

PART X URBAN RELEASE AREA CONTROLS

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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 URAs;
- 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

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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

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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.

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.

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.

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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

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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.

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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.

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- 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:

External to the WYURA

- (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.

Within the WYURA

- (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.

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- 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.

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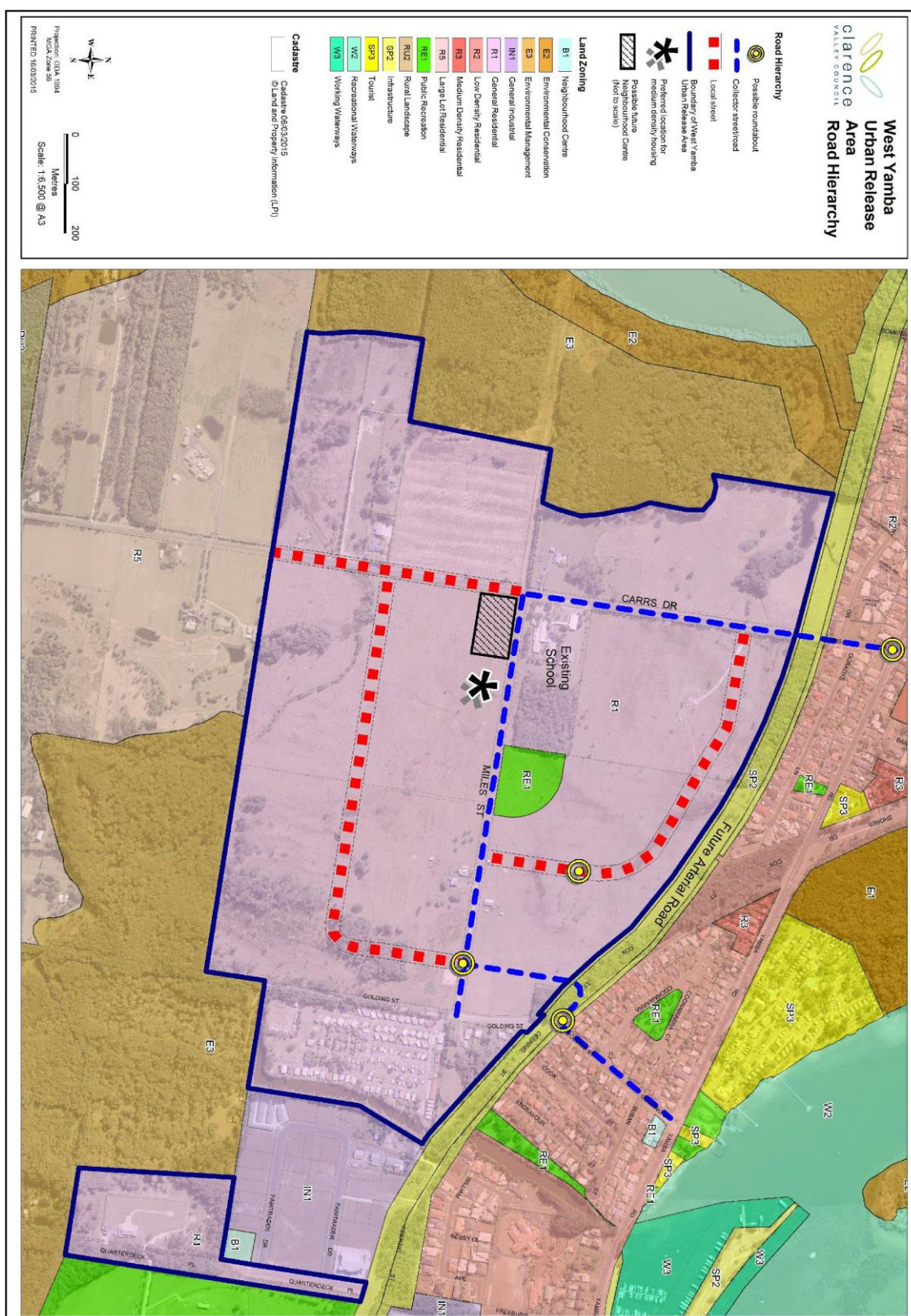


Figure X1.2 – indicative road hierarchy plan

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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.

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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 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.

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- 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
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- 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').

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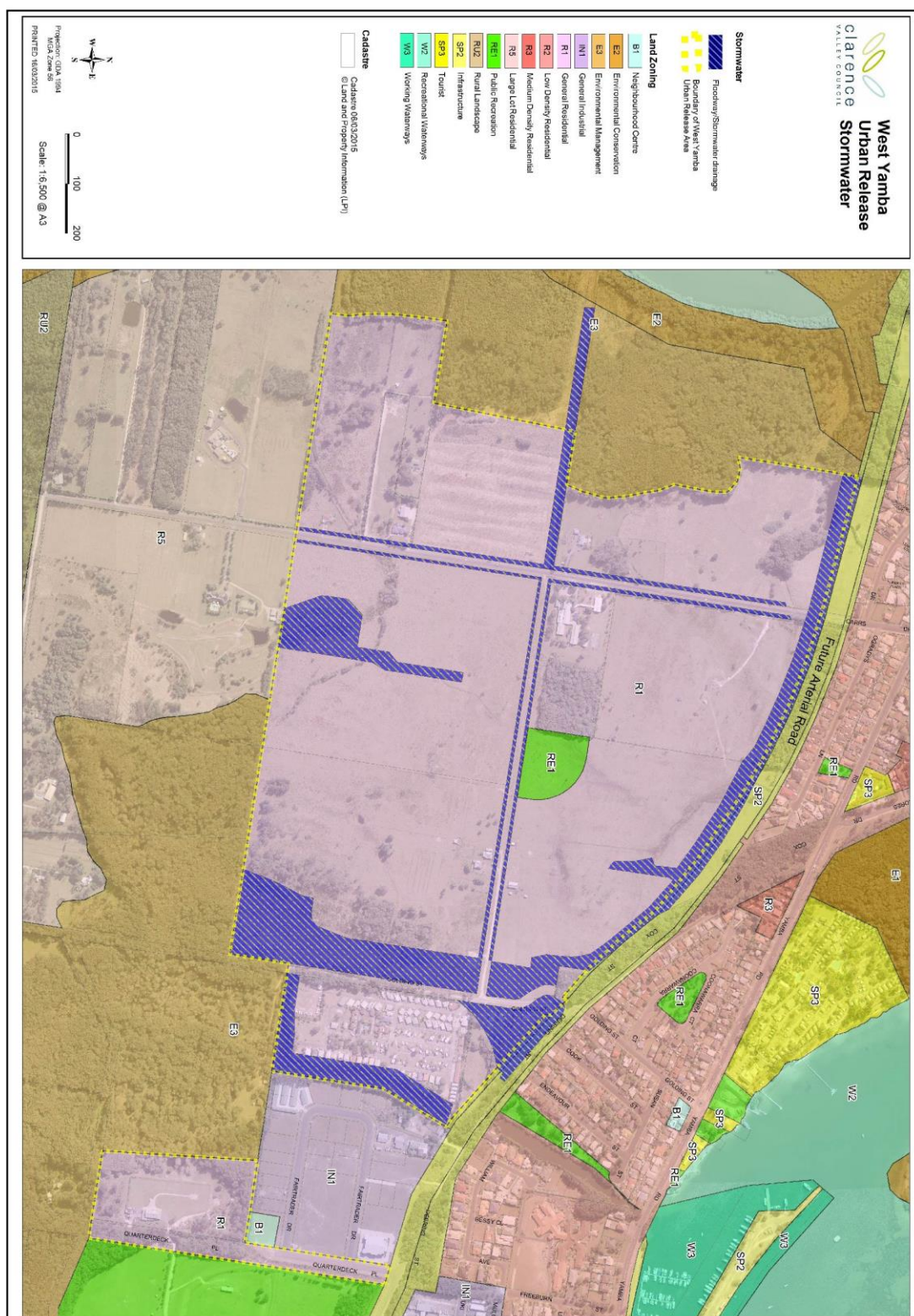


Figure X1.3 - conceptual Stormwater Network Plan

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 of 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.

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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 m²) 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.

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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.

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- 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.