



# **BUSINESS ZONES**

## **DEVELOPMENT CONTROL PLAN 2011**

**In force from 23 December 2011**



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## DCP ORIGIN

<b>Clarence Valley Council Business Zones Development Control Plan 2011.</b>	
Adopted by Council.	13 December 2011
In force.	23 December 2011
In force.	9 November 2015 (Amendment No. 1)
<b>Clarence Valley Council Business Zones Development Control Plan 2011 (Amendment No. 2)</b>	
Adopted by Council	20 November 2018
In force.	7 December 2018
<b>Clarence Valley Council Business Zones Development Control Plan 2011 (Amendment No. 3)</b>	
Adopted by Council	17 December 2019
In force.	17 January 2020

## Summary of Amendments

<b>Summary of Amendment No. 1</b>	
Part F	Insert revised Part F2.2 to indicate that a planning agreement may be voluntarily entered into with Council where car parking required by the DCP cannot be met.
Part F	Amend Part F2.3 to delete references to Section 94 Contributions and replace with references to planning agreements as the mechanism to secure monetary contributions in-lieu of providing parking on-site.
Part F	Amend Part F3 to include the existence of any offer to contribute to deficit parking by means of a planning agreement as a consideration in any request to vary DCP requirements.
<b>Summary of Amendment No. 2</b>	
PART B	Amend Table B1 due to review of notification and advertising. Update B5.3.
PART C	Amend C9 to apply improved landscaping controls.
Dictionary	Update of definitions to align with the CVLEP 2011
Throughout	Correction of various minor errors and updates to align with Council Policies
<b>Summary of Amendment No. 3</b>	
PART B	The provisions in Part B have been deleted and transferred into Council's Community Participation Plan.

<b>PART A INTRODUCTION</b>
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<b>PART A INTRODUCTION</b>
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<b>A1. What is the name of this plan?</b>
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This plan is called "Clarence Valley Business Zones Development Control Plan 2011".

<b>A2. What are the aims and objectives of the plan?</b>
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The aim of the plan is to promote quality development in commercial areas and provide opportunities for development that improve the streetscape and respect the character of a locality. It supports and complements Clarence Valley Local Environmental Plan 2011 (CVLEP 2011).

The objectives of the plan are to:-

- (a) To encourage good design outcomes in the Central Business District (CBD) areas and land in business zones in the Clarence Valley Local Government Area (LGA).
- (b) To preserve the desirable design elements within the CBD areas.
- (c) To preserve the historic character of town and villages by protecting heritage items and ensuring development is compatible with heritage items and within conservation areas.
- (d) To provide setbacks, landscaping requirements and other development controls for business zones.
- (e) To set out procedures for notification and advertising of development applications in business zones.
- (f) 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 commercial areas.
- (g) To provide controls for erosion and sediment control.
- (h) To provide controls to manage water in a sustainable way.

- (i) To provide subdivision and engineering standards.
- (j) To provide controls for advertising structures.
- (k) 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 minimised.
- (l) To provide controls for restricted premises.
- (m) To provide controls for specific business areas or precincts.

<b>A3. Where does the plan apply?</b>
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The Clarence Valley Business Zones Development Control Plan (DCP) 2011 applies to all business zones within the Clarence Valley Local Government Area (LGA).

This DCP applies to land in the following zones in CV LEP 2011:

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B5 Business Development.



## PART A INTRODUCTION

### A4. When does the plan come into force?

The Clarence Valley Business Zones Development Control Plan (DCP) 2011 was adopted by Council on [redacted] and came into effect on [redacted].

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

This Plan is to be read in conjunction with the CV LEP 2011.

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

If your development/use is permissible within the zone you should also consult [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) ("Codes SEPP") to determine whether the development may be exempt development.

#### Note:

1. The General Exempt Development Code permits certain limited categories of development as exempt development (subject to development standards being met)
2. The General Commercial and Industrial Code under the Codes SEPP enables complying development for:
  - internal building alterations,
  - certain minor external building alterations, and
  - change of use inside some existing bulky goods premises, commercial premises and premises used for light industry or as a warehouse or distribution centre.
3. ALSO check clause 3.1/Schedule 2 of the CV LEP 2011 for limited additional categories of exempt development.

Maximum building heights may apply to your property. See clause 4.3 of the Clarence Valley LEP 2010 and the Height of Buildings Map in the LEP.

Depending on the type and location of a proposed development /use State

Business Zones DCP in force from 23 December 2011

Environmental Planning Policies (SEPPs) 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](http://www.planning.nsw.gov.au) ;

### A6. How to Use this plan

All development must comply with the controls in PART C of this DCP and depending on the location of the land and the type of development proposed other Parts of the DCP may apply.

Particular locality controls apply for some business areas or precincts. 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 F
- A change in stormwater generation or management, see PART G.
- Disturbance of soil, see PART H.
- Subdivision, see PART I.
- Advertisements and advertising structures, see PART J.

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

## PART A INTRODUCTION

### A7. Consult with 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 Statement of Environmental Effects completed. For all Designated Development, an Environmental Impact Statement is required.

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. Flora and Fauna Assessment, prepared in accordance with the Department of Environment and Heritage document, *Threatened Biodiversity Survey and Assessment: Guidelines for Development and Activities Working Draft November 2004*. Refer to website [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au).
8. 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.
9. 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 stormwater drainage.
10. A landscape plan showing existing and proposed trees and vegetation.
11. 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 F5. This includes identification and assessment of access to the land.

## PART A INTRODUCTION

12. Details of Sustainable Water Management and an Erosion and Sediment Controls Plan (ESCP), if applicable.
13. Details of any advertisement and/or advertising structures proposed.
14. Details of the proposed waste water management strategy.
15. Details of waste management for demolition, construction and operational phases in accordance with Council's *Waste Not Development Control Policy*.
16. Details of essential fire services within existing buildings.
17. On bush fire prone land information to show compliance with the NSW Rural Fire Service *Planning for Bushfire Protection 2006*.
18. Details of hours of operation and where applicable, types of manufacturing processes, related noise generating equipment and means to reduce pollution. See Clause C13.
19. Details of any specific information required by any clause of this DCP relevant to the development application.
20. When the Development Application includes food preparation provide detailed plans and elevations of the food preparation and food storage areas. Plans are to include the finishes of floors, walls, ceilings, benches and shelves, elevations of fixtures and fittings and location of sinks and hand wash basins.
21. An assessment of the potential for the land to be contaminated and its suitability 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.
22. Details of any specific information required by any clause of this DCP relevant to the development application.

### 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.

### A10. Controls for 'existing uses' in business 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.

### 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

## **PART A INTRODUCTION**

account the heads of consideration under Section 79C 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.

<b>PART C</b>	<b>GENERAL DEVELOPMENT CONTROLS FOR BUSINESS ZONES</b>
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**PART C GENERAL DEVELOPMENT CONTROLS FOR BUSINESS ZONES**

<p><b>C1. What are the objectives for development in business zones?</b></p>
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**Note:**

These controls must be read in conjunction with provisions of CV LEP 2011; in particular maximum building heights are included in clause 4.3 of CV LEP 2011. See the Height of Buildings Map in CV LEP 2011.

The following objectives should be met in developing in business zones;

- (a) To encourage development which will enhance the appearance and function of retail and commercial centres and neighbourhoods within the Clarence Valley LGA;
- (b) To encourage development that is an appropriate scale, height, and form to minimise adverse impacts on adjacent properties
- (c) To improve the quality of access for everyone within business zones.

<p><b>C2. How to apply Part C Controls</b></p>
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The following controls apply to all development in business zones:

- Streetscape/Town Character
- Awnings and verandahs
- Height
- Setbacks
- Landscaping, paving and street furniture
- Colour
- Redevelopment and alterations of residential dwellings for commercial use.

These controls must be read in conjunction with the site specific controls applying to your land, under separate sections 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.

## PART C GENERAL DEVELOPMENT CONTROLS FOR BUSINESS ZONES

### C3. Streetscape / Town Character

The design of a building must carefully relate to its locality and contribute to the development of an attractive streetscape and town character. For example, contemporary design styles which reflect a coastal character are encouraged in Yamba and Iluka.

In contrast, most business zones are located within conservation areas including the CBDs of Maclean, Grafton South Grafton, Ulmarra and other villages. These places have a heritage character and offer many opportunities for conservation. New or infill development in these localities must carefully respect the character of the locality, in terms of scale, bulk, form, proportions and materials.

All building design should adopt the following general principles:

**(a) Proportions** the façade of the building should demonstrate vertical proportions and contain no greater than equal proportions of glass to masonry.

**(b) Rooflines.** The use of parapets and varied roof forms are encouraged to create an interesting skyline. Unbroken roof lines on large buildings are not acceptable. Large roof areas may need to be broken up into smaller elements to enable them to integrate successfully with the streetscape. Parapet heights need to be varied to reflect historic divisions of the street frontage on larger frontages or combined new buildings.

**(c) Frontages.** It is important that buildings across wide frontages do not dominate the streetscape due to their bulk and scale. The proposed building should be 'broken up' to appear as smaller individual tenancies.

Glass curtain walls or large areas of featureless blank walls will not be permitted. The visual impact of such elevations needs to be articulated. Verandahs, awnings, cornice detailing, and sill alignment, can be introduced to define horizontal lines, while verandah

posts, false windows or windows, and entrances define vertical elements.

**(d) Corner buildings** Corner buildings are very important as anchor points in defining the streetscape and need careful treatment. Buildings should be two storey (or up to three in some locations) and aligned on a splayed corner to reinforce the importance of corner sites, and should incorporate strong architectural design elements.

**Note:**

Refer also to Part E Controls for Heritage Conservation where land is within a Heritage Conservation Area or has a heritage item upon it.

### C4. Disabled Access and Facilities

#### C4.1 New Buildings

NSW Building legislation requires new buildings to be fully compliant with the Building Code of Australia (BCA) and Australian Standard 1428.1. This includes the provision of disabled access via the principal public access, accessible toilet facilities, tactile ground surface indicators, hearing augmentation and Braille and tactile signage where appropriate.

#### C4.2 Existing Buildings

New building work to an existing building must comply with the BCA and AS 1428.1. When assessing development proposals for alterations, additions or a change of use to an existing building Council has a legal obligation under the Disability Discrimination Act (DDA) to assess the current standard of disabled access and facilities. Where practical, disabled access and facilities will need to be upgraded to meet current standards. This may involve the construction of ramped disabled access to the main entrance, upgrading of toilet facilities etc. These improvements not only allow wheelchair users to access the premises but also provide easier access for the elderly and parents with prams.



## PART C GENERAL DEVELOPMENT CONTROLS FOR BUSINESS ZONES

In situations where upgrading will result in unjustifiable hardship the DDA enables a lesser standard of upgrading to be allowed.

Plans submitted with development applications must detail proposed means of disabled access and location of disabled toilet/facilities. When disabled access/facilities to existing buildings are not proposed, applicants need to demonstrate in writing that the provision of disabled access/facilities will result in unjustifiable hardship.

### C5. Awnings and Verandahs

Awnings or verandahs should be provided for all new developments or redevelopments in main streets and should be compatible with the height of adjacent commercial development where appropriate.

The style of the awning or verandah should relate to the design of the building. Simple skillion verandahs or cantilevered awnings are appropriate for most new buildings.

Verandahs are appropriate in most heritage precincts. Consultation with Council's Heritage Advisor is advised.

Access issues need to be considered, as well as conservation values, in heritage precincts. The following requirements apply to verandah posts:

- (a) The outer face of posts are required to be set back 300mm from the edge of the kerb and gutter, to reduce conflict with parking of vehicles.
- (b) The structure is to be designed by a structural engineer so that if any one of the supporting posts is accidentally knocked down, the remainder of the awning will stay in situ.
- (c) In streets with angled parking, posts are to be designed or protected by bollards so as not to collapse if struck by a vehicle being parked.

More elaborate verandah styles with decorative detailing should be restricted to older buildings where there is historic evidence to support conservation or reconstruction.

#### Note:

Refer also to Council's Building in Airspace over Road Reserves 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](http://www.clarence.nsw.gov.au/cp_themes/metro/page.asp?p=DOC-OVF-11-62-35)

### C6. Building Height

**C6.1.** CV LEP 2011 clause 4.3 *Height of Buildings* and the associated Height of Buildings Map sets the maximum building height applying to land in the business zones.

Check the maximum building height applying to your property /site under the CV LEP 2011 Height of Buildings Map.

**NOTE:** The maximum building heights are summarised in TABLE C1.

**TABLE C1**

Maximum Height Limit (metres)	Land in Business Zones
9	B1, B2, B3 and B5 zones, except at Angourie, Grafton CBD, Yamba CBD and Yamba Hill.
10	B1 zone in Angourie. (See Part M)
12	B2 zone in Yamba CBD and Yamba Hill. (See Part R)
14	Grafton CBD

#### **Maximum top plate height of buildings.**

**C6.2.** Where a maximum building height limit applies to land, a maximum top plate building height also applies as shown in TABLE C2.

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



**PART C GENERAL DEVELOPMENT CONTROLS FOR BUSINESS ZONES**

TABLE C2

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

**Note:**

For Angourie see Part M, Wooli See Part Q and Yamba Hill See Part R.

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.

Variations to the top plate height controls will be considered on merit on steep slopes.

A variation to the maximum height of buildings as identified on the CV 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 metres maximum building height applies.

**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.

**C7. Variation to the Maximum Height of a Building**

<b>PART C      GENERAL DEVELOPMENT CONTROLS FOR BUSINESS ZONES</b>
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<b>C8.      Setbacks</b>
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**C8.1** New buildings or additions to existing development are required to be built to the front boundary (zero setback) in order to define the street pattern in the business zones.

**C8.2** Exceptions to this policy will be considered or required where:

- (a) a setback is required to provide commercial space at ground level, such as, outdoor cafes or entrances to plazas; or
- (b) the development of corner sites provides a splayed corner to the building; or
- (c) the existing pattern of development is to provide car parking at the front of the property; or
- (d) where an existing front setback dominates a streetscape within a business zone, for example commercial uses /professional offices in domestic buildings within Conservation Areas.

**C8.3** A minimum 3.6 metre setback to Queens Lane Iluka applies to land located on the northern side of Queens Lane.

**C8.4 Setbacks from Services**

Buildings should not be built over any registered easement, sewer main or water main.

All buildings should be setback a minimum of 1.5 metres from any sewer main that is less than 1.5 metres. Where the sewer is between 1.5 metres and 3 metres deep, the minimum setback for buildings should be 2.5 metres. Where the sewer is greater than 3.0 metres in depth, 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 Sewer.

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

**C8.5** All buildings must be setback 1.5 metres from the outside masonry levee wall.

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

**C8.6** Where land in a business zone adjoins a residential zone, development in the business zone must be setback 900mm along the boundary to the residential zone.

**C8.7** Setbacks are measured from the property boundary to the closest point of a wall, column, structural support or balcony.

<b>C9.      Landscaping, Paving and Street Furniture</b>
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**C9.1.** This clause applies to:

- (a) land in the B5 Business Development zone and
- (b) land in the B1, B2 and B3 zones adjoining residential zones

**C9.2.** The objectives of the Landscaping controls are:

- (a) To contribute to the streetscape character and enhance the appearance of development from the street and neighbouring properties;
- (b) To encourage plant selection that is sensitive to local climate, topography and natural features;
- (c) To ensure that landscaping is safe and appropriate in the setting;
- (d) To identify the types of developments to which landscaping requirements apply;
- (e) 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.

<b>PART C</b>	<b>GENERAL DEVELOPMENT CONTROLS FOR BUSINESS ZONES</b>
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**C9.3.** A Landscaping Plan is required with all development applications except applications for:

- (a) Minor ancillary development;
- (b) Change of use where no building works are proposed;
- (c) Minor alterations and additions to existing developments;
- (d) Development where the building is to be built to the front and side boundaries of a lot.

**C9.4.** The following criteria apply to landscaping in Business zones:

- (a) 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.
- (b) Where rear or side boundaries adjoin non-business zones, landscaping should include substantial plantings of trees and shrubs to minimise overlooking and reduce the visual impact of the development on adjacent properties.
- (c) Where possible, street trees/plantings, paving and street furniture should be incorporated into the landscape design. Corner sites offer an opportunity for the footpath to be widened to include paving, seating and/or planting.
- (d) Specific landscaping requirements may apply in some localities, particularly in heritage conservation areas. See Part E and the locality based provisions of this DCP.
- (e) Planting should be in keeping with the principles of the NSW Police *Safer by Design: Crime Prevention Through*

*Environmental Design Guidelines*. See clause C11 for further information.

- (f) Landscaping should integrate with the design of stormwater management systems.
- (g) Outdoor parking bays are to be broken-up with planting beds comprising a mix of trees, low shrubs (up to 1m) and groundcovers. Planting selection and design should be low maintenance and able to endure an intensively used environment, made up of predominantly indigenous species. Tree species selected for shade are to have high spreading branches, non-intrusive root systems and low risk of falling branches.
- (h) 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.
- (i) 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*.

**C9.5.** 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 C9.1 and the criteria at clause C9.3. Where a Detailed Landscaping Plan is not provided with the Development Application, any development approval will include a condition requiring submission of a

## PART C GENERAL DEVELOPMENT CONTROLS FOR BUSINESS ZONES

Detailed Landscaping Plan prior to the release of any Construction Certificate. Landscape plans are to be prepared by a person competent in the field.

**C9.6.** Concept Landscaping Plans are to contain the following information:

- (a) Lot boundaries, dimensions and area;
- (b) North point and appropriate scale (e.g. 1:100 or 1:200);
- (c) Legend;
- (d) Date, version and draftsman's name;
- (e) Location of any utility infrastructure and easements;
- (f) Layout and area calculations of proposed planting areas;
- (g) Indicative planting areas (indicated as trees, shrubs, groundcovers) and indicative plant species;
- (h) Fencing, retaining walls and other structures;
- (i) Location and botanical name of any existing trees that are to be retained as well as any existing trees that are to be removed.

**C9.7.** Detailed Landscaping Plans are to contain the information required in a Concept Landscaping Plan at clause C9.5 as well as the following:

- (a) Materials, height and dimensions of proposed fences, retaining walls and other structures;
- (b) Layout and spacing of all plants, with each species clearly labelled;
- (c) Contours and topographical features;
- (d) Proposed buildings, surface treatments and edging treatment to garden beds including paving, gravel, turf, concrete, car parks, driveways and driveway crossovers;
- (e) Root barriers to prevent impact on existing and proposed infrastructure where relevant;
- (f) A 'Plant Schedule' that lists:
  - (i) The Botanical Name and Common Name of all plants,

sorted under the headings:  
Trees, Shrubs, Groundcovers;

- (ii) Quantity of each species;
- (iii) Planting pot/container sizes;
- (iv) Species height at maturity;
- (v) Section details of proposed planting method and staking;
- (vi) Details of maintenance period and program.

### C10. Colour

Colour is one of the cheapest and simplest ways of creating a harmonious streetscape and can improve the appearance and streetscape relationship of buildings.

#### **C10.1 Coastal Towns**

A colour palette of blues / greens / greys / yellow / creams / white, which reflects the coastal environment, is encouraged in Yamba, Iluka, Wooli, Minnie Water, Angourie and Brooms Head.

Roof materials in tones of grey/grey-blue or grey-green are encouraged.

Rendered, cladded or painted surfaces are required in preference to face brick, which tends to be out of character with contemporary coastal architecture.

#### **C10.2 Inland Towns and Villages**

The heritage colour palette should be used for heritage items and contributory period buildings within Conservation Areas.

For contemporary buildings within Conservation Areas, colours which are sympathetic to this palette are to be used. 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.

Primary, bold, intense or vivid colour schemes will not be approved.

#### **C10.3 Corporate Colours and Signage**

Corporate identify requirements often use harsh primary, bold, or vivid colours which do not blend well with the streetscape.

**PART C GENERAL DEVELOPMENT CONTROLS FOR BUSINESS ZONES**

Corporate colours must be toned down to be sympathetic or restricted to small areas on the building within Conservation Areas, in the vicinity of, or in relation to heritage items .

**C11. Crime Prevention**

Crime within commercial areas should be minimised by building design and landscaping elements. For example:

- (a) All entrances should be well lit, well defined and visible to public and patrol vehicles.
- (b) Parking areas should be visible to patrol cars, pedestrians, parking attendants and or building/personnel.
- (c) automatic movement detectors should be provided near back alleyways and in storage yards.

Details of any crime prevention measures such as lighting, fencing etc. should be included with the Development Application. Major development proposals may be referred to the NSW Police for comment and consideration under the *Safer by Design: Crime Prevention Through Environmental Design Guidelines*.

**C12. Development on Flood Prone Land**

**C12.1.** Development of flood prone land must comply with the requirements of Part D of this DCP.

**C12.2.** In the business zone in Treelands Drive, Yamba, the floor level of any building used for retail, office or other commercial use must be at the 1 in 100 year flood level determined by Council.

Development proposals on flood liable land in business zones in Yamba will be required to make adequate provision of flood free storage areas above the "lower floor level" applicable to the development site.

In assessing development proposals on flood liable land in business zones in Yamba Council will consider the following:

- (a) Potential for damage to the development by flood.
- (b) The potential for damage to other buildings and development due to changes in flood conditions.
- (c) Storage capacity above the 1% flood level.
- (d) Evacuation options.
- (e) Drainage of any areas below ground level.
- (f) Potential for addition to flood debris.

See Part T of this DCP for controls for filling and flood requirements for land in the business zone in Deering Street, Yamba.

**PART C GENERAL DEVELOPMENT CONTROLS FOR BUSINESS ZONES****C13. Air, Water & Noise Pollution**

Activities in business zones should not create a pollution problem by the discharge of an unacceptable level of air, water or noise emissions. Applicants may need to consult with Council staff and the Department of Environment and Conservation concerning acceptable levels of pollutant and management of air, water and noise emissions.

Storage of chemicals, paints and the like should be in suitably bunded areas. Bunded areas should have a capacity of 1.2 times the volume of the goods stored within them.

Details of hours of operation should be provided with any application. Where there is likely to be any adverse impact on adjoining uses measures to overcome potential problems, particularly noise pollution, should be included with the Development Application.

A detailed report may be required for some developments to assess potential pollution and justify the likely impacts of the development proposal.

**C14. Waste Management**

**C14.1** 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. 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<sup>2</sup>, 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](http://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.

Provision must be made for storage of garbage and recycling material in a location accessible to users and access available for waste collection vehicles. Waste collection points must be appropriately screened.

**C14.2 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



## PART C GENERAL DEVELOPMENT CONTROLS FOR BUSINESS ZONES

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](http://www.clarence.nsw.gov.au/cp_themes/metro/page.asp?p=DOC-OVF-11-62-35)

### **C14.3 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.

## **C15. Use of Footpaths and Other Council land**

**General Note for clause C15:**

Refer also to the following relevant Council policies:

- [Mobile Signs, Articles, Merchandise and Entertainment on Public Lands](#)

- Outdoor Dining 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](http://www.clarence.nsw.gov.au/cp_themes/metro/page.asp?p=DOC-OVF-11-62-35)

### **C15.1 Footpath Restaurants**

Tables and chairs associated with restaurant and cafes (footpath restaurants) are permitted on footpaths, road reserves and Council land within a business zone. Development approval is required for the restaurant (or similar use) including the use of Council land or footpath for tables and chairs. Details of the number and location of tables, chairs and other furniture must be included in the application. Additional licensing of the use of Council land or footpath is required and is subject to the payment of an annual licence fee. See Council's Schedule of Fees and Charges.

The use of Council land as a 'footpath restaurant' must:

- (a) enable the safe movement of pedestrians, with a minimum footpath width of 2 metres for pedestrian use, provided directly adjacent to the front of the building.
- (b) Be located adjacent to the restaurant or café premises.
- (c) Use furniture appropriate to the locality and be approved by Council.
- (d) Be kept clean, tidy and attractive at all times.

The business operating the footpath restaurant must hold adequate public liability insurance, in accordance with Council policy at the time of approval, indemnifying council against any actions, claims and proceedings in respect of the furniture and structures.

### **C15.2 Sandwich Boards**

Sandwich boards are permitted on footpaths, road reserves and Council land within a business zone. An activity approval is required from Council. See Council's Schedule of Fees and Charges.

Sandwich boards are to meet the following standards:

- (a) Size of no greater than 1.2 metres in height and 0.6 metres in width.
- (b) Enable the safe movement of pedestrians, with a minimum footpath width of 2 metres, provided directly adjacent to the front of the building.
- (c) Located in front of the shop or business, or in front of an arcade.
- (d) Information on the advertisement must relate to the business name, hours of operation, services provided and the like.
- (e) No more than 25% of the advertisement can be used for the promotion of a brand name or product.
- (f) Only one sandwich board per business.
- (g) The board must only be displayed during business opening hours.

**PART C GENERAL DEVELOPMENT CONTROLS FOR BUSINESS ZONES**

- (h) The board must be easily removed and repositioned.

A second sandwich board will be considered on merit. Consideration will be given to corner allotments and shops/premises with wide frontages and more than one entrance.

The business displaying the sandwich board/s must hold adequate public liability insurance, in accordance with Council policy at the time of approval, indemnifying council against any actions, claims and proceedings in respect of the structure displaying the advertisement.

**C15.3 Footpath Displays**

Displays are permitted on footpaths, road reserves and Council land within a business zone. An activity approval is required from Council. See Council's Schedule of Fees and Charges. Displays are to meet the following standards:

- (a) Located in front of the shop or business responsible for the display and situated against the building.
- (b) Size of no greater than 2 metres in length and 0.5 metres in width.
- (c) Enable the safe movement of pedestrians and vehicles with a minimum footpath width of 2 metres, provided directly adjacent to the front of the building.
- (d) Must only be displayed during business opening hours.

The applicant must hold adequate public liability insurance (\$5 million), indemnifying council against any actions, claims and proceedings in respect of the display.

Businesses may display merchandise and a sandwich board (advertising structure) on the footpath.

Any damage caused to Council's footpaths, structures or facilities as a direct result of trading activities is the responsibility of the business operator. Any repair works required as a result of such damage is to be carried out by Council at the business operator expense.

**C15.4 Footpath Awning Blinds**

Awning blinds, including the canvas drop, must be a minimum of 1.9 metres above the footpath.

Blinds require approval in heritage conservation areas and for heritage items.



**PART C GENERAL DEVELOPMENT CONTROLS FOR BUSINESS ZONES**
**C16. Residential development in business Zones**

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

Land Use Tables for the B1, B2, B3 and B5 business zones in the CV LEP 2011 determine what types of residential development are permitted in business zones.

The residential component of a development should not occupy the main street frontage. Council encourages the development of residential accommodation or dwellings above shops and commercial premises. Such residential development increases the vitality of the business area and provides for casual surveillance of business areas, which reduces the potential for crime and improves public safety.

All dwellings, including dual occupancies and units in residential flat buildings, must be provided with a balcony or some form of private open space. The following requirements should be met:

- (a) a balcony with a minimum area of 15m<sup>2</sup> and a minimum dimension of 2 metres.
- (b) A balcony located with direct access to the living areas of the unit.

**Note.**

**shop top housing** means one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises.

**Note: Contributions may apply**

Section 94 Contributions for open space and community facilities may apply for residential development.

Section 64 Contributions for sewer and Capital Contributions for water headworks and/or drainage may be applicable.

Section 94 Contributions for drainage, car parking or road works may apply. See Council's Schedule of Fees and Charges.

Contributions are not applicable for secondary dwellings.

**PART C GENERAL DEVELOPMENT CONTROLS FOR BUSINESS ZONES****C17. Redevelopment and Alteration of Residential Dwellings for Commercial Use**

The conversion of residential dwellings for commercial uses is permissible and generally suits professional uses. Council will require the following matters to be addressed:

- (a) Details of the floor space of the building to be converted to commercial use.
- (b) Details of any alterations to the façade and any other elevations (if any).
- (c) A car parking layout which must comply with requirements of PART F of this DCP.
- (d) A detailed landscaping plan for the site.
- (e) Provision of access for disabled persons and fire egress.
- (f) Fire protection and structural capacity.

**C18. 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.

**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 CV LEP 2011 and secondly by ascertaining the applicable land use category from Schedule D2 of this Plan.

## PART D FLOODPLAIN MANAGEMENT CONTROLS

### 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. Refer to [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) ("Codes SEPP").

**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.

**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 (eg. 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.

## PART D FLOODPLAIN MANAGEMENT CONTROLS

### **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.

### **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.

<b>PART D FLOODPLAIN MANAGEMENT CONTROLS</b>
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**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

**D5.2.3** Notwithstanding Clause S5.2.2 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.

<b>D6. Are There Other Special Considerations for Development in a Floodplain?</b>
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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



**PART D FLOODPLAIN MANAGEMENT CONTROLS**

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.

**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 (appropriate to the topography of the site or with a contour interval 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 (e.g. 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.

**PART D FLOODPLAIN MANAGEMENT CONTROLS**

**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
<b>Flooring and Sub-floor Structure</b>	<ul style="list-style-type: none"> <li>Concrete slab-on-ground monolith construction</li> <li>Suspension reinforced concrete slab</li> </ul>	<b>Doors</b>	<ul style="list-style-type: none"> <li>Solid panel with water proof adhesives</li> <li>Flush door with marine ply filled with closed cell foam</li> <li>Painted metal construction</li> <li>Aluminium or galvanised steel frame</li> </ul>
<b>Floor Covering</b>	<ul style="list-style-type: none"> <li>Clay tiles</li> <li>Concrete, precast or in situ</li> <li>Concrete tiles</li> <li>Epoxy, formed-in-place</li> <li>Mastic flooring, formed-in-place</li> <li>Rubber sheets or tiles with chemical-set adhesives</li> <li>Silicone floors formed-in-place</li> <li>Vinyl sheets or tiles with chemical-set adhesive</li> <li>Ceramic tiles, fixed with mortar or chemical-set adhesive</li> <li>Asphalt tiles, fixed with water resistant adhesive</li> </ul>	<b>Wall and Ceiling Linings</b>	<ul style="list-style-type: none"> <li>Fibro-cement board</li> <li>Brick, face or glazed</li> <li>Clay tile glazed in waterproof mortar</li> <li>Concrete</li> <li>Concrete block</li> <li>Steel with waterproof applications</li> <li>Stone, natural solid or veneer, waterproof grout</li> <li>Glass blocks</li> <li>Glass</li> <li>Plastic sheeting or wall with waterproof adhesive.</li> </ul>
<b>Wall Structure</b>	<ul style="list-style-type: none"> <li>Solid brickwork, blockwork, reinforced, concrete or mass concrete</li> </ul>	<b>Insulation</b> <b>Windows</b>	<ul style="list-style-type: none"> <li>Foam (closed cell types)</li> <li>Aluminium frame with stainless steel rollers or similar corrosion and water resistant material.</li> </ul>
<b>Roofing Structure (for Situations Where the Relevant Flood Level is Above the Ceiling)</b>	<ul style="list-style-type: none"> <li>Reinforced concrete construction</li> <li>Galvanised metal construction</li> </ul>	<b>Nails, Bolts, Hinges and Fittings</b>	<ul style="list-style-type: none"> <li>Brass, nylon or stainless steel</li> <li>Removable pin hinges</li> <li>Hot dipped galvanised steel wire, nails or similar.</li> </ul>

**SCHEDULE D1 : cont**

**PART D FLOODPLAIN MANAGEMENT CONTROLS**
**FLOOD COMPATIBLE MATERIALS & BUILDING COMPONENTS**

<p><b>Electrical and Mechanical Equipment</b></p> <p>For dwellings constructed on land to which this Plan applies, the electrical and mechanical materials, equipment and installation should conform to the following requirements.</p>	<p><b>Heating and Air Conditioning Systems</b></p> <p>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.</p>
<p><b>Main power supply –</b></p> <p>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.</p>	<p><b>Fuel –</b></p> <p>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.</p>
<p><b>Wiring –</b></p> <p>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.</p>	<p><b>Installation –</b></p> <p>The heating equipment and fuel storage tanks should be mounted on and securely anchored to a foundation pad 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.</p>
<p><b>Equipment –</b></p> <p>All equipment installed below or Partially below the relevant flood level should be capable of disconnection by a single plug and socket assembly.</p>	<p><b>Ducting –</b></p> <p>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.</p>
<p><b>Reconnection –</b></p> <p>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.</p>	<p><b>Ancillary Structures (steps, pergolas, etc.) –</b></p> <p>Suitable water tolerant materials should be used such as masonry sealed hardwood and corrosive resistant metals. Copper Chrome Arsenate (CCA) treated timber is <u>not</u> a suitable material.</p>

**PART D FLOODPLAIN MANAGEMENT CONTROLS**
**SCHEDULE D2  
LAND USE CATEGORIES**

Critical Uses and Facilities	Commercial or Industrial	Concessional Development
<ul style="list-style-type: none"> <li>▪ 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);</li> <li>▪ Hospitals.</li> </ul>	<ul style="list-style-type: none"> <li>• Airport</li> <li>• Amusement centre</li> <li>• Bulky goods premises</li> <li>• Business premises</li> <li>• Caravan park</li> <li>• Child care centre</li> <li>• Community facility (other than critical and sensitive uses and facilities)</li> <li>• Depot</li> <li>• Entertainment facility</li> <li>• Food and drink premises</li> <li>• Freight transport facility</li> <li>• Function centre</li> <li>• Funeral chapel</li> <li>• Funeral home</li> <li>• Hardware and building supplies</li> <li>• Hazardous industry</li> <li>• Hazardous storage establishment</li> <li>• Health care professional</li> <li>• Health consulting rooms</li> <li>• Heavy industry</li> <li>• Heliport</li> <li>• Industry</li> <li>• Landscaping material supplies</li> <li>• Liquid fuel depot</li> <li>• Light industry</li> <li>• Market</li> <li>• Medical centre</li> <li>• Mixed use development</li> <li>• Offensive industry</li> <li>• Offensive storage establishment</li> <li>• Office premises</li> <li>• Passenger transport facility</li> <li>• Place of public worship</li> <li>• Plant nursery</li> <li>• Recreation facility (major)</li> <li>• Registered club</li> <li>• Restaurant</li> <li>• Restricted premises</li> <li>• Retail premises</li> <li>• Service station</li> <li>• Sex services premises\</li> <li>• Shop top housing</li> <li>• Take away food or drink premises</li> <li>• Timber yards</li> <li>• Transport depot</li> <li>• Truck depot</li> <li>• Vehicle body repair workshop</li> <li>• Vehicle repair station</li> <li>• Vehicle showroom</li> <li>• Veterinary hospital</li> <li>• Warehouse or distribution centre and utility installations (other than critical uses and facilities).</li> <li>• Wholesale supplies</li> </ul>	<p>(a) <u>In the case of residential development:</u></p> <p>(i) An addition or alteration to an existing dwelling of not more than 10% or 30m<sup>2</sup> (whichever is the lesser) of the habitable floor area which existed at the date of commencement of this Plan;</p> <p>(ii) The construction of an outbuilding with a maximum floor area of 30m<sup>2</sup>; or</p> <p>(iii) Rebuilt dwellings which substantially reduce the extent of flood affectation to the existing building;</p> <p>(b) <u>In the case of other development:</u></p> <p>(i) An addition to existing buildings of not more than additional 100m<sup>2</sup> or 10% of the floor area which existed at the date of commencement of this DCP (whichever is the lesser);</p> <p>(ii) Rebuilding of a development which substantially reduces the extent of flood effects to the existing development.</p> <p>(iii) A change of use which does not increase flood risk having regard to property damage and personal safety; or</p> <p>(iv) Subdivision that does not involve the creation of new allotments with potential for further development.</p>

**PART D FLOODPLAIN MANAGEMENT CONTROLS**
**SCHEDULE D3  
GRAFTON (NORTH & SOUTH) FLOODPLAIN  
Prescriptive Controls (Refer to clause D3.2)**

	Floodplain Management Area							
	General Floodplain				Floodway			
	Critical Uses & Facilities	Sensitive Uses & Facilities	Commercial & Industrial	Concessional Development	Critical Uses & Facilities	Sensitive Uses & Facilities	Commercial & Industrial	Concessional Development
Planning Consideration								
Floor & Pad Levels	6	1,5	1,2	1,3				1,3
Building Components	1	1	1	1				1
Structural Soundness	3	1	2	2				1
Flood Effects	2	2	2	2				1,3 or 2,3 or 3,4,6
Evacuation	3,5	1,2 or 3,5	1,3 or 3,6	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	1,2,3,4	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	CV 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	<i>Primary habitable floor</i> levels to be no lower than the 100 year flood level plus <i>freeboard</i> . The <i>primary habitable floor</i> levels for <i>infill development</i> 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. If this level is impractical for an infill development in a Business zone, the floor level should be as high as possible.
3	Floor levels to be no lower than the <i>design floor level</i> . 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 <i>raised fill pad level</i> 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	<i>Habitable floor</i> levels to be no lower than the 100 year flood level plus <i>freeboard</i> .
6	<i>Habitable floor</i> levels to be no lower than the <i>PMF</i> level. <i>Non-habitable floor</i> levels to be no lower than the <i>PMF</i> level unless justified by a site specific assessment.

<b>PART D FLOODPLAIN MANAGEMENT CONTROLS</b>
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**SCHEDULE D3 continued  
GRAFTON (NORTH & SOUTH) FLOODPLAIN**

**Building Components & Method**

1	All structures to have <i>flood compatible building components</i> below the design level of the <i>primary habitable floor level</i> .
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**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 <i>freeboard</i> , or a <i>PMF</i> 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 <i>freeboard</i> , or a <i>PMF</i> 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 <i>PMF</i> .

**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 <i>conveyancing</i> ; 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 <i>conveyancing</i> ; 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 <i>PMF</i> .
2	Reliable access for pedestrians or vehicles is required from the building, commencing at a minimum level equal to the lowest <i>habitable floor level</i> to an area of refuge above the <i>PMF level</i> , or a minimum of 20% of the gross floor area of the dwelling to be above the <i>PMF level</i> .
3	The development is to be consistent with any relevant <i>flood evacuation strategy</i> , <i>Flood Plan adopted by Council</i> 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 <i>effective warning time</i> .
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	<i>Site Emergency Response Flood Plan</i> required where floor levels are below the <i>design floor level</i> , (except for single dwelling-houses).
3	Applicant to demonstrate that area is available to store goods above the 100 year flood level plus <i>freeboard</i> .
4	No storage of materials below the <i>design floor level</i> 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	
	Critical Uses & Facilities	Sensitive Uses & Facilities	Commercial & Industrial	Concessional Development
Planning Consideration				
Floor & Pad Levels		1,5	1,2	1,3
Building Components		1	1	1
Structural Soundness		1	2	2
Flood Effects		2	2	2
Evacuation		1,2 or 3,5	1,3 or 3,6	1,3 or 2,3 or 3,4,6
Management & Design		1,2,3,4	1,2,3,4	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 CV 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	<i>Primary habitable floor</i> levels to be no lower than the 100 year flood level plus <i>freeboard</i> . If this level is impractical for an infill development in a Business zone, the floor level should be as high as possible.
3	Floor levels to be no lower than the <i>design floor level</i> . 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 <i>raised fill pad level</i> 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	<i>Habitable floor</i> levels to be no lower than the 100 year flood level plus <i>freeboard</i> .
6	<i>Habitable floor</i> levels to be no lower than the <i>PMF</i> level. <i>Non-habitable floor</i> levels to be no lower than the <i>PMF</i> level unless justified by a site specific assessment.

<b>PART D FLOODPLAIN MANAGEMENT CONTROLS</b>
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**SCHEDULE D4 continued**  
**LOWER CLARENCE RIVER FLOODPLAIN, YAMBA FLOODPLAIN & OTHER FLOODPLAINS**

**Building Components & Method**

1	All structures to have <i>flood compatible building components</i> below the design level of the <i>primary habitable floor level</i> .
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**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 <i>freeboard</i> , or a <i>PMF</i> 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 <i>freeboard</i> , or a <i>PMF</i> 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 <i>PMF</i> .

**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 <i>conveyancing</i> ; 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 <i>conveyancing</i> ; 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 <i>PMF</i> .
2	Reliable access for pedestrians or vehicles is required from the building, commencing at a minimum level equal to the lowest <i>habitable floor level</i> to an area of refuge above the <i>PMF level</i> , or a minimum of 20% of the gross floor area of the dwelling to be above the <i>PMF level</i> .
3	The development is to be consistent with any relevant <i>flood evacuation strategy</i> , <i>Flood Plan adopted by Council</i> 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 <i>effective warning time</i> .
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	<i>Site Emergency Response Flood Plan</i> required where floor levels are below the <i>design floor level</i> , (except for single dwelling-houses).
3	Applicant to demonstrate that area is available to store goods above the 100 year flood level plus <i>freeboard</i> .
4	No storage of materials below the <i>design floor level</i> which may cause pollution or be potentially hazardous during any flood.



## PART E. HERITAGE CONSERVATION

### PART E HERITAGE CONSERVATION

#### E1 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 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, consult with Council's heritage officer and for large or sensitive development proposals attend a Development Management Unit (DMU) meeting. See clause A7.

#### E2 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.

#### E3 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 E1 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 E. HERITAGE CONSERVATION**
**E4 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 its 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.

**E5 Statements of Heritage Impact and Conservation Management Plans**

In some cases, 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](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 E. HERITAGE CONSERVATION

### E6 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 and/or social 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.

### E7 Subdivision

#### E7.1 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.

#### E7.2 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 E. 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 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:

- (i) 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.

**E8 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.

**E8.1 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 E. HERITAGE CONSERVATION

### **E8.2 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.

### **E9 General Principles for Heritage Conservation**

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

#### **E9.1 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.

#### **E9.2 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.

**PART E. HERITAGE CONSERVATION**
**E10 Policies for New Development Alterations and Additions**
**E10.1 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.

**E10.2. 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° to 35°.

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. Ogee, half-round and quad gutters are the most appropriate profiles and should be used in preference to perforated box gutters on historical buildings.

**E10.3 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.
4. Verandah posts should be located 300mm from the pavement edge.
5. Verandahs and awnings are to be designed by a structural engineer so that if any one of the supporting posts is accidentally knocked down, the awning will stay in situ.
6. Supporting posts located adjacent to angle parking are to be designed or protected by bollards so as not to collapse if struck by a vehicle being parked.

## **PART E. HERITAGE CONSERVATION**

### **E10.4. 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.

### **E10.5. 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. Commercial development will need to comply with fire rating and may require masonry walls.

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. Other materials such as compressed sheeting/hardiplank cladding in weatherboard style, vertical cladding, rendered brick or masonry may be considered.

Where brick or masonry construction is proposed, the brickwork should be painted and/or rendered, or it should be of a plain colour and texture 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.

### **E10.6 Setbacks**

Setbacks for new development in commercial areas should accord with the established pattern of development in the street which in CBD main streets is usually to the site frontage. However some commercial areas on the periphery of the CBD, retain a more residential character and include many dwellings converted for professional, medical and office uses. In these cases, Council can require the development to be designed to meet the predominant pattern of setbacks in the street frontage and maintain a residential front and side setback.

### **E10.7 Garages and Carports**

Garages must not detract from the historic character of a building or its neighbours and the streetscape.

- (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 matches 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.



## PART E. HERITAGE CONSERVATION

### E10.8 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,

<b>Victorian</b>	1837 - 1901
<b>Edwardian /</b>	
<b>Federation</b>	1901 - 1914
<b>Inter-War</b>	1914 - 1945
<b>Post War</b>	1945 - present

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

#### E10.8.2 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 shops 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.
9. Corporate identity requirements often use harsh primary/vivid/bold or intense colours which do not blend well with the historic context of the street. In the interests of visual amenity and the values of the Conservation Area, Council will require a subtle version of the colour scheme, or restriction of corporate signs to small and distinct areas of the building.

#### E10.9 Advertising

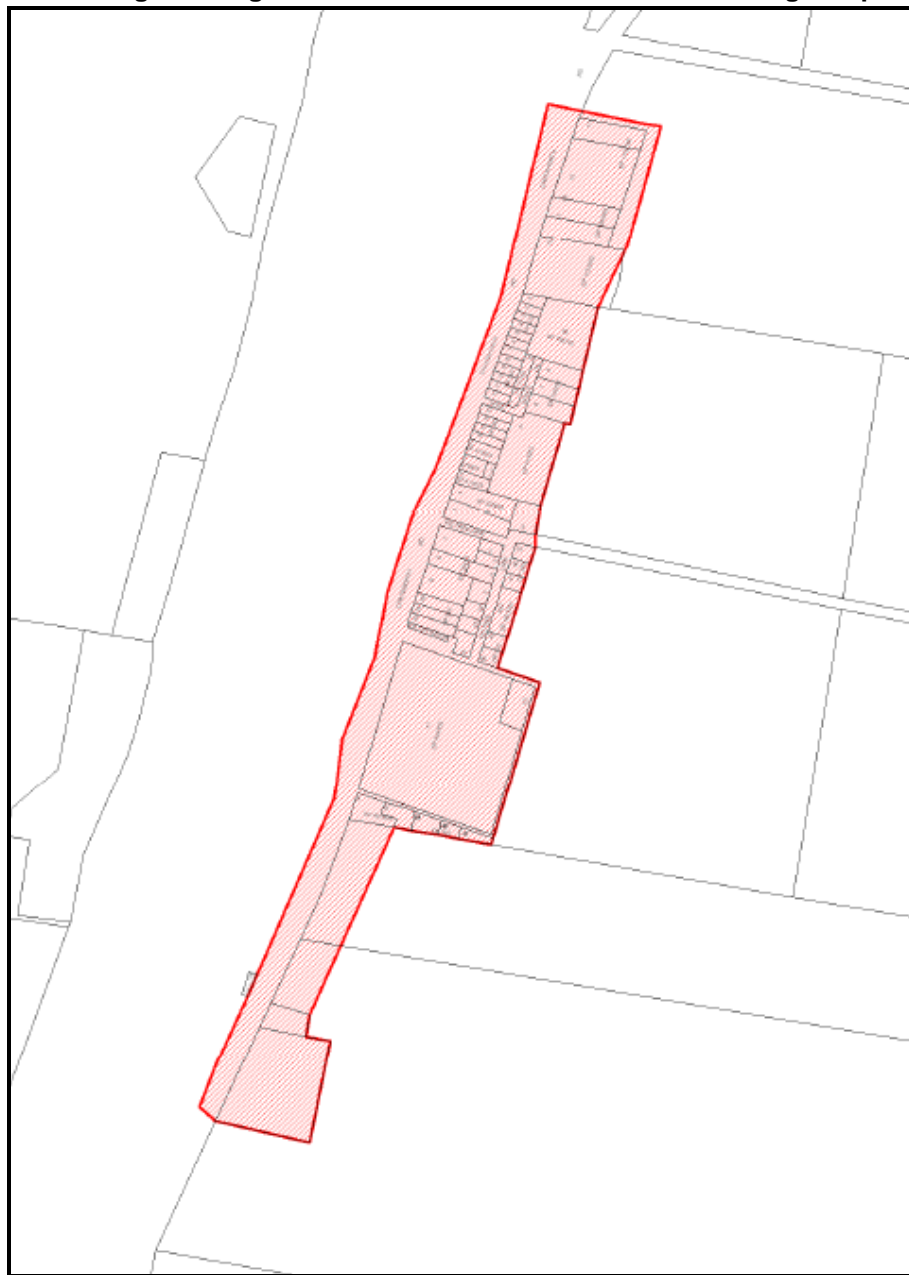
All advertising is to be compatible with the heritage character of the Conservation Area. Full details of advertising policies including exempt signage and signage requirements are outlined in Part J of this Plan.

**PART E. HERITAGE CONSERVATION**
**SCHEDULE E1 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 E. 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 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 E. HERITAGE CONSERVATION**
**Grafton and South Grafton Heritage Conservation Area - see CV LEP Heritage Map Sheet 7HB and Sheet 7HC**

**Statement of significance**

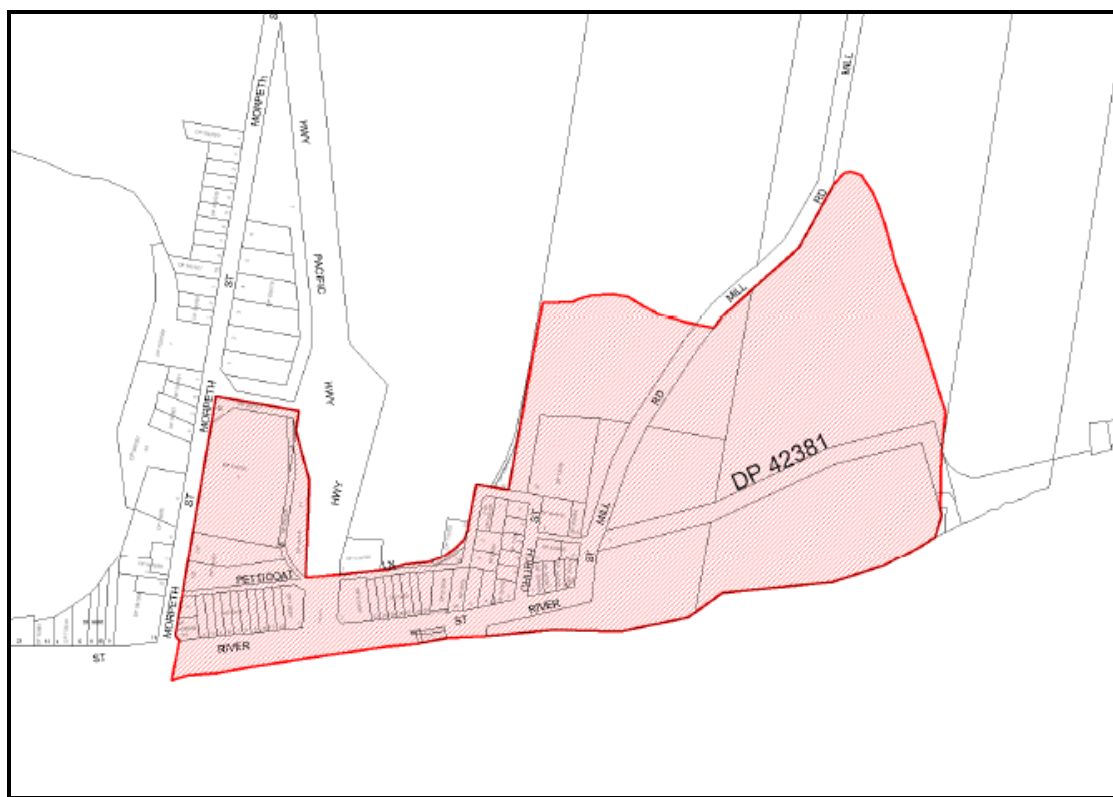
Wool was shipped from what is now called South Grafton by the late 1830s. Much of this came from New England. Gradually a settlement developed on the opposite side of the river. Grafton and South Grafton were surveyed as a Government township by William Darke in 1847. The town drew pastoral produce from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

**PART E. HERITAGE CONSERVATION**

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 19<sup>th</sup> 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 E. HERITAGE CONSERVATION**
**Harwood Heritage Conservation Area - see CV LEP Heritage Map Sheet 111**

**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.

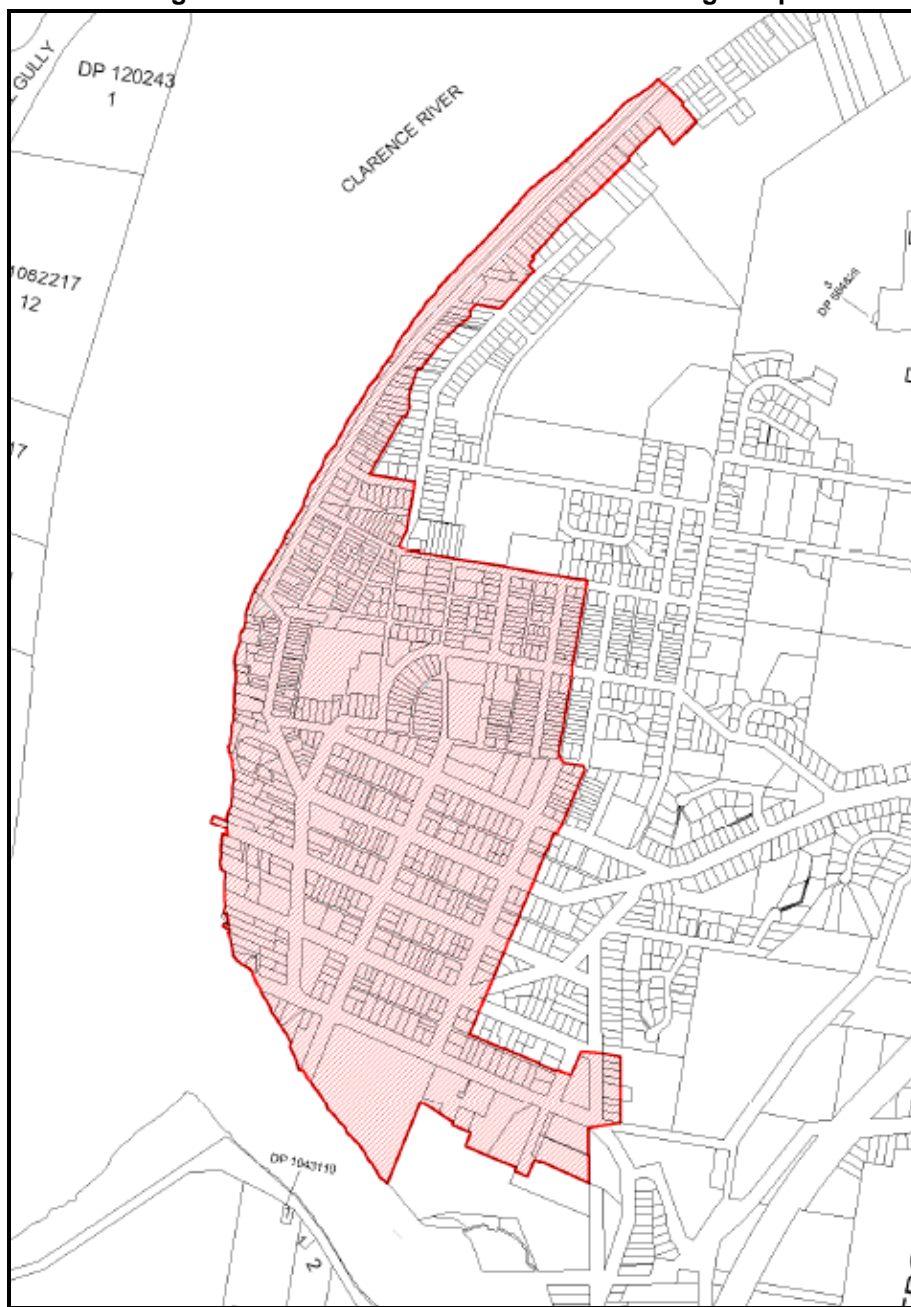
**PART E. HERITAGE CONSERVATION**
**Lawrence Heritage Conservation Area - see CV LEP Heritage Map Sheet 11F**

**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 E. HERITAGE CONSERVATION**
**Maclean Heritage Conservation Area - see CV LEP Heritage Map Sheet 11FB**

**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.

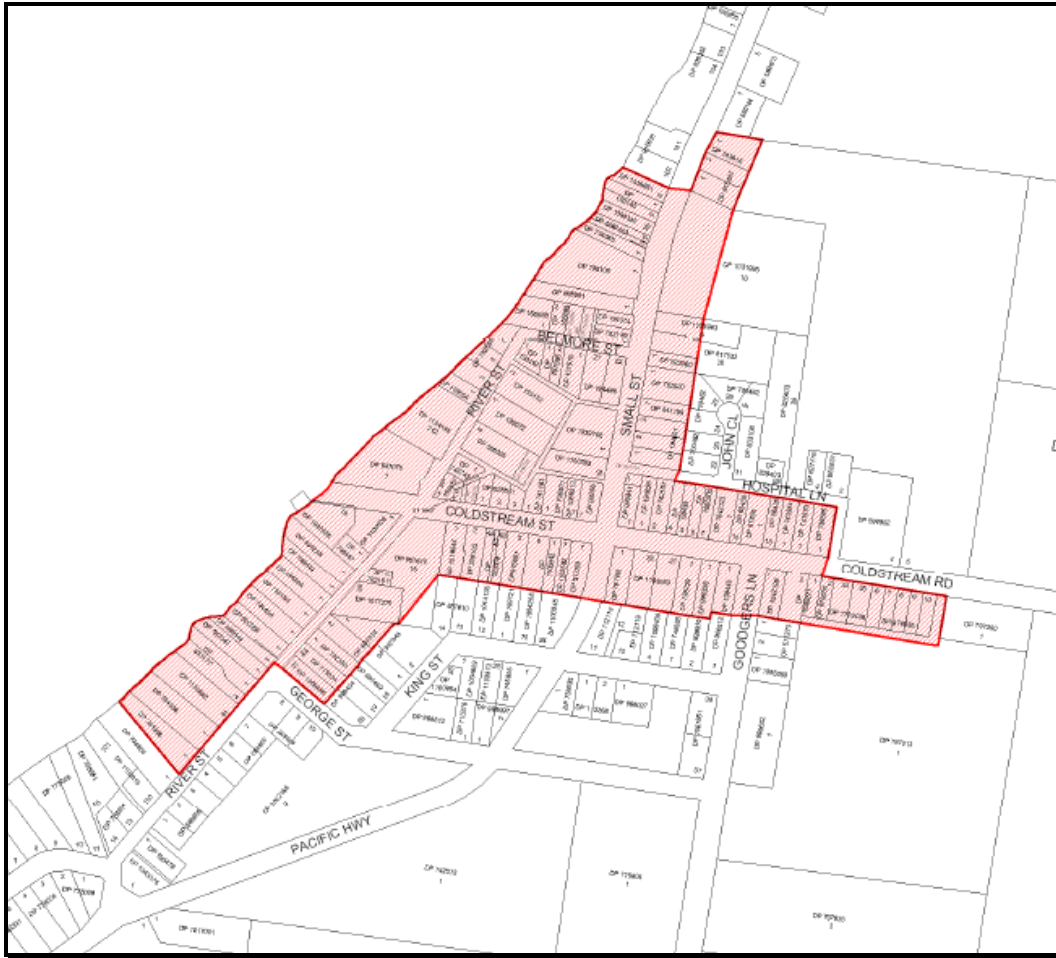
The township has retained a considerable degree of architectural integrity and reflects the residential growth of the town, particularly during the Victorian, Federation and interwar periods. These streets are mainly flood-free and were the first to be laid out by surveyor Greaves. Wharf Street for example was

**PART E. HERITAGE CONSERVATION**

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 E. HERITAGE CONSERVATION**
**Ulmarra Heritage Conservation Area - see CV LEP Heritage Map Sheet 11C & Sheet 11D**

**Statement of significance**

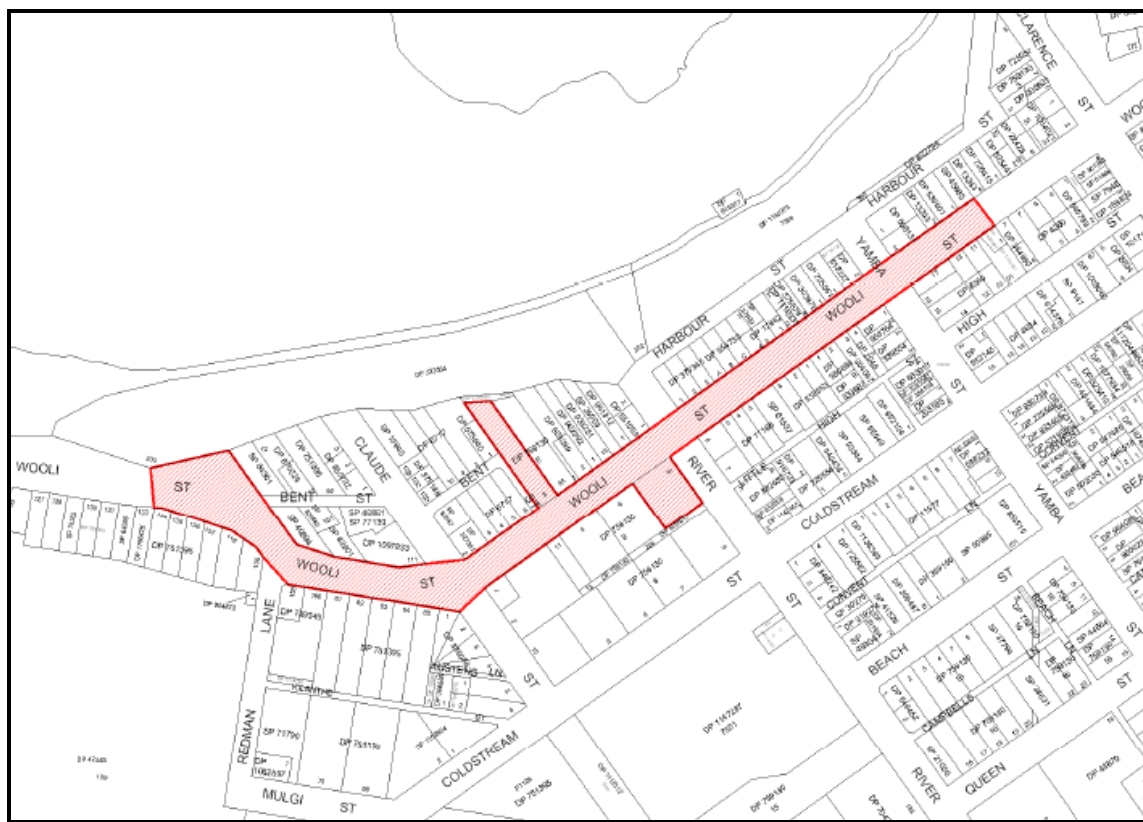
Ulmarra village is one of the finest examples of a 19<sup>th</sup> century river port settlement. It is important because of its historical associations with urban development in the region during the period when river ports were established to service their agricultural hinterland. The intact commercial 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 E. 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 F PARKING AND VEHICULAR ACCESS CONTROLS

### PART F PARKING AND VEHICULAR ACCESS CONTROLS

#### F1. What are the parking and vehicular access objectives for business zones?

The parking and vehicular access objectives for business zones are:

- (a) To ensure that the parking demands generated by business development are met on site.
- (b) To ensure that adequate manoeuvring areas are available on-site to permit forward entry and exit of vehicles.
- (c) To ensure the efficient functioning of parking areas, loading bays and access driveways.
- (d) To ensure that parking areas are visually attractive and constructed, designed and situated so as to encourage their safe use.

#### F2. Number of Car Parking Spaces

##### F2.1.

1. The number of car parking spaces required for different land uses should be provided in accordance with TABLE F1.
2. When calculating the number of car spaces required, any part spaces must be rounded up the nearest whole number.
3. When a land use is not included in TABLE F1 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. Also see clause F10.

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.
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 should be provided in accordance with TABLE F2.

##### F2.2. Contribution in lieu of on-site car parking.

Where car parking required by the DCP can not be met, Subdivision 2 of Division 6 of Part 4 of the Act enables Council and a person (the developer) to voluntarily enter into a planning agreement with Council in relation to the provision of a public purpose such as the provision of public car parking facilities.

Note: a planning agreement entered into with Council in situations where proposed development in Council's principal CBD/commercial areas is unable to provide all or some calculated car parking requirements on the site of the proposed development *may provide for a per car parking space cash contribution as negotiated and agreed in the context of Council's Policy "Planning Agreements – Car Parking Deficits"*.

**PART F PARKING AND VEHICULAR ACCESS CONTROLS**
**F2.3. 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 a planning agreement, the following formula must be used:

- Calculate the number of spaces required for the current land use, under the provisions of this DCP.
- Determine the number of spaces that have been physically provided on site.
- Determine the number of spaces (if any) previously paid for through monetary contributions in-lieu of providing parking on-site.
- Calculate the number of spaces credited to the subject land by  $[a - (b + c)]$ .
- 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  $[(e) - (d)]$ . Planning agreements may be used and will be encouraged where any required spaces cannot be physically provided on site. Refer also to Council's Planning Agreements – Car Parking Deficits Policy.

Where a land use was unlawfully commenced, (that is where development consent was required but not obtained), the parking requirement will be in accordance with the provisions of this DCP; i.e. no credit will be given.

**TABLE F1**

Land Use	Car Parking Requirements
Bulky goods premises	1 space per 50m <sup>2</sup> GFA
Business premises	1 space per 30m <sup>2</sup> GFA.
Dwelling house /caretaker's dwelling	1 space per dwelling
Food and drink premises, excluding pubs.	1 space per 30m <sup>2</sup> GFA; / except for Grafton 1 space per 5m <sup>2</sup> GFA or 1 space per 6 seats.**
Industry	1 space per 100m <sup>2</sup> GFA
Landscape and garden supplies	1 space per 200m <sup>2</sup> of site area & employee

Land Use	Car Parking Requirements
	parking.
Motel or hotel accommodation	1 space per unit, plus 1 space per 2 employees
Office premises	1 space per 30m <sup>2</sup> GFA.
Place of public entertainment	1 space per 10 seats or 1 space per 15m <sup>2</sup> of main assembly area, whichever is the greater.
Place of public worship	1 space per 10 seats or 1 space per 15m <sup>2</sup> of main assembly area, whichever is the greater
Pub	1 space per 4m <sup>2</sup> of licensed public floor area.
Recreation facilities (indoor)	1 space per 25m <sup>2</sup> GFA
Registered club	1 space per 4m <sup>2</sup> of licensed public floor area.
Restaurant or café	1 space per 30m <sup>2</sup> GFA, except for Grafton/South Grafton 1 space per 5m <sup>2</sup> GFA or 1 space per 6 seats
Residential development, other than dwelling houses	1 space for 1 & 2 bedroom units. 1.5 spaces per 3 bedroom units. 2 spaces per 4 bedroom units. 1 visitor car space per 2 units or part thereof.
Restricted premises	1 space per 30m <sup>2</sup> GFA
Retail premises	1 space per 30m <sup>2</sup> GFA
Service Station	3 spaces per work bay, plus 1 space per 30m <sup>2</sup> GFA for a convenience store, plus 1 space per 3 seats for a restaurant.
Squash/tennis courts	3 spaces per court
Vehicle repair station	3 spaces per work bay
Vehicle sales or hire premises	1 space per 130m <sup>2</sup> of display area, plus for vehicle servicing 3 spaces per work bay

\*\* Grafton car parking standard applies to the area of the former Grafton City Council, i.e. includes South Grafton.

## PART F PARKING AND VEHICULAR ACCESS CONTROLS

### TABLE F2 Delivery Service Vehicles

Land use	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.
Pubs and hotel or motel accommodation.	1 per 50 units up to 200, plus 1 per 100 thereafter, plus 1 per 1000m <sup>2</sup> of public area (bar, tavern, lounge or restaurant).	
Business premises and office premises	1 per 4000m <sup>2</sup> of gross floor area up to 20,000m <sup>2</sup> , plus 1 per 8000m <sup>2</sup> thereafter.	
Retail premises, including restaurants	1 per 400m <sup>2</sup> of gross floor area up to 2000m <sup>2</sup> , plus 1 per 1000m <sup>2</sup> thereafter.	
Industry. Storage premises.	1 per 800m <sup>2</sup> of gross floor area up to 8,000m <sup>2</sup> plus 1 space per 1000m <sup>2</sup> thereafter.	

development is outside the hours of 8:30AM 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.
- (viii) Whether an offer has been made to contribute to "deficit" parking by means of a planning agreement.

Variation requests will be considered on their merits on a case by case basis. Council may 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 land owner 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.

### F3. Variations to Car Parking Requirements

Council may allow variations to the requirements of TABLE F1 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

### F4. 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 in accordance with AS 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.

## PART F PARKING AND VEHICULAR ACCESS CONTROLS

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.
5. Parking space dimensions and aisle widths must also be in accordance with the class of user, as identified in Table 1.1 of AS 2890.1
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 AUSTRROADS 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.

### F5. Manoeuvring, loading and unloading

1. All business 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 2890.
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.

### F6. Access to the Site

#### Vehicle access

1. All vehicles must enter and leave the site in a forward direction.
2. Access points are to be located where they cause the least interference to pedestrian and vehicle movement.
3. The width and location of access driveways must be in accordance with the requirements of AS2890.
4. Also consult the NR Design Manuals.
5. Access points must not be closer than 6 metres to an intersection measured from the property boundary.
6. The location of new entry/exit points must achieve a minimum of potential conflict with existing access points.
7. 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.



## PART F PARKING AND VEHICULAR ACCESS CONTROLS

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

### Gradients of Ramps and Access Driveways

1. 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.
2. 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.
3. All gradients of car parking surfaces, ramps and access driveways must be in accordance with AS2890.
4. Also consult the NR Design Manuals.

### Sight Distances

5. 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.
6. The minimum sight distances must be in accordance with AS2890.1 – Off-Street Car Parking, Figure 3.2.

### Pedestrian access

7. Adequate pedestrian access to the site is required.

## F7. 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 area 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 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.

## PART F PARKING AND VEHICULAR ACCESS CONTROLS

### Lighting and Ventilation

9. Covered or enclosed car parks must have adequate lighting and ventilation.
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.

### F8. 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. 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, drainage and stormwater management requirements. (Refer to PART G for Sustainable Water Controls).
  - (c) Construction constraints.
  - (d) California Bearing Ratio (CBR) of subgrade (natural soil).
5. Pavement thicknesses for parking areas will be assessed on a site specific basis and must be to the satisfaction of Council.
6. 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.

7. 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.

### F9. Car parking on flood liable land

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.

### F10. Traffic impact of large-scale development

Large scale development or development located on land adjacent to a classified road may require a Traffic Impact Assessment prepared in accordance with the RTA Guidelines for Traffic Generating Development. For details refer to the State Environmental Planning Policy (Infrastructure) 2007.

For large scale developments the provision of the following facilities may be required:

- A drop-off and pick up point for taxis and community buses.
- A parking bay for a community bus.
- Bicycle racks.

## PART G SUSTAINABLE WATER CONTROLS

### PART G SUSTAINABLE WATER CONTROLS

#### G1. What are the Sustainable Water objectives for Industrial Zones

The sustainable water objectives are:

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

#### G2. What type of development must comply with Sustainable Water Controls?

'Sustainable water controls' apply to:

- (a) All new commercial development.
- (b) Additions to commercial development, where the cumulative increase in the roofed and/or impervious area is equal to or greater than 150m<sup>2</sup> or is a 50% or greater increase in the roofed and/or impervious areas.
- (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.

#### G3. What Sustainable Water Controls apply?

All development specified in Part G2 must meet the following requirements:

- (a) Installation of 3 Star rated fixtures, as required by clause G4.
- (b) Compliance with 'sustainable water requirements' as specified in TABLE G1.
- (c) Compliance with water quality targets, as specified in TABLE G2 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.

#### G4. Requirements for 3 Star Rated Fixtures and Dual Flush toilets

All new development and additions to industrial 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.



**PART G SUSTAINABLE WATER CONTROLS**
**TABLE G1 'Sustainable Water' Requirements for Development**

	Development with no increase in impermeable surface post development Subdivision under 5 lots	Development with impermeable surface < 500 m <sup>2</sup> post development Subdivision between 5 and 25 lots	Development with impermeable surface > 500m <sup>2</sup> 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.	<b>O</b>	√	√
The drainage, road and open space networks are to comply with any requirements of any master plan in place for the area.	<b>X</b>	<b>O</b>	√
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 Industrial development as outlined in Table G2	<b>X</b>	√	√
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.)	<b>O</b>	√	√
Reinstatement of Vegetation in Riparian and Stream Buffer Zones in accordance with Council requirements.	√	√	√
Impermeable areas to be limited by using porous/modular pavers for all external paving where conditions are suitable.	<b>O</b>	√	√
Water efficient landscaping to be implemented. (As described in "Sustainable Water Requirements : Information For Applicants" Section 4.4)	<b>O</b>	<b>O</b>	√
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
	<b>X</b> no increase in impermeable surface	<b>O</b> increase in impermeable surface	<b>O</b> increase in impermeable surface
Limit cut or fill used on site (pylons, piers, posts, walls etc to be used in place where possible).	<b>X</b>	√	√
Post development peak flows not to exceed pre development peak flows specified within council policy and design standards	<b>X</b>	√	√
A Site Plan must be submitted. (As described in "Sustainable Water Requirement : Information For Applicants" Section 2).	<b>Basic</b>	<b>Basic</b>	<b>Basic</b>

**Key:** √ = Must Comply      **X** = Does not Apply      **O** = Optional

**PART G SUSTAINABLE WATER CONTROLS**
**TABLE G2 Default Water Quality Targets**

Parameter	Industrial Development			
	Under 500m <sup>2</sup>	Over 500m <sup>2</sup> to 1 ha	1 ha to 2 ha	Greater than 2ha
<b>Gross Pollutants &gt; 5mm</b>	50% of average annual load retained.	80% of average annual load retained.	80% of average annual load retained.	80% of average annual load retained.
<b>Coarse Sediment (0.5-5mm)</b>	30% of average annual load retained.	50% of average annual load retained.	80% of average annual load retained.	80% of annual load retained.
<b>Medium Sediment (0.05-0.5mm)</b>	30% of average annual load retained.	50% of average annual load retained.	50% of average annual load retained.	50% of annual load retained.
<b>Fine Sediment (&lt;0.05mm)</b>	No default set	No default set	30% of average annual fine sediment load retained.	50% of annual load retained.
<b>Nutrients (Total Nitrogen and Total Phosphorous)</b>	No default set	No default set	30% of average annual load retained	50% of average annual load retained.
<b>Heavy Metals</b>	No default set	30% of average annual load retained	50% of average annual load retained.	50% of average annual load retained.
<b>Oil &amp; Grease</b>	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 Alternatively TPH<10mg/L	50% of average annual load retained Or Alternatively TPH<10mg/L.
<b>pH</b>	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 H EROSION AND SEDIMENT CONTROL

### PART H EROSION AND SEDIMENT CONTROL

#### H1. What are the erosion and sediment control objectives for business zones?

The erosion and sediment control objectives 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.

#### H2. What development do 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
- Reduced clean-up costs.
- Improved wet weather working conditions.
- Fewer public complaints.
- A better public image.
- Reduced risk of fines
- Reduced downtime.

**PART H EROSION AND SEDIMENT CONTROL**
**H3. 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 H6 *General Principles of Erosion and Sediment Control* and clause H7 *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.

See clause H5 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 H8 and for conditions for subdivision creating more than 2 lots see clause H9.

TABLE H1 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 H1, and copies are available at Council offices.

**TABLE H1**

DEVELOPMENT / ACTIVITY	EROSION & SEDIMENT CONTROL REQUIREMENTS
<ul style="list-style-type: none"> <li>▪ Dwelling houses and house extensions.</li> <li>▪ Garages and similar minor development.</li> <li>▪ 2 lot subdivisions.</li> <li>▪ Additions to existing commercial and industrial development.</li> </ul>	<p><b>'Standard'</b> Erosion &amp; Sediment Control Plan; or <b>Deemed to Comply Statement</b> (refer to SCHEDULE H2)</p>
<ul style="list-style-type: none"> <li>▪ Subdivisions, &gt;2 lots, where no road or vehicular ROW access is to be constructed.</li> <li>▪ All other development (except dwelling houses and minor development as listed above) where the site area exceeds 2000m<sup>2</sup> or where slope exceeds 10% (1 in 10).</li> </ul>	<p><b>'Standard'</b> Erosion &amp; Sediment Control Plan</p>
<ul style="list-style-type: none"> <li>▪ Dwelling houses on land with slope &gt; 20% (1 in 5).</li> <li>▪ Subdivisions (not being 2 lot subdivisions) requiring construction of a new road or vehicular ROW access.</li> <li>▪ All other development where the site area exceeds 2000m<sup>2</sup> or where slope exceeds 10% (1 in 10).</li> </ul>	<p><b>'Detailed'</b> Erosion &amp; Sediment Control Plan.</p>

## PART H EROSION AND SEDIMENT CONTROL

### H4. 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.

## PART H EROSION AND SEDIMENT CONTROL

### H5. 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 H2 and copies are available at Council's Office.

### H6. General 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).



## PART H EROSION AND SEDIMENT CONTROL

- |   |   |
|---|---|
| <p>3. Expose the smallest possible area of land to disturbance for the shortest possible time.</p> <p>4. Save topsoil for re-use.</p> <p>5. Control run-off, through and from the site.</p> <p>6. Use erosion control measures to prevent on site damage.</p> <p>7. Trap sediment to prevent off site damage.</p> <p>8. Rehabilitate disturbed areas quickly.</p> <p>9. Maintain erosion and sediment controls prior to, during and post construction until the site is stable.</p> | <p>K. Schedule works when rainfall intensity is lower.</p> <p>L. Bunding or sediment/silt fencing around stormwater inlets and within the kerbing on roadways.</p> <p>A. <u>Control water through the site.</u></p> |
|---|---|

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, hay bales or other measures may be required across the bank or channel to limit erosion.

- B. Limit vehicular entry/exit to one point and stabilise

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. Install sediment fencing to the low side of the site

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.

### H7. General Erosion and Sediment Control

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.

## PART H 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.

Business Zones DCP in force from 23 December 2011

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 75mm 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



## PART H EROSION AND SEDIMENT CONTROL

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.

### H8. 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.

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.

4. 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.
5. Vehicular access is to be restricted to one stabilised access point.
6. 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.
7. Stockpiled material must be stored clear of any drainage line and within the property boundary. NOTE: stockpiles are not permitted on footpaths or roads.
8. 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.
9. 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.
10. 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.
11. All disturbed areas are to be made erosion resistant by revegetation, turfing or stabilised by paving on completion of the works.

**PART H EROSION AND SEDIMENT CONTROL**
**H9. 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 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.

**PART H EROSION AND SEDIMENT CONTROL****H10. Maintenance Requirements**

All erosion and sediment control measures must be regularly maintained to ensure effectiveness of the control measure at all times.

**H11. 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.

<b>PART H EROSION AND SEDIMENT CONTROL</b>
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**SCHEDULE H1**  
**STANDARD EROSION and SEDIMENT CONTROL PLAN**  
**INFORMATION SHEET & CHECKLIST**

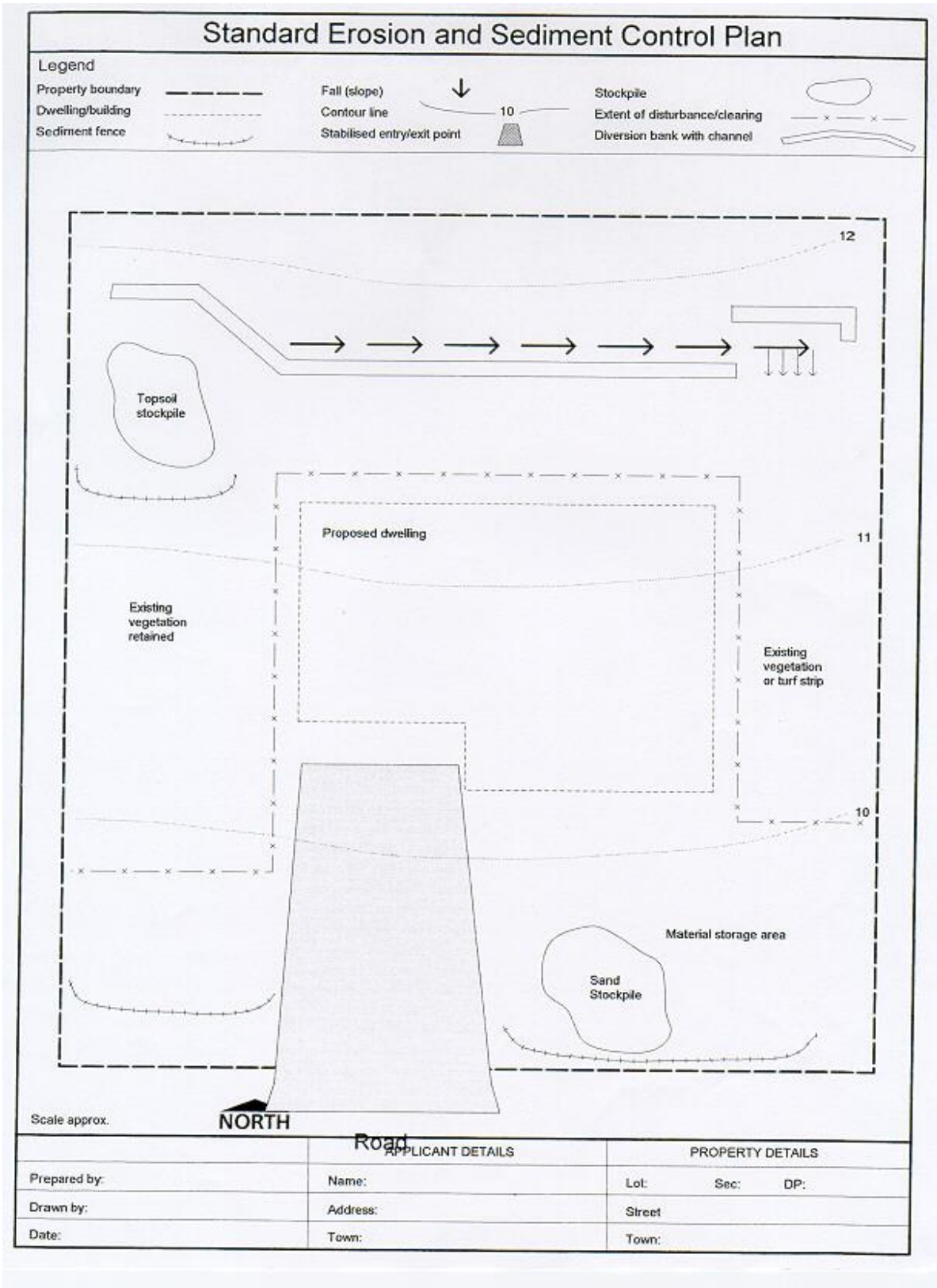
The following information is to be provided on the “Standard Erosion & Sediment Control Plan” base plan:

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.
- 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 back filled 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 H EROSION AND SEDIMENT CONTROL**



**PART H EROSION AND SEDIMENT CONTROL**

### Standard Erosion and Sediment Control Plan

**Legend**

Property boundary	Fall (slope)	Stockpile
Dwelling/building	Contour line	Extent of disturbance/clearing
Sediment fence	Stabilised entry/exit point	Diversion bank with channel

Scale approx. **NORTH**

	APPLICANT DETAILS	PROPERTY DETAILS
Prepared by:	Name:	Lot:    Sec:    DP:
Drawn by:	Address:	Street
Date:	Town:	Town:



**PART H EROSION AND SEDIMENT CONTROL**

**SCHEDULE H2  
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 I SUBDIVISION AND ENGINEERING STANDARDS

### PART I SUBDIVISION AND ENGINEERING STANDARDS

#### 11. What are the objectives for engineering standards and subdivision?

The objectives for engineering standards and subdivision are to:

- (a) provide engineering standards for development and subdivision in business zones.
- (b) Ensure subdivision of commercial land.
- (c) Ensure road design is safe and suitable for commercial development.

#### 12. 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.

Business Zones DCP in force from 23 December 2011

#### 13. Lot Layout and Road Design

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 surrounding roads and development pattern.

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.

The proposed road network must efficiently connect with external traffic routes. Proposed roads must link with other roads that have the capacity to accommodate increased traffic.

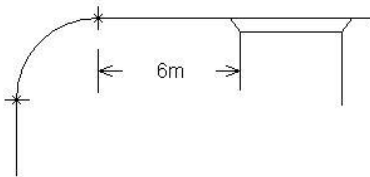
Intersections must be located so as to create safe and convenient vehicle movements.

A variety of lot sizes should be provided to meet market demand. Lots should be regular and rectangular in shape. The lot shape and areas must be sufficient to permit easy vehicular access and manoeuvring for delivery vehicles. Lot dimensions must be able to provide sufficient area for effluent disposal areas and bush fire hazard protection zones.

**PART I SUBDIVISION AND ENGINEERING STANDARDS**
**14. Site Access**

Vehicular access driveways from a public road must be:

- (a) Divided on the property line or have separate driveway entries and exits, wherever possible, to ensure an unobstructed traffic flow onto and from the site.
- (b) Not closer than 6 metres to an intersecting road or break in a traffic island.
- (c) Located so that sight distance is adequate for the 85<sup>th</sup> percentile speed of vehicles or the speed zone, whichever is the greater.



Driveway from corner

Direct access to main or arterial roads is not permitted where alternative access is available.

Restrictions may apply to prohibit or restrict uses fronting main or arterial roads. Access to RTA managed roads will require RTA approval. Refer to note opposite.

**Note:**

Clause 101 (Development with frontage to classified road) of the Infrastructure SEPP states that the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
  - (i) the design of the vehicular access to the land, or
  - (ii) the emission of smoke or dust from the development, or
  - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

## PART I SUBDIVISION AND ENGINEERING STANDARDS

### 15. Provision of Services

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.

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, and suitable road access.

**15.1** New development (including new lots) is to be connected to Council's existing sewer system. Where there is no reticulated sewer available, effluent disposal should be in accordance with Council's adopted On-Site Waste Water Management Strategy 2005.

#### Note;

1. 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.
  - premises that are situated within 225 metres of a water pipe of the Council to be connected to Council's water supply.
2. All services including sewer, underground power, water and telephone are to be provided at the developer's expense.
3. 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.
4. 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.
5. For development applications proposing pressure sewerage systems, refer to Council's Pressure Sewerage Policy.

road that is listed in Councils adopted Road Maintenance Policy, that is Councils' Road Asset (Maintenance) List; the standard of road access is to comply with 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.

#### Note: Contributions May Apply

Section 94 Contributions for open space and community facilities may apply to additional lots.

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

Contributions are set out in Council's Schedule of Fees and Charges.

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

**15.2** Development must be serviced by a sealed road that has direct frontage to a Business Zones DCP in force from 23 December 2011

## PART J ADVERTISEMENTS AND ADVERTISING STRUCTURES

### **General note for advertising and signage:**

State Environmental Planning Policy (SEPP) 64 applies to all signage that, under another environmental planning instrument that applies to the signage, can be displayed with or without development consent, and is visible from any public place or public reserve. Where there is an inconsistency between the SEPP and this DCP, the provisions of the SEPP prevail.

## PART J ADVERTISEMENTS AND ADVERTISING STRUCTURES

### **J1. What are the objectives for advertisements and advertising structures in business zones.**

The objectives for advertisements and advertising structures in business zones are:

- (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.

### **J2. Advertising Structures not requiring Development Approval**

Advertising structures and signs listed as exempt development in the CV LEP 2011 or the 'Codes SEPP' do not require development approval. If the advertising structure does not meet the requirements of the 'standards for exemption' then a development application must be submitted to Council.

#### **Note:**

Under the provisions of SEPP 64 an advertisement with a display area greater than 20m<sup>2</sup> or higher than 8 metres above the ground is advertised development and clause 17 of SEPP 64 applies.

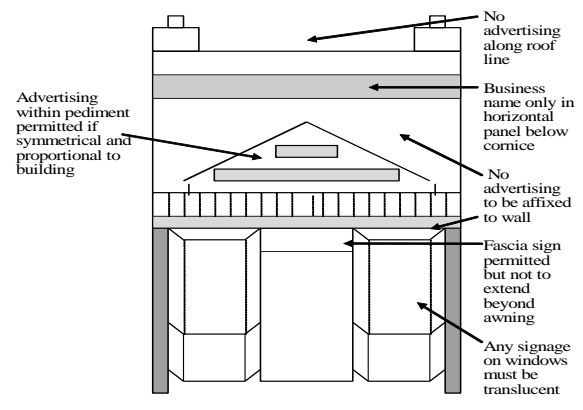
Also specific controls apply under SEPP 64 to advertisements with a display area greater than 45m<sup>2</sup>, to roof or sky advertisements and wall advertisements.

### **J3. 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 J1, in line with the provisions of SEPP 64 (State Environmental Planning Policy No 64 – Advertising and Signage).

An advertisement and/or advertising structure development consent 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 J1.

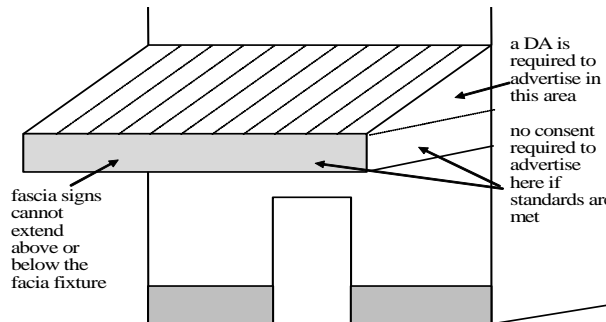
Where the application is for an advertising structure, a Construction Certificate will be required to be obtained."



## PART J ADVERTISEMENTS AND ADVERTISING STRUCTURES

### J4.2. Footpath Awning Blinds

Awning blinds, including the canvas drop, must be a minimum of 1.9 metres above the footpath.



## J4. Above Awning Advertisements

**J4.1.** 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 or the character of the streetscape.

## PART J ADVERTISEMENTS AND ADVERTISING STRUCTURES

### J5. Advertisements and Advertising structures in Heritage Precincts

**Note:**

Refer also to PART E Heritage Conservation of this DCP for the principal heritage controls.

Advertising must be carefully designed for the building on which they are to be displayed and must be appropriate in terms of style, detail, and colours.

Traditional and appropriate locations include:

- (a) Parapet panels above and below the cornice.
- (b) Front and side fascia of the verandah or hanging below.
- (c) String course bands and other small individual elements.
- (d) Spandrel panels below windows and on ground floor.
- (e) Windows.
- (f) Side walls
- (g) Signs shall not project over parapets or roof lines.
- (h) Hand painted signs or raised lettering, complementary to the character of the buildings are encouraged.

Neon signs are not an appropriate type of advertising for heritage precincts. Internally lit box signs and plastic tubes are not appropriate to the heritage character of towns such as Maclean, South Grafton, Grafton CBD, and Ulmarra and applications for this type of signage will generally not be supported.

Applications for neon signs will be considered on their merits in relation to the context of the proposed advertising structure

Sympathetic external illumination of signs by spotlights will generally be supported, however flood lights are not appropriate.

**Note:**

Under the provisions of SEPP 64 advertisements, other than advertisements that are exempt development, business identification signs and building identification signs, are prohibited in heritage conservation areas and environmentally sensitive areas.

### J6. 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. Details on foundations are required.

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.

## PART J ADVERTISEMENTS AND ADVERTISING STRUCTURES

### J7. Advertisements and Advertising Structures fronting classified roads

All advertisements and structures fronting classified roads require the approval of a Development Application.

The following standards 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 eg. One front and back, Council will consider applications where more than one tourist facility, 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.

The standards for advertisements and advertising structures for tourist facilities fronting classified roads are:

- (a) Wording on the advertisement is to be concise and may only include the business name, distance and direction to turn off and the like.

- (b) All services provided may only be depicted by the current appropriate Industry or Australian Standard service symbol.
- (c) Establishments which provide for accommodation within a heritage building are to utilise accepted heritage colours and may incorporate a picture of the building. However, all services provided may only be depicted by the appropriate Industry or Australian Standard service symbol (see Appendix).
- (d) Only one northbound and one southbound advertisement will be permitted per facility.

Council when considering a Development Application for directional advertisements, will consider if a real need, (by the community, advertiser and tourist), for the advertisement exists, the proximity of the proposed advertisements to other advertisements, and the cumulative effect of an additional advertisement upon the locality.

**Note:**

SEPP 64 Advertising and Signage requires the concurrence of the RTA in granting consent to advertisements greater than 20m<sup>2</sup> and within 250 metres of, and visible from, a classified road.



**PART J ADVERTISEMENTS AND ADVERTISING STRUCTURES****SCHEDULE J1  
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, structure 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.

**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 K RESTRICTED PREMISES

### PARK K RESTRICTED PREMISES

#### K1. What are the objectives for Restricted Premises

The objectives for restricted premises are:

- (a) To ensure that the location of any restricted premises has no adverse impact on the surrounding locality including the social and local amenity.
- (b) To set out development control standards for restricted premises.
- (c) To specify criteria which will minimize the potential for members of the community to be offended or the amenity of the neighbourhood affected by the establishment of such premises.

#### Note 1:

**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.

#### Note 2:

Restricted premises are permitted with consent in B2, B3 & B5 zones and are prohibited in the B1 zone.

#### K2. Social and Local Amenity Considerations

In assessing any development application for restricted premises under Section 79C of the Environmental Planning and Assessment Act, 1979, Council shall take into account the following criteria when assessing the social and local amenity impact.

1. Restricted premises shall not be located in the following shopping precincts:
  - (a) Yamba Street, between Harbour and Coldstream Streets, Yamba
  - (b) River Street between Stanley and Argyle Street, Maclean.
2. The premises shall not be located where an opaque or covered shop façade will reduce the retail continuity of the area.
3. The premises shall not be located within a building containing one or more dwellings.
4. The premises shall not be located within an arcade.
5. The premises shall not be located within 100 metres of a residential zone or rural residential zone.
6. The premises shall not be located within 100 metres (measured by direct walking distance) from a school, church or other religious establishment, park or sporting field, community facility or other place, where, in Council's opinion children are likely to congregate or frequent for recreational or cultural purposes.

#### K3. Car Parking for Restricted Premises

On-site car parking shall be provided at the rate of one (1) space per 30 square metres of gross floor area.

**PART K RESTRICTED PREMISES****K4. Display of Goods and Signs**

- (a) There shall be no restricted goods or products on display which can be viewed from a public place.
- (b) Any proposed signs shall be identified with the development application for the use and shall contain only the business name of the premises. Any subsequent changes shall require a new development application or a modification of the development consent.
- (c) Only one sign per business will be permitted.
- (d) No films, videos, or machines showing films or the like are to be shown on the premises for profit.
- (e) The use of the premises is restricted to the sale of books, novelties, aids, clothing and associated products.
- (f) Council must be satisfied that the content, illumination, size and shape of the sign is not likely to interfere with the amenity of the neighbourhood or likely to cause offence.

**PART L CONTROLS FOR BACKPACKERS' ACCOMMODATION**
**PART L CONTROLS FOR BACKPACKERS ACCOMMODATION**
**L1. What are the objectives of the controls for backpackers accommodation?**

The objectives of these controls are:

- a) To enable backpacker accommodation to operate in a manner that does not cause a nuisance to adjoining or nearby residents or impact on the amenity of the business centres.
- 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.

**L2. 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)*

Backpacker's accommodation is permitted with consent in the business zones B2 Local Centre, B3 Commercial Core and B5 Business Development.

**L3. 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 backpackers' 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.

**L4. 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.

**L4.1 Height and setbacks.**

The controls for the heights and setbacks of buildings is contained in part D of this DCP.

**L4.2 Sleeping Rooms.**

A minimum of 2m<sup>2</sup> 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<sup>2</sup> of floor area is to be allocated per person accommodated in a sleeping room be it a dormitory room or bedroom.

## PART L 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.

### **L4.3 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.

### **L4.4 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<sup>2</sup> 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.

### **L4.5 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.

### **L4.6 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 L CONTROLS FOR BACKPACKERS' ACCOMMODATION

### **L4.7 Communal Recreation Area.**

A minimum of 1m<sup>2</sup> 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*

### **L4.8 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.

## **L5. Signage**

In business zones 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 L CONTROLS FOR BACKPACKERS' ACCOMMODATION****L7. Management & 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.

**L7.1 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. Procedure 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 M ANGOURIE VILLAGE CONTROLS

### PART M ANGOURIE VILLAGE CONTROLS

#### M1. Where do controls for Angourie village apply?

PART M of the DCP applies to all development on land zoned B1 Neighbourhood Centre under CV LEP 2011 in the village of Angourie.

#### M2. What are the aims and objectives of controls for Angourie Village?

The main aim of PART M of this DCP is to set out building envelope requirements for all developments in the Angourie business zone.

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.

#### M3. 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 M ANGOURIE VILLAGE CONTROLS

### M4. 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 B1 Neighbourhood Centre zone in Angourie, buildings must not exceed a maximum height to the ridgeline of 10.0 metres above ground level (existing).

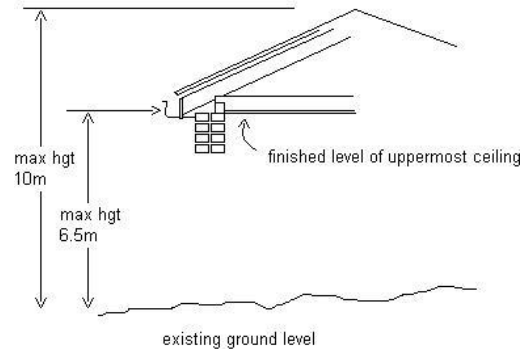
In addition to the maximum building height buildings must not exceed, a maximum height to the finished level of the uppermost ceiling or to where the roof beams meet the top plate of 6.5 metres.

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.

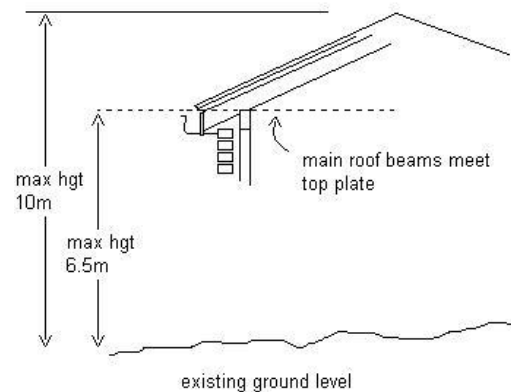
The building height is measured at any point on the allotment, i.e. the building will need to be stepped down the slope.

A variation to the 6.5 metre top plate height may be considered in the following circumstances:

Where clear advantages are achieved in other aspects of the design, and 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:

- 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
- 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

## PART M ANGOURIE VILLAGE CONTROLS

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.

### M5. Building Height Plane and Building Envelope Requirements

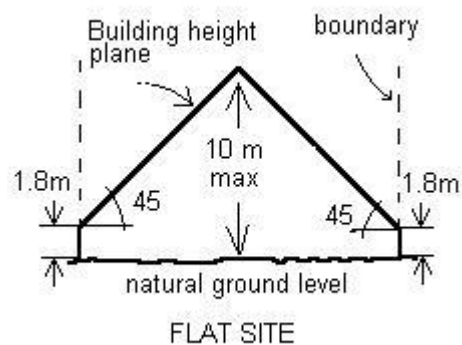
The objectives of the building height plane and building envelope requirements are to:

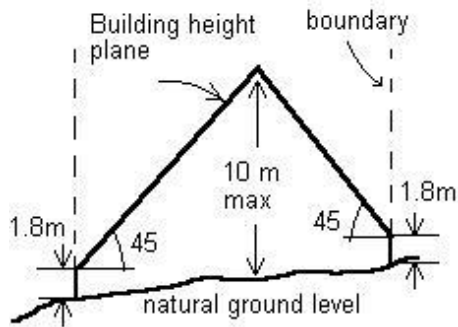
- reduce the overshadowing of adjoining properties.
- Minimise the loss of privacy enjoyed by adjoining properties.
- Protect views from adjacent existing buildings.
- Optimise the use of winter sunlight and summer shade.

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.

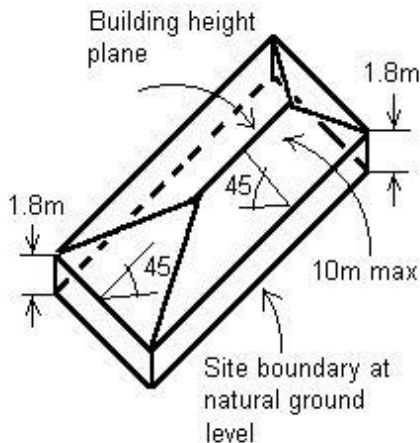
This means that the higher the building becomes, (up to a maximum of 10 metres) the greater the setbacks are from the site boundaries as shown in the diagrams below:



**PART M ANGOURIE VILLAGE CONTROLS**


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:

- The amount of roof and wall mass to be on view from any place external to the site.
- The orientation of the roof lines and the roof ridges in relationship to the headland ridge and existing development.
- The position of the building on the site to ensure that the higher sections are orientated down the slope and not across the contour.

**M6. 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:

- Where clear advantages are achieved in other aspects of the design; or
- On an existing narrow allotment, and
- For second storey additions to single dwelling houses, providing the objectives for the building height plane are satisfied.

**M7. 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 setback 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.

**PART M ANGOURIE VILLAGE CONTROLS****M8. Variation to the setback requirements**

In considering a variation of the setback requirement 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 façade 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.

**PART N GLENREAGH VILLAGE CONTROLS**
**PART N GLENREAGH VILLAGE CONTROLS**
**N1. Where do Glenreagh village controls apply?**

PART N of this plan applies to land in the village of Glenreagh in the B1 Neighbourhood Centre zone in CV LEP 2011.

**N2. 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 B1 Neighbourhood Centre zone in Glenreagh village.

**N3. The Built Character**
**N3.1 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.

**N3.2. 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.

**N4. Policies for New and Infill development**
**N4.1. General Context**

The design elements outlined in Clause N3.2. 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 N GLENREAGH VILLAGE CONTROLS****N4.2. 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° to 35°.

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.

**N4.3 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.



**PART N GLENREAGH VILLAGE CONTROLS****N4.4. 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.

**N4.5. 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.

**N4.6. 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.

**N4.7. 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.

<b>PART N GLENREAGH VILLAGE CONTROLS</b>
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**N4.8. Garages and Carports**

Garages must not detract from the historic character of the building or its neighbours and the streetscape.

- (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.

**N4.9. 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.

**N5. Village Precinct Policies****N5.1 Precinct 1 - Coramba Street and Approaches****N5.1.1 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 N1.

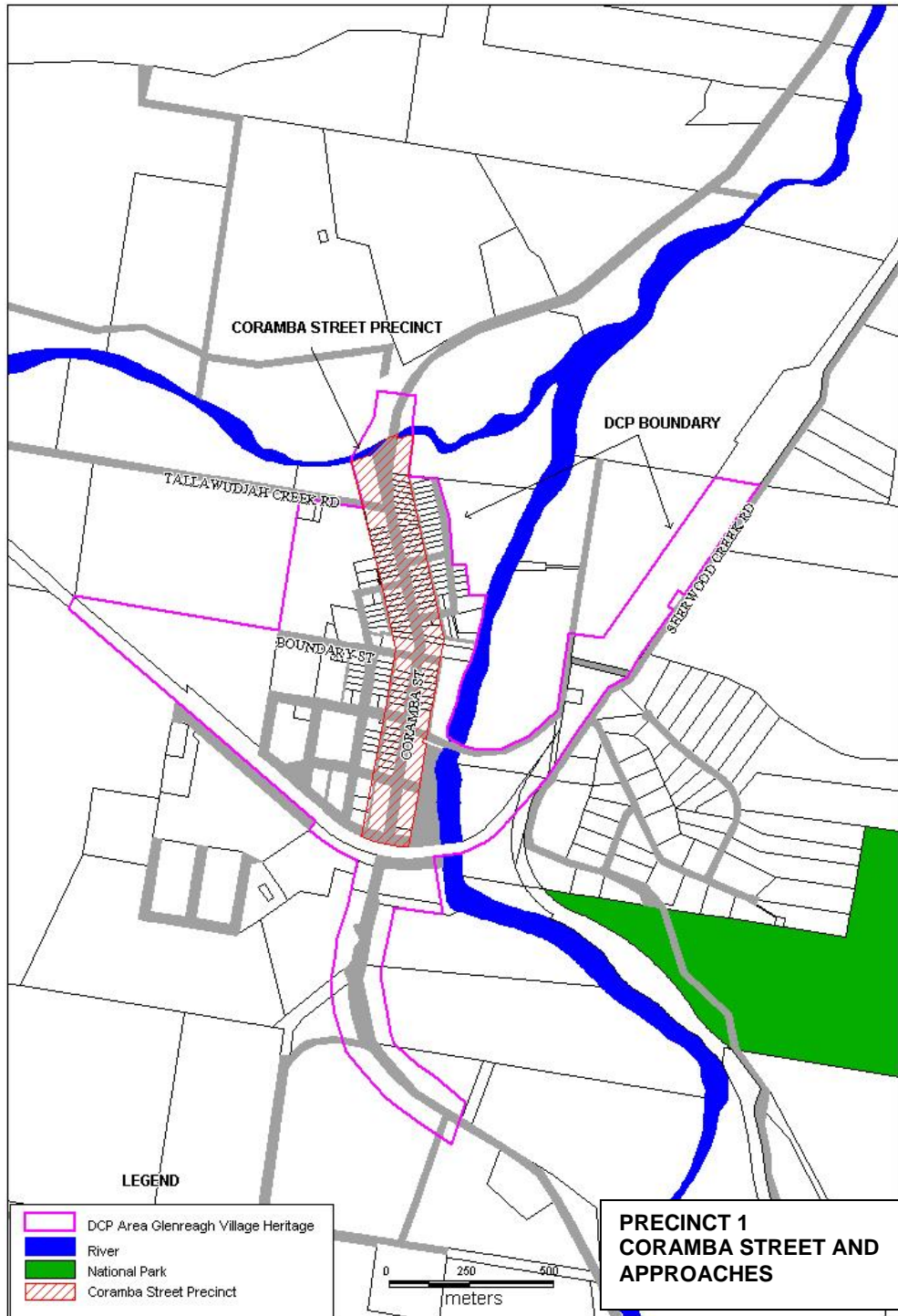
Development of land in the B1 Neighbourhood Centre zone fronting Coramba Street and approaches to Glenreagh village must take into consideration the following precinct policies.

**N5.1.2 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 N GLENREAGH VILLAGE CONTROLS**

**MAP N1**



**PART N GLENREAGH VILLAGE CONTROLS**

- (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

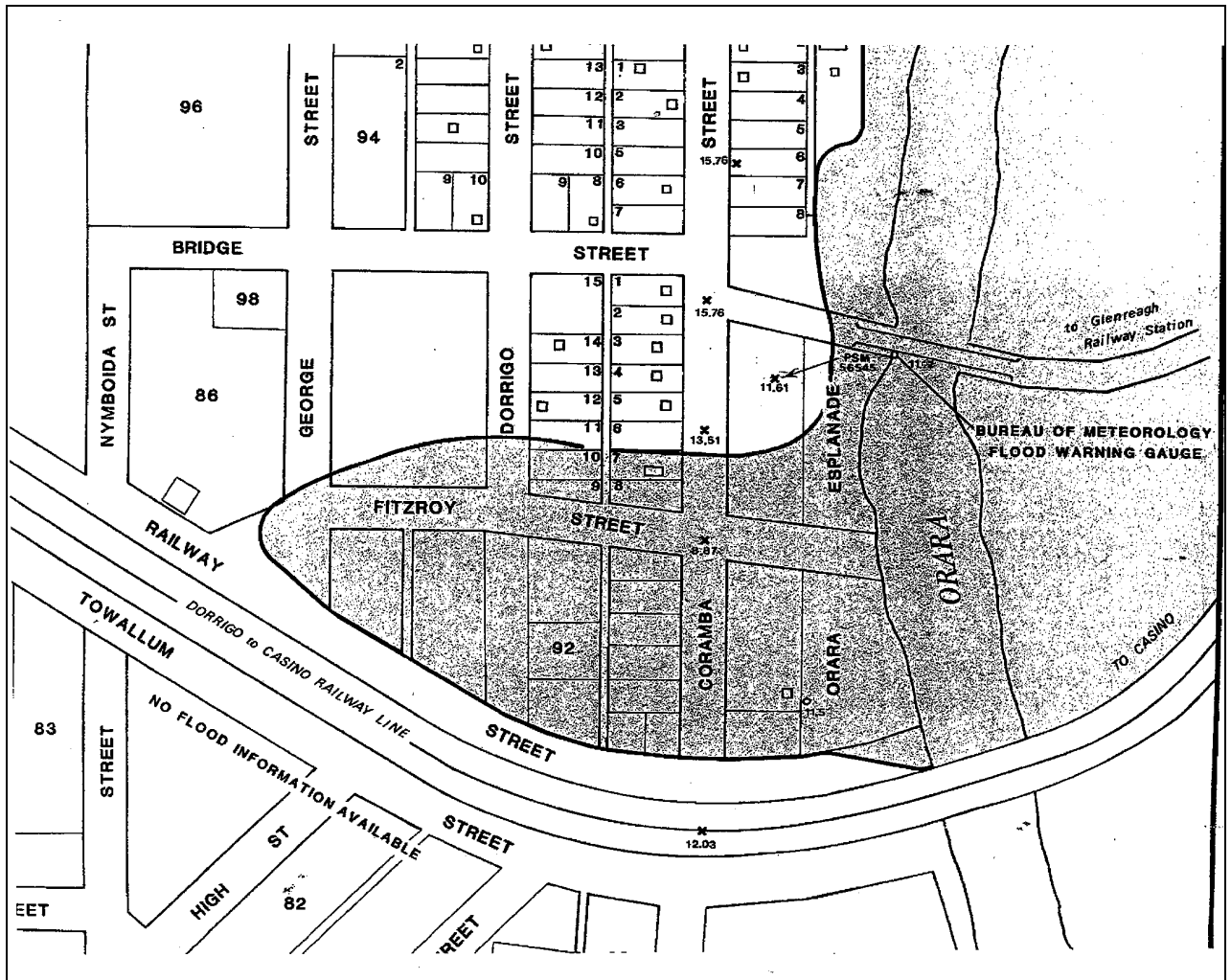
adjacent development through compliance with the policies set out in this plan.

**N6 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 N2.

Development of flood prone land must comply with the appropriate requirements of PART D of this DCP, as determined by Council.

**MAP N2**



## PART O MACLEAN TOWN CENTRE CONTROLS

### PART O MACLEAN TOWN CENTRE CONTROLS

- (e) To encourage the vitality of the town.
- (f) To improve the appearance of rear service areas which face public roads.
- (g) To enhance the gateways to the town centre.

#### O1. Where does PART O of this plan apply?

PART O of this plan applies to land in Maclean Town Centre in the B2 Local Centre zone in the CV LEP 2011. This includes land fronting River, Stanley and Clyde Streets.

The site specific controls for Maclean Town Centre must be considered in conjunction with the development controls in PARTS C and E of this DCP. In the event of any inconsistency, the site specific policies in PART O of this DCP apply.

#### O2. What are the aims and objectives of PART O of this Plan?

The heritage character and significance of Maclean is an important asset to the town which has also been identified in the retail strategy. The overall aim of this plan is to provide policies and guidance to enable development to take place whilst maintaining this unique character. On this basis, Council recognises the importance of each individual development as a step towards achieving an enhanced town centre.

The Maclean Heritage Conservation Area applies to land in Maclean Town Centre in the B2 Local Centre zone in the CV LEP 2011 and a number of buildings are listed as heritage items. See the Clarence Valley LEP 2011 Heritage Map.

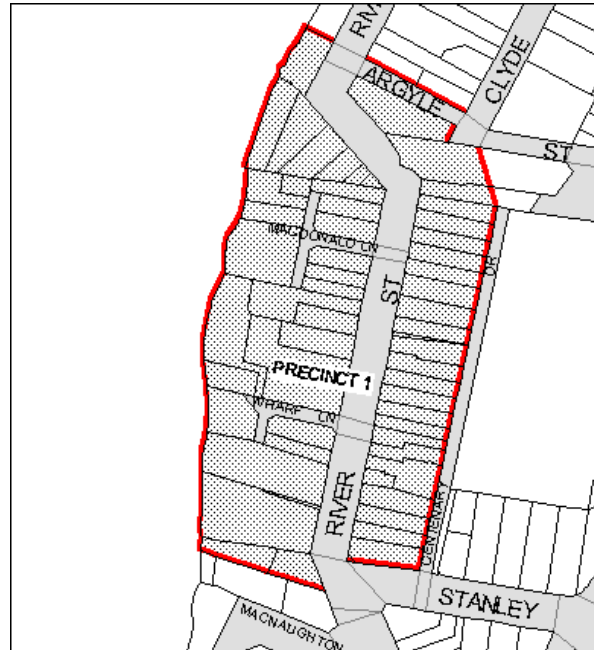
The objectives of PART O of the DCP are:

- (a) to conserve and enhance the character of Maclean's town centre.
- (b) To encourage the conservation and reconstruction of historical buildings to their original forms and details in accordance with The Burra Charter.
- (c) To encourage a high standard of contemporary design for new development that relates well to the historic context of the streetscape.
- (d) To reunite the town centre with the river.

#### O3. Precinct Controls

The following Section of this DCP examines the characteristics of the various precincts in the Town Centre. Policies for each precinct have been developed to guide development to ensure that it relates well to its location and enhances the special character of Maclean.

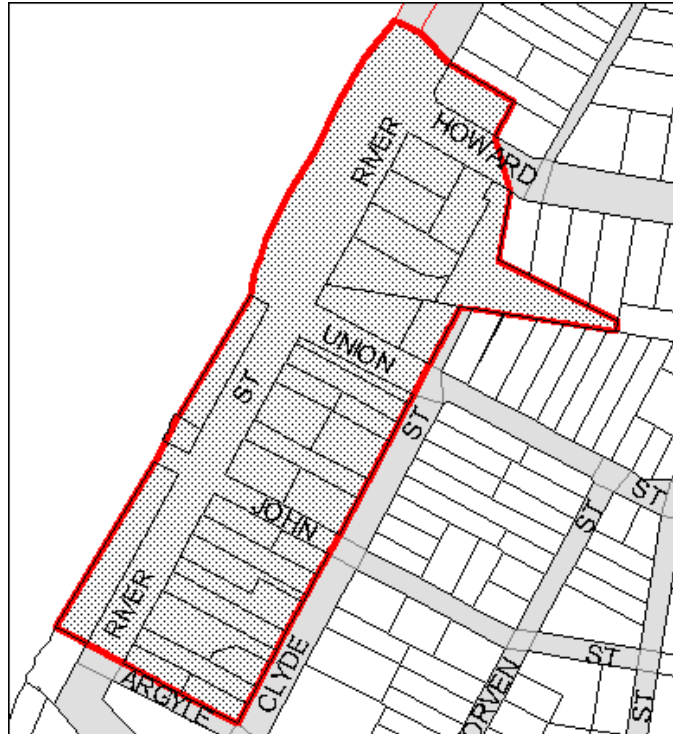


**PART O MACLEAN TOWN CENTRE CONTROLS****PRECINCT 1****RIVER STREET - THE MAIN SHOPPING AREA****Description**

Precinct 1 is the main shopping area located between Argyle and Stanley Streets and is characterised by one and two storey development that aligns with the footpath. There is a range of building styles reflecting the development of the town since the late 1800s. Several buildings on the western side of the street face the river as well as River Street, and show evidence of the town's early reliance on water transport.

**Precinct 1 Policies**

1. Conservation, reconstruction and enhancement of buildings is strongly encouraged.
2. The reconstruction of verandahs, which were once a key element in the street is strongly encouraged.
3. New development should not attempt to replicate a historic building, but must present a design which harmonises with the proportions, form, bulk and materials of this precinct as described above.
4. Where development proposals are lodged for land west of River Street, applicants will be required to demonstrate that the proposal is consistent with the long term aim of re-uniting the town with the river.

**PART O MACLEAN TOWN CENTRE CONTROLS**
**PRECINCT 2**
**RIVER STREET - LOWER SECTION OVERLOOKING  
THE RIVER**

**Description**

Precinct 2 lies between Argyle Street and Howard Street. This area is built only on the eastern side of the road facing the river. It was mainly developed from 1878 to 1907 and was dominated by two storey buildings with ornate double storey verandahs. Single storey buildings also displayed strong parapets and their verandahs unified this street frontage.

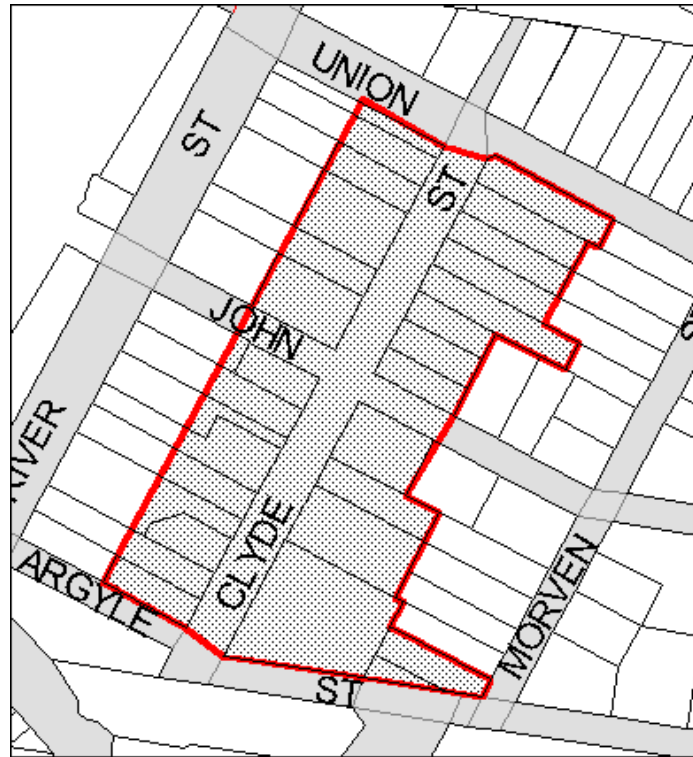
**Precinct 2 Policies**

1. Reinstatement of the historic character of this precinct and its relationship to the river is the primary objective of this precinct.
2. Conservation and reconstruction of buildings in this precinct to their original details is strongly supported and will make a significant contribution to the streetscape.
3. Development of the vacant site 193-195 River Street should respect the streetscape character of Maclean with a compatible building. This should include articulation of the façade into a series of narrow frontages and provision of two storey verandahs to the street frontage.
4. Works to McLachlan Park on the riverbank should be implemented in accordance with the Master Plan.



**PART O MACLEAN TOWN CENTRE CONTROLS**

## PRECINCT 3 CLYDE STREET



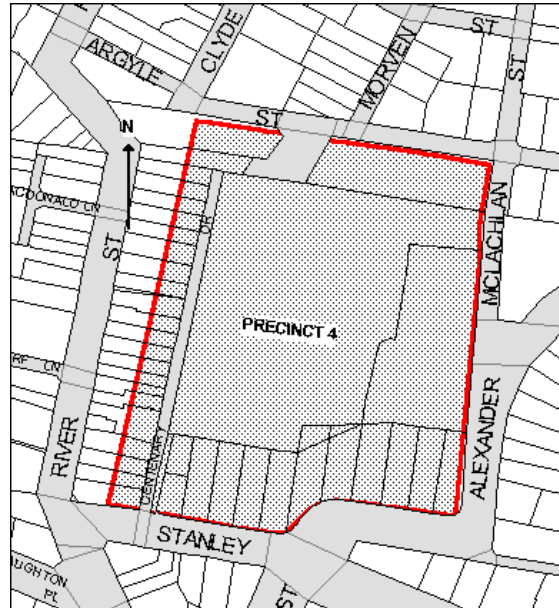
### **Description**

The Clyde Street precinct lies between Argyle and Union Streets. It is a mixed commercial and residential area, but is zoned for commercial purposes. The eastern side of the street is characterised by small cottages which have historic and streetscape significance. Their group value is very important.

The western side of the street comprises several dwellings which face the road, and the rear of commercial properties which front River Street. As a result, this side of the street is not unified and would benefit from additional landscaping.

### **Precinct 3 Policies**

1. Retention of the buildings on the eastern side of Clyde Street is essential to maintaining the character of this precinct, and their group value. Commercial use of these buildings currently in residential use, should maintain the heritage values in any conversion.
2. Group value, scale, bulk, and form must be carefully addressed in the design of any new development in this precinct.
3. Dual frontage trading and entry points are encouraged to premises in River Street, in keeping with the scale of development in Clyde Street.
4. If the vacant corner (former Telstra) site is considered for redevelopment, it is essential that any new building is sympathetic in scale, bulk, form, proportion, and materials and addresses the corner and frontage of the site, with car parking at the rear.
5. Landscaping with shade trees of a suitable scale under the power line would enhance the street presentation of the western side of the street.

**PART O MACLEAN TOWN CENTRE CONTROLS**
**PRECINCT 4**
**CENTENARY DRIVE AND THE CAR PARK**

**Description**

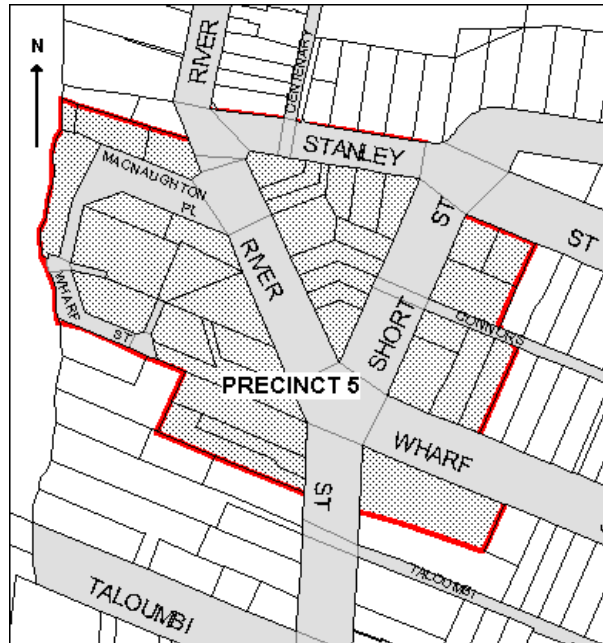
Precinct 4 comprises Centenary Drive with the rear facades and service areas of shops on the eastern side of River Street; the main car park, and Cameron Park. There are significant opportunities to encourage the enhancement of Centenary Drive and to reinforce the pedestrian linkages to River Street. An amended car parking layout has been adopted which enables more efficient use of the area. A direct pedestrian footpath from the car park to the swimming pool is also required.

**Precinct 4 Policies**

1. Development proposals in this precinct must enhance the street frontage of Centenary Drive.
2. Dual frontage retail trading is encouraged. This may take the form of additional floor space (subject to meeting parking requirements), or by simply providing an attractive entrance at the rear of the existing building.
3. Landscaping is essential in this precinct to enhance the streetscape, and provide pedestrian amenity.
4. Broad canopy shade trees should be planted along the edge of the car park, in accordance with the Master Plan.
5. A simple portal structure is suggested for the western side of Centenary Drive to support planting which will unify and soften this street frontage, whilst allowing parking and service areas to function.

**PART O MACLEAN TOWN CENTRE CONTROLS**

## PRECINCT 5 THE CIVIC PRECINCT



### **Description**

The Civic Precinct includes a group of important heritage buildings, notably the Court House, Police Station, Post Office and two churches. They are significant historical and important landmark buildings in the town, punctuating street corners and marking the top of the hill at the junction of River Street and Wharf Street. Land use is predominantly administrative in this locality.

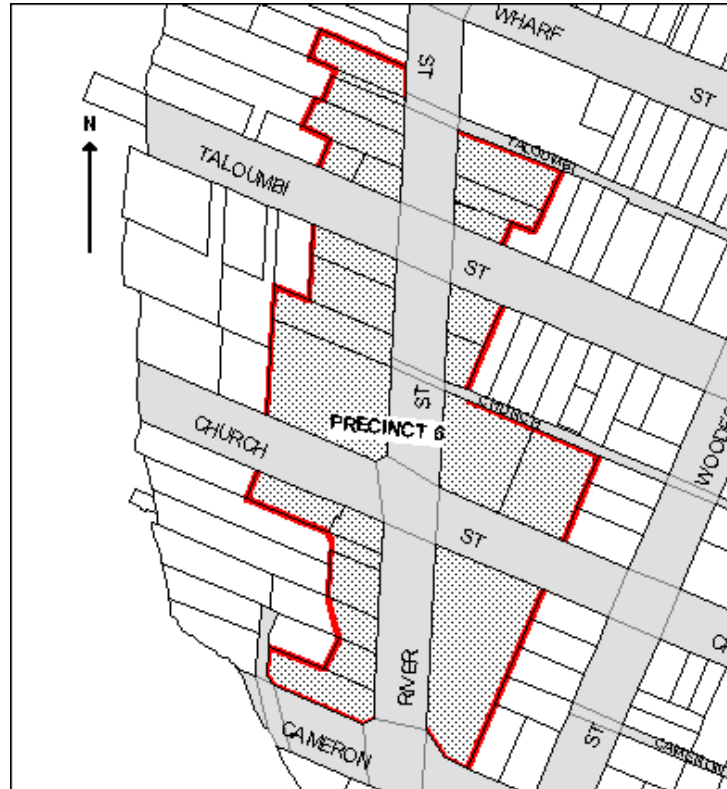
This is a key precinct to the town in its administrative role and ongoing use of these important buildings. Opportunities exist to enhance the setting of these buildings, with appropriate landscaping and paving.

### **Precinct 5 Policies**

1. This precinct should remain essentially unchanged. Careful maintenance of these important heritage assets must be ongoing.
2. Any change to the use of these buildings must follow the 'Adaptation' guidelines as defined by the Burra Charter.
3. The site on the corner of McNaughton Place and River Street would benefit from the development of a building which addresses the corner of the site with a two storey element. The building also needs to address the frontages to River Street and McNaughton Place. This would provide an anchor point between the retail and civic precinct and a counterpoint to the Argyle Hotel building which anchors the opposite end of River Street, visible from this site. Any development on this site must also compliment the Post Office building, particularly with respect to its bulk and form, colours and materials.
4. It is suggested that the road width of McNaughton Place be reduced and the relationship with the river strengthened by appropriate landscaping. Tree planting should be established on both sides of McNaughton Place (rather than only the southern side as in the master plan) to create an avenue, and frame the view to the river. A simple, formal style of landscaping and paving is appropriate for this precinct, complimentary to works in Precinct 1.
5. An avenue of trees in Stanley Street is suggested to be planted to provide a frame for the important vista from River Street to the Catholic Church.

**PART O MACLEAN TOWN CENTRE CONTROLS**

## PRECINCT 6 SOUTHERN GATEWAY AND PERIPHERAL COMMERCIAL DEVELOPMENT


**Description**

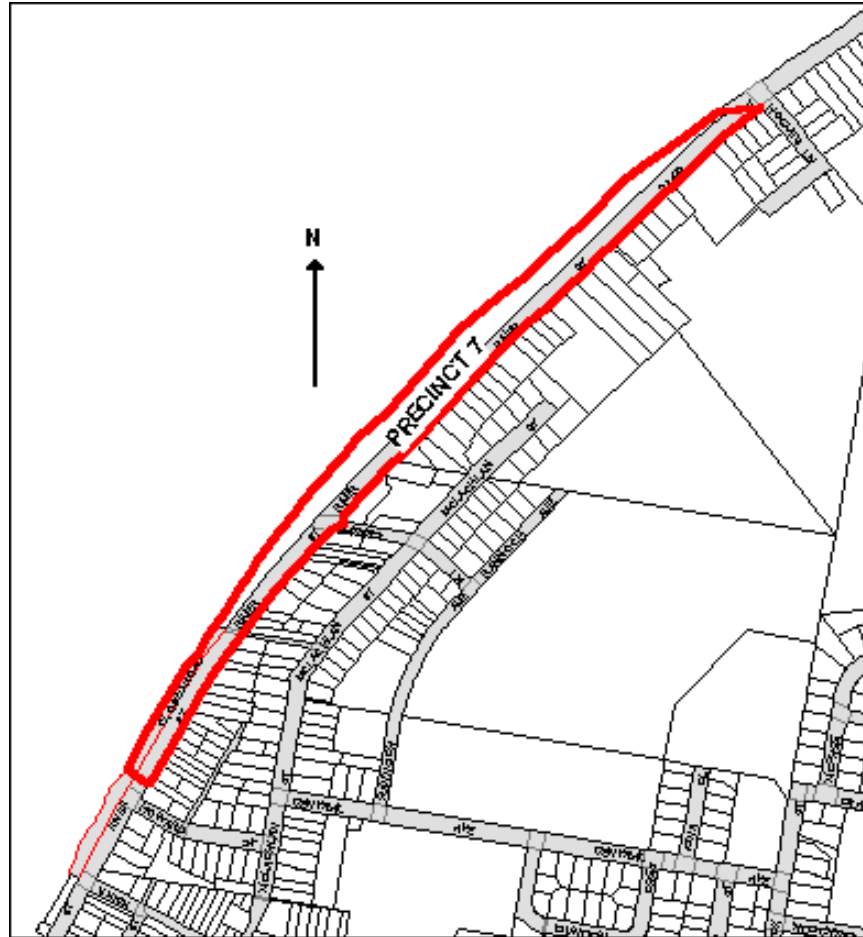
This precinct comprises the southern part of River Street between Cameron Street and Wharf Street. It is the southern gateway entry to the town and comprises mixed residential and commercial uses, including historic buildings, in a predominantly residential, leafy streetscape.

**Precinct 6 Policies**

1. Future commercial developments in this locality must respect this context and provide residential type setbacks and design elements.
2. Development must be in harmony with the streetscape of the locality and its function as an entry point to the town centre, having regard to the bulk, height, design, roof form, materials and signage to be used in any proposed building. Any proposed new large buildings are required to divide the roof form into smaller components to be sympathetic to the domestic scale of development which characterises this precinct.
3. Refurbishment and adaptive re-use of any older style existing dwelling is strongly encouraged.
4. The visual impact of new development must also be carefully considered with regard to the slope and view from the road.
5. Enhanced avenue planting should be developed in this precinct to emphasise the entry into the town centre and the civic precinct.

**PART O MACLEAN TOWN CENTRE CONTROLS**

## PRECINCT 7 - NORTHERN GATEWAY



### Description

This precinct comprises the northern part of River Street between Howard Street and Hogues Lane. It comprises one sided residential development overlooking the banks of the Clarence River. This is the northern gateway entrance to the town.

### Precinct 7 Policies

1. It is suggested that a distinctive gateway treatment be established eg a cluster of stylish banners. This should mark the northern and southern gateways to the town on the junctions of the rural and residential zones. This treatment could be repeated on a smaller scale in a similar design at the northern and southern entrances to the commercial zones on River Street.
2. The northern entrance to the town provides a very open view of the river, which is a key asset of the town and for the residents opposite. Whilst a gateway should mark the entry to the town, the open views along this stretch of road should be maintained to emphasise the presence of the river.

**PART P ULMARRA VILLAGE CONTROLS**

**PART P ULMARRA VILLAGE CONTROLS**

**P1. Where do Ulmarra village controls apply?**

Part Q of this plan applies to land within the B1 Neighbourhood Centre zone in CV LEP 2011 in Ulmarra Village.

The site specific controls for Ulmarra must be considered in conjunction with the development controls in PARTS C and E of this DCP. In the event of any inconsistency, the site specific policies in PART P of this DCP apply.

**P2. 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.

**P3. The Built Character**

**Q3.1. Defining the Character of the Village**

Ulmarra is recognized as one of the finest examples of a 19<sup>th</sup> 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 P ULMARRA VILLAGE CONTROLS**

### **P3.2. 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

## **P4. Village Precinct Policies**

### **P4.1. Pacific Highway Precinct**

#### **P4.1.1. 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 P1.

Development of land in the B1 Neighbourhood Centre zone fronting the Pacific Highway in Ulmarra village, particularly to the north of George Street, must take into consideration the following precinct policies.

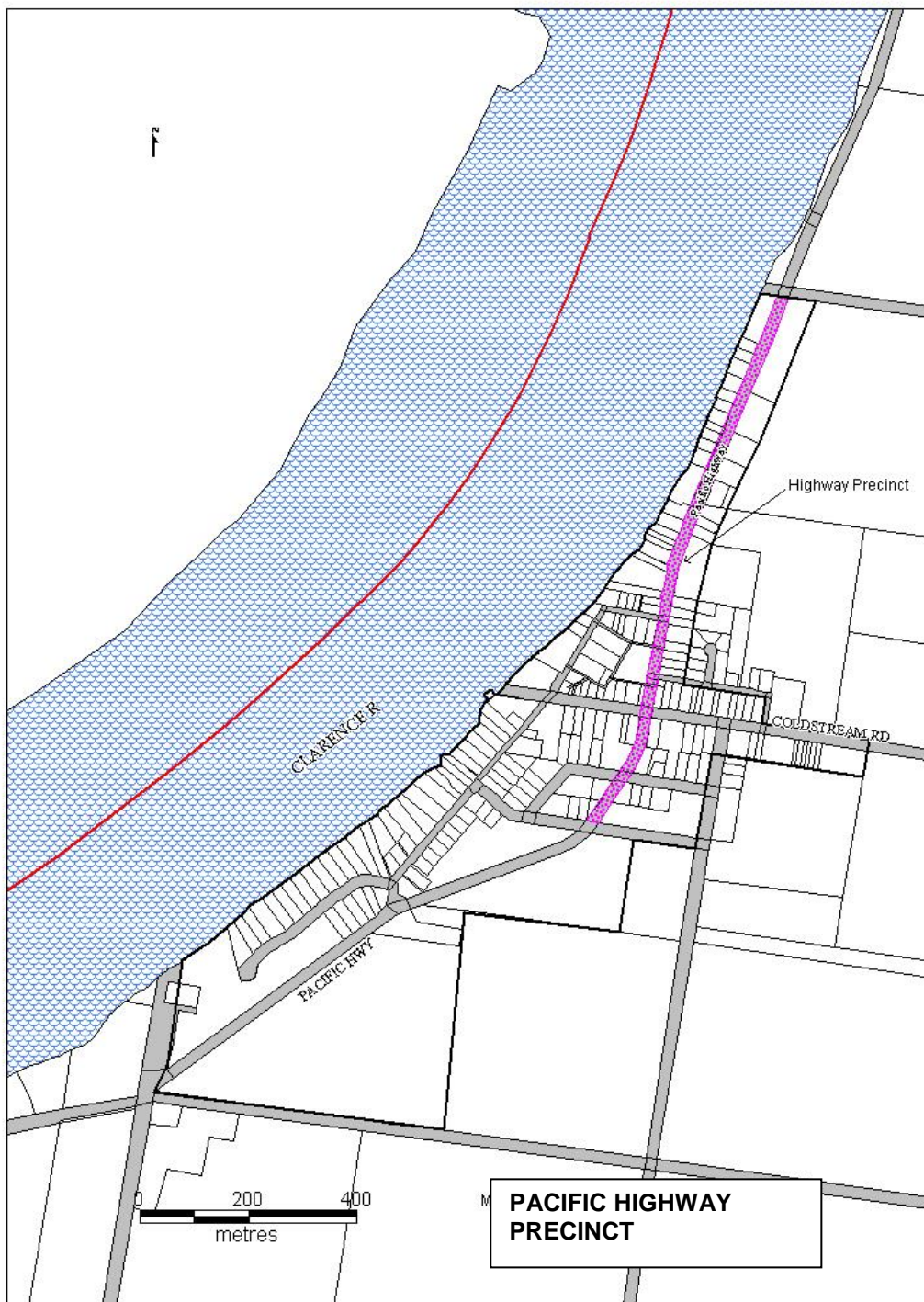
#### **P4.1.2. Pacific Highway Precinct Policies**

1. This precinct is critical to the appeal of Ulmarra when viewed by travellers on the Pacific Highway and needs to be strengthened and enhanced.
2. Historic buildings are a major part of Ulmarra's character and should be maintained and conserved having regard to the policies of the DCP. 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 as 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 P ULMARRA VILLAGE CONTROLS**

**MAP P1**



**PART P ULMARRA VILLAGE CONTROLS**

**P4.2. Coldstream Street Precinct**

**Q4.2.1. 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 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 Q2.

Development of land in the B1 Neighbourhood Centre zone fronting Coldstream Street must take into consideration the following precinct policies.

**P4.2.2. Coldstream Precinct Policies**

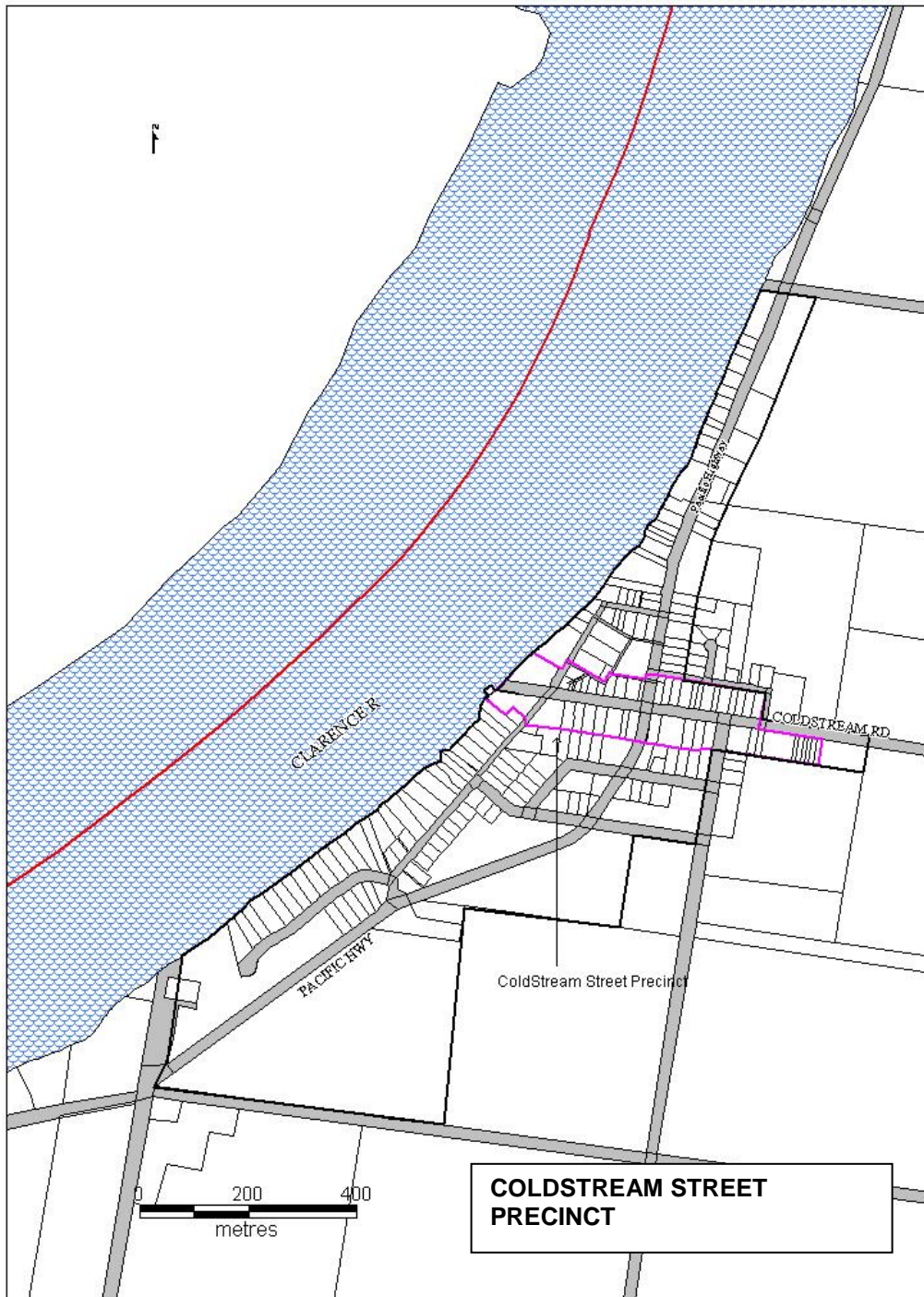
1. Careful restoration of historic buildings to original details is essential to the future aesthetic appeal and integrity of this precinct.
2. The use of appropriate heritage colour schemes is required to maintain the desired character of the village.
3. The view to the river should be maintained and 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.

**P5. 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 P1. Consult Council planning staff for details of land affected by the Ulmarra Riverbank Management Plan.

**PART P ULMARRA VILLAGE CONTROLS**

**MAP P2**



**TABLE P1**

<b>Land Use</b>	<b>Development</b>	<b>Riverbank land affected by “River Bank Zone” (RBZ) in Ulmarra Management Plan Maps 1-8</b>	<b>Riverbank land not affected by “River Bank Zone” (RBZ)</b>
<b>Infrastructure</b> (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.
<b>Residential</b>	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.
<b>Commercial and industrial</b>	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.
<b>Agriculture</b>	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 Q WOOLI VILLAGE CONTROLS**
**PART Q WOOLI VILLAGE CONTROLS**
**Q1. Where do controls for Wooli village apply?**

Controls for Wooli village apply to land in the B1 Neighbourhood Centre zone in the CV LEP 2011.

**Q2. 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 beach erosion of land adjoining the Wooli Beach and therefore limit the type of development permitted within Wooli village.

**Q3. 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
  - (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.

**PART Q WOOLI VILLAGE CONTROLS**

- (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

**Q4. Building Height**

A maximum building height applies to all development of land in the B1 Neighbourhood Centre zone in Wooli 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 Q1.

**TABLE Q1**

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

**Q5. Wooli Beach Coastline Management Plan Restrictions**

Development restrictions apply within the Wooli Beach Coastline Management Plan as outlined within TABLE Q2.

Council may permit development not conforming with any one or more of the requirements of TABLE Q2 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 the CV LEP 2011, a development application for land identified on the Coastal Risk Planning Map as the coastal risk planning area, 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 Q WOOLI VILLAGE CONTROLS**
**TABLE Q2.**

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 Q WOOLI VILLAGE CONTROLS****Q6. Floor Height Controls**

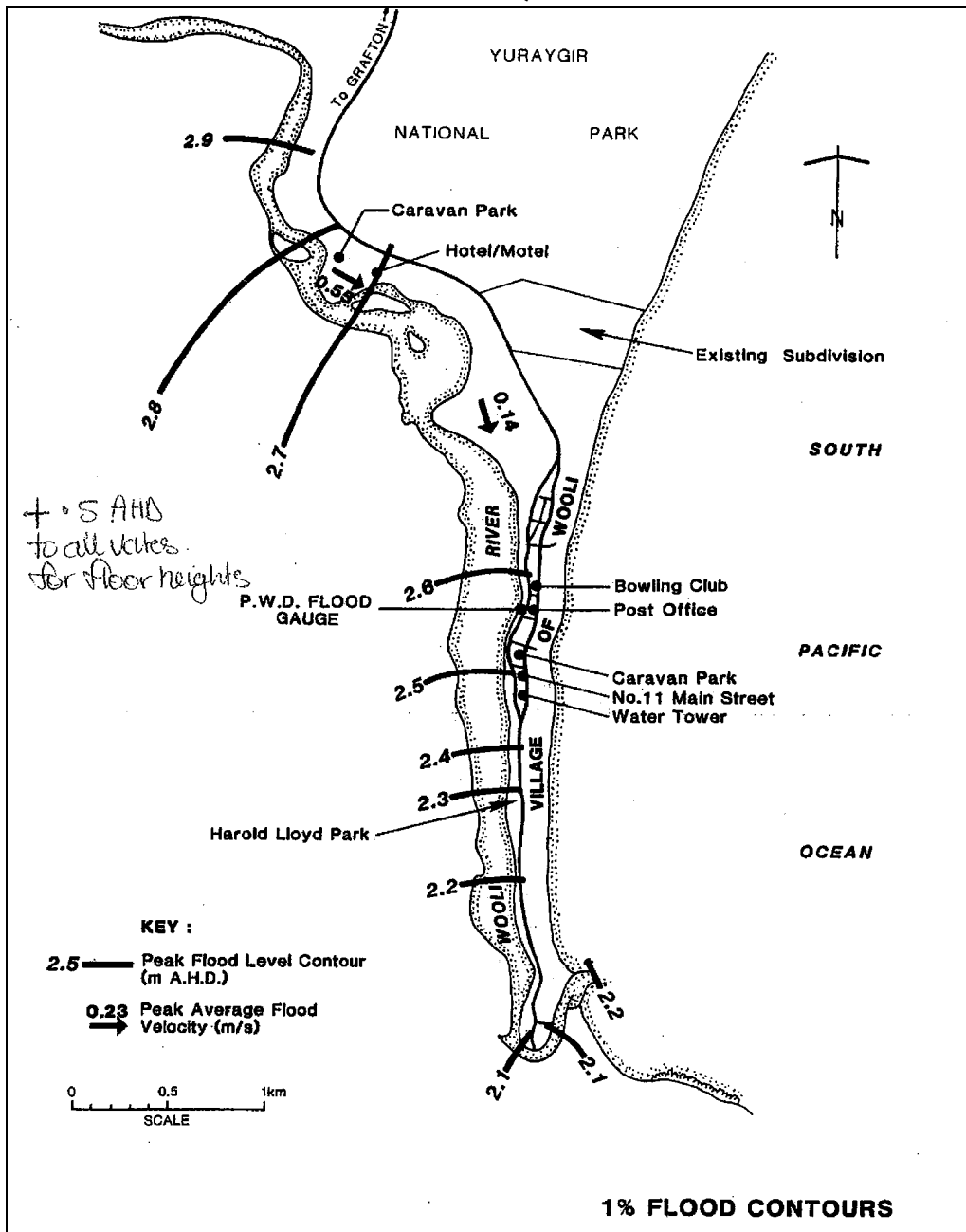
A floor height of 0.5 metres above the 1 in 100 year flood level applies to land in the Wooli village, based on available flood mapping as shown on MAP Q1.

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 Area and as indicated on the Clarence Valley LEP 2011 Flood Planning Area Map. Council is required to consider those matters set out in clause 7.3(3) when granting development consent on land within the flood planning area.

MAP Q1



## PART R YAMBA TOWN CENTRE CONTROLS

### PART R YAMBA TOWN CENTRE CONTROLS

#### R1. Where does PART R of this Plan apply?

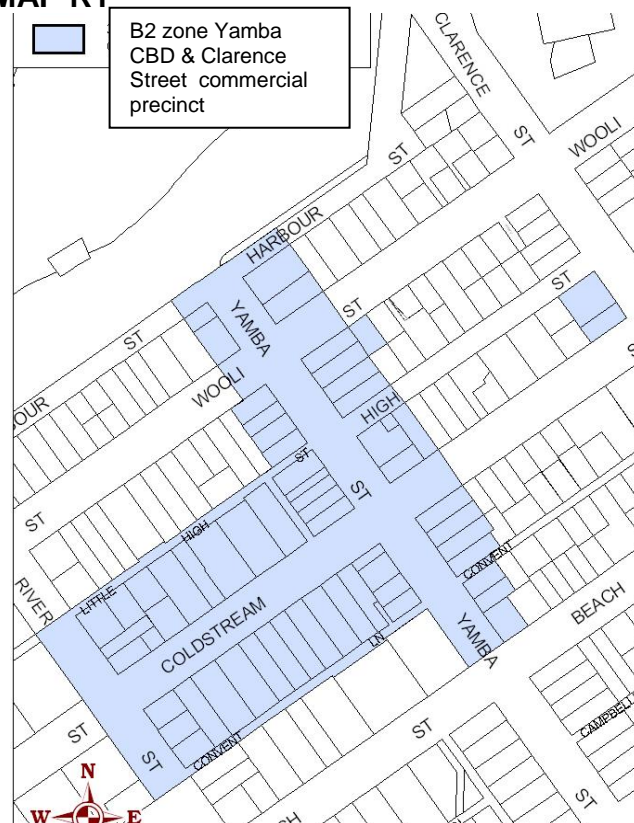
Part R of this plan applies to land in Yamba Town Centre zoned B2 Local Centre in CV LEP 2011. This includes the commercial area in Yamba and Coldstream Streets known as the Yamba CBD and the commercial precinct in Clarence Street. See MAP R1.

#### R2. What are the aims and objectives of Part S of this plan?

The aims of Part R of this plan are to:

- (1) reinforce the role of the Yamba Town Centre as the prime retail and commercial centre of Yamba; and
- (2) encourage commercial and retail development in Yamba Town Centre that:
  - (a) complements the coastal character of Yamba;
  - (b) is attractive and functional;
  - (c) provides a safe and pleasant pedestrian environment;
  - (d) complies with development policies for precincts within the commercial zones in Yamba; and
  - (e) provides adequate car parking and public open space to cater for the needs of those using the commercial centres.

MAP R1



## PART R YAMBA TOWN CENTRE CONTROLS

### R3. Height

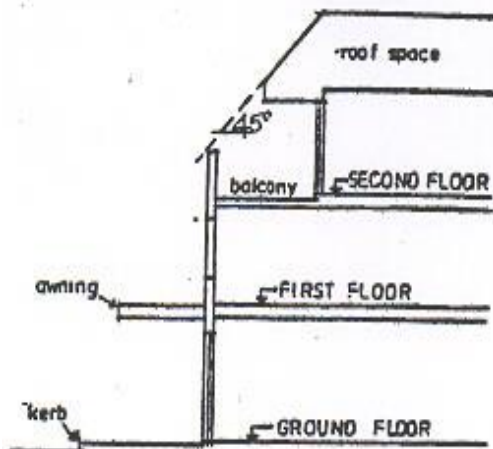
CV LEP 2011 clause 4.3 *Height of Buildings* and the associated Height of Buildings Map sets the maximum building height applying to land in the business zones.

A maximum building height of 12 metres applies to Yamba Town Centre (the business area surrounding Yamba and Coldstream Streets) and to the Clarence/Pilot Street business area.

A maximum top plate building height of 9.5 metres applies where the maximum building height is 12 metres.

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

The third storey must be set back to minimise the visual and overshadowing impact of the height of the building at street level, as shown in the diagram above.



### R4. Shop top housing /Residential development above shops/offices

The 12 metres maximum building height applies to allow the provision of additional residential development (shop top housing) on upper floors in the Yamba Town Centre. This has potential to bring more life into this commercial-tourist centre and extend trading hours.

Applications for a residential development must incorporate the required car parking and a minimum open area of 20 square metres per unit such as a deck, balcony or roof garden. Additional commercial floor space on upper floors is also permitted, and must satisfy car parking requirements.

#### Note:

- **shop top housing** means one or more dwellings located above ground floor retail premises or business premises. (Shop top housing is a type of **residential accommodation** - see the definition of that term in this Dictionary).
- Refer to the LEP Dictionary or this DCP dictionary for definitions of retail premises or business premises.

**PART R YAMBA TOWN CENTRE CONTROLS****R5. Setbacks**

New buildings or additions to existing development are required to be built to the front boundary (zero set back) in order to define the street pattern in the commercial zone. This applies to both street frontages on corner lots.

Exceptions to this policy will be considered where a setback is required to provide commercial space at ground level such as outdoor cafes or entrances to plazas, or in the development of a splayed corner to the building.

Where a commercial lot adjoins land zoned for residential purposes, any commercial development must be set back 900mm.

**R6. Awnings & Verandahs**

Awnings should be provided for all new developments or redevelopments for the length of the street frontage of the development. The awning height should match the height of adjacent commercial development where appropriate. The style of the awning should relate to the design of the building. Simple cantilevered awnings are appropriate for most new buildings.

An awning height and awning width applies as shown in the TABLE S1 opposite. These are intended to ensure that new awnings are compatible with adjoining developments and topography.

Canvas awning blinds attached to permanent awnings in colours to complement the building colour scheme are also encouraged, particularly where shop fronts face west or north.

Alternatively, where the width of the footpath permits, "shade sails" could be erected between the face of the awning and the kerb. These could provide additional shade and colour where footpaths are wider than the normal width.

**Note:**

Refer also to Council's Building in Airspace over Road Reserves 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](http://www.clarence.nsw.gov.au/cp_themes/metro/page.asp?p=DOC-OVF-11-62-35)



**PART R YAMBA TOWN CENTRE CONTROLS**
**TABLE R1**

Street Section	Under awning height AHD (metres)	Awning width (metres)
<b>Yamba Street</b> Eastern side between Harbour and Wooli Streets	5.7	2.6
<b>Yamba Street</b> Eastern side between Wooli Street and Welcome Mart	Stepping between 5.8m at Wooli Street to 6.4m at Welcome Mart	2.5
<b>Yamba Street</b> Eastern side between Welcome Mart and Coldstream Street	7.1	2.5
<b>Yamba Street</b> Eastern side between Coldstream Street and Convent Lane	7.5	3.0
<b>Yamba Street</b> Eastern side between Convent Lane and Beach Street	7.5	2.5
<b>Yamba Street</b> Western side between Harbour and Wooli Streets	5.7	2.5
<b>Yamba Street</b> Western side between Wooli and Little High Streets	Stepping betw 5.7 to 6.8	2.3
<b>Yamba Street</b> Western side between Little High and Coldstream Streets	7	2.5
<b>Yamba Street</b> Western side between Coldstream Street and Convent Lane	7.2	2.5
<b>Coldstream Street</b> Northern side between River and Yamba Streets	7	2.5
<b>Coldstream Street</b> Northern side between Yamba Street and residential area	7.2	2.5
<b>Coldstream Street</b> Southern side between River and Yamba Streets	7.2	2.5

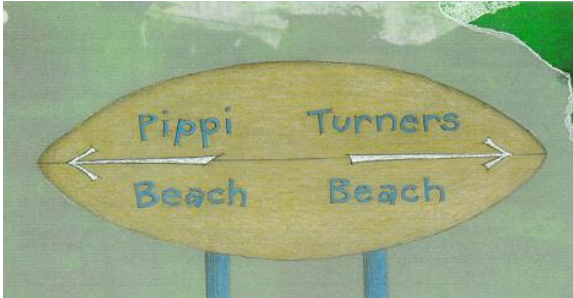
**R7. Building Materials and Colours**

The predominant colours should be those that reflect the coastal environment, that is, a colour palette of blues/greens/greys/yellow/creams/white. Bold colours can be used as highlights to add interest. Rendered surfaces are preferred to face brick, which tends to be out of character with coastal architecture. Roof materials in tones of grey/grey-blue/ or grey-green are encouraged.

## PART R YAMBA TOWN CENTRE CONTROLS

### R8. Signage

All Council signs should complement the coastal environment of Yamba by the use of appropriate colours, such as colour palette of blues/greens/greys/yellow/creams/white and materials that reflect the coastal setting. See diagram below.



Signs on buildings and awnings should be in colours compatible with the colour scheme for Yamba and colours of your building.



### R9. Lane Widening in Little High Street and Convent Lane

1. Little High Street (including the section of laneway connecting Little High Street to Coldstream Street) and Convent Lane will be required to be widened by 1.5 metres on each side between River Street and Yamba Street to provide for construction of one-way streets with shared pedestrian and parking facilities. Construction and dedication of the 1.5 metre widening will be required as a condition of consent in conjunction with any development approval for the land so affected.
2. Any development will attract a car parking bonus of one car space per 27 square metres of land which has been required to be constructed as road and dedicated to Council at no cost (see (1) above). The car parking bonus can be applied to any development occurring on the land, but can only be applied once.
3. A car parking layout plan shall be submitted with the Development Application including details of landscaping (including shade trees), drainage, the use of decorative paving, street furniture, weather shelter and security lighting. Access will need to be provided to all car spaces, loading docks and garbage receptacles.
4. The design of buildings and the refurbishment of existing buildings shall include architectural treatment of the building façade to the car park which should:
  - (a) Screen garbage bins;
  - (b) Encourage pedestrian access; and
  - (c) Prevent external storage.

**PART S CONTROLS FOR B1 ZONE IN DEERING STREET, YAMBA**
**PART S CONTROLS FOR B1 ZONE IN DEERING STREET YAMBA**
**S1. Where does PART S of this plan apply?**

Part S of this DCP applies to land in Lot 3 DP 565644, Deering Street, Yamba zoned B1 Neighbourhood Centre in CV LEP 2011.

PART T provides a framework for the future subdivision and development of the land.

Development of this land should also comply with the General Controls in PART C and other relevant Parts of this DCP.

**S2. Roads**

All new roads are to be constructed at a minimum 13 metres wide asphalt surface between kerb and gutter within a minimum 25 metre wide road reserve.

No subdivision of land south of Deering Street is to occur prior to the construction of Freeburn Street to Deering Street as shown in MAP T1. Cost of constructing Freeburn Street is to be fully met by new development of Lots 2 & 3 DP 596578 and Lots 2 & 3 DP 565644. MAP T1 also shows an indicative layout for internal road access for the site.

Council may consider applications for development prior to the construction of Freeburn Street on Lot 2 & 3 DP 596578 & Lots 2 & 3 DP 565644, which does not involve the subdivision of these allotments, subject to the following considerations:

- (a) The amount and type of traffic that would be generated by the development and the capacity and the existing road network to handle that traffic.
- (b) That Deering Street will be required to be upgraded to Council requirements to service the development.
- (c) That the proposal does not prejudice the future subdivision layout for the land as identified in this plan.

Following construction of the proposed Yamba Urban Bypass Road along the Deering Street alignment, a roundabout will be provided at the intersection with Freeburn Street to facilitate access to the industrial estate.

**S3. Filling and flood requirements**

The 1% ARI flood level for the area is 2.2m AHD. Prior to the subdivision or development of land for industrial/business purposes, all land is to be filled to RL 2.0m AHD.

When developed all electrical fittings and equipment within buildings are to be located a minimum 2.5m AHD.

**S4. Drainage**

All lots are to be filled and graded so as to not discharge stormwater on to adjoining properties.

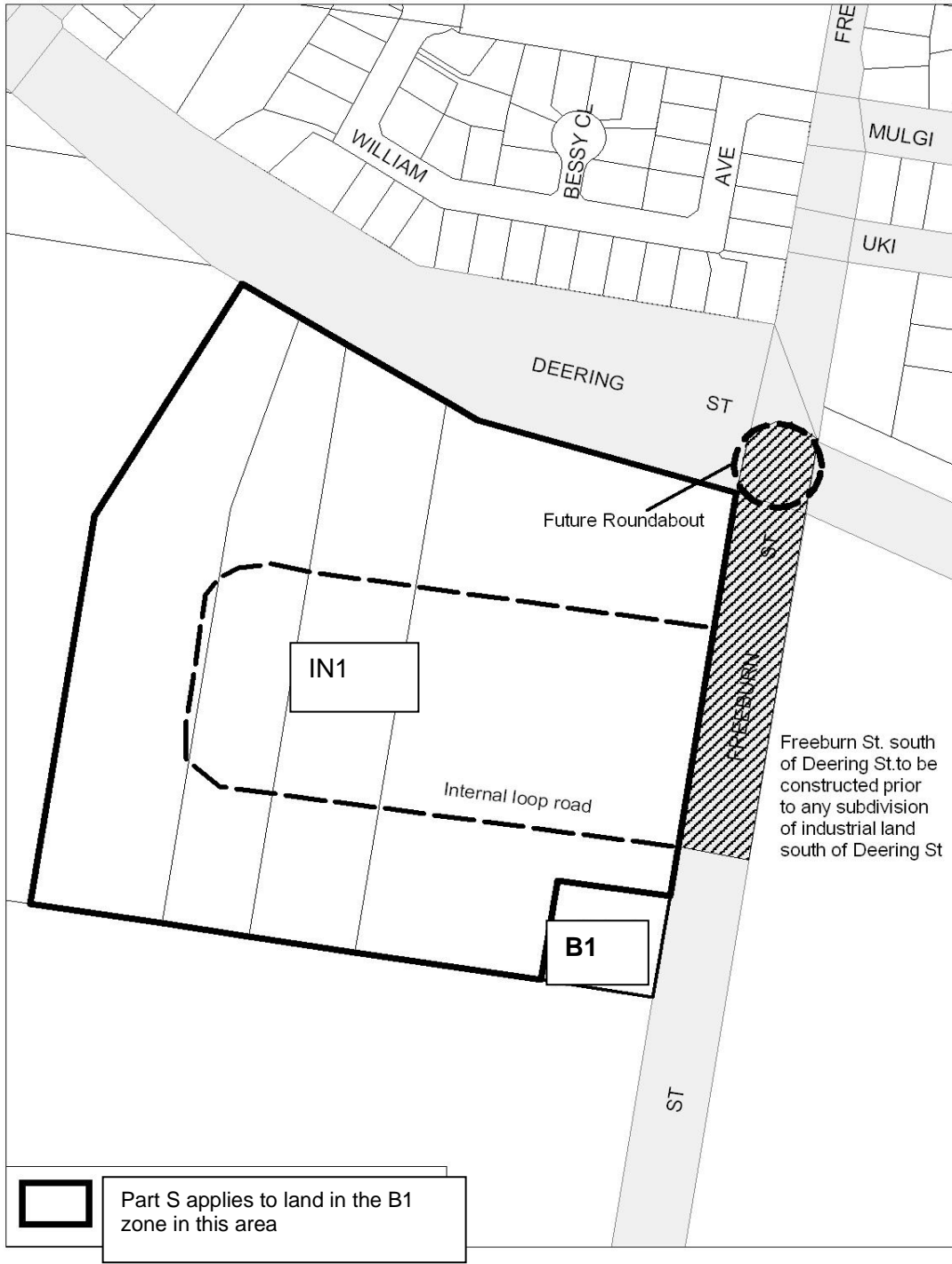
Individual developments will be required to provide on site storage / detention to limit their developed stormwater flows to that of the predevelopment flows.

**S5. Buffers**

The provision of landscaped buffers, a minimum of 20 metres in width, along the boundary of future residential areas will be required as a condition of development or subdivision consent.

**PART S CONTROLS FOR B1 ZONE IN DEERING STREET, YAMBA**

**MAP S1**



<b>DICTIONARY</b>
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**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)



## DICTIONARY

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 1 in 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



<b>DICTIONARY</b>
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(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)

## DICTIONARY

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>DICTIONARY</b>
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- (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

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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:

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- (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).

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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.

**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).



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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 Dictionary.

**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.

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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:

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- (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.

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**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 than 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*.

**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.

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**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.

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**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.

**General Floodplain** means that part of the floodplain other than floodways or flood storage areas.



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**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 than 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

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- (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.

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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

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(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:

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- (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,

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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



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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.

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**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.

**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, knackereries, 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 handcraft 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 handcraft or process declared by the

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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:

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- (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 compiled by local councils in the Northern Rivers area derived from the Aus- Spec Generic Development Specification series, as amended from time to time.

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**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,

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- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, 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*.



## DICTIONARY

**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.

## DICTIONARY

**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.

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**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,

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- (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.

**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:

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- (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).

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**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



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- (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

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- (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,

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- (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).

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**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,
- (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.