and its associated landscapes.
New and infill development needs to be very sympathetic to the heritage values of this conservation area.

PART F. HERITAGE CONSERVATION

Lawrence Heritage Conservation Area - see CV LEP Heritage Map Sheet 11F



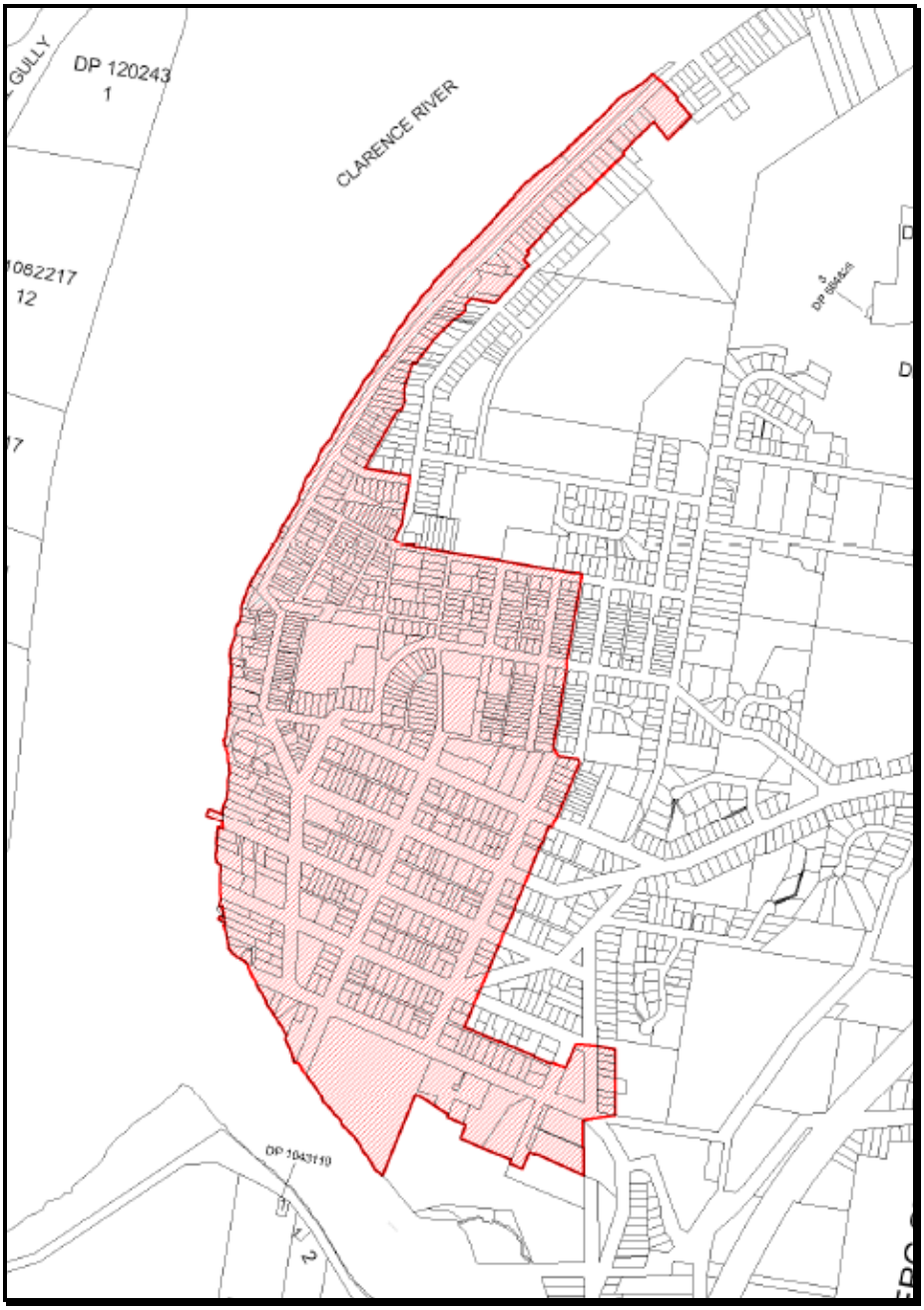
Statement of significance

Lawrence in the 1870s and 1880s was a busy settlement because of its involvement with the tablelands trade. At that time the town had two centres Upper and Lower Lawrence. Upper Lawrence centred on Bridge Street and in the 1870s contained the Post Office, the Lawrence Hotel and Stewart's Wharf. Lower Lawrence centred on the Commercial Hotel at the end of High Street the Customs House, Court House and Police Station on nearby Rutland Street. Today the Post Office (1894) marks the location of Lower Lawrence. Over time much of the fabric of these earlier centres has been erased. The customs and court houses have disappeared and the two storey Lawrence Hotel burnt. Nevertheless, Bridge Street and Rutland Street have retained a number of buildings which provide evidence of the importance of Lawrence.

The Conservation Area extends along the foreshore and includes the former Baptist Church (1908), Hall and Manse (1901) and residences on either side of Bridge Street and the Sportsman's Creek Bridge itself which is of assessed State significance and provides an iconic gateway to the township. Houses are predominantly weatherboard and most have been raised. The Conservation Area also includes the War Memorial Park, School of Arts, former Swimming Pool site , Post Office and Police Station. New and infill development needs to be very sympathetic to the heritage values of this conservation area.

PART F. HERITAGE CONSERVATION

Maclean Heritage Conservation Area - see CV LEP Heritage Map Sheet 11FB



Maclean Heritage Conservation Area - see LEP map sheet

Statement of significance

The Maclean Conservation area includes the historic core of the town including important town entries to the north and south. The town is tightly constrained between the river and steep hills providing it with a unique sense of place and character. The commercial heart of the town originally had a riverside trading frontage but this refocused on River Street as road transport improved. The commercial character of Maclean is identified in several precincts; including the civic precinct, the main street, and Clyde Street which is more residential in character with many change of uses within existing timber cottages. The main street is finely grained with narrow frontages, verandahs and a variety of architectural periods which provide a pleasing streetscape.

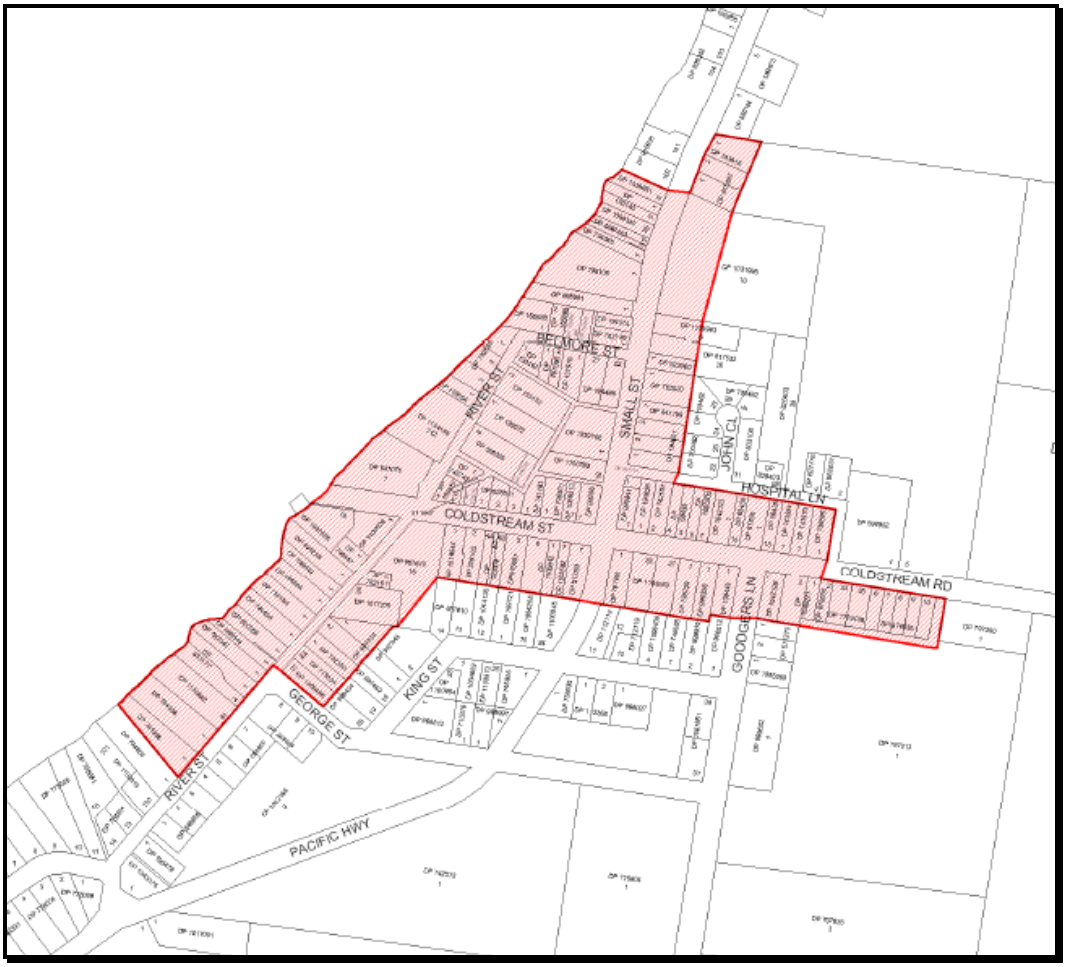
PART F. HERITAGE CONSERVATION

The township has retained a considerable degree of architectural integrity and reflects the residential growth of the town, particularly during the Victorian, Federation and interwar periods. These streets are mainly flood-free and were the first to be laid out by surveyor Greaves. Wharf Street for example was intended to be the main street leading to the river bank and is therefore exceptionally wide and home to a collection of many of the churches and associated residences.

Maclean has many good examples of traditional timber buildings with the scale of houses varying in accordance with means, providing examples of workers' cottages, merchant and professional houses. The town particularly showcases the work of the builder F.J. Robertson and his son Mervyn who built over 400 shops and residences in and around Maclean. There are some rare surviving examples of two storey timber buildings along River Street.
New and infill development needs to be very sympathetic to the heritage values of this conservation area.

PART F. HERITAGE CONSERVATION

Ulmarra Heritage Conservation Area - see CV LEP Heritage Map Sheet 11C and Sheet 11D



Statement of significance

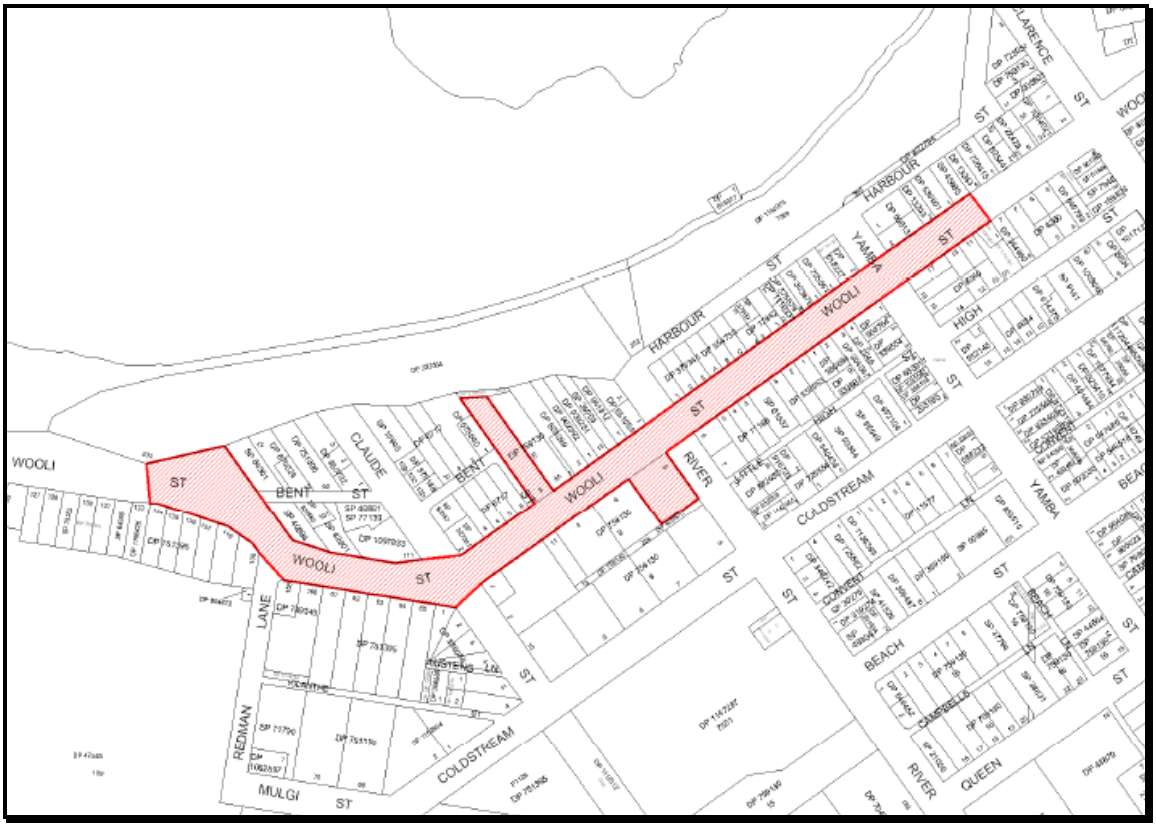
Ulmarra village is one of the finest examples of a 19th century river port settlement. It is important because of its historical associations with urban development in the region during the period when river ports were established to service their agricultural hinterland. The intact commercial and civic buildings along River Street; formerly the main road through the town and Coldstream Street, are evidence of its pre-eminence as one of three important river ports which served this part of the Clarence River.

The buildings include the Police Station and residence, the Post Office, two hotels, many shops and the former Masonic Hall. Later buildings which reflect the role of the village in serving the hinterland include the municipal offices and the churches of various denominations. Residences in the older section of the village are further evidence of the development of Ulmarra as an agricultural service centre in the mid to late nineteenth century. The village has important historical associations; a number of agricultural processing industries were established here as the first, or early instances, of their type in the Clarence River valley and the wider region.

The uniformity of materials and the scale and dominance of nineteenth century architectural styles create aesthetically distinctive and cohesive streetscapes along River and Coldstream Streets. Whilst there are some recent buildings in the main street which are unsympathetic, the older part of the village remains intact. The riverside setting also contributes to the aesthetic qualities with attractive vistas across the river. It is enhanced by mature trees at the river end of Coldstream Street and in private gardens.
Absence of an individual listing on the heritage schedule does not imply that a building is not of significance as a comprehensive heritage study is still to be completed in this locality. Very few historic buildings are currently on the schedule. New and infill development needs to be very sympathetic to the heritage values of this conservation area.

PART F. HERITAGE CONSERVATION

Yamba (Wooli Street) Heritage Conservation Area - see CV LEP Heritage Map Sheet 11MB



Statement of significance

Wooli Street is the only street in Yamba that has retained some of its early history. The Norfolk Pines planted along the road verge and the historic mile peg in Fred Phillips Park, signify that this is, and was, the main gateway into Yamba. The Norfolk Pines provide a strong vertical gateway into the township and are a striking iconic landmark features in the town. This precinct contains the former School Residence, several weatherboard residences, and the 1910 Police Station. The whole area is likely to have archaeological significance and the mature paperbarks at the northern end of the street highlight the type of vegetation once common in this area known as the Flats. Any changes to this streetscape should respect the original form and character of buildings and the avenue of Norfolk Pines and Paperbarks.

The former School Residence (1891) and associated pines have social significance to the local community In addition the simple weatherboard Yamba Police Station, with its association with policeman Joshua Redman, provides a sense of continuity in a village now undergoing rapid change. New and infill development needs to be very sympathetic to the heritage values of this conservation area.

PART G PARKING AND VEHICULAR ACCESS CONTROLS

G1. What are the parking and vehicular access objectives for residential zones?

The car parking and vehicular access objectives for residential zones are:

(a) To ensure that the car parking demands generated by development are met on site.

(b) To ensure that parking areas are visually attractive and constructed, designed and situated so as to encourage their safe use.

G2. Number of Car Parking Spaces

1. The number of car parking spaces required for different land uses should be provided in accordance with TABLE G1.
2. When calculating the number of car spaces required, any part spaces must be rounded up to the nearest whole number.
3. Where a land use is not included in TABLE G1 consult Council for requirements, which will usually be based on the RTA publication, "Policies, Guidelines and Procedures for Traffic Generating Developments".
4. All car parking spaces must be provided on-site.
5. Large scale development may require a Parking Study to determine the number of car parking spaces. Where developments are subject to a parking study, the applicant will be required to undertake a parking study of a similar type of development, in a similar location, to determine the number of parking spaces required for the proposed development. See Clause G10.
6. Car parking for disabled persons must be provided where disabled access to the building is required. The minimum number of car spaces to be provided for people with access disabilities must meet the requirements of the Building Code of Australia (BCA).
7. Car parking standards apply to extensions to an existing building and to a change of the use of a building or land. If the number of spaces required exceeds that provided by the existing use, then the additional spaces must be provided or a variation to DCP requirements obtained.
8. Where the proposed development incorporates multiple uses, the parking requirement for the total development will be the sum of the parking spaces required for each of the individual land uses.
9. Stacked car parking will not be accepted.
10. Adequate spaces for service vehicles likely to be located on-site need to be provided according to relevant vehicle types and sizes. The number of delivery/service vehicles required for should be provided in accordance with TABLE G2.

G2.1. Calculation of Parking Credit and Debit

To determine what credit will be given for the current land use on a site and how many car spaces are to be provided on site, and/or how many car spaces may need to be paid for through Section 94 Contributions, the following formula must be used:

a) Calculate the number of spaces required for the current land use, under the provisions of this DCP.
b) Determine the number of spaces that have been physically provided on site.
c) Determine the number of spaces (if any) previously paid for through Section 94 Contributions.
d) Calculate the number of spaces credited to the subject land by [a - (b + c)].
e) Calculate the number of spaces required for the proposed land use, under the provisions of this DCP.

The number of spaces to be physically provided on site is [(e) - (d)], any required spaces which cannot be physically provided on site may be required to be paid for through Section 94 Contributions.

Where a land use was unlawfully commenced, (that is where development consent was required but not obtained),

PART G. PARKING AND VEHICULAR ACCESS CONTROLS

the parking requirement will be in accordance with the provisions of this DCP; i.e. no credit will be given.

TABLE G1

Land use	Car Parking Requirements
Attached dwelling	1 covered space per dwelling
Bed & breakfast accommodation	1 covered space for the dwelling, plus 1 space per guest bedroom.
Child care centre	1 space per employee, plus a safe set down & pick up area of 1 space per 10 children, with a minimum of 2 spaces.
Community facility	1 space per 10 seats or 1 space per $15m^2$ of main assembly area, whichever is the greater.
Dual occupancy	1 covered space per dwelling, located behind the building setback line.
Dwelling house	1 covered space per dwelling
Educational establishment	1 space per 2 employees, plus 1 space per 20 students over 17 years.
Health consulting rooms	3 spaces per health care professional.
Health services facility / Hospital	1 space per 5 beds, plus 1 space per 2 employees. Plus ambulance space.
Home business & home industry	1 space for the industry, plus 1 space for the residential use, plus 1 space per non-resident employee.
Hostel	1 space per 5 dwellings See SEPP (Seniors Living) 2004.
Hotel or motel accommodation	1 space per unit, plus 1 space per 2 employees.
Information and education facility	1 space per $30m^2$ GFA
Multi dwelling housing	1 space for 1 & 2 bedroom units. 1.5 spaces per 3 bedroom units. 2 spaces per 4 bedroom units. 1 visitor car spaces per 2 units or part thereof.
Neighbourhood Shop	1 space per $30m^2$ GFA.
Place of public worship	1 space per 10 seats or 1 space per $15m^2$ of main assembly area, whichever is the greater.
Residential care unit	1 space per 10 dwellings. See SEPP (Seniors Living) 2004.
Residential flat building Note Separate controls apply to Yamba Hill, see Part W.	1 space for 1 & 2 bedroom units. 1.5 spaces per 3 bedroom units. 2 spaces per 4 bedroom units. 1 visitor car spaces per 2 units or part thereof.
Restaurant or café	1 space per $30m^2$ GFA, except for Grafton/South Grafton 1 space per $5m^2$ GFA or 1 space per 6 seats.
Secondary dwelling	1 covered space per dwelling
Semi-detached dwelling	1 covered space per dwelling
Seniors housing – self-contained dwelling	0.5 spaces per bedroom, or 1 space per 5 dwellings for Dept of Housing, local government or community housing providers. See SEPP (Seniors Living) 2004.
Serviced apartment	1 space for 1 & 2 bedroom units. 1.5 spaces per 3 bedroom units. 2 spaces per 4 bedroom units. 1 visitor car spaces per 2 units or part thereof.

PART G. PARKING AND VEHICULAR ACCESS CONTROLS

TABLE G2 Delivery Service Vehicles

Land use / development	Minimum parking spaces	Special requirements
Multi dwelling housing Residential flat building Serviced apartment	1 per 50 units /dwellings up to 200, plus 1 per 100 thereafter.	No spaces will be required for developments with less than 6 units/ dwellings. Visitor spaces may be used if designed for dual use.
Hotel or motel accommodation	1 per 50 units up to 200, plus 1 per 100 thereafter, plus 1 per 1000m^2 of public area (bar, tavern, lounge or restaurant).	
Restaurant or cafe	1 per 400m^2 of gross floor area up to 2000m2 plus 1 per 1000m2 thereafter.	

G3. Variations to Car Parking Requirements

Council may allow variations to the requirements of TABLE G1 in the following circumstances:

(a) the proposed development is a minor addition to an existing building and is not likely to generate additional parking demand, or the calculation of the parking requirement is less than 1 car space.

(b) The peak demand for parking generated by the proposed development is outside the hours of 8:30 AM and 5:30 PM, and adequate on-street car parking is available and in proximity to the proposed development.

The following matters must be considered in determining an application to vary the DCP requirements:

(i) The location, type and scale of the proposed development,

(ii) The existing level of on-site car parking on the development site.

(iii) The compatibility of the car parking location and design with adjoining properties.

(iv) The nature and volume of traffic on the adjoining street network.

(v) The geometry and width of the adjoining street network.

(vi) The availability and accessibility of public car parking areas.

(vii) Comments from the NSW Roads and Traffic Authority, if applicable.

Council will consider provision of parking spaces on land other than that the subject of the development proposal, if the alternative location is convenient to the subject development site and will satisfy the parking requirements. A formal agreement between Council and the landowner to the effect that the land intended for parking will not be sold without Council consent and/or a restriction on the title is required.

G4. Car Parking Space Dimensions

1. Car parking spaces and aisle widths must be designed in accordance with Australian Standard 2890.

2. Parking spaces to be provided for disabled persons must comply with Australian Standard 2890.

3. Two way aisles are not recommended for parking angles other than 90 degrees. The most efficient parking is generally 90 degree parking with 2-way access aisles.

4. The use of blind aisles is not permitted where the aisle is longer than 15 metres from the nearest circulation aisle, unless provision is made for cars to turn around at the end and drive out forwards. In blind aisles the end spaces must be made 1 metre wider than the adjacent spaces.

PART G. PARKING AND VEHICULAR ACCESS CONTROLS

5. Parking space dimensions and aisle widths must also be in accordance with the class of user, as identified in Table1.1 of AS 2890.1.

G5. Manoeuvring, Loading & Unloading

1. All development must provide on-site loading and unloading facilities in designated loading bays.

2. Loading bays must be designed to cater for the needs of a particular development proposal, taking into consideration the type of development and the anticipated types of service vehicles.

3. On-site loading and unloading facilities must comply with Australian Standard AS2890.

4. The number and size of loading bays will be assessed by Council on the type and scale of the development proposal. The applicant must submit details of the estimated frequency of deliveries and the type of service vehicles proposed to be used.

5. For small scale retail, commercial and industrial developments one loading bay, 3.5m x 7.5m, must be provided.

6. The use of loading bays must not conflict with the safe and efficient circulation of other vehicles and pedestrians.

7. Loading bays must provide sufficient manoeuvring areas and allow all service vehicles to enter and leave the site in a forward direction.

8. For large development, (determined by Council), loading bays should operate independently of other parking areas; i.e. separate access points.

9. Service vehicles must be able to sufficiently manoeuvre to and from loading bays in accordance with AUSTROADS Design Vehicular and Turning Templates.

10. Where redevelopment of existing premises is proposed, and the loading, unloading and manoeuvring provisions can not be met, Council may consider a variation to the DCP requirements where the applicant can demonstrate that public safety will not be compromised.

G6. Access to the Site

Vehicle access

1. All vehicles must enter and leave the site in a forward direction. This requirement does not apply to dwelling houses.

2. Access points are to be located where they cause the least interference to pedestrian, vehicle movement and street trees.

3. The width and location of access driveways must be in accordance with the requirements of AS2890. Also consult the NR Design Manuals.

4. Access points must not be closer than 6 metres to an intersection measured from the property boundary.

5. The location of new entry/exit points must achieve a minimum of potential conflict with existing access points.

6. Where more than 50 parking spaces are required, or a high traffic turnover is likely, e.g. Service stations, a separate entrance and exit are to be provided.

7. Where access to the development site is possible from a road other than a main or arterial road, then this access is to be used.

8. The potential for on-street queuing should be eliminated by providing an adequate standing area within the car park.

PART G. PARKING AND VEHICULAR ACCESS CONTROLS

9. At entry and exit points, the ramp or access driveway should be graded to minimise problems associated with crossing the footpath and entering the traffic in the frontage road.

10. The maximum gradient on ramps or access driveways must be 1 in 20 (5%) across the property line or at the building alignment and for at least the first 6 metres into the car park.

11. All gradients of car parking surfaces, ramps and access driveways must be in accordance with AS2890. Also consult the NR Design Manuals.

Sight Distances

12. Design of parking areas and vehicles access must ensure that there is adequate sight distances to traffic on the frontage road and to pedestrians on the frontage road footpath.

13. The minimum sight distances must be in accordance with AS2890.

Pedestrian access

14. Adequate pedestrian access to the site is required.

G7. Car Park Design

Design and Safety

1. Car parks must be designed to provide a safe environment for users. The design of the car park and surrounding landscape should provide clear sightlines into and throughout the car park.

2. The layout of the car park should make it easy to enter, leave and drive around the parking area. The design should minimise the probability of vehicle/vehicle conflict and vehicle/pedestrian conflict.

3. Parking areas must be designed to reflect the specific requirements of the particular development proposal, the nature of the existing and anticipated surrounding development and the characteristics of the site.

4. A parking area should be integrated into the development so that it does not dominate the streetscape. This can be achieved by appropriate design and landscaping.

Parking directions and signs

5. Parking spaces should be clearly line marked and signposted where appropriate.

6. Where designated car spaces are provided, such as, visitor and disabled persons parking signposting must clearly indicate these spaces.

7. Arrow marking on the surface of aisles and driveways should be used to indicate the circulation pattern and whether one-way or two-way movement.

8. Car park entries and exits must be clearly marked.

Lighting and ventilation

9. Covered or enclosed car parks must have adequate lighting and ventilation, preferably by natural means.

10. Where car parks are to be used at night, adequate artificial lighting must be provided for the whole parking area.

11. Lighting should be positioned so as to minimise shadows from landscaping and other obstructions.

PART G. PARKING AND VEHICULAR ACCESS CONTROLS

G8. Pavement construction

1. All parking areas must be constructed with a base course pavement of an adequate depth to suit the type of expected traffic, both number and type of vehicles.
2. All parking areas must be surfaced with either two coat bitumen seal, asphaltic concrete, concrete or interlocking pavers.
3. All vehicle crossings are to be constructed in concrete or interlocking pavers.
4. For dwelling houses in the R5 Large Lot Residential zone, G8.2 and G8.3 do not apply, pavement construction and vehicular crossing requirements will be determined in relation to expected traffic.
5. In choosing the pavement type suitable for the proposed development the following factors should be considered:
   (a) anticipated vehicle volumes and types:
   (b) Run-off gradients and drainage requirements.
   (c) Construction constraints.
   (d) California Bearing Ratio (CBR) of subgrade (natural soil).
6. Pavement thicknesses for parking areas will be assessed on a site specific basis and must be to the satisfaction of Council.
7. Parking areas surfaced with bitumen or asphaltic concrete are to be designed and constructed in accordance with the Northern Rivers Development and Design Manual, Sections D1 and D2.
8. Concrete interlocking paver parking areas and vehicle crossings are to be designed and constructed in accordance with guidelines published by the Cement and Concrete Association of Australia.

G9. Car parking on flood liable

Basement level car parking on flood liable land will need to be justified. This justification will need to address the need for pumps and protection from inflow waters based on design flood levels.

G10. Traffic Impact of large-scale development

Large scale development or development located on land adjacent to classified roads may require Referral to the Roads and Traffic Authority and a Traffic Impact Assessment prepared in accordance with the RTA Guidelines for Traffic Generating Development.

For details refer to the Infrastructure SEPP 2007.

PART H SUSTAINABLE WATER CONTROLS

H1. What are the Sustainable Water objectives for Residential Zones?

The sustainable water objectives for residential zones are:

(a) To maintain water quality and hydrology to as near as possible to predevelopment flows.
(b) Prevent or minimise pollutants entering stormwater and treating stormwater as near as possible to the source.
(c) To enable a more efficient use of potable water.
(d) To reduce stormwater runoff volumes and peaks and to mimic natural tail water flows.
(e) To incorporate 'sustainable water' management options into development to decrease demands on infrastructure and on the environment.
(f) Facilities must be designed to minimise maintenance.

H2. What type of development must comply with Sustainable Water controls?

'Sustainable water controls' apply to:

(a) All new development, other than dwelling houses.
(b) Additions to development other than residential development, where the cumulative increase in the roofed and/or impervious area is equal to or greater than 150m^2 or is a 50% or greater increase in the roofed and/or impervious area.
(c) All subdivisions except:
    (i) where no additional lots are created;
    (ii) strata subdivisions;
    (iii) where no road or stormwater drainage works are required; or
    (iv) where lots are greater than 1 hectare.

Note: Residential development is covered by BASIX controls, for energy and water sustainability.

H3. What Sustainable Water Controls apply?

All development specified in H2 must meet the following requirements:

(a) Installation of 3 Star rated fixtures, as required by clause H4.
(b) Compliance with 'sustainable water requirements' as specified in TABLE H1.
(c) Compliance with water quality targets, as specified in TABLE H2, or Council may specify water quality targets which vary from those default performance targets where the activity represents an increased risk of threat to water quality.

H4. Requirements for 3 Star Rated Fixtures and Dual Flush toilets

All new development and additions to buildings must include:

1. New or replacement toilets to be dual flush (preferably 3 litre/6 litre);
2. 3 Star or better rated fixtures for new or replacement taps, showerheads, toilet cisterns, clothes washers and dishwashers;
3. 3 Star flow regulators fitted to hand basins, sinks and laundry tubs;
4. 3 Star rated fixtures to achieve the requirements as specified in Australian Standard AS/NZS 6400:2003, AS/NZS 3662:1996, and subsequent updates.

Additions to residential buildings and outbuildings, where Basix does not apply, require 3 Star rated taps and shower heads.

Note:
Refer to Clarence Valley Council Sustainable Water Requirements. Information for Applicants.

PARTH. SUSTAINABLE WATER CONTROLS

TABLE H1 'Sustainable Water' Requirements for Development in Residential Zones

	Development with no increase in impermeable surface post development Subdivision under 5 lots	Development with impermeable surface <500m^2 post development Subdivision between 5 and 25 lots	Development with impermeable surface >500m^2 post development Subdivision greater than 25 lots
The principles of Water Sensitive Urban Design are to be applied. (As described in *"Sustainable Water Requirements: Information For Applicants"* Section 4.2)	√	√	√
Grass swales are to be used in place of kerb and gutter where conditions are suitable.	**o**	√	√
The drainage, road and open space networks are to comply with any requirements of any master plan in place for the area.	**x**	**o**	√
In the absence of a master plan the drainage network must plan, design and implement infrastructure in recognition of connectivity, restrictions and impacts upstream, neighbouring and downstream infrastructure and environment which extends beyond the boundaries of the proposed development.	√	√	√
Stormwater quality is to meet the water quality targets for development as outlined in TABLE H2.	**x**	√	√
Stormwater quality is to be achieved through the adoption of Water Sensitive Urban Design principles and/or Stormwater Quality Improvement Devices. (As described in *"Sustainable Water Requirements : Information for Applicants"* Sections 6 and 7.)	**o**	√	√
Reinstatement of Vegetation in Riparian and Stream Buffer Zones in accordance with Council improvements.	√	√	√
Impermeable areas to be limited by using porous/modular pavers for all external paving where conditions are suitable.	**o**	√	√
Water efficient landscaping to be implemented. (As described in *"Sustainable Water Requirements : Information For Applicants*" Section 4.4..)	**o**	**o**	√
Stormwater runoff volumes and frequency reduced or maintained to the pre development through application of Harvesting, Retention, Infiltration and Detention as appropriate. (As described in "*Sustainable Water Requirements : Information For Applicants."*)	√ Subdivision	√ Subdivision	√ Subdivision
	X no increase in impermeable surface	**O** increase in impermeable surface	**O** increase in impermeable surface
Limit cut or fill used on site (pylons, piers, posts, walls etc to be used in place where possible).	**x**	√	√
Post development peak flows not to exceed pre development peak flows specified within council policy and design standards.	**x**	√	√
A Site Plan must be submitted. (As described in "*Sustainable Water Requirements : Information For Applicants*" Section 2)	**Basic**	**Basic**	**Detailed**

Key: √ = Must Comply x = Does not Apply o = Optional

PART H. SUSTAINABLE WATER CONTROLS

TABLE H2 Default Water Quality Targets

Parameter	Development			
	Under 500m^2	Over 500m^2 to 1 ha	1ha to 2ha	Greater than 2ha
Gross Pollutants >5mm	50% of average annual load retained.	80% of average annual load retained.	80% of average annual load retained.	80% of average annual load retained.
Coarse Sediment (0.5 – 5mm)	30% of average annual load retained.	50% of average annual load retained.	80% of average annual load retained.	80% of annual load retained.
Medium Sediment (0.05 – 0.5mm)	30% of average annual load retained.	50% of average annual load retained.	50% of average annual load retained.	50% of annual load retained.
Fine Sediment (<0.05mm)	No default set	No default set	30% of average annual fine sediment load retained.	50% of annual load retained.
Nutrients (Total Nitrogen and Total Phosphorous)	No default set	No default set	30% of average annual load retained.	50% of average annual load retained.
Heavy Metals	No default set	30% of average annual load retained.	50% of average annual load retained.	50% of average annual load retained.
Oil & Grease	30% of average annual load retained for oil and grease producing industries only.	30% of average annual load retained for oil and grease producing industries only.	50% of average annual load retained or Alternative TPH < 10mg/L.	50% of average annual load retained or Alternatively TPH < 10mg/L.
pH	pH of runoff to be restricted between pH 6.5-8.5.	pH of runoff to be restricted between pH 6.5-8.5	pH of runoff to be restricted between pH 6.5-8.5	pH of runoff to be restricted between pH 6.5-8.5

PART I EROSION AND SEDIMENT CONTROL

PART I EROSION AND SEDIMENT CONTROL

I1. What are the erosion and sediment control objectives for residential zones?

The erosion and sediment control objectives of this plan are to:

(a) Prevent land from being degraded by soil erosion or unsatisfactory land and water management practices.
(b) Protect the Clarence River and other streams and waterways from being degraded by erosion and sedimentation caused by unsatisfactory land and stormwater management practices.
(c) Promote and protect biodiversity by minimising cumulative impacts of sedimentation in the environment.
(d) To ensure that sediment resulting from construction and land development activities is contained on site.
(e) To prevent sediment entering the urban drainage system thereby reducing its capacity.

I2. What development does the erosion and sediment controls apply to?

The erosion and sediment controls of this DCP apply to all building works and subdivision that has the potential to involve the:

(a) Disturbance of the soil surface or placement of fill on a site, which will change the natural contours of the land;
Or
(b) Change in the rate and/or volume of runoff flowing from or land, or directly or indirectly entering a watercourse.

Note:
Soil erosion is a major source of sediment pollution in our waterways. The effects of sedimentation result in:

- Decline in water quality of our waterways.
- Degradation of fisheries habitats.
- Blocked stormwater drainage systems.
- Increased risk of flooding.
- Increased cost of maintenance due to damage to roads, drainage and other infrastructure.
- Costs of restoration works.

Erosion and sediment control offers many advantages for home owners, builders and the building industry, as well as for the environment. These include, but are not limited to:

- All weather access
- Reduced stockpile losses

I3. Erosion and Sediment Control Plans OR 'Deemed to Comply Statements'

Either an Erosion and Sediment Control Plan (ESCP) or a Deemed to Comply Statement must be submitted with a Development Application.

An Erosion and Sediment Control Plan (ESCP) is a document/plan which details control measures to be implemented on a site to minimise the potential for erosion and sedimentation to occur.

Clause I6 *Principles of Erosion and Sediment Control* and **clause I7** *General Erosion and Sediment Controls* **must be used** when preparing an Erosion and Sediment Control Plan (ESCP) for a site.

An ESCP can vary from a simple standard sketch with accompanying notes for minor activities to complex engineering plans and associated documentation for major activities.

The detail required will depend on the scale of the proposed development. Council officers are available for advice if required.

PART I EROSION AND SEDIMENT CONTROL

See clause I5 for 'deemed to comply requirements'.

The conditions of consent that are to be applied to Development Applications that include building works are listed in clause 18 and for conditions for subdivision creating more than 2 lots see clause I9.

TABLE I1 identifies what type of ESCP is required.

Any request to vary the erosion and sediment control requirements must be in writing and must be justified

A copy of an example 'standard' ESCP is provided as SCHEDULE I1

TABLE I1

DEVELOPMENT / ACTIVITY	EROSION & SEDIMENT CONTROL REQUIREMENTS
▪ Dwelling houses and house extensions. ▪ Garages and similar minor development. ▪ 2 lot subdivisions. ▪ Additions to existing commercial and industrial development.	'**Standard**' Erosion & Sediment Control Plan; or **Deemed to Comply Statement** (refer to SCHEDULE I2)
▪ Subdivisions, >2 lots, where no road or vehicular ROW access is to be constructed. ▪ All other development (except dwelling houses and minor development as listed above) where the site area exceeds 2000m² or where slope exceeds 10% (1 in 10).	**'Standard**' Erosion & Sediment Control Plan
▪ Dwelling houses on land with slope > 20% (I in 5). ▪ Subdivisions (not being 2 lot subdivisions) requiring construction of a new road or vehicular ROW access. ▪ All other development where the site area exceeds 2000m² or where slope exceeds 10% (1 in 10).	'**Detailed**' Erosion & Sediment Control Plan.

PART I EROSION AND SEDIMENT CONTROL

I4. Erosion and Sediment Control Plan (ESCP) Requirements

An ESCP must be approved and measures installed before commencement of any site works.

The following steps should be taken in preparation of an effective erosion and sediment control plan:

1. Investigate site characteristics, (slope, soil types, etc.)
2. Integrate clearing and grading with site layout design.
3. Determine existing and proposed drainage patterns.
4. Select erosion control practices.
5. Select sediment control practices.
6. Outline site rehabilitation program.

A detailed ESCP, i.e. not a 'standard' ESCP, must be prepared by a person with suitable qualifications, experience and a demonstrated knowledge of water and soil management.

The degree of detail submitted to Council with an ESCP depends on the scale of the proposal, the complexity of the site characteristics and the potential environmental impact.

A **'detailed' ESCP** must include the following:

- Plan(s).
- Supporting information.
- Construction details, calculations and notations.

A. Plan(s), to include;

(a) Locality of the site, north point and scale.
(b) Existing contours and catchment boundaries.
(c) Location and description of existing vegetation and significant natural areas (eg. wetlands).
(d) Location of existing and proposed drainage patterns.
(e) Nature and extent of works, including cut and fill and road works.
(f) Location of all soil and material stockpiles.
(g) Location of site access, proposed roads and any impervious areas.
(h) Location and type of proposed erosion and sediment control measures.
(i) Staging of works.
(j) Site rehabilitation proposals, including final contours.
(k) Ongoing monitoring and maintenance details.

B. Supporting information –

A description of the overall erosion and sediment control strategy, to include;

(a) Description of the existing site conditions.
(b) Description of proposed works and the impact on the site and adjacent areas.
(c) Description of any areas with potential for serious erosion and /or sedimentation and details of the proposed management strategy.
(d) Description of the construction sequence.
(e) Description of the site rehabilitation program.
(f) Description of the maintenance strategy for all control measures.
(g) Description of how the erosion and sediment controls fit into the stormwater management strategy for the site and catchment.

C. Construction details calculations and notations, to include:

(a) Construction drawings and written specifications must be provided for each type of structural erosion and sediment control measure to be installed; and
(b) Specifications for rehabilitation and revegetation works.

I5. Deemed to Comply Requirements

Applicants who choose to utilise the Deemed to Comply option are not required to submit an ESCP but **must** instead **submit a signed Deemed to Comply Statement** to Council stating that the following requirements will be met.

1. All erosion and sediment control measures are to be installed prior to the commencements of any work, including cutting and filling.

2. All sediment control measures are to be constructed to prevent sediment from

leaving the site or entering downstream properties, drainage lines or watercourses.

3. Disturbance of the site must be minimised.

4. A properly installed sediment control fence must be installed at the downslope perimeter of the disturbed area to prevent sediment and other debris from leaving the site. Sediment fencing is to be trenched in at least 150mm and buried and the ends turned upslope.

5. Where the catchment area is more than 0.5 ha direct, up slope runoff around the site, by the use of a diversion bank or channels. These devices may require measures to control erosion depending on the volume of flow anticipated.

6. Vehicular access is to be restricted to one stabilised access point which is to be constructed of 40mm crushed stone aggregate or recycled concrete 150mm deep, 2.5m wide and extend from the kerb line to the slab or building line or for at least 15m on rural allotments.

7. Stockpiles of erodible materials (sand, soil, spoil and vegetation) must be protected by a sediment fence or bund. If the stockpile area is prone to high winds or is to be there for a long time then the stockpile must be covered.

8. Stockpiled material must be stored clear of any drainage line and within the property boundary. NOTE: stockpiles are not permitted on footpaths or roads.

9. Immediately following installation of the roof cladding, all guttering and downpipes are to be connected to the stormwater system. Inspection of the frame is not to be arranged until this is completed.

10. All erosion and sediment control measures are to be regularly maintained in good working order at all times and inspected for adequacy following any rainfall event.

11. All trenches within the development site are to be backfilled and compacted to a level of 75mm above adjoining ground level. This may not apply on public land, consult with Council staff.

12. All disturbed areas are to be made erosion resistant by revegetation (i.e. min. 70% coverage), turfing or stabilised by paving on completion of the works and prior to occupation and/or use of the building.

A copy of the Deemed to Comply Statement is included as SCHEDULE I2.

PART I EROSION AND SEDIMENT CONTROL

I6. Principles of Erosion and Sediment Control

There are 9 general principles that need to be addressed to achieve effective erosion and sediment control. They are as follows:

1. Investigate site features to ensure that the land capability and the proposed development are compatible.
2. Prepare an Erosion and Sediment Control plan (ESCP).
3. Expose the smallest possible area of land to disturbance for the shortest possible time.
4. Save topsoil for re-use.
5. Control run-off, through and from the site.
6. Use erosion control measures to prevent on site damage.
7. Trap sediment to prevent off site damage.
8. Rehabilitate disturbed areas quickly.

Maintain erosion and sediment controls prior to, during and post construction until the site is stable.

I7. General Erosion and Sediment Controls

General controls to implement these principles include the following;

A. Control water through the site.
B. Limit vehicular entry/exit to one point and stabilise.
C. Install sediment fencing to the low side of the site.
D. Topsoil stockpiles to be protected by sediment fencing and/or bunding.
E. Store all building materials within a sediment fence.
F. Minimise disturbance when excavating.
G. Installation of down pipes and connection to the stormwater system after roof cladding and guttering are installed (prior to frame inspection).
H. Maintain all controls in good order at all times prior to and during construction.
I. Compact all trenches when backfilling.
J. Revegetate/stabilise all disturbed areas as soon as possible.
K. Schedule works when rainfall intensity is lower.
L. Bunding or sediment/silt fencing around stormwater inlets and within the kerbing on roadways.

A. <u>Control water through the site.</u>

Reduce the amount of water flowing through the site. If possible direct upstream flow around the development or building site. Generally, this can be achieved by use of a bank or diversion channel. However the flow needs to be controlled so that erosion is prevented. Sediment/silt fencing, straw bales or other measures may be required across the bank or channel to limit erosion.

B. <u>Limit vehicular entry/exit to one point and stabilise.</u>

A stabilised access point reduces disturbance of the site and limits transport of sediment from the site by vehicles. It is recommended that the stabilised access be constructed of 40mm blue metal aggregate or recycled concrete, approximately 150mm deep, 2.5 metres wide and where possible stretch from the kerb line to the slab.

C. <u>Install sediment fencing to the low side of the site.</u>

A sediment fence is designed to filter runoff, not concentrate water flows. They need to be installed correctly, i.e. to follow the natural contour with the bottom of the fence in a trench to allow water to flow through and not underneath the fence. The capacity of the fence can be increased by use of a return. Straw bales may be used, although they do not last as long as sediment fences. If straw bales are used, each bale needs to be anchored by at least two stakes. Maintaining sediment fences is extremely important. A break in a sediment fence means that sediment is not trapped. On longer or steeper sites two (2) or more sediment fences may be required.

PART I EROSION AND SEDIMENT CONTROL

D. Topsoil stockpiles to be protected by sediment fencing.

Stockpiles need to be protected by a sediment fence or bund on the downslope side so they do not become a point source of sediment. If the stockpile area is prone to high winds or is there for a long time then the stockpile should be covered or stabilised by vegetation.

Stockpiling of topsoil should be used in landscaping or rehabilitating the site. This will increase the success of revegetation and reduce development costs.

E. Store all building materials within the sediment fence.

All stockpiles, whether they consist of topsoil or building materials, should be protected from erosion by sediment fencing or bunding. All stockpiles are to be placed within the property boundaries of a development site. Stockpiles must not be placed on or near the kerb or gutter or anywhere where there is a clear path for the flow of water to carry sediment into the stormwater drainage system.

F. Minimise disturbance when excavating.

By excavating only the area needed for construction the number and extent of sedimentation controls needed are reduced. Existing vegetation on site should be retained where possible. Grass on the nature strip should also be retained where possible.

Vegetation cover is the most effective form of erosion control as it prevents erosion and filters sediments from run-off.

G. Installation of down pipes and connection to the stormwater system as soon as practical after roof cladding and guttering is installed (prior to frame inspection).

Early connection of the roof and guttering to the stormwater system removes the entire roof area from the catchment. By discharging roof water safely away from the site, the pressure on remaining soil erosion and sediment controls are reduced. Connection of the guttering of the building to the stormwater system should be undertaken as soon as practicable after the roof is completed, in time for the frame inspection.

Where buildings are connected to the stormwater system at this stage in construction the site is more easily accessed in a shorter period of time following rain and less maintenance is required for controls.

H. Maintain all controls in good order.

All erosion and sediment controls should be inspected regularly and after rain, to ensure they remain effective. Even where controls are correctly installed, maintenance is vital to ensure that they continue to function properly. Sediment fences in particular are subject to damage during construction and require continuous maintenance if they are to be effective. Silt built up against sediment control measures needs to be removed.

I. Compact all trenches when backfilling.

It is important that service trenches and drainage lines do not subside after backfilling. Adequate compaction will ensure that sediment will not be removed from the site via drainage lines or concentrated runoff. The recommended practice for digging of service trenches is to ensure that material in the backfilled trench is compacted to 75 mm above the surrounding ground level. This allows some subsidence of material, and ensures material is sufficiently compacted to avoid erosion at a later time.

J. Revegetate/stabilise all disturbed areas as soon as possible

Once construction is completed, the site should be stabilised as soon as possible. This includes construction of all hard paving areas, driveways, landscaping and turfing to decrease the potential for erosion.

Ensuring the site is stabilised when construction has been completed is just as important as implementing and maintaining erosion and sediment controls during construction.

When practical some areas of a development site can be restabilised in stages prior to completion of the total project. This reduces erosion and potential sediment leaving the development site.

K. Schedule works when rainfall intensity is lower.

Works should be programmed so that the risk of soil erosion occurring during intense rainfall events is minimised. In the Clarence Valley LGA the best time to program construction is between May and October. Between February - March, the risk of soil erosion is greatest due to the likelihood of intense rainfall events.

I8. Code of Practice / Conditions of Consent for All Development that Includes Building Works

Listed in the following section are the conditions of consent that will be applied to all development applications that include building works. These conditions are the minimum standard that must be achieved.

Large-scale developments and development in environmentally sensitive areas may be subject to additional conditions.

1. All erosion and sediment control measures are to be installed prior to the commencement of any work, including cutting and filling.

2. All sediment control measures are to be constructed to prevent sediment from leaving the site or entering downstream properties, drainage lines or watercourses.

3. Disturbance of the site must only occur on areas indicated in the approved plans.

4. A sediment control fence must be installed at the downslope perimeter of the disturbed area to prevent sediment and other debris from leaving the site.

5. Direct up slope runoff around the site, by use of a diversion bank or channels. These devices may require measures to control erosion depending on the volume of flow anticipated.

6. Vehicular access is to be restricted to one stabilised access point.

7. Stockpiles of erodible materials (sand, soil, spoil and vegetation) must be protected by a sediment fence or bund. If the stockpile area is prone to high winds or is to be there for a long time then the stockpile must be covered.

8. Stockpiled material must be stored clear of any drainage line and within the property boundary. NOTE: stockpiles are not permitted on footpaths or roads.

9. On completion of the roof area of a building, guttering and downpipes are to be connected to the stormwater system. Inspection of the frame will not be carried out until this is completed.

10. All erosion and sediment control measures are to be regularly maintained in good working order at all times and inspected for adequacy following any rainfall event.

11. All trenches within the development site are to be backfilled and compacted to a level of 75mm above adjoining ground level. This may not apply on public land, consult with Council staff.

12. All disturbed areas are to be made erosion resistant by revegetation, turfing or stabilised by paving on completion of the works.

I9. Code of Practice / Conditions of Consent for subdivision where more than 2 lots are created

Listed in the following section are the conditions of consent that will be applied to all development applications for subdivision where more than 2 lots are created. These conditions are the minimum standard that must be achieved.

Large-scale developments and development in environmentally sensitive areas may be subject to additional conditions.

1. All sediment and erosion control measures are to be constructed to prevent sediment from leaving the site or entering downstream properties, drainage lines, watercourses or

PART I EROSION AND SEDIMENT CONTROL

environmentally sensitive areas. Control measures are to be constructed in accordance with the approved Erosion and Sediment Control Plan for the site.

2. Erosion and sediment control measures on the perimeter of the site must be installed prior to the commencement of any works.

3. All sediment and erosion control measures are to be regularly maintained in accordance with the approved Erosion and Sediment Control Plan for the site. Measures are to be inspected following each rainfall event to ensure effectiveness is not compromised.

4. Site rehabilitation proposals are to be carried out in line with the approved Erosion and Sediment Control Plan for the site as soon as final land shaping has been completed.

5. Vehicular access to the site is to be restricted and where possible only one access point provided.

6. All areas not subject to construction works are to be free from disturbance or damage. These areas may require fencing off or use of other means to ensure compliance with this condition.

7. Construction works must be staged to minimise the area of land disturbance exposed at any one time.

8. Stockpiles of erodible materials (sand, soil, spoil and vegetation) must be protected by a sediment fence or bund. Stockpiled material must be stored clear of any drainage line and within the property boundary. If the stockpile area is prone to high winds or is to be there for a long time then the stockpile must be covered

9. Stripping and stockpiling of topsoil should be undertaken immediately before commencement of bulk earthworks.

10. Where possible, major drainage works should be undertaken prior to stripping topsoil eg. construction of major culverts.

11. Any stockpiled or unwanted spoil remaining on the site must be removed on completion of construction works.

12. All fuelling of plant to be undertaken in a fully bunded area, away from trees/vegetation to be retained.

13. Fuel and oils shall be stored in a fully bunded area. The capacity of the bund must be greater than the maximum volume stored.

I10. Maintenance Requirements

All erosion and sediment control measures must be regularly maintained to ensure effectiveness of the control measure at all times.

I11. Rehabilitation Requirements

Rehabilitation of the site, that is revegetation and/or stabilising the site, as soon as possible after construction is as important as erosion and sediment controls during the construction phase. A program for site rehabilitation must be included as part of the application. The details required will vary according to the type and scale of the proposed development, and nature of the site.

PART I EROSION AND SEDIMENT CONTROL

SCHEDULE I1

STANDARD EROSION and SEDIMENT CONTROL PLAN INFORMATION SHEET & CHECKLIST

The following information is to be provided on the "Standard Erosion & Sediment Control Plan' base plan;

1. Location of dwelling or building.
2. Direction of slope/fall of the site.
3. Contour lines, if possible.
4. Locate where site is to be disturbed or cleared and where existing vegetation is to remain.
5. Location of sediment fence.
6. Location of stabilised entry/exit point.
7. Location of stockpiles, eg. topsoil, sand, building materials.
8. Location of diversion bank & channel, if required.
9. Location of other erosion & sediment control measures.

CHECKLIST

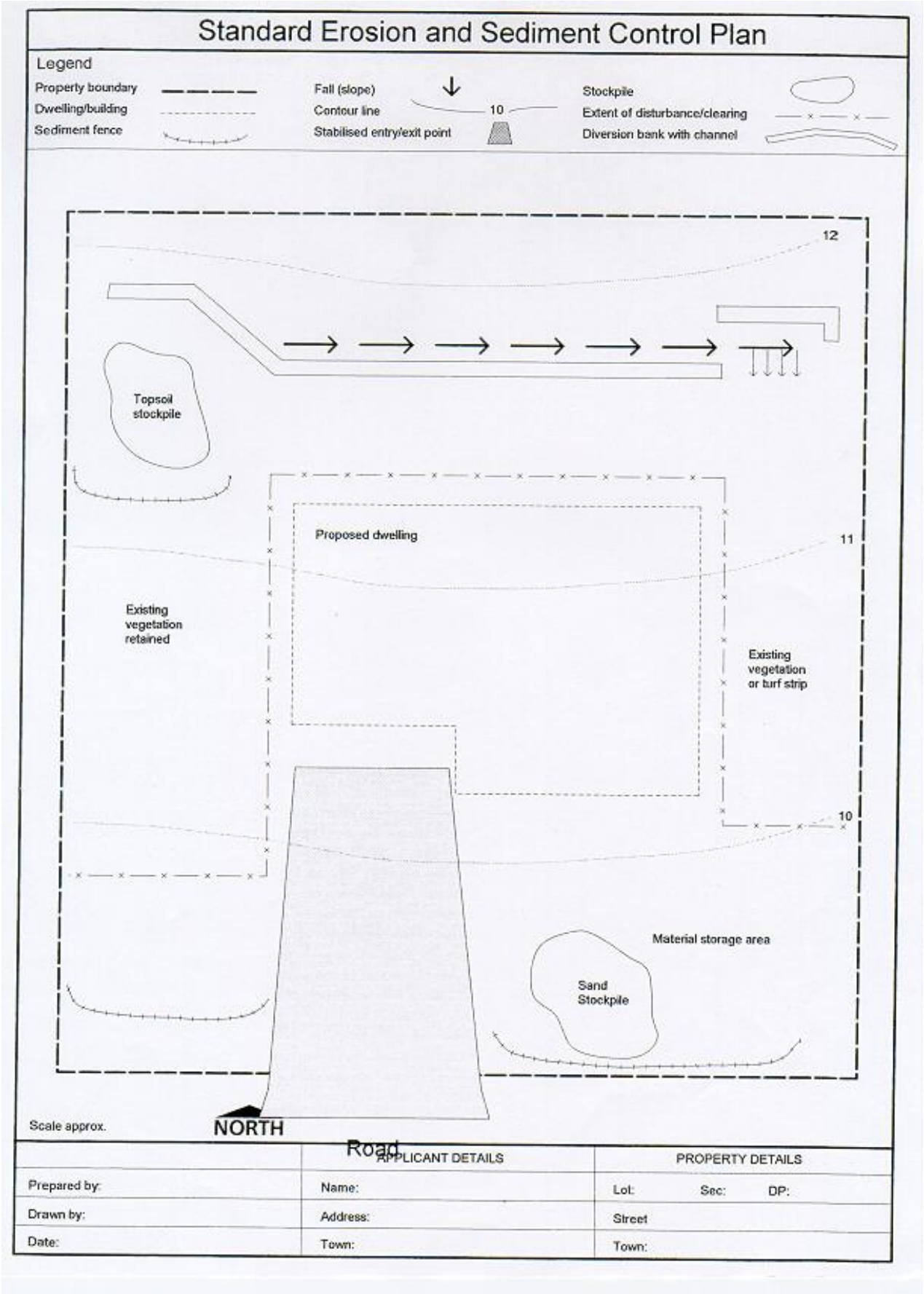
- ❑ Uphill water directed around the building site, by use of a bank or channels.
- ❑ One stabilised vehicular entry/exit point.
- ❑ Sediment fencing installed on the lower side of the site.
- ❑ Stockpiles of erodible materials (eg. topsoil, sand, spoil &vegetation) protected by sediment fencing.
- ❑ Stockpiled material within property boundary and clear of drainage lines.

Standard Conditions of Consent that apply to

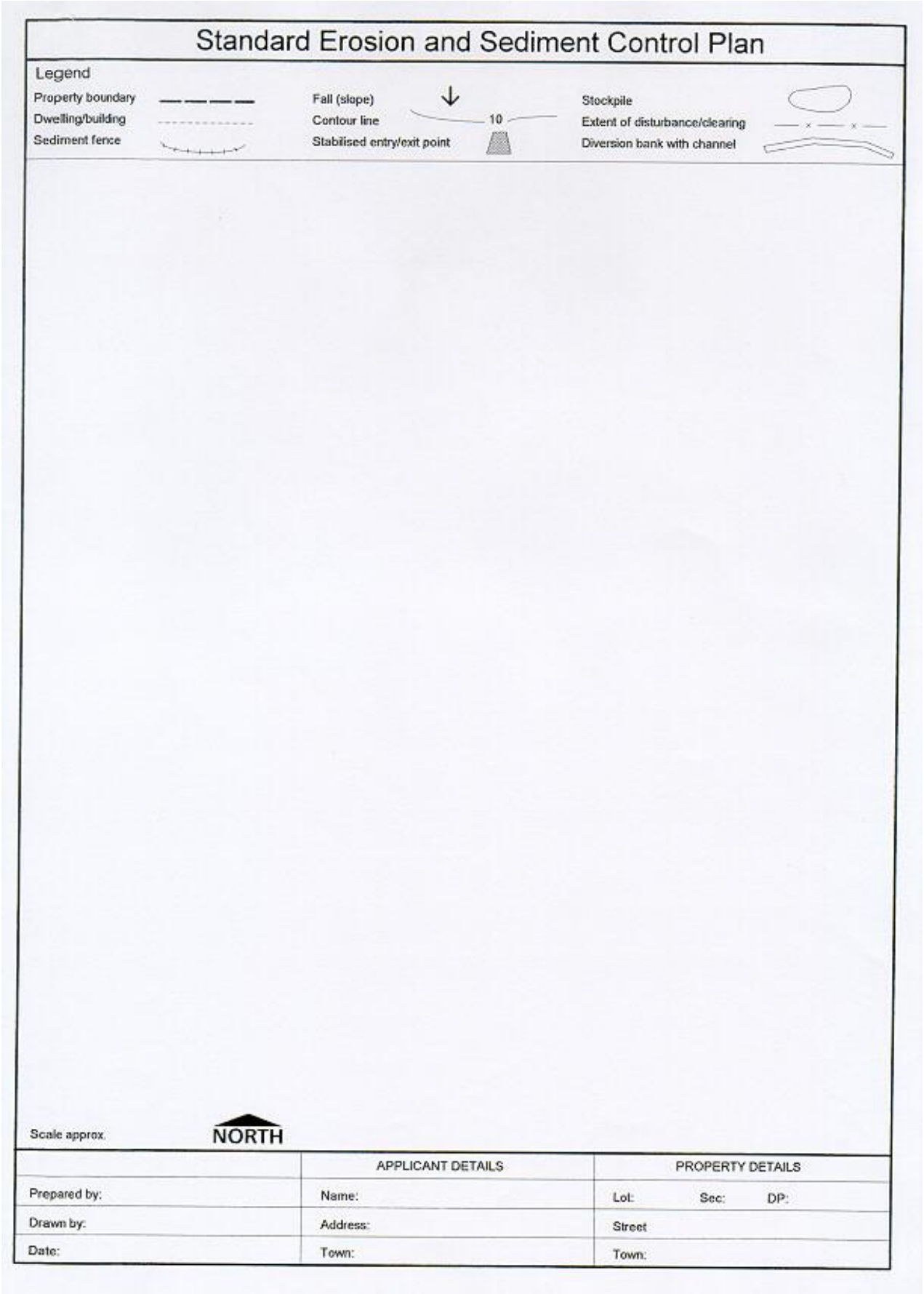
all Development that includes Building Works.

1. All erosion and sediment control measures are to be installed prior to the commencement of any building work, including cutting and filling.
2. All sediment control measures are to be constructed to prevent sediment from leaving the site or entering downstream properties, drainage lines or watercourses.
3. Disturbance of the site must only occur on areas indicated in the approved plans.
4. A sediment control fence must be installed at the downslope perimeter of the disturbed area to prevent sediment and other debris from leaving the site.
5. Direct up slope runoff around the site, by use of bank or channels.
6. Vehicular access is to be restricted to one stabilised access point.
7. Stockpiles of erodible materials (sand, soil, spoil and vegetation) must be protected by a sediment fence.
8. Stockpiled material must be stored clear of any drainage line and within the property boundary. NOTE: stockpiles are not permitted on footpaths or roads.
9. On completion of the roof area of a building, guttering and downpipes are to be connected to the stormwater system. Inspection of the frame will not be carried out until this is satisfactorily completed.
10. All erosion and sediment control measures are to be maintained in good order.
11. All trenches are to be backfilled and compacted to a level of 75mm above adjoining ground level.
12. All disturbed areas are to be made erosion resistant by revegetation, turfing or stabilised by paving on completion of the building works.

PART I EROSION AND SEDIMENT CONTROL



PART I EROSION AND SEDIMENT CONTROL



PART I EROSION AND SEDIMENT CONTROL

SCHEDULE I2
DEEMED TO COMPLY STATEMENT FOR EROSION AND SEDIMENT CONTROL

1. All erosion and sediment control measures are to be installed prior to the commencement of any work, including cutting and filling.
2. All sediment control measures are to be constructed to prevent sediment from leaving the site or entering downstream properties, drainage lines or watercourses.
3. Disturbance of the site must be minimised.
4. A sediment control fence must be installed at the downslope perimeter of the disturbed area to prevent sediment and other debris from leaving the site. Sediment fencing is to be trenched in at least 150mm and buried with the ends turned upslope.
5. Where catchment area is more than 0.5Ha direct up slope runoff around the site, by the use of a diversion bank or channels. These devices may require measures to control erosion depending on the volume of flow anticipated.
6. Vehicular access is to be restricted to one stabilised access point which is to be constructed of 40mm crushed stone aggregate or recycled concrete 150mm deep, 2.5m wide and extend from the kerb line to the slab or building line or for at least 15m on rural allotments.
7. Stockpiles of erodible materials (sand, soil, spoil and vegetation) must be protected by a sediment fence or bund. If the stockpile area is prone to high winds or is to be there for a long time then the stockpile must be covered.
8. Stockpiled material must be stored clear of any drainage line and within the property boundary. NOTE: stockpiles are not permitted on footpaths or roads.
9. Immediately following installation of the roof cladding, all guttering and downpipes are to be connected to the stormwater system. Inspection of the frame is not to be arranged until this is completed.
10. All erosion and sediment control measures are to be regularly maintained in good working order at all times and inspected for adequacy following any rainfall event.
11. All trenches within the development site are to be backfilled and compacted to a level of 75mm above adjoining ground level. This may not apply on public land, consult with Council staff.
12. All disturbed areas are to be made erosion resistant by revegetation (i.e. min 70% coverage), turfing or stabilised by paving on completion of the works and prior to occupation and/or use of the building or, all necessary erosion and sediment control devices are to be left in place.

I hereby agree to install and implement all of the above measures to control erosion and sediments at the premises described below -

Lot No: …….. D.P. ……. Section No: …….

Street Address: ……..

……..

Name: ……

Signature : …….. Date: …….

PART J SUBDIVISION AND ENGINEERING CONTROLS

J1. What are the objectives for engineering standards and subdivision?

The subdivision and engineering standards objectives are:

(a) To provide engineering standards for development and subdivision in residential zones.
(b) To ensure that subdivision relates to the characteristics of a site or locality.
(c) To ensure subdivision of residential land that is adequately serviced.
(d) To ensure road design is safe and suitable for residential development.

J2. What engineering standards apply to development?

For the purposes of this Plan the Northern Rivers Local Government Development and Design Manual, the Northern Rivers Local Government Construction Manual and the Northern Rivers Local Government Handbook of Storm water Drainage Design are the standards for all development, including all subdivision within the Clarence Valley LGA. For the purposes of this DCP these documents are abbreviated to NR Design Manuals.

In the case of subdivision, development works will be required to be designed and constructed in accordance with the NR Design Manuals current at the time of approval of Engineering Plans. Approval of Engineering Plans will be current for a period of 2 years after which Council may require the alteration to Engineering Design to comply with standards current at that date.

The Council's Manager Environment, Development and Strategic Planning or equivalent position may vary the requirements of the NR Design Manuals having regard to the circumstances of the case. Any request for variation must be in writing and must stipulate the requirements to be varied and the reasoning for such a variation.

J3. Subdivision approval process

Subdivision, other than the types of subdivision that is exempt development under the Codes SEPP, requires development consent. For exempt development controls see State Environmental Planning Policy (Exempt and complying Development Codes) 2008 clause 2.75. Also See CV LEP 2011 clause 2.6 *Subdivision – consent requirements*

Subdivision of land must meet the minimum lot size for that land shown on the CV LEP 2011 Lot Size Map. If a minimum lot size is not identified on the Lot Size Map then a minimum lot size for subdivision does not apply and subdivision is considered on the merits of the proposal. However minimum site areas apply for different types of residential development as set out in PART C of this DCP.

See CV LEP 2011 clause 4.1 *Minimum subdivision lot size.*

Strata subdivision requires approval which may be obtained under the controls for complying development or a Development Application can be lodged with Council.

The process to obtain development consent is outlined in the following chart.

PART J SUBDIVISION AND ENGINEERING CONTROLS

DEVELOPMENT APPLICATION FLOW CHART

Step 1
Check minimum allotment sizes on the CV LEP 2011 Lot Size Map.

↓

Step 2
Site analysis of land in line with clause J4.

↓

Step 3
Consult Council staff on draft proposal and other relevant organisations. E.g. RTA.
It is advisable to meet with Council's Development Management Unit (DMU)

↓

Step 4
Ensure the proposal meets the controls in this DCP.

↓

Step 5
Lodge Development Application with Council including: *Site Analysis Plan
*Subdivision plans
*Statement of environmental effects

↓

When approval granted

↓

Step 6
If the subdivision involves construction work lodge Construction Certificate application with Council, including engineering design plans.

If no construction work is required go to Step 8.

↓

Step 7
Once Construction Certificate approved, carry out subdivision work in accordance with the Northern Rivers Local Government Construction Manual standards and all conditions of Development Consent.

↓

Step 8
Lodge application for Subdivision Certificate with Council with plan of subdivision prepared by a registered surveyor.

↓

Step 9
Lodge plan of subdivision and Subdivision Certificate with Land and Property Information NSW for registration.

SUBDIVISION CERTIFICATE FLOW CHART

Step1
Comply with relevant conditions of Development Consent

↓

Step 2
Engage registered surveyor to produce plan of subdivision

↓

Step 3
Complete Subdivision Certificate Application form and lodge with Council. Submit a Statement demonstrating compliance with Development Consent conditions.

↓

Step 4
Subdivision Certificate Application and plan of subdivision checked

↓

Outstanding matters

No ←

Step 5
If Subdivision Certificate Application is complete and all relevant conditions are met

Yes ↓

Address matters and return to Council → (to Step 4)

↓

Step 6
Subdivision Certificate released to applicant

↓

Step 7
Applicant sends plan of subdivision and Subdivision Certificate to Land and Property Information NSW for registration.

PART J SUBDIVISION AND ENGINEERING CONTROLS

J4 Site Analysis

A Site Analysis Plan is required to accompany a Development Application for subdivision.

The Site Analysis Plan should show the opportunities and constraints relating to the proposed subdivision and future use of the land.

A Site Analysis Plan must be to scale and must consider and show the following matters, where relevant:

(a) Locality Plan (relationship to surrounding development).
(b) Aspect.
(c) Waterways (rivers, creeks).
(d) Vegetation / habitat / fauna corridors.
(e) Flood liable land.
(f) Steep land / land slip areas.
(g) Topography (contours appropriate for the site conditions, but generally at 1m intervals).
(h) Bush fire prone land.
(i) Soil conditions (acid sulfate soils / contamination).
(j) Drainage systems (natural and constructed).
(k) Surrounding land uses.
(l) Roads, pathways and other access points.
(m) Road and lot layout of locality, including possible future subdivisions where known.
(n) Service connections.
(o) Easements.
(p) Existing buildings.
(q) Driveways and
(r) Waste water disposal areas.

The Site Analysis Plan should be used to prepare the Statement of Environmental Effects, which must also accompany the development application.

J5. Information to be included with a Development Application for Subdivision

In addition to the information for development applications required by Clause A7 of this DCP, all development applications for subdivision need to submit the following information:

(a) Site Analysis Plan.
(b) The plan of subdivision to show:
    i. Proposed allotment area sizes dimensions and boundaries.
    ii. Roads and other access.
    iii. Drainage systems
    iv. Easements.
    v. Services.
    vi. Right-of-ways and pathways.
    vii. Vegetation to be retained.
    viii. Areas of native vegetation to be cleared requiring approval from the Catchment Management Authority (CMA).
    ix. Fauna /habitat corridors.
    x. Public reserves to be provided in the subdivision.
    xi. All areas to be filled and average depths of fill.
    xii. All areas of cut and depth of cut
(c) The plan of subdivision to show all dimensions relating to the existing land and proposed lot numbers.
(d) The location of any existing buildings and the distance from the buildings to the boundaries of the proposed lots.
(e) An assessment of potential land contamination and the suitability of the site for the proposed development. This must include the following details:
    (a) Present use of the land;
    (b) History of past uses of the land;
    (c) Details of any uses (past or present) that may involve potentially contaminating activities;
    (d) Details of fill, chemicals, pesticides, insecticides and fertilisers known to have been used on the site.

    Where the site history identifies potentially contaminating uses/activities, or there is limited information on past uses/activities, more detailed investigation will be required. Applicants should refer to State Environmental Planning Policy No. 55- Remediation of Land (SEPP 55), the NSW *Managing Land Contamination: Planning Guidelines* and Council's Contaminated Land Policy for further information.
(f) List of preferred street names.

PART J SUBDIVISION AND ENGINEERING CONTROLS

J6. Road network /street pattern

J6.1. Subdivision layout and road design must consider the particular site constraints of the land, the proposed use of the land and integrate the subdivision and road network with the surrounding road and development pattern. NR Design Manuals provides advice on road network design in Sections D1.05, D1.07 and D1.08 of the Development and Design Manual.

Subdivisions should be designed to minimise impacts on the natural environment and retain significant landscape features.

Subdivisions should be designed to minimise cut and fill. A geotechnical report may be required when subdividing steep land.

The road network should be designed to cater for anticipated traffic volumes and the type of traffic generated by future uses. Council may require a Traffic Study as part of the Development Application depending on the proposed scale of the subdivision.

J6.2 The proposed road network must:

(a) Provide for safe and functional vehicle and pedestrian movement.
(b) Connect efficiently with external traffic routes. Proposed roads must link with other roads that have the capacity to accommodate increased traffic.
(c) Locate intersections to create safe and convenient vehicle movements.
(d) Provide convenient vehicular access to all lots for residents and visitors.
(e) Provide adequate access for service and emergency vehicles, for example, garbage collection services.
(f) Accommodate public transport services generally along collector roads and within 400 metres of all dwellings and in accordance with Sections D1.21 of the NR Design Manuals.
(g) Provide for pedestrians and cyclists by including cycleways and footpaths on collector streets and distribution roads and in accordance with the NR Design Manuals.

J6.3. Coastal Design Guidelines

Subdivisions within and adjacent to coastal settlements must consider the NSW Coastal Design Guidelines in the designing new subdivisions.

The following general guidelines should be considered:

(a) The original street pattern should be maintained and reinforced. The new road network should build on the existing road pattern.
(b) The road /street pattern should respond to the topography.
(c) The street pattern should provide views and vistas of important natural features (coast, river, foreshores, headlands) and places of civic/ community importance in the surrounding locality.
(d) The road hierarchy should be appropriate to the requirements of the locality.
(e) The number of connections within the road hierarchy should relate to surrounding uses. The traditional street grid pattern has high accessibility and permeability for vehicles and pedestrians.
(f) Road crossings over waterways and water bodies should be minimised.
(g) Fast moving through traffic in residential streets should be limited.
(h) A system of pedestrian pathways throughout and between localities should be provided.
(i) Residential areas should be separated from open space and environmental protection areas by the use of roads (‘edge roads’) to front open space and reserves, thus defining the boundary of the residential /urban area. This provides asset protection zones for bushfire management and access to open spaces, foreshores and the like.
(j) Streets should be planted with appropriate vegetation and street trees.

J6.4 Road Design

Road design must comply with the standards in the NR Design Manuals. The NR Design Manuals includes details on design speed, gradients, curves,

PART J SUBDIVISION AND ENGINEERING CONTROLS

crossfalls, intersection treatments, turning areas, traffic calming, pavements, subsurface drainage, cycleways and pathways.

J6.5. Road width characteristics for land in the R1, R2 and R3 residential zones

New roads must comply with the road widths and characteristics in TABLE J1.

TABLE J1

Road Type	Max traffic volumes #	Min carriage way width	Verge width Each side	Min road reserve	Max speed Km/h
Access street	100	6	3	14	40
Local street	2000	7-9	3.5	15-17	50
Collector street	3000	11	3.5	18	50
Distributor road	3000+	13	3.5	20	60

Vehicles per day.
For single dwelling lots apply traffic generation rate of 10 vehicles per day. Lower rates can be applied for residential flat buildings and multi dwelling housing.

Note:
These proposed standards are from the Northern Rivers Local Government Development and Design Manual and are different to existing standards in the former Grafton and Maclean LGAs.

Consult the NR Design Manuals. If there is any discrepancy between the above TABLE J1 and the NR Design Manuals, then the requirements of the NR Design Manuals must apply.

J6.6. Road width characteristics for land in the R5 Large Lot Residential zone

New roads in the R5 Large Lot Residential zone must comply with the road widths and characteristics in TABLE J2.

TABLE J2

Min carriage Way width	Shoulder width	Minimum road reserve	Max speed Km/h
6m sealed	1m unsealed	20 metres	80

Also refer to Table D1.27 of the NR Design Manuals.

J6.7 Road widths to accommodate services

The road reserve must be of a sufficient width to accommodate all the facilities that are required, including batters and a pedestrian and service area at each frontage.

J7. Lot Layout

J7.1. A variety of lot sizes should be provided to meet market demand. Lots should be regular and rectangular in shape.

Battle axe blocks generally should be avoided in subdivision design and will only be considered under exceptional circumstances.

The design of residential subdivisions of 10 or more lots is to provide for affordable housing. Refer to Council's Affordable Housing Policy (2015) for further information.

Note:
Subdivision in unsewered areas is constrained by the amount of area available for effluent disposal. Refer to clauseC24.3.

J7.2. Lot Orientation

Subdivisions must be designed to maximise solar access. Lot design should allow for houses to be built with north facing windows which receive maximum winter sun.

J7.3. Minimum lot sizes for subdivision

Minimum lot sizes for subdivision are included in CV LEP 2011. See clause 4.1 Minimum subdivision lot size and the Lot Size Map.

Minimum lot sizes do not relate directly to the zoning of the land. That is, the minimum lot size for subdivision can vary within the same zoning. For example, in the R5 Large Lot Residential zone different localities have different minimum

lot sizes for subdivision ranging from 4000m² to 4 hectares.

A minimum lot size for subdivision does not apply in the R1, R2 and R3 residential zones.

Minimum site areas are required for different types of residential development. See PART C of this DCP.

J7.4. Lot dimensions

No minimum frontage or lot dimensions apply in residential zones.

Lot dimensions must be able to provide sufficient area and dimensions to enable the construction of dwellings and convenient on-site parking, provision of private open space, solar access, adequate safe vehicular access, effluent disposal areas and bush fire hazard protection zones.

J7.5. Battle axe shaped lots

Where battle axe blocks have been allowed under clause J7.1, the access corridor providing frontage to a public road must have a minimum total width and sealed carriageway width that complies with the requirements of the NR Design Manuals. The lot must meet the minimum area requirements.

In the R5 Large Lot Residential zone the access corridor providing frontage to a public road must be a minimum of 7.0 metres wide and the carriageway width must be 4.0 metres wide.

No more than 2 access ways shall be shared by use of reciprocal rights-of–way.

For land in the R1, R2 and R3 residential zones, the combined width of the access way must have a minimum width of 5 metres and a detailed plan must be submitted showing adequacy of the 5 metres to provide access and services. A maximum length of 40 metres applies.

For land in the R5 residential zone, the combined width of the access way must have a minimum width of 7 metres and a maximum length of 100 metres.

A maximum of 2 lots only shall be permitted from the handle of battle axe lots, whether through a shared right-of - way (ROW) easement or through a reciprocal ROW easement. The standards of battle axe handles shall be in accordance with Clauses D1.33 and Table D1.13 of the Development and Design Manual in the NR Design Manuals.

J8. Subdivision Requirements for lots less than 560m^2

For lots less than 560m^2 but greater than 450m^2 a development application for subdivision must include a plan showing a concept design for a dwelling demonstrating full compliance with the DCP, in particular compliance with the landscaped area and private open space provisions, clause C19 and C20.

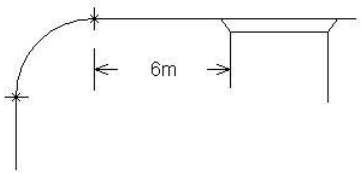
In order to subdivide to create a lot less than 450m2 a development application is required for subdivision and construction of a dwelling. Plans submitted in support of the development application must show full compliance with the DCP, in particular compliance with the landscaped area and private open space provisions, clause C19 and C20.

J9. Site Access

J9.1. Vehicular access driveways from a public road must comply with Australian Standard 2890 and generally be:

(a) Not closer than 6 metres to the kerb return tangent point of an intersecting road or break in a traffic island.

(b) Located so that sight distance is adequate for the 85th percentile speed of vehicles or the speed zone, whichever is the greater.



Driveway from corner

PART J SUBDIVISION AND ENGINEERING CONTROLS

J9.2. Direct access to classified roads is not permitted where alternative access is available. Access to RTA managed roads will require RTA approval.

Note:
Refer also to:

- Division 17 (Roads and Traffic) of State Environmental Planning Policy (Infrastructure) 2007

J10. Stormwater management

J10.1. Stormwater management and drainage systems should be an integral part of the subdivision design.

Stormwater management, open space networks and habitat corridors should be integrated. Stormwater should be managed so there is minimal or no impact on the natural environment.

J10.2. Stormwater management should be based on the principles of 'water sensitive urban design'. This approach requires managing water use and runoff at the lot level and emphasises the reuse of stormwater and wastewater.

'Water sensitive urban design' is based on the:

(a) Treatment of stormwater as close to the source as possible.
(b) Retention and restoration of natural drainage systems.
(c) The hydrological conditions (both quality and quantity) of stormwater runoff after development being approximately the same as pre-development conditions, for the 20% ARI storm event.
(d) On-site storage or infiltration being maximised.
(e) Stormwater management to include vegetation management, in particular the planting of local indigenous plant species and minimising land disturbance.
(f) Stormwater design shall be in accordance with Section D5 of NR Design Manuals.

J10.3 A flood study may be required by Council in circumstances where development may be impacted by flooding from nearby local catchment flow paths or drainage systems.

J10.4. Stormwater design must take into account future maintenance. Compliance with the sustainable water controls in Part H of this DCP is required.

J10.5. In the R5 Large Lot Residential zones at least 2.5 metres of the footpath area must be available for pedestrians and service authorities. Some longitudinal drainage may be required to keep the table drain to a size to provide for the pedestrian area. Table drains should have a maximum batter of 1 in 6.

J11. Street planting

Where a subdivision includes road construction, street landscaping and tree planting must be provided. The Development Application for the subdivision must include a Landscape Plan showing all street trees and planting of public open space.

In determining suitable landscaping and street planting the character of the locality and the need to maintain and enhance the streetscape must be considered. A street planting theme should be developed for the area.

Landscaping and planting should be developed as part of the stormwater management of the area and open space network, if applicable.

A Landscape Plan must show the following details:

(a) Location of existing trees/vegetation to be retained.
(b) Proposed street planting, landscaping and details of associated drainage, fencing, paving, natural features and structures.
(c) All plant species to be used, location and quantity.
(d) Details of plant species including height at maturity and management/ maintenance proposals.
(e) Location of underground services.

Species used should be local indigenous plant species. No noxious weeds or weed species registered on the Bushland Friendly Nursery Scheme should be used in the landscaping. See www.bfns.org.au for details on weed species and native alternatives.

J12. Provision of Services

Subdivisions of land in residential zones are required to provide services and infrastructure to all lots including:

(a) Roads. See Clause J6.
(b) Footpaths.
(c) Kerb and gutter. (Council may consider alternatives, such as grass swales).
(d) Drainage. See Clause J10.
(e) Reticulated water and sewer.
(f) Electricity
(g) Telecommunications
(h) Street lighting.

Refer also to Clause C24. Provision of Essential Services.

Note:
The following clauses from CVLEP 2011 apply:
- Clause 7.8Essential Services
- Clauses 6.1 to 6.4 (Part 6 Urban Release Areas).

J12.1. Electricity

Development must be connected to a mains power supply. Connection to an underground power network is required in the R1, R2 and R3 zones unless the lot has frontage to a road which is serviced by an existing overhead electricity service or where the energy provider determines the ground conditions are unsuitable for underground provision of services. Refer also to clause C24.

Connection to an underground power supply network is not required in the R5 zone, unless development in the locality has underground power provided.

J12.2. Water supply

(a) Subdivision and development must be connected to a reticulated town water supply system at a point acceptable to Council.
(b) Variations to this requirement may be considered where reticulated services are not currently available to the property and where it can be demonstrated to Council's satisfaction that the economic cost and/or likely environmental impact of extension/connection is unacceptable.

Note:
- Under section 124 of the Local Government Act Council can require premises that are situated within 225 metres of a water pipe of the Council to be connected to Council's water supply.
- Water and sewer connection is to comply with minimum sewer and water connection requirements set out in Council's Sewer and water connection policy.

(c) Hydraulic details, prepared by a suitable qualified hydraulic consultant, must be provided for water supply work (including fire services) in all new multi dwelling housing and residential flat buildings. These details are to be submitted to Council for approval prior to issue of the Construction Certificate.

(d) In areas where a reticulated water supply is not available or connection to such supply is deemed unacceptable a domestic water storage capacity of 45,000 litres must be provided.

(e) On land in bush fire prone areas that is not serviced by a reticulated water supply, a water supply reserve must be provided for fire fighting purposes. The water requirements for fire fighting purposes in TABLE J1 must be met.

TABLE J1

Development Type	Water Requirement
lots < 1,000m²	5,000 litres /lot
lots 1,000 - 10,000m²	10,000 litres /lot
lots > 10,000m²	20,000 litres /lot

Refer to the NSW Rural Fire Service current publication, *Planning for Bushfire Protection 2006."*

PART J SUBDIVISION AND ENGINEERING CONTROLS

J12.3. Sewerage

(a) Subdivision and development must be connected to a reticulated sewerage system. Where connection to a reticulated sewerage system is not available nor otherwise possible, wastewater disposal must comply with the current Clarence Valley Council On-site Wastewater Management Strategy.

(b) A Development Application for subdivision to create lots of less than 1 hectare in unsewered areas must include an Effluent Management Report.

Note:

- Under section 124 of the Local Government Act Council can require premises that are situated within 75 metres of a sewer system of the Council to be connected to Council's sewer system.
- Water and sewer connection is to comply with minimum sewer and water connection requirements set out in Council's Sewer and water connection policy.
- For developments requiring reticulated sewerage in areas identified as reticulated sewerage catchments where sewerage is not yet available, refer to Council's Development Approvals in Future Sewer Areas Policy.
- For development applications proposing pressure sewerage systems, refer to Council's Pressure Sewerage Policy.

J12.4. Telecommunications

(a) Connection to a telecommunications network is required in accordance with the requirements of the relevant telecommunications provider.

(b) Alternative means of telecommunications can be considered where the economic cost and/or likely environmental impact of connections is demonstrated as being unacceptable.

J12.5. Street Lighting

Street lighting should be installed in accordance with the requirements of the relevant lighting/energy provider and in R5 zones the requirements of Council.

J12.6. Shared Trenching

Shared trenching for services is encouraged by Council and should be undertaken in consultation with the relevant service providers. Generally

services shall be provided in trenches offset in accordance with the provisions of the Streets Opening Conference. Reference can also be made to the Northern Rivers Local Government Standard Drawing R-10.

J12.7. Other facilities/services

Council may require the provision of facilities, such as bus shelters, depending on the size of the subdivision.

Note: Contributions May Apply

Contributions for additional lots may apply for the following:

(a) open space and recreation facilities.
(b) bush fire fighting and /or emergency services facilities.
(c) community facilities.
(d) drainage /stormwater management.
(e) road works.
(f) sewerage services.
(g) water services.

Contributions are set out in Council's Schedule of Fees and Charges.

For some subdivisions, Council may require dedication of land for public open space or community facilities, in lieu of contribution for local open space and/or facilities. Consult Council officers if dedication of land for open space /public facilities is a possible option for your proposed subdivision.

Refer to Council's Section 94 and Section 64 Contributions Plans for details.

PART K ADVERTISEMENTS AND ADVERTISING STRUCTURES

PART K ADVERTISEMENTS AND ADVERTISING STRUCTURES

K1. What are the objectives for advertisements and advertising structures in residential zones?

The objectives for advertisements and advertising structures in residential zones:

(a) To ensure that advertising complements the development on which it is displayed and the character of the surrounding locality.
(b) To ensure that the number of advertisements and advertising structures does not lead to 'visual clutter'.
(c) To ensure that advertising does not have an adverse affect on an area, due to size, appearance and illumination.

K2. Advertising structures not requiring development approval

Advertising structures and advertisements that are not building or business identification signs are prohibited in residential zones. See Clause 10 SEPP 64 – Advertising and Signage and CV LEP 2011 Land Use tables.

Building identification signs and business identification signs are permitted in residential zones without consent.

Advertising structures and signs that meet the exempt development criteria in clause 3.1 of the CV LEP 2011 and meet the exempt development standards for exemption in Schedule 2 of the CV LEP 2011 do not require development consent.

If the advertising structure and display does not meet the requirements of the 'standards for exemption' in Schedule 2 of CVLEP 2011 then a development application must be submitted to Council.

Replacement of a lawful existing business or building identification sign is exempt development if the requirements of Subdivision 36A in the Codes SEPP are met. See http://housingcode.planning.nsw.gov.au/.

Advertising on transport corridor land and advertising of election material is exempt development if the requirements of clause 33 of SEPP 64 – Advertising and Signage are met.

Note:
Building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol, but that does not include general advertising of products, goods or services.

Business identification sign means a sign:
(a) that indicates:
  (i) the name of the person or business, and
  (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not include any advertising relating to a person who does not carry on business at the premises or place.

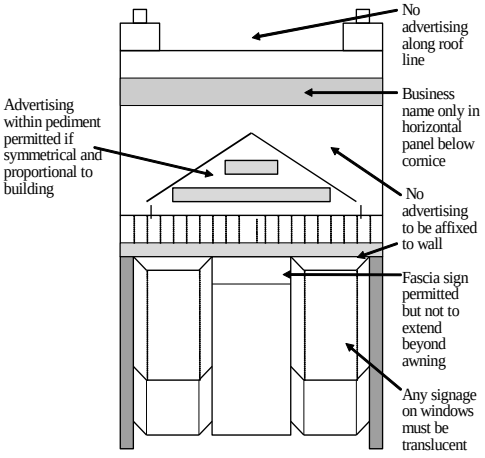
PART K ADVERTISEMENTS AND ADVERTISING STRUCTURES

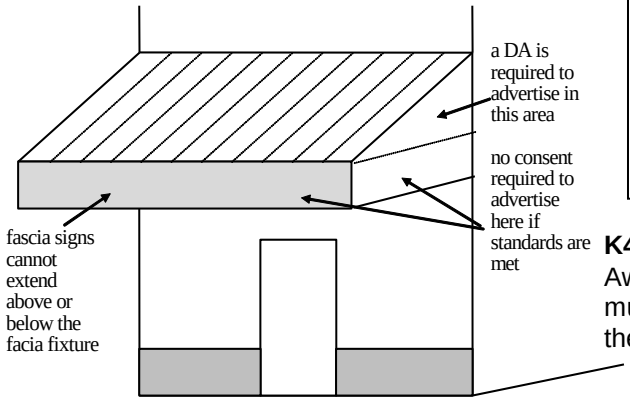
K3. Assessment of development applications for advertisements and advertising structures

A development application for an advertisement and /or advertising structure will be assessed under the criteria set out in SCHEDULE K1, in line with the provisions of SEPP 64 (State Environmental Planning Policy No 64- Advertising and Signage).

Development consent for an advertisement and /or advertising structure will not be granted unless the impact of the advertisement and /or advertising structure is assessed by Council as to be acceptable in terms of the criteria in SCHEDULE K1.

Where the Development Application is for an advertising structure, a Construction Certificate will be required to be obtained.





K4. Above awning advertisements

K4.1. Advertisements must be carefully designed for the building on which they are to be displayed and must be appropriate in terms of style, detail and colour.

A development application is required for advertisements to be positioned above the awning of a building. The advertisement is to be attached to the building itself within structural elements, such as pediments, gables, or horizontal panels below the cornice of the building.

Above awning advertisements must meet the following requirements:

(a) advertisements must not cover decorative elements of the building, eg. parapets, string courses etc.
(b) lettering is to be arranged in a symmetrical manner around a central axis.
(c) the area of the advertisement is to be in proportion to the building on which it is to be displayed and must not obscure, extend past or disrupt the roof line.
(d) advertisements will not be permitted between roof line structures, such as between parapets or chimneys.
(e) the placement of the advertisement must not detract from the symmetrical appearance of the building.

Note:
Under the provisions of SEPP 64 an advertisement with display area greater than 20m² or higher than 8 metres above the ground is advertised development and clause 17 of SEPP 64 applies.
Also specific controls apply under SEPP 64 to advertisements with a display area greater than 45m², to roof or sky advertisements and wall advertisements.

K4.2. Footpath Awning Blinds
Awning blinds, including the canvas drop, must be a minimum of 1.9 metres above the footpath.

PART K ADVERTISEMENTS AND ADVERTISING STRUCTURES

K5. Pole signs

Pole or pylon advertising structures and associated advertisements require the submission and approval of a development application. These will be assessed on their merits.

Council will specifically consider the impact of the structure on the amenity of the locality, the size, shape and scale of the proposed advertisement and height of the structure in comparison to buildings located on and around the subject land. The advertising structure and advertisement must be wholly located within the boundary of the subject land.

K6. Display of Political signs in Residential Zones

Advertising of electoral material is exempt development (not requiring development consent) if the requirements of clause 33 of SEPP 64 – Advertising and Signage are met.

K7. Advertisements and advertising structures fronting classified roads

Despite advertising structures and advertisements, other than building or business identification signs, being prohibited in residential zones, SEPP 64 – Advertising and Signage allows the display of advertisements on road and railway corridors with development consent in some circumstances. Refer to SEPP 64.

The following controls apply to advertisements and advertising structures fronting classified roads:

(a) A maximum of one advertising structure per allotment or if an allotment has a frontage greater than 500 metres, a maximum of one advertising structure per 500 metres of main road frontage.

(b) While two advertisements per structure is usual e.g. one front and back, Council will consider applications where more than one tourist and visitor accommodation premises, tourist area or community service wish to advertise on one side of the structure. However, in this instance, the legibility of the advertisement should not be compromised;

(c) Advertisements are to be a maximum of 6 metres in length and 3 metres in height, however, if the advertising structure is to be situated adjacent to residential dwellings, a reduction in these dimensions may be appropriate;

(d) Council will not permit internally illuminated advertisements. Advertisements may be externally illuminated by spot lighting directed at the advertisement.

Note:
SEPP 64 Advertising and Signage requires the concurrence of the RTA in granting consent to advertisements greater than 20m² and within 250 metres of, and visible from, a classified road.

PART K ADVERTISEMENTS AND ADVERTISING STRUCTURES

SCHEDULE K1
ASSESSMENT CRITERIA

1 Character of the area

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?
- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

2 Special areas

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?

3 Views and vistas

- Does the proposal obscure or compromise important views?
- Does the proposal dominate the skyline and reduce the quality of vistas?
- Does the proposal respect the viewing rights of other advertisers?

4 Streetscape, setting or landscape

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?
- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?
- Does the proposal reduce clutter by rationalising and simplifying existing advertising?
- Does the proposal screen unsightliness?
- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?

Does the proposal require ongoing vegetation management?

5 Site and building

- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?
- Does the proposal respect important features of the site or building, or both?
- Does the proposal show innovation and imagination in its relationship to the site or building, or both?

6 Associated devices and logos with advertisements and advertising structures

- Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

7 Illumination

- Would illumination result in unacceptable glare?
- Would illumination affect safety for pedestrians, vehicles or aircraft?
- Would illumination detract from the amenity of any residence or other form of accommodation?
- Can the intensity of the illumination be adjusted, if necessary?
- Is the illumination subject to a curfew?

8 Safety

- Would the proposal reduce the safety for any public road?
- Would the proposal reduce the safety for pedestrians or bicyclists?
- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

PART L HEALTH CONSULTING ROOMS, HOME BUSINESSES AND HOME INDUSTRIES

PART L HEALTH CONSULTING ROOMS, HOME BUSINESSES AND HOME INDUSTRIES

L1. What are the objectives for health consulting rooms, home businesses and home industries?

The aims for health consulting rooms, home businesses and home industries are:

(a) To enable health consulting rooms, home businesses and home industries to operate in residential areas in a manner that does not cause a nuisance to adjoining or nearby residents or impact on the amenity of the residential neighborhood.
(b) To enable health consulting rooms, home businesses and home industries to operate which are consistent with the objectives of the residential zone applying to the land.
(c) To provide controls for the hours of operation, signage and car parking.

L2. Where do controls for health consulting rooms, home businesses and home industries apply?

Controls apply to development for the purposes of health consulting rooms, home businesses and home industries in all residential zones in the Clarence Valley LGA CV LEP 2011.

L3. Controls and definitions

As well as complying with the controls in this part of the DCP you must make sure your development proposal is permitted on your land/site and complies with the definition of health consulting rooms, home business or home industry depending on the type of development proposal. The definitions apply under the CV LEP 2011.

Clause 5.4 of CV LEP 2011 limits the size of the floor area of home businesses and home industries to 50m².

Note: in the CV LEP 2011

Health care professional means any person registered under an Act for the purpose of providing health care.

Health consulting rooms means premises comprising one or more rooms within (or within the cartilage of) a dwelling house used by not more than 3 health care professionals at any one time. Note: Health consulting rooms are a type of **health services facility** – see the definition of that term in Dictionary.

Home business means a business carried on in a dwelling, in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

(a) the employment of more than 2 persons other than those residents, or
(b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke , vapor, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
(c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
(d) the exhibition of any signage (other than a business identification sign or
(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

Home industry means a light industry carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

(a) the employment of more than 2 persons other than those residents, or
(b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke , vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
(c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
(d) the exhibition of any signage (other than a business identification sign), or

name of the resident and the light industry carried on in the dwelling), or

(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

PART L HEALTH CONSULTING ROOMS, HOME BUSINESSES AND HOME INDUSTRIES

L4. Hours of operation

Hours of operation applying to health consulting rooms are as follows:

- 8.30 am to 6.00 pm Monday to Friday
- 9.00 am to 12 noon Saturdays and public holidays
- No operation on Sundays.

L5. Number of employees

L5.1. For health consulting rooms, use of the residential premises is restricted to 3 health care professionals and 3 employees; a total of 6 people.

L5.2. For home businesses and home industries, in order to comply with the definitions the number of employees is restricted to 2 persons, other than the permanent residents of the dwelling.

L6. Signage

Signage must meet the requirements as follows:

(a) Maximum size of 0.75 m²
(b) One advertisement per premises
(c) Must be attached to a building or fence or on the boundary
(d) Must not be illuminated.
(e) Must not display a trade or brand name.

L7. Access and car parking

1. For health consulting rooms car parking is to be provided at the rate of 3 car spaces per health care professional.
2. For home businesses and home industries car parking is to be provided as follows:
   - 1 car space for the business/ industry
   - 1 car space for the dwelling,
   - plus 1 car space for each non-resident employee.
3. Car spaces are to be sealed, sign posted and client parking is to be readily accessible from the front street alignment.
4. Sufficient car parking for all employees and health care professionals must be provided on-site. However Council may take into account the capacity of the road shoulder directly in front of the site when assessing client parking.
5. A sealed driveway access from the street to the car parking, with an approved gutter crossing and sealed road shoulder for the width of the street frontage, must be provided.
6. Council may vary this standard following an assessment of likely patronage and availability of on-site parking.

PART M CONTROLS FOR BED AND BREAKFAST ACCOMMODATION

PART M CONTROLS FOR BED AND BREAKFAST ACCOMMODATION

M1. What are the objectives of the controls for bed and breakfast accommodation?

The objectives of the controls for bed and breakfast accommodation are:

(a) To maintain the amenity of both the property and the neighbourhood where bed and breakfast accommodation is located.
(b) To ensure that the premises meet acceptable standards for fire safety and community health.
(c) To ensure that bed and breakfast accommodation operates as an ancillary function to that of a dwelling house.

M2. Restrictions on bed and breakfast accommodation

Bed and Breakfast accommodation is permitted on land in all residential zones, with development consent.

The following definition of Bed and Breakfast Accommodation applies in the CV LEP 2011.

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

(a) meals are provided for guests only, and
(b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
(c) dormitory-style accommodation is not provided. (CV LEP 2011)

Note: See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of **tourist and visitor accommodation** – see the definition of that term in the Dictionary.

Note:
The R1 General Residential zone permits ***tourist and visitor accommodation*** with development consent. ***Tourist and visitor accommodation*** is prohibited in the R2, R3 and R5 zones.

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:

a) Backpackers" accommodation,
b) Bed and breakfast accommodation,
c) Farm stay accommodation,
d) Hotel or motel accommodation,
e) Services apartments,

But does not include:

a) Camping grounds, or
b) Caravan parks or
c) Eco-tourist facilities

Clause 5.4 of CV LEP 2011 limits the size of bed and breakfast accommodation to no more than 3 bedrooms provided to guests.

The following controls apply to bed and breakfast accommodation:

(a) Must be operated by the permanent residents of the dwelling.
(b) Must be for short term guests only, no long term or permanent accommodation.
(c) A maximum of 3 bedrooms are to be used for guest accommodation, limiting the number of guests to 6 at any one time.
(d) No more than 10 residents (including permanent residents) are to be accommodated at any one time. This will ensure the building remains as a class 1b under the Building Code of Australia (BCA).

M3. Signage

Only one advertising sign is permitted, indicating the dwelling provides bed and breakfast accommodation and the name of the proprietor.

The sign must not exceed 0.75 m².

PART M CONTROLS FOR BED AND BREAKFAST ACCOMMODATION

M4. Car parking and access

On–site parking must be provided on the basis of one (1) car space per guest bedroom, in addition to the 1 space required for the dwelling.

Car parking must be located to maintain the amenity and character of the locality.

Access to bed and breakfast accommodation is not permitted from the Pacific Highway.

M5. Health and building requirements

(a) There must be adequate means of escape in the case or fire or other emergency from the building to a place of public safety.
(b) A smoke detection alarm system that complies with the BCA must be installed in all bedrooms and hallways.
(c) A fire blanket and fire extinguisher, with appropriate instructions, must be installed in the kitchen area.
(d) Adequate toilet and bathroom facilities must be provided for guests. A minimum of one (1) bathroom must be provided for every 2 guest bedrooms or part thereof.
(e) Deadlocks requiring an internal key release are not to be installed on doors to guest's rooms or external doors.
(f) The premises and furnishings must be kept clean and free from vermin.
(g) Adequate services and disposal of waste water and storm water is required, based on the number of bedrooms.

PART N CONTROLS FOR BACKPACKERS' ACCOMMODATION

PART N CONTROLS FOR BACKPACKERS ACCOMMODATION

N1. What are the objectives of the controls for backpackers accommodation?

The objectives of these controls are:

a) To enable backpackers' accommodation to operate in a manner that does not cause a nuisance to adjoining or nearby residents or impact on the amenity of the residential neighbourhood.
b) To provide a high standard of amenity for the users of backpacker accommodation.
c) To ensure the premises meets acceptable standards for fire safety and community health.
d) To provide controls for signage, car parking and construction of backpackers' accommodation facilities.

N2. Where do the controls for Backpackers accommodation apply?

The controls apply to development for the purpose of backpackers' accommodation as defined in the CV LEP 2011

Backpackers' accommodation means a building or place that;

a) Provides temporary or short-term accommodation on a commercial basis, and
b) Has shared facilities, such as a communal bathroom, kitchen or laundry, and
c) Provides accommodation on a bed or dormitory-style basis (rather than by room)

Backpackers accommodation is permitted with consent in the R1 General Restriction zone.

N3. Restrictions on backpackers accommodation

As well as comply with the controls in this part of the DCP you must make sure your development proposal is permitted in the zone applying to your land as provided by CV LEP 2011.

Where possible backpacker accommodation is not to be located in close proximity to residential areas.

These controls are to be read in conjunction with all other parts of this DCP.

Where reference to standards in the Building Code of Australia (BCA) is made these standards are mandatory unless otherwise varied in accordance with the provisions of the BCA.

N4. Building Design Requirements

The layout of a building intended for backpackers' accommodation should be designed and constructed;

a) To respect the amenity of adjoining land uses.
b) To ensure the health and safety of occupants.

N4.1 Height and setbacks.

The controls for the heights and setbacks of buildings is contained in part D of this DCP.

N4.2 Sleeping Rooms.

A minimum of $2m^2$ of floor area is to be allocated per person accommodated in a sleeping room be it a dormitory room or bedroom used for short term sleeping accommodation being less than 28 consecutive days (Public Health (General) Regulation 2002).

Where long term sleeping accommodation is provided (more than 28 consecutive days) a minimum of $5.5m^2$ of floor area is to be allocated per person accommodated in a sleeping room be it a dormitory room or bedroom.

PART N CONTROLS FOR BACKPACKERS' ACCOMMODATION

Adequate space and secure storage to allow occupants to store clothes and travel gear should be provided in each sleeping room, or alternatively adequate facilities must be provided elsewhere in the building.

Appropriate floor coverings are to be provided in sleeping rooms to minimize the impact of noise and noise generation.

N4.3 Toilets and showers.

The toilet and shower facilities within the building are to comply with the provisions of the BCA. The number of facilities to be provided should be based on the following figures:

Guests

Washbasins 1 per 10 guests
Toilets 1 per 10 guests
Bath/shower 1 per 10 guests

Staff

Washbasins 1 per 30
Toilets 1 per 15 female/1 per 20 male

Toilet facilities are to be provided in a separate compartment from the shower/bathroom.

Toilet and shower facilities for employees and persons with a disability are to be provided in accordance with the provisions of the BCA.

N4.4 Kitchen Facilities.

At least 1 communal self catering kitchen and 1 communal dining area is to be provided. The minimum combined floor area of these rooms is to be $1m^2$ per person accommodated within the building.

The cooking facilities must be sufficient to enable 20% of the maximum number of guests to prepare meals at any one time.

Kitchen facilities should be capable of being used by a person with a disability. In this regard the requirements of AS1428.2 relating to furniture and fitments is to be observed when designing kitchen facilities.

An approved fire blanket and fire extinguisher must be located within 2m of the cooking area.

Kitchen facilities are to be designed and constructed in accordance with The Food Safety Standards to ensure preservation of health conditions in the kitchen.

N4.5 Laundry and Drying Facilities

A separate communal laundry area is to be provided in the building.

One (1) washing machine, one(1) wash tub and one(1) dryer (or 20m of external clothes line) is to be provided for every 30 beds.

Laundry and drying facilities shall be accessible and adaptable for use by a person with a disability.

N4.6 Access for Persons with a Disability

The design of all backpacker accommodation, including the use of existing buildings must address the provision of access and useability by a person with a disability.

For all backpacker developments at least one room capable of accommodating 4 people is to be constructed to cater for people with a disability. These rooms are to comply with AS1428.1 Design for Access and Mobility.

For backpacker developments of more than 20 rooms, at least 2 disabled rooms are required. These rooms are to be evenly distributed and must represent the range of accommodation available (eg 1 bunk room and 1 ensuite room).

Access to and from common areas, kitchen facilities, dining rooms, laundry facilities recreation areas and parking areas is to comply with the following;

- BCA – Access and Egress (Part D)
- AS1428.1 – Design for Access and Mobility.

PART N CONTROLS FOR BACKPACKERS' ACCOMMODATION

N4.7 Communal Recreation Area

A minimum of 1m2 of communal recreation space is to be provided per person. The communal recreation space is additional to the requirement for communal kitchen and dining areas. The communal recreation space is to have a minimum dimension of 3m, and may be located either within or outside the building but cannot be made up of more than two locations.

Outdoor communal areas are to be set back from neighbouring residential properties by 2 metres, or otherwise physically separated from those neighbouring properties. Alternatively the design must demonstrate that the location of the communal space will not result in a loss of privacy or cause a noise nuisance to neighbouring properties.

At least 30% of outdoor communal areas are to be capable of growing substantial trees and should be planted with an appropriate large tree species when the site is landscaped to provide shade and amenity.

Lighting of outdoor recreation areas is to be baffled to prevent intrusion on the amenity of neighbouring properties.

All communal recreation areas are to be accessible to a person with a disability.

Roof top terraces are not permitted.

A roof top terrace is defined as:

An open space, used or intended for use for recreational purposes, accessed by stairs or a lift, located on or above the roof of the uppermost storey of the building. A roof top terrace does not include a balcony which may be located above a storey which is not the uppermost storey of the building

N4.8 Noise

Rooms and features that generate noise (eg laundry, communal recreation areas, and kitchens) are to be located away from, or soundproofed from sleeping rooms, and property boundaries in residential areas, so as to prevent offensive noise causing a nuisance to occupants of adjoining properties.

N5. Signage

In residential zones signage is to be limited to one (1) business identification sign of no larger than $0.75m^2$ located either on the front wall or fence of the property or building indicating that backpackers accommodation is available on the site. The sign must not be illuminated and must not display a trade or brand name.

In commercial zones additional signage may be permitted, However more than one sign will require development consent unless it meets the exempt development criteria.

N6. Parking

A minimum of one (1) car parking space per 5 beds plus one (1) space per 2 staff is to be provided.

Disabled parking spaces are to be provided in accordance with the BCA.

Car parking areas are to be landscaped to soften the visual impact and minimize potential noise intrusion on neighbouring properties.

Car parking areas shall be available to guests 24 hours a day.

Car parks are to be designed to comply with AS2890.1

Car parks and manoeuvring areas are to be designed to enable vehicles to enter and exit the site in a forward direction.

The provisions of Part E Parking and Vehicular Access Controls, of this DCP also apply to backpackers accommodation developments.

PART N CONTROLS FOR BACKPACKERS' ACCOMMODATION

N7. Management and Registration

Good management practices within backpackers' accommodation are vital to ensure the occupants have a safe and enjoyable stay and the hostel is operated in a manner that does not disturb adjoining residents and landowners.

N7.1 Management Plans

A management plan is to be provided with the development application. The management plan must address the following:

1. The provision of a responsible manager, over the age of 18 years on the premises at all times. (Note: guests shall not be used as temporary managers).
2. Procedures to ensure the facility will be run in a manner which causes no disturbance to neighbouring properties.
3. Prodedure to ensure that guest numbers do not exceed those permitted by the development consent.
4. Maintenance of the premises in a clean, safe and tidy condition.
5. Maintenance of a register of guests (including information on length of stay, address etc).
6. Procedures to ensure operation of the facility in accordance with the requirements of the Local Government (General) Regulation 2005, Schedule 2 Par 1, "Standards for Places of Shared Accommodation".
7. Maintenance of essential fire safety services.
8. Prescription and enforcement of house rules, which are to be displayed in prominent locations around the facilities, addressing:
    a. Guest behaviour activities and noise at night
    b. The consumption of alcohol on the premises
    c. Fire evacuation procedures
    d. Visitor policy
    e. After hour access
    f. Hours of use of washing machines and communal areas.

PART O CONTROLS FOR KEEPING ANIMALS IN RESIDENTIAL AREAS

PART O CONTROLS FOR KEEPING ANIMALS IN RESIDENTIAL AREAS

O1. What are the objectives of the controls for keeping animals?

The objectives of the controls for keeping animals are:

(a) To set out standards for the keeping of horses, poultry and pigs on land in residential zones in the Clarence Valley LGA.
(b) To maintain residential amenity.
(c) To enable horse stables in North Grafton under controls designed to reduce conflicts with the surrounding residential properties.
(d) To require animals to be kept in a safe and hygienic environment.

O2. Animal boarding or training establishments in residential zones

Animal boarding or training establishments are permitted with consent in North Grafton in the area bounded by Milton, Bacon, Alice and Hoof Streets.

On other land in the R1, R2 and R3 residential zones animal boarding or training establishments are prohibited.

Note:
The CV LEP 2011 definition of animal boarding or training establishments is as follows:

Animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

O3. Livestock agriculture in residential zones

In the R1, R2 and R3 residential zones agriculture is prohibited. This includes the keeping of livestock for commercial purposes. See the Land Use Table and definitions in the CV LEP 2011.

In the R5 Large Lot Residential zone 'extensive agriculture' is permitted with development consent. This allows the grazing of livestock for commercial purposes with consent, but does not allow 'intensive livestock agriculture'. This refers to the keeping of livestock for commercial purposes that are fed wholly or substantially on externally–sourced feed.

Note:
Extensive agriculture means:
(a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes, or
(b) the grazing of livestock for commercial purposes, or
(c) bee keeping,
(d) a dairy (pasture-based).

Note: Extensive agriculture is a type of agriculture – see the definition of that term in the Dictionary.

Intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, goats, horses or other livestock, that are fed wholly or substantially on externally-sourced feed, and includes any of the following:
(a) Dairiies (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.
NOTE: Intensive livestock agriculture is a type of agriculture – see definition of that term in the Dictionary.

PART O CONTROLS FOR KEEPING ANIMALS IN RESIDENTIAL AREAS

O4. Requirements for keeping poultry in residential zones

Note:
See Codes SEPP Subdivision 21 for exempt development controls for keeping poultry.

The keeping of poultry on land within a residential zone must comply with the following requirements, O4.1, O4.2, O4.3 and O4.4.

O4.1 . Types of Poultry

1. Ostriches or emus must not be kept.
2. No male birds are to be kept, with the exception that members of a Poultry Breeders or Exhibitors Club may keep male birds for the purpose of breeding.

O4.2. Feeding Practices

1. Free range feeding of poultry is not permitted.
2. All feeding of poultry is to take place within the enclosed shelters and yards.

O4.3. Housing of Poultry

1. All housing is to be 5 metres from any dwelling.
2. All new housing is to be 1.5 metres from a fence line. Where existing housing is on a fence line then there must be an impervious floor.
3. Shelters must be adequately roofed to keep floors dry.
4. Adequate drainage must be provided to eliminate water ponding in yards.
5. All poultry must be kept in shelters and yards that are completely meshed, top and sides, to prevent poultry escaping and native birds, animals and pests from entering.
6. Ventilation should be adequate to prevent odour and disease problems.
7. The size of shelters and yards must be adequate for the number of birds being housed.

O4.4. Hygiene

1. Poultry shelters and yards are to be kept clean and free from offensive odours.
2. All poultry feed is to be stored in vermin proof containers.
3. Clean drinking water must be provided on a daily basis in suitable containers that are securely fixed to prevent spillage.
4. Clean shelter and yards must be cleaned regularly to avoid odour. A dusting of lime assists in reducing odours.
5. Keep litter clean and dry. Suitable material for litter is sand, shavings, sawdust, straw, chaff or a combination of these materials.
6. Use screens to reduce noise.

O5. Controls for horse stables in North Grafton

The keeping of horses in the North Grafton area bounded by Milton, Bacon, Alice and Hoof Streets must comply with the following controls;

O5.1. General controls

1. Only stables, day yards being yards where horses are kept but not intensively exercised, wash-down bays, sand rolls and similar are permitted.
2. Any auxiliary facility, such as exercise yards, lunging areas and similar facilities which involve regular and/or intensive exercising and/or training of horses, must not be located on land in a residential zone.
3. A minimum site area of 1100 m² applies.
4. Day yards must be located a minimum of 9 metres from an existing dwelling or future dwelling site. Council will make an assessment of any future dwelling site.
5. Stables, wash-down bays, sand rolls and similar shall be 8 metres from the side and rear boundaries adjoining other land zoned R1 or R5. Where land adjoins another zone setbacks will be considered on the merits of the proposal.
6. A 7.5 metre front setback applies.

O5.2. Controls for Yards

1. Day yards or holding yards should be a minimum 3 metres wide and have a minimum area of 20m² per horse. For working horses, yard size should be increased to 35m² per horse.

PART O CONTROLS FOR KEEPING ANIMALS IN RESIDENTIAL AREAS

Fencing

2. Horses must be kept 9 metres from adjoining dwellings.
3. All day yards must be enclosed with fencing that restricts the movement of any part of a horse from encroaching upon adjoining land-owners (i.e. horses heads shall not be allowed to be put over a fence).
4. Horses shall not be allowed to come within 1 metre of a neighbouring fence.
5. Wire fencing should be avoided because of the risk of injury to horses.
6. Post and rail fencing using timber, steel piping or steel posts is suitable.
7. All rails should be attached to the inside of posts. Cattle yard mesh with a roll top (reinforced top section) is also suitable. Suggested dimensions are:
   - 2.40m or 2.75m panels centre to centre
   - 1.70m to 1.80m overall height including cap rail
   - 230mm maximum interval between rails, with bottom rail 380-460mm off the ground.
8. Entrance gates should be at least 3 metres wide and internal gates 2.4 metres wide to allow vehicular access.
9. Gates to small day yards should be at least 1.2 metres wide. Gates should fit neatly and have secure fastenings to prevent injury to horses and escapes.

Yard Surface

10. The siting of yards and the type of yard surface should allow drainage (by absorption or evaporation) without ponding. Grading may be necessary. Gravel is a suitable material for the yard subsurface if covered with sand or loam.

Water

11. Clean water should be available at all times. The trough or container should be easily cleaned, resist tipping over, be free of protrusions and situated so as to make contamination unlikely. Placing the trough in a corner and at a height of 1.07m is suggested.

Maintenance

12. Fences and gates should be kept in a good state of repair.
13. Yards shall be kept in a clean and hygienic condition. Manure must be removed daily along with uneaten feed to discourage flies, vermin and unpleasant odours.
14. Water troughs should be cleaned regularly to maintain hygiene and discourage mosquito breeding.

O5.3. Controls for Stables

1. Stables should, if possible, face into the property and not onto adjoining land. In relation to the number of horses to be kept per site, each Development Application will be taken on its merits.

Size

2. Each horse within a stable should have an area at least 3.7 m wide and 3.7 m deep. A size of 3.7 m x 4.9 m is preferable.
3. Height should be 2.75 m.

Roof

4. The roof should provide adequate shelter from the elements including adequate insulation.
5. Guttering and down pipes shall be provided to convey storm water away from the stables to Council's satisfaction.

Walls

6. Walls should be capable of withstanding damage. Materials such as flat iron and asbestos cement are not suitable.
7. Walls should be of masonry construction at least to a height of 1.20 m. Above this, other solid materials such as good quality steel profile sheeting may be acceptable. Height should be 2.75 m.
8. A waterproof damp course should be incorporated. Cracks, crevices and hollows should be avoided because they provide breeding places for pests.
9. Concrete block walls should be reinforced with vertical steel rods and the cores filled with concrete.
10. The walls may be lined with plywood sheets or rubber conveyor belting to prevent injury to horses and also to protect the walls from pawing and kicking.

Doors

11. Doors should be at least 1.2 m wide and 2.4 m high, with no protrusions to injure horses.
12. Hinged doors should open outwards and where half doors are used, the

PART O CONTROLS FOR KEEPING ANIMALS IN RESIDENTIAL AREAS

bottom door should be at least 1.4 m high. Sliding doors are also suitable.

13. Latches should be strong and have no protrusions to injure horses.

Floor

14. Floors should be constructed of an impervious material which is graded towards the doorway to permit drainage and with no low spots where urine can collect. The floor/wall junction should be covered to a diameter of at least 50 mm.
15. A drainage apron at least 1m wide should be provided along the front of the stable. A 100 mm thick reinforced concrete slab is the material of choice.
16. Clean bedding such as straw or sawdust should be provided daily to prevent foot and leg problems caused by standing on concrete.

Ventilation

17. Ventilation is essential to allow escape of heated and malodorous air and the entry of fresh air. Cross-ventilation should be provided by leaving an air passage between the roof and walls or a window of at least 0.9m².
18. Windows may be wire mesh or louvres, in which case the louvres should direct air upwards inside.

Maintenance

19. Stables and shelters should be maintained in good repair and shall be cleaned daily to remove manure, soiled bedding, uneaten feed and other refuse.
20. Fresh bedding should be provided daily.
21. Feed and water containers should be cleaned and disinfected regularly.

O5.4. Waste Disposal

Cleaning

1. Stables, shelters and yards should be cleaned daily. Manure, refuse, soiled bedding and uneaten food should be removed daily and placed in a storage bin.
2. Fresh bedding should be provided daily.

Manure Storage Bins

3. Refuse shall be placed in a receptacle such a large metal bin with a flanged fitting metal lid which is waterproof, prevents access to flies and vermin and reduces emission of noxious odours. The bin should be emptied and disinfected weekly.

O5.5. Pest Control

Maintenance of Hygiene

1. Control of flies and vermin can be aided by use of proper storage bins, prompt removal of spillages, daily cleaning of stables and surrounds and proper disposal of waste.

Elimination of Breeding Places

2. New walls and floors should be constructed so that there are no cracks or crevices which provide breeding places for pests.

O5.6. Use of Pesticides and Insecticides

1. Suitable measures such as the use of fly baits and surface residual insecticidal sprays should be used if necessary.
2. Safety precautions are essential to protect both users and horses when using such chemicals.
3. Keep out of the reach of children and animals. Store away from foods. Read the label and precautions.

O5.7. Food Storage

Feed should be stored in containers with close fitting, hinged lids to prevent entry of vermin. Materials used should be water resistant or waterproof to prevent spoiling of feed. Metal is the material of choice.

O5.8. Noise

All stable operators must take steps to keep any noise to a minimum, particularly in early morning times. Operators should be aware that action can be taken under the Noise Control Act for any unreasonable noise nuisance.

O5.9. Dust

Stable operators must take steps to keep dust particles and all other related airborne matter contained within the site by such means as dampening down areas, especially on windy days.

O5.10. Annual Inspection of Stables

Annual inspection of horse stables to check for compliance with health and building regulations will be carried out.

PART O CONTROLS FOR KEEPING ANIMALS IN RESIDENTIAL AREAS

Council, under the Local Government Act, has the power to regulate and control matters in relation to sanitation. If stables do not comply with regulations, they will be required to cease operation.

O5.11. Car Parking

On-site parking for horse floats, loading and unloading of horses shall be provided.

O5.12. Transportation

Council may require transportation of racing horses from the site to the Racecourse by vehicle. Before doing so, Council will take into consideration the potential route, its condition, adjoining land uses and the potential for nuisance or damage to residents or footpaths.

O5.13 Hours of Operation

Horse stables must only operate within the hours of 5.30 a.m. and 6.00 p.m., except on race days.

PART P CONTROLS FOR DEVELOPING STEEP LAND

PART P CONTROLS FOR DEVELOPING STEEP LAND

P1. Where do controls for steep land apply?

Controls for developing steep land in PART P of this DCP apply to the following:

(a) land in any residential zone in CV LEP 2011 with a slope of 1 in 5 or greater, including land in the R5 Large Lot residential zone.
(b) Land in the R2 Low Density residential zone in CV LEP 2011 in Maclean township in Precincts 1-5 as shown on MAP O1.

Site specific controls apply for Maclean, refer to Clause O6.

P2. What are the aims and objectives for developing steep land?

The aims and objectives for developing steep lands are:

(a) To set out requirements and criteria which need to be addressed when building or subdividing on steep land.
(b) To consider the constraints and opportunities of each site prior to preparing plans for subdivision or building works.
(c) To reduce environmental and visual impact by requiring development to be located on slopes generally no greater than 1 in 5.
(d) To prevent soil erosion and sedimentation by minimising land disturbance and requiring control measures to be put in place.
(e) To maintain natural drainage systems and their ability to handle stormwater runoff by their retention and the provision of suitable buffers.
(f) To minimise the risk of bushfire hazard to residential development.
(g) To ensure that significant flora and fauna habitats are maintained and their linkage to other habitat is considered as part of the development process.
(h) To ensure that any subdivision or development proposals minimise impact on the scenic quality of the area by the careful location of roads and building envelopes.
(i) To ensure that proposed building elements eg; roof form, siting, materials and colours relate well to the site.
(j) To ensure that access to steep sites is feasible and minimises impact on the natural features of the site.
(k) To encourage soft road verge treatments and design which is complimentary to the bushland character of hillsides.
(l) To provide specific requirements for a number of undeveloped sites which are zoned for residential purposes.

P3. Information to be provided with a development application

The following information must be submitted with your development application:

(a) mapping of the existing features of the site.
(b) whether the proposal affects land with a slope in excess of 1 in 5 (20%).
(c) an Erosion and Sediment Control Plan.
(d) a minimum 10 metre buffer on either side of any drainage lines or watercourses, except where otherwise indicated.
(e) minimising of earthworks and indication of heights of cut and fill (cut or fill is not to exceed 1200mm).
(f) bushfire control measures and compliance with the requirements of the NSW Rural Fire Service.
(g) a statement of environmental effects or a species impact statement to assess flora and fauna.
(h) photos and overlays to demonstrate the impact on scenic quality.
(i) building envelope of 10m x 15m for each dwelling.

PART P CONTROLS FOR DEVELOPING STEEP LAND

(j) a geotechnical appraisal for each proposed building envelope or proposed structure on land with a slope greater than 1 in 5 (20%).
(k) details about road verges and fencing.
(l) compliance with any site specific requirements as detailed in Clause O6.

PART P CONTROLS FOR DEVELOPING STEEP LAND

MAP P1

PART P CONTROLS FOR DEVELOPING STEEP LAND

P4. Development Constraints

P4.1. Site Planning

It is important to have a good understanding of your site before starting to design a subdivision layout or the location of new buildings.

The first step is to map the existing features of the site;

(a) orientation
(b) slope
(c) vegetation
(d) native fauna
(e) drainage lines
(f) rocky outcrops and other natural features
(g) soil

This will determine what areas of the site are constrained and are unsuitable for development and the areas of the site where it may be possible to develop.

P4.2. Slope Constraints

Slopes steeper than 1 in 5 present considerable problems and should generally be excluded from subdivision and building development for the following reasons;

(a) Increased development difficulties and costs
(b) Access can be difficult or impossible
(c) Erosion potential is high or extreme
(d) Winds are often stronger
(e) Visibility of development is often increased
(f) Impact on flora and fauna
(g) Usually affects heavily vegetated areas
(h) Fire hazard is high or extreme

P4.2.1 Council will only consider the areas with a slope greater than 1 in 5 for building envelopes if it can be demonstrated that no alternative house site exists on gentler slopes and the proposal has benefits, such as reduced clearing for roads, fire breaks, etc.

P4.2.2 A geotechnical appraisal must be submitted for any building envelope or proposed building on land with a slope greater than 1 in 5 (20%) to ensure that development of this part of the site is practical.

The geotechnical site investigation should be prepared by a qualified Engineer and shall fully assess the suitability of the site for the proposed development. All recommendations of the investigation shall be incorporated into the plans for the proposed development.

P4.3. Erosion Control Measures

P4.3.1 Your development proposal must comply with the erosion and sediment controls in PART I of this DCP.

P4.3.2 No structures shall be constructed within the 1:100 stormwater overland flow path. All habitable floor levels shall be 0.5m above the 1:100 stormwater flow levels. Where applicable Council will require stormwater calculations and levels to be submitted with the development application.

P4.4. Earthworks

Disturbance by clearing and cut and fill operations on sloping sites can disrupt natural water run-off, risk soil erosion, and require costly retaining walls.

(a) Buildings and roads should be designed with the contours of the land and should avoid steeper sections of a site.
(b) Clearing should be minimised and groundcover vegetation retained.
(c) Earthworks are not to exceed 1.2 metres of cut or 1.2 metres of fill in order to minimise site disturbance.
(d) Slab construction is inappropriate on steep slopes as there is potential for movement of foundation material and for damp problems if water collects against the building.

PART P CONTROLS FOR DEVELOPING STEEP LAND

P4.5. Protection of Watercourses

Several watercourses/drainage lines occur on land in Maclean covered by this Part of the DCP and are likely to occur on other steep land that is, land with a slope of 1 in 5 or greater. These watercourses /drainage lines may only have intermittent flow but are important for stormwater control and are required to be protected.

(a) A minimum buffer of 10 metres each side of the water course must be provided. Larger buffers are encouraged where possible.
(b) No clearing of native vegetation is permitted in this buffer area. However, removal of weeds and replanting with native species may be required and should be included in your development proposals.

P4.6 Bushfire Hazard Controls

In bushfire hazard areas, building form and materials have to be carefully assessed and non combustible materials may be required. Your development Application must comply with the NSW Rural Fire Service *Planning for Bushfire Protection 2006*. An Asset Protection Zone (APZ) and adequate access will be required. It is advisable to consult the NSW Rural Fire Service.

P4.7. Flora and Fauna Protection

The likely impact of proposed development on the native flora and fauna of these bushland sites must be carefully assessed as part of the site planning process. This is a legal requirement of the EPA Act and Threatened Species Conservation Act.

You are required to prepare a statement of environmental effects to accompany the development application depending on the scale of development and vegetation present on the site. A flora and fauna specialist is required to carry out field work.

P4.8. Impact on Scenic Quality

It is important that scenic quality is not eroded by the impact of new development. This is particularly important in Maclean, as the character of the town owes to the steeply forested backdrop. This is an important element of the views from all the major approaches to the town.

Any subdivision or development proposals are required to demonstrate what impact the development will have on scenic quality. This must be done by showing the area of any proposed clearing for access, building envelopes and associated fire hazard control. This should be illustrated by photographs with overlying transparencies showing the extent of any proposed clearing.

To reduce the impact of development and the destruction of the scenic quality of an area the following controls apply:

(a) Clustering of dwellings in areas which are less prominent.
(b) Buildings should not penetrate the tree canopy to be visible on the skyline.
(c) Underground power and telephone lines should be provided to new dwellings or subdivisions to minimise visual intrusion.

Approval will not be granted if it is considered that the proposed development will have an adverse visual impact on the tree canopy and overall scenic quality of the area.

P5. Design Components

P5.1. Building Design

Sloping sites require a different approach to a conventional suburban lot. Initial site planning will help determine the siting, orientation, height and building form of the dwelling. The following requirements should be observed;

(a) Nominate building envelopes to accommodate a minimum dwelling size of 10 metres x 15 metres, having regard for all the site planning constraints. The nominated building envelope may be enlarged to include unconstrained areas of the site to enable a choice of house position for future owners of the land.
(b) Roof form should follow the slope of the land as much as possible. Split level homes and pole frames can be used to achieve this.

PART P CONTROLS FOR DEVELOPING STEEP LAND

(c) Use non reflective materials and natural earthy tones which will blend with the bushland setting; greys, greens, beige, browns, ochre, olives and blue greys are recommended.

P5.2. Access

Access to sites on steep land requires detailed consideration. Access is necessary for construction as well as everyday purposes. You will need to show how this can be provided without destroying the bushland character of the site.

Sufficient investigations should be carried out to ensure that access to steep sites is feasible and complies with relevant standards. In some cases Council will require detailed plans at the development application stage where appropriate or at the Construction Certificate stage to demonstrate that access is feasible.

The design of roads should minimise the need for substantial cut and fill operations unless you can demonstrate that the proposal has other advantages such as the retention of important vegetation on the site.

P5.3 Road Verges

Roads and paths should follow contours and landform wherever possible. Verge treatments which avoid strong edge lines and retain a natural appearance and bushland character are encouraged.

Native vegetation should be retained on the edges of the road reserves and any restoration planting should include massed natives which are compatible with the local vegetation. Restoration planting near underground services should be of the type that will not cause damage to services e.g. infiltrating sewer mains.

P5.4. Fences

Fences have a major impact on the character of a street. In bushland areas it is important that fences are of a simple design, unobtrusive, and are complimentary with their bushland setting.

The use of post and rail timber fences, simple wire fencing on timber posts or other similar types of fences with a horizontal format and naturally weathered silver greys, browns and greens are encouraged.

Heavy structures such as brick or solid metal fences can destroy the low key character of the area and are not appropriate.

P6. Site Specific Controls for Maclean

P6.1 MACLEAN AREA 1

Maclean Area 1 is shown on MAP O2. This area at the rear of properties in Harwood and Kerry Streets has moderate slopes and includes plantation timber. It is therefore less constrained for residential development than most of the other land referred to in this plan. However, the general principles of the plan still apply and the following points should be noted.

1. A central gully dissects the site and also includes a tributary area in the south east corner of Lot 6 DP 718930. This gully area is covered by an E2 Environmental Conservation zone which extends approximately 20 metres either side of the creek as shown on the above plan. The purpose of this zone is to provide a continuous linkage along the drainage line including a suitable buffer.

2. Two drainage lines also run north-south from Kerry St across the northern part of this area. These drainage lines handle a large amount of storm water in times of heavy rainfall from the hillside above and this will need to be carefully addressed at the design stage.

3. Pine plantation covers a large portion of the site including parts of the E2 Environmental Conservation zone. It is acceptable that these trees be removed, but they should be replaced within the E2 Environmental Conservation zone by native species which are local to

PART P CONTROLS FOR DEVELOPING STEEP LAND

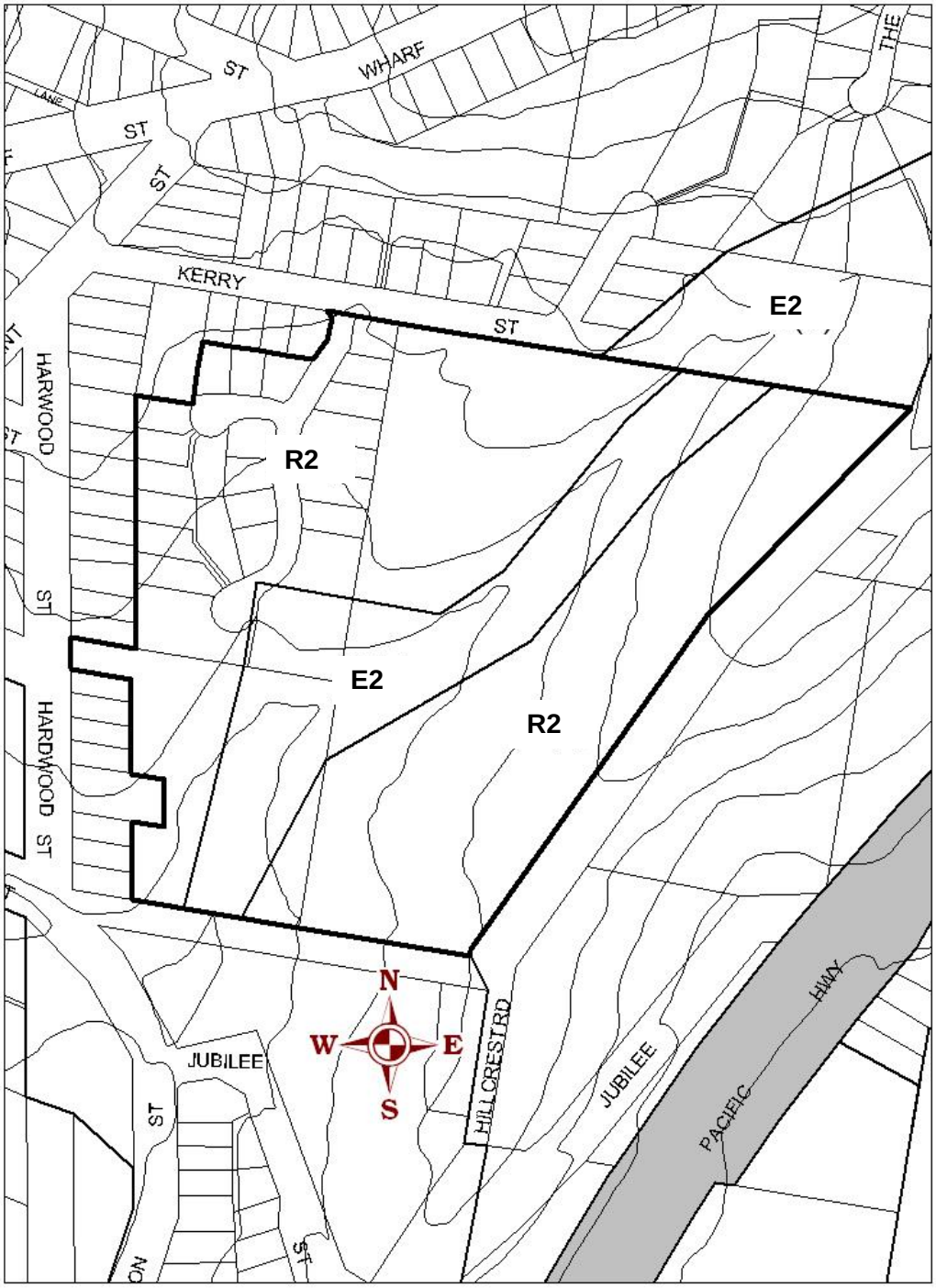
the area. Soil erosion protection principles apply.

4. Fencing of the boundary between the E2 Environmental Conservation zone and residential development is a requirement of any development approval on the land. This is necessary to clearly define the buffer area and protect it from urban activities such as clearing and the entry of dogs. The fencing should be designed for the whole site and be simple in design as outlined earlier in the plan. A post and rail fence with dog proof wire is suggested to maintain views through to the buffer area.

5. Any new access road should be located below the level of the ridgeline to minimise visual impact on the hillside and maintain scenic quality. Access through the E2 Environmental Conservation zone is likely to be required to link both sides of the site. However, this should be limited to minimise impact on this gully area and located where it has least potential to damage natural features such as rocky outcrops and mature native vegetation.

PART P CONTROLS FOR DEVELOPING STEEP LAND

MAP P2
MACLEAN AREA 1



PART P CONTROLS FOR DEVELOPING STEEP LAND

P6.2 MACLEAN AREA 2

1. Maclean Area 2 is shown on MAP O3. This comprises a site of approx 6 ha with undulating south facing slopes. The site has been largely cleared leaving selective mature trees, but has an uncleared area in the south eastern corner which is zoned E2 Environmental Conservation and links to adjoining bushland.

2. Visibility from approach roads and surrounding sites is low.

3. Density should not exceed one dwelling per 500m2 of site area. To maximize the retention of sensitive areas Community Titles subdivision may be an appropriate form of development.

4. The design housing should aim to maximise the retention of the remaining mature trees on the site by ensuring that they are not located close to building envelopes where future conflicts may arise.

5. Definition of the boundary between the E2 Environmental Conservation zone and residential development will be a requirement of any development approval on the land. It is suggested that a footpath, or a buffer, be located between any residential development and the E2 Environmental Conservation zone to protect it from urban activities such as clearing, mowing and the dumping of garden rubbish. This should be considered as an integral part of the proposed residential design for the site.

P6.3 MACLEAN AREA 3

1. Maclean Area 3 is shown on MAP O4. This land comprises three separate properties which presently form one undeveloped area of bushland.

2. The area comprises generally undisturbed mature bushland with north western facing slopes of 1 in 5 (20%) and less.

3. An outstanding natural rocky outcrop runs approximately southwest to north east along the contour of the hillside. This natural feature should be preserved and carefully incorporated into the design of any development on this site.

4. The top section of the hillside at the rear of properties on Wharf Street has a fairly gentle slope and the undergrowth has been slashed for fire protection. This site becomes steeper towards the north and links to adjoining Crown Reserve which contains a central gully and rocky outcrops. The remaining property is similar in character and is accessed from Roderick Street.

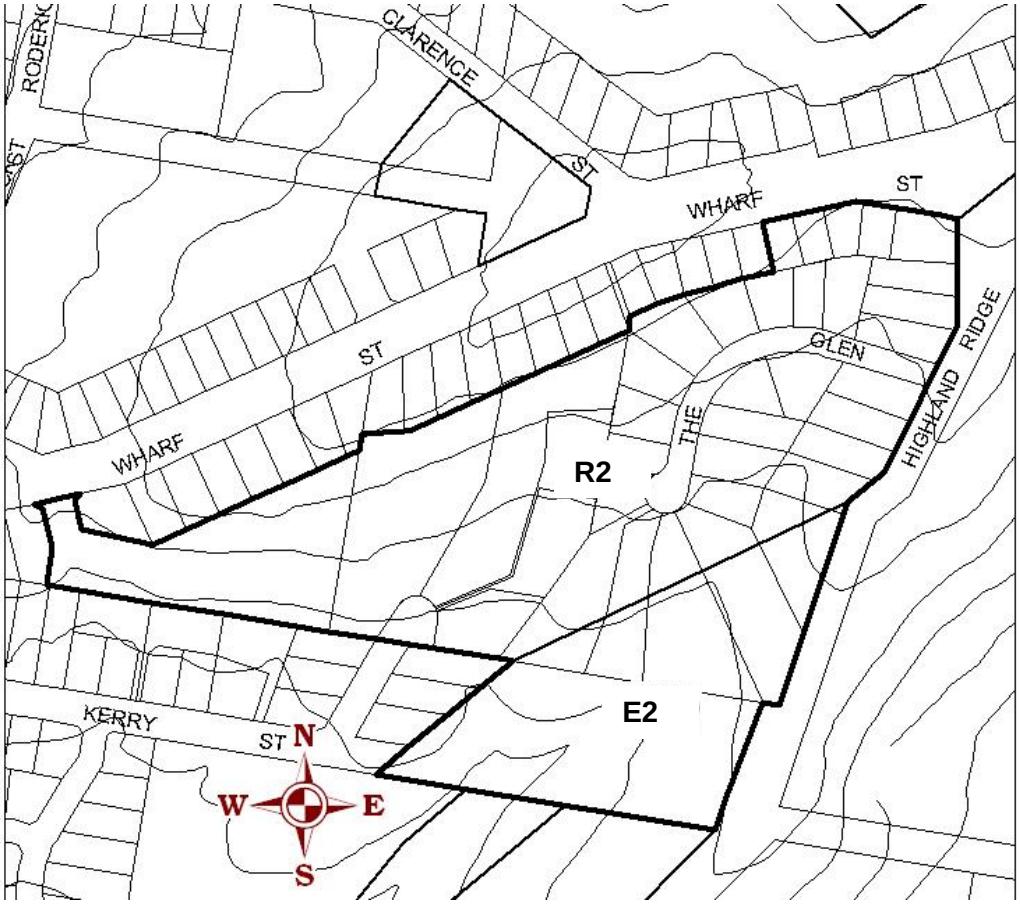
5. This area has important scenic and visual quality, forming part of the backdrop to the view of the Catholic Church from River Street. Clearing on this site must be minimised and careful site planning is required to locate building envelopes which will not create large holes in the canopy. The constraints affecting this land will reduce the density of development which can be achieved.

6. Sensitive areas of the site should be incorporated into larger lots or could be separately defined as a community lot under Community Titles land tenure.

7. A walking track is located on the lower contour of the hill and links to a footpath on Roderick Street. It is desirable that a footpath access be maintained which could link to the Crown Reserve.

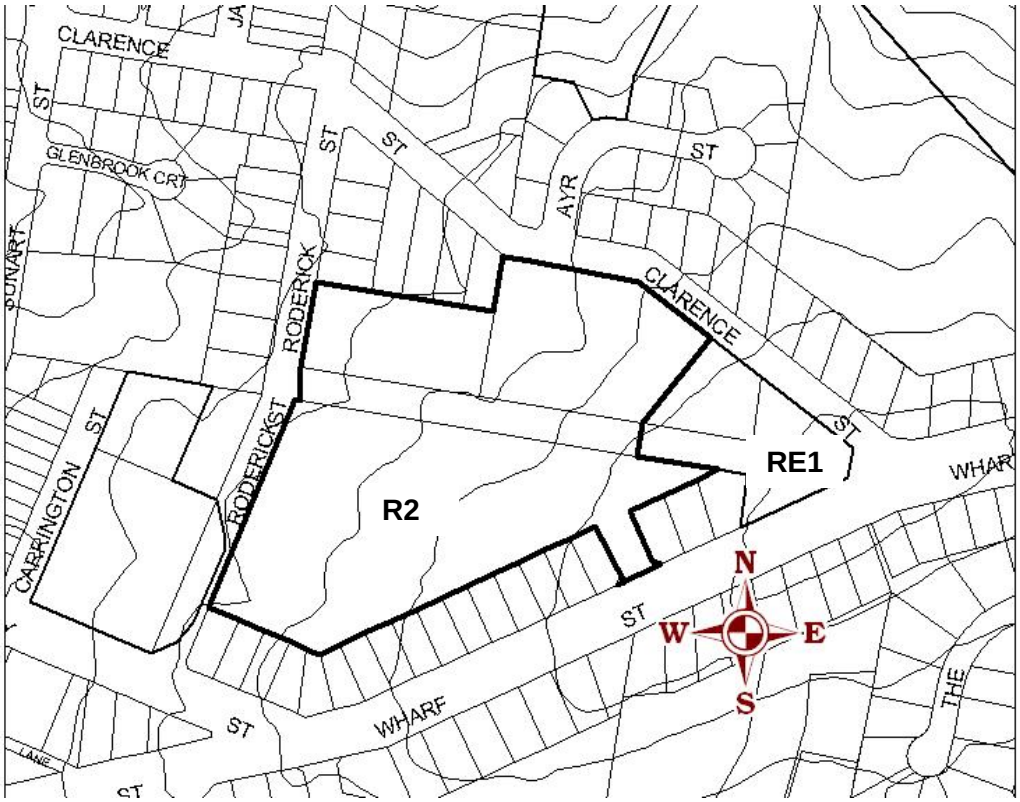
PART P CONTROLS FOR DEVELOPING STEEP LAND

MAP P3
MACLEAN AREA 2



PART P CONTROLS FOR DEVELOPING STEEP LAND

MAP P4
MACLEAN AREA 3



PART P CONTROLS FOR DEVELOPING STEEP LAND

P6.4 MACLEAN AREA 4

1. Maclean Area 4 is shown on MAP O5. This site comprises mature bushland at the rear of Roderick and Clarence Streets. Access is from Sunart Street which is unformed but has been cleared.

2. The site is heavily vegetated with eastern facing slopes of 1 in 5 (20%) and less, and includes two drainage lines with rocky outcrops.

3. A sensitive design is required which integrates dwellings and access with the natural features of the site and maintains as much vegetation as possible.

4. Council requires a minimum 10 metre buffer either side of drainage lines/watercourses where there is intermittent flow. Piping of natural drainage lines is not an acceptable solution. Land within the 10m buffer area may be included into lots outside of the nominated building envelopes but must remain uncleared including natural groundcover vegetation.

P6.5 MACLEAN AREA 5

1. Maclean Area 5 is shown on MAP O6. This is a very prominent high site which includes a north facing spur which returns to steep eastern facing slopes and include several drainage lines. The land is thickly vegetated with mature bushland and provides a significant visual backdrop to the town.

2. Land containing slopes of 20% or greater generally falls within the E2 Environmental Conservation zone due to its steepness and visibility. However, some very steep sections of land lie outside of this zone due to the need for practical zone boundaries and are not appropriate for residential development.

3. The south-western section and a small south-eastern section of Lot 23 DP 882189, which are within the R2 Low Density residential zone, have potential for very low density development as the slope is not so severe on these parts of the site. Mature vegetation within the gullies in the E2 Environmental Conservation zone that descend from these areas screen these sites, and it is important that this vegetation is protected from clearing.

4. The boundary between the E2 Environmental Conservation and the R2 Low Density residential zones in the south eastern section of the site should be delineated by the access road as this will assist in providing fire protection and minimising the impact of development on the E2 Environmental Conservation zone.

5. North to north-western facing steep slopes with thick vegetation make bushfire a high risk on this site. Pockets of steep gully areas which occur within the R2 Low Density residential zone (due to boundary alignments) should be retained uncleared as these areas are highly susceptible to soil erosion and have environmental value. They are also under threat from clearing for the gaining of views. These areas may be incorporated into larger allotments.

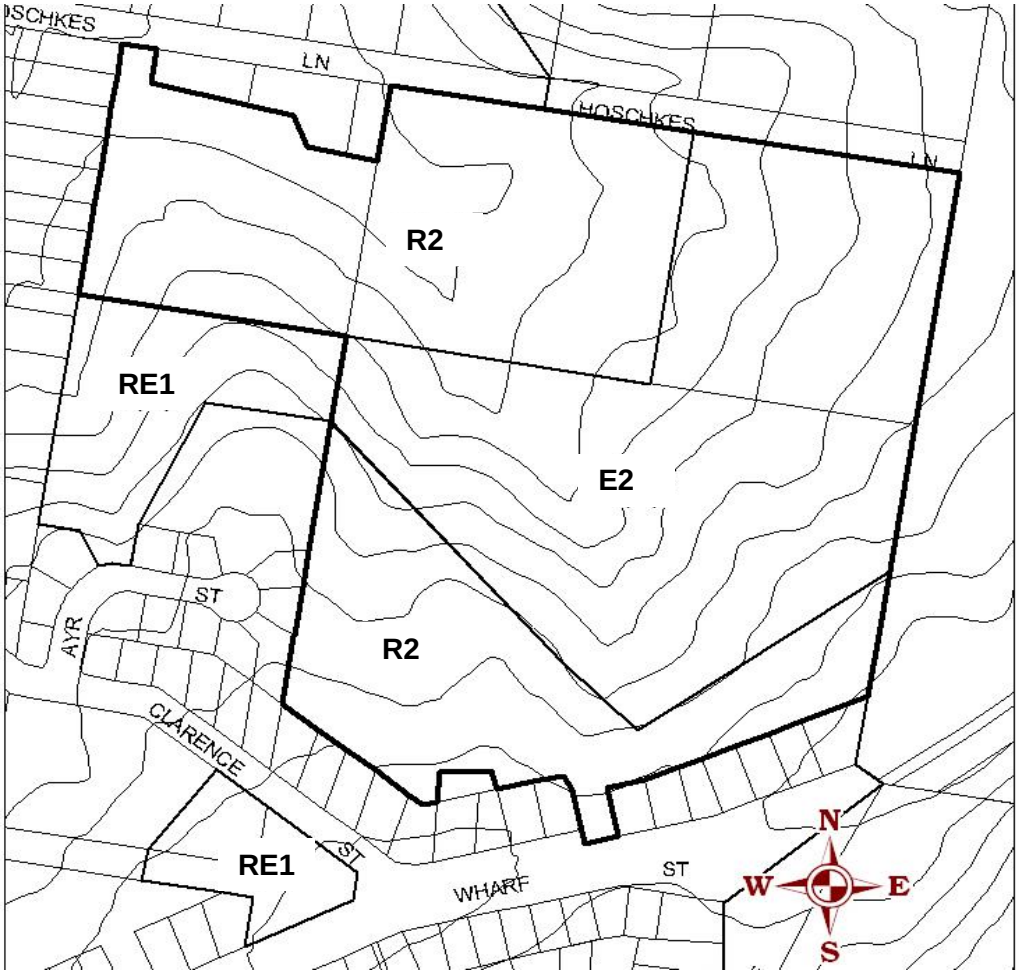
6. The upper portion of Lot 1 DP 594907 is zoned E2 Environmental Conservation for the same reasons as above. The lower portion of the site has shallower north western facing slopes, is less visible and the vegetation is mainly mature acacia regrowth. Building envelopes should be selected with regard to minimising removal of vegetation; likely future visual impact and bushfire requirements. Bushfire risk is not as severe being located on the lower slopes however, radiation areas will still be required.

7. Lot 2 DP 532997 is the least constrained site in this area being located at the lower part of the hillside behind dwellings on Roderick Street. However building envelopes must be nominated.

PART P CONTROLS FOR DEVELOPING STEEP LAND

MAP P5
MACLEAN AREA 4

MAP P6
MACLEAN AREA 5



PART Q ANGOURIE VILLAGE CONTROLS

PART Q ANGOURIE VILLAGE CONTROLS

Q1. Where do controls for Angourie village apply?

Part Q of the DCP applies to all land in the village of Angourie zoned R2 Low Density and R3 Medium Density residential zones in the CV LEP 2011.

Q2. What are the aims and objectives of controls for Angourie Village?

The main aim of Part Q of this DCP is to set out building envelope requirements for all developments in Angourie.

The objectives of the controls for Angourie village are:

(a) To provide development controls which are designed to promote and encourage high standards of planning, which are sensitive to natural and man-made surroundings.
(b) To encourage responsible, innovative design.
(c) To limit the effect of overshadowing caused by neighbouring residences.
(d) To preserve available scenic views by use of a defined building envelope.
(e) To reduce the impact on coastal views from existing buildings that are adjoining or adjacent (separated by public road) even if the proposed building is wholly located within the building envelope, through the principle of view sharing. In assessing these impacts Council will always be aware of that no-one can own a view across private property. Council is committed to the principle of view sharing where achievable.

Q3. Information to be provided with a Development Application

To enable Council to assess your proposed development without any delay, you must submit 3 copies of plans including the following details:

(a) Accurate site dimensions, location of the proposed building and distances from buildings on adjacent land; and
(b) Maximum height dimensions and building envelope profiles.
(c) A detailed contour plan of the site showing existing ground levels.
(d) Where the proposed development has the potential to affect coastal views from buildings that are adjoining or adjacent (separated by public road) you must either:
    i) provide photomontage(s) taken from all potentially affected buildings (views from balconies and windows to living areas) with proposed development inserted; or detailed and accurate elevation plans prepared by a duly qualified professional showing the actual impact and providing the technical basis for the plans (RL's, contour details etc), and provide Council with details of measures that you have taken to reduce the impact on those views (or reasons why the impact cannot be reduced).
    Or
    ii) If the requirements of (i) above have not been provided, and Council receives objections to your development based on potential loss of coastal views, you will be required to frame-up the profile of the portion of the building which is responsible for the impact prior to Council inspecting the site. You may at that stage wish to amend the application to reduce impacts or provide an explanation as to why the impacts cannot be reduced.

PART Q ANGOURIE VILLAGE CONTROLS

Q4. Building Height

CV LEP 2011 clause 4.3 and the associated Height of Buildings Map set the maximum building height for all land in the Clarence Valley Local Government Area. The height of a building is not to exceed the maximum height shown for the land on the Height of Building Map.

For land in the R2 and R3 residential zones in Angourie, buildings must not exceed a maximum height to the ridgeline of 10.0 metres above ground level (existing).

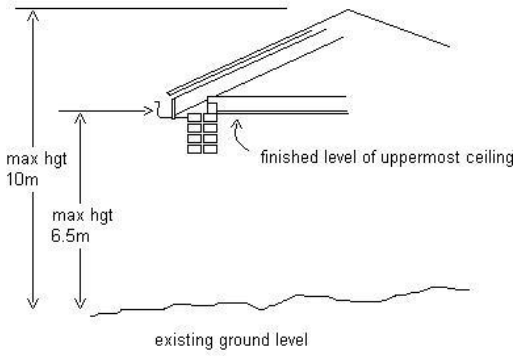
In addition to the maximum building height buildings must not exceed, a maximum height to the finished level of the uppermost ceiling or to where the roof beams meet the top plate of 6.5 metres.

In the case of skillion roofs, the maximum height to the top plate is to be measured to the lower point at which the roof beams meet the top plate.

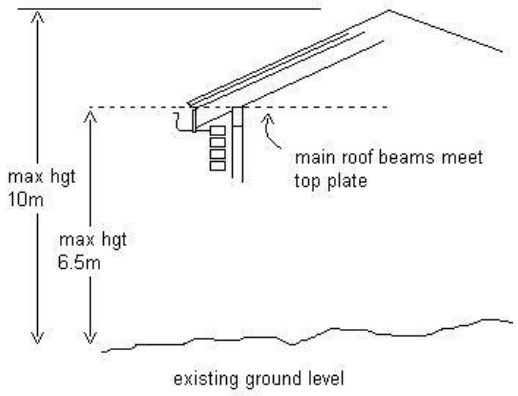
The building height is measured at any point on the allotment, i.e. the building will need to be stepped down the slope.

A variation to the 6.5 metre top plate height may be considered in the following circumstances:

(a) Where clear advantages are achieved in other aspects of the design, and
(b) providing that it can be demonstrated that the building does not have the appearance of three storeys or will result in an excessive area of wall mass when viewed from any adjacent property or public road.



With a Ceiling



With no Ceiling

Note: Definitions from the CV LEP 2011 that must be used to determine building height controls are:

Building height (or ***height of building***) means:
(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
(b) in relation to the RL of a building — the vertical distance from the Australian Height Datum to 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.

Reduced Level (RL) means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

PART Q ANGOURIE VILLAGE CONTROLS

Ground level (existing) means the existing level of a site at any point.

Ground level (finished) means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for abasement, footings or the like) for which consent has been granted or that is exempt development.

Q5. Building Height Plane and Building Envelope Requirements

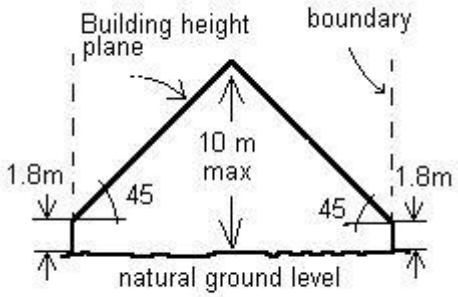
The objectives of the building height plane and building envelope requirements are to:

(a) reduce the overshadowing of adjoining properties.
(b) minimise the loss of privacy enjoyed by adjoining properties.
(c) protect views from adjacent existing buildings.
(d) optimise the use of winter sunlight and summer shade.

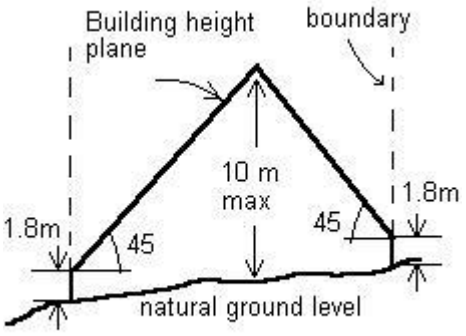
Buildings must comply with the building height plane and be sited inside the building envelope

The 'building height plane' means the plane projected at an angle of 45 degrees over the actual land to be built upon, from a distance of 1.8 metres above existing ground level at the boundary of the site.

This means that the higher the building becomes, (up to a maximum of 10 metres) the greater the setbacks are from the site boundaries as shown in the diagrams below:

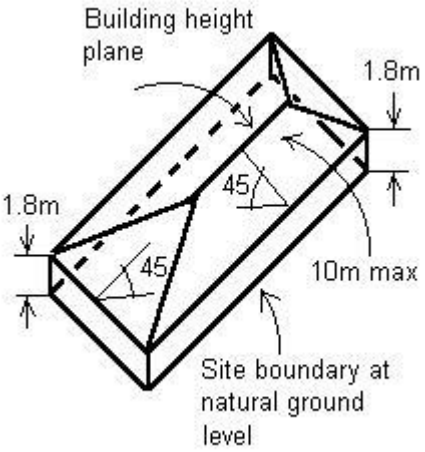


FLAT SITE



SLOPING SITE

The building height plane, in combination with the building height limits, form the maximum building envelope. All buildings must be situated within the building envelope, with the exception of climate control elements which are of an open character and form part of the landscape treatment of the building. Pergolas, verandahs and lattice walls are examples of such elements.



When considering development applications Council will also consider the following matters:

(a) The amount of roof and wall mass to be on view from any place external to the site.
(b) The orientation of the roof lines and the roof ridges in relationship to the headland ridge and existing development.
(c) The position of the building on the site to ensure that the higher sections are orientated down the slope and not across the contour.

PART Q ANGOURIE VILLAGE CONTROLS

Q6. Are there any exemptions to the building height plane and building envelope controls?

An exemption from the building height plane and building envelope controls may be considered in relation to one or more boundaries, in the following circumstances:

(a) Where clear advantages are achieved in other aspects of the design; or
(b) On an existing narrow allotment, and
(c) For second storey additions to single dwelling houses, providing the objectives for the building height plane are satisfied.

Q7. Setbacks

Setbacks are controlled by the building height plane which will vary from site to site, but generally a standard set-back of 6 metres applies to the street frontage.

Council will consider variations to the set-back from the street frontage down to an absolute minimum of 3 metres in order to achieve more varied and interesting streetscapes, better orientation of residential developments with regard to sun, shade, wind and neighbouring development, and better use of allotments to create private open space and courtyards.

The street face of a building, and any open space between it and the street, should contribute to the general attractiveness of the streetscape by means of good design, appropriate materials and effective landscaping. A reasonable degree of integration with the existing pattern of setbacks should be balanced with the need to provide variety in the streetscape.

Q8. Variation to the setback requirements

In considering a variation of the set-back requirements determined by the building plane, Council will have regard to the following:

(a) The position of any existing buildings in the locality;
(b) The size and shape of the allotment;
(c) The effect of vehicular safety and visibility, particularly on corner sites;
(d) The orientation of the allotment and the proposed dwelling with regard to the sun and prevailing winds;
(e) The proposed location of any private open space, courtyard or landscaped areas;
(f) The facade of the proposed building or buildings which will face the street and the proposed landscape treatment of that part of the allotment which is visible from the street;
(g) The location and treatment of any car parking areas or car parking structures on the site.

Note:
Many of the controls in PART C of this DCP apply. In particular see clause C6. *Consideration of the NSW Coastal Policy and the NSW Coastal Design Guidelines* in this DCP.

PART R GLENREAGH VILLAGE CONTROLS

PART R GLENREAGH VILLAGE CONTROLS

R1. Where do Glenreagh village controls apply?

Part R of this plan applies to land in the village of Glenreagh zoned R2 Low Density Residential in CV LEP 2011.

R2. What is the aim of the Glenreagh village controls?

The primary aim of the controls for Glenreagh village is to conserve and enhance the historic significance and character of the village by providing detailed guidelines for conservation and new development in the residential zone in Glenreagh village.

R3. The Built Character

R3.1 Defining the Character of the Village

Glenreagh Village has a strong sense of place due to its outstanding physical setting in the Orara Valley. The village is dispersed along the main Coramba Road with small residential areas on each side. The river and the railway also reinforce the linear pattern of the village. The surrounding rural settlement is attractive with undulating land, views of the escarpment and timbered areas.

There is great potential for utilising the combination of the outstanding setting, the heritage buildings, the river and the historic railway to increase tourism and the appeal of the village.

(a) Outstanding setting in the Orara River valley.
(b) A number of intact historic, commercial, civic, and domestic buildings, in Coramba Road and River Streets.
(c) Attractive historic recreation ground precinct
(d) Shannon Park
(e) Historic Glenreagh Railway Station and railway line to Dorrigo.

R3.2. Design elements

Although the village includes modern infill development, the traditional buildings which provide it with its historic character are broadly characterised by the following design and streetscape elements:

1. Single storey traditional weatherboard buildings.
2. Uncoloured metal roofing.
3. Traditional steep roof pitches, often with complex hip and gable forms.
4. Long slender proportions to window openings, especially on elevations, which face the street.
5. Projecting gable ends to the street.
6. Broad streets with grass verges.
7. Front fences of low to medium height, especially picket fences.
8. Dispersed civic landmark timber buildings
9. Public park adjacent to the river.
10. Important views out of the village of its setting.

R4. Policies for New and Infill development

R4.1. General Context

The design elements outlined in Clause R3.2. need to be carefully considered in the design of new development or extensions to enable it to integrate successfully with the old. This does not require a copy of a historic building, but encourages new development which is sympathetic to its context.

Understanding this context provides a good basis for the design of new extensions and structures. Basic principles to be observed are

(d) Keep it simple – do not use a mixture of features from different eras
(e) Use design elements that exist in the local village to guide the design of the new structure
(f) Ensure that the size and scale is compatible with neighbours and the general streetscape.

PART R GLENREAGH VILLAGE CONTROLS

R4.2. Roof Pitch and Form

Roof pitch and form relate to building age and style. There are several distinctive roof forms, the most common being hipped and gambrel roofs with gable roofs appearing in some of the later buildings. Although there is a variety of roof shape and pitch within the historic buildings, there is also a common unity to the overall scale and colour which contributes to a harmonious streetscape.

The pitch and form of a roof has a major effect on the overall appearance of a building and has a strong relationship to its proportions. The style of the roof will have an important bearing on whether or not a new building fits comfortably within a streetscape containing buildings of heritage value.

Roof pitch is traditionally steeper than in conventional modern dwellings and often involves more complex forms, even on a small cottage. Roofs with a low pitch or angle will look out of place in an area where traditional roof pitches are in the order of 30^{o} to 35^{o}.

Roofs of new buildings need not be exact copies of existing hipped or gambrel roofs in the village but should be of similar pitch and proportion, and orientation to traditional roofs to ensure compatibility. Uncoloured galvanized iron is recommended where it raises no conflicts with reflectivity otherwise, grey coloured colourbond is recommended in this precinct. Concrete tiled roofs are not compatible within the historic precincts and should be avoided.

The use of correct gutters for maintenance and new work is also an important part of maintaining village character. Ogee, half-round and quad gutters are the most appropriate profiles and should be used in preference to perforated box gutters.

R4.3 Verandahs

Verandahs have a functional purpose as well as an aesthetic one, being useful in climate control as well as providing sheltered outdoor living space.

Buildings in Glenreagh have simple skillion roofed verandahs with square timber posts, there are also several examples of bullnose verandahs. Many still have original style brackets, and timber balustrade, which makes an important contribution to their overall appearance.

The incorporation of verandahs into the design of new buildings helps integrate the building with the existing built character of the village. New verandahs for infill development should be straightforward and simple in style. Avoid the use of styles and features which have no historical context. For example, bullnose style verandahs and cast iron balustrade should generally not be added to modern dwellings but are acceptable where evidence exists, to be reinstated as original details to a historic building.

R4.4. Windows and Doors

Window and door proportions have a major impact on the individual character of a building and its relationship with neighbouring buildings, and are also very important in the design of a new extension or infill development. Many of the heritage buildings in the precinct have double-hung timber framed windows which provides a strong vertical element to the window proportions.

Strong vertical proportions are recommended to maintain the historic character of the village. Timber windows should be used in restoration of historic buildings and are also preferred for new development as it is in keeping with the character of the village. However, the use of glazing bars details in new buildings should be avoided. Aluminium windows with a suitable frame size and proportions may be considered for new development but have a different aesthetic character and limit the ability to vary colour schemes in the future.

PART R GLENREAGH VILLAGE CONTROLS

R4.5. Building Materials

The use of traditional building materials such as timber cladding and iron/metal roofing is strongly encouraged in new development to enhance the character of the village.

Other materials such as compressed sheeting/hardiplank cladding in weatherboard style, brick or rendered masonry may be considered in a mixed street frontage of timber and masonry, the use of masonry would be acceptable. However, in a frontage dominated by timber buildings, it would be recommended that the infill development use a similar material.

Where brick or masonry construction is proposed, the brickwork should preferably be painted and/or rendered, or it should be of a plain colour and texture to blend with existing construction and finish.

White, light or multi-coloured bricks are not considered appropriate in village or rural precincts, neither are double height bricks which emulate stone, as there was not a widespread use of this material historically in this area.

R4.6. Colours

Traditional colour schemes usually comprise light coloured roofs and walls with darker colours used on guttering and trim. Three main colours are generally used to create a colour scheme.

Colour schemes for new buildings should complement those of the existing traditional buildings. This could be achieved by using subtle variations to the traditional colours, but still maintaining lighter colours for roofs and walls, and darker colours to highlight trim and guttering.

Complementary colour schemes can sometimes be effectively achieved through the use of contrast, ie dark walls with light trim colours. If this strategy is to be followed, expert advice should be sought to ensure that colours are compatible with the precinct character.

R4.7. Setbacks and Orientation to the Street

Setbacks for new development must comply with the setback for the particular street. Variations to the adopted setback will only be considered where it can be demonstrated that the front setback will be consistent with that of adjoining development and the new building will not be intrusive in the streetscape.

Minimum side and rear setback requirements are 900mm. These setbacks may need to be increased where development adjoins a building of heritage significance to address the impact of new development on its setting.

New buildings should relate to the streetscape, generally ensuring that gable ends, projecting bays, or a hip face the street. Avoid significant alterations to the street elevation to minimize the impact.

R4.8. Garages and Carports

Garages must not detract from the historic character of the building or its neighbours and the streetscape.

Generally;

(f) Locate garages and carports towards the rear of allotments, or at least set back from the front building line.
(g) As far as possible matches the roof pitch, form and materials of the main building.
(h) Respect vertical proportions – do not use wide horizontal doors.
(i) Respect traditional materials and aim to integrate the new structure with the existing house. Pre fabricated coloured metal sheds are not considered appropriate where visible from street frontages and should be avoided.
(j) A simple car port under continuation of roof line may be preferable as it has less visual impact.

PART R GLENREAGH VILLAGE CONTROLS

R4.9. Fences

Front fences have an important role in defining private and public spaces. Fences to front gardens should be consistent with the traditional fences in the area. These include picket fences, and low walls with galvanized pipe common to the 1920s and 30s. The style should be sympathetic to the period of the dwelling. Masonry walls with iron balustrade as seen in the Victorian terraces are not typical of this area, neither are high solid masonry walls. 'Colourbond' type metal fences are also not in keeping with the village character and should be avoided.

Fences should be no more than 1.2 metres in height forward of the front building line. Elsewhere the maximum height is 1.8 metres.

R4.10. Signage and Advertising

Signage for commercial development should be in keeping with the historic character of the village. Hand painted signage in heritage colours on historic buildings on parapets and fascias is encouraged in preference to pre-cut vinyl lettering.

Externally illuminated signage (eg, spotlights or up-lights etc) is acceptable subject to development consent, however, internally illuminated signs such as box signs and plastic tubes are not consistent in the village precincts and will not be approved.

R5. Village Precinct Policies

R5.1 Precinct 1 Coramba Street and Approaches

R5.1.1 Description

This precinct comprises the 'main street' of the village and its approaches from the north and south. The village is dispersed along the main Coramba Road with small residential areas on each side. The river and the railway also reinforce the linear pattern of the village. Approaches to the village provide stunning views of the escarpment and timbered areas and surrounding undulating land. See MAP R1.

Development of land in the R2 Low Density Residential zone fronting Coramba Street and approaches to Glenreagh village must take into consideration the following precinct policies.

R5.1.2 Coramba Street and approaches Precinct Policies

(a) Entries to the village are important to residents and visitors alike. Road reserves should be attractive and well maintained. There is potential to improve the area of road reserve adjacent to the northern entry point.

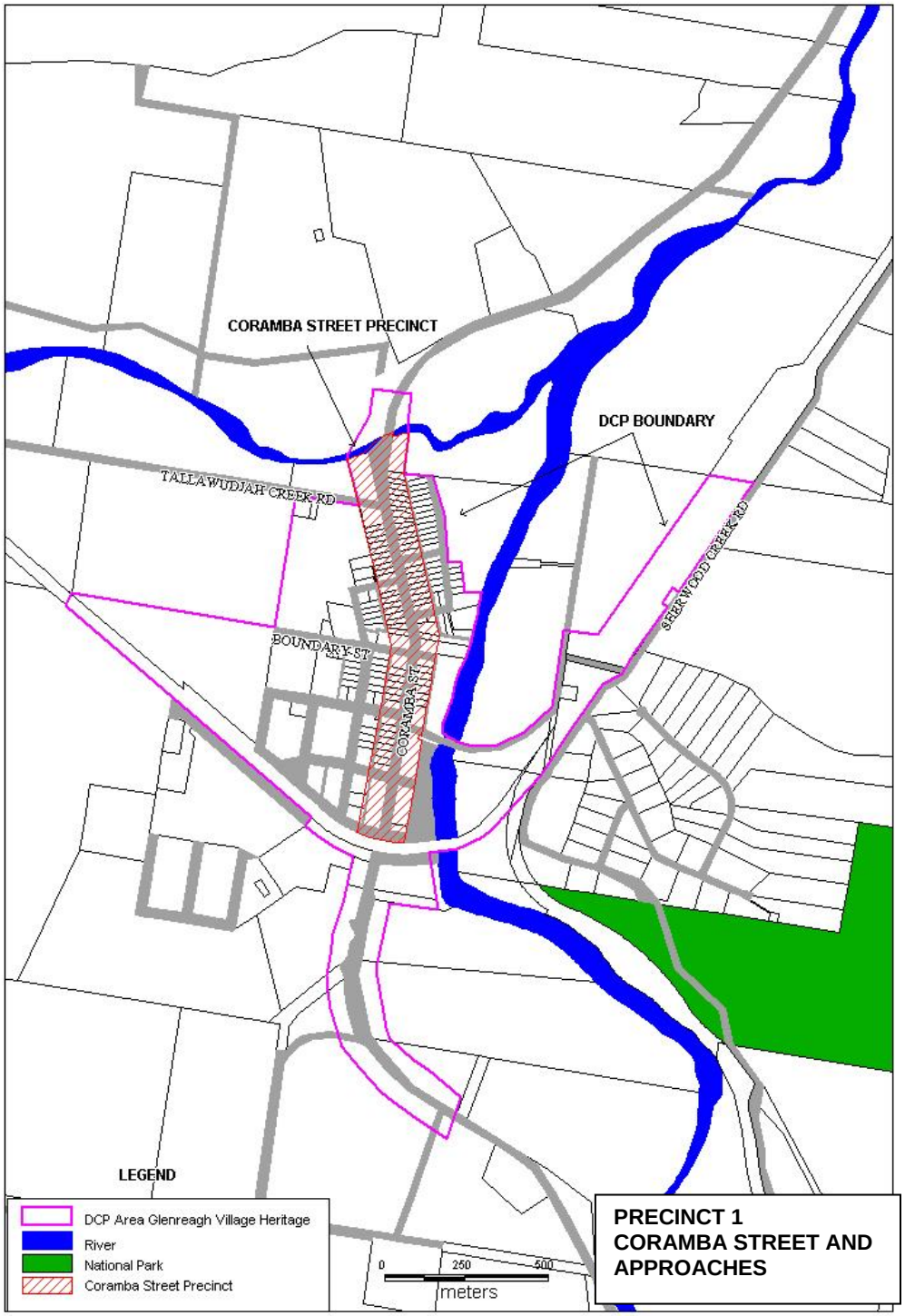
(b) Clear sign posting with the village identity, is essential as it is the first point of contact for visitors to the village. Promotional banners could be erected for specific events but should not be permanent as they lose their impact.

(c) Any unnecessary advertising should be removed and any new signage on approaches should only relate to the identification or promotion of village as a whole and its desired identity.

(d) This 'main street' precinct is critical to the appeal of Glenreagh when viewed by travelers and needs to be strengthened and enhanced.

PART R GLENREAGH VILLAGE CONTROLS

MAP R1



(e) All historic building stock should be retained and conserved having regard to the policies of this plan, as it is an essential part of the village character. Reconstruction of missing elements to original details is strongly encouraged. Adaptive re-use and changes of use will be considered for buildings where existing uses have become redundant if the proposal results in the conservation of the building.

(f) All new development along the main road frontage to the village must be compatible with the village character and must address the relationship of built form and spaces with any adjacent development through compliance with the policies set out in this plan.

R5.2. Precinct 2 Residential Precincts

R5.2.1. Description

The residential areas on either side of Coramba Street contain a significant proportion of original dwellings, with a dispersal of some new development. This precinct includes some notable historic churches and halls, and the school. There is still potential for further infill development to occur. See MAP R2.

Development of land in the R2 Low Density Residential zone on both sides of Coramba Street in Glenreagh village must take into consideration the following precinct policies.

R5.2.2. Residential Precincts Policies

(a) This precinct is somewhat disjointed in character and needs to be strengthened and enhanced.

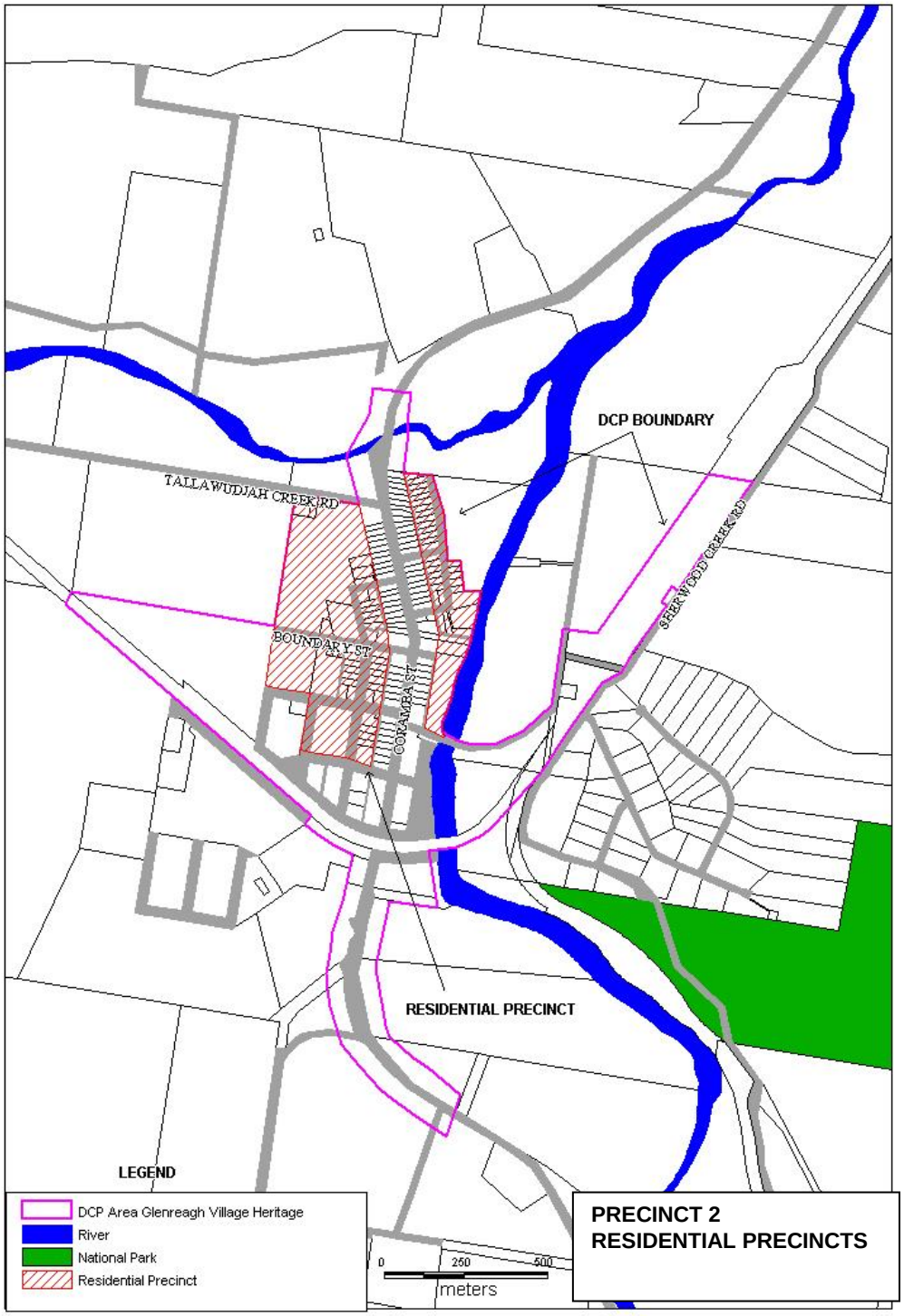
(b) Careful restoration of historic buildings to original details is essential to the future aesthetic appeal and integrity of this residential precinct. The original curtilage of buildings of heritage significance should also be maintained.

(c) The use of appropriate heritage colour schemes on original buildings is recommended to enhance the historic character of the village.

(d) All new development must pay close attention to neighbouring buildings, the general streetscape and especially to the group value of original dwellings (where appropriate).

PART R GLENREAGH VILLAGE CONTROLS

MAP R2



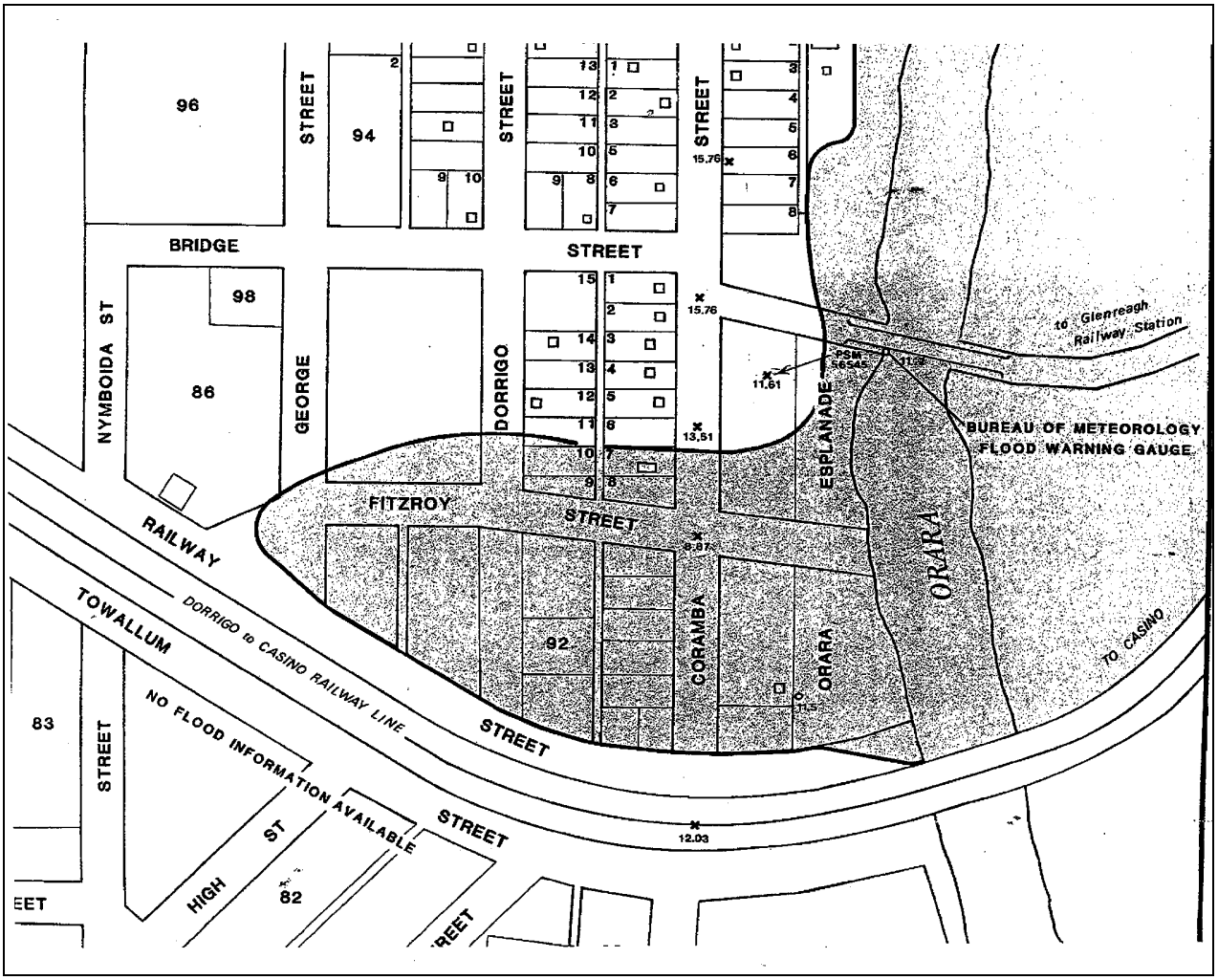
PART R GLENREAGH VILLAGE CONTROLS

R6 Floor Height Controls

A floor height of 0.5 metres above the 1 in 100 year flood level applies to land in the vicinity of Fitzroy, Coramba and Dorrigo Streets, based on available flood mapping as shown on MAP R4.

Development of flood prone land must comply with the appropriate requirements of PART D of this DCP, as determined by Council.

MAP R4



PART S CONTROLS FOR GULMARRAD

PART S CONTROLS FOR GULMARRAD

S1. Where do the controls for Gulmarrad apply?

The controls for Gulmarrad apply to land in the R5 Large Lot Residential zone shown on MAP S1.

S2. What are the aims of the controls for Gulmarrad?

The aims of the controls for land in the R5 Large Lot Residential zone in Gulmarrad are:

(a) To provide an overall strategy for the development of the Gulmarrad rural residential area.
(b) To provide detailed controls for the planning, development and management of the Gulmarrad area;
(c) To ensure that development has minimum impact upon the natural drainage patterns, water regimes and water quality.
(d) To retain the existing creeks and natural drainage system as a basis for stormwater control.
(e) To manage the quality and quantity of stormwater at or near the source.
(f) To ensure that the existing natural streams have sufficient capacity for peak flows without structural upgrading.
(g) To retain existing vegetation within buffers to the creeks.
(h) To minimise runoff from each lot.
(i) To provide for an appropriate level of community and commercial facilities to serve the needs of the Gulmarrad population
(j) To locate future facilities in a central location which will encourage the development of a 'village core' with pedestrian and cycleway links to residential areas.

Note:
Part S of this DCP is not new planning policy, but maintains the requirements of the former Maclean Shire Council Gulmarrad DCP (in force from 24 April 1999).

S3. Planning Strategy for Gulmarrad

MAP S1 shows the overall planning strategy for the future development of Gulmarrad. The aim is to provide for rural residential development within a framework of undeveloped drainage and vegetation corridors.

The drainage areas are the basis of the stormwater management strategy. Natural and artificial wetland areas will slow down flow rate and enhance water quality prior to discharge to the creeks. Protection of buffer areas along the creeks will conserve vegetation and natural habitat.

A road hierarchy is also identified to guide the future pattern of development for the Gulmarrad area.

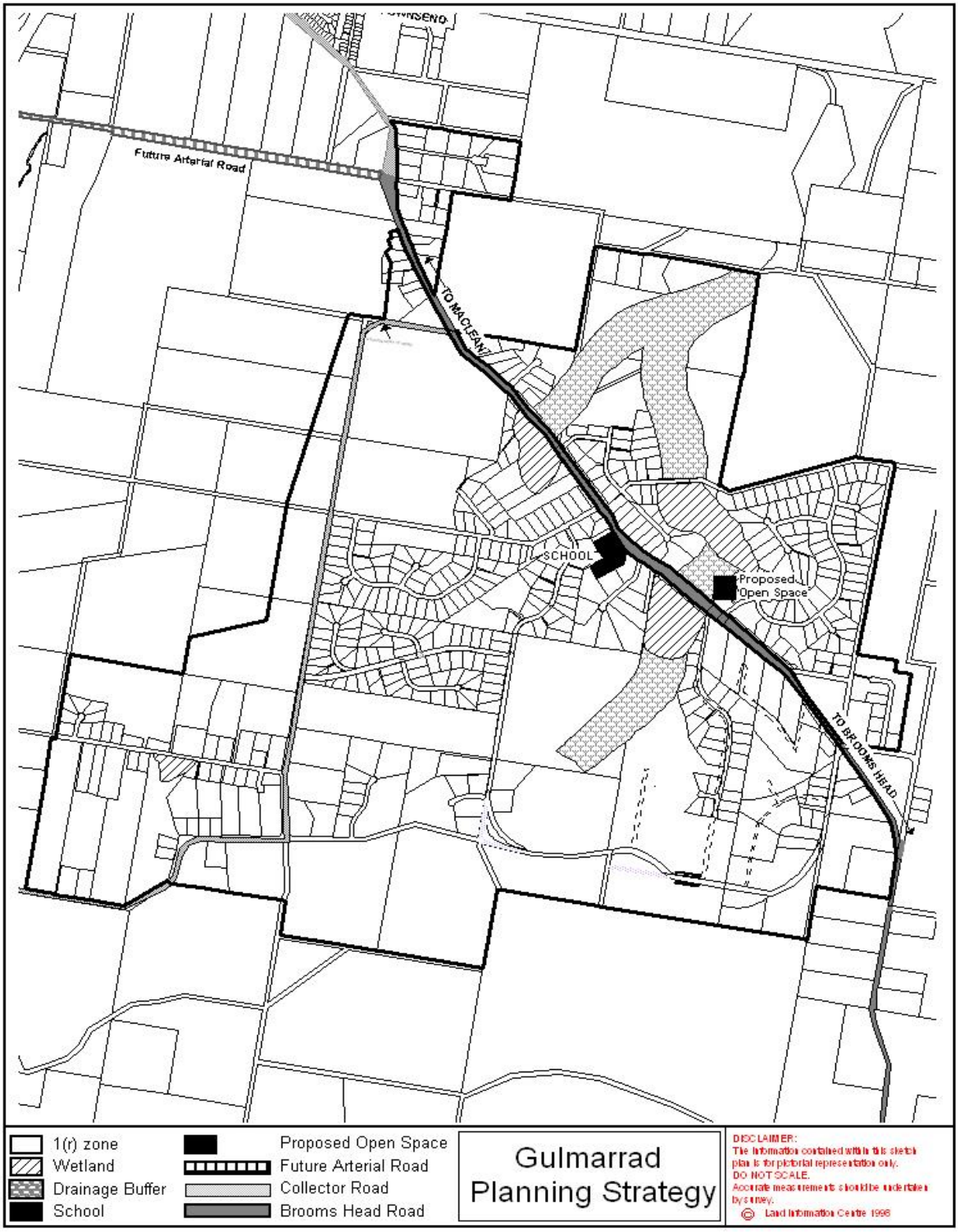
Proposed community facilities will be clustered around the school on Brooms Head Road to create a future village core.

Part S of this DCP sets out the requirements and guidelines to achieve the overall strategy.

Note:
The controls are based on the following studies:
(a) ***Stormwater Management Plan Background Report*** *Prepared as part of a DCP for future development in the Gulmarrad area for Maclean Shire Council (Final Report)* Greg Alderson and Associates August 1997;
(b) ***Townsend and Gulmarrad Traffic Study*** , *Revised Final Report following Public Exhibition*; ERM Mitchell McCotter Pty Ltd , June 1997;
(c) ***Flora and Fauna Study of Maclean Shire*** ; Mount King Ecological Surveys; March, 1995;
(d) ***Study of Drainage Corridor Vegetation in Gulmarrad 1(r) Zones****;* Janet Purcell June, 1997;
(e) ***Wastewater Management for a Twelve Lot Subdivision Rosella Estate, Gulmarrad***, The GeoLINK GROUP Pty Ltd 1996.

PART S CONTROLS FOR GULMARRAD

MAP S1



PART S CONTROLS FOR GULMARRAD

S4. Future Road Network Requirements

S4.1. Future demand for development of land in the Townsend-Gulmarrad requires an efficient road network without adverse impacts on existing residential amenity. Potential impacts include traffic noise, road safety concerns and reduced air quality from traffic.

Council engaged consultants *ERM Mitchell McCotter Pty Ltd*. in 1997 to prepare a Traffic Study for the Gulmarrad-Townsend area. The results of this study have enabled Council to identify a future road hierarchy which strikes the best balance between financial costs, environmental constraints, transport benefits and compatibility with the shire wide traffic management strategy. This section S4 of this DCP identifies requirements to guide the future pattern of development in the Gulmarrad-Townsend area.

S4.2. Guiding Principles for the future Road network.

The following guiding principles must be considered in providing the future road network for Gulmarrad:

(a) to provide a safe and efficient road network to serve the Gulmarrad area;
(b) to minimise the environmental impact of new roads
(c) on privately owned land;
(d) to utilise gazetted or existing crown roads, where possible, unless a new route can be shown to offer an ecologically, socially and economically superior transport solution;
(e) to provide appropriate access for the Townsend industrial area; and
(f) to consider the road structure as part of the overall road strategy for the whole of Maclean/Gulmarrad locality.

S4.3. Key road hierarchy

The overall future road network for the Townsend - Gulmarrad area is shown on MAP S2.

S4.4. Sub-arterial roads

A sub-arterial road is designed as a major through-road connecting the smaller rural towns to arterial roads or state highways. This is a restricted access road whereby lots in future subdivisions will not be able to obtain vehicular access to or from. Location on the control plan is fixed but subject to the detailed surveyed location and design.

Brooms Head Road is the only existing sub-arterial road in the Gulmarrad-Townsend area. This will eventually include Goodwood Street as part of the future sub-arterial access route to the Pacific Highway and Maclean which will replace the existing steep access via Jubilee St. (Refer to MAP S2).

Requirements for sub-arterial roads are as follows:

(a) A 15 metre 'no build' strip shall be established along the frontage of the land to Brooms Head Road. A *Section 88B* instrument is to be submitted to Council prior to the release of the linen plan which prohibits the construction of any buildings, accessways or other improvements within this 15 metre strip.
(b) No additional direct frontage access driveways or new local road connections to Brooms Head Road will be permitted, unless deemed necessary by Council to enable additional local widening or turning lanes on Brooms Head Road.
(c) The boundary of a lot adjoining Brooms Head Road will be required to retain existing vegetation, and /or to be landscaped by planting of native trees and shrubs local to the area. The reason for this is to enhance visual amenity and to prevent vehicular access, as a condition of approval for subdivision of the land.
(d) A Section 88B Instrument is also to be submitted to prevent clearing and ensure maintenance of the vegetation buffer.

PART S CONTROLS FOR GULMARRAD

S4.5. Collector roads

A collector road is designed to provide passage for traffic from arterial or sub arterial roads to subdivision lots, access roads or cul-de-sacs. Apart from 'Sheehans Lane', there is no restricted access to or from a collector road (see requirements below for 'Sheehan's Lane'). Their location on MAP S2 is substantially fixed but able to be varied subject to detailed surveyed location and design.

Requirements for collector roads are as follows:

(a) Designated collector roads passing through residential neighbourhoods (MAP S2) shall be designed to the standard necessary to accommodate future school bus routes.

(b) For future subdivisions, a *Section 88B* instrument is to be submitted to Council prior to the release of the linen plan which prohibits the construction of any direct 'property access' onto Sheehan's Lane (Refer to MAP S2).

(c) With the exception of **'**Sheehan's Lane', future works on collector roads identified on MAP S2 shall be undertaken by the developers of adjoining frontage land. Future upgrading of 'Sheehan's Lane' will be funded directly from Section 94 contributions from the following properties:

S4.6. Section 94 contributions for the upgrading of Sheehans Lane

Properties which attract Section 94 contributions for the upgrading of Sheehans Lane are as follows:

TABLE S1

Lots	DP
Lots 353,354 & 355	DP 751388
Lot 13	DP 802645
Lots 24, 25 & 26	DP 751372
Lot 26	DP 805566
Lots 232, 233, 234, 235 & 236	DP 791726
Lot 21	DP 751372
Lots 1, 3 & 4	DP 787224
Lots 21, 22 & 23	DP 880740
Pt 29	DP 872650
Lots 24, 25, 26, & 27	DP 862333
Lots 10 & 12	DP 851039

S4.7. Access roads

An access road is designed to provide passage for traffic off a collector road to subdivision lots and to cul-de-sacs. There is no restricted access to or from an access road.

All works on access roads running through residential neighbourhoods shall be undertaken by the developers of adjoining frontage land (Please refer to Council's Section 94 Plan for detail of costings).

S4.8. Cul-de sacs

A cul-de-sac is a minor dead end road within a subdivision forming part of a small rural residential neighbourhood. There is no restricted access to or from the road.

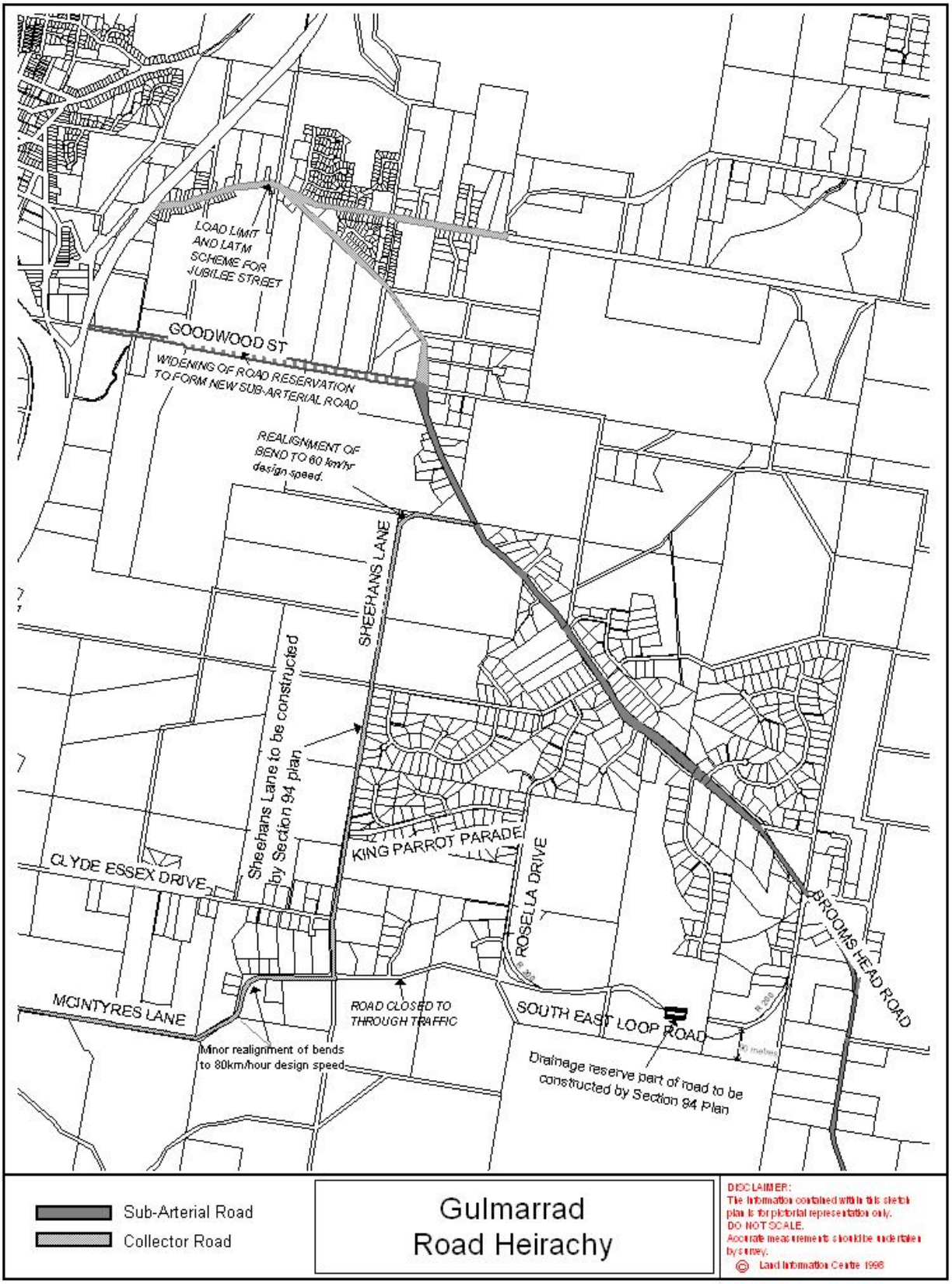
All works on cul-de-sacs situated in residential neighbourhoods shall be undertaken by the developers of adjoining frontage land.

S4.9. Road design

Road design must comply with the standards in the NR Design Manuals.

PART S CONTROLS FOR GULMARRAD

MAP S2



PART S CONTROLS FOR GULMARRAD

S5. Stormwater controls and soil erosion control

S5.1. Stormwater management strategy

The overall strategy for Proposed Stormwater Management Measures for the Gulmarrad R5 Large Lot Residential zone is shown on MAP S3. This is a comprehensive drainage plan for the area based on existing creeks and low lying areas. The approach adopted in this plan is to **'**hold and use' the rain where it falls. This leads to reduced flows, less pollution, and maintenance of natural drainage lines.

Specific structural works are recommended where appropriate and will be required as part of the development of particular sites. Also included in the plan is the retention of three wetland areas and their enhancement by the installation of gross pollutant traps and future management. This will involve the purchase of land which will be funded by Section 64 contributions. Council has adopted the Gulmarrad Stormwater Management Contributions Plan 1997 which requires a contribution for this purpose.

S5.2. Stormwater management requirements

(a) All development (including subdivision) must comply with controls in Part H *Sustainable Water Controls* and Part I *Erosion and Sediment Control* of this DCP.

(b) Stormwater should not be directed to the street and should not conflict with effluent disposal areas.

(c) Trunk drainage lines must have an undisturbed buffer zone on both sides, (all existing trees and shrubs and a good under storey of grass cover should be retained). The width of the buffer zone should be either the same as the 1 in 20 year flood level; or 30 metres on both sides of the creek (whichever is the greater).

(d) A 60 metre drainage reserve is to be purchased by Council where the 1 in 20 year flood level is 60 metres wide or less. Purchase will not apply where the land already has subdivision approval.

(e) Habitable floor levels and effluent disposal areas are prohibited below the 1 in 100 year storm flood level.

(f) Council will purchase existing wetland areas located upstream of the 2 culverts under Brooms Head Road and upstream of the culvert under Clyde Essex Drive, at market value. (Refer to MAP S3).

(g) Road drainage and minor drainage lines should be constructed as grassed swales incorporating velocity restriction and erosion control.

(h) Runoff from each development lot, or combination of lots where combined amelioration measures are proposed is restricted to the pre-development run-off levels for all duration events for the 1 in 5, 1 in 20 and 1 in 100 year flood event.

(i) On-site retention of stormwater should be maximised with storage in either a sedimentation basin, roof water tank or combination of the two. Total discharge from each lot is limited to 225 litres/hectare.

(j) Temporary measures to control soil erosion shall be used during construction.

(k) Regular maintenance and water quality monitoring should be carried out to ensure continuing efficiency of the stormwater management measures.

S5.3. Requirements for subdivision of 6 or more lots

All development applications for subdivision of land creating six (6) or more lots must include a detailed Stormwater Management Plan. This is in addition to meeting the requirements and Part I *Erosion and Sediment Control* of this DCP

Where a residue lot is proposed which has potential for further subdivision, an overall stormwater management strategy for the entire site is to be submitted with the development application. Details of staging of the works should also be included in the plan.

PART S CONTROLS FOR GULMARRAD

MAP S3

PART S CONTROLS FOR GULMARRAD

The Stormwater Management Plan and Erosion and Sediment Control Plan are to comply with the requirements of sections S5.4 *Existing natural streams*, S5.5 *Existing Natural Wetlands*, R5.6 *Artificial wetlands* and S5.7 *Grassed swales*.

S5.4 Existing natural streams

(a) Existing natural streams and associated vegetation are to be retained and protected by "no build" buffer areas.

(b) The width of the buffer zone should be the same as the 1 in 20 year flood event or 30 metres on both sides of the creek, whichever is the greater. (Buffer widths for each of the drainage sub-catchment areas shown on MAP S4 vary and are set out in TABLE S2, see clause S5.9.)

(c) Where the existing vegetation in the buffer zone is poor, new planting may be required.

(d) No clearing of vegetation within this buffer zone is permitted other than grass cutting or removal of noxious weeds. Where an access track is required for maintenance purposes the access should be provided on the edge of the buffer zone to ensure the maximum width of undisturbed vegetation.

(e) "No build" buffer areas are to be shown on all development applications for subdivision of land in which major flow systems occur and on the final linen plan of subdivision.

(f) Habitable floor levels and effluent disposal areas are not to be located on land subject to 1 in 100 year flood events.

S5.5. Existing Natural Wetlands

(a) Wetlands perform important functions of controlling stormwater flow, maintaining water quality and providing habitat.

(b) All development applications for subdivision of land within sub-catchments A-3, A-4 and D-1 (refer to MAP S4) are to show location of wetland areas, and any associated vehicular access areas, relative to the development.

(c) Where a vehicular access easement is required for Council maintenance, the adjoining owner's consent is required with the development application.

(d) Each wetland must be protected from stormwater transported litter and weeds by the installation of gross pollution traps incorporating a trash rack upstream of the wetland.

S5.6. Artificial wetlands

(a) Artificial wetlands can be constructed to carry out the same functions as a natural wetland and may be required as a part of a stormwater control plan for development.

(b) Artificial wetland filters are to be constructed at the outlet of minor drainage systems and are to meet the following design criteria:

(c) Length to width ratio is to be greater than 3:1

(d) Plant coverage of 10-50% of the wetland should be encouraged by providing side slopes between 4(h):1(v) *and* 15(h):1(v) and water depths of between 1-2 metres.

(e) Aquatic plants are to be grown to a water depth of 40 cm and in a layer of river gravel 5 to 10 mm in size.

(f) A rock flume riffle zone is to be provided at the inlet to the wetland and aerate and disperse flows.

S5.7. Grassed swales.

(a) Grassed swales are grass lined channels often running adjacent to a road used as an alternative to concrete kerb and guttering for low density residential development. They reduce run-off velocity, encourage infiltration and remove coarse sediments from the final discharge.

(b) Road drainage and minor drainage lines should be constructed as grassed swales incorporating velocity restriction and erosion control.

(c) Grassed swales should be constructed so the slope of the swale does not exceed 5% nor be less than 1%.

PART S CONTROLS FOR GULMARRAD

(d) Grassed swales should be depression drains rather than an excavated channel.

(e) Concrete wheel tracks or piped crossings should be provided at driveways.

(f) The side slope of all grassed swales should be 1(v):6(h) to facilitate mowing;

(g) Small check dams or mounds within the swale are encouraged to promote additional infiltration and reduce run-off velocities.

(h) Swales are to be topsoiled and grassed immediately following construction to minimise erosion.

S5.8. Soil erosion control measures during construction

The soils in the Gulmarrad area are found to be highly susceptible to erosion when vegetation is removed. As such, there is the risk of soil erosion and consequent sediment transportation during and after construction activities (both subdivision and dwelling construction) until vegetation cover is re-established.

Soil erosion amelioration measures should include:

(a) directing run-off from disturbed areas of each site to a sedimentation basin prior to discharge from the site;

(b) erection of a straw bale and geotextile sediment filter along contours;

(c) erection of sediment fences;

(d) use of straw bales around drop inlets as sediment traps;

(e) installation of temporary construction entrances/exits to prevent transportation of sediment from the site;

(f) the establishment of suitable grass cover before the end of the maintenance period;

(g) the reuse of all silt collected elsewhere on the site.

S5.9. Drainage Buffer widths

Drainage buffer widths must comply with TABLE S2. See MAP S4 to identify drainage sub-catchments.

TABLE S2

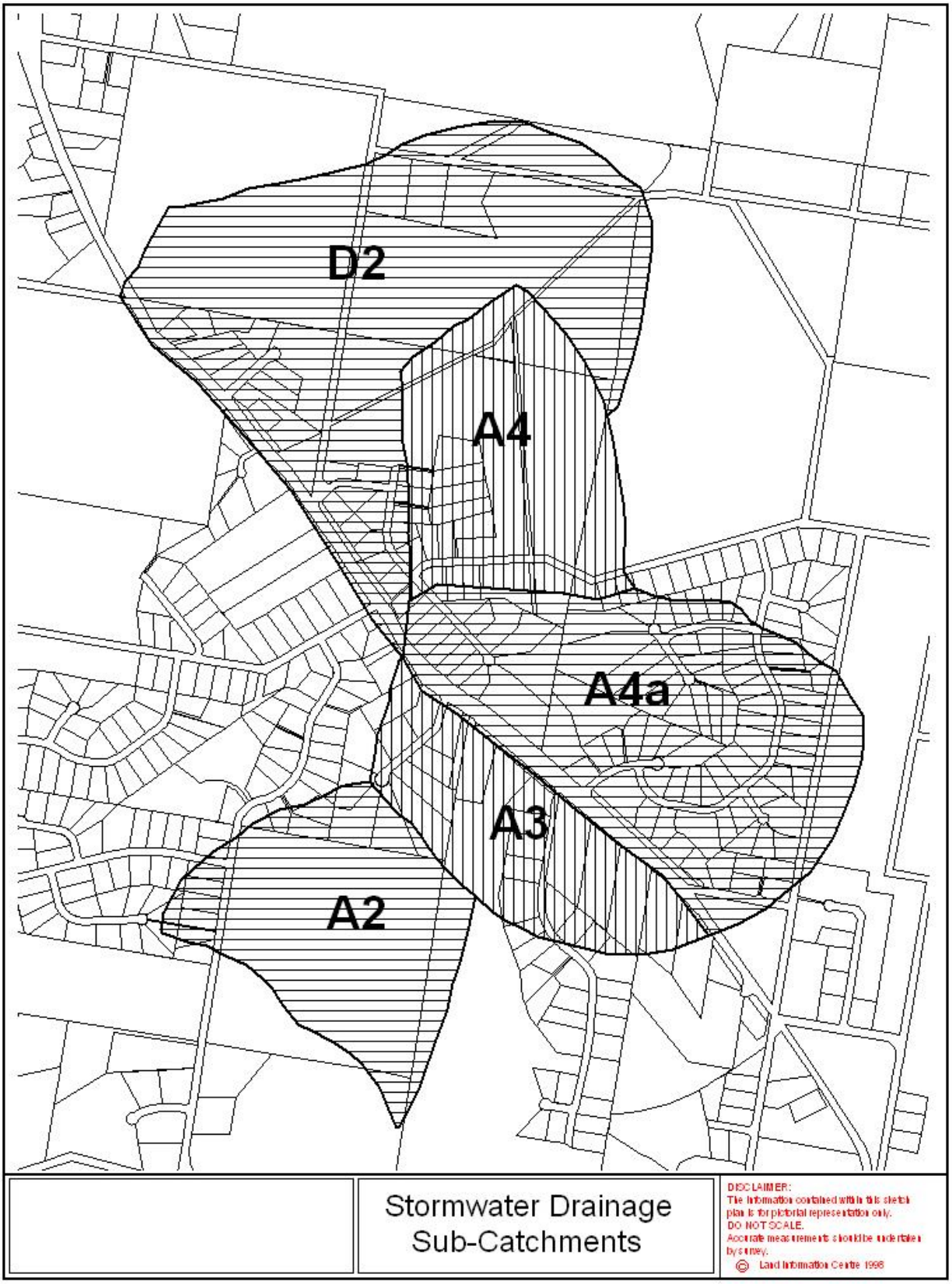
Channel	1 in 20 year flood WIDTH*	1 in 100 year flood WIDTH#
Sub-catchment A2	60m	164m
Sub-catchment A3*	n/a	n/a
Sub-catchment A4a (Culvert 3)	60m	150m
Sub-catchment A4	60m	155m
Sub-catchment D2#	60m	70m

*Width of drainage reserve to be purchased by Council.

Building prohibited below 1 in 100 year flood level. Area subject to flooding in 1 in 100 year flood to be purchased as 'wetland'.

PART S CONTROLS FOR GULMARRAD

MAP S4



PART S CONTROLS FOR GULMARRAD

S6. Flora and Fauna

S6.1. Vegetation communities

The Gulmarrad area forms part of an important fauna corridor between Pine Brush and Candole State Forests in the south, SEPP 14 wetlands to the north and Yuragir National Park to the east. It is important that linked areas within the R5 Large Lot Residential zone be conserved to protect wildlife habitat and enable the movement of species from one area to another to ensure the conservation of biodiversity within the locality.

A vegetation survey identified five vegetation units as shown on MAP S5. These comprise swamp sclerophyll forest located in the low lying drainage and wetland areas dominated by Broad-leaved Paperbark, and dry sclerophyll forest consisting of four Eucalypt associations dominated by, Red Bloodwood, Blackbutt, Scribbly Gum and Spotted Gum.

S6.2. Clearing of native vegetation

Clearing of native vegetation is to be considered in the context of (proposed) Part E will be Controls for the Preservation of Native Vegetation.

S6.3. Flora and Fauna Assessment

The Gulmarrad area provides habitat for a variety of protected and threatened mammal, birds, reptiles and amphibian species. It is expected that a number of protected and threatened flora species may also occur in this area. A list of those species identified up until 1997 by the NSW National Parks Wildlife Service is contained within the survey report prepared by Purcell (1997). These species are protected by the National Parks and Wildlife Act and the Threatened Species Conservation Act 1995. A detailed flora and fauna assessment is required to be included as part of all development application for subdivision and clearing.

S6.4. Policies for habitat retention.

Acquisition of drainage areas for stormwater management as shown on MAP S3, together with a 20 metre drainage buffer requirement either side of creek lines outside the acquisition areas, will conserve a substantial amount of swamp sclerophyll habitat, as well as some dry sclerophyll forest communities and will provide an important corridor for the movement of wildlife.

PART S CONTROLS FOR GULMARRAD

MAP S5

PART S CONTROLS FOR GULMARRAD

For all subdivisions a detailed flora and fauna assessment will be required. Flora and fauna reports must assess the likely occurrence of threatened flora and fauna species, the impact upon their habitats and any requirement for linkages to other habitat areas, including habitat trees prime foraging habitats and drainage corridors.

Flora and Fauna Assessment Reports are to contain detailed information on the vegetation communities present on site as well as the presence of any threatened or protected fauna species. They must be prepared by a qualified consultant with expertise in flora and fauna assessments. The flora and fauna report is to identify building envelopes for each allotment created and assess the impact of clearing the building footprint, effluent disposal areas, service corridors and any required bushfire radiation buffers. Applicants are advised to consult the NSW Rural Fire and must comply with the NSW Rural Fire Service *Planning for Bushfire Protection 2006*.

Information should include current lists on the occurrence of threatened and protected flora and fauna species obtained from the NSW National Parks and Wildlife Service. Any sampling undertaken is to be carried out utilising scientifically rigorous methodologies in support of any conclusions reached with regard to the requirements of the Threatened Species Conservation Act 1995 and the Environmental Planning and Assessment Act 1979.

Some sites have been cleared to a 'parkland' like appearance prior to development, retaining only selected large trees. This practice is discouraged as large gums exposed by clearing lose their habitat value and are generally unsuitable for domestic gardens as they are prone to drop branches or fall in strong winds. They are often subsequently removed due to the potential danger to residents or their property.

Protection of native vegetation (including understorey vegetation) on part of the site, particularly when linked to another habitat area, is likely to provide a more viable fauna corridor and is encouraged as part of any overall subdivision design. The flora and fauna report will be required to identify those areas which warrant protection and the mechanism by which they will be protected (eg by nomination of building envelopes, Section 88B Instrument, dedication of important corridors to Council etc).

S7. Bush Fire Control and Management

S7.1. Land on the extremities (out-lying areas) of the R5 Large Lot Residential zone is identified by the NSW Rural Fire Service as bush fire prone land. On bush fire prone land a development application must comply with the NSW Rural Fire Service *Planning for Bushfire Protection 2006*. An Asset Protection Zone (APZ) and adequate access will be required. Use of non-combustible materials may be required. It is advisable to consult the NSW Rural Fire Service.

The design, siting and layout of rural subdivisions should ensure that the level of fire risk and loss of life is reduced and the level of protection is improved. The siting of subdivisions and their components (roads open space, etc) should be designed to minimise the impact of fire and emergency conditions arising from fire.

Road and street access, both public and private, should be designed to provide safe access for fire service vehicles and other emergency vehicles at all times.

The most vulnerable area to bushfire within the R5 Large Lot Residential zone at Gulmarrad is land closest to the southern boundary of the zone adjacent to bushland, and to a lesser extent, areas adjacent to the drainage reserves.

PART S CONTROLS FOR GULMARRAD

S7.2. Fire protection zones

To ensure that properties are not subject to adverse risk, a 30 metre fuel reduced Fire Protection Zone is required to be established along the southern boundary of the R5 Large Lot Residential zone as shown on MAP S6, being most prone to major fire run. This will be required to be carried out by the developers of affected land. Understorey vegetation should be cleared, leaving trees with a trunk dimension of 200mm, to reduce fuel and lessen the chance of flames and sparks reaching areas closer to dwellings.

With regard to lots adjacent to the drainage reserves, dwellings should be set back 30 metres from vegetation in the reserve and a 20 metre fire protection zone should be established in this setback. However, if this requirement is too difficult to comply with due to constraints with the allotment, it may be varied according to local site conditions.

S7.3. Water Requirements

To ensure that quantities of water are available to landholders or emergency services to enable them to suppress a fire and defend property from fire the following are required:

(a) Minimum flow rate for reticulated water supply 270 litres/minute minimum.
(b) If a building envelope is more than 130 metres from a hydrant, a supply of static water on the site or an additional street hydrant must be provided.

PART S CONTROLS FOR GULMARRAD

MAP S6

PART S CONTROLS FOR GULMARRAD

S8. Community Facilities and Services

S8.1. Ultimately, the rural residential area could accommodate a population of around 3000, based on the long term development of a total of 1175 lots. This will generate demand for a range of community facilities with flexibility for future expansion.

The population has a relatively high proportion of children aged 0-14 and adults aged 30-44 reflecting a family based community profile, which is often characteristic in areas of new development.

S8.2.Requirements for community facilities and services

Gulmarrad currently relies on Maclean for all services except for a primary school and a general store at Townsend. The area is experiencing steady growth. Given the potential for growth, it is important that appropriate land for community and commercial facilities is identified at an early stage.

Gulmarrad Public School provides the focus of the existing community in a relatively central location on Brooms Head Rd. There is potential to reinforce this focus by encouraging the development of a 'village core' through the clustering of future community and commercial facilities in this area.

S8.3. Commercial Development

Future population growth at Gulmarrad is likely to generate demand for limited commercial facilities such as a general store. A central location for such a facility, within walking and cycling distance for most residents will help to reduce the reliance on motor vehicles.

No single site has been identified in this DCP for future commercial use due to constraints with existing land use. However, large rural residential lots offer scope for dual use and suitably located allotments currently in residential use may also have scope for future commercial development.

The following criteria will be used in the assessment of an application for a general store/ shop:

(a) be preferably located on the southern side of Brooms Head Road to minimise potential safety problems of children crossing this road;
(b) be located within reasonable proximity to the school and open space area in the future village core;
(c) ideally be a corner allotment with access off the Brooms Head Rd, but other sites will be considered;
(d) be able to provide a satisfactory vehicle entrance and exit;
(e) be able to provide satisfactory car parking;
(f) located to minimise potential for any conflicts with neighbouring properties.

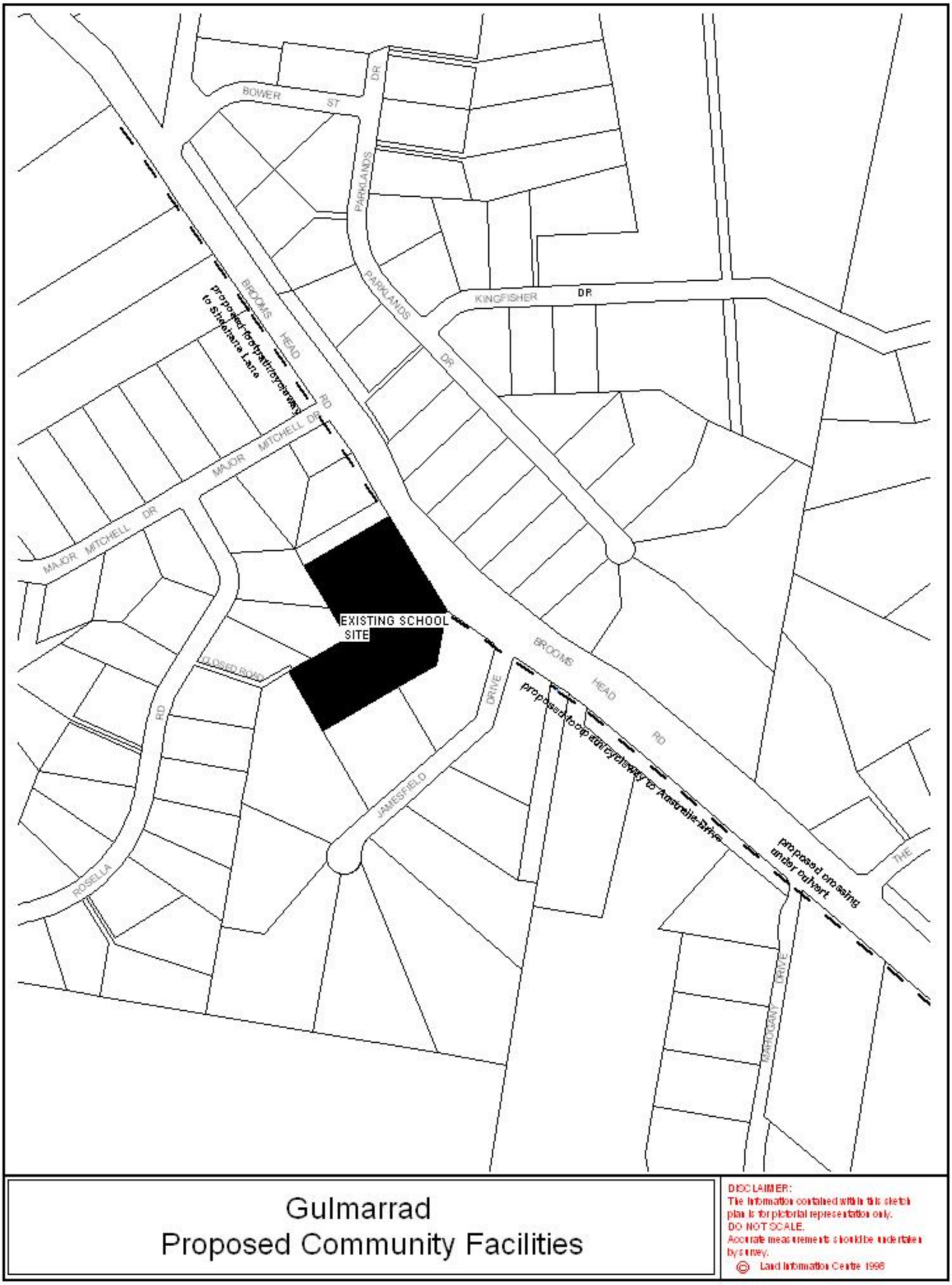
S8.4. Open Space

Passive and active open space areas are proposed adjacent to Brooms Head Road on the northern side of Gulmarrad Creek Bridge. The site consists of cleared level flood liable land which would be suitable for development as a sporting field and is included in part of the drainage buffer to be purchased by Council.

On the basis of Council's adopted standards for provision of open space, 1.8 hectares per 1000 persons is required for active open space use. A total of 5.4 hectares is required for the ultimate population of Gulmarrad. This may be reduced slightly to take into account the proximity, and level of facilities provided at Maclean.

PART S CONTROLS FOR GULMARRAD

MAP S7



PART S CONTROLS FOR GULMARRAD

Passive open space is largely provided within the drainage buffer areas and demand is reduced by the fact that rural residential areas provide larger allotments. However, a small children's playground can be located within the area identified for active open space purposes.

It is proposed that an underground culvert be provided as a crossing for Brooms Head Road.

S8.5. Pedestrian and cycle links

A footpath /cycleway network is proposed by using a combination of public road reserves and drainage buffers as shown on MAP S8. The network will enable children to safely cycle to school and will provide access for residents to other facilities. It will also provide a useful recreational facility.

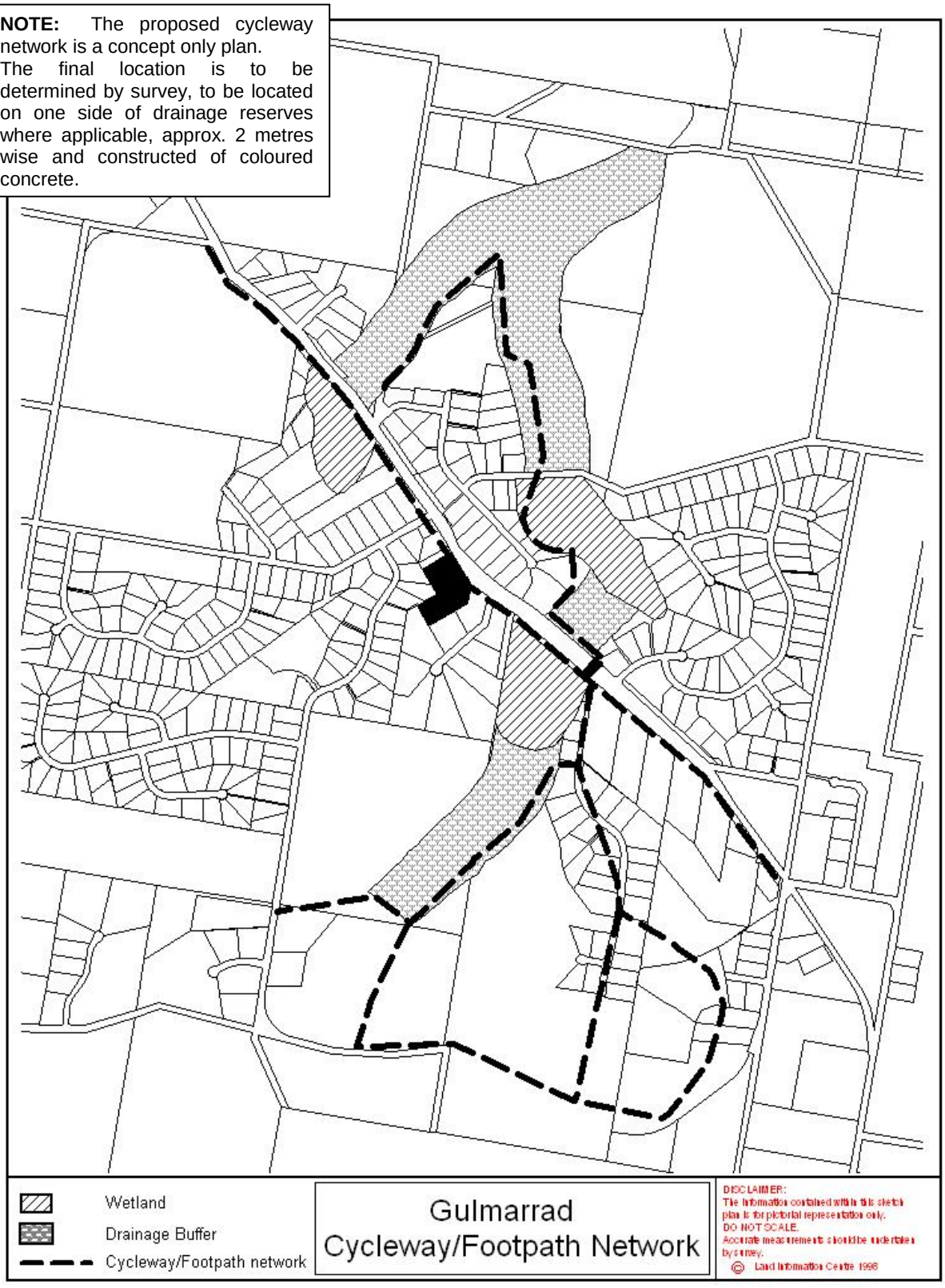
S8.7. Preschool /child care facilities

No preschool has been identified at Gulmarrad as there is an existing long day care/preschool located at Townsend and a new community preschool is scheduled to be built at Townsend on the Columbus Estate.

PART S CONTROLS FOR GULMARRAD

MAP S8

NOTE: The proposed cycleway network is a concept only plan.
The final location is to be determined by survey, to be located on one side of drainage reserves where applicable, approx. 2 metres wise and constructed of coloured concrete.



PART T PALMERS ISLAND VILLAGE CONTROLS

PART T PALMERS ISLAND VILLAGE CONTROLS

T1. Where do Palmers Island Village controls apply?

Controls for Palmers Island village apply to land in the R2 Low Density Residential zone in CV LEP 2011 affected by clause 7.6 *Development on land subject to riverbank erosion of CV LEP 2011*. The land is identified on the Riverbank Erosion Planning Map as a riverbank erosion area.

An immediate management line and 100 year management line are shown on MAP T1 to identify Precincts 1 and 2. Restrictions on development in Precincts 1 and 2 apply because of a likelihood that the proposed development may adversely affect or be adversely affected by riverbank erosion.

T2. What are the aims of the controls for Palmers Island village?

The aims of the controls for Palmers Island village are:

(a) To make provision for the orderly and economic development of land within the erosion zone of Palmers Island Village.
(b) To ensure that such development is carried out in a manner which does not adversely affect the riverbank erosion process and will not be adversely affected by riverbank erosion processes.
(c) To provide guidelines for the determination of development on lands subject to riverbank erosion, including land subject to immediate threat from riverbank erosion and land that may come under threat from riverbank erosion within 100 years.

T3. Definitions

In this Part of the DCP,

Map means the map marked: 'Palmers Island Riverbank Erosion Plan' See MAP T1.

Immediate Management Line means the line shown on the map marking the extent of land considered to be under immediate threat from riverbank erosion.

100 year Management Line means the line shown on the map indicating that the land on the river side of that line may come under threat from riverbank erosion within 100 years.

Precinct 1 means that area between the river bank and the immediate management line; that is land subject to immediate threat from riverbank erosion.

Precinct 2 means that area between the immediate management line and the 100 year management line.

T4. Additional information to be submitted with a development application

Clause 7.6 *Development on land subject to riverbank erosion* in CV LEP 2011 requires consideration of a number of matters related to impacts of riverbank erosion, safeguards and measures to reduce risks and access before granting consent to development.

In order for the consent authority to consider the matters required by clause 7.6 of the CV LEP 2011, a development application for land at Palmers Island subject to PART T of this DCP must include information on the following matters:

(a) the likelihood of the proposed development adversely affecting, or being adversely affected by, river bank erosion; and
(b) the need to relocate buildings or services; and
(c) the nature, bulk and intensity of the proposed development; and
(d) the need fro the proposed development to be limited to a specified time period; and
(e) safeguards and measures proposed or in place, to protect the environment and mitigate the risk of property damage or loss of life as a result of river bank erosion or flooding; and
(f) arrangements for access during a flood and after river bank erosion has occurred.

T5. Controls for Precinct 1

Precinct 1 means that area between the river bank and the immediate management line; that

PART T PALMERS ISLAND VILLAGE CONTROLS

is land subject to immediate threat from riverbank erosion.

T5.1. No buildings or works are permitted within Precinct 1 other than fencing and rebuilding, in line with the following requirements.

T5.2. Rebuilding

1. Where an existing building is totally destroyed through accident or damage caused by processes other than riverbank erosion, no rebuilding will be allowed. This is to ensure that a new building is not erected in the area at highest risk of riverbank slip.

2. Where an existing building is partially destroyed through accident or damage caused by processes other than riverbank erosion, it is preferred that the building be demolished. However, where no building or development approval is required, the building may be repaired so that:

(a) the total floor area of the rebuilt or repaired building is not greater than the total floor area before the damage occurred;
(b) the repairs or rebuilding have no detrimental effect on the ability of the building to be relocated in an emergency; and
(c) the repairs or rebuilding are effected within 12 months of the date when the damage occurred.

T6. Controls for Precinct 2

Precinct 2 means that area between the immediate management line and the 100 year management line.

T6.1. Development within this Precinct 2 will be considered on the understanding that any consent granted will be subject to the provision that should the riverbank come within 18 metres of any building then the development consent will cease.

T6.2. If the development consent does cease then the owner of the land will be responsible for the removal of any or all buildings from the site at the owner's expense, or where possible, to a location on the site further than 18 metres from the riverbank.

T6.3. Prior to lodging an application with Council, the developer of the land must determine whether buildings are to be relocated or demolished, should the consent cease.

T6.4. Notwithstanding the above, all Class 1 residential buildings (dwelling-houses) must be relocatable and able to meet the conditions listed below. Extensions to existing dwellings may also be required to be demountable, taking into consideration the additional floor space proposed and the likely effect of the extension on the ability of the building to be relocated in case of an emergency.

T7. Conditions for Precinct 2

The following conditions will be imposed due to the possibility of riverbank erosion adversely affecting dwellings within the next 100 years.

1. The dwelling-house will be designed and constructed so that it can be easily removed from the site by road vehicle. The plans of the building will include an adequate description of the removal process.

2. Further to subclause (1), at the time of submission of a building application, a certificate is to be provided from a practising structural engineer as to the adequacy of this building to be easily dismounted and readily removed from the site by road vehicle.

3. The dwelling shall be located so as to maximise as far as practicable the distance from the nearest point of the building to the riverside boundary of the site with due consideration given to subclause (a) above and to any relevant local government building regulations.

4. Subsequent to any approval being given for a relocatable dwelling, no works shall be carried out on the property which might hinder the ready relocation of the building. Such works might include the construction of wall, fences, screens, enclosures, brick veneering, landscaping or the fixing of joints or structural members by welding or other means.

5. A restriction as to user will be placed on the title pursuant to the provision of section 88B of the Conveyancing Act 1919, stating:

PART T PALMERS ISLAND VILLAGE CONTROLS

The subject land and any improvements erected thereon shall not be used for the purpose of (land use) in the event that the riverbank, as defined by Council from time to time, comes to within 18 metres of any building or any part thereof at any time erected on the said land.

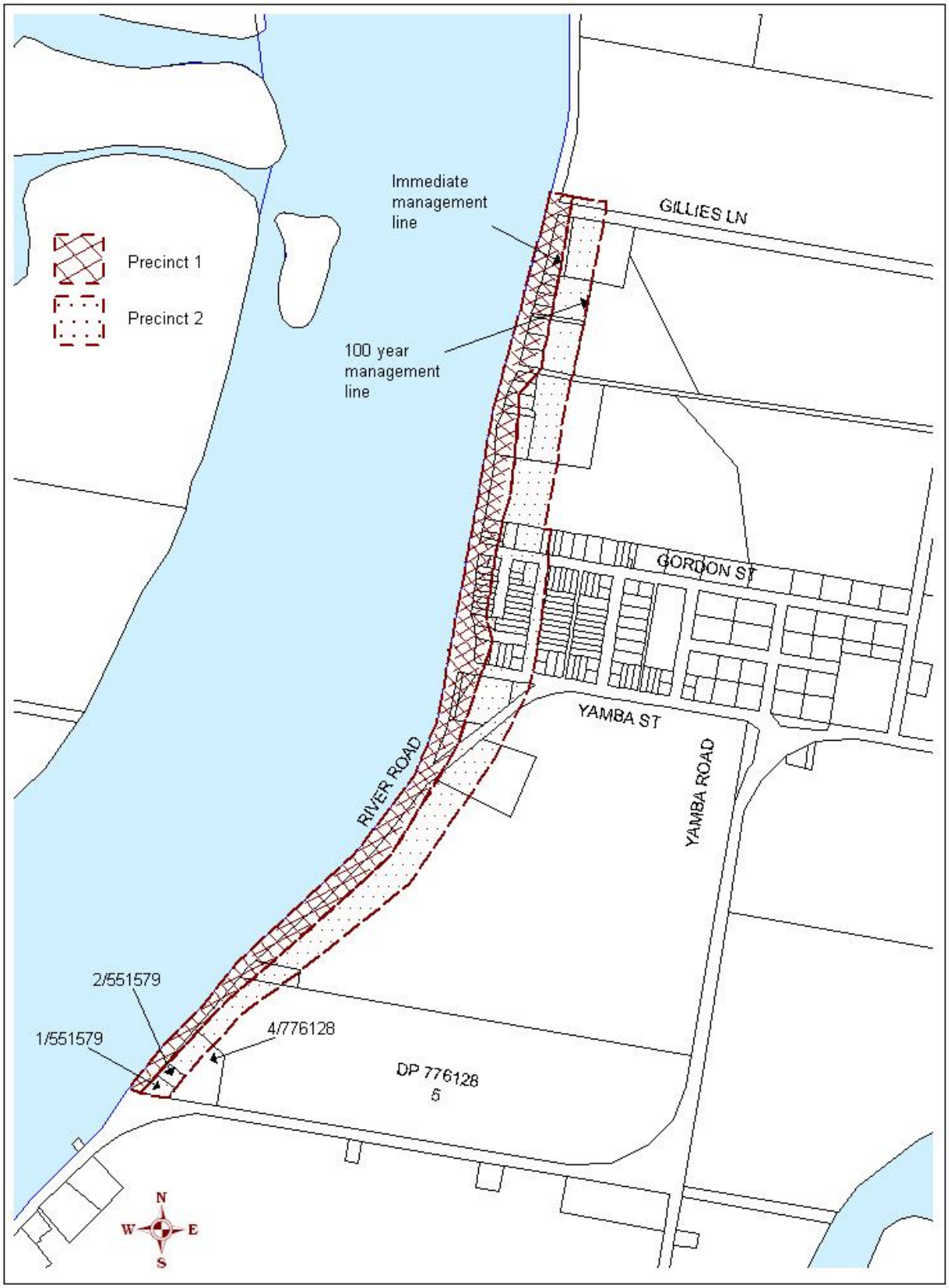
6. This development consent shall cease if at any time the riverbank, as defined by Council comes to within 18 metres of any building associated with this development. The buildings shall then be removed by the owner of the land at the owner's expense.

T8. Servicing

The provision of vehicular access, water, electricity, telephone and other services will be considered on the merits of each case. In principle, all services should be provided from the landward side of the development such that the building is between the services and the riverbank.

PART T PALMERS ISLAND VILLAGE CONTROLS

MAP T1
Palmers Island Riverbank Erosion Plan



PART U ULMARRA VILLAGE CONTROLS

PART U ULMARRA VILLAGE CONTROLS

U1. Where do Ulmarra village controls apply?

PART U of this plan applies to land within the R2 Low Density Residential zone in CV LEP 2011 in Ulmarra Village.

U2. What are the objectives of the Ulmarra village controls?

The objectives of the Ulmarra village controls are:

(b) To conserve the heritage significance and protect the character of the historic village precincts of Ulmarra.
(c) To integrate heritage conservation into the planning and development control process.
(d) To enable sympathetic change to occur.
(e) To provide detailed planning policies to guide the form, scale and location of infill developments in these areas.
(f) To identify elements of design which contribute to the existing built character of the village, which should be encouraged in the design of new development to ensure compatibility between the two.
(g) To guide alterations and extensions to existing buildings.
(h) To ensure that new development is sympathetic to heritage items and other contributory buildings in these historic village precincts.
(i) To encourage and promote public awareness, appreciation and knowledge of the heritage value of these precincts.
(j) To restrict development of land subject to riverbank erosion.

U3. The Built Character

U3.1. Defining the Character of the Village

Ulmarra is recognized as one of the finest examples of a 19th century river port in Australia. It holds National Trust classification and is a heritage conservation area in the CV LEP 2011.
See the Clarence Valley LEP 2011 Heritage Map.

Note:
CV LEP 2011 Clause 5.10 *Heritage conservation* applies to land in a heritage conservation area and to heritage items listed in Schedule 5 of CV LEP 2011.

The vision for Ulmarra Locality adopted by the community is:

"To recognise the rich history and character of Ulmarra and the majestic river setting enjoyed by residents of, and visitors to Ulmarra".

There is great potential for utilising heritage assets and the riverside setting to increase tourism and the appeal of the village and its surrounds. Much of the character and appearance of Ulmarra village and its floodplain hinterland is attributable to its river port history and rich agricultural past.

The features that contribute to this highly valued character include:

(a) Majestic river setting on the banks of the mighty Clarence River
(b) A core of well preserved, historic, commercial, civic, and domestic buildings, particularly in Coldstream and River Streets.
(c) Abundant examples of old rural homesteads, and rural outbuildings remaining in the Clarence River floodplain hinterland.
(d) Business and services that focus on the town's highway location as well as its historic character.

PART U ULMARRA VILLAGE CONTROLS

U3.2. Design elements

Although the village includes some modern infill development, it is broadly characterised by the following design and streetscape elements;

1. single and two storey traditional weatherboard buildings
2. uncoloured metal roofing
3. traditional steep roof pitches, often with complex hip and gable forms,
4. long slender proportions to window openings, especially on elevations which face the street
5. projecting gable ends to the street,
6. broad streets with grass verges
7. front fences of low to medium height, especially picket fences
8. notable civic landmark buildings
9. public open space areas and access to the river
10. important views in and out of streetscapes to the setting of the village eg river view from Coldstream and River Streets. Rural views out of the village.
11. views of key landmark buildings such as church towers/spires, from public spaces

U4. Policies for new and infill development

U4.1. General Context

The design elements outlined in clause U3.2. need to be carefully considered in the design of new development to enable it to integrate successfully with the old. This does not require a copy of a historic building, but encourages new development which is sympathetic to its context.

Understanding this context provides a good basis for the design of new extensions and structures. Basic principles to be observed are

(a) keep it simple – do not use a mixture of features from different eras
(b) Use design elements that exist in the local village to guide the design of the new structure
(c) Ensure that the size and scale is compatible with neighbours and the general streetscape.

U4.2. Roof Pitch and Form

Roof pitch and form relate to building age and style. There are several distinctive roof forms, the most common being hipped and gambrel roofs with gable roofs appearing in some of the later buildings.

Some of the larger historic buildings within the precinct also have symmetrically placed brick chimneys such as the historic Police and Court buildings in River Street.

Although there is a variety of roof shape and pitch within the historic buildings, there is also a common unity to the overall scale and colour which contributes to a harmonious streetscape.

The pitch and form of a roof has a major effect on the overall appearance of a building and had a strong relationship to its proportions. The style of the roof will have an important bearing on whether or not a new building fits comfortably within a streetscape containing buildings of heritage value.

Roof pitch is traditionally steeper than in conventional modern dwellings and often involves more complex forms, even on a small cottage. Roofs with a low pitch or angle will look out of place in an area where traditional roof pitches are in the order of 30^{o} to 35^{o}.

Roofs of new buildings need not be exact copies of existing hipped or gambrel roofs in the village but should be of similar pitch and proportion, and orientation to existing roofs to ensure compatibility. Uncoloured galvanized iron is recommended where it raises no conflicts with reflectivity otherwise, grey coloured colourbond is recommended in this precinct. Concrete tiled roofs are not compatible within the historical precincts and should be avoided.

The use of correct gutters for maintenance and new work is also an important part of maintaining village character. Ogee, half-round and quad gutters are the most appropriate profiles and should be used in preference to perforated box gutters.

PART U ULMARRA VILLAGE CONTROLS

U4.3 Verandahs

Verandahs have a functional purpose as well as an aesthetic one being useful in climate control as well as providing sheltered outdoor living space. Most buildings in Ulmarra have simple skillion roofed verandahs with square timber posts. Many still have original style brackets, and timber balustrade, which makes an important contribution to their overall appearance.

The incorporation of verandahs into the design of new buildings helps integrate the building with the existing built character of the village. New verandahs in infill development should be straightforward and simple in style. Avoid the use of styles and features which have no historical context. For example, bullnose style verandahs and cast iron balustrade should not be added to modern dwellings but are acceptable where evidence exists, to be reinstated as original details to a historic building.

U4.4. Windows and Doors

Window and door proportions have a major impact on the individual character of a building and its relationship with neighbouring buildings, and are also very important in the design of a new extension or infill development.

Many of the heritage buildings in the precinct have double-hung or casement timber framed windows which provide a strong vertical element to the window proportions.

Strong vertical proportions are recommended to maintain the historic character of the village. Timber windows should be used in restoration of historic buildings and are also preferred for new development as it is in keeping with the character of the village. However, the use of glazing bars details in new buildings should be avoided. Aluminium windows with a suitable frame size and proportions may be considered for new development but have a different aesthetic character and limit the ability to vary colour schemes in the future.

U4.5. Building Materials

Weatherboard cladding and iron/metal roofing comprise the most commonly used building materials in the traditional buildings in the village.

The use of traditional building materials such as timber cladding and iron/metal roofing is strongly encouraged in new development to enhance the character of the village.

Other materials such as compressed sheeting/hardiplank cladding in weather board style, brick or rendered masonry may be considered providing that they are appropriate for the particular location. In a mixed street frontage of timber and masonry, the use of masonry would be acceptable. However, in a frontage dominated by timber buildings, it would be recommended that the infill development use a similar material.

Where brick or masonry construction is proposed, the brickwork should preferably be painted and/or rendered, or it should be of a plain colour and texture to blend with existing construction and finish.

White, light or multi-coloured bricks are not considered appropriate in village or rural precincts, neither are double height bricks which emulate stone, as there was not a widespread use of this material historically in this area.

U4.6. Colours

Traditional colour schemes usually comprise light coloured roofs and walls with darker colours used on guttering and trim. Three main colours are generally used to create a colour scheme.

Colour schemes for new buildings should complement those of the existing traditional buildings. This could be achieved by using subtle variations to the traditional colours, but still maintaining lighter colours for roofs and walls, and darker colours to highlight trim and guttering.

Complementary colour schemes can sometimes be effectively achieved through the use of contrast, ie dark walls with light

PART U ULMARRA VILLAGE CONTROLS

trim colours. If this strategy is to be followed, expert advice should be sought to ensure that colours are compatible with the precinct character.

U4.7 Setbacks and Orientation to the Street

Setbacks for new development must comply with the setback for the particular street. Variations to the adopted setback will only be considered where it can be demonstrated that the front setback will be consistent with that of adjoining development and the new building will not be intrusive in the streetscape.

Minimum side and rear setback requirements are 900mm. These setbacks may need to be increased where development adjoins a building of heritage significance to address the impact of new development on its setting.

New buildings should relate to the streetscape, generally ensuring that gable ends, projecting bays, or a hip face the street.

U4.8. Garages and Carports

Garages must not detract from the historic character of the building or its neighbours and the streetscape.

Generally;

(a) Locate garages and carports towards the rear of allotments, or at least set back from the front building line.
(b) As far as possible match the roof pitch, form and materials of the main building.
(c) Respect vertical proportions – do not use wide horizontal doors.
(d) A simple car port under a continuation of roof line may be preferable as it has less visual impact.

U4.9. Fences

Front fences have an important role in defining private and public spaces. Fences to front gardens should be consistent with the traditional fences in the areas. These include picket fences, woven wire, and low walls with galvanized pipe common to the 1920s and 30s. The style should be sympathetic to the period of the dwelling. Masonry walls with iron balustrade as seen in the Victorian terraces are not typical of this area, neither are high solid masonry walls. 'Colourbond' type metal fences are not in keeping with the village character and should be avoided.

Fences should be no more than 1.2 metres in height forward of the front building line. Elsewhere the maximum height is 1.8 metres.

U4.10. Signage and Advertising

Signage for commercial development should be in keeping with the historic character of the village. Hand painted signage in heritage colours on historic buildings on parapets and fascias is encouraged in preference to pre-cut vinyl lettering.

Externally illuminated signage (eg, spotlights or up-lights etc) is acceptable subject to development consent; however, internally illuminated signs such as box signs and plastic tubes are not consistent in the village precincts and will not be approved.

Old sign writing techniques can provide inspiration for new hand-painted signs. Side elevations of buildings which are visible in the streetscape were often painted with signs and this practice is encouraged.

U5. Village Precinct Policies

U5.1. Precinct 1 Gateways to the Village

U5.1.1. Description

The gateways to the village comprise rural land with dispersed rural and residential development including the Ulmarra to Southgate Ferry access. River views from the highway are important to the attraction of Ulmarra as a stopping point. See MAP U1.

PART U ULMARRA VILLAGE CONTROLS

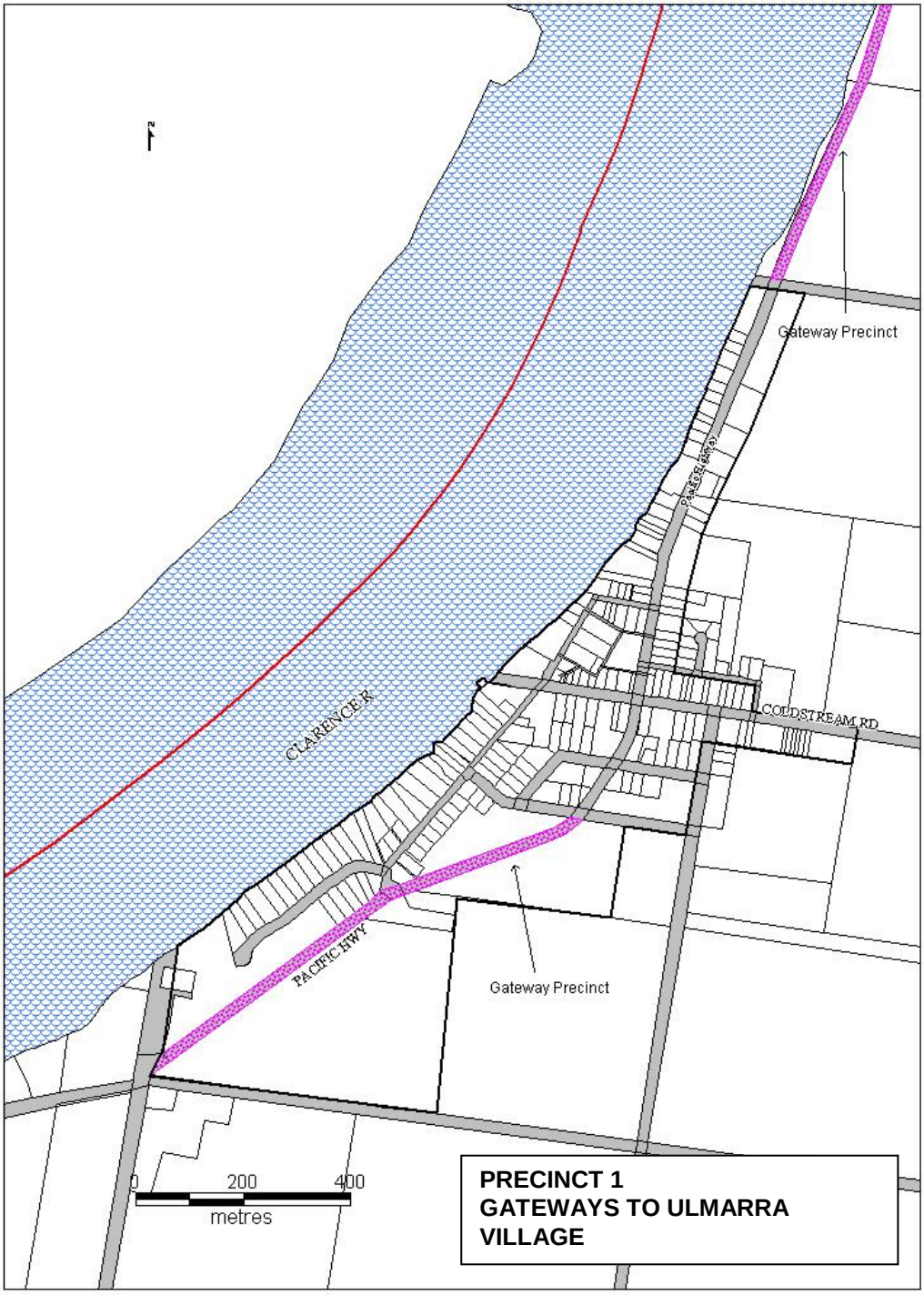
Development of land in the R2 Low Density Residential zone fronting the Pacific Highway on the approaches to Ulmarra village must take into consideration the following precinct policies.

U5.1.2. Gateway Precinct Policies

1. Entries to the village are important to residents and visitors alike. Road reserves should be attractive and well maintained.
2. Avenue planting on road reserves would reinforce the gateways to the village.
3. Views of the river should also be maintained and enhanced where possible to reinforce the important relationship of the river to the village.
4. Clear sign posting with the village identity, is essential as it is the first point of contact for visitors to the village.
5. Urban 'clutter' or unnecessary advertising should be removed. Any new signage should only relate to the identification or promotion of village as a whole and its historic river port identity.
6. Once travelers have entered the village, individual businesses can employ a range of advertising strategies.
7. The development of sites along the gateways to the village which are visible from road frontages should be compatible with the built character of the village through compliance with the policies set out in this plan. E.g., design, bulk roof pitch, materials, colours and signage.
8. Promotional banners could be erected for specific events such as the Ulmarra Heritage Festival but should not be permanent as they lose their impact.

PART U ULMARRA VILLAGE CONTROLS

MAP U1



PART U ULMARRA VILLAGE CONTROLS

U5.2. Precinct 2 Pacific Highway

U5.2.1. Description

The Pacific Highway precinct contains a mix of residential, civic and commercial development with a high proportion of buildings having heritage significance. However, the character of this precinct is a little disjointed due to some unsympathetic infill development having taken place. Amenity is also an issue for residential dwellings due to heavy traffic which has resulted in the enclosure of some verandahs and unsympathetic modifications. See MAP U2.

Development of land in the R2 Low Density Residential zone fronting the Pacific Highway in Ulmarra village, particularly to the north of George Street, must take into consideration the following precinct policies.

U5.2.2. Pacific Highway Precinct Policies

1 This precinct is critical to the appeal of Ulmarra when viewed by travelers on the Pacific Highway and needs to be strengthened and enhanced.

2. Historic buildings are a major part of Ulmarra's character and must be maintained and conserved having regard to the policies of this plan. Adaptive re-use and changes of use will be considered for buildings where existing uses have become redundant if the proposal results in the conservation of the building.

3. The enhancement of existing infill developments by alterations, repainting and landscaping is encouraged to improve their presentation to the highway and the cohesiveness of the village.

4. Amenity issues for residential dwellings fronting the Pacific Highway are acknowledged. However, owners are encouraged to make minimal alterations to original elevations of historic buildings and utilize other measures such a double glazing and planting of landscaping buffers in preference to alterations such as the enclosure of verandahs and modification of facades.

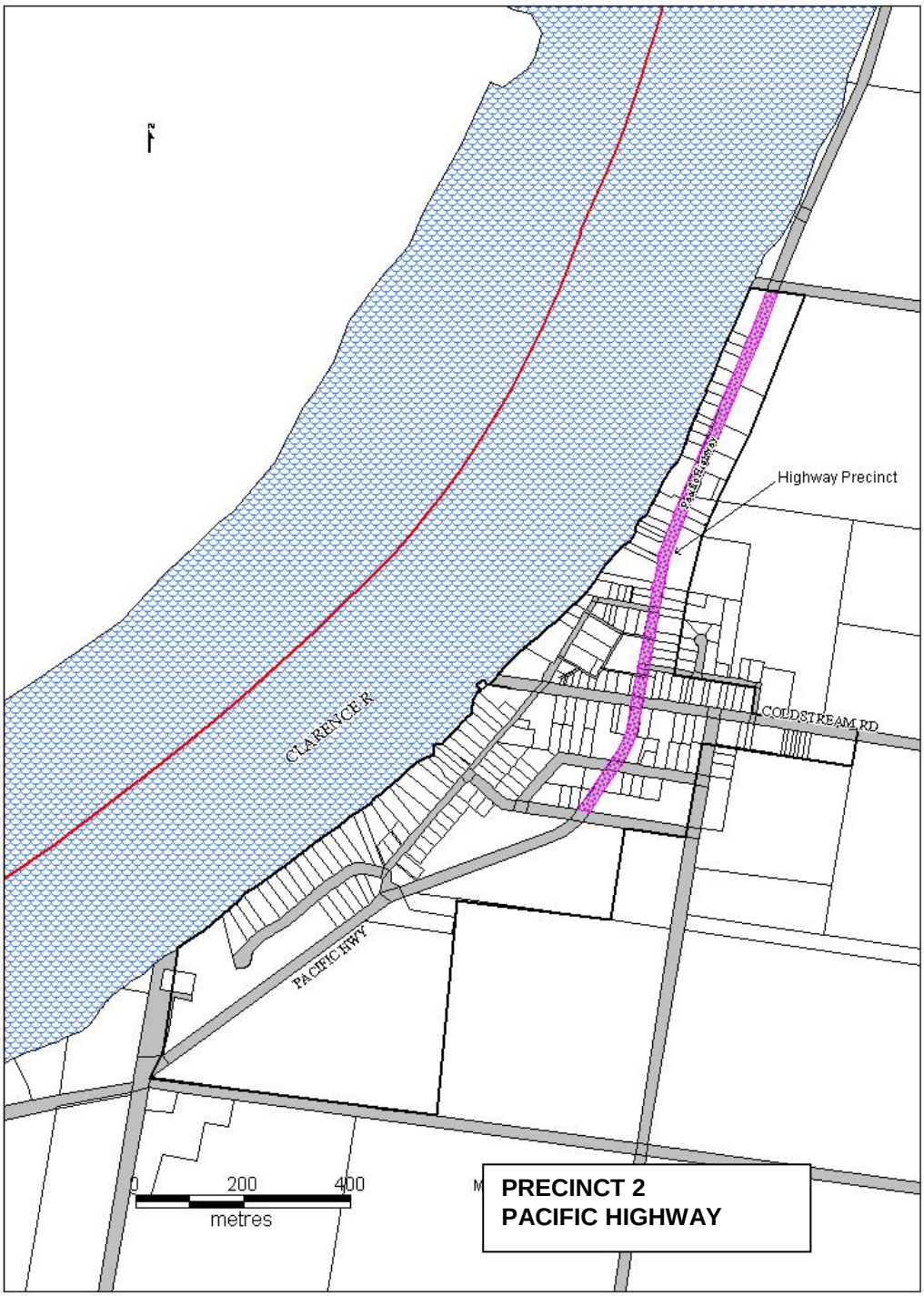
5. Front fences should be maintained at the normal height of 1.2 metres and reinforced by hedges or supplementary planting if additional height is required. Solid metal fences or high fences are not appropriate in this location.

6. Colour schemes for corporate businesses may need to be modified to colours which are sympathetic, but not necessarily restricted to the heritage palette, in order to maintain the desired village character.

7. The future planned highway bypass will offer considerable long-term opportunities for the enhancement of this precinct. Avenue tree planting, wider footpaths and off street parking to enhance businesses in this location will counter some of the impact of less passing traffic for businesses and improve the amenity for residential dwellings.

PART U ULMARRA VILLAGE CONTROLS

MAP U2



PART U ULMARRA VILLAGE CONTROLS

U5.3. Precinct 3 Coldstream Street

U5.3.1. Description

Coldstream Street is the historic commercial core of the village with some notable single and two storey timber buildings of heritage significance. The eastern side of Coldstream Street was largely rebuilt during the 1930s following a fire. Heritage conservation is taking place in this precinct together with the development of quality shops specializing in the art, craft, furniture and food outlets. The southern end of Coldstream St on the other side of the Pacific Highway is also of interest with a streetscape of largely intact timber cottages and a Gothic style timber Presbyterian Church. See MAP U3.

Development of land in the R2 Low Density Residential zone fronting Coldstream Street, on the southern side of the Pacific Highway, must take into consideration the following precinct policies.

U5.3.2. Coldstream Precinct Policies

1. Careful restoration of historic buildings to original details is essential to the future aesthetic appeal and integrity of this precinct.
2. The use of appropriate heritage colour schemes is required to maintain the desired character of the village.
3. The view to the river should be maintained and enhanced and existing mature trees protected as they frame this vista.
4. Sympathetic infill development is permissible in accordance with the principles of this plan.
5. A detailed plan should be developed in consultation with the community for the future enhancement of public space in this precinct, to provide seating, lighting, and landscaping in a coordinated way which is complimentary to the heritage character of the village.

U5.4. Precinct 4 River Street

U5.4.1. Description

River Street is a largely residential precinct containing some civic buildings of heritage significance such as the Court House and former Post Office. The northern side of River Street adjoins the Clarence River and is characterised by large allotments and established gardens and mature trees. See MAP U4.

Development of land in the R2 Low Density Residential zone fronting River Street and Belmore Street in Ulmarra village must take into consideration the following precinct policies.

U5.4.2. River Street Precinct Policies

1. The amenity and character of this precinct should be carefully protected by ensuring that any new development has regard to the principles outlined in this plan, with particular attention to:
   (a) the retention and conservation of historic buildings, outbuildings and mature trees and gardens.
   (b) the relationship of new development to neighbouring buildings and the general streetscape.
   (c) the setting of buildings of heritage significance and their curtilage,
   (d) the group value of adjoining timber cottages and the need to maintain sympathetic scale.

2. Bailey Park on the banks of the Clarence is a very important public space in the village which reinforces the link between the village and the river. The future placement of play equipment, picnic shelters, lighting, paving and landscaping should be considered in an overall plan and not on an ad hoc basis. There is potential to provide and upgrade tourist information and heritage interpretation for visitors in this location.

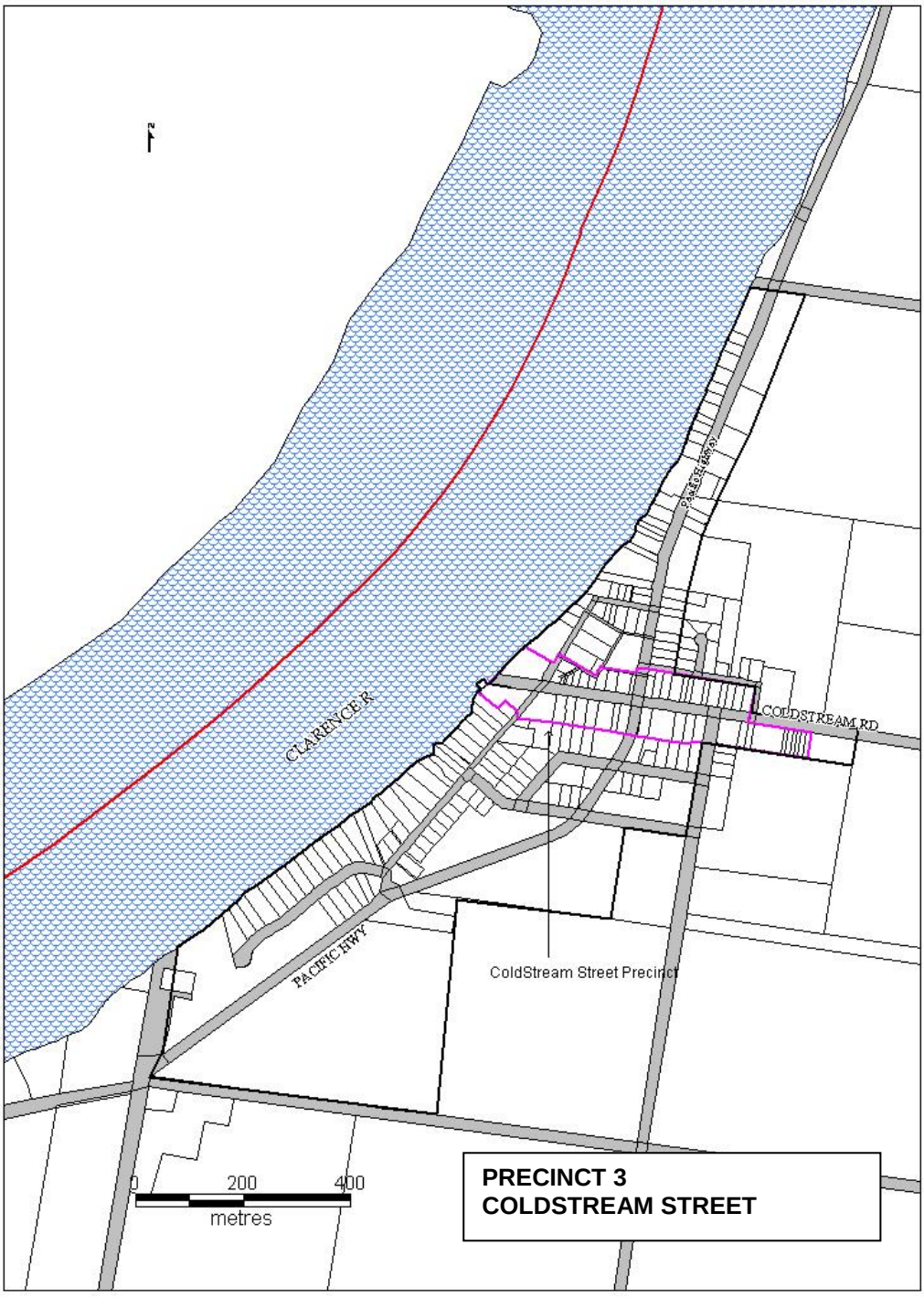
PART U ULMARRA VILLAGE CONTROLS

U6. Ulmarra Riverbank Management Plan Restrictions

Development of land subject to the "Ulmarra Riverbank Management Plan (URMP) March 2000" must comply with the development restrictions as outlined in TABLE U1. Consult Council planning staff for details of land affected by the Ulmarra Riverbank Management Plan.

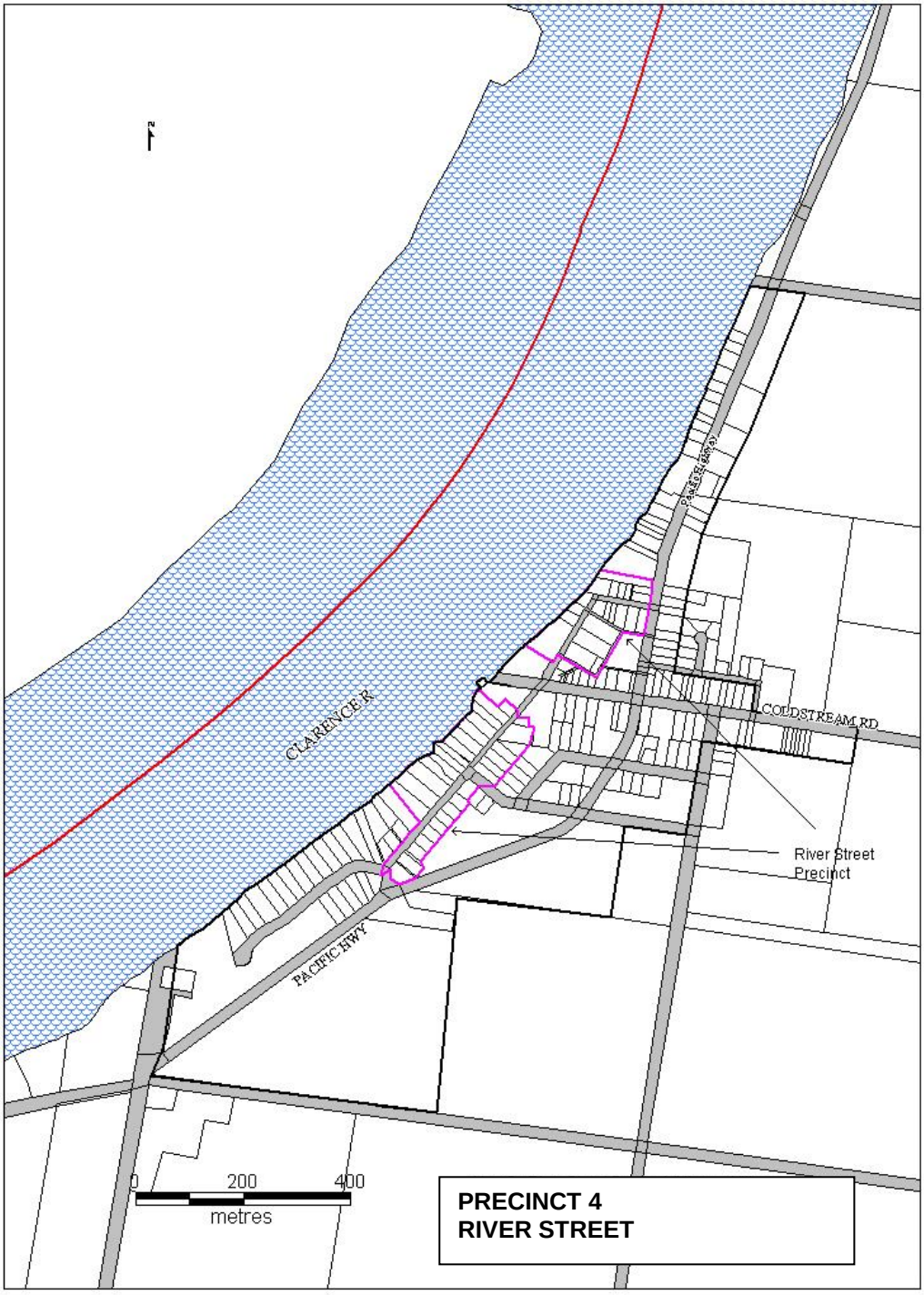
PART U ULMARRA VILLAGE CONTROLS

MAP U3



PART U ULMARRA VILLAGE CONTROLS

MAP U4



PART U ULMARRA VILLAGE CONTROLS

TABLE U1

Land Use	Development	Riverbank land affected by "River Bank Zone" (RBZ) in Ulmarra Management Plan Maps 1-8	Riverbank land not affected by "River Bank Zone" (RBZ)
Infrastructure (i) Local	Maintenance.	Maintenance work should be permitted, subject to work not exacerbating riverbank hazard. Investigation of alternatives and long term strategy should be encouraged.	Permitted
	New and replacement infrastructure	Not permitted. Ensure relevant authorities proposing new infrastructure are formally advised of the Plan and riverbank hazard.	Could be permitted, subject to investigation and consideration on merit of alternatives and adoption of a long term strategy. Ensure relevant authorities proposing new infrastructure are formally advised of the Plan and riverbank hazard.
(ii) Regional, state and national	Maintenance.	Maintenance work could be permitted, subject to work not exacerbating riverbank hazard. Investigation of alternatives and long term strategy encouraged.	Permitted.
	New and replacement infrastructure	Should be refused where Council is the consent authority, unless there are overriding and compelling issues of community need. Prudent for Council to seek legal advice. Ensure relevant authorities proposing new infrastructure are formally advised of the Plan and riverbank hazard.	Could be permitted, subject to investigation and consideration on merit of alternatives and adoption of a long term strategy. Ensure relevant authorities proposing new infrastructure are formally advised of the Plan and riverbank hazard.
Residential	Repairs and maintenance and minor additions.	Permitted.	Permitted.
	New development, redevelopment and major additions.	Not permitted. Ensure new owners and occupiers are formally advised of the Plan and riverbank erosion.	Permitted. Ensure new owners and occupiers are formally advised of the Plan and riverbank erosion.
Commercial and industrial	Repairs and maintenance and minor additions.	Permitted.	Permitted.
	New development, redevelopment and major additions.	Not permitted. Ensure new owners and occupiers are formally advised of the Plan and riverbank erosion.	Permitted. Ensure new owners and occupiers are formally advised of the Plan and riverbank erosion.
Agriculture	Repairs and maintenance and new non –intensive use facilities	Permitted.	Permitted.
	New development, redevelopment and additions	Not permitted. Ensure new owners and occupiers are formally advised of the Plan and riverbank erosion.	Permitted. Ensure new owners and occupiers are formally advised of the Plan and riverbank erosion.

PART V WOOLI VILLAGE CONTROLS

PART V WOOLI VILLAGE CONTROLS

V1. Where do controls for Wooli village apply?

Controls for Wooli village apply to land in the R2 Low Density residential zone in the CV LEP 2011 identified on the CV LEP 2011 Coastal Risk Planning Map as "coastal risk".

Note:
Land at Wooli identified on the CV LEP 2011 Coastal Risk Planning Map as "coastal risk" is subject to CV LEP 2011 clause 7.5 Coastal risk Planning.

V2. What are the objectives of the controls for Wooli village?

The objectives of the controls for Wooli village are:

(a) To preserve the natural environment and the character and ambience of the village.

(b) To maintain a village of low density urban development form, with new development to respect the environmental constraints posed by the river, ocean, small lot sizes and the existing small scale built form.

(c) To recognise the threat posed by coastal erosion of land adjoining the Wooli Beach and therefore limit the type of development permitted within Wooli village.

V3. Character of Wooli village

The character of Wooli village is largely founded on its:

(a) Unspoilt beachside and tranquil riverside and peninsula setting.
(b) Low key and low density development and housing form.
(c) Outdoor and nature–based recreational and leisure opportunities.
(d) Lack of through traffic.

Maintaining the individual and unique character of Wooli and the high water quality of the river and ocean is of the utmost priority of the Wooli community, as expressed in community surveys and consultations.

All new development and additions to existing development must consider the existing character of Wooli village and be designed to be in keeping with that character.

The NSW Coastal Design Guidelines must be considered in design of new buildings and additions in Wooli village.

The following general guidelines should be considered:

1. Locate and design buildings to respond to appropriately address the effects of coastal processes within the local hazard context.
2. Reinforce the village character with new buildings that are appropriate in terms of location, uses, scale, height and site configuration.
3. Consider the appropriateness of new buildings within the whole streetscape, rather than each building as a stand-alone object.
4. Maintain consistent street setbacks.
5. Ensure buildings address the street by providing direct and on-grade entries to the street for residential, commercial and retail purposes.
6. Rationalise car-related uses on site, such as driveways widths and lengths.
7. Protect views from public places and streets by maintaining consistent setbacks along streets and not placing buildings in view corridors.
8. Protect local views and vistas throughout and surrounding the village from public places by relating new buildings to the topography, reducing heights to maintain views of the surrounding landscape and maintaining consistent, height, bulk, scale with the street and local context.
9. Ensure developments and neighbouring properties have:
   (a) access to daylight
   (b) access to natural ventilation
   (c) visual privacy and acoustic privacy

PART V WOOLI VILLAGE CONTROLS

(d) private open space

(e) a pleasant microclimate.

10. Achieving amenity relates to the design of individual buildings and, in particular, to:
    (b) building orientation and depth.
    (c) the size of the lot.
    (d) open-space location, size and connection with the inside of the building.
    (e) Car parking, location and access.
    (f) pedestrian access from the street.
    (g) street edge configuration and building separation
    (h) mature trees, vegetation and soil areas

V4. Building Height

A maximum building height applies to all development of land in the R2 Low Density Residential zone under Clause 4.3 and the associated Height of Buildings Map in the CV LEP 2011.

Check the maximum building height applying to your property /site under the CV LEP 2011 Height of Buildings Map.

The height of a building is not to exceed the maximum height shown for the land on the Height of Buildings Map.

In Wooli village, the maximum height of all buildings erected on land between the street adjacent to the coastal dune and the coastal dune is 6.5 metres.

In other areas of Wooli village, all development must not exceed the maximum building height of 9 metres to the highest point on the roof.

Where a maximum building height limit applies to land, a maximum top plate building height applies as shown in TABLE V1.

TABLE V1

Maximum height metres	**Maximum height to the top plate** metres
6.5	4
9	6.5

V5. Wooli Beach Coastline Management Plan Restrictions

Development restrictions apply within the Wooli Beach Coastline Management Plan as outlined within TABLE V2.

Council may permit development not conforming with any one or more of the requirements of TABLE V2 when in its opinion the objectives of the Wooli Beach Coastline Management Plan will be achieved. Consult Council planning staff for details of land affected by the Wooli Beach Coastline Management Plan.

In addition to this clause 7.5 *Coastal Risk Planning* in CV LEP 2011 requires consideration of a number of matters related to impacts of coastal erosion and land instability; and measures to reduce risks and access before granting consent to development.

In order for the consent authority to consider the matters required by clause 7.5 of the CV LEP 2011, a development application for land at Wooli subject to PART V of this DCP must include information on the following matters:

(a) the likelihood of the proposed development adversely affecting, or being adversely affected by coastal erosion and land instability; and
(b) the need to relocate buildings or services; and
(c) the nature, bulk and intensity of the proposed development; and
(d) the need fro the proposed development to be limited to a specified time period; and
(e) safeguards and measures proposed or in place, to protect the environment and mitigate the risk of property damage or loss of life as a result of coastal erosion or land instability; and
(f) arrangements for access during and after a coastal erosion event.
(g) A geotechnical risk assessment in accordance with Council's Geotechnical Risk Management Policy

PART V WOOLI VILLAGE CONTROLS

TABLE V2.

DEVELOPMENT	IMMEDIATE ZONE	ADVISORY NOTE
All building works (no exemptions) Major developments. Redevelopments. Major additions. Minor additions.	Not permitted.	Refer to Wooli Beach Coastline Management Plan. This zone is transitional and will impact upon other zones over time.

DEVELOPMENT	50 YEAR ZONE	ADVISORY NOTE
Light weight structures, shed, carport, pergolas, etc. Removable building structures. Single dwelling houses only.	Permitted	Development applications required for all structures. Refer to Wooli Beach Coastline Management Plan.
All other structures Residential and commercial Major new developments Redevelopments. Major additions. Minor additions.	Not permitted.	Refer to Wooli Beach Coastline Management Plan.

DEVELOPMENT	100 YEAR ZONE	ADVISORY NOTE
Residential structures Dwellings and outbuildings. Commercial structures. Major new developments Redevelopments. Major additions. Minor additions.	Permitted.	Development applications required for all structures. Applications to be accompanied by a certification of the foundation design by an engineer with appropriate geotechnical qualifications and experience. Refer to Wooli Beach Coastline Management Plan.

NOTE: Immediate zone, 50 year zone, 100 year zone are those described within the Wooli Beach Coastline Management Plan.

PART V WOOLI VILLAGE CONTROLS

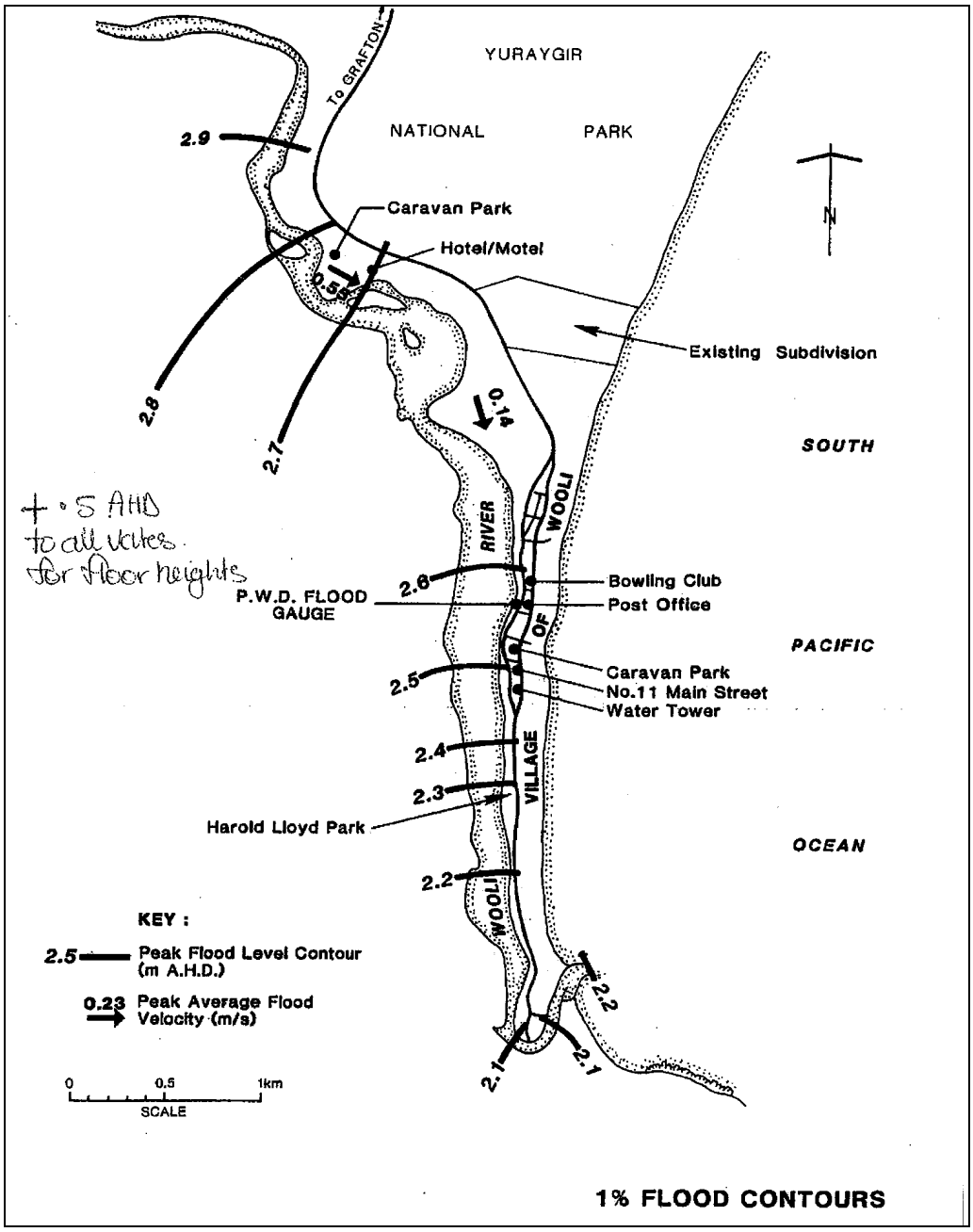
V6. Floor Height Controls

A floor height of 0.5 metres above the 1 in 100 year flood level applies to land in the Wooli village, based on available flood mapping as shown on MAP V1.
Development of flood prone land must comply with the appropriate requirements of PART D of this DCP, as determined by Council.

Note:
Some land within the Wooli village is within the Flood Planning area covered by clause 7.3 Flood Planning and as indicated on the Clarence Valley LEP 2011 Flood Planning Area map. Council is required to consider those matters setout in clause 7.3(3) when granting development consent on land affected within the flood planning area.

PART V WOOLI VILLAGE CONTROLS

MAP V1



PART W YAMBA HILL CONTROLS

PART W YAMBA HILL CONTROLS

W1. Where do the controls for Yamba Hill apply?

The controls in Yamba Hill apply to land east of River Street, Yamba within R2 and R3 residential zones. See MAP W1.

The same controls apply to land in the SP3 Tourist zone and B1 Neighbourhood Centre zone in this locality. See the relevant DCPs for these zones.

Controls for Yamba Hill in Part W apply to all development, including dwelling houses, dual occupancies, attached dwellings, multi dwelling housing, residential flat buildings, semi-detached dwellings and serviced apartments.

Controls for Yamba Hill in Part W include:

(a) Minimum site areas for residential flat buildings, attached dwellings, multi dwelling housing and serviced apartments.
(b) Maximum height controls to the top plate.
(c) Shadow diagram requirements.
(d) Car parking.

Note:
Maximum building height controls apply under clause 4.3 and the associated Height of Buildings Map in the CV LEP 2011.

See Part D of this DCP for other controls that apply, which include:

(a) Setbacks.
(b) Landscaped area requirements.
(c) Private open space.

W2. What are the objectives of the controls for Yamba Hill?

The objectives of the controls for Yamba Hill are:

(a) Development which is responsive to site constraints and the surrounding environment.
(b) Buildings which complement the existing streetscape.
(c) Buildings which reflect a North Coast character and minimise adverse impacts on adjacent properties.

W3. Consideration of NSW Coastal Design Guidelines

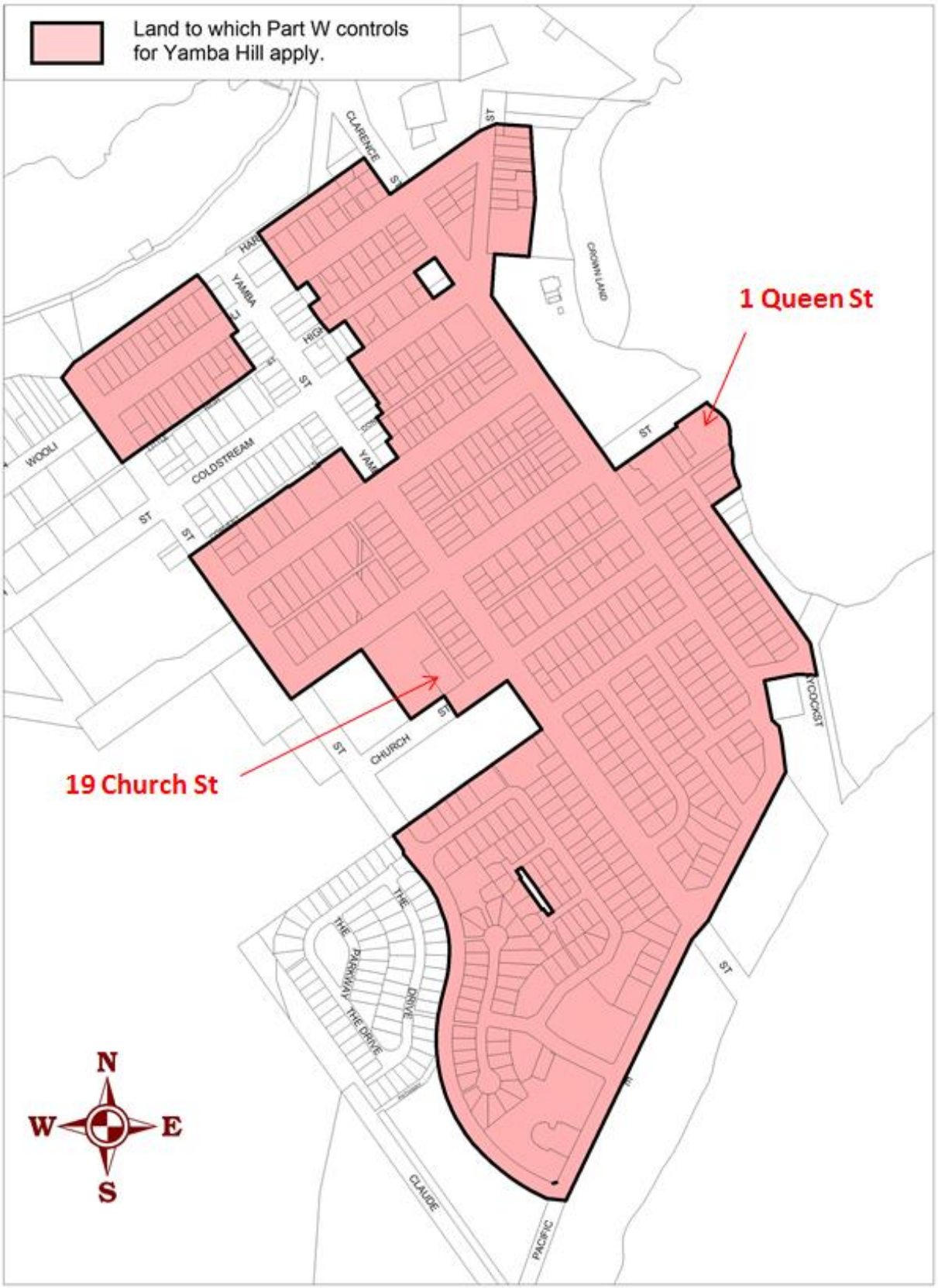
The NSW Coastal Design Guidelines must be considered in design of new buildings and additions in Yamba Hill.

The following general guidelines should be considered:

1. Locate and design buildings to respond to and appropriately address the effects of coastal processes within the local hazard context.
2. Reinforce the village character with new buildings that are appropriate in terms of location, use, scale, height and site configuration.
3. Consider the appropriateness of new buildings within the whole streetscape, rather than each building as a stand-alone object.
4. Maintain consistent street setbacks.
5. Ensure buildings address the street by providing direct and on-grade entries to the street for residential, commercial and retail purposes.
6. Rationalise car-related uses on site, such as driveways widths and lengths.
7. Protect views from public places and streets by maintaining consistent setbacks along streets and not placing buildings in view corridors.
8. Protect local views and vistas throughout and surrounding the village from public places by relating new buildings to the topography, reducing heights to maintain views of the surrounding landscape and maintaining consistent, height, bulk, scale with the street and local context.

PART W YAMBA HILL CONTROLS

MAP W1



PART W YAMBA HILL CONTROLS

9. Ensure developments and neighbouring properties have:
   (a) access to daylight
   (b) access to natural ventilation
   (c) visual privacy and acoustic privacy
   (d) private open space
   (e) a pleasant microclimate.
10. Achieving amenity relates to the design of individual buildings and, in particular, to:
   (a) building orientation and depth.
   (b) the size of the lot.
   (c) open-space location, size and connection with the inside of the building.
   (d) Car parking, location and access.
   (e) pedestrian access from the street.
   (f) street edge configuration and building separation
   (g) mature trees, vegetation and soil areas

W4. Minimum site areas for residential development

A minimum site area of 400m² applies to land in the R3 Medium Density residential zone in the CV LEP 2011 for the following types of residential development:

- Attached dwellings
- Multi dwelling housing
- Residential flat buildings
- Serviced apartments

No minimum site area applies for dual occupancies and semi detached dwellings for land in the R3 Medium Density residential zone.

A minimum site area of 800m² applies for dual occupancies and semi detached dwellings for land in the R2 Low Density residential zone.

W5. Car Parking

The number of car spaces required for residential development, except for dwelling houses, under Clause G2 of this DCP does not apply in the R3 Medium Density residential zone in Yamba Hill.

The number of car parking spaces required for residential development, except dwelling houses, in the R3 Medium Density residential zone in Yamba Hill are as follows:

Number of bedrooms in dwelling	Number of car spaces required
1 and 2 bedrooms	2
3 and 4 bedrooms	3

No additional car spaces are required for visitor car parking in the R3 Medium Density residential zone in Yamba Hill.

For other requirements related to car parking refer to Part G of the DCP.

PART W YAMBA HILL CONTROLS

W6. Building Height

Different height limits apply in different parts of Yamba Hill.

A maximum building height applies to all development of land in the R2 Low Density and R3 Medium Density residential zones. Clause 4.3 and the associated Height of Buildings Map in the CV LEP 2011 detail these controls.

Check the maximum building height applying to your property /site under the CV LEP 2011 Height of Buildings Map.

The height of a building is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Where a maximum building height limit applies to land, a maximum top plate building height applies as shown in TABLE W1.

TABLE W1

Land	Maximum height to the top plate metres	Maximum height metres
Area 1 MAP W2. Pilot and Ocean street properties	4*	6.5*
Area 2 MAP W2. Generally east of Church Street, except some properties in Pacific Parade.	6.5	9
Area 3 MAP W2. Generally west of Church Street, except some properties in Queen Street.	9.5	12

**measured at street level at the front boundary. See clause W6.1*

The top plate building height is measured from ground level (existing) to where the roof beams meet the top plate.

In the case of skillion roofs, the maximum height to the top plate is to be measured to the lower point at which the roof beams meet the top plate.

The building height is measured at **any** point on the allotment, i.e. the building will need to be stepped down the slope

W6.1. In Pilot and Ocean Streets (i.e. in Area 1 on MAP W2) development at the street level is limited to a height of 4 metres to where the roof beams meet the top plate and a height of 6.5 metres to the highest point on the roof, measured at the front boundary.

The CV LEP 2011 Height of Buildings Map identifies land on the eastern side of Pilot and Ocean Streets, Yamba as having a maximum building height of 6.5 metres.

In these areas in Pilot and Ocean Streets, Yamba development should be stepped down at the rear of the lots to a maximum height of 9.5 metres to where the roof beam meets the top plate and 12 metres to the top of the roof.

In order to achieve a stepped development on land in these areas in Pilot and Ocean Streets, Yamba CV LEP 2011 clause 4.6 (2) *Exceptions to development standards is applied.*

PART W YAMBA HILL CONTROLS

Note:
Definitions from the CV LEP 2011 that must be used to determine building height controls are;

Building height (or ***height of building***) means:
(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
(b) in relation to the RL of a building — the vertical distance from the Australian Height Datum to 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.

Reduced Level (RL) means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

Ground level (existing) means the existing level of a site at any point.

Ground level (finished) means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for abasement, footings or the like) for which consent has been granted or that is exempt development.

W7. Shadow diagrams

A shadow diagram showing the impact on adjoining properties must accompany a development application where the maximum building height exceeds 6.5 metres.

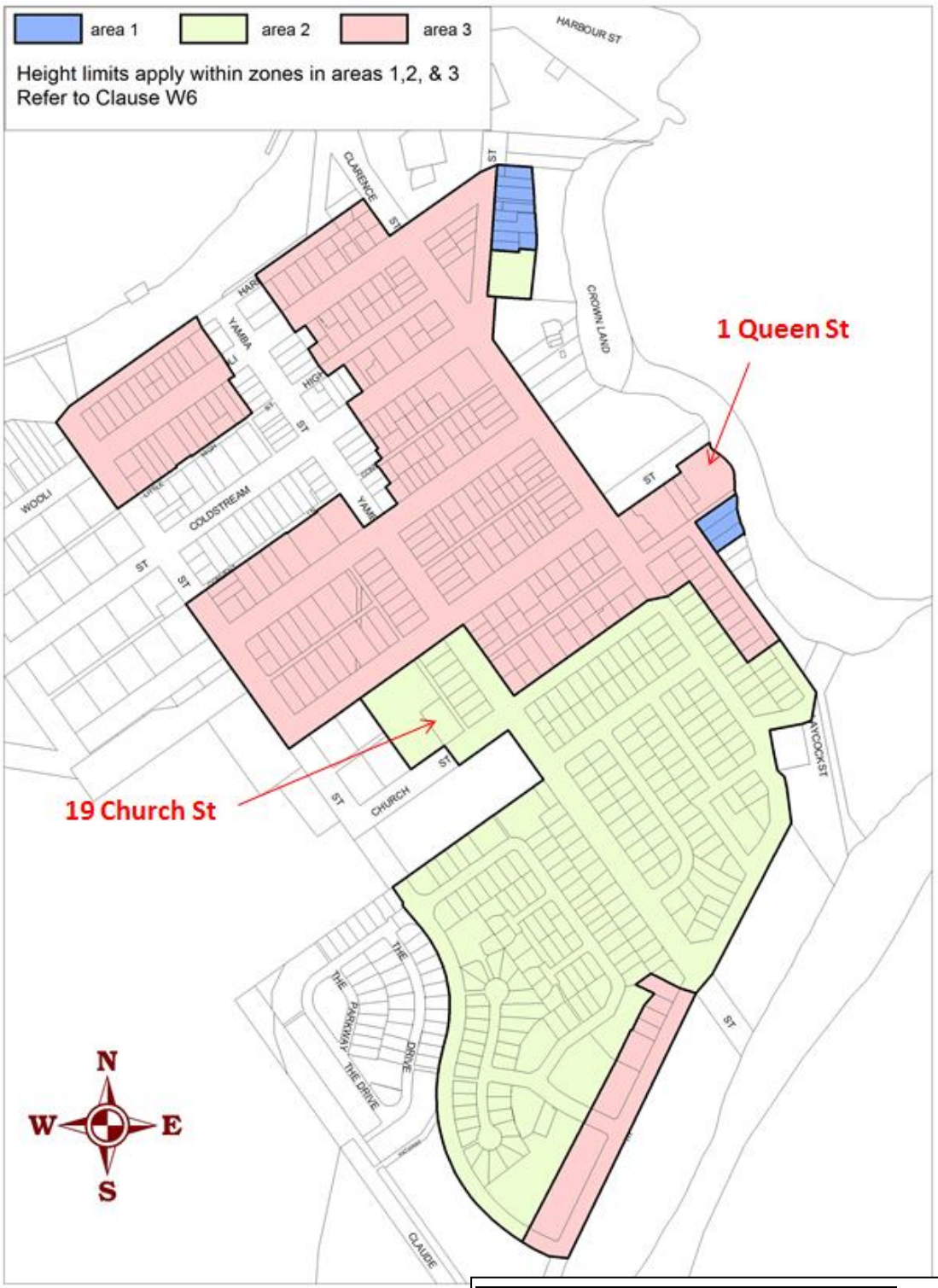
At least half the private open space of adjoining properties should receive direct sunlight between 10am and 2pm during mid winter. This same standard applies to private open space areas provided within the proposed development.

Variations to this standard may be accepted if the excessive overshadowing is balanced by improvements in views, access to prevailing breezes, vegetation retention or privacy for the affected property(s).

Council shall also give consideration as to whether the proposed development worsens the existing overshadowing received by the affected property.

PART W YAMBA HILL CONTROLS

MAP W2



Land	Max. Height to top plate (m)	Max. Height (m)
AREA 1	4	6.5
AREA 2	6.5	9
AREA 3	9.5	12

PART X URBAN RELEASE AREA CONTROLS

X1. Where do controls for urban release areas apply?

This Part of the DCP applies to land identified as an Urban Release Area (URA) on the CVLEP 2011 Urban Release Area Map (URA map). Land identified as an URA triggers compliance with the requirements in Part 6 of the LEP.

X2. What are the aims of the urban release area controls?

The general aims of the urban release area controls are to:

- provide guidance and greater clarity for future development of identified URA's;
- provide and plan for efficient urban release areas that will maximise the opportunities for urban development in a socially, economically and environmentally sustainable manner;
- prevent the ad hoc development of individual land holdings within URAs in an isolated context and in a manner that may prejudice the orderly development and overall future function of development both within and adjacent to the URA;
- prevent land fragmentation, through inappropriate large lot subdivision, which may prevent the orderly development of the release area for urban housing;
- ensure that development is at a density that respects the natural and man-made constraints and hazards of the land;
- provide mixed housing opportunities, through encouraging a range of housing types and sizes to develop a diverse and rich local community; and,
- Encourage the preparation area plans for each URA.

X3. Background

This Part of the DCP is intended to complement Part 6 of CV LEP 2011 which applies to land identified as a URA on the CVLEP 2011 URA Map.

The controls for URAs apply to those areas of land shown distinctively coloured and lettered "Urban Release Area" on the CVLEP 2011 URA Map. As new urban release areas are added by amendments to the CVLEP 2011, the Residential Zones DCP and any other relevant DCPs may be amended accordingly to reflect the additions. Land identified as an URA triggers compliance with the requirements set out in Part 6 (Urban Release areas) of the LEP.

Planning for URAs has emerged from a combination of longer term growth management planning by Council as well as well as being recognised by the 2009 Mid North Coast Regional Strategy (MNCRS).

The MNCRS includes maps of growth areas designated to contain expected housing and employment land in the Region over the next 25 years. The strategy acknowledged (p.17) that:

"..not all land identified within the growth areas or local growth management strategies will be developed for urban uses. The rezoning of land or the development of existing zoned land within the growth areas for urban, commercial or industrial uses will be subject to more detailed investigations to determine capability and future yield. Land that is subject to significant natural hazards and/or environmental constraints will be excluded from development.

Other land may be required for open space, drainage, maintenance of interurban breaks or environmental uses/buffers and will be protected for these purposes".

It is Councils intention to provide DCP provisions for URAs via a single DCP

PART X URBAN RELEASE AREA CONTROLS

within Council's existing DCP framework rather than separate, individual or one-off DCPs for individual land parcels or groups of land parcel.

X4. Purpose and structure

X4.1 The purpose of this Part of the DCP is to give more detailed guidance to parties wishing to develop land identified as an URA in the CVLEP 2011.

X4.2 This Part is structured so as to provide more detailed guidance, controls and provisions for specific urban release areas via individual schedules to this Part.

X4.3 The schedules to this Part provide more detailed guidance, controls and provisions for specific URAs than that contained in the CVLEP 2011, and indicates certain specific objectives and controls (requirements, standards etc) for the various URAs, not otherwise included in the broader DCP.

X5. Relationship with Clarence Valley Local Environmental Plan 2011

The purpose of Part 6 of the LEP is to ensure that development on land identified as a URA occurs in a logical and cost-effective manner. In this regard, Part 6 requires that:

(a) satisfactory arrangements to be made for public infrastructure before land in an urban release area can be subdivided for the proposed urban purpose, and
(b) development consent must not be granted for development on land (in a URA) unless a development control plan that provides for the matters specified in clause 6.3 (3) has been prepared for the land.

X6. Relationship with This DCP and other plans

This Part of the DCP should also be read in conjunction with:

- Parts A - D and Parts H – J in particular of the Clarence Valley Residential Zones DCP 2011 (CVRZDCP 2011);
- Councils CVLEP 2011 in relation to controls for retail land-use;
- Council Policies in particular NR Design Manuals, Bike Plan and Pedestrian access and Mobility Plans and Biodiversity Draft DCP.

In the event of any inconsistency between this Part and any other part of CVRZDCP 2011 or any other plan or policy of Council, this part will prevail to the extent of the inconsistency.

X7. Development Control Plan Requirements

A DCP providing for provisions for Part 6 urban release areas is required to provide for all of the following:

(a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,
(b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
(c) an overall landscaping strategy for the protection and enhancement of riparian areas, remnant vegetation, wildlife corridors and native flora and fauna habitats, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
(d) a network of passive and active recreational areas,
(e) stormwater and water quality management controls,
(f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and impacts on adjoining agricultural land, and, in relation to natural hazards, the safe

PART X URBAN RELEASE AREA CONTROLS

occupation of, and the evacuation from, any land so affected,
(g) detailed urban design controls for significant development sites,
(h) measures to encourage higher density living around transport, open space and service nodes,
(i) measures to accommodate and control appropriate neighbourhood commercial uses,
(j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking,
(k) measures to conserve Aboriginal cultural heritage on the land.

Part 6 of the LEP also sets out additional requirements to be met by the DCP for specific urban release areas (Clarenza, West Yamba and Junction Hill). Where an Urban Release Area is identified in the LEP for a development outcome other than residential (e.g. employment centre) Council may require additional matters to be included in the DCP.

X8. Compliance with Objectives and Controls in this Plan

Clauses in this plan contain objectives and controls relating to various aspects of development.

The Objectives enable Council and applicants to consider whether a particular proposal will achieve the development outcomes established for West Yamba.

The Controls establish standards, which if met, mean that development should be consistent with the objectives. However, in some circumstances, strict compliance with the controls may not be necessary, or may be difficult to achieve because of the particular characteristics of a development site. In these situations, Council may grant consent to a proposal that does not comply with the Controls in this plan, providing the intent (i.e. the Objective/s) of the Controls is achieved.

X9. Area Plans

Area plans, addressing clause 6.3 (3) CVLEP 2011 matters may be prepared for each URA to help coordinate the strategic planning and manage site constraints, infrastructure provision and multiple land ownerships. The various land owners may collectively collaborate to prepare such a plan for a URA. However Area Plans will not be considered to be DCPs for the purpose of interpreting Part 6 of the LEP.

PART X URBAN RELEASE AREA CONTROLS

SCHEDULE X1 – WEST YAMBA URBAN RELEASE AREA

1. Background

Planning for a future urban precinct at West Yamba dates back to the mid -1990's with urban zoning and urban release area provisions first coming to fruition in April 2010 when Amendment No. 20 to Maclean LEP 2001 (MLEP 2001) came into effect. This provided for approximately 121.3 ha of urban zoned land [2(c) Urban Residential]; or 127.4 ha of urban zoned land including road reserves within the urban release area (URA). This later became zoned R1 General Residential when Clarence Valley LEP 2011 (CVLEP 2011) came into effect. Amendment No. 20 to MLEP 2001 (*"Amendment No. 20"*) also introduced urban release area provisions similar to the current "Part 6 Urban Release Area" CVLEP 2011 provisions. The location of the West Yamba Urban Release Area (WYURA) is shown at Figure X1.1.

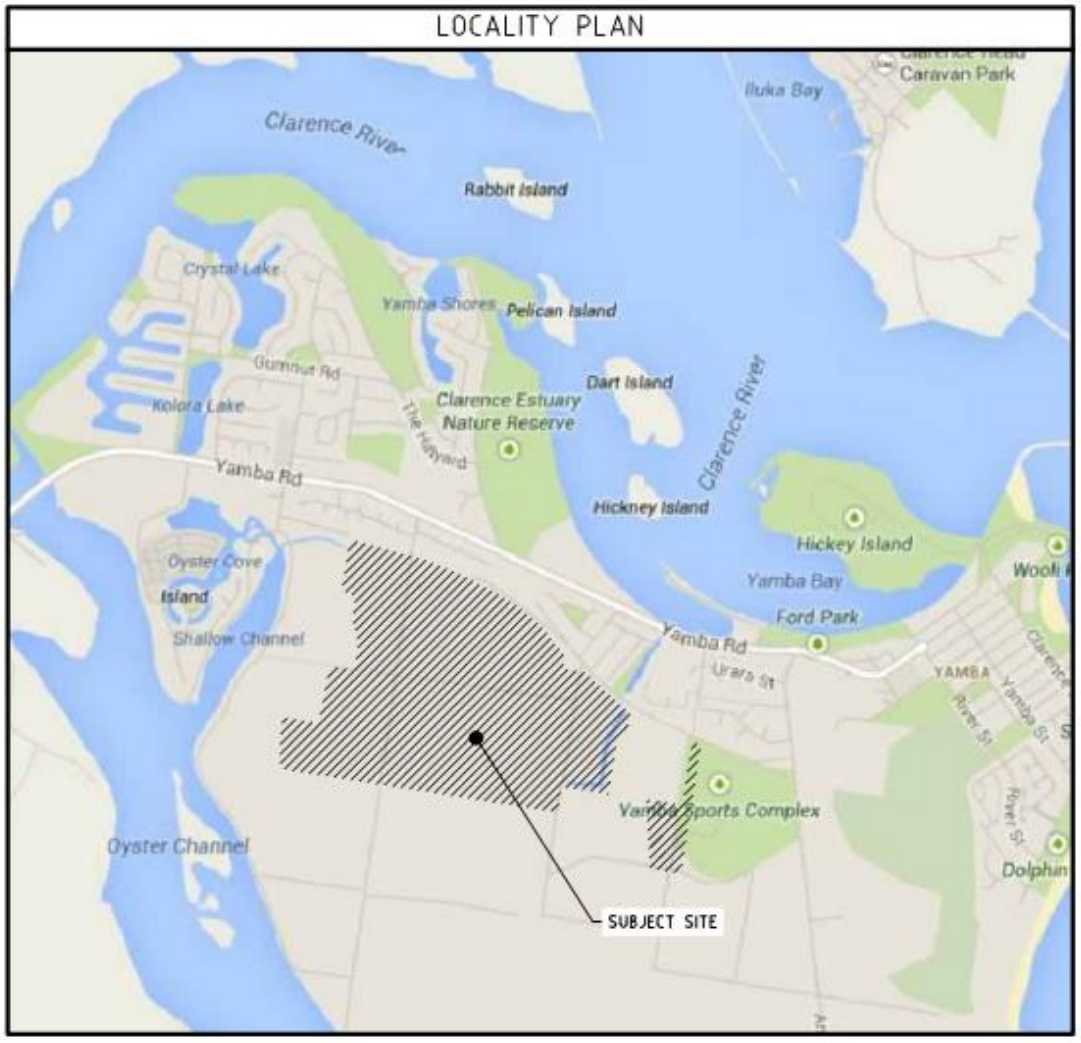


Figure X1.1

PART X URBAN RELEASE AREA CONTROLS

The quantum and footprint of the West Yamba urban zoning was influenced and informed by the extensive strategic planning history which acknowledged the difficult environmental constraints of the area. It envisaged a development outcome that would see the future West Yamba urban development develop at an average density of about 10 single dwelling equivalents per hectare based predominantly on the relatively highly constrained context of the location and environment. The urban zoning should be capable of yielding 1144 dwellings/lots based on the notional average density (10 single dwelling equivalents per hectare). Unfortunately legal drafting constraints would not permit desired density or population outcomes to be articulated into the amended LEP both at the time of *"Amendment No. 20"* and the CVLEP 2011.

The West Yamba area is also one of the growth areas mapped and designated in the 2009 MNCRS referred to in Part X.3 above. Refer to the Strategy's Growth Area Map 1 – Clarence North (p.50). More specifically the strategy indicated that West Yamba was one of the growth areas with significant issues with a process underway to determine any development potential and the resolution of the following issues (Appendix 2 of Strategy):

- Establishment of the final boundaries through the LEP process
- Extent of any development potential is to be consistent with a final Floodplain Risk Management Plan.

PART X URBAN RELEASE AREA CONTROLS

2. Staging and Servicing

Background

Whilst the DCP encourages a staging of development in an orderly and logical sequence it does not prescribe a specific staging plan or sequence. A logical sequence of development would see the gradual development/release and servicing of land from generally north to south over time.

Parcels most remote from existing services and infrastructure within the URA and seeking to develop and release ahead of those more proximate existing services and infrastructure would be expected to meet the full cost of provision, extension, upgrading of services/infrastructure.

The landowner group known as West Yamba Landowners Consortium which collectively own land parcels east of Carrs Drive has broadly indicated that the majority of its collective holdings would form part of an extensive Stage 1 development. A development application (DA) for the residential subdivision part Lot 1722, DP 1035524, 22 Carrs Drive Yamba into 161 residential lots was lodged on 20 October 2014. This DA was also accompanied by a site specific development control plan which indicates a 3 stage staging plan for the residential subdivision of part Lot 1722. This parcel in conjunction with the West Yamba Landowners Consortium holdings can form part of a large Stage 1 in a broad West Yamba staging plan.

Objectives:

01. To facilitate the logical, orderly and staged release of residential lots across the urban release area.

02. To require urban services and infrastructure to be delivered and available in a timely, coordinated and cost effective manner.

03. To minimize the life cycle costs of the provision and operation of service infrastructure.

04. To connect all lots in the WYURA to reticulated services and other essential urban services.

05. To encourage the equitable sharing of infrastructure provision costs amongst the various developer parties.

Controls:

C1. Consent will not be granted for the subdivision of land unless it is generally consistent with the indicative Staging Plan.

C2. A Servicing Strategy to the satisfaction of the consent authority to be lodged prior to consent being granted for a DA to subdivide land within the WYURA.

C3. The Servicing Strategy should address but not necessarily be limited to:

(a) The provision of hydraulic, telecommunication and electricity services.

(b) Proposed utilities networks and their relationship to adjacent properties, including links to adjacent properties.

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(c) Capacities of the utility services and the impact of the proposed development on remaining service capacity.

(d) Options for utility service provision and a preferred option.

(e) Implications of the servicing options for other landowners in the release area.

(f) Proposed cost sharing arrangements with other landowners for any shared utility infrastructure including facility upgrades.

(g) Details of consultations with servicing authorities in the preparation of the Servicing Strategy.

C4. Departures from the Servicing Strategy endorsed by Council may be permitted if justified by a supporting study to the satisfaction of the consent authority. At a minimum, the supporting study must address the environmental, capital and operational costs and implications of the variation including the implications for other development stages.

C5. Developers are required to pay for the upgrade of lead in and other major infrastructure, such as carrier mains, pumping stations, reservoirs and treatment plants.

C6. Easements may need to be provided in certain circumstances and the need for such should be identified at an early stage in pre-DA and subdivision design in consultation with Council staff and if necessary other land owners.

C7. All urban lots in WYURA are to be serviced by reticulated water and sewerage services unless an alternative servicing study and strategy is undertaken which justifies an alternative means of providing such services. The servicing strategy must be to the satisfaction of the consent authority prior to the granting of development consent.

C8. Any offsite easements and infrastructure required to enable runoff from any stage of the URA to be conveyed to waterways in a managed fashion are to be registered and the infrastructure connected prior to the release of the subdivision certificate for that stage.

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3. Transport Movement Hierarchy and road network design and provision

Background

The West Yamba LES/LES Review envisaged a hierarchy of roads with Carrs Drive as the main (collector) north-south access route with Golding Street and Miles Street as the collector roads. The LES also assumed Yamba bypass is required. At this stage planning and development scenarios will have to assume that the Yamba bypass at least in some form will occur at some stage.

The West Yamba LES/LES Review also indicated that:

1. road design and layout should be integrated into stormwater management and the open space system with water cycle management influencing road design through the provision of grass swales instead of traditional kerb and gutter street design at all levels.

2. roads as 'edge roads' will be permitted in the buffers to environmental protection zones (and other open space) to assist in protection of the natural areas and provide access for bushfire control and maintenance.

A traffic study has also previously been undertaken for the WYURA by Urban Research and Planning Pty Ltd (URAP). However that traffic study is considered out of date and in need of updating. In the absence of a single updated traffic study for the whole URA it will be necessary for individual DAs to be supported by a whole of URA contemporary traffic study or Transport Management Plan to help guide the nature and timing of road network and traffic facilities upgrades associated with the ultimate development of the URA.

Under the current Yamba Urban By-pass and Urban Intersections Contributions Plan 2000 development within West Yamba will pay a per lot contribution toward “Stage 1” roadwork’s/upgrades which include but are not limited to:

- bypass road – Angourie Rd to Golding Street
- bypass road – Golding Street to Shores Drive
- roundabout – bypass road/Angourie Rd
- roundabout – bypass road/Golding Street
- roundabout – bypass road/Shores Drive.

An indicative Road Hierarchy Plan has been developed for the URA as shown in Figure X1.2. This depicts the broader collector road and local street layout based on and relative to existing roads within the area as well as indicating possible future roundabouts.

Objectives:

01. Establish the road hierarchy within the WYURA and design road networks which are consistent with the intended road function.

02. Ensure the broader road system is generally consistent with the indicative Road Hierarchy Plan.

03. Ensure residents and other users enjoy safe convenient vehicular, pedestrian and bicycle networks.

04. Maximise vehicular, cyclist and pedestrian connectivity within the WYURA and to other parts of Yamba.

05. Encourage safe vehicle speeds throughout the WYURA.

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06. Ensure that the impact of the ultimate development of the WYURA on road and transport infrastructure outside of the WYURA is also considered, in particular the staging of development to meet future traffic flows and the road hierarchy.

07. Provide a road network for the WYURA that integrates with the wider Yamba road network in a manner that disperses traffic and ensures resilience against failure of the wider network from an early stage in the development of the area.

08. Take into consideration the recommendations of any updated traffic studies for the WYURA in relation to traffic generation, associated provision for and upgrades to necessary road infrastructure and timing of provision.

Controls:

C1. All development applications for subdivision are to be generally in accordance with the indicative Road Hierarchy Plan.

C2. Consent will not be granted to the subdivision of land unless a contemporary Transport Management Plan (TMP; or equivalent transport or traffic study) has been completed to the satisfaction of (and lodged with) the consent authority. Such plan/study should address a range of matters including:

- traffic volumes
- triggers for the provision of infrastructure and upgrades, including early staging of an eastern connection to the wider traffic network according to lot yields across the WYURA and/or development of land in proximity to that connection
- an assessment of the impact of the development on the road system internal and external to the site and URA
- proposed road hierarchy including access points and intersections associated with collector and key local roads within and adjacent to the WYURA
- pedestrian and cyclist networks
- identification of road upgrades
- intersection upgrades, and,
- the cumulative impact of development on the road network.

C3. The road, cycle and pedestrian network is to be generally consistent with the proposed road hierarchy plans identified in any TMP/ traffic study; and should reflect the staging of and anticipated traffic flows for the WYURA over a 10 - 20 year period.

C4. Consent will not be granted for the subdivision of land unless a ‘Bike Plan and Pedestrian Access and Mobility Plan’ (PAMP) has been completed to the satisfaction of (and lodged with) the consent authority. Such plan should:

(a) Identify in design detail where footways and cycle ways are required so that provision can be made in the width of the road reserves.

(b) Complement Council’s existing Bike Plan and Pedestrian Access and Mobility Plan as it relates to Yamba including Carrs Drive from Yamba Road to Miles Street and the future second stage access proposal as well as integrate the Transport Movement Hierarchy into Councils current network mobility Plan.

(c) Consider the recommendations and findings of any updated TMP/ traffic study.

C5. Alternative intersections/access points other than those identified in any updated TMP/ traffic study are to be supported by a traffic study to the satisfaction of the consent authority.

PART X URBAN RELEASE AREA CONTROLS

C6. The positioning and design of movement networks must give priority to:

a) Facilitating efficient walking, cycling and public transport networks;

b) Providing destination points, encouraged by signage and directions, and

c) Retaining and complementing natural topography, and utilising the extensive drainage reserve network throughout the WYURA.

C7. A subdivision certificate will not be issued to a specific stage of development unless pedestrian and cycle links are consistent and integrate with this Part and any TMP, updated TMP/traffic study and PAMP.

C8. Any pedestrian path/s and cycleway/s identified by any updated TMP/ traffic study are to be constructed at the developers expense and are required to connect to any existing shared off road pedestrian paths/cycle-ways.

C9. Road network designs are to allow for "permeability" throughout the subdivision to facilitate the cycle & mobility plan, with dead ends to be avoided.

Note: The use of low speed "share ways" to connect cul-de-sac heads and the like is acceptable.

C10. The length of any proposed cul-de-sacs is to be limited so the end point is visible from the access point to prevent drivers inadvertently turning into a dead end.

C11. Required road, intersection, cycleway and pedestrian networks upgrades are to be upgraded at the expense of developers where there is no current section 94 Contributions Plan in place to cover the construction/upgrade of such facilities.

Note: although updated TMPs/traffic studies are likely to identify required road network upgrades, expected road network upgrades are likely to include but not be limited to the following:

<u>External to the WYURA</u>

(a) Roundabout - Carrs Drive/Yamba Road;

(b) Roundabout – Deering Street (Yamba Bypass), near Golding and Cox Streets;

(c) Possible Roundabout – Treelands Drive/Yamba Road – subject to updated Traffic Impact Assessment (TIA); and

(d) Possible Roundabout – Shores Drive/Yamba Road – subject to updated Traffic Impact Assessment.

<u>Within the WYURA</u>

(a) Construction/upgrading of Carrs Drive and Miles Street as the collector roads to a minimum design level of 1.7m AHD or 20 ARI immunity; and,

(b) Construction of all other proposed roads and streets servicing future subdivision and lots.

PART X URBAN RELEASE AREA CONTROLS

C12. Direct access to proposed individual urban lots will not be permitted to/from Miles Street and Carrs Drive. All lots backing onto the roads are to be accessed via the internal street network.

PART X URBAN RELEASE AREA CONTROLS

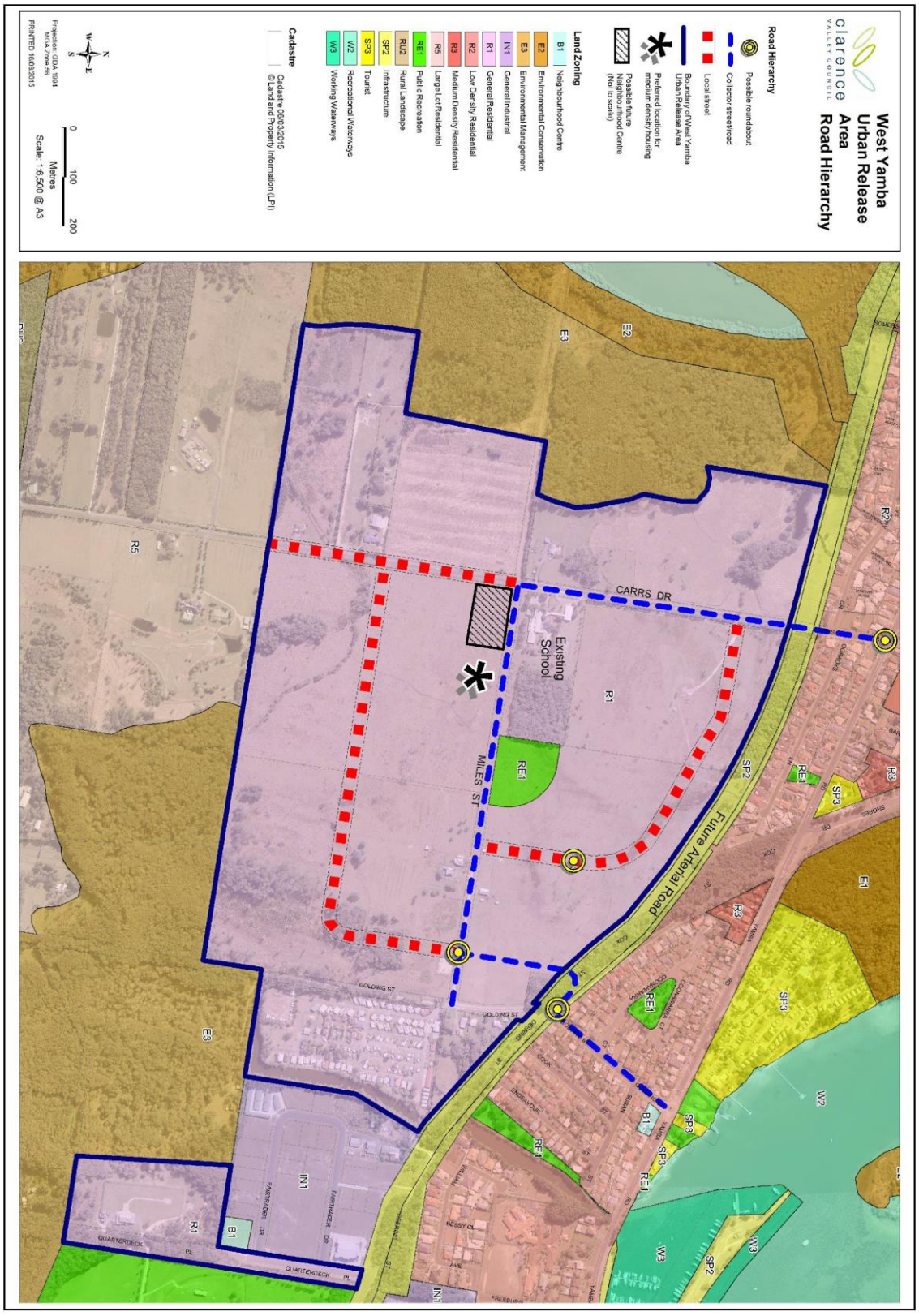

Figure X1.2 – indicative road hierarchy plan

PART X URBAN RELEASE AREA CONTROLS

4. Landscaping strategy – biodiversity, environmental conservation and management and managing visual amenity

Background

The WYURA is host to identified ecological endangered communities (EEC's) predominantly Swamp sclerophyll forest EEC but also Freshwater wetland EEC. Swamp sclerophyll forest EECs occurs on Lots 46 and 47 DP 751395 and Lot 1722 DP 1035524. Freshwater wetland EECs also occur on Lots 46 and 47 DP 751395.

Strategies and measures will be needed providing for the protection of EECs and the retention of good condition native vegetation.

Objectives:

O1. Establish a residential precinct including high quality streetscape and public domain areas, in an attractive landscaped setting designed to takes account of stormwater management planning and biodiversity management objectives.

O2. Minimise and mitigate impacts upon existing EEC's and to integrate with new native landscaping, water management systems and structures.

O3. Ensure that existing EECs are not adversely impacted directly and indirectly by development and where direct impact or disturbance cannot be avoided to ensure the impact upon EECs is not significant.

O4. Plan, develop, rehabilitate and revegetate native communities and areas of biodiversity significance and enhance their preservation through Vegetation Management Plan/s (VMPs).

O5. Protect and enhance the natural features and the utilization of the proposed drainage reserves located around the WYURA.

O6. Incorporate the PAMP into the overall landscaping theme/strategy through providing destination points, seating and shade areas, signage and interpretation of native communities.

O7. Provide suitable street trees throughout the subdivision and a 'linear landscape treatment' for the land fronting Carrs Dive and Miles Street in order to create an attractive corridor consistent with the Yamba Street Tree Master Plan.

O8. Create a precinct entry and softened landscape features around and within the proposed neighbourhood centre site and adjoining St James School through tree planting with shade trees and the creation of shelter elements.

Controls:

C1. Consent will not be granted for the subdivision of land unless a Vegetation Management Plan (VMP) has been completed to the satisfaction of (and lodged with) the consent authority.

C2. VMP requirements include:

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(a) to be supported by a Freshwater Wetland Management Plan (FWMP) where new Wetland areas are proposed to be established.
(b) to have regard to and integrate as far as possible stormwater management proposals in the stormwater management plan.
(c) details of the location of significant vegetation, including habitat tree and trees with hollows; and management strategies for habitat trees to be retained.
(d) the location of development and disturbance footprints (including proposed roads, drainage areas/structures, landfilling and likely/indicative future building footprints) relative to significant vegetation.
(e) details of the clearing of native vegetation relative to the proposed development footprint to accommodate the proposed development.
(f) details of the proposed ongoing vegetation management regime in the context of the proposed subdivision, which may include such measures as Section 88B instruments to designate building footprints.
(g) native tree/shrub planting schedules outlining appropriate management practices to ensure the integrity of the remnant native vegetation (including EEC's) is maintained and to guide revegetation and new works.

C3. Submission of a Habitat Restoration Plan (HRP) that complies with Council's proposed Offsetting policy.

C4. Consent will not be granted for the subdivision of land unless a Landscaping Strategy has been completed to the satisfaction of (and lodged with) the consent authority.

Note: A Landscaping Strategy can be in the form of a concept plan at the DA stage and a detailed plan at the Construction Certificate stage (this should be confirmed with the consent authority prior to lodgement of a DA for subdivision).

C5. Landscaping Strategy requirements include:

(a) details of the proposed landscaping of the public domain, such as tree planting, landscape treatments, including any paving and street furniture;

(b) a schedule of the species and the planting locations consistent with the List of Recommended Street Trees for Clarence Valley;

(c) technical details of the planting and initial maintenance regime;

(d) an assessment of ongoing maintenance requirements;

(e) the location of existing trees, highlighting those with hollows and those are proposed to be remove and retained;

(f) details of the restoration of any riparian areas; and

(g) Demonstration of consistency with:

- the required VMP as it relates to EEC and biodiversity requirements;
- stormwater management proposals in the stormwater management plan;
- Council's Tree Management Policy, Clarence Valley Urban Tree Management Strategy and Yamba Street Tree Master plan.

Note: Consultation with Council's Open Spaces and Facilities section is highly recommended.

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C6. Street trees are to be planted to:

(a) soften the streetscape;
(b) act as traffic calming measures through perceived narrowing the road;
(c) provide shade to footpaths and roads; and,
(d) enhance amenity.

C7. Natural watercourses are to be protected and revegetated where appropriate to enhance the visual amenity, prevent soil erosion, and to protect the quality of receiving waters with a treatment commensurate with their role in the water management system. Riparian vegetation along watercourses is to be re-established using locally occurring native species from locally sourced seed stock and in accordance with NSW Office of Water guidelines.

1.

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5. Open space and recreation

Background

The original "Amendment No. 20" rezoning of the WYURA provided for a formally zoned area of open space – an area of 1.57 ha of Lot 18 DP 1090409, zoned to 6(a) Open space area under Maclean LEP 2001. This was carried forward in the CVLEP 2011 by the zoning the land to RE1 Public Recreation.

Features of the longer term strategic planning leading to the zoning of West Yamba for urban development included that open space:

- also form part of the storm water management system; and
- be visible and also accessible to housing areas and have road frontage.

The West Yamba strategic planning did not envisage any active open space elements.

Objectives:

01. Ensure any open space provided is well located, accessible and capable of functioning for a diverse range of purposes including passive recreational, aesthetic environmental and drainage management;

02. Ensure that any open space provided is easy to develop and maintain;

03. Ensure open space provides informal and formal settings;

04. Provide an inter-connected passive open space and recreation network which supports the WYURA residential community and provides connectivity to broader public open space areas, as well as safe and attractive recreation spaces which are distributed throughout the Neighbourhood.

05. Incorporate community art, signage and park furniture in a pleasant and welcoming environment and support the transport management hierarchy through creating areas for bike ways, paths and street furniture.

06. Ensure key environmental areas such as drainage paths, vegetation communities and areas of ecological value are protected and managed and form part of the overall open space and recreation network.

07. Provide for an integrated and sustainable approach to the design and provision of open space and urban water management generally.

Controls:

C1. Open space areas are to be linked by pedestrian and cycle paths to provide an accessible network of open space.

C2. Open space/recreation areas are to be located and sized to maximise connections to adjoining land uses and local roads; provided open space is to have a road frontage.

C3. Open space shall also form part of the stormwater management system for the area but should not be the recipient of "end of pipe" stormwater treatment and management measures.

C4. Proposed open space areas are to demonstrate ease of development and maintenance (short and long term).

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C5. Tree and vegetation planting in open space areas are use native species to assist in stormwater management, biodiversity protection as well as enhancing local character.

C6. Proposals for open space areas and management shall be clearly detailed and articulated in required Landscaping Strategies, Vegetation Management Plans and Stormwater Management Plans and should also be consistent with Council's *"Clarence Valley Open Space Strategic Plan"* (May 2012).

Note: Consultation with Council's Open Spaces and Facilities section is highly recommended when proposing areas that will have an exclusive open space function or a multiple purpose which includes an open space function.

PART X URBAN RELEASE AREA CONTROLS

Natural and environmental hazards - Flood and Fill Management

Background

The 'Lower Clarence Flood Model Update 2013' report adopted by Council in March 2014, gives a 1 in 100 year ARI flood height for this area of West Yamba of RL 2.1 metres AHD which, with a freeboard of 0.90m gives a flood planning (residential floor) level of RL 3.0m AHD. The Extreme (Probable Maximum Flood) height for this area of West Yamba is RL 3.8 m AHD. An accessible refuge area at this level is required for the West Yamba development area.

Following the adoption of the above report, the 1 in 20 year level for West Yamba has been modified to RL 1.7m AHD.

Objectives:

01. Ensure that flood and drainage impacts are considered for the development of the entire WYURA and not just in relation to the development of individual land parcels within the WYURA.

02. Minimise flood and drainage impacts of the development in the WYURA on adjoining residential neighbourhoods and property including ensuring that there is no net increase in the number of existing dwellings whose habitable floor levels become inundated by the ultimate filling and development of the entire WYURA.

03. Ensure that the future development of WYURA is undertaken in accordance with the 'Lower Clarence Flood Model Update 2013 – September 2013', adopted by Council in March 2014 or any subsequent model update that Council may adopt.

04. Ensure that any stage of the overall WYURA development is successfully integrated and does not prejudice or detrimentally impact overland flow path/s, existing watercourses and stormwater management network.

05. Ensure that Acid Sulphate Soil impacts are assessed and appropriately managed.

    Note: Clause C27 of this DCP and clause 7.1 Acid Sulphate Soils CVLEP 2011 must also be complied with.

Controls:

C1. The consent authority must not grant consent to the commencement of land fill or other earthworks associated therewith unless an Earthworks Management Plan (EMP) is prepared to ensure that level of finished lots are is at least at the level of the 1 in 100 year flood event, whilst also maintaining an effective drainage network, overland flow path/s and meeting other development standards of Council.

C2. Where surface soils are stripped and there is a potential for sulphate soils to be disturbed, measures are to be identified in the EMP and are to be in place to manage this occurrence and neutralise any ASS contamination outside of the treatment site.

PART X URBAN RELEASE AREA CONTROLS

C3. A EMP must include the following:

(a) A statement of environmental effects/impacts including assessment and management acid sulphate soils.

(b) All required licencing approvals from State Government Authorities.

(c) Staging Plans and detail of finished survey levels for fill.

(d) Area and extent of fill requirements, supported by engineering design detail.

(e) dredge location/s and proposed pipe routes to WYURA.

(f) maintenance and management plan for the period of the dredging at and in the vicinity of the URA.

(g) The design and location of all stormwater drainage corridors.

(h) Overland flow paths to reach local estuaries/waterways (including Oyster channel) and the URA drainage reserve/floodways.

(i) The required widths/depths of overland flow paths.

(j) A program of works detailing actions and duration of filling activity and compaction.

C4. The consent authority must not grant consent to the erection of a building or the carrying out of works on land to which this plan applies, if the carrying out of the proposed development would:

(a) be inconsistent with an EMP; and,

(b) detrimentally increase the potential flood affectation on other development or property in WYURA or result in a risk to human life.

PART X URBAN RELEASE AREA CONTROLS

Stormwater management and water quality

Background

Stormwater management and water quality is a key issue and governing constraint to the development of the WYURA. Both the long term strategic planning for the WYURA and Parts H Sustainable Water Controls and J Subdivision and Engineering Controls of this DCP emphasise a 'water sensitive urban design' (WSUD) approach to stormwater management for development. This approach requires managing water use and runoff at the lot level and emphasises the reuse of stormwater.

Discharged stormwater should not be allowed to compromise the health of nearby natural waterways nor should it be permitted to compromise, whether by water quality or quantity, the integrity of nearby endangered ecological communities (EECs) or other vegetation communities whether under zoned protection or not.

It is therefore important that the Parts H and J requirements of this DCP be addressed and met except as otherwise varied in this Part of the DCP.

A conceptual Stormwater Network Plan has been developed for the URA as shown in Figure X1.3.

Objectives:

01. Ensure stormwater management associated with the WYURA has regard to the findings of and complements flood modelling and assessment across the entire WYURA.

02. Ensure that stormwater management areas incorporate functional passive open space.

03. Emphasise a stormwater management system across the entire WYURA that treats and manages stormwater as close to the source(s) as possible.

04. Ensure that stormwater discharge from residential subdivisions does not compromise the health of nearby natural waterways or the integrity of nearby endangered ecological communities (EECs) or other vegetation communities.

05. Ensure that a WSUD approach to stormwater management is consistently applied to development and integrated across the entire WYURA.

Controls:

C1. All development applications for subdivision are to be generally in accordance with the conceptual Stormwater Network Plan except where more detailed and approved Stormwater Management Plan/s (SMP) justify variation.

C2. A SMP or SMPs for the WYURA must be completed to the satisfaction of (and lodged with) the consent authority outlining appropriate management practices to ensure the maintenance of existing hydrological and water quality conditions.

Note – Clause 1.03 Stormwater Management Plans of NRDC Section D10 Handbook of Stormwater Drainage Design setouts out the specific requirements that a SMP must address.

PART X URBAN RELEASE AREA CONTROLS

C3. When lodging detailed design outcomes with various DAs for subdivision the SMP will require the following to meet the following objectives and measures:

(a) Details of drainage works, to be in accordance with NRDC, and BMT WBM flood impact assessments and consistent with the outcomes presented in the DCP – including demonstrating that there will be no worsening of flood impacts and to the satisfaction of Council.

(b) An overall conceptual / strategic plan of the development area including drainage network solutions for both minor and major systems is required, including calculations.

(c) Any upgrades to existing infrastructure or the construction of new control structures to facilitate the operation of the flooding and drainage system for any development area is to be identified, documented and costed. The future risk, liability and maintenance cost to Council should be considered - for example any 'causeway' crossing of Golding Street.

(d) life cycle cost analysis and include a maintenance management plan of WSUD facilities in public domain areas.

(e) The proposed lot layout must provide a flood impact assessment and consider existing natural and proposed flow-paths and 1% AEP flood widths.

(f) Water quality and quantity issues are to be identified and addressed in accordance with NRDC and demonstrate compliance to NSW Water Quality Objectives in NSW Office of Environment and Heritage. A neutral or beneficial affect is to be achieved (NorBe) for stormwater quality and quantity throughout the WYURA.

(g) Gross pollutant traps and first flush systems shall be provided to protect downstream wetlands, water-bodies and waterways.

(h) Integration of measures and proposals and consistency with:

- required Landscaping Strategy and VMPs
- Council's *Clarence Valley Open Space Strategic Plan*
- The design for the collector road and local street network

C4. Construction of the required stormwater management system/infrastructure (including its various components) and any required upgrades of existing stormwater management system/infrastructure are to be at the expense of developers.

C5. Construction water quality impacts are to be mitigated through appropriate erosion and sediment controls in accordance with Managing Urban Stormwater - Soils and Construction ('The Blue Book').

PART X URBAN RELEASE AREA CONTROLS

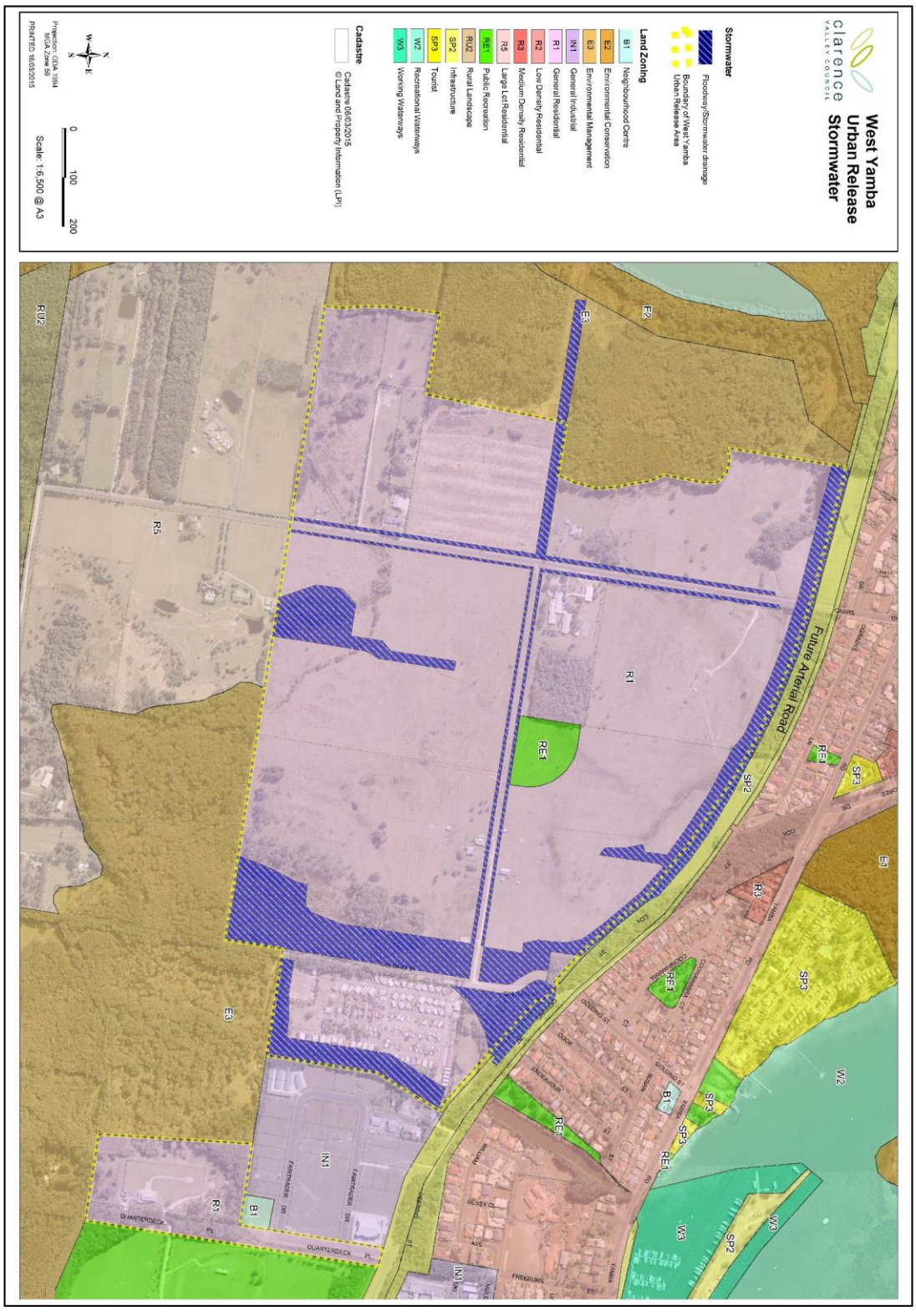

Figure X1.3 - conceptual Stormwater Network Plan

PART X URBAN RELEASE AREA CONTROLS

Hazard management – other natural and environmental hazards

Background

With a relatively flat topography, minimal large stands of woodland and located inland from existing waterways and estuarine systems the WYURA is free from most hazards common to coastal areas. The site is not designated or mapped as Bush Fire Prone land. However flooding, the impact of tidal surge as well as flood evacuation procedures and acid sulfate soils (ASS) are essential hazard considerations. The WYURA is predominantly mapped as class 2 acid sulfate soils. Section 6 of this Schedule addresses flooding and fill management.

The NSW State Emergency Services (SES) has already prepared the Clarence Valley Local Flood Plan which includes the Yamba Sector. This plan has been accepted by the Clarence Nambucca SES Region Controller and the Clarence Valley Local Emergency Management Committee. However, the existing plan may need to be updated as a consequence of the impending urban development within the WYURA.

Objectives:

01. Ensure appropriate management procedures and processes are in place to deal with identified hazards.

02. Ensure that an updated evacuation plan/strategy and safe evacuation routes are in place taking into account the proposed urban development within the WYURA and taking into account contemporary flood impact assessments for the WYURA.

Controls:

C1. The consent authority must not grant consent to the carrying out of development within the WYURA unless the applicant provides documentary evidence that it has consulted with the SES with respect to any required updating (including details of those requirements) of the existing Clarence Valley Local Flood Plan (as it relates to the Yamba Sector) as a consequence of the future urban development of the WYURA.

C2. Any required updating of the existing Clarence Valley Local Flood Plan (as it relates to the Yamba Sector) should consider the findings and recommendations of contemporary flood impact assessments for the WYURA.

C3. DAs are to identify and document those activities associated with constructing and developing the subdivision and its component infrastructure and services that are likely to result in the disturbance of ASS.

Note: The WYURA is predominantly mapped as class 2 acid sulfate soils. See also section 6 of this Schedule for further ASS controls.

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Urban design

Background

It is not proposed that urban design be necessarily prescribed due to the proliferation other statutory and non-statutory instruments, policies and guidelines – for instance complying development for housing under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The constraints and location context of the WYURA and the need to accommodate these may to some extent govern subdivision and urban design.

Parts C and J of this DCP require development including subdivision to consider the NSW Coastal Design Guidelines (Coastal Council 2003).

Objectives:

O1. Create a safe and interesting urban environment that meets the diverse and changing needs of the community and offers a wide choice in good quality housing.

O2. Create a mix of lot sizes, residential densities and housing types to create a unique and appealing residential area including the identification of a preferred location for medium density development.

Note: Figure X1.2 indicates the preferred location for medium density development.

O3. Achieve high quality built form and aesthetics of buildings, streetscapes and public spaces.

O4. Ensure that a range of land uses are provided that generally conform to the character of the broader Yamba area

O5. Ensure that subdivision layouts capitalise on and complement the natural environment and rural outlook and that the footprint of urban lots and their required supporting infrastructure do not compromise the natural environment and character of the area.

O7. Establish a neighbourhood identity through appropriate landscaping.

O8. Enhance community interaction and outdoor activity.

O9. Ensure that development incorporates ESD principles and WSUD for both subdivision design and construction of buildings, including solar access.

O10. Provide walkable neighbourhoods with convenient access to neighbourhood shops, parks and community facilities, with less dependence on cars for travel.

O11. Ensure provision active street-land use interfaces, aimed at improving personal safety and increased surveillance/activity particularly adjacent to the school site and in the vicinity of any future neighbourhood shop precinct.

O12. Facilitate new development which supports the efficiency of public transport and provides safe, direct access to the bus network for residents.

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O13. Provide a variety of lot sizes and housing types to cater for the diverse housing needs of the community at a density that can ultimately support the provision of local services.

O13. Provide attractive well planted streetscapes which integrate with key environmental areas, cycleways, open space, and drainage reserves.

O14. Consider the NSW Coastal Design Guidelines in planning and designing subdivisions, neighbourhoods and built form in the WYURA.

O15. Ensure house design considers population health implications specific to WYURA.

Controls:

C1. Subdivision layouts within the WYURA should feature a clear and identifiable road hierarchy to achieve permeability and inter-connectivity.

C2. Planning and design of subdivisions, neighbourhoods and built form development are to demonstrate consistency with NSW Coastal Design Guidelines and in particular Part 2 Design Principles for Coastal Settlements.

C3. Lot layout and internal networks are to be inter-connected and designed to achieve maximum benefit from solar access and to encourage the provision of energy saving design solutions.

C4. Whilst a range of residential lot sizes is encouraged, lot sizing and configuration should demonstrate, at the individual lot scale, capability to accommodate adequate onsite stormwater management.

C5. No direct vehicular access will be allowed off either Miles Street or Carrs Drive being collector roads.

C6. Access to the WYURA is to be constructed off the existing access points (Yamba Road and Carrs Drive) and the internal road pattern is to provide a link between these two points. Over time further access points will be developed as the subdivision and road planning develops and a new roundabout is created at the northern end of Golding Street.

C7. Native vegetation communities to be retained in WYURA are to be identified. New vegetation communities, street plantings and corridor plantings are to integrate with these existing areas to form cohesive landscaped communities.

C8. Special pavement and landscape materials are to be used to distinguish between pedestrian and cycle ways and connections to the proposed street network and landscaped communities.

C9. The drainage reserve areas are to incorporate an inter-connected, multi-purpose pathway with a 1.5m wide trail extending around the perimeter of the WYURA site and connecting to other bike and pedestrian corridors.

C10. All costs associated with the construction of roads, bicycle and pedestrian networks are to be borne by the respective developer parties.

C11. Dwelling design should incorporate screened outdoor living area that will protect against vector carried disease.

PART X URBAN RELEASE AREA CONTROLS

Neighbourhood commercial development

Background

"Amendment No. 20" envisaged that a future West Yamba neighbourhood centre would be located on an accessible site in close proximity to the existing school in Carrs Drive. The West Yamba Landowners Consortium propose a local neighbourhood centre on Lot 46 DP 751395, Miles Street (corner Miles St and Carrs Drive). CVLEP 2011 permits *"neighbourhood shops"* (retail floor area not exceeding 100 m^2) with Council consent in the R1 General Residential zone.

Objectives:

01. Create a vibrant neighbourhood centre as a focus for the urban release area, comprising a mix of uses including convenience neighbourhood retail floor space and having high quality urban design, streetscapes and public domain areas.

02. Allow the creation of neighbourhood scale retail and service node to encourage a sense of community and a meeting place for local residents.

03. Ensure that a neighbourhood centre within the WYURA meet the needs of future residents and workers and does not adversely impact the existing retail hierarchy outlined in the Yamba Retail Commercial Strategy 2002.

04. Encourage provision and co-location of medical and health facilities within a neighbourhood centre.

    Note: clause 57 of State Environmental Planning Policy (Infrastructure) 2007 permits Health services facilities with the consent of the Council in the R1 zone.

Controls:

C1. A proposed WYURA neighbourhood centre should be located:
- in close proximity to the existing school;
- with pedestrian and cycle path accessibility; and
- as central as possible to the majority of future residential development.

Note: Figure X1.2 depicts an indicative location of a future neighbourhood centre.

C2. The local road system adjoining the neighbourhood centre is to be designed to accommodate or facilitate accessibility by public transport and its passengers (eg buses and bus stops).

C3. The design of the neighbourhood centre is to incorporate appropriate landscaping.

PART X URBAN RELEASE AREA CONTROLS

Public Infrastructure and Services

Background

All land at West Yamba (i.e. both the WYURA and the R5 zoning) is currently included under the Sewerage DSP. The upgrade of the Yamba Sewage Treatment Plant, which was included in the DSP, provided treatment capacity for West Yamba. Section 5.3 of the Yamba Wastewater Strategy Part 1, adopted by the then Maclean Shire Council at its meeting of 10 July 2002, indicates that all options for servicing the future growth area would be required to "pump directly to the Yamba STP" and Section 3.2 of the EIS for the Yamba Sewerage Augmentation adopted by Council at its meeting of 13 December 2005 indicated "It should also be noted that the costs associated with the construction of a new sewer system in West Yamba would be borne by developers and not by Council directly". A specific Sewerage DSP is therefore not required for West Yamba as the current DSP covers the contribution required for headworks to service the development (STP upgrade), while all transfer works to the STP are at the cost of developers.

A servicing strategy will be required before urban development can be connected to the upgraded Yamba Sewerage Treatment Plant.

Completed subdivision development would require construction of a rising main to the sewerage treatment plant (STP) with a developer/s liable to pay the full cost of this unless initial or "early stage" West Yamba developer parties can negotiate cost sharing arrangements with other developer/land holder parties within the WYURA.

Existing water mains are unlikely to have adequate capacity for the potential number of residential lots in the WYURA. As at April 2015 Council has not undertaken detailed hydraulic modelling of the water supply system in this area. If subdivision development occurs before hydraulic modelling is completed, the intended developer will be required to investigate water supply requirements.

Other infrastructure such as energy/electricity and telecommunication services/NBN will also need to be planned for and provided for the developed WYURA. Satisfactory arrangements will need to be made with designated State and Local Authorities to determine availability, timing and cost arrangements, including the payment of contributions where required.

Note: This section of Schedule X1 does not deal with stormwater management or transport management/road infrastructure. These are dealt with in sections 7 & 2 of this Schedule, respectively.

Objectives:

O1. Provide the essential infrastructure needs of the WYURA in a timely, efficient and cost effective manner.

O2. Minimise the life cycle cost of provided infrastructure within the WYURA.

O3. Satisfy and gain the required approvals from Council and relevant Authorities in relation to the augmentation, duplication or upgrade of infrastructure services required of the future development within the WYURA.

O4. Adequately assess and cost essential infrastructure in WYURA so that the different developer/land holder parties can facilitate equitable financial and cost sharing agreements to fund the necessary infrastructure works.

PART X URBAN RELEASE AREA CONTROLS

O5. Put in place appropriate planning and design works to ensure that services can be laid in pre-designed road cross sections throughout the subdivision layout.

Controls:

C1. The consent authority must not grant consent to the carrying out of any works unless there is in place for WYURA a Servicing Strategy, to Council's satisfaction, which outlines the sequencing, cost and program of water and sewer infrastructure requirements.

C2. Sewer design type throughout the WYURA is to be a "pressure sewer" design.

C3. Water network modelling will be required at detailed design stage to determine the size and location of trunk mains and provide details of any augmentation, duplication or upgrades to existing water infrastructure required as a result of future development.

C4. Council must be satisfied, prior to releasing a construction certificate for any stage of the subdivision of the WYURA that satisfactory arrangements are in place with Essential Energy in relation to the underground supply of electricity to the land to be developed. Developers/applicants for DAs for subdivision should consult with Essential Energy as part of their DA preparation process and should include evidence of such consultation with the lodged DA.

Note: Essential Energy do not have any requirements in the medium term to change the existing 11KV or 66kV overhead infrastructure in the West Yamba area, between Carrs Drive & Golding Street. If there is a requirement from the Clarence Valley Council or developers to underground the existing 11KV or 66kV assets in the proposed development areas, Essential Energy will allow that requirement.

C5. Any developer will be required to appoint a level 1 & 3 Authorised Service Provider (ASP) to request a Design Information Pack (DIP) to comply with the Essential Energy design standards and requirements for the under grounding of the overhead infrastructure.

Note: Essential Energy would be able to supply from its existing distribution network up to 1MVA of load in real terms which will service 25% of the proposed 1,000 new lots. The existing network needs to be upgraded to cater for the new subdivision and greater Yamba long-term requirements; this will require sufficient lead time from the developers to Essential Energy to install the distribution infrastructure to increase the required capacity.

C6. Council must be satisfied, prior to releasing a construction certificate for any stage of the subdivision of the WYURA that satisfactory arrangements are in place with Telstra and the NBN for pit and pipe infrastructure (including trenching, design and third party certification) that enables the area to be 'Fibre Ready'.

PART X URBAN RELEASE AREA CONTROLS

Aboriginal cultural heritage

Background

A Cultural Heritage Assessment Report has been prepared for the WYURA for Bob Pavitt Planning by Everick Heritage Consultants in 2011. The original DCP Project Area had been assessed for cultural values in 1996 by archaeologist Adrian Piper. The brief for this project was to update the assessment to ensure it meets the standards of the NSW Office of Environment and Heritage (OEH) *Code of Practice for Archaeological Conduct in New South Wales* (2010) (Code of Practice).

The assessment involved a literature review, heritage register searches, consultation with the Aboriginal community and a field inspection. The results of the overall assessment is summarised as follows:

- No physical evidence of Aboriginal Objects or Places was identified within the Project Area.
- One registered site (Golding Road Midden) was listed on the AHIMS register. This site was unable to be identified during the field inspection.
- Other than the Golding Road Midden site, no other areas were identified that were considered reasonably likely to contain Potential Archaeological Deposits (PADs).
- Consultation with the Birrigan Gargle Local Aboriginal Land Council (BGLALC) identified no places of cultural (spiritual) significance.
- No items of historic heritage significance were identified within the Project Area.

Objectives:

01. Protect identified Aboriginal Objects or Places within the Project Area of WYURA

02. Protect identified Potential Archaeological Deposits (PADs).

03. Consult with the BGLALC to establish if there were places of cultural (spiritual) significance

04. Protect items of historic heritage significance were identified within the Project Area.

Controls:

C1. DAs for subdivision and development within the URA are to demonstrate adequate:

(a) assessment of cultural heritage values and protection and management of cultural heritage values including due diligence assessment in accordance with the *Code of Practice for Archaeological Conduct in New South Wales* (2010) (Code of Practice).
(b) consultation with the OEH and BGLALC.

PART Y CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

Y1. Where do controls for biodiversity and habitat protection apply?

The biodiversity and habitat controls apply to land likely to have existing native vegetation in the Clarence Valley LGA in the following zones:

- RU1 Primary Production.
- RU2 Rural Landscape.
- R5 Large Lot Residential.
- IN1 General Industrial
- IN4 Working Waterfront.
- SP1 Special Activities.
- SP2 Infrastructure.
- SP3 Tourist.
- RE1 Public Recreation.
- RE2 Private Recreation.
- E2 Environmental Conservation.
- E3 Environmental Management.
- W1 Natural Waterways.
- W2 Recreational Waterways.
- W3. Working Waterways.

Y2. What are the objectives of Part Y

The objectives of **Part Y** are:

(a) To protect, maintain and improve native biodiversity in the Clarence Valley LGA.

(b) To provide a framework for assessing development that is likely to impact on native vegetation and biodiversity in conjunction with aims (2) (d) and (g) in clauses 1.2(2) (d) and (g) of CVLEP 2011 where there is potential to degrade biodiversity and ecological values.

(c) To retain native vegetation and habitats of significant species in parcels of a size and configuration that will enable existing plant and animal communities to survive in the long term.

(d) To offset unavoidable habitat losses in accordance with contemporary best practice.

(e) To ensure retained vegetation and offset areas are securely protected and managed in perpetuity.

(f) To ensure that construction and indirect impacts of development are mitigated using current best practice standards.

Y3. What does biodiversity mean?

Biodiversity includes the full range of natural variety and variability within and among living organisms, and the ecological and environmental complexes in which they occur. It encompasses multiple levels of organisation, including genes, species, communities, ecosystems and biomes.

There is no single measure of biodiversity. The area and condition of native vegetation is commonly regarded a general measure of ecological integrity and biodiversity function.

The term “Biodiversity Theme” is used in this Part Y to identify specific biodiversity values. Examples;

(a) The type and condition of native vegetation to define vegetation of high conservation status.

(b) The size and spatial configuration of bushland to indicate wildlife corridors.

(c) The density of preferred koala feed trees to indicate areas of important koala habitat.

Y4. Biodiversity planning principles

Development proposals are to be consistent with biodiversity principles listed below:

A. The 3 principles of **Ecologically Sustainable Development** are to be followed in the implementation of this plan:

(1) **The precautionary approach**
(2) **Inter-generational equity**

(3) **Conservation of biodiversity and ecological integrity**

PART Y CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

B. Development should be consistent with overarching biodiversity strategies.

Development should be consistent with, and contribute to targets, set out in the CVC Biodiversity Management Strategy 2010 the North Coast Biodiversity Management Plan and NSW and Commonwealth biodiversity strategies and legislation.

C. Development should maintain or improve vegetation condition.

The carrying out of development should maintain or improve the extent of vegetation cover throughout the Clarence Valley LGA. Clearing must be minimised and will only be permitted where satisfactory arrangements have been made for provision of compensatory habitat.

D. Habitat retention is the first priority

Prevention of habitat loss and degradation from development is the first priority and is significantly more cost-effective and less risky than recovery and restoration actions. Key habitats for threatened or significant fauna must be retained. High conservation value habitats must be retained.

E. Environmental impacts should be avoided at the source

Priority should be given to avoidance of impacts at their source, whether through the redesign of a project or by regulating the timing or location of activities. If it is not possible to avoid significant impacts, opportunities should be sought to reduce the impacts, ideally to the point that they are no longer significant or where absolutely necessary and technically feasible, biodiversity loss can be offset.

F. Development should not contribute to habitat fragmentation

In general, larger, less disturbed and better-connected natural areas are more likely to retain a higher degree of biodiversity in the long term. Development proposals should not contribute to habitat fragmentation.

G. Endangered Ecological Communities must be retained

Ecological communities listed as endangered must be retained.

H. Measures should be taken to mitigate edge effects and other threats to small patches of retained habitat

Small isolated patches of habitat are often vulnerable to edge effects and other threats from the adjacent landscape. However such areas commonly support a wide range of native species, represent examples of communities that have been disproportionately cleared, provide refuge habitat and "stepping stones" for fauna and flora to disperse across the landscape.

I. Indirect impacts on biodiversity should be avoided

Indirect impacts of development on biodiversity must be minimised and effectively mitigated.

J. Degraded habitat forming part of a development site should be rehabilitated

Degraded habitats that are not part of the development footprint should be rehabilitated.

K. The costs of ongoing management of biodiversity values should be met by the development

Y5. Site investigation and analysis

Y5.1 How to determine your development footprint

This part of the DCP provides for the assessment of native vegetation and habitat by means of a Baseline Ecological Assessment and potential impacts of proposed development on habitat – refer to the various Biodiversity themes (Clause Y6). It also introduces the concepts of:

(i) The development footprint of proposed development ; and
(ii) Threshold (including threshold category and threshold

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criteria) in relation to the development footprint.

A Baseline Ecological Assessment in accordance with Section 1 of the Biodiversity Information for Applicants (BIFA) will normally be required if the development footprint affects native vegetation.
The site investigation and analysis shall classify the habitat of the development footprint based on the findings of the ecological assessment and the criteria or thresholds outlined in Clause Y6 and tables 1 to 7 as being an area that is either:

- **Green flag** area - area that can be developed (least impact).
- **Amber flag** areas – areas with low conservation value where development can occur with identified impacts minimised and any loss of habitat offset
- **Red flag** areas - areas with high conservation value status where retention of habitat is essential

In general, **Green flags** represent areas such as cleared land with little or no native vegetation and have no specific requirements for habitat retention or protection.

Amber flags indicate lands or types of habitat with relatively low condition vegetation where the impact of development is considered sustainable if impacts on biodiversity are minimised and offset (within or outside of the development site). In such cases, the proponent should consider reducing the extent of habitat loss by revising the Development Footprint but may proceed on the basis of offsetting the proposed loss in accordance with the Biodiversity Offsets Policy.

Red flag areas represent areas of high conservation value that must be retained, protected and managed.

Y5.1A Baseline Ecological Assessment Exemptions

Notwithstanding Y5.1, Council will not require a Baseline Ecological Assessment to be submitted with a development application for a single dwelling in the following circumstances:

1. The allotment is vacant
2. The allotment has a dwelling eligibility
3. The dwelling is sited as such to minimise any clearing required to meet bushfire asset protection and other planning requirements
4. All reasonable opportunities are taken to off-set on site any native vegetation removal that is required.

Note:
This does not remove the need for other legislative requirements to be met and Council and/or the applicant may require assessment as necessary to meet those requirements (such as the Biodiversity Conservation Act 2016).

Y5.2 Summary of broad steps

The following is a summary of the main steps in relation to the biodiversity controls for undertaking development in areas of native vegetation and associated habitat.

Step 1 – determine if a proposed development is in a “green flag” area. If so no further assessment of biodiversity required under this DCP.

Step 2 – where Native vegetation will be impacted by the proposed development complete Baseline Ecological Assessment and determination of development footprint process having regard to the applicable biodiversity theme tables featured in Clause Y6 of the DCP.

Note:
Development proposals that are located on cleared land will generally be classed as “green flag” threshold category under the biodiversity provisions and will not require a detailed baseline ecological assessment. Proponents will just need to complete a simple statement of environmental impacts (template provided in the development application pack). An aerial photo shall be submitted with the application to demonstrate that the land where the development is sites is cleared.

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The proposed development and site should be assessed against the applicable biodiversity theme tables featured in Clause Y6 of the DCP to determine the threshold. Refer also to Section 1.1.2 of the BIFA guidelines.

Step 3 – plan/prepare development application in accordance with Clause Y7 and Table 8.

Y6. Biodiversity thresholds

Note:
Not all biodiversity themes may apply to a particular development site.

Development must comply with biodiversity thresholds in TABLES 1 to 7 inclusive.

The following biodiversity themes are included in TABLES 1 - 7.

1. Bushland
2. Wildlife corridors
3. Threatened and significant fauna
4. Koala habitat
5. Flying fox camps
6. Threatened and significant flora
7. Waterways and riparian areas

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Y6.1 What is the biodiversity threshold (coloured flag) of the land /site?

Table 1 BUSHLAND - Development Outcomes

Objectives

1. To retain native vegetation bushland in parcels of a size and configuration which will enable existing plant communities to survive and develop in the long term.
2. To provide for the improved management of retained areas.
3. To mitigate indirect and ongoing impacts of development.

Threshold Category	Threshold (including Ecological Buffers)	Habitat Retention and Protection Outcomes	Management Outcomes
Red Flag Avoidance	Areas within, or within 20m of an Endangered Ecological Community	1. Areas retained *in situ* 2. Area secured in perpetuity as Protected Habitat (see Section 3 of the BIFA for options)	1. Areas managed under an approved Habitat Restoration Plan. 2. Habitat Restoration Plan must include measures that: (i) restore and enhance retained habitat; (ii) ensure that the Ecological Buffer is managed to improve the ecological integrity of the retained habitat; iii) ensure that bushfire management actions beyond prescribed APZs are directed toward maintaining and improving ecological values consistent with the Clarence Valley Council Bushfire Risk Management Plan; (iv) effectively minimise the ongoing threats from the development in accordance with Clause Y11; (v) where applicable manage threats from areas adjacent to the Development Site;
	Areas within, or within 20m of an *Overcleared* * Vegetation Type		
	Areas within, or within 50m of a Wetland		
	Bushland on slopes greater than 18 degrees		
	Areas within, or within 20m of Old Growth Vegetation		
	Protected Habitat	Areas retained *in situ*	
Amber Flag Potential Offsets	All other areas of Bushland not in Low Condition (except Listed Ecological Communities)	1. All options to avoid clearing on site to be explored prior to proceeding with any offset proposals. 2. If retained, management outcomes (above) apply. 3. Offsets implemented in accordance with Biodiversity Offsets Policy	
Green Flag	Land not identified above	None	Development impacts minimised in accordance with Clause Y11

* See Definitions at the end of this part of the DCP.

PART Y CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

Bushland Explanatory Notes

(1) The Thresholds for this theme require site-scale mapping of vegetation communities, condition (see Section 2 of the BIFA) and areas of existing Protected Habitat.

(2) Assessment of Low Condition is made in relation to the OEH Vegetation Benchmarks Database available from the OEH BioBanking website (www.environment.nsw.gov.au/BioBanking/vegbenchmarkdatabase.htm)

(3) Avoidance (Red Flag) Thresholds based on clearing provisions under NV Act (Biometric tool; Gibbons et al 2005) and TSC Act 1995 (BioBanking tool; DECC, 2009).

(4) Listed Ecological Communities are defined by the final determinations used to support their listing under NSW or Commonwealth Threatened Species schedules. Proponents should also consult the DECC Vegetation Type Database which lists vegetation communities of the NSW north coast and their likely equivalent Endangered Ecological Communities under the NSW Threatened Species Conservation Act 1995 (http://www.environment.nsw.gov.au/BioBanking/VegTypeDatabase.htm)

In some cases vegetation in Low Condition may qualify as a Listed Ecological Community if it remains consistent with the final determination for a Listed Ecological Community. Such cases are to be considered within the potential Offsets category (amber flag).

(5) Over cleared Vegetation Types are listed within the DECC Vegetation Type Database (http://www.environment.nsw.gov.au/BioBanking/VegTypeDatabase.htm)

(6) The Ecological Buffers are to be managed to improve and maintain the long-term ecological integrity of these high conservation value areas. They are to be implemented in addition to Bushfire Asset Protection Zones required by the Rural Fire Service.

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Table 2 WILDLIFE CORRIDORS - Development Outcomes

Objectives

1. To retain bushland habitat within wildlife corridors.
2. To encourage restoration and regeneration of bushland to increase habitat connectivity.

Threshold Category	Threshold (including Ecological Buffers)	Habitat Retention and Protection Outcomes	Management Outcomes
Red Flag Avoidance	1. Bushland with high, moderate or low *connectivity value* OR 2. Bushland within a Defined Wildlife Corridor	1. Areas retained *in situ* 2. Area secured in perpetuity as Protected Habitat	1. Areas managed under an approved Habitat Restoration Plan prepared in accordance with Section 4 of the BIFA 2. Habitat Restoration Plan must include measures that: (i) restore and enhance retained habitat; (ii) improve habitat connectivity within the wildlife corridor; (iii) effectively minimise the ongoing threats from the development in accordance with Clause Y11; (iv) where applicable manage threats from areas adjacent to the Development Site.
Amber Flag Potential Offsets	Isolated or scattered trees with Potential Habitat Linkages	1. All options to accommodate the area on site to be explored prior to proceeding with any Offset proposals. 2. If retained, red flag provisions (above) apply. 3. Offsets implemented in accordance with Biodiversity Offsets Policy and Biodiversity Offset Management Plan (see Section 3 of the BIFA.)	
Green Flag Minimum Control Threshold	Lands not identified above	No Requirements	Development impacts minimised in accordance with Clause Y11

Wildlife Corridors Explanatory Notes

(1) Recognised Wildlife Corridors already mapped include those shown in Figures 2 and 3 of Councils adopted Biodiversity Management Strategy 2010 and as an example of others the Office of Environment and Heritage's Key Habitat and Corridors Mapping. At a site and local scale corridors need to be confirmed using the methodology in the following two clauses.

The Thresholds for this theme require aerial photography of the locality to determine Connectivity Value, Potential Habitat Linkages plus any relevant information needed to identify defined Wildlife Corridors such as adopted wildlife corridor mapping. The criteria for determining Connectivity Value are set out in The Biometric Operational Manual (Gibbons et al, 2005). Note, however that although the criteria for determining Connectivity Value set out in The Biometric Operational Manual indicates that some areas classified as low Connectivity Value may be in Low Condition, this is not possible under the Threshold above because the definition of Bushland excludes vegetation in Low Condition.

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Table 3 THREATENED AND SIGNIFICANT FAUNA - Development Outcomes

Objectives

1. To retain and enhance habitat features necessary to maintain and increase populations of threatened fauna
2. To provide for the improved management of retained habitat features;
3. To mitigate indirect and ongoing impacts of development on Threatened fauna

Threshold Category	Threshold (including Ecological Buffers)	Habitat Retention and Protection Outcomes	Management Outcomes
Red Flag Avoidance and Habitat Retention	Areas within or within 20m of a Threatened Species Polygon for Threatened fauna that are known or likely to occur at the site that cannot tolerate further loss and are at risk of local extinction.	1. Species habitat retained *in situ* 2. Area secured in perpetuity as Protected Habitat	1. Areas managed under an approved Threatened Species Management Plan prepared in accordance with Section 2 of the BIFA. 2. Threatened Species Management Plan must include measures that: (i) restore and enhance Threatened species habitat including the Ecological Buffer; (ii) effectively minimise the ongoing threats as identified in any relevant Recovery Plan from the development or other adjacent areas;
	Areas within or within 20m of a Threatened Species Polygon for Other Significant Fauna		
Amber Flag Potential Offsets	Areas within or within 20m of a Threatened Species Polygon for Threatened fauna that are known or likely to occur at the site that can tolerate further loss and not at risk of local extinction.	1. All options to avoid habitat removal or disturbance on site to be explored prior to proceeding with any Offset proposals. 2. If retained, red flag provisions apply: Areas managed under an approved Threatened Species Management Plan prepared in accordance with Section 2 of the BIFA. 3. Threatened Species Management Plan must include measures that: (i) restore and enhance Threatened species habitat including the Ecological Buffer and; (ii) effectively minimise the ongoing threats as identified in any relevant Recovery Plan from the development or other adjacent areas 4. Offsets implemented in accordance with Biodiversity Offsets Policy and Biodiversity Offset Management Plan (see Section 3 of the BIFA).	
Green Flag Minimum Control Threshold	Not above	No Requirements	Development impacts minimised in accordance with Clause Y11

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Threatened and Significant Fauna Explanatory Notes

(1) Thresholds for this theme are to be determined using the BioBanking Assessment Methodology (DECC, 2009; http://www.environment.nsw.gov.au/BioBanking/tools.htm or Threatened Species Tool which utilises a threatened species profile database to identify candidate Threatened fauna that may use the site. The Threatened Species Profile Database www.environment.nsw.gov.au/resources/BioBanking/ThsppcharaCMA.xls also identifies species that "cannot sustain further loss". Where possible, species are associated with site characteristics such as the vegetation type. However as many species are cryptic, the methodology allows for filtering of species that require on-ground survey or expert reports to establish whether or not they use the site. Section 3 of the BIFA outlines the requirements for Threatened and significant fauna surveys and assessment.

(2) The Ecological Buffers are to be managed to improve and maintain the long-term ecological integrity of the Threatened fauna habitat. They are to be implemented in addition to Bushfire Asset Protection Zones required by the Rural Fire Service.

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Table 4 KOALA HABITAT - Development Outcomes

Objectives

1. To retain and increase koala populations and their habitats
2. To provide for the improved management of retained koala habitat;
3. To mitigate indirect and ongoing impacts of development on koala populations and their habitats

Threshold Category	Threshold (including Ecological Buffers)	Habitat Retention and Protection Outcomes	Management Outcomes
Red Flag Avoidance and Habitat Retention	Core koala habitat as defined by SEPP 44	1. Species habitat retained *in situ* 2. Area secured in perpetuity as Protected Habitat 3. Where appropriate habitat linkages to any adjacent or nearby koala habitat are retained.	1. Areas managed under an approved Koala Management Plan prepared in accordance with Section 2 of the BIFA and SEPP 44. 2. Koala Management Plan must include measures that: restore and enhance koala habitat and; effectively minimise the ongoing threats from the development in accordance with Clause Y11 effectively minimise the threats posed to koalas from traffic (e.g. exclusion fencing and/or restricting motor vehicle speeds to 40 kph or less), dog attack (e.g. prohibitions on dog ownership and restrictions on title), drowning, bushfire and where applicable forestry activities.
	Primary or Secondary (class A) koala habitat as described in Appendix 3 of DECC Recovery Plan for the Koala(2008) and Secondary habitat (class B) with evidence of Koala occurrence on site Preferred koala food trees with a dbhob of 250mm or greater (identified in the CV CKPoM)		
Amber Flag Potential Offsets	Isolated or scattered trees within 300m of Primary, Secondary (class A) or Core koala habitat	1. All options to avoid tree removal or disturbance to be explored prior to proceeding with any Offset proposals. 2. If retained, red flag provisions (above) apply. 3. Offsets implemented in accordance with Biodiversity Offsets Policy and Biodiversity Offset Management Plan (Section 3 of the BIFA).	
Green Flag Minimum Control Threshold	Not above		Development impacts minimised in accordance with Clause Y11

Koala Habitat Explanatory Notes

1. The Thresholds for the koala habitat theme require surveys to establish and map the density of primary and secondary koala food trees.
2. dbhob – diameter of tree at breast height over bark
3. Thresholds have also been established from the CVC CKPoM based on species assessment data and known ecology.

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Table 5 FLYING FOX CAMPS - Development Outcomes

Objectives

1. To retain existing flying fox camps and their habitats
2. To provide for the improved management of flying fox camps and adjacent areas
3. To mitigate indirect and ongoing impacts of development on flying foxes and their habitats
4. To conserving and co-existing with the flying-fox population

Threshold Category	Threshold (including Ecological Buffers)	Habitat Retention and Protection Outcomes	Management Outcomes
Red Flag Avoidance and Habitat Retention	Flying Fox camp within 300m of the Development Footprint	1. Retain flying fox camp in situ 2. Where possible maintain a 300m Environmental Buffer to built infrastructure Propose suitable arrangements to secure the camp and buffer in perpetuity as Protected Habitat.	1. Areas managed under an approved Flying Fox Camp Management Plan prepared in accordance with Section 2 and 4 of the BIFA. 2. Flying Fox Camp Management Plan should ensure that: habitat within the camp and the buffer is maintained or restored to its natural (pre-clearing) state; works within the camp and buffer occur outside the flying fox breeding season; bushfire risks are managed to maintain camp integrity and viability and; effectively minimise the ongoing threats from the development in accordance with Clause Y11 including the location or design of power lines which can electrocute flying foxes and interpretive signage to inform the public of the sensitive nature of the area.
Amber Flag Potential Offsets	N/A	N/A	
Green Flag Minimum Control Threshold	Not above		Development impacts minimised in accordance with Clause Y11

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Flying Fox Camps Explanatory Notes

1. The Thresholds for this theme require surveys to establish and map existing flying fox camps. OEH keeps records of camps known to them and can provide details of their locations although this list may not be comprehensive Flying Fox camps may be permanently, seasonally or occasionally occupied, so they may be vacant for years at a time prior to their occupation resuming.

2. The 300m Environmental Buffer is recommended to prevent noise, odour and droppings from affecting people nearby and also allow to reduce nuisance caused when flying foxes leave and return at dusk and dawn. In camps where specific flyways can be identified the shape and extent of the buffer may need to be varied. Variations to the buffer may also be appropriate where topographic features influence the likely nuisance to adjacent development.

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Table 6 THREATENED AND SIGNIFICANT FLORA - Development Outcomes

Objectives

1. To maintain and increase populations of Threatened plant or otherwise significant plant species
2. To provide for the improved management of habitat for Threatened flora or otherwise significant plant species
3. To mitigate indirect and ongoing impacts of development.

Threshold Category	Threshold (including Ecological Buffers)	Habitat Retention and Protection Outcomes	Management Outcomes
Red Flag Avoidance and Habitat Retention	Land within 10m of a Threatened Plant Species where the number of individuals within the Development Footprint exceeds the number considered a negligible loss or red flagged in the CVC threatened Species Listing (Section 2A of the BIFA)	1. Species *retained in situ* 2. Where possible a 10m Ecological Buffer to built infrastructure is maintained. 3. Plants and buffer secured in perpetuity as Protected Habitat	1. Areas managed under an approved Threatened Species Management Plan prepared in accordance with Section 2 of the BIFA. 2. Threatened Species Management Plan must include measures that: (i) restore and enhance threatened flora habitat and; (ii) effectively minimise the ongoing threats from the development in accordance with Clause Y11 or other adjacent areas and as identified in any relevant Recovery Plan.
Amber Flag Potential Offsets	Threatened Plant Species not identified as a red flag above Other Significant Plant Species	1. All options to avoid vegetation removal or disturbance to be explored prior to proceeding with any Offset proposals. 2. If retained, red flag provisions (above) including the 10m Ecological Buffer apply. 3 Offsets implemented in accordance with Biodiversity Offsets Policy and Biodiversity Offset Management Plan (Section 3 of the BIFA).	
Green Flag Minimum Control Threshold	Not above	No Requirements	Development impacts minimised in accordance with Clause Y11

Threatened and Significant Flora Explanatory Notes

The Thresholds for this theme require an on-ground survey to establish and map any Threatened or Other Significant Plant Species that occur on the Development Site. Plant survey techniques and timing should be consistent with the Threatened Species Profile Database (www.environment.nsw.gov.au/resources/BioBanking/ThsppcharaCMA.xls).

The Threatened Species Profile Database must also be consulted to determine the number of individuals that is considered a negligible loss.

PART Y CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

Table 7 WATERWAYS AND RIPARIAN AREAS - Development Outcomes

Objectives

1. To retain and restore native vegetation within riparian areas
2. To improve the water quality, bank and bed stability and ecosystem functions of waterways and riparian habitats
3. To provide for the improved management of riparian and aquatic habitats
4. To mitigate indirect and ongoing impacts of development.

Threshold Category	Threshold (including Ecological Buffers)	Habitat Retention and Protection Outcomes	Management Outcomes
Red Flag Avoidance and Habitat Retention	Intermittent –Seasonal Flowing creek/stream Within 20m	1. Existing Bushland retained 2. At least half of any remaining areas in Low Condition restored and/or rehabilitated 3. Area secured in perpetuity as Protected Habitat e.g. zoned environmental management 4. Location and natural flow characteristics of waterways are retained	1. Areas managed under an approved Habitat Restoration Plan prepared in accordance with Section 3 of the BIFA. 2. Habitat Restoration Plan must include measures to ensure that: (i) habitat within the buffer is maintained or restored to its natural (pre-clearing) state; (ii) terrestrial and aquatic habitat connectivity is enhanced; (iii) domestic animals particularly livestock are excluded; (iv) the area is not subject to use of pesticides, fertilisers and other contaminants; (iv) aquatic habitats and water quality are enhanced and (v) development impacts minimised in accordance with Clause Y11.
	Permanent creek/stream/ 50m exclusion zone from the mean high water mark		
	River or properties with high conservation value or where threatened species occur on the property or adjacent water course 100m exclusion zone		
Amber Flag Potential Offsets	N/A	N/A	
Green Flag Minimum Control Threshold	Not above		Development impacts minimised in accordance with Clause Y11

Waterways and Riparian Areas Explanatory Notes

(i) The Thresholds for this theme should be based on Council 1:100 flood data heights and set back distances are to be measured from the top of the bank for mapped streams and the mean high water spring tide for estuarine areas.

(ii) The Thresholds and Ecological Buffers are consistent with the Riparian Action Strategy adopted by Clarence Valley Council April 2010.

PART Y CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

Y7. Development Design and Preparation of a Development Application

The following section outlines what is required once the site analysis and classification of the habitat within the development footprint into Green, Amber or Red has been undertaken.
Information to be submitted at the development application stage is specified in TABLE 8.

For proposals that do not trigger any red or amber flags in the biodiversity themes specified in TABLES 1 - 7 only a minor environmental impacts statement, site plan and aerial photo is required.

This part of the DCP endeavours to ensure a consistent approach to conserving ecological values. Providing the information outlined will enable council to determine if the proposed development meets the aims of the CVLEP 2011.

All development applications must include and submit the information outlined in table 8 to show how the proposal is consistent with the biodiversity theme controls in TABLES 1 - 7.

You will need to consult the following guidelines;

1. CVC Baseline Ecological Assessment Guidelines.
2. CVC Threatened and Significant Flora and Fauna Species Assessment and Management Plan Guidelines.
3. CVC Biodiversity Offsets Policy Guidelines.
4. CVC Biodiversity Offset Management Plan Guidelines.
5. CVC Habitat Restoration Plan Guidelines.

In cases where complex issues arise or where further clarification is required Council staff should be consulted before submitting a Development Application.

PART Y CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

Table 8 BIODIVERSITY INFORMATION REQUIRED FOR DEVELOPMENT APPLICATIONS

Supporting information	When is it required	Scope and content
Minor Environmental Impacts Statement.	Proposals that do NOT trigger red or amber flags in biodiversity themes set out in TABLES 1-7.	1. Site plan 2. Aerial photo.
Baseline Ecological Assessment (Incorporates Flora and Fauna Assessments)	Proposals that trigger red or amber flags in any of the biodiversity themes set out in TABLES 1-7.	In accordance with *CVC Baseline Ecological Assessment Guidelines*, this includes surveys for Threatened or significant plants.
Supplementary Threatened Fauna Assessment	Proposals that trigger red or amber flags in Clause Y6 TABLE 3 Threatened Fauna or TABLE 4 Koala Habitat.	In accordance with *CVC Threatened and Significant Flora and Fauna Species Assessment and Management Plan Guidelines.*
Habitat Restoration Plan	Where required in TABLES 1-7.	In accordance with *CVC Habitat Restoration Plan Guidelines.*
Threatened Species Management Plan(s)	Where required in TABLES 1-7 (includes both flora and fauna plans)	In accordance with *CVC Threatened and Significant Flora and Fauna Species Assessment and Management Plan Guidelines* and threatened species assessment guidelines (OEH)
Biodiversity Offset Management Plan(s)	Proposals that trigger amber flags in TABLES 1-7.	In accordance with *CVC Biodiversity Offsets Policy Guidelines.*

PART Y CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

Y8. What are biodiversity offsets?

A biodiversity offset is an action that ensures there is a maintain or improve environmental standard as a result of development.

A biodiversity offset is an ameliorative measure that minimises the impact of development upon threatened species, populations and communities.

Ameliorative measures are not limited to the protection or restoration of habitat. Offsets are a way of having both development and environmental protection where development continues but not at the expense of the environment

Guidance on the implementation of biodiversity offsets is provided in Clarence Valley Council's Biodiversity Offsets Policy in section 3 of the BIFA.
Thresholds for potential offsets are set in TABLES 1 - 7

NOTE: The **Development Footprint** includes built up areas and any other land necessary to support the development including roads, open space, community facilities, stormwater management areas, effluent disposal areas and Bushfire Asset Protection Zones.

Areas retained for the purposes of nature conservation or Ecological Buffers required to protect these areas are not part of the Development Footprint.

PART Y CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

Y9. Management of offset areas

Management of offset areas is achieved through the preparation and implementation of one or more management plans. All management plans must include measures to restore and enhance the habitat and minimise ongoing threats relative to any specific biodiversity themes triggered by the development.

There are several types of management plans, as follows;

- Habitat Restoration Plan. (See Section 4 of the BIFA).
- Threatened and Significant Species Management Plan. (See Section 2 of the BIFA).
- Offset Management Plans. (See Section 3A of the BIFA).

See detailed guidelines for each of these types of management plans. 3 of the BIFA or Council's policies on the website)

Offsets must be in accordance with the CVC Biodiversity Offset Policy. (See Section 3 of the BIFA or Council's policies on the website)

See detailed guidelines for each of these types of management plans.
Offsets must be in accordance with the CVC Biodiversity Offset Policy. (See Section 3 of the BIFA or Council's policies on the website)

A proposed offset must be enduring. In general, the management plan for offsets will need to match the timeframe for the impact of the development. Council may request a bond to ensure the offset is completed in accordance with the offset policy. The plan shall run for a minimum of five years during which time the proponent will be responsible for implementing the actions specified in the plan and be reviewed after 5 years to determine an ongoing management regime. If performance criteria have not been achieved at the end of the five-year period, Council may instruct that the duration of the HRP be extended or where a bond was lodged to ensure completion of the offset the bond may be forfeited.

Y10. Environmental Buffers

This DCP requires buffers to protect sensitive ecological areas. The tables within Clause Y6 describe the situations when buffers are required as part of development. This section describes the expected treatment of buffers.
Buffers provide a setback between habitat and the development in order to mitigate direct and indirect impacts arising from development, primarily edge effects, that lead to contraction of habitat over time.

Examples of edge effects include increased penetration of wind, sunlight, anthropogenic impacts such as trampling, track formation and noise. Minimum buffer width between habitat to be retained and any development is 20m.

To adequately protect retained habitat an Ecological buffer will be required, (please see figure 1) this will be left to rehabilitate to the appropriate locally indigenous vegetation community and is to be retained for this purpose only. Areas already in pristine condition will need to be able to demonstrate this buffer is being managed to protect retained habitat. The appropriate vegetation community will be determined on a site-specific basis but is generally aimed at the pre-disturbance community unless the landform has been so altered that this is no longer possible.

No construction activities are permitted within the ecological buffer. The buffer area must be fenced off during construction for protection.

Generally ecological buffers and asset protection zones shall not overlap. If there is an overlap as shown in figure 1 below, this will need to be supported in a habitat restoration plan consistent with (Section 4 of the BIFA)

.

PART Y CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

Y10.1 Asset Protection Zones

An APZ is a protection zone between a bush fire hazard and an asset which is managed progressively to minimise fuel loads and reduce potential radiant heat levels, flame, ember and smoke attack. The appropriate APZ is based on vegetation type, slope and levels of construction (and for Special Fire Protection Services) and must be in accordance with the prescribed bush fire legislation and guidelines. APZ are included in the development footprint.

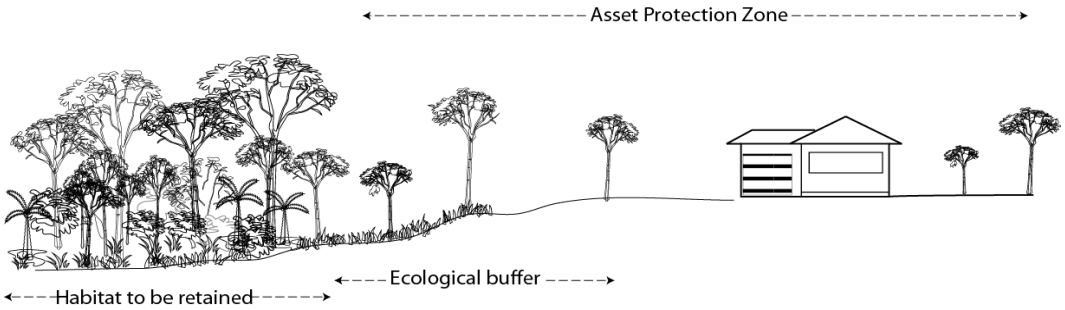

Figure 1: Buffer management components and APZ

Total buffer width will vary depending on the habitat to be retained and the nature of the development, however minimum Ecological buffers are established below:

Y10.2 Ecological buffer widths

- 20m to Red Flag areas;
- 20 to 100m to waterways dependant on stream order;
- 50m to wetlands and estuaries;
- 100m to coastal foreshores.

The buffer width for wetlands is measured from the outer, landward boundary of the mapped freshwater or tidal Wetland, as defined through an approved Ecological Assessment.

The buffer width, on each side of the waterway, is measured from the top of the high bank or from the outer landward boundary of a mapped riparian community as defined through an approved Ecological Assessment.

Note:
The buffer width for habitat to be retained is measured from the outer drip line or vegetation edge mapped in accordance with the Ecological Assessment Guidelines (Section 1 of the BIFA).

PART Y CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

Y11. Considerations when managing development impacts

Once the maximum development footprint and acceptable development outcomes have been established by the preceding Clause Y10, this part establishes criteria to avoid or mitigate development impacts during and post development.

Can I develop land that has dwelling entitlement and is red flagged?

Approval for a minimal impact development can be sought. Council will assess the proposal to ensure it fulfils red flag management outcomes. Proponents of development in these circumstances are strongly encouraged to attend a Development Management Unit (DMU), or pre lodgement, meeting with Council staff.

Minimal Impact Development has to fulfil the following criteria:

- preservation and protection of natural drainage patterns;
- protection of sensitive natural resources;
- maintenance of existing topography;
- plan development site to minimise clearing in areas where biodiversity values are reduced (generally locating development close to the road frontage, or existing access);
- minimise earthwork and the potential for soil erosion;
- Minimise the amount of impervious cover.

Y11.1 Development design generally

Any development can have direct and indirect impacts on biodiversity values and impacts can occur at either the construction or operational phase. The following sections discuss the requirements for particular issues as they relate to potential biodiversity impacts. In some cases, these controls require management plans additional to those listed within the BIFA to this plan and include erosion and sediment control plans, acid sulphate soil and dewatering management plans. Such construction-phase plans may be required by other government departments, other sections of Council's DCP or other policies.

This part is not designed to replace such requirements, but to supplement such guides with the emphasis on avoiding and mitigating biodiversity impacts. An overall Environmental Management Plan is the most appropriate way to compile any additional requirements arising from this Clause. Larger projects may be required to nominate an Environmental Officer for site management or, for larger developments, an independent environmental auditor.

Y11.2 Stormwater runoff, drainage, waterways and wetlands

In addition to considerations mentioned in the following passages please refer to the CV LEP 2011 for a complete list of considerations when planning for development.

The natural hydrological regimes of wetlands and waterways, including natural water quality, quantity and groundwater conditions must be maintained and enhanced.

Waterways, water bodies' riparian areas and riparian vegetation are to be clearly identified and an assessment of the environmental values provided.

Development in or adjacent to waterways, water bodies, wetlands or within their catchments must:

1) ensure preservation of fish and aquatic habitat;
2) not create barriers to fish passage;
3) ensure development does not result in pollution or adversely effect quality or quantity of flows of water into the water way, water body, wetland or habitat;
4) provide public foreshore reserves and public access to those reserves;
5) provide a riparian buffer in accordance with Clause Y10 of this DCP;
6) conserve native vegetation surrounding waterways, water bodies, wetlands by the retention of riparian buffers;
7) proposals to convert natural watercourses to artificial drains (or remove riparian vegetation or adversely affect existing aquatic habitats) will only be considered if such proposals are part of a site management plan that will result in an enhanced net environmental outcome. An aim of development should be to increase the length and connectivity of streams with adequate native riparian vegetation;

8) riparian buffers along major streams shall be identified as Protected Habitat with active management in accordance with a plan of management submitted by the applicant and approved by Clarence Valley Council;

9) riparian buffer zones shall be revegetated and fences or other appropriate barriers provided to prevent transverse crossing of the riparian buffer (except in designated areas).

Where stream/waterway edge based land use is proposed in the riparian buffer (recreation, public utilities, wharves/jetties/marinas, tourist facilities etc) such proposals are to be accompanied by a riparian zone assessment which addresses:

(i) the impact of the proposed use on the ecological values of the riparian zone, adjacent stream and aquatic habitat;
(ii) the impact of the proposal on the current and future connectivity of the riparian zone habitat;
(iii) measures to minimise and fully compensate for any adverse impacts.

Y11.3 Soils and Earthworks

In addition to considerations mentioned in the following passages please refer to the CV LEP 2011 for a complete list of considerations when planning for development.

Y11.3.1 Earthworks

Earthworks to be undertaken must comply with the following:

(i) all construction and associated activities including cut and fill, erosion and sediment control and stockpiling must occur no closer than 20m from any habitat to be retained;
(ii) the 20m construction buffer must be fenced with a highly visible traffic barrier to prevent access;
(iii) hydrological regimes and soil conditions must not be altered within the habitat to be retained unless improvement is required. Pollutants, including sediment exposed during construction, are prevented from reaching any component of the habitat to be retained or waterways and wetlands;

(iv) clearing on steep slopes (between 14-18 degrees) is to be avoided. Where unavoidable, clearing is to comply with the methodology contained within document 'Clearing of non-native vegetation and dead native trees on steep protected land' (DLWC).

Y11.3.2 Erosion, sediment and dust control

Sediment input into waterways and wetlands is one of the most common and detrimental impacts to these areas. Erosion and sediment control must follow best practice and be designed in accordance with the NSW Government publication Managing Urban Stormwater: Soils and Construction (Landcom 2004).

Erosion and sediment control plans (ESCP) submitted with development applications will only be accepted from consultants who can demonstrate their knowledge and understanding of current best practice erosion and sediment control and who apply those principles.

Y11.3.3 Acid Sulphate Soils

Please refer to Part 7 of the CVLEP 2011

'Acid sulphate soils' (ASS) is the common name given to soils containing iron sulphides (usually Pyrite, FeS2), that, if oxidised (through the exposure of pyrite to air) produce sulphuric acid that can result in soil and groundwater becoming acidic. Exposure of ASS can occur either naturally (e.g. during a drought), through soil disturbance (e.g. dredging or excavation), or from the lowering of a water table (e.g. drain construction).

The impacts of ASS can include:

(i) elevated levels of sulphuric acid, iron, aluminium and heavy metals being leached from the soil and discharged to receiving waters, often in a concentrated 'slug' after a dry period (such discharges can be acutely toxic to aquatic species such as fin fish and shellfish);
(ii) significant degradation of aquatic habitats, including habitat for

commercial and recreational fisheries;
(iii) increased levels of fish mortality, disease (e.g. red spot disease) and potentially some types of algal blooms (e.g. Lyngbya mujuscula);
(iv) reduction in biodiversity in waterways and wetlands;
(v) decreased health of waterways and wetlands; and/or
(vi) Corrosion of infrastructure containing concrete and metal (e.g. culverts, bridges and stormwater drains).

In most cases, ASS can be managed effectively through the implementation of ASS Management Plans.

Y11.4 Native Fauna road strike

Research has confirmed that transport infrastructure and in particular roads has both direct and indirect impacts on fauna. Direct impacts such as road mortalities can be significant for fauna populations with low numbers or widely dispersed individuals. In addition, indirect impacts from barriers to fauna movement and edge effects are known to reduce movement and thus reduce breeding opportunities for many species. Planning should consider the following:

(i) new roads must be located on the periphery of any retained habitat or wildlife corridor;
(ii) new roads must avoid bisecting retained habitat unless located in already cleared areas and can achieve minimum buffer widths;
(iii) road design must reduce risks to wildlife at wildlife crossing points;
(iv) where habitat is to be retained on either side of a road, sufficient fauna survey is required to ascertain and implement appropriate fauna crossing structures such as underpasses, overpasses, bridges, glider poles or vegetated land bridges;
(v) general clause on speed limits- Where on-road structures are deemed appropriate and agreed by Council, traffic calming devices or other design features to restrict traffic speed and a cleared road verge of sufficient width to enable visibility of wildlife without excessive road clearing must be provided. At sites allocated or known to be wildlife crossing areas the preservation of the existing tree canopy is expected to be retained;
fauna crossing structures must be designed to facilitate safe passage of numerous fauna types, to provide dry passage and to include revegetation using locally indigenous plant species at entrances to crossing structures;
(vi) fauna crossing structures must be supported by wildlife fencing which must be maintained by the proponent for a minimum period of five years. In particular, koala proof fencing must be maintained so that trees do not grow within 3m of the fence.

Vehicular and/or pedestrian access ways must not cross over or through ecologically significant areas (in particular, wetland, aquatic and riparian communities) on the site.

OR

Any vehicular and/or pedestrian access ways that cross over or through ecologically significant areas (in particular, wetland, aquatic and riparian communities) on the site are designed to: minimise the area of disturbance; facilitate the unimpeded movement of fauna.

Linear infrastructure must follow access ways as far as possible

Y11.5 Subdivision Design

Please refer to relevant section Part I in the Rural DCP and Part J of the Residential DCP.

Subdivision design must meet low impact urban design and development principles.

The layout of a subdivision must:

(i) ensure minimal disturbance to habitat function;
(ii) maximise use of existing cleared or highly disturbed areas; and,
(iii) ensure new allotments are not created such that retained vegetation is likely to require later removal such as for house placement, asset protection zones or vehicle access provisions.

PART Y CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

Y12. Definitions

Benchmark
Benchmarks are quantitative measures of the range of variability in vegetation with relatively little evidence of modification by humans since European settlement. Benchmarks are defined for specified variables by vegetation community at the scale of the stand or patch. Vegetation with relatively little evidence of modification generally has minimal timber harvesting (few stumps, coppicing, cut logs), minimal firewood collection, minimal exotic weed cover, minimal grazing and trampling by introduced or over abundant native herbivores, minimal soil disturbance, minimal canopy dieback, no evidence of recent fire or flood, not subject to high frequency burning, and evidence of recruitment of native species. Benchmarks are currently available by vegetation class (sensu Keith 2004) at http://www.nationalparks.nsw.gov.au/npws.nsf/Content/BioMetric_tool.

Biodiversity
The total variety of all life - it is the full range of natural variety and variability within and among living organisms, and the ecological and environmental complexes in which they occur. It encompasses multiple levels of organisation, including genes, species, communities, ecosystems and biomes. Its complexity derives from its sheer variety combined with dependencies, feedbacks and variability within and across these different levels.

Bushfire Asset Protection Zone
An Asset Protection Zone (APZ) is also known as a fire protection zone and aims to protect human life, property and highly valued assets. It is a buffer zone between a bush fire hazard and buildings, which is managed progressively to minimise fuel loads and reduce the potential radiant heat levels, flame contact, ember and smoke attack on life and property. http://www.rfs.nsw.gov.au/

Bushland
Land on which there is vegetation, which is either a remainder of the natural vegetation of the land, or, if altered, is still representative of the structure and/or floristics of the natural vegetation. Bushland is usually dominated by native vegetation but in some areas exotic species have become naturalised and have taken the place of native species. Bushland may include regrowth but does not include vegetation in Low Condition.

Connectivity Value
A measure of the extent to which native vegetation not in low condition is linked - assessed as high, moderate, low, nil according to REF.

Defined Wildlife Corridor
Defined Wildlife corridors include those shown in Figures 2 and 3 of Council's adopted Biodiversity Management Strategy 2010.

Development Footprint
That part of the Development Site that is directly affected by the development. Bushfire Asset Protection Zones are part of the Development Footprint.

Development Site
All lots subject of the development.

Ecological Buffer
A buffer of endemic vegetation designed to protect existing native habitat from impacts associated with development site. An Ecological buffer is rehabilitated to the appropriate locally indigenous vegetation community and is to be retained for this purpose only. The appropriate vegetation community will be determined on a site-specific basis but is generally aimed at the pre-disturbance community.

Environmental Buffer
Is a broad term to describe a setback between habitat and development to protect sensitive ecological areas and incorporates Ecological buffer, and Water Sensitive Urban design components.

Flying Fox Breeding Season
The breeding season includes the last trimester of pregnancy and until young become independent

Inter-generational equity - the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

Koala Food trees
Locally relevant species refer to NSW Koala Recovery Plan and Councils adopted

PART Y CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

Comprehensive Koala Plan of Management for Ashby.

Listed Ecological Community
Critically endangered, endangered or vulnerable ecological community listed under the NSW Threatened Species Conservation Act 1995 or the Federal Environment Protection and Biodiversity Conservation Act 1999.

Low Condition vegetation
A. Native woody vegetation is in low condition if:
The over-storey per cent foliage cover is <25% of the lower value of the over-storey per cent foliage cover benchmark for that vegetation type
AND
<50% of vegetation in the ground layer is indigenous species or >90% is ploughed or fallow.
B. Native grassland, shrubland, wetland or herbfield in low condition if:
<50% of vegetation in the ground layer is indigenous species or >90% is ploughed or fallow.

Mitigation
Steps taken to avoid or minimise negative environmental impacts - mitigation can include: avoiding the impact by not taking a certain action; minimising impacts by limiting the degree or magnitude of the action; rectifying the impact by repairing or restoring the affected environment; reducing the impact by protective steps required with the action; and compensating for the impact by replacing or providing substitute resources.

Native Vegetation
Vegetation described in section 6 of the *Native Vegetation Act 2003*. Native vegetation is used as a surrogate for general biodiversity values in the methodology.

Offset
Actions on a site that aim to balance any losses on the same or another site proposed for clearing.

Old Growth Vegetation
Based on the Nationally Agreed Criteria for the Establishment of a CAR Reserve System for Forests in Australia
Old-growth forest has a range of biological, aesthetic and cultural values. Old-growth forest is ecologically mature forest where the effects of disturbances are now negligible. This interpretation acknowledges that age-related features and the effect of disturbances will differ between forest ecosystems due to a range of factors including physical setting, fire proneness and species composition.

Other Significant Fauna
Include fauna species or populations of local significance listed in Section 2A of the BIFA Listings may include locally endemic, culturally significant, locally relevant migratory species (e.g. some JAMBA/CAMBA species under the Environment Protection and Biodiversity Conservation Act 1999) or poorly known species or populations.

Other Significant Plant Species
Plant species of local significance listed in Section 2A of the BIFA. Listings may include locally endemic, culturally significant, poorly known species and non-Threatened Species as defined by Briggs and Leigh (1996; Rare or Threatened Australian Plants).

Overcleared Vegetation Type
A vegetation type of which more than 70% has been cleared in the Catchment Management Area, as documented in the 2002 unpublished report 'NSW Ecosystems Study- background and methodology, by P. B. Mitchell for the NPWS, Hurstville.

Potential Habitat Linkage
Based on Connectivity Value plus proportion of land in Low Condition on Development Site.

Precautionary Approach
That if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

Protected Habitat
Protected Habitat includes lands protected in perpetuity under one or more of the following: Nature Conservation Trust covenant (Nature Conservation Trust Act 2001); Voluntary Conservation Agreement under the National Parks and Wildlife Act 1974); Planning Agreement under the Environmental Planning and Assessment Act 1979; Transfer to Public reserve system.

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Recovery Plan
Adopted NSW or Commonwealth recovery plan - Includes Priority Action Statement (PAS).

Threatened Species Polygon
Mapped area enclosing threatened species habitat.

Threatened Species

Species listed as Threatened under the TSC Act or any threatened species identified under the EPBC Act.

Threshold

Is the level or point at which the option of either red, amber or green flag (threshold category) would be assigned to the development footprint, threshold criteria are set for each threshold.

Wetland

One of the most general definitions of a wetland was developed at the Ramsar Convention on Wetlands in 1971, which defines them as:
"… areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters" .

DICTIONARY

The following definitions are used by this DCP. Many of the definitions are the "Standard Instrument" LEP definitions adopted by the Clarence Valley LEP 2011. The definitions derived from the LEP are indicated (CV LEP 2011) after the respective definition.

Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains. (CV LEP 2011)

Aboriginal place of heritage significance means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the sheet of the Heritage Map marked "Aboriginal Heritage Map", that is:

(a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or

(b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance. (CV LEP 2011)

Note: The term may include (but is not limited to) places that are declared under section 84 of the *National Parks and Wildlife Act 1974* to be Aboriginal places for the purposes of that Act.

acid sulfate soils means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation). (CV LEP 2011)

Acid Sulfate Soils Manual means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available. (CV LEP 2011)

Adequate Warning Systems, Signage and Exits is where the following is provided:

(a) an audible and visual alarm system which alerts occupants to the need to evacuate, sufficiently prior to likely inundation to allow for the safe evacuation of pedestrians and vehicles;

(b) signage to identify the appropriate procedure and route to evacuate; and

(c) exits which are located such that pedestrians evacuating any location during any flood do not have to travel through deeper water to reach a place of refuge above the 100 year flood away from the enclosed car parking.

advertisement has the same meaning as in the Act. (CV LEP 2011)

Note: The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

Advertising means where Council places an advertisement in a local newspaper and a sign is placed on the land subject of the development application advising of the lodgement of a development application and the time period for making submissions.

advertising structure has the same meaning as in the Act. (CV LEP 2011)

Note.The term is defined as a structure used or to be used principally for the display of an advertisement.

Advertising structures are a type of ***signage -*** see the definition of that term in this Dictionary.

affordable housing has the same meaning as in the Act. (CV LEP 2011)

Note: The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

agricultural produce industry means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry. (CV LEP 2011)

Note: Agricultural produce industries are a type of ***rural industry -*** see the definition of that term in this Dictionary.

agriculture means any of the following:

(a) aquaculture,

(b) extensive agriculture,

(c) intensive livestock agriculture,

(d) intensive plant agriculture. (CV LEP 2011)

Note: Part 6 of the *Plantations and Reafforestation Act 1999* provides that exempt farm forestry within the meaning of that Act is not subject to the *Environmental Planning and Assessment Act 1979*.

air transport facility means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures. (CV LEP 2011)

airport means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport. (CV LEP 2011)

Note: Airports are a type of ***air transport facility -*** see the definition of that term in this Dictionary.

airstrip means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad. (CV LEP 2011)

amusement centre means a building or place (not being part of a pub or registered club) used principally for playing:

(a) billiards, pool or other like games, or

(b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like. (CV LEP 2011)

animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital. (CV LEP 2011)

Annual Exceedance Probability (AEP) is the probability of exceedance of a given discharge within a period of one year, expressed as a percentage.

Annual Recurrence Interval (ARI) is also known as the return period; this is the mean time between occurrences of some event, such as a flood or rainfall event. In general, the ARI can be considered to be the inverse of the probability of exceedance. For example, a 20 year ARI is equivalent to a 1in 20 year event or 5% AEP.

aquaculture has the same meaning as in the *Fisheries Management Act 1994*. (CV LEP 2011)

Note: Aquaculture is a type of ***agriculture -*** see the definition of that term in this Dictionary.

archaeological site means a place that contains one or more relics. (CV LEP 2011)

attached dwelling means a building containing 3 or more dwellings, where:

(a) each dwelling is attached to another dwelling by a common wall, and

(b) each of the dwellings is on its own lot of land, and

(c) none of the dwellings is located above any part of another dwelling. (CV LEP 2011)

Note: Attached dwellings are a type of ***residential accommodation -*** see the definition of that term in this Dictionary.

attic means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like. (CV LEP 2011)

Australian Height Datum (AHD) is a common national plain of level corresponding approximately to mean sea level.

Average Recurrence Interval (ARI) means the long-term average number of years between the occurrence of a flood as big as, or larger than, the selected event. For example, floods with a discharge as great as, or greater than, the 20 year ARI flood event will occur on average once every 20 years. ARI is another way of expressing the likelihood of occurrence of a flood event.

backpackers' accommodation means a building or place that:

(a) provides temporary or short-term accommodation on a commercial basis, and

(b) has shared facilities, such as a communal bathroom, kitchen or laundry, and

(c) provides accommodation on a bed or dormitory-style basis (rather than by room). (CV LEP 2011)

Note: Backpackers' accommodation is a type of ***tourist and visitor accommodation -*** see the definition of that term in this Dictionary.

basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing). (CV LEP 2011)

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

(a) meals are provided for guests only, and

(b) cooking facilities for the preparation of meals are not provided within guests' rooms, and

(c) dormitory-style accommodation is not provided. (CV LEP 2011)

Note: See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of ***tourist and visitor accommodation -*** see the definition of that term in this Dictionary.

bee keeping means a building or place used for the keeping and breeding of bees for commercial purposes. (CV LEP 2011)

Note: Bee keeping is a type of ***extensive agriculture -*** see the definition of that term in this Dictionary.

biodiversity means biological diversity. (CV LEP 2011)

biological diversity has the same meaning as in the *Threatened Species Conservation Act 1995*. (CV LEP 2011)

Note: The term is defined as follows:

biological diversity means the diversity of life and is made up of the following 3 components:

(a) genetic diversity - the variety of genes (or units of heredity) in any population,

(b) species diversity - the variety of species,

(c) ecosystem diversity - the variety of communities or ecosystems. (CV LEP 2011)

biosolids treatment facility means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility. (CV LEP 2011)

Note: Biosolids treatment facilities are a type of ***sewerage system*** - see the definition of that term in this Dictionary.

boarding house means a building that:

(a) is wholly or partly let in lodgings, and

(b) provides lodgers with a principal place of residence for 3 months or more, and

(c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and

(d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment. (CV LEP 2011)

Note: Boarding houses are a type of ***residential accommodation*** - see the definition of that term in this Dictionary.

boat building and repair facility means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed. (CV LEP 2011)

boat launching ramp means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities. (CV LEP 2011)

boat shed means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure. (CV LEP 2011)

brothel has the same meaning as in the Act. (CV LEP 2011)

Note: This definition is relevant to the definitions of ***home occupation (sex services)*** and ***sex services premises*** in this Dictionary.

building has the same meaning as in the Act. (CV LEP 2011)

Note: The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

building height (or ***height of building***) means:

(a) in relation to the height of a building in metres — the vertical distance from ground level (existing) to the highest point of the building, or

(b) in relation to the RL of a building — the vertical distance from the Australian Height Datum to 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. (CV LEP 2011)***building identification sign*** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services. (CV LEP 2011)

Note: Building identification signs are a type of ***signage -*** see the definition of that term in this Dictionary.

building line or ***setback*** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

(a) a building wall, or

(b) the outside face of any balcony, deck or the like, or

(c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest. (CV LEP 2011)

bulky goods premises means a building or 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 for 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 including 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.

Note: Bulky goods premises are a type of ***retail premises -*** see the definition of that term in this Dictionary.

bush fire hazard reduction work has the same meaning as in the *Rural Fires Act 1997*.

Note: The term is defined as follows:

bush fire hazard reduction work means:

(a) the establishment or maintenance of fire breaks on land, and

(b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

bush fire prone land has the same meaning as in the Act.

Note: The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

bush fire risk management plan means a plan prepared under Division 4 of Part 3 of the *Rural Fires Act 1997* for the purpose referred to in section 54 of that Act.

business identification sign means a sign:

(a) that indicates:

(i) the name of the person or business, and

(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

Note: Business identification signs are a type of ***signage -*** see the definition of that term in this Dictionary.

business premises means a building or place at or on which:

(a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or

(b) a service is provided directly to members of the public on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note: Business premises are a type of ***commercial premises -*** see the definition of that term in this Dictionary.

camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

canal estate development means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or

with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

(a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:

(i) dwellings that are permitted on rural land, and

(ii) dwellings that are used for caretaker or staff purposes, or

(b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

catchment action plan has the same meaning as in the *Catchment Management Authorities Act 2003*.

Note: The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the *Catchment Management Authorities Act 2003*.

cellar door premises means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

Note: Cellar door premises are a type of ***retail premises -*** see the definition of that term in this Dictionary.

cemetery means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

charter and tourism boating facility means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

child care centre means a building or place used for the supervision and care of children that:

(a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and

(b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

(c) a building or place used for home-based child care, or

(d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or

(e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or

(f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or

(g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or

(h) a service that is concerned primarily with the provision of:

(i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or

(ii) private tutoring, or

(i) a school, or

(j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

classified road has the same meaning as in the *Roads Act 1993*.

Note: The term is defined as follows:

classified road means any of the following:

(a) a main road,

(b) a highway,

(c) a freeway,

(d) a controlled access road,

(e) a secondary road,

(f) a tourist road,

(g) a tollway,

(h) a transitway,

(i) a State work.

(See *Roads Act 1993* for meanings of these terms.)

clearing native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note: The term is defined as follows:

clearing native vegetation means any one or more of the following:

(a) cutting down, felling, thinning, logging or removing native vegetation,

(b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

Coarse Sediment – This term refers to contaminant particles between 0.1 mm and 5 mm.

coastal foreshore means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

coastal hazard has the same meaning as in the *Coastal Protection Act 1979*.

coastal lake means a body of water specified in Schedule 1 to *State Environmental Planning Policy No 71—Coastal Protection*.

coastal protection works has the same meaning as in the *Coastal Protection Act 1979*.

coastal waters of the State—see section 58 of the *Interpretation Act 1987*.

coastal zone has the same meaning as in the *Coastal Protection Act 1979*.

Note: The term is defined as follows:

coastal zone means:

(a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and

(b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and

(c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

commercial premises means any of the following:

(a) business premises,

(b) office premises,

(c) retail premises.

community facility means a building or place:

(a) owned or controlled by a public authority or non-profit community organisation, and

(b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

community land has the same meaning as in the *Local Government Act 1993*.

Compensatory Works refers to earthworks where material is excavated (or "cut") from one location in the floodplain and placed (or "filled") at another location in the floodplain, with no net importation of fill material, such that the volume available for storage of flood waters is not altered for all floods.

Conveyance is a direct measure of the flow carrying capacity of a particular cross-section of a stream or stormwater channel. (For example, if the conveyance of a channel cross-section is reduced by half, then the flow carrying capacity of that channel cross-section will also be halved).

correctional centre means:

(a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and

(b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

Council means the Clarence Valley Council.

crematorium means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.

Crown reserve means:

(a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or

(b) a common within the meaning of the *Commons Management Act 1989*, or

(c) lands within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*,

but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

curtilage, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

DICTIONARY

Cut and fill – is development where the upwards slopes of the land are excavated and downwards filled to create a terraced landform for building.

dairy (pasture-based) means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

Note: Dairies (pasture-based) are a type of ***extensive agriculture -*** see the definition of that term in this Dictionary.

dairy (restricted) means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

Note: Dairies (restricted) are a type of ***intensive livestock agriculture*** - see the definition of that term in this Dictionary.

demolish, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree.

depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

Design floor level or ground level means the minimum floor level that applies to the development. If the development is concessional development, this level is determined based on what land use category would apply if it was not categorised as Concessional Development.

Designated development is defined in the Environmental Planning and Assessment Regulation 2000. (See clause 4 and Schedule 3 of the Regulations.)

drainage means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

Note: Dual occupancies are a type of ***residential accommodation -*** see the definition of that term in this Dictionary.

dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Note: Dual occupancies (attached) are a type of ***dual occupancy -*** see the definition of that term in this Dictionary.

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Note: Dual occupancies (detached) are a type of ***dual occupancy*** - see the definition of that term in this Dictiona

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

dwelling house means a building containing only one dwelling.

Note: Dwelling houses are a type of ***residential accommodation -*** see the definition of that term in this Dictionary.

earthworks means excavation or filling.

ecologically sustainable development has the same meaning as in the Act.

eco-tourist facility means a building or place that:

(a) provides temporary or short-term accommodation to visitors on a commercial basis, and

(b) is located in or adjacent to an area with special ecological or cultural features, and

(c) 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.

Note: See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of ***tourist and visitor accommodation*** **-** see the definition of that term in this Dictionary.

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.

Effective warning time is the time available after receiving advice of an impending flood and before the floodwaters prevent appropriate flood response actions being undertaken. The effective warning time is typically used to move farm equipment, move stock, raise furniture, evacuate people and transport their possessions.

electricity generating works means a building or place used for the purpose of making or generating electricity.

emergency services facility means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

emergency services organisation means any of the following:

(a) Ambulance Service of New South Wales,

(b) Fire and Rescue NSW,

(c) NSW Rural Fire Service,

(d) NSW Police Force,

(e) State Emergency Service,

(f) New South Wales Volunteer Rescue Association Incorporated,

(g) New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,

(h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

Enclosed car parking means car parking which is potentially subject to rapid inundation, which consequently increases risk to human life and property (such as basement of bunded car parking areas). The following criteria apply for the purposes of determining what is enclosed car parking:

(a) Flooding of surrounding areas may raise water levels above the perimeter which encloses the car park (normally the entrance), resulting in rapid inundation of the car park to depths greater than 0.8m, and

(b) drainage of accumulated water in the car park has an outflow discharge capacity significantly less than the potential inflow capacity.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

environmental facility means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

estuary has the same meaning as in the *Water Management Act 2000*.

Note: The term is defined as follows:

estuary means:

(a) any part of a river whose level is periodically or intermittently affected by coastal tides, or

(b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or

(c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

excavation means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

exhibition home means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

exhibition village means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

Existing Use is defined in Section 106 of the Environmental Planning & Assessment Act, 1979 as follows:

Existing use means:
(a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4A of Part 3 or Division 4 of this Part, have the effect of prohibiting that use, and
(b) The use of a building, work or land:
(i) For which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and

(ii) That has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.

extensive agriculture means any of the following:

(a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,

(b) the grazing of livestock for commercial purposes,

(c) bee keeping,

(d) a dairy (pasture-based).

Note: Extensive agriculture is a type of ***agriculture*** - see the definition of that term in this Dictionary.

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

Note: Extractive industries are not a type of ***industry -*** see the definition of that term in this Dictionary.

extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

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.

Note: See clause 5.4 for controls relating to the number of bedrooms.

Farm stay accommodation is a type of ***tourist and visitor accommodation -*** see the definition of that term in this Dictionary.

feedlot means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, fed (wholly or substantially) on prepared and manufactured feed, for the purpose of meat production or fibre products, but does not include a poultry farm, dairy or piggery.

Note: Feedlots are a type of ***intensive livestock agriculture -*** see the definition of that term in this Dictionary.

fill means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

(a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or

(b) the use of land as a waste disposal facility.

filming means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

(a) still photography, or

(b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or

(c) recording images as a visitor or tourist for non-commercial purposes, or

(d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

Fine Sediment – this term refers to contaminant particles less then 0.1 mm.

fish has the same meaning as in the *Fisheries Management Act 1994*.

Note: The term is defined as follows:

Definition of "fish"

(1) ***Fish*** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).

(2) ***Fish*** includes:

(a) oysters and other aquatic molluscs, and

(b) crustaceans, and

(c) echinoderms, and

(d) beachworms and other aquatic polychaetes.

(3) ***Fish*** also includes any part of a fish.

(4) However, ***fish*** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

DICTIONARY

Flood is a relatively high stream flow which overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam, and/or local overland flooding associated with major drainage as defined by the FDM before entering a watercourse.

Note: Consistent with the Floodplain Development Manual, this DCP does not apply in the circumstances of local drainage inundation as defined in the Floodplain Development Manual and determined by Council. Local drainage problems can generally be minimised by the adoption of urban building controls requiring a minimum difference between finished floor and ground levels.

Flood awareness is an appreciation of the likely effects of flooding and a knowledge of the relevant flood warning and evacuation procedures.

Flood compatible building components means a combination of measures incorporated in the design and/or construction and alteration of individual buildings or structures subject to flooding, and the use of flood compatible materials for the reduction or elimination of flood damage.

Note:
A list of typical flood compatible building components is provided in Schedule D1.

Flood compatible materials include those materials used in building which are resistant to damage when inundated.

Note:
A list of typical flood compatible materials is provided in Schedule D1.

Flood evacuation strategy means the proposed strategy for the evacuation of areas within effective warning time during periods of flood as specified within any policy of Council, the FRMP, the relevant SES Flood Plan, by advices received from the State Emergency Services (SES) or as determined in the assessment of individual proposals.

flood mitigation work means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

Flood prone land (being synonymous with ***flood liable*** and ***floodplain***) is the area of land which is subject to inundation by the probable maximum flood (PMF).

Floodplain Development Manual (FDM) refers to the document dated April 2005, published by the New South Wales Government and entitled "*Floodplain Development Manual: the management of flood liable land*".

Floodplain Management Area means the categorisation of either Floodway or General Floodplain applicable to different parts of flood prone land.

Floodplain Risk Management Plan (FRMP) means a plan prepared for one or more floodplains in accordance with the requirements of the Floodplain Development Manual or its predecessors.

Floodplain Risk Management Study (FRMS) means a study prepared for one or more floodplains in accordance with the requirements of the Floodplain Development Manual or its predecessors.

Floodway means those areas of the floodplain where a significant discharge of water occurs during floods. They are often aligned with naturally defined channels. Floodways are areas that even if only partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood levels.

Flood Storage Areas area those parts of the floodplain that are important for the temporary storage of floodwater or stormwater during a flood.

floor space ratio—see clause 4.5.

Floor Space Ratio Map means the Clarence Valley Local Environmental Plan 2011 Floor Space Ratio Map.

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

(a) a restaurant or cafe,

(b) take away food and drink premises,

(c) a pub.

Note: Food and drink premises are a type of ***retail premises -*** see the definition of that term in this Dictionary.

forestry has the same meaning as ***forestry operations*** in the *Forestry and National Park Estate Act 1998*.

Note:The term is defined as follows:

forestry operations means:

(a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or

(b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or

(c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or

(d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

Freeboard provides reasonable certainty that the risk exposure selected in deciding on a particular flood chosen as the basis for a FPL is actually provided. It is a factor of safety typically used in relation to the setting of flood levels, levee crest levels, etc. (as specified at Section K5 of the FDM). Freeboard is included in the flood planning level.

freight transport facility means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

funeral home means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

Note: Funeral homes are a type of ***business premises -*** see the definition of that term in this Dictionary.

garden centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any the following:

(a) outdoor furniture and furnishings, barbeques, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,

(b) pets and pet supplies,

(c) fresh produce.

Note: Garden centres are a type of ***retail premises*** - see the definition of that term in this Dictionary.

DICTIONARY

General Floodplain means that part of the floodplain other than floodways or flood storage areas.

general industry means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

Note: General industries are a type of ***industry*** - see the definition of that term in this Dictionary.

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

(a) the area of a mezzanine, and

(b) habitable rooms in a basement or an attic, and

(c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

(d) any area for common vertical circulation, such as lifts and stairs, and

(e) any basement:

(i) storage, and

(ii) vehicular access, loading areas, garbage and services, and

(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and

(g) car parking to meet any requirements of the consent authority (including access to that car parking), and

(h) any space used for the loading or unloading of goods (including access to it), and

(i) terraces and balconies with outer walls less than 1.4 metres high, and

(j) voids above a floor at the level of a storey or storey above.

Gross pollutants – Trash, litter, vegetation or material of particle size larger then 5 mm.

ground level (existing) means the existing level of a site at any point.

ground level (finished) means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

ground level (mean) means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

group home means a permanent group home or a transitional group home.

Note: ..... Group homes are a type of ***residential accommodation -*** see the definition of that term in this Dictionary.

group home (permanent) or ***permanent group home*** means a dwelling:

(a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and

(b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

Note: Permanent group homes are a type of ***group home*** - see the definition of that term in this Dictionary.

group home (transitional) or ***transitional group home*** means a dwelling:

(a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and

(b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

Note: Transitional group homes are a type of ***group home -*** see the definition of that term in this Dictionary.

Habitable Floor area means:

- in a **residential situation**: a living or working area, such as a lounge room, dining room, rumpus room, kitchen, bedroom or workroom;
- in an **industrial or commercial situation**: an area used for offices or to store valuable possessions susceptible to flood damage in the event of a flood.

Note: Separate considerations are specified for the car parking area of a development irrespective of the land use with which it is associated.

hardware and building supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

Note: Hardware and building supplies are a type of ***retail premises -*** see the definition of that term in this Dictionary.

Hazard is a source of potential harm or a situation with a potential to cause loss. In relation to this plan, the hazard is flooding which has the potential to cause harm or loss to the community.

hazardous industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality:

(a) to human health, life or property, or

(b) to the biophysical environment.

Note: Hazardous industries are a type of ***heavy industry -*** see the definition of that term in this Dictionary.

hazardous storage establishment means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality:

(a) to human health, life or property, or

(b) to the biophysical environment.

Note: Hazardous storage establishments are a type of ***heavy industrial storage establishment*** - see the definition of that term in this Dictionary.

headland includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

health care professional means any person registered under an Act for the purpose of providing health care.

health consulting rooms means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

Note: Health consulting rooms are a type of ***health services facility -*** see the definition of that term in this Dictionary.

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to

health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

(a) a medical centre,

(b) community health service facilities,

(c) health consulting rooms,

(d) patient transport facilities, including helipads and ambulance facilities,

(e) hospital.

heavy industrial storage establishment means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following:

(a) a hazardous storage establishment,

(b) a liquid fuel depot,

(c) an offensive storage establishment.

heavy industry means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes:

(a) hazardous industry, or

(b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

Note: Heavy industries are a type of ***industry -*** see the definition of that term in this Dictionary.

Height of Buildings Map means the Clarence Valley Local Environmental Plan 2011 Height of Buildings Map.

helipad means a place not open to the public used for the taking off and landing of helicopters.

heliport means a place open to the public that is used for the taking off and landing of helicopters, whether or not it includes:

(a) a terminal building, or

(b) facilities for the parking, storage or repair of helicopters.

Note: Heliports are a type of ***air transport facility*** - see the definition of that term in this Dictionary.

heritage conservation area means an area of land of heritage significance:

(a) shown on the Heritage Map as a heritage conservation area, and

(b) the location and nature of which is described in Schedule 5,

and includes any heritage items situated on or within that area.

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

heritage impact statement means a document consisting of:

(a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and

(b) an assessment of the impact that proposed development will have on that significance, and

(c) proposals for measures to minimise that impact.

heritage item means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

Note: Heritage items may be shown on the Heritage Map. An inventory of heritage items is also available at the office of the Council.

heritage management document means:

(a) a heritage conservation management plan, or

(b) a heritage impact statement, or

(c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

Heritage Map means the Clarence Valley Local Environmental Plan 2011 Heritage Map.

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

high technology industry means a building or place predominantly used to carry out an industrial activity that involves any of the following:

(a) electronic or micro-electronic systems, goods or components,

(b) information technology (such as computer software or hardware),

(c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,

(d) biological, pharmaceutical, medical or paramedical systems, goods or components,

(e) film, television or multi-media technologies, including any post production systems, goods or components,

(f) telecommunications systems, goods or components,

(g) sustainable energy technologies,

(h) any other goods, systems or components intended for use in a science or technology related field,

but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

Note: High technology industries are a type of ***light industry -*** see the definition of that term in this Dictionary.

highway service centre means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:

(a) a restaurant or cafe,

(b) take away food and drink premises,

(c) service stations and facilities for emergency vehicle towing and repairs,

(d) parking for vehicles,

(e) rest areas and public amenities.

home-based child care means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

(a) the service is licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,

(b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

home business means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

(a) the employment of more than 2 persons other than those residents, or

(b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or

(c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or

(d) the exhibition of any signage (other than a business identification sign), or

(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

Note: See clause 5.4 for controls relating to the floor area used for a home business.

home industry means a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:

(a) the employment of more than 2 persons other than those residents,

(b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,

(c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,

(d) the exhibition of any signage (other than a business identification sign),

(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

Note: See clause 5.4 for controls relating to the floor area used for a home industry.

Home industries are a type of ***light industry -*** see the definition of that term in this Dictionary.

home occupation means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

(a) the employment of persons other than those residents, or

(b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or

(c) the display of goods, whether in a window or otherwise, or

(d) the exhibition of any signage (other than a business identification sign), or

(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

home occupation (sex services) means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

(a) the employment of persons other than those residents, or

(b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or

(c) the exhibition of any signage, or

(d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

horticulture means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

Note: Horticulture is a type of ***intensive plant agriculture -*** see the definition of that term in this Dictionary.

hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

(a) day surgery, day procedures or health consulting rooms,

(b) accommodation for nurses or other health care workers,

(c) accommodation for persons receiving health care or for their visitors,

(d) shops, kiosks, restaurants or cafes or take-away food and drink premises,

(e) patient transport facilities, including helipads, ambulance facilities and car parking,

(f) educational purposes or any other health-related use,

(g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),

(h) chapels,

(i) hospices,

(j) mortuaries.

Note: Hospitals are a type of ***health services facility*** - see the definition of that term in this Dictionary.

hostel means premises that are generally staffed by social workers or support providers and at which:

(a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and

(b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

Note: Hostels are a type of ***residential accommodation*** - see the definition of that term in this Dictionary.

hotel or motel accommodation means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that:

(a) comprises rooms or self-contained suites, and

(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note: Hotel or motel accommodation is a type of ***tourist and visitor accommodation -*** see the definition of that term in this Dictionary.

Impermeable or Impervious area means the area of land where the surface prevents infiltration of water into the ground and subsequently increases stormwater flows. Impermeable surfaces include roads, footpaths, roofs, concrete areas, non porous paved areas and heavily compacted soils.

industrial activity means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

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,

but does not include a warehouse or distribution centre.

Note: See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

industrial training facility means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

industry means any of the following:

(a) general industry,

(b) heavy industry,

(c) light industry,

but does not include:

(d) rural industry, or

(e) extractive industry, or

(f) mining.

Infill development is development which is proposed within an established existing urban area and usually involves the development of a vacant residential site, or the removal of an existing residential or retain/commercial building to provide a replacement building for a similar use.

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

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.

Note: Intensive livestock agriculture is a type of ***agriculture -*** see the definition of that term

in this Dictionary.

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.

Note: Intensive plant agriculture is a type of ***agriculture -*** see the definition of that term in this Dictionary.

jetty means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

Note: See clause 5.4 for controls relating to the gross floor area of a kiosk.

Kiosks are a type of ***retail premises -*** see the definition of that term in this Dictionary.

Land Application Map means the Clarence Valley Local Environmental Plan 2011 Land Application Map.

Land Reservation Acquisition Map means the Clarence Valley Local Environmental Plan 2011 Land Reservation Acquisition Map.

DICTIONARY

Land Zoning Map means the Clarence Valley Local Environmental Plan 2011 Land Zoning Map.

landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

landscaping material supplies means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

Note: Landscaping material supplies are a type of ***retail premises -*** see the definition of that term in this Dictionary.

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

(a) high technology industry,

(b) home industry.

Note: Light industries are a type of ***industry -*** see the definition of that term in this Dictionary.

liquid fuel depot means premises used for the bulk storage of petrol, oil, petroleum or other inflammable liquid for wholesale distribution and at which no retail trade is conducted.

Note: Liquid fuel depots are a type of ***heavy industrial storage establishment -*** see the definition of that term in this Dictionary.

livestock processing industry means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals and includes abattoirs, knackeries, tanneries, woolscours and rendering plants.

Note: ..... Livestock processing industries are a type of ***rural industry -*** see the definition of that term in this Dictionary.

Local drainage means small scale inundation in urban areas outside the definition of major drainage as defined in the Floodplain Development Manual. Local drainage problem invariably involves shallow depths (less than 0.3m) with generally little danger to personal safety.

Local overland flooding means inundation by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam.

Lot Size Map means the Clarence Valley Local Environmental Plan 2011 Lot Size Map.

maintenance, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

Manufacturing process means any handicraft or process in or incidental to the making, assembling, altering, renovating, preparing, ornamenting, finishing, cleaning, washing, breaking up, or adapting of any goods or any articles or any part of an article for trade or sale or gain, or as ancillary to any business, and includes any handicraft or process declared by the Governor, pursuant to this Act, to be a manufacturing process. (Definition from the Factories, Shops and Industries Act 1962.)

marina means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities:

(a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,

(b) any facility for providing fuelling, sewage pump-out or other services for boats,

(c) any facility for launching or landing boats, such as slipways or hoists,

(d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,

(e) any berthing or mooring facilities.

market means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

Note: Markets are a type of ***retail premises -*** see the definition of that term in this Dictionary.

mean high water mark means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

Note: Medical centres are a type of ***health services facility -*** see the definition of that term in this Dictionary.

Merit approach is an approach, the principles of which are embodied in the Floodplain Development Manual which weighs social, economic, ecological and cultural impacts of land use options for different flood prone areas together with flood damage, hazard and behaviour implications, and environmental protection and well being of the State's rivers and floodplains.

mezzanine means an intermediate floor within a room.

mine means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

mine subsidence district means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

mining means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes:

(a) the construction, operation and decommissioning of associated works, and

(b) the rehabilitation of land affected by mining.

Note: Mining is not a type of ***industry -*** see the definition of that term in this Dictionary.

mixed use development means a building or place comprising 2 or more different land uses.

mooring means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

mooring pen means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

mortuary means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

moveable dwelling has the same meaning as in the *Local Government Act 1993*.

Note: The term is defined as follows:

moveable dwelling means:

(a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or

(b) a manufactured home, or

(c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Note: . Multi dwelling housing is a type of ***residential accommodation -*** see the definition of

that term in this Dictionary.

native fauna means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

native flora means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note: The term is defined as follows:

Meaning of "native vegetation"

(1) ***Native vegetation*** means any of the following types of indigenous vegetation:

(a) trees (including any sapling or shrub, or any scrub),

(b) understorey plants,

(c) groundcover (being any type of herbaceous vegetation),

(d) plants occurring in a wetland.

(2) Vegetation is ***indigenous*** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.

(3) ***Native vegetation*** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

navigable waterway means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

Note - See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of ***shop -*** see the definition of that term in this Dictionary.

nominated State heritage item means a heritage item that:

(a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and

(b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

non-potable water means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

Notification means where Council writes to those people identified as requiring notification that a development application has been submitted to Council.

NR Design Manuals means the Northern Rivers Local Government Development and Design Manual, the Northern Rivers Local Government Construction Manual and the Northern Rivers Local Government Handbook of Stormwater Drainage Design which are specifications complied by local councils in the Northern Rivers area derived from the Aus- Spec Generic Development Specification series, as amended from time to time.

NSW Coastal Policy means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

offensive industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a

polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note: Offensive industries are a type of ***heavy industry -*** see the definition of that term in this Dictionary.

offensive storage establishment means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note: Offensive storage establishments are a type of ***heavy industrial storage establishment -*** see the definition of that term in this Dictionary.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Note: Office premises are a type of ***commercial premises -*** see the definition of that term in this Dictionary.

open cut mining means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

operational land has the same meaning as in the *Local Government Act 1993*.

Outbuilding means a building that is ancillary to a principal residential building and includes sheds, garages, carports and similar buildings but does not include granny flats.

parking space means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

passenger transport facility means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

Performance criteria represent a means of assessing whether the desired outcomes will be achieved.

place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

plant nursery means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

Note: Plant nurseries are a type of ***retail premises -*** see the definition of that term in this Dictionary.

port facilities means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

(a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,

(b) facilities for the loading or unloading of freight onto or from vessels and associated receival, land transport and storage facilities,

(c) wharves for commercial fishing operations,

(d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,

(e) sea walls or training walls,

(f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

potable water means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

Pre Development – condition and characteristics of site at lodgement of DA.

Prescriptive controls are preferred ways of achieving the outcome. While adherence to the prescriptive controls may be important, it is paramount that the objectives and the performance criteria area clearly satisfied.

Primary habitable floor area means the majority of habitable floor area and in a residential situation includes the majority of bedrooms, main living area, kitchen and first bathroom.

private open space means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

Probable maximum flood (PMF) is the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation.

Probable maximum precipitation (PMP) is the greatest depth of precipitation for a given duration meteorologically possible over a given size storm area at a particular location at a particular time of the year, with no allowance made for long-term climatic trends (World Meteorological Organisation, 1986). It is often the primary input to the estimation of the probable maximum flood.

Probability is a statistical measure of the expected chance of flooding (see ARI).

property vegetation plan has the same meaning as in the *Native Vegetation Act 2003*.

Note: The term is defined as follows:

property vegetation plan means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

pub means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Note: Pubs are a type of ***food and drink premises -*** see the definition of that term in this Dictionary.

public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

public authority has the same meaning as in the Act.

public land has the same meaning as in the *Local Government Act 1993*.

Note: The term is defined as follows:

public land means any land (including a public reserve) vested in or under the control of the council, but does not include:

(a) a public road, or

(b) land to which the *Crown Lands Act 1989* applies, or

(c) a common, or

(d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or

(e) a regional park under the *National Parks and Wildlife Act 1974*.

public reserve has the same meaning as in the *Local Government Act 1993*.

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

(a) railway, road transport, water transport, air transport, wharf or river undertakings,

(b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

rainwater tank means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

Raised fill pad level is a raised area of ground upon which a dwelling or ancillary buildings must be constructed on rural or other non-urban zoned lands.

Rebuilt dwelling refers to the construction of a new dwelling on an allotment where an existing dwelling is demolished.

recreation area means a place used for outdoor recreation that is normally open to the public, and includes:

(a) a children's playground, or

(b) an area used for community sporting activities, or

(c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

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 (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

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).

Reduced Level (RL) means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

registered club means a club that holds a club licence under the *Liquor Act 2007*.

Reliable access during a flood means the ability for people to safely evacuate an area subject to flooding, having regard to the depth and velocity of flood waters and the suitability of the evacuation route, without a need to travel through areas where water depths increase.

relic has the same meaning as in the *Heritage Act 1977*.

Note: The term is defined as follows:

relic means any deposit, artefact, object or material evidence that:

(a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

(b) is of State or local heritage significance.

research station means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following:

(a) attached dwellings,

(b) boarding houses,

(c) dual occupancies,

(d) dwelling houses,

(e) group homes,

(f) hostels,

(g) multi dwelling housing,

(h) residential flat buildings,

(i) rural workers's dwellings,

(j) secondary dwellings,

(k) semi-detached dwellings,

(l) seniors housing,

(m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

residential care facility means accommodation for seniors or people with a disability that includes:

(a) meals and cleaning services, and

(b) personal care or nursing care, or both, and

(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

Note: Residential care facilities are a type of ***seniors housing -*** see the definition of that term in this Dictionary.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Note: Residential flat buildings are a type of ***residential accommodation*** - see the definition of that term in this Dictionary.

resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

Note: Resource recovery facilities are a type of ***waste or resource management***

Facility - see the definition of that term in this Dictionary.

respite day care centre means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided.

Note: Restaurants or cafes are a type of ***food and drink premises -*** see the definition of that term in this Dictionary.

restricted premises means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

restriction facilities means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the

items are goods or materials (or whether also sold by wholesale), and includes any of the following;

(a) bulky goods premises,

(b) cellar door premises,

(c) food and drink premises,

(d) garden centres,

(e) hardware and building supplies,

(f) kiosks,

(g) landscaping material supplies,

(h) markets,

(i) plant nurseries,

(j) roadside stalls,

(k) rural supplies,

(l) shops,

(m) timber yards,

(n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Note: Retail premises are a type of ***commercial premises -*** see the definition of that term in this Dictionary.

Riparian Vegetation / Corridor – is a corridor of vegetation along the edge of a waterway that is intimately linked with the waterway. This corridor performs numerous functions including filtering run-off and providing habitat for fauna. Council may require a corridor protection bond for development on lands identified as containing a riparian corridor.

Risk means the chance of something happening that will have an impact. It is measured in terms of consequences and probability (likelihood). In the context of this plan, it is the likelihood of consequences arising from the interaction of floods, communities and the environment.

road means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

roadside stall means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

Note: See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of ***retail premises -*** see the definition of that term in this Dictionary.

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: Rural industries are not a type of ***industry -*** see the definition of that term in this Dictionary.

DICTIONARY

rural supplies means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

Note: Rural supplies are a type of ***retail premises -*** see the definition of that term in this Dictionary.

rural worker's dwelling means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

Note: Rural worker's dwellings are a type of ***residential accommodation -*** see the definition of that term in this Dictionary.

sawmill or log processing works means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

Note: Sawmill or log processing works are a type of ***rural industry -*** see the definition of that term in this Dictionary.

school means a government school or non-government school within the meaning of the *Education Act 1990*.

Note: Schools are a type of ***educational establishment -*** see the definition of that term in this Dictionary.

secondary dwelling means a self-contained dwelling that:

(a) is established in conjunction with another dwelling (the ***principal dwelling***), and

(b) is on the same lot of land as the principal dwelling, and

(c) is located within, or is attached to, or is separate from, the principal dwelling.

Note: See clause 5.4 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of ***residential accommodation -*** see the definition of that term in this Dictionary.

self-storage units means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

Note: Self-storage units are a type of ***storage premises -*** see the definition of that term in this Dictionary.

semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.

Note: Semi-detached dwellings are a type of ***residential accommodation -*** see the definition of that term in this Dictionary.

seniors housing means a building or place that is:

(a) a residential care facility, or

(b) a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or

(c) a group of self-contained dwellings, or

(d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for:

(e) seniors or people who have a disability, or

(f) people who live in the same household with seniors or people who have a disability, or

(g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

Note: Seniors housing is a type of ***residential accommodation -*** see the definition of that term in this Dictionary.

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

(a) the ancillary sale by retail of spare parts and accessories for motor vehicles,

(b) the cleaning of motor vehicles,

(c) installation of accessories,

(d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),

(e) the ancillary retail selling or hiring of general merchandise or services or both.

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.

Note: Serviced apartments are a type of ***tourist and visitor accommodation -*** see the definition of that term in this Dictionary.

sewage reticulation system means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

(a) pipelines and tunnels, and

(b) pumping stations, and

(c) dosing facilities, and

(d) odour control works, and

(e) sewage overflow structures, and

(f) vent stacks.

Note: Sewage reticulation systems are a type of ***sewerage system -*** see the definition of that term in this Dictionary.

sewage treatment plant means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

Note: Sewage treatment plants are a type of ***sewerage system -*** see the definition of that term in this Dictionary.

sewerage system means any of the following:

(a) biosolids treatment facility,

(b) sewage reticulation system,

(c) sewage treatment plant,

(d) water recycling facility,

(e) a building or place or place that is a combination of any of the things referred to in paragraphs (a)–(d).

sex services means sexual acts or sexual services in exchange for payment.

sex services premises means a brothel, but does not include home occupation (sex services).

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

Note: Shops are a type of ***retail premises -*** see the definition of that term in this Dictionary.

shop top housing means one or more dwellings located above ground floor retail premises or business premises.

Note: Shop top housing is a type of ***residential accommodation -*** see the definition of that term in this Dictionary.

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

(a) an advertising structure,

(b) a building identification sign,

(c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

site area means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

Note: The effect of this definition is varied by clause 4.5 for the purpose of the

determination of permitted floor space area for proposed development.

site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

(a) any basement,

(b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,

(c) any eaves,

(d) unenclosed balconies, decks, pergolas and the like.

Site Emergency Response Flood Plan (not being an SES Flood Plan) is a management plan that demonstrates the ability to safely evacuate persons and include a strategy to move goods above the flood level within the available warning time. This Plan must be consistent with any relevant flood evacuation strategy, flood plan or similar plan.

spa pool has the same meaning as in the *Swimming Pools Act 1992*.

Note: The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

stock and sale yard means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

Note: Stock and sale yards are a type of ***rural industry -*** see the definition of that term in

this Dictionary.

storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include heavy industrial storage premises or a warehouse or distribution centre.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

(a) a space that contains only a lift shaft, stairway or meter room, or

(b) a mezzanine, or

(c) an attic.

Subdivision means the subdivision of land as described in Section 4B of the Environmental Planning and Assessment Act 1979.

Survey plan is a plan prepared by a registered surveyor which shows the information required for the assessment of an application in accordance with the provisions of this Plan.

swimming pool has the same meaning as in the *Swimming Pools Act 1992*.

Note: The term is defined as follows:

swimming pool means an excavation, structure or vessel:

(a) that is capable of being filled with water to a depth of 300 millimetres or more, and

(b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Note: Take away food and drink premises are a type of ***food and drink premises -*** see the definition of that term in this Dictionary.

telecommunications facility means:

(a) any part of the infrastructure of a telecommunications network, or

(b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or

(c) any other thing used in or in connection with a telecommunications network.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

temporary structure has the same meaning as in the Act.

Note: The term is defined as follows:

temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

the Act means the *Environmental Planning and Assessment Act 1979*.

timber yard means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

Note: Timber yards are a type of ***retail premises -*** see the definition of that term in this Dictionary.

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:

(a) backpackers' accommodation,

(b) bed and breakfast accommodation,

(c) farm stay accommodation,

(d) hotel or motel accommodation,

(e) serviced apartments,

but does not include:

(f) camping grounds, or

(g) caravan parks, or

(h) eco-tourist facilities.

transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

turf farming means the commercial cultivation of turf for sale and the removal of turf for that purpose.

Note: Turf farming is a type of ***intensive plant agriculture -*** see the definition of that term in this Dictionary.

underground mining means:

(a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and

(b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

vehicle body repair workshop means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

vehicle repair station means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

vehicle sales or hire premises means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

Note: Vehicle sales or hire premises are a type of ***retail premises -*** see the definition of that term in this Dictionary.

veterinary hospital means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

viticulture means the cultivation of grapes for use in the commercial production of fresh or dried fruit or wine.

Note: Viticulture is a type of ***intensive plant agriculture -*** see the definition of that term in this Dictionary.

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

waste disposal facility means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

Note: Waste disposal facilities are a type of ***waste or resource management facility -*** see the definition of that term in this Dictionary.

waste or resource management facility means any of the following:

(a) a resource recovery facility,

(b) a waste disposal facility,

(c) a waste or resource transfer station,

(d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

Note: Waste or resource transfer stations are a type of ***waste or resource management facility -*** see the definition of that term in this Dictionary.

water recreation structure means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

water recycling facility means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

(a) retention structures, and

(b) treatment works, and

(c) irrigation schemes.

Note: Water recycling facilities are a type of ***sewerage system -*** see the definition of that term in this Dictionary.

water reticulation system means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

Note: Water reticulation systems are a type of ***water supply system -*** see the definition of that term in this Dictionary.

water storage facility means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

Note: Water storage facilities are a type of ***water supply system -*** see the definition of that term in this Dictionary.

water supply system means any of the following:

(a) a water reticulation system,

(b) a water storage facility,

(c) a water treatment facility,

(d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

water treatment facility means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

Note: Water treatment facilities are a type of ***water supply system -*** see the definition of that term in this Dictionary.

waterbody means a waterbody (artificial) or waterbody (natural).

waterbody (artificial) or ***artificial waterbody*** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

waterbody (natural) or ***natural waterbody*** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

watercourse means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

waterway means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

wetland means:

(a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or

(b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

wharf or boating facilities means a wharf (or any of the following facilities associated with a wharf or boating) that are not port facilities:

(a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,

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(b) facilities for the loading or unloading of freight onto or from vessels and associated receival, land transport and storage facilities,

(c) wharves for commercial fishing operations,

(d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,

(e) sea walls or training walls,

(f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

wholesale supplies means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.