



# **RURAL ZONES**

## **DEVELOPMENT CONTROL PLAN 2011**

**In force from 23 December 2011**



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## **DICTIONARY I**

## DCP ORIGIN

<b>Clarence Valley Council Development Control Plan Rural Zones 2011</b>	
Adopted by Council.	13 December 2011
In force.	23 December 2011
<b>Clarence Valley Council Development Control Plan Rural Zones 2011 - Amendment No 1</b>	
Adopted by Council	17 March 2015
In force.	1 April 2015
<b>Clarence Valley Council Development Control Plan Rural Zones 2011 - Amendment No 2</b>	
Adopted by Council	19 July 2016
In force.	22 August 2016
<b>Clarence Valley Council Development Control Plan Rural Zones 2011 - Amendment No 3</b>	
Adopted by Council	20 November 2018
In force.	7 December 2018
<b>Clarence Valley Council Development Control Plan Rural Zones 2011 - Amendment No 4</b>	
Adopted by Council	28 May 2019
In force	5 July 2019
<b>Clarence Valley Council Development Control Plan Rural Zones 2011 - Amendment No 5</b>	
Adopted by Council	17 December 2019
In force	17 January 2020
<b>Clarence Valley Council Development Control Plan Rural Zones 2011 - Amendment No 6</b>	
Adopted by Council	22 October 2019
In force	27 March 2020

### Summary of Amendments

<b>Summary of Amendment No. 1</b>	
Part C	Insert revised clause C8.5 – Provision of suitable road access to provide clarification to what Council considers to be suitable road access for the purposes of clause 7.8 of the CVLEP 2011.
<b>Summary of Amendment No. 2</b>	
New Part R	Insert controls for Biodiversity and Habitat Protection Provisions.
<b>Summary of Amendment No. 3</b>	
Part B	Amend Table B1 due to review of notification and advertising. Update B5.3.
Part C	Amend C8 to update criteria for suitable road access.
Part K	Amend K2 for consistency with the CVLEP in terms of clarifying that only one rural workers dwelling is permitted per lot.
Dictionary	Update of definitions to align with the CVLEP.
Throughout	Correction of various minor errors and updates to align with Council Policies and BASIX requirements.
<b>Summary of Amendment No. 4</b>	
Part R	Added R5.1A Baseline Ecological Assessment Exemptions
<b>Summary of Amendment No 5</b>	
Part B	The provisions in Part B have been deleted and transferred into Council's Community Participation Plan.
<b>Summary of Amendment No 6</b>	
New Part S	Insert controls for function centres in RU2 Rural Landscape zone.



## PART A. INTRODUCTION

### PART A INTRODUCTION

#### A1. What is the name of this Plan?

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

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

The aim of the plan is to support and complement Clarence Valley Local Environmental Plan 2011 (CVLEP 2011) and to encourage development of land in rural zones that complements the rural character of a locality and is at an appropriate scale and form to minimise land use conflicts.

The objectives of the plan are:

- (a) To provide setbacks and other development controls for rural zones.
- (b) To set out procedures for notification and advertising of development applications in rural zones.
- (c) To ensure that there is adequate provision for car parking facilities and for the safe and convenient circulation of all forms of vehicles, pedestrians and bicycles in the rural areas.
- (d) To provide controls for erosion and sediment control.
- (e) To provide controls to manage water in a sustainable way.
- (f) To provide subdivision and engineering standards.
- (g) To provide adequate road access and provision of services.
- (h) To provide controls for advertising structures.
- (i) To ensure that development in flood prone areas is compatible with the flooding characteristics of the site and is designed so that the likelihood of damage to buildings, stock and equipment from floodwater is minimized.
- (j) To provide controls for eco-tourist.
- (k) To provide controls for rural worker's dwellings.
- (l) To provide controls for bed and breakfast accommodation.

#### A3. Where does this plan apply?

The Clarence Valley Rural Zones Development Control Plan applies to land within the following rural zones under CV LEP 2011:

- RU1 Primary Production
- RU2 Rural Landscape
- RU3 Forestry

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

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

The Clarence Valley Rural Zones Development Control Plan was adopted by Council and came into force

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

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

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

Your development may be exempt development. Refer to provisions in CV LEP 2011 Clauses, Schedule 2 and Codes SEPP. [www.housingcodes.planning.nsw.gov.au](http://www.housingcodes.planning.nsw.gov.au), Code for development without approval.

Depending on the type and location of a proposed development / land use State Environmental Planning Policies (SEPPs) may apply. For example, SEPP 30 -

## PART A. INTRODUCTION

Intensive Agriculture, 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 and Infrastructure.  
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 the DCP and depending on location of the land and the type of development other parts of the DCP may apply.

Particular locality controls apply for some rural zones. Check to determine whether specific controls apply to your land before preparing a development application.

Controls apply to the following localities:

- Land close to Glenreagh village.
- Land subject to riverbank erosion on Palmers Island.
- Land adjacent to Ulmarra village.
- Former horticultural land at Lanitza, Kungala and Glenugie.

Other sections of the DCP may apply depending on the type of development proposal.

If your development requires;

- Car parking, see Part F.
- Changes in water usage and site stormwater management, see Part G.
- Disturbance of soil or a change in run-off flowing from the site, 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.

### A7. Consulting with Council Staff

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

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

### A8. What information shall be provided to Council?

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

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

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

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

## PART A. INTRODUCTION

- Development, an Environmental Impact Statement is required.
8. Flora and Fauna assessment, prepared in accordance with the Office of Environment & Heritage document, *Threatened Biodiversity Survey and Assessment: Guidelines for Development and Activities Working Draft November 2004*. Office of Environment and Heritage website [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au).
  9. A species impact statement where land is, or is part of, critical habitat or development that is likely to significantly affect threatened species, populations or ecological communities, or their habitats.
  10. If the development involves any subdivision work, preliminary engineering drawings of the work to be carried out that includes details necessary to clearly demonstrate that the proposed development will comply with the relevant standards in this .
  11. A landscape plan showing existing and proposed trees and vegetation.
  12. A car parking plan showing on-site manoeuvring, loading and unloading, details of estimates of frequency of deliveries, types of service vehicles to be used and information detailing compliance with the requirements of Part F. This includes identification and assessment of access to the land.
  13. Details of Sustainable Water Management and an Erosion and Sediment Controls Plan (ESCP), if applicable.
  14. Details of any advertisement and/or advertising structures proposed.
  15. Details of the proposed waste water management strategy.
  16. Details of waste management for demolition, construction and operational phases in accordance with Council's *Waste Not Development Control Policy*.
  17. Details of essential fire services within existing buildings.
  18. On bush fire prone land, information to show compliance with the latest edition of NSW Rural Fire Service *Planning for Bushfire Protection 2006*.
  19. Where applicable detail of hours of operation, types of manufacturing processes, related noise generating equipment and means to reduce pollution.
  20. An assessment of potential land contamination and the suitability of the site for the proposed development. This must include the following details:
    - (a) Present use of the land;
    - (b) History of past uses of the land;
    - (c) Details of any uses (past or present) that may involve potentially contaminating activities;
    - (d) Details of fill, chemicals, pesticides, insecticides and fertilisers known to have been used on the site.

Applicants should refer to State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55), the NSW *Managing Land Contamination: Planning Guidelines* and Council's Contaminated Land Policy for further information.
  21. Details of any specific information required by any clause of this DCP relevant to the development application.
- Where a development application includes filling the following information needs to be provided:
- (a) The depth of the fill and the location of area to be filled.
  - (b) The type of fill.
  - (c) The source of the fill.
  - (d) The extent of any clearing of undergrowth required.
  - (e) The location of any proposed buildings.
  - (f) The provision of drains and drainage measures to prevent run-off to adjoining properties.
  - (g) The provision of retaining walls, if required.
  - (h) The effects of the fill on existing drainage patterns.

### A9. Variation to DCP controls

Council can grant consent to a development proposal that does not comply with the specific requirements of

## **PART A. INTRODUCTION**

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 must be achieved.

### **A10. Controls for 'existing uses' in rural 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 DCP's.

**Note:**

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

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

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

### **A11. Assessment of development applications**

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

**PART C. GENERAL DEVELOPMENT CONTROLS FOR RURAL ZONES**
**PART C GENERAL DEVELOPMENT CONTROLS FOR RURAL ZONES**

and site specific controls, the site specific controls prevail.

**C1. What are the objectives for development in rural zones?**

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

- (a) Development which is responsive to site constraints and the surrounding environment.
- (b) Development which is of a high quality and is sensitive to the rural character of the locality in which it is being developed.
- (c) Development that is functional and appropriate for the type of land use /activity being provided.
- (d) Development/land uses that provide adequate buffers to residential development to reduce conflicts between rural/agricultural uses and residential amenity.

**C2. How to apply Part C Controls**

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

- (a) Restrictions on dual occupancies.
- (b) Setbacks.
- (c) Development on flood liable land.
- (d) Provision of services.

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

In addition, special controls apply to particular uses in separate Parts of this DCP, such as, rural worker's dwellings, bed and breakfast accommodation and eco-tourist facilities.

Where conflict arises between general

**PART C. GENERAL DEVELOPMENT CONTROLS FOR RURAL ZONES**
**C3. Minimum allotment size for dwelling houses**

In order to obtain approval for a dwelling house on land in a rural zone the requirements of CV LEP 2011 clause 4.2B *Erection of dwelling houses and dual occupancies on land in certain rural, residential and environmental protection zones* must be met.

**Note:**

Clause 4.2B requires that in order to erect a dwelling house the size of the lot must meet the minimum lot size for that land identified on the Lot Size Map.

Approval may be given for a dwelling house that does not meet this minimum lot size if approval for a dwelling house could have been given under the previous LEP or planning instrument. This situation arises when the planning controls increase the minimum lot size for a dwelling house or other controls related to land being in one ownership at a certain date.

The provision that enables dwellings in rural zones under previous planning instruments will be maintained for 10 years from the gazettal of CV LEP 2011.

See Clause 4.2B *Erection of dwelling houses and dual occupancies on land in certain rural, residential and environmental protection zones* in CV LEP 2011 and the Lot Size Map.

**C4. Assessment considerations in determining Development Applications**

In determining development applications under section 79C of the EP & A Act evaluation of development applications must consider among other matters, the likely impacts of that development and the suitability of the site for the development.

The likely impacts of the development must include consideration of the environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

**C4.1.** In rural zones, **likely impacts of the development** should include consideration of the following:

- (1) Impacts on primary production. This includes the impact of the proposed development on the use and productivity of the land for primary industry production and the economic viability and sustainability of that use.
- (2) Impacts on the adjoining land. This includes impacts on the use of that land and on the productivity of the land for primary industry production and the likelihood of land use conflict.
- (3) Impacts on areas of vegetation conservation value, scenic amenity and landscape value. Consideration should be given to protect areas with significant values.
- (4) Impacts on water resources. This includes protection of water resources by limiting the creation of additional water rights through subdivision. Impacts on ground water resources should also be considered.
- (5) Impacts on the availability of mineral, petroleum and extractive resources, such as gravel, sand or other extractive material.
- (6) Impacts on riparian areas. This includes consideration of the need

## PART C. GENERAL DEVELOPMENT CONTROLS FOR RURAL ZONES

to protect riparian areas and for development to be adequately setback from streams. In determining the impacts on riparian areas the following need to be considered;

- (a) Impacts on stream stability and function.
  - (b) Hazards associated with the location.
  - (c) Impacts on water quality and water flow.
  - (d) Impacts on vegetation and habitat areas.
  - (e) Protection of cultural and scenic values
  - (f) Public access considerations.
  - (g) The necessity for the development in the proposed location.
- (7) Impacts on places and buildings of archaeological and heritage significance.
- (8) Visual impacts of the proposed development on the rural character and amenity of the area, including the visual impact of any clearing, fencing and associated works.

**C4.2.** In rural zones, in determining development applications **consideration of the suitability of a site** for the proposed development should include consideration of the following:

- (1) The natural constraints and hazards of the land. This includes slope, soil stability, landslip, flooding and bush fire risk.
- (2) The availability and adequacy of services. This includes:
  - (a) The adequacy of the water supply for both domestic and non-domestic consumption that does not rely on a surface of groundwater supply; that is, the water supply should be based on rainwater tanks and off-stream dams.
  - (b) The suitability of the land for effluent disposal.
  - (c) The adequacy of electricity supply.
  - (d) The adequacy of telecommunications.

- (e) The adequacy of waste disposal.
- (f) The cost of providing, extending and maintaining services and the likely demand for addition services should also be considered.

- (3) The adequacy of vehicular access to the site. All weather two-wheel drive access must be provided.

**C4.3.** A development application for land in a rural zone must include information on the following matters:

- (a) the existing use of the land and associated details of primary production or primary industry and the sustainability of that use; and
- (b) extractive resources and impacts on these resources; and
- (c) constraints and hazards associated with the land, such as slope, soil stability, landslip, flooding and bush fire risk; and
- (d) groundwater resources and protection of these resources; and
- (e) riparian areas, setbacks to streams, impacts on vegetation, public access, stream stability, water quality, water flow and protection of these areas; and
- (f) assessment of the conservation value of native vegetation and measures to protect vegetation areas with significant values; and
- (g) the scenic amenity and landscape values of the land and protection of these areas; and
- (h) the archaeological and heritage significance of the land and building and their protection; and
- (i) the visual impact of the proposed development on the rural character and amenity of the area, including visual impacts of any clearing, fencing and associated works; and
- (j) the impact of the proposed development on adjoining land, the primary production /industry use of the land and the likelihood of land use conflicts; and



## PART C. GENERAL DEVELOPMENT CONTROLS FOR RURAL ZONES

- (k) the availability of services and the likely demand for services; and
- (l) the adequacy of the water supply for domestic and non-domestic consumption
- (m) effluent disposal; and
- (n) access to the land and adequacy of the access.

### C5. Setbacks

**C5.1.** All development in rural zones must comply with the following setbacks, except where setbacks are identified in another Part of this DCP or clause C5.7.

Minimum setbacks are as follows:

**Front** – 10 metres

**Side** – 3 metres.

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

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

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

**C5.2.** Where the established front setback is greater than 10 metres then the established front setback should be maintained. For example, a 20 metre front setback may be established in some rural areas.

#### **Secondary Frontage Setbacks**

For development on corner lots, the secondary frontage must have a minimum setback of 6 metres from the property boundary.

#### **C5.3. Setback 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 deep. Where the sewer is between 1.5 metres and 3 metres deep, the minimum setback from buildings should be 2.5 metres. Where the sewer is greater than 3 metres deep, the minimum setback for buildings will be determined by Council staff following an assessment of maintenance and access requirements.

For detailed engineering requirements for setbacks to sewer lines see Council's Policy for Building in Close Proximity to Sewers.

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

**C5.4.** All buildings must be setback 3.5 metres from the toe of any levee wall.

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

**C5.5.** Variation to the front setback will be considered on merit.

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

- (a) the position of adjacent buildings and their residential character.
- (b) location of existing vegetation
- (c) the effect on sightlines and visibility for pedestrians and vehicles.
- (d) size, shape and grade of the lot.
- (e) the facade of the proposed building or buildings which will face the street and the proposed landscaping which is visible from the street.

## PART C. GENERAL DEVELOPMENT CONTROLS FOR RURAL ZONES

**C5.6.** Dwelling houses must be setback 40 metres from any waterway.

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

**C5.7.** Additional setbacks may apply on classified roads.

### C6. Requirements for attached dual occupancies

**C6.1.** Attached dual occupancies are permitted with consent in RU1 and RU2 rural zones.

**C6.2.** Dual occupancies in rural zones must be designed so that the 2 dwellings are attached. Requirements are as follows:

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

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

**C6.2.** A maximum floor area of each dwelling does not apply to attached dual occupancies.

### C7. Energy Efficiency

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

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

- (a) walls – R1.5 insulation,
- (b) roof/ceilings - R2.5 insulation,

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

### C8. Provision of Essential Services

#### C8.1. General

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

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, storm water management and telecommunications and suitable road access.

#### C8.2. Supply of water

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

#### Note;

- Under section 124 of the Local Government Act Council can require premises that are situated within 225 metres of a water pipe of the Council to be connected to Council's water supply.
- Water and sewer connection is to comply with minimum sewer and water connection requirements set out in Council's Sewer and water connection policy No. 1.68.

**PART C. GENERAL DEVELOPMENT CONTROLS FOR RURAL ZONES**

- (b) Hydraulic details, prepared by a suitable qualified hydraulic consultant, must be provided for water supply work (including fire services) in all new multi dwelling housing and residential flat buildings. These details are to be submitted to Council for approval prior to issue of the Construction Certificate.
- (c) In areas where a reticulated water supply is not available or connection to such is deemed unacceptable a domestic water storage capacity (i.e. for a dwelling house) of 45,000 litres must be provided.
- (d) Where more than 2 Class 1a dwellings are to be erected on a property and any of those dwellings are more than 90 metres from a street hydrant, an on-site fire hydrant must be provided. The fire hydrant system shall comply with AS 2419.1.
- (e) On land in bush fire prone areas that is not serviced by a reticulated water supply, a water supply reserve must be provided for fire fighting purposes. The water requirements for fire fighting purposes in TABLE C1 must be met.;

TABLE C1

Development Type	Water Requirement
Dwellings on lots < 1,000m <sup>2</sup>	5,000 litres/lot
Dwellings on lots 1,000 -10,000m <sup>2</sup>	10,000 litres/lot
Dwellings on lots > 10,000m <sup>2</sup>	20,000 litres/lot

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

**C8.3. Disposal and management of sewage**

- (a) Subdivision and development must be connected to a reticulated sewerage system where available. Where connection to a reticulated sewerage system is not available nor otherwise possible, wastewater disposal must comply with the Clarence Valley

Council On-site Wastewater Management Strategy 2005.

- (b) A development application for a new dwelling in an unsewered area must meet the standard criteria in the On-site Wastewater Management Strategy. Where the criteria cannot be met, then the development application must include an Effluent Management

Report prepared by a suitably qualified waste water consultant or Engineer.

**Note:**

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

- (c) Where it is proposed to replace an existing dwelling with a new dwelling or add bedrooms to an existing dwelling, Council will require upgrading of the on-site wastewater system in accordance with the On-site Wastewater Management Strategy 2005, unless a wastewater consultant can justify otherwise. Refer to the Clarence Valley Council On-site Wastewater Management Strategy 2005 for details.

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

**PART C. GENERAL DEVELOPMENT CONTROLS FOR RURAL ZONES**
**C8.4 Supply of electricity**

- (a) A mains power supply is to be provided to the boundary of any new lot to be created in rural subdivision.
- (b) Council may impose a requirement for a mains power supply to be provided for other development proposed in a rural zone. Refer also to C8.4(c) below.
- (c) Alternative power sources for subdivision and development can be considered where it can be demonstrated that the economic cost and/or likely environmental impact of connection is unacceptable.

**C8.5. Provision of suitable road access**
**Objectives**

- To clarify what Council considers to be suitable road access for the purposes of clause 7.8(e) of the CVLEP 2011
- To introduce the concept of Category 1 and Category 2 unsealed roads.
- To provide clearly identifiable, legal and safe access linkages to land being developed in Rural zones
- To ensure that the approved road access is suitable for use by conventional two wheel drive vehicles and emergency services vehicles.
- To minimise the impact of road access on land suitable for agriculture, the natural environment, waterways, the scenic landscape, and rural dwelling amenity.
- To ensure that any proposed access meets bush fire protection standards.
- To enable safe evacuation of residents, and easy access and egress for emergency services vehicles, in the case of a bush fire, flood or storm event or any other emergency requiring access to or evacuation of people from proposed dwellings/lots.
- To ensure the extent of Councils public road infrastructure does not exceed a sustainable level

- (a) For the purposes of clause 7.8(e) of the CVLEP 2011 "suitable road access" for the purposes of

development in rural zones is deemed to be satisfied when the lot being developed has frontage to a sealed public road or a Category 1 unsealed road listed in Council's adopted Roads Policy.

In addition, each lot in a proposed subdivision must have direct frontage to a sealed public road or an unsealed Category 1 road that is listed in Councils adopted Roads Policy.

- (b) If subclause (a) can not be complied with an applicant may request that Council extend the sealed public road or the Category 1 unsealed road network to service the development. Any request under this clause must accompany the development application and must address the criteria set out in Councils Roads Policy.

- (c) In relation to proposed dwelling houses on existing allotments only, where an allotment does not meet the requirements in (a) or (b) above Council may permit provision of vehicular access from a Category 2 road or by private access arrangements such as a legal right of way subject to the considerations at (e) - (i) below.

Any request for Council to extend the Category 2 unsealed road network to service the development must accompany the development application and must address the criteria set out in Councils Roads Policy.

- (d) A decision to extend the sealed public road or unsealed Category 1 and Category 2 road network must be made by resolution of Council, as such any application using (b) or (c) above will be reported to Council for determination.

The applicant must note that the Roads Policy requires any additional lengths of sealed public road or unsealed Category 1 or Category 2 road to be constructed to current engineering standards at no cost to Council prior to being transferred to Council ownership or added to the

**PART C. GENERAL DEVELOPMENT CONTROLS FOR RURAL ZONES**

scheduled maintenance list as a Category 1 or Category 2 road. This will be reflected in any conditions of consent should the road network extension be approved.

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

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

(e) **Private Access Arrangements**

Proposals for access via a private access arrangement must satisfy the following criteria:

- (i) The point of entry to the private access arrangement is to a sealed public road or a Category 1 unsealed road.
- (ii) The length of the access is generally to be limited to 1 kilometre, but may be extended having regard to the range of other factors listed below.
- (iii) route of such access is not to exceed a longitudinal slope or cross fall of 10%.
- (iv) The private access arrangement is to resolve an existing situation where alternative legal road access is not available.
- (v) A maximum of two dwelling entitlements are to benefit from any such private access arrangement.
- (vi) Maintenance arrangements for a proposed right of way or access way are to be detailed at the time of application and should demonstrate that all parties are agreeable to such arrangements and are aware of the their maintenance burden and obligation; such arrangements are to be reflected in an 88B instrument or Restriction on Use.
- (vii) The route of such access is not to traverse any Crown or Council road reserve.
- (viii) The point of access on to a sealed public road or Category 1

unsealed road must be located to provide safe sight distance and safe ingress and egress to and from the land.

(f) **Category 2 Roads**

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

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

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

- (g) The location and design of any road extension or private access arrangement must also avoid, minimise or otherwise mitigate any adverse environmental impact on:

- land containing high biodiversity value and endangered ecological communities.
- a waterway and water quality.
- the natural habitat of a threatened species.
- the scenic landscape of the locality.
- the amenity of other adjoining residents.
- land suitable or potentially suitable for agriculture being permanently lost for agricultural production.

- (h) The construction design of any new private access is to be submitted to Council prior to issue of the Construction Certificate for any dwelling house it is serving. The design must consider:

- The topography of the land.
- Provision of a culvert to account for a 1 in 5 year stormwater event at any permanent or intermittent water course.

## PART C. GENERAL DEVELOPMENT CONTROLS FOR RURAL ZONES

- Any existing services which may be impacted upon.
  - Drainage catchments.
- (i) In the case of bushfire prone land any private access arrangement must comply with minimum access requirements specified by Chapter 4 of Planning for Bushfire Protection 2006 or any successive document.
- (j) Except as required to meet bush fire safety requirements in the particular circumstances of the land, only one access to a lot is permitted to be connected to a sealed public road or a Category 1 road. This does not apply to access to paddocks.

### C8.6. Stormwater Management

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

### C8.7 Provision of other services and infrastructure

Development must be serviced by telecommunications as further provided for in Part I10.

### C9. Development on Flood Liabile Land

The CV LEP 2011 identifies flood prone land on the Flood Prone Land Map and is subject to clause 7.3 Flood planning and clause 7.4 Floodplain risk management.

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

#### Note:

Under CV LEP 2011 clause 7.2 *Earthworks* development consent is required to excavate, drain or fill of land unless:

- (a) The work is permitted as exempt development, or

- (b) The work is ancillary to other development for which development consent has been given.

Also see the SEPP (Exempt and complying Development for which development consent has been given. (Codes SEPP <http://housing.code.planning.nsw.gov.au>)

### C10. Controls for Bush Fire Prone Land

On bush fire prone land a development application must comply with the NSW Rural Fire Service *Planning for Bushfire Protection 2006*. An Asset Protection Zone (APZ) and adequate access is required. Use of non-combustible materials may be required. It is advisable to consult the NSW Rural Fire Service.

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

### C11. Development of land with Acid Sulfate Soils

Specific controls apply to disturbance of land classified and identified as acid sulphate soils on the CV LEP 2011 Acid Sulfate Soils Maps.

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

### C12. 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

**PART C. GENERAL DEVELOPMENT CONTROLS FOR RURAL ZONES**

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

**C13. Sheds, Farm Buildings and Outbuildings**

**C13.1.** On land in the RU1, RU2 and RU3 rural zones sheds, farm buildings and outbuildings must comply with the following setbacks:

- Must be behind the front setback.
- Side and rear boundary setbacks to be directly proportional to the height of the building. E.g. Building height 4.5m, side and rear setback to be 4.5m.

**C13.2.** Variations to these requirements will be considered where a shed /farm building /outbuilding is not highly visible from the street and reasonable side boundary setbacks are available to permit screening.

**C13.3.** Sheds, farm buildings and outbuildings on unsewered lots will only be approved where they will not adversely impact on the on site waste water system, including the reserve area. The site plan submitted with the Development Application must indicate the location of the existing septic tank and trenches/disposal area in relation to the proposed building, driveway and boundaries.

**C13.4.** Council will permit the occupation of a caravan or shed on an allotment where a dwelling is being constructed, subject to:

- (a) The occupation of the caravan or shed only being for a 12 months or less.

**C13.5.** Some sheds, farm buildings and outbuildings may not require approval of a Development Application if exempt development requirements/development standards can be met.

Refer to [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) ("Codes SEPP") to determine whether the development may be carried out as exempt development.

**C13.6 Definitions.** For the purposes of this clause the definition of an 'outbuilding' included in the Codes SEPP (State

Environmental Planning Policy (Exempt and Complying Development Codes) 2008 applies.

'Farm building' is defined in the CV LEP 2011.

**Note:**

**farm building** means a structure the use of which is ancillary to an agricultural use of the land holding 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.

## PART C. GENERAL DEVELOPMENT CONTROLS FOR RURAL ZONES

**Note:**

**outbuilding** means any of the following:

- (a) balcony, deck, patio, pergola, terrace or verandah that is detached from a dwelling house,
- (b) cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
- (c) carport that is detached from a dwelling house,
- (d) farm building,
- (e) garage that is detached from a dwelling house,
- (f) rainwater tank (above ground) that is detached from a dwelling house,
- (g) shade structure that is detached from a dwelling house,
- (h) shed

### 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. All demolition and construction waste should be separated for reuse or recycling wherever possible.

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

All applications for development, except for minor construction and demolition works involving a construction footprint of less than 50m<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.

### 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 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.

**Note: Contributions May Apply**

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

Contributions for sewer and water headwork's may also be applicable.

These contributions are indicated in Councils current Schedule of Fees and Charges.

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



**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, Yamba or Lower Clarence River and 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 by CV LEP 2011 and secondly by ascertaining the applicable land use category from Schedule D2 of this Plan.

**Note:**

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

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

**PART D FLOODPLAIN MANAGEMENT CONTROLS**

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

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

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

**D3. What Development Controls Apply?**
**D3.1 Performance Criteria**

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

- (a) The proposed development should not result in any increased risk to human life.
- (b) The additional economic and social costs which may arise from damage to property from flooding should not be greater than that which can reasonably be managed by the property owner and general community.
- (c) The proposal should only be permitted where effective warning time and reliable access is available for evacuation from an area potentially affected by floods to an area free of risk from flooding. Evacuation should be consistent with any relevant flood evacuation strategy.
- (d) Development should not detrimentally increase the potential flood effects on other development or properties either individually or in combination with the cumulative impact of development that is likely to occur in the same floodplain.
- (e) Motor vehicles are able to be relocated, undamaged, to an area with substantially less risk from

flooding, within effective warning time.

- (f) Procedures would be in place, if necessary, (such as warning systems, signage or evacuation drills) so that people are aware of the need to evacuate and relocate motor vehicles during a flood and are capable of identifying an appropriate evacuation route.
- (g) Development should not result in significant impacts upon the amenity of an area by way of unacceptable overshadowing of adjoining properties, privacy impacts (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.

**D3.2 Prescriptive Controls**

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

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

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

**Note:**

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

**PART D FLOODPLAIN MANAGEMENT CONTROLS**
**D4. Are there Special Requirements for Fencing?**
**D4.1 Performance Criteria**

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

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

**D4.2 Prescriptive Controls**

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

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

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

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

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

**D5. Are There Special Controls for Filling of Flood Liable Land?**
**D5.1 Performance Criteria**

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

- (a) The filling of flood liable land must not increase the flood risk on other land within the floodplain.
- (b) Filling and associated works must not have any unacceptable associated environmental impacts such as detrimental affects on the ecology of riparian corridors.

**D5.2 Prescriptive controls**

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

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

- (i) loss of flood storage;
- (ii) changes in flood levels and velocities caused by alterations to the flood conveyance; and
- (iii) the cumulative impact of multiple potential developments in the floodplain. An engineer's report may be required to address potential impacts.

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

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

**D5.2.3** Notwithstanding Clause D5.2.2 no net filling of land is permitted in Grafton,

**PART D FLOODPLAIN MANAGEMENT CONTROLS**

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.

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

<p><b>D7. What information is Required with an Application for Development on Flood Liable Land?</b></p>
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**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

<b>PART D FLOODPLAIN MANAGEMENT CONTROLS</b>
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an existing dwelling on Flood Prone Land shall be accompanied by documentation from a registered surveyor confirming existing floor levels.

(such as revegetation /enhancements).

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

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

**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) 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.

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

Foundations need to be included in the structural analysis.

**D7.4** Applications for earthworks, filling of land and subdivision shall be accompanied by a survey plan (with a contour interval appropriate to the topography of the site or a contour 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 (eg it contains sufficient local detail), or otherwise a flood study prepared in a manner consistent with the "Australian Rainfall and Runoff" publication, any relevant Council Drainage Design Code and the Floodplain Development Manual, will be required. From this study, the following information shall be submitted in plan form:

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

**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>

**PART D FLOODPLAIN MANAGEMENT CONTROLS**

**SCHEDULE D1 : cont**  
**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 paid of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks should be vented to an elevation of 600 millimetres above the relevant flood level.</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**

Sensitive Uses and Facilities	Rural	Concessional Development
<ul style="list-style-type: none"> <li>• Community facility</li> <li>• Telecommunications facility</li> <li>• Institutions</li> <li>• Educational establishments</li> <li>• Liquid fuel depot</li> <li>• Public utility (including electricity generating works and utility installations) undertakings which are essential to evacuation during periods of flood or if affected would unreasonably affect the ability of the community to return to normal activities after flood events,</li> <li>• Residential care facility</li> <li>• School and seniors housing</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural produce industry</li> <li>• Agriculture</li> <li>• Animal boarding or training establishment</li> <li>• Backpackers' accommodation</li> <li>• Bed and breakfast accommodation</li> <li>• Biosolid waste application</li> <li>• Caravan park</li> <li>• Cellar door premises</li> <li>• Child care centre</li> <li>• Community facility</li> <li>• Correctional centre</li> <li>• Dwelling</li> <li>• Dwelling house</li> <li>• Extensive agriculture</li> <li>• Extractive industry</li> <li>• Farm building</li> <li>• Forestry</li> <li>• Helipad</li> <li>• Home-based child care or family day car home</li> <li>• Home business</li> <li>• Home industry</li> <li>• Home occupation</li> <li>• Home occupation (sex services)</li> <li>• Horticulture</li> <li>• Intensive livestock agriculture</li> <li>• Landscaping materials supplies</li> <li>• Market</li> <li>• Neighbourhood shop</li> <li>• Open cut mining</li> <li>• Place of public worship</li> <li>• Plant nursery</li> <li>• Resource recovery facility</li> <li>• Restricted dairy</li> <li>• Restriction facilities</li> <li>• Roadside stall</li> <li>• Rural industry</li> <li>• Rural worker's dwelling</li> <li>• Sawmill or log processing works</li> <li>• Stock and sale yard</li> <li>• Tourist and visitor accommodation</li> <li>• Turf farming</li> <li>• Waste or resource management facility</li> <li>• Waste management facility and Utility installations (other than critical uses and facilities).</li> </ul>	<p>(a) <u>In the case of residential development:</u></p> <ul style="list-style-type: none"> <li>(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;</li> <li>(ii) The construction of an outbuilding with a maximum floor area of 30m<sup>2</sup>; or</li> <li>(iii) Rebuilt dwellings which substantially reduce the extent of flood affectation to the existing building;</li> </ul> <p>(b) <u>In the case of other development:</u></p> <ul style="list-style-type: none"> <li>(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);</li> <li>(ii) Rebuilding of a development which substantially reduces the extent of flood effects to the existing development.</li> <li>(iii) A change of use which does not increase flood risk having regard to property damage and personal safety; or</li> <li>(iv) Subdivision that does not involve the creation of new allotments with potential for further development.</li> </ul>



**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	Rural	Concessional Development	Critical Uses & Facilities	Sensitive Uses & Facilities	Rural	Concessional Development
Planning Consideration								
Floor & Pad Levels	6	1,5	1,2,4	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	1,2				1,2

COLOUR LEGEND:



Controls specifically applicable to this DCP



Unsuitable Land

**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> . 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.
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**

<b>1</b>	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**

<b>1</b>	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).
<b>2</b>	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.
<b>3</b>	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**

<b>1</b>	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.
<b>2</b>	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**

<b>1</b>	Reliable access for pedestrians or vehicles required during a 100 year flood to a publicly accessible location above the <i>PMF</i> .
<b>2</b>	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> .
<b>3</b>	The development is to be consistent with any relevant <i>flood evacuation strategy, Flood Plan adopted by Council</i> or similar plan.
<b>4</b>	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> .
<b>5</b>	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).
<b>6</b>	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**

<b>1</b>	Applicant to demonstrate that potential development as a consequence of a subdivision proposal can be undertaken in accordance with this DCP.
<b>2</b>	<i>Site Emergency Response Flood Plan</i> required where floor levels are below the <i>design floor level</i> , (except for single dwelling-houses).
<b>3</b>	Applicant to demonstrate that area is available to store goods above the 100 year flood level plus <i>freeboard</i> .
<b>4</b>	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	Rural	Concessional Development	Critical Uses & facilities	Sensitive Uses & Facilities	Rural	Concessional Development
Planning Consideration								
Floor & Pad Levels		1,5	1,2,4	1,3				1,3
Building Components		1	1	1				1
Structural Soundness		1	2	2				1
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				1
Management & Design		1,2,3,4	1	1,2				1,2

COLOUR LEGEND:



Controls specifically applicable to this DCP



Unsuitable Land

**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> .
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</i> level.
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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</i> level 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</i> level.
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 and Heritage Conservation Areas which are the result of detailed community based heritage studies for most of the Clarence Valley LGA. Careful management is needed to ensure that the heritage significance and character of the Clarence Valley is maintained for future generations.

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

**Note:**

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

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

**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 Part of the DCP applies to the following land within the Clarence Valley Local Government Area:

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

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

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

**Note:**

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

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

Guidelines for heritage impact statements and conservation management documents (including conservation management plans can be accessed and viewed on the "Heritage Branch's" website by using the following link:

[http://www.heritage.nsw.gov.au/03\\_index.htm#impact](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.

**E6.2** An application for demolition shall also address in the statement of heritage impact:

1. The historic, aesthetic, social or technical significance of the building, its nature and degree, and its relationship to the overall character and significance of the locality.
2. The impact of the removal of the building or work on the overall significance of the area.
3. The reason for the proposed removal, especially why it is considered, and to what extent, the building/site can no longer be used in its existing form or with appropriate adaptation.

**E7 Subdivision**
**F7.1 Objectives**

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

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

**F7.2 Controls**
**Note:**

Clause F7.2 does not apply to a proposal to subdivide land (or adjoining land) on which a heritage item is located where 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.

**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.

**PART E. HERITAGE CONSERVATION**

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

**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.



**PART E. HERITAGE CONSERVATION**
**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.

**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.

**PART E. HERITAGE CONSERVATION**
**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.

**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.

**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.

## **PART E. HERITAGE CONSERVATION**

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.

### **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.

In a mixed street frontage of timber and masonry, the use of masonry would be acceptable. However, in a frontage dominated by timber buildings, infill development should use a similar material. Compressed sheeting/hardiplank cladding in weatherboard style, vertical cladding, may be considered. Where brick or masonry construction is proposed, the brickwork should be painted and/or rendered, to blend with existing construction and finish.

White, light, multi-coloured and double height bricks are inappropriate for use in a conservation area or in the vicinity of heritage items.

### **E10.6 Setbacks**

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

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

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

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

### **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 / Federation</b>	1901 - 1914
<b>Inter-War</b>	1914 - 1945
<b>Post War</b>	1945 - present

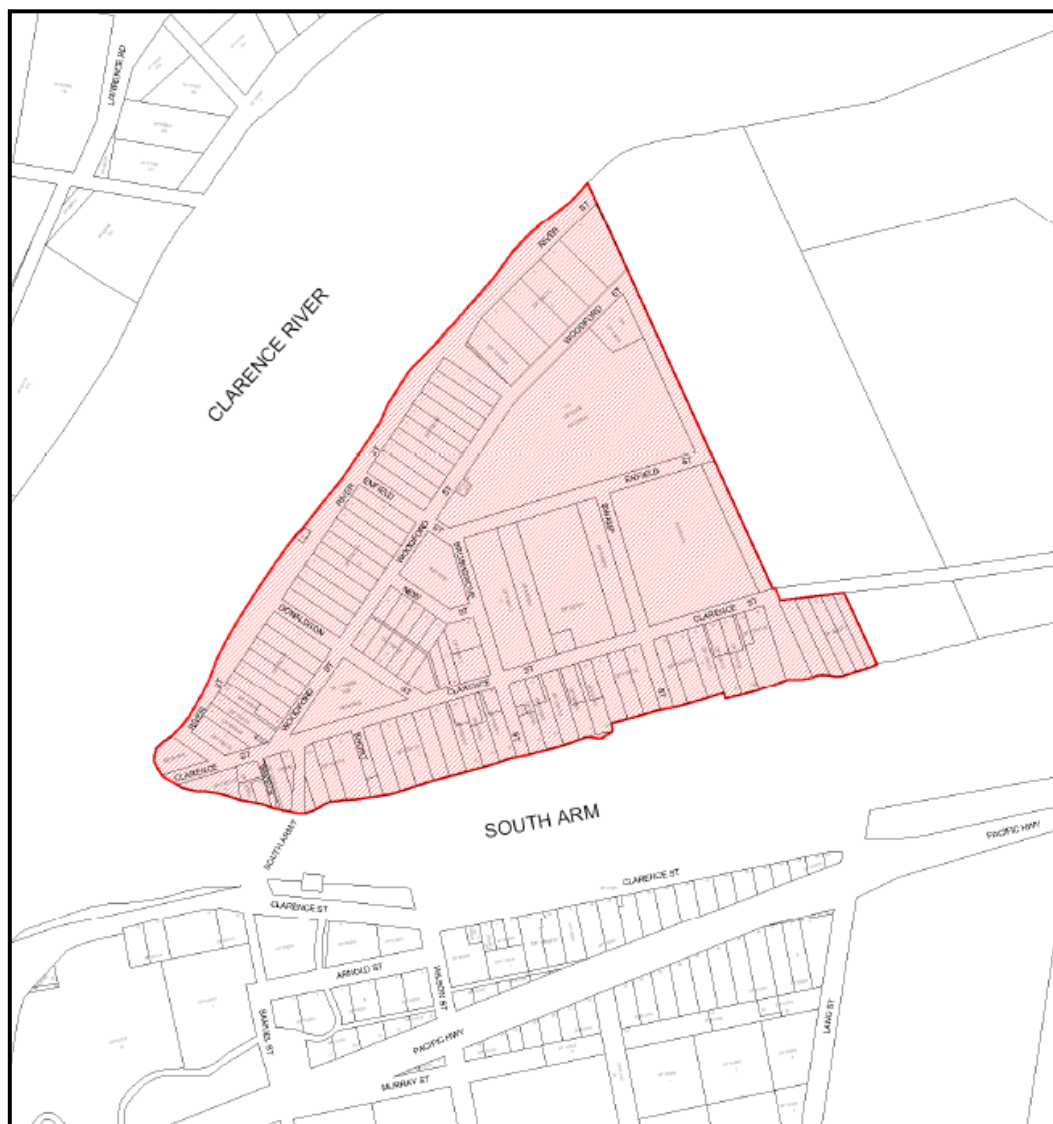
Council can offer advice on an appropriate colour scheme for your property and there are many paint charts available.

#### **E10.8.2 Colour Scheme Policies**

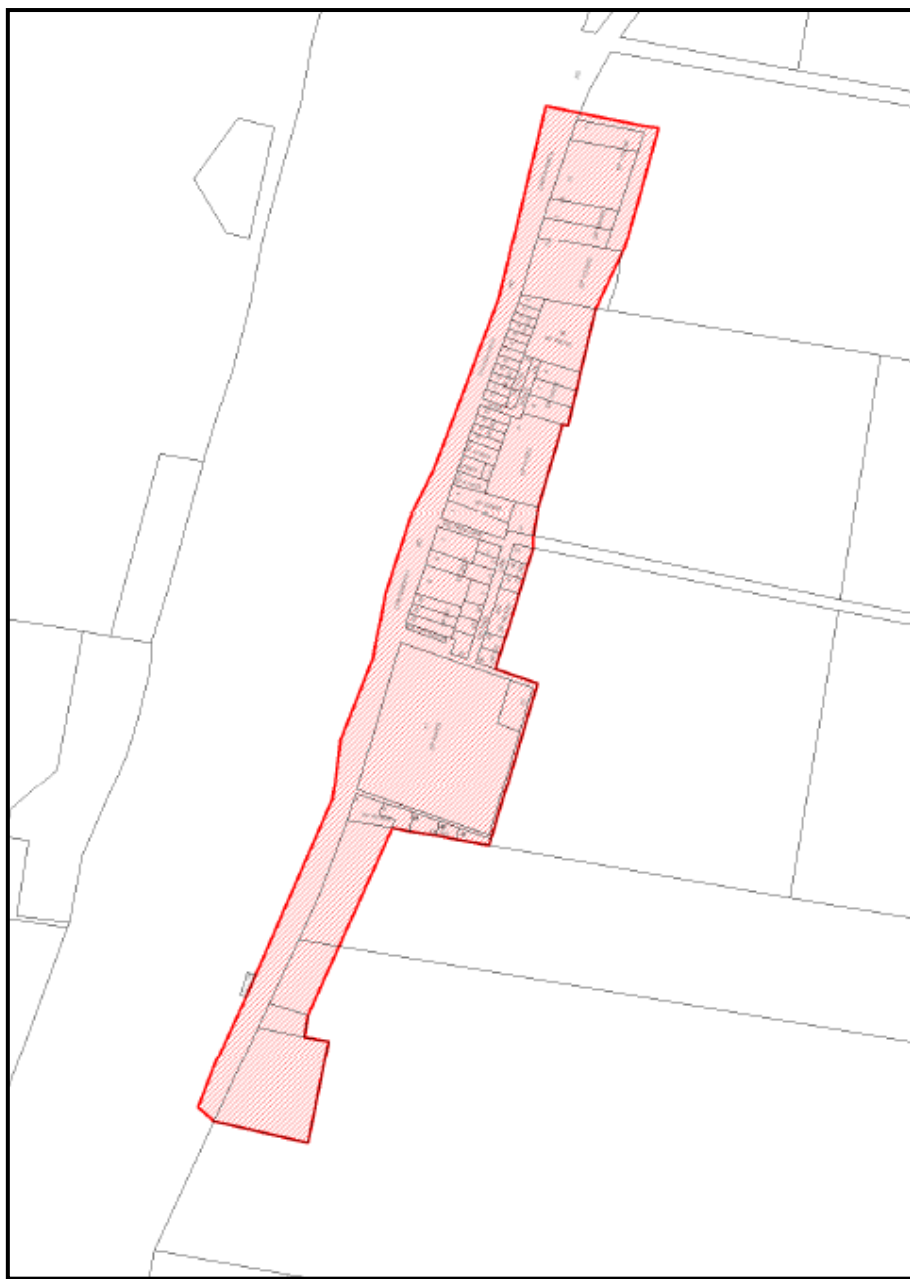
1. Use an appropriate colour scheme for the age of the building.
2. If possible, base colour schemes on original colours which can be revealed by paint scrapes, or found in concealed areas.

**PART E. HERITAGE CONSERVATION**

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

**PART 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 a creamery erected on the site of the sugar mill (1896). Development Control Plan controls were first introduced in 1999 and infill development has been generally sympathetic. The village is characterised by a predominance of timber and iron buildings many of which face gable end to the street. The 2004 heritage study recognised the contribution of other significant items and places including several memorials namely the CSR and War Memorials, community hall, former Presbyterian Church and memorial river-side tree plantings including Camphor Laurels. Just outside the Conservation Area, the former Puntman's cottage and ferry approach is very

**PART E. HERITAGE CONSERVATION**

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.

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



**Statement of significance**

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

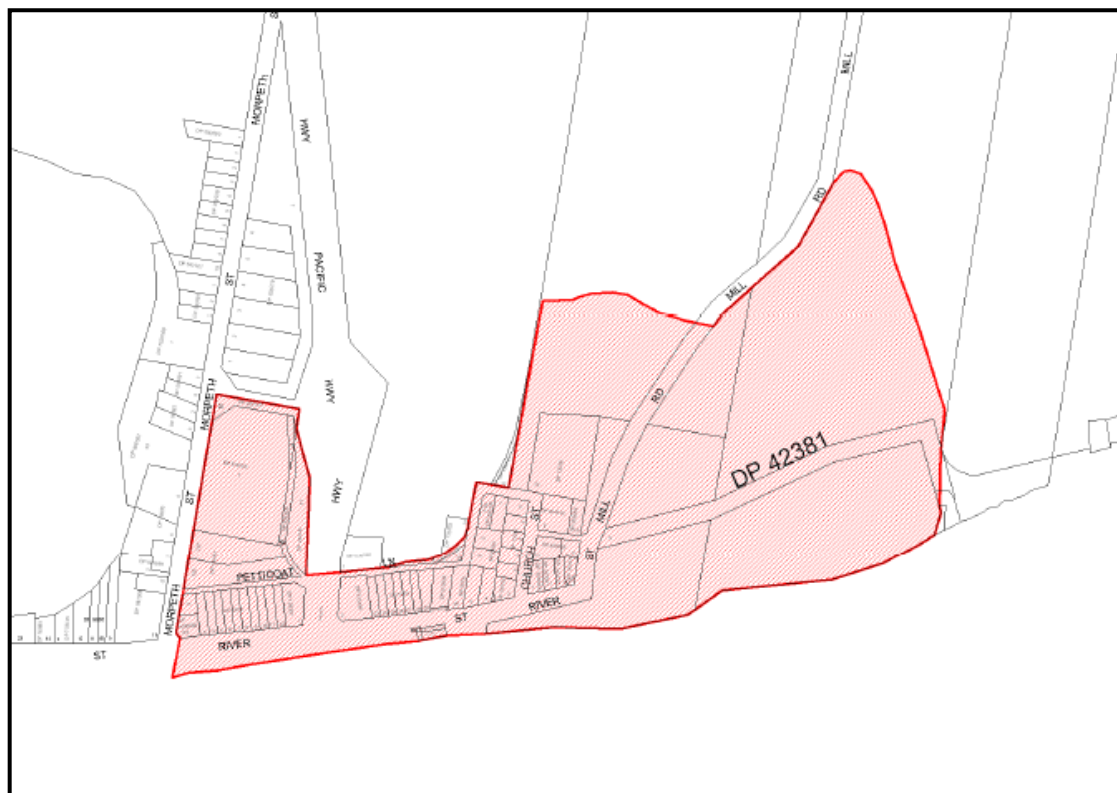
The Grafton Heritage Conservation Area includes a fine gamut of architectural types from the nineteenth and early twentieth century through to the inter-war and post war periods. Distinctive streetscapes have developed from planning and landscaping. These elements create a distinctive townscape in which much of its original character and evidence of its development, together with the predominance of timber

**PART E. HERITAGE CONSERVATION**

and iron construction, characterise this settlement and reinforce its identity. Stately avenues of mature street trees line the original grid based layout of the town's streets and create a distinct sense of place. Prince Street comprises the main street within the CBD and contains a variety of buildings many of which are listed or contributory. There is potential to conserve and enhance the heritage values of this precinct and adjacent streetscapes through removal of unsympathetic later alterations to some buildings and sensitive signage. Some streetscapes around the CBD which are zoned for business maintain a residential built character through the change of use of many dwellings. It is important that the leafy streetscapes, informal grassed verges and setbacks are retained in new developments to maintain the historic integrity of these streetscapes. New and infill development needs to be very sympathetic to the heritage values of this conservation area.

South Grafton is an outstanding example of a 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 F PARKING AND VEHICULAR ACCESS CONTROLS**
**PART F PARKING AND VEHICULAR ACCESS CONTROLS**
**F1. What are the parking and vehicular access objectives for rural zones?**

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

- (a) To ensure that the car parking demands generated by development are met on site.
- (b) To ensure that parking areas are visually attractive and constructed, designed and situated so as to encourage their safe use.

**F2. Number of Car Parking Spaces**

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 to the nearest whole number.
3. Where 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. 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 or a variation to DCP requirements obtained.
8. Where the proposed development incorporates multiple uses, the parking requirement for the total development will be the sum of the parking spaces required for each of the individual land uses.
9. Stacked car parking will not be accepted.
10. Adequate spaces for service vehicles likely to be located on-site need to be provided according to relevant vehicle types and sizes. The number of delivery/service vehicles required for should be provided in accordance with TABLE F2.

**F2.1. Calculation of Parking Credit and Debit**

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

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

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

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

**PART F PARKING AND VEHICULAR ACCESS CONTROLS**

TABLE F1

Land use	Car Parking Requirements
Bed & breakfast accommodation	1 covered space for the dwelling, plus 1 space per guest room
Caravan Park	1 space per site, plus 1 visitor space per 10 sites.
Community facility	1 space per 10 seats or 1 space per 15m <sup>2</sup> of main assembly area, whichever is the greater.
Dual occupancy	1 covered space per dwelling, located behind the building setback line.
Dwelling house	1 covered space per dwelling
Educational establishments	1 space per 2 employees, plus 1 space per 20 students over 17 years.
Farm stay accommodation	1 covered space for the dwelling, plus 1 space per guest room/cabin/unit.
Health consulting rooms	3 spaces per health care professional
Home business & home industry	1 space for the industry, plus 1 space for the residential use, plus 1 space per non-resident employee.
Industry (including rural industries)	1 space per 100m <sup>2</sup> GFA
Landscaping material supplies & plant nursery	1 space per 200m <sup>2</sup> of site area & 1 space per employee.
Neighbourhood shop	1 space per 30m <sup>2</sup> GFA
Rural worker's dwelling	1 covered space per dwelling
Rural supplies	1 space per 200m <sup>2</sup> of site area & 1 space per employee.

TABLE F2 Delivery Service Vehicles

Land use / development	Minimum parking spaces	Special requirements
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).	
Commercial 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.	
Food and drink premises	1 per 400m <sup>2</sup> of gross floor area up to 2000m <sup>2</sup> , plus 1 per 1000m <sup>2</sup> thereafter.	
Wholesale and industrial	1 per 800m <sup>2</sup> of gross floor area up to 8,000m <sup>2</sup> plus a1 space per 1000m <sup>2</sup> thereafter.	

**PART F PARKING AND VEHICULAR ACCESS CONTROLS**
**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 development is outside the hours of 8:30 AM and 5:30 PM, and adequate on-street car parking is available and in proximity to the proposed development.

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

- (i) The location, type and scale of the proposed development,
- (ii) The existing level of on-site car parking on the development site.
- (iii) The compatibility of the car parking location and design with adjoining properties.
- (iv) The nature and volume of traffic on the adjoining street network.
- (v) The geometry and width of the adjoining street network.
- (vi) The availability and accessibility of public car parking areas.
- (vii) Comments from the NSW Roads and Traffic Authority, if applicable.

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

**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 Australian Standard 2890.
3. Two way aisles are not recommended for parking angles other than 90 degrees. The most efficient parking is generally 90 degree parking with 2-way access aisles.
4. The use of blind aisles is not permitted where the aisle is longer than 15 metres from the nearest circulation aisle, unless provision is made for cars to turn around at the end and drive out forwards. In blind aisles the end spaces must be made 1 metre wider than the adjacent spaces.
5. Parking space dimensions and aisle widths must also be in accordance with the class of user, as identified in AS 2890.

**F5. Manoeuvring, Loading & Unloading**

1. All commercial development must provide on-site loading and unloading facilities in designated loading bays.
2. Loading bays must be designed to cater for the needs of a particular development proposal, taking into consideration the type of development and the anticipated types of service vehicles.
3. On-site loading and unloading facilities must comply with Australian Standard AS2890.
4. Reference should be made to Australian Standard AS2890: Commercial vehicles facilities parking.
5. 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

## PART F PARKING AND VEHICULAR ACCESS CONTROLS

- and the type of service vehicles proposed to be used.
6. For small scale retail, commercial and industrial developments one loading bay, 3.5m x 7.5m, must be provided.
  7. The use of loading bays must not conflict with the safe and efficient circulation of other vehicles and pedestrians.
  8. Loading bays must provide sufficient manoeuvring areas and allow all service vehicles to enter and leave the site in a forward direction.
  9. For large development, (determined by Council), loading bays should operate independently of other parking areas; i.e. separate access points.
  10. Service vehicles must be able to sufficiently manoeuvre to and from loading bays in accordance with AUSTRROADS Design Vehicular and Turning Templates.
  11. 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.
5. The location of new entry/exit points must achieve a minimum of potential conflict with existing access points.
  6. Where more than 50 parking spaces are required, or a high traffic turnover is likely, e.g. Service stations, a separate entrance and exit are to be provided.
  7. Where access is to the development site is possible from a road other than a main or arterial road, then this access is to be used.
  8. The potential for on-street queuing should be eliminated by providing an adequate standing area within the car park.
  9. At entry and exit points, the ramp or access driveway should be graded to minimise problems associated with crossing the footpath and entering the traffic in the frontage road.
  10. The maximum gradient on ramps or access driveways must be 1 in 20 (5%) across the property line or at the building alignment and for at least the first 6 metres into the car park.
  11. All gradients of car parking surfaces, ramps and access driveways must be in accordance with AS 2890 Also consult the NR Design Manuals.

### F6. Access to the Site

#### Vehicle access

1. All vehicles must enter and leave the site in a forward direction. This requirement does not apply to dwelling houses.
2. Access points are to be located where they cause the least interference to pedestrian and vehicle movement.
3. The width and location of access driveways must be in accordance with the requirements of AS 2890. Also consult the NR Design Manuals.
4. Access points must not be closer than 6 metres to an intersection measured from the property boundary.

#### Sight Distances

12. Design of parking areas and vehicle access must ensure that there is adequate sight distances to traffic on the frontage road and to pedestrians on the frontage road footpath.
13. The minimum sight distances must be in accordance with AS2890.1 – Off-Street Car Parking, Figure 3.2.

#### Pedestrian access

14. Adequate pedestrian access to the site is required.

**PART F PARKING AND VEHICULAR ACCESS CONTROLS**
**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 areas must be designed to reflect the specific requirements of the particular development proposal, the nature of the existing and anticipated surrounding development and the characteristics of the site.
4. A parking area should be integrated into the development so that it does not dominate the streetscape. This can be achieved by appropriate design and landscaping.

Parking directions and signs

5. Parking spaces should be clearly line marked and signposted where appropriate.
6. Where designated car spaces are provided, such as, visitor and disabled persons parking signposting must clearly indicate these spaces.
7. Arrow marking on the surface of aisles and driveways should be used to indicate the circulation pattern and whether one-way or two-way movement.
8. Car park entries and exits must be clearly marked.

Lighting and ventilation

9. Covered or enclosed car parks must have adequate lighting and ventilation, preferably by natural means.
10. Where car parks are to be used at night, adequate artificial lighting must be provided for the whole parking area.

**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. For dwelling houses in rural zones F8.2 and F8.3 do not apply, pavement construction and vehicular crossing requirements will be determined in relation to expected traffic.
5. In choosing the pavement type suitable for the proposed development the following factors should be considered:
  - (a) anticipated vehicle volumes and types:
  - (b) Run-off gradients and drainage requirements.
  - (c) Construction constraints.
  - (d) California Bearing Ratio (CBR) of subgrade (natural soil).
6. Pavement thicknesses for parking areas will be assessed on a site specific basis and must be to the satisfaction of Council.
7. Parking areas surfaced with bitumen or asphaltic concrete are to be designed and constructed in accordance with the Northern Rivers Development and Design Manual Sections D1 and D2.
8. Concrete interlocking paver parking areas and vehicle crossings are to be designed and constructed in accordance with guidelines published by the Cement and Concrete Association of Australia.

**PART F PARKING AND VEHICULAR ACCESS CONTROLS****F9. Car parking on flood liable**

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

**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 *Infrastructure SEPP 2007, Division 17 Roads and traffic, Subdivision 2 Development in or adjacent to road corridors and road reservations*.

Traffic-generating development may require referral to the Roads and Traffic Authority (RTA).



**PART G SUSTAINABLE WATER CONTROLS**
**PART G SUSTAINABLE WATER CONTROLS**
**G1. What are the Sustainable Water objectives for Rural Zones?**

The sustainable water objectives for rural zones are:

- (a) To maintain water quality and hydrology to as near as possible to predevelopment flows.
- (b) Prevent or minimise pollutants entering stormwater and treating stormwater as near as possible to the source.
- (c) To enable a more efficient use of potable water.
- (d) To reduce stormwater runoff volumes and peaks and to mimic natural tail water flows.
- (e) To incorporate 'sustainable water' management options into 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 development, other than dwelling houses and dual occupancies.
- (b) Additions to development other than residential development, where the cumulative increase in the roofed and/or impervious area is equal to or greater than 150m<sup>2</sup> or is a 50% or greater increase in the roofed and/or impervious area.
- (c) All subdivisions except:
  - (i) where no additional lots are created;
  - (ii) strata subdivisions;
  - (iii) where no road or stormwater drainage works are required; or
  - (iv) where lots are greater than 1 hectare.

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

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

All development specified in 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) For subdivision 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. For other types of development Council will apply other appropriate water quality targets in use.

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

All new development and additions to buildings must include:

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

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

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

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

	Development with no increase in impermeable surface post development Or Subdivision under 5 lots	Development with impermeable surface <500m <sup>2</sup> post development Or Subdivision between 5 and 25 lots	Development with impermeable surface >500m <sup>2</sup> post development. Or Subdivision greater than 25 lots
The principles of Water Sensitive Urban Design are to be applied. (As described in "Sustainable Water Requirements: Information For Applicants" Section 4.2)	√	√	√
Grass swales are to be used in place of kerb and gutter where conditions are suitable.	o	√	√
The drainage, road and open space networks are to comply with any requirements of any master plan in place for the area.	x	o	√
In the absence of a master plan the drainage network must plan, design and implement infrastructure in recognition of connectivity, restrictions and impacts upstream, neighbouring and downstream infrastructure and environment which extends beyond the boundaries of the proposed development.	√	√	√
Stormwater quality is to meet the water quality targets for development as outlined in TABLE F2.	x	√	√
Stormwater quality is to be achieved through the adoption of Water Sensitive Urban Design principles and/or Stormwater Quality Improvement Devices. (As described in "Sustainable Water Requirements : Information for Applicants" Sections 6 and 7.)	o	√	√
Reinstatement of Vegetation in Riparian and Stream Buffer Zones in accordance with Council improvements.	√	√	√
Impermeable areas to be limited by using porous/modular pavers for all external paving where conditions are suitable.	o	√	√
Water efficient landscaping to be implemented. (As described in "Sustainable Water Requirements : Information For Applicants" Section 4.4.)	o	o	√
Stormwater runoff volumes and frequency reduced or maintained to the pre development through application of Harvesting, Retention, Infiltration and Detention as appropriate. (As described in "Sustainable Water Requirements : Information For Applicants.")	√ Subdivision	√ Subdivision	√ Subdivision
	x no increase in impermeable surface	o increase in impermeable surface	o increase in impermeable surface
Limit cut or fill used on site (pylons, piers, posts, walls etc to be used in place where possible).	x	√	√
Post development peak flows not to exceed pre development peak flows specified within council policy and design standards.	x	√	√
A Site Plan must be submitted. (As described in "Sustainable Water Requirements : Information For Applicants" Section 2)	<b>Basic</b>	<b>Basic</b>	<b>Detailed</b>

Key: √ = Must Comply

x = Does not Apply

o = Optional

**PART G. SUSTAINABLE WATER CONTROLS**
**TABLE G2 Water Quality Targets for Post Construction (occupational)  
Phase of Subdivision**

Parameter	Development 5 to 25 lots	Development > 25 lots		
		Maximum permissible load that may be discharged kg/ha/year		
		Average Year	Wet Year	Dry Year
Total phosphorous (TP)	30% of average annual load retained	55% mean annual reduction from baseline or alternatively: -		
		0.8	1.1	0.35
Total nitrogen (TN)	30% of average annual load retained	55% mean annual reduction from baseline or alternatively: -		
		4.5	6	1.5
Sediment	50% of average annual load retained	Coarse sediment (0.5 to 5mm) Retention of 80% of annual load from baseline.		
		Medium sediment (0/05 to 0.5 mm) 50 % of annual load retained from baseline.		
		Fine sediment (<0.05 mm) 50% of annual load retained from baseline.		
		Or alternatively: -		
		300	400	120
Gross Pollutants	Measures implemented at individual lot and other streetscape measures are taken as meeting this requirement	Retention of 70% of annual gross pollutant load from baseline.		
Oil and Grease (Hydrocarbons)	30% of average annual load retained.	<10mg /litre in flows up to 50% of Q1 peak.		

## PART H EROSION AND SEDIMENT CONTROL

### PART H EROSION AND SEDIMENT CONTROL

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

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

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

#### H2. What development does the erosion and sediment controls apply to?

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

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

#### Note:

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

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

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

- All weather access
- Reduced stockpile losses

**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** *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.

**TABLE H1**

DEVELOPMENT / ACTIVITY	EROSION & SEDIMENT CONTROL REQUIREMENTS
1. Dwelling houses and house extensions. 2. Garages and similar minor development. 3. 2 lot subdivisions. 4. Additions to existing commercial and industrial development.	<b>'Standard'</b> Erosion & Sediment Control Plan; or <b>Deemed to Comply Statement</b> (refer to SCHEDULE H2)
5. Subdivisions, >2 lots, where no road or vehicular ROW access is to be constructed. 6. 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).	<b>'Standard'</b> Erosion & Sediment Control Plan
<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>	<b>'Detailed'</b> Erosion & Sediment Control Plan.

## 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. See TABLE H1.

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.

### 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 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.

## PART H EROSION AND SEDIMENT CONTROL

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

### H6. Principles of Erosion and Sediment Control

There are 9 general principles that need to be addressed to achieve effective erosion and sediment control. They are as follows:

1. Investigate site features to ensure that the land capability and the proposed development are compatible.
2. Prepare an Erosion and Sediment Control plan (ESCP).
3. Expose the smallest possible area of land to disturbance for the shortest possible time.
4. Save topsoil for re-use.
5. Control run-off, through and from the site.
6. Use erosion control measures to prevent on site damage.
7. Trap sediment to prevent off site damage.
8. Rehabilitate disturbed areas quickly.
9. Maintain erosion and sediment controls prior to, during and post construction until the site is stable.

### H7. General Erosion and Sediment Controls.

General controls to implement these principles include the following;

- A. Control water through the site.
- B. Limit vehicular entry/exit to one point and stabilise.
- C. Install sediment fencing to the low side of the site.
- D. Topsoil stockpiles to be protected by sediment fencing and/or bunding.
- E. Store all building materials within a sediment fence.
- F. Minimise disturbance when excavating.
- G. Installation of down pipes and connection to the stormwater system

**PART H EROSION AND SEDIMENT CONTROL**

- after roof cladding and guttering are installed (prior to frame inspection).
- H. Maintain all controls in good order at all times prior to and during construction.
- I. Compact all trenches when backfilling.
- J. Revegetate/stabilise all disturbed areas as soon as possible.
- K. Schedule works when rainfall intensity is lower.
- L. Bunding or sediment/silt fencing around stormwater inlets and within the kerbing on roadways.

A. Control water through the site.

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.

D. Topsoil stockpiles to be protected by sediment fencing.

Stockpiles need to be protected by a sediment fence or bund on the downslope side so they do not become a point source of sediment. If the stockpile area is prone to high winds or is there for a long time then the stockpile should be covered or stabilised by vegetation.

Stockpiling of topsoil should be used in landscaping or rehabilitating the site. This will increase the success of revegetation and reduce development costs.

E. Store all building materials within the sediment fence.

All stockpiles, whether they consist of topsoil or building materials, should be protected from erosion by sediment fencing or bunding. All stockpiles are to be placed within the property boundaries of a development site. Stockpiles must not be placed on or near the kerb or gutter or anywhere where there is a clear path for the flow of water to carry sediment into the stormwater drainage system.

F. Minimise disturbance when excavating.

By excavating only the area needed for construction the number and extent of sedimentation controls needed are reduced. Existing vegetation on site should be retained where possible. Grass on the nature strip should also be retained where possible.

Vegetation cover is the most effective form of erosion control as it prevents erosion and filters sediments from run-off.

G. Installation of down pipes and connection to the stormwater system as soon as practical after roof cladding and guttering is installed (prior to frame inspection).

Early connection of the roof and guttering to the stormwater system removes the entire roof area from the catchment. By discharging roof water safely away from the site, the pressure on remaining soil erosion and sediment controls are reduced. Connection of the guttering of the building to the stormwater system should be undertaken as soon as practicable after the roof is completed, in time for the frame inspection.



## PART H EROSION AND SEDIMENT CONTROL

Where buildings are connected to the stormwater system at this stage in construction the site is more easily accessed in a shorter period of time following rain and less maintenance is required for controls.

### H. Maintain all controls in good order.

All erosion and sediment controls should be inspected regularly and after rain, to ensure they remain effective. Even where controls are correctly installed, maintenance is vital to ensure that they continue to function properly. Sediment fences in particular are subject to damage during construction and require continuous maintenance if they are to be effective. Silt built up against sediment control measures needs to be removed.

### I. Compact all trenches when backfilling.

It is important that service trenches and drainage lines do not subside after backfilling. Adequate compaction will ensure that sediment will not be removed from the site via drainage lines or concentrated runoff. The

recommended practice for digging of service trenches is to ensure that material in the backfilled trench is compacted to 75 mm above the surrounding ground level. This allows some subsidence of material, and ensures material is sufficiently compacted to avoid erosion at a later time.

### J. Revegetate/stabilise all disturbed areas as soon as possible

Once construction is completed, the site should be stabilised as soon as possible. This includes construction of all hard paving areas, driveways, landscaping and turfing to decrease the potential for erosion.

Ensuring the site is stabilised when construction has been completed is just as important as implementing and maintaining erosion and sediment controls during construction.

When practical some areas of a development site can be restabilised in stages prior to completion of the total project. This reduces erosion and potential sediment leaving the development site.

### K. Schedule works when rainfall intensity is lower.

Works should be programmed so that the risk of soil erosion occurring during intense rainfall events is minimised. In the Clarence Valley LGA the best time to program construction is between May and October. Between February - March, the risk of soil erosion is greatest due to the likelihood of intense rainfall events.

## 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.
4. A sediment control fence must be installed at the downslope perimeter of the disturbed area to prevent sediment and other debris from leaving the site.
5. Direct up slope runoff around the site, by use of a diversion bank or channels. These devices may require measures to control erosion depending on the volume of flow anticipated.
6. Vehicular access is to be restricted to one stabilised access point.
7. Stockpiles of erodible materials (sand, soil, spoil and vegetation) must be

## PART H EROSION AND SEDIMENT CONTROL

protected by a sediment fence or bund. If the stockpile area is prone to high winds or is to be there for a long time then the stockpile must be covered.

8. Stockpiled material must be stored clear of any drainage line and within the property boundary. NOTE: stockpiles are not permitted on footpaths or roads.
9. On completion of the roof area of a building, guttering and downpipes are to be connected to the stormwater system. Inspection of the frame will not be carried out until this is completed.
10. All erosion and sediment control measures are to be regularly maintained in good working order at all times and inspected for adequacy following any rainfall event.
11. All trenches within the development site are to be backfilled and compacted to a level of 75mm above adjoining ground level. This may not apply on public land, consult with Council staff.
12. All disturbed areas are to be made erosion resistant by revegetation, turfing or stabilised by paving on completion of the works.

### **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

**PART H EROSION AND SEDIMENT CONTROL**

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.

**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.

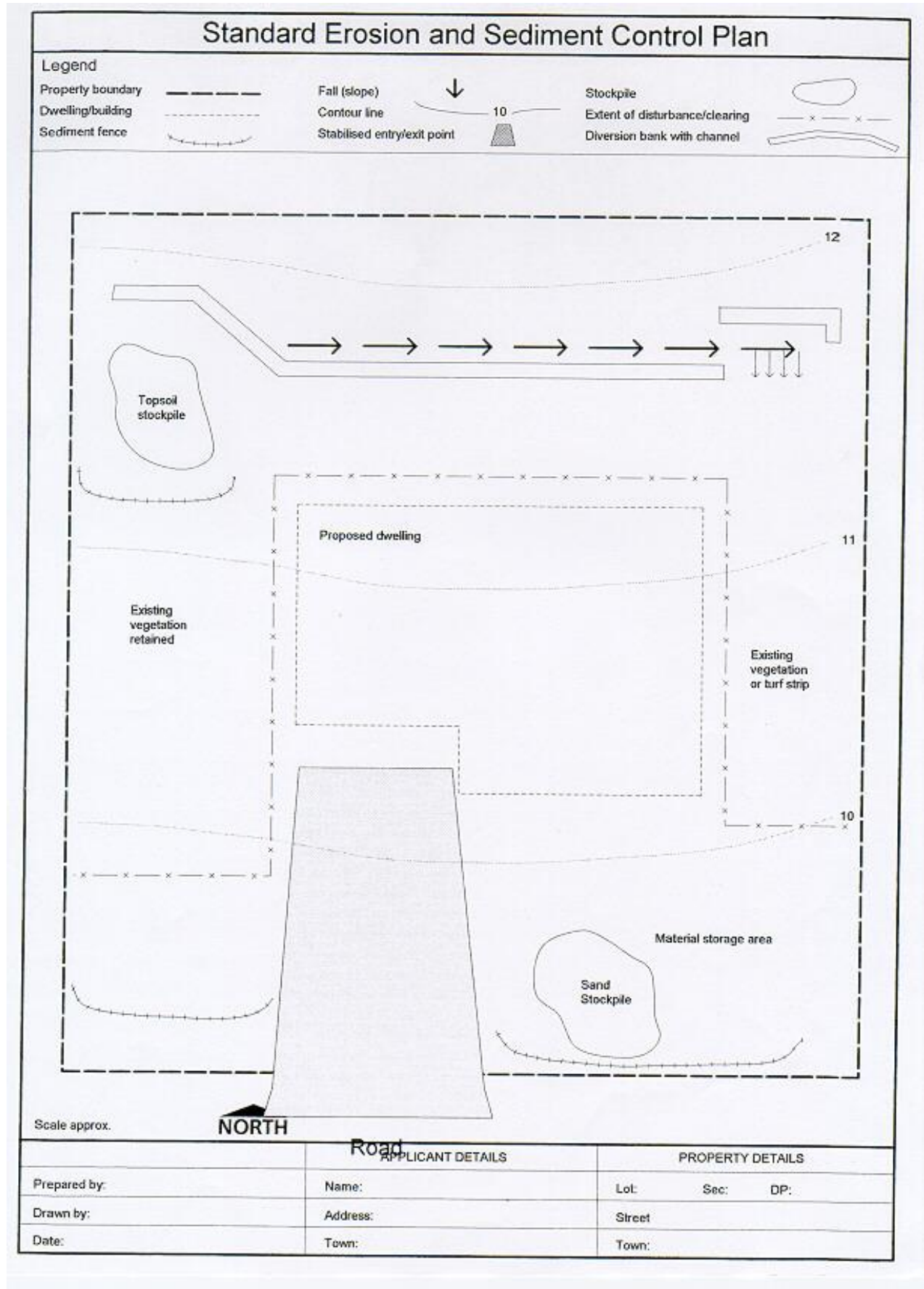
**CHECKLIST**

- Uphill water directed around the building site, by use of a bank or channels.
- One stabilised vehicular entry/exit point.
- Sediment fencing installed on the lower side of the site.
- Stockpiles of erodible materials (eg. topsoil, sand, spoil & vegetation) protected by sediment fencing.
- Stockpiled material within property boundary and clear of drainage lines.

**Standard Conditions of Consent that apply to all Development that includes  
Building Works.**

1. All erosion and sediment control measures are to be installed prior to the commencement of any building work, including cutting and filling.
2. All sediment control measures are to be constructed to prevent sediment from leaving the site or entering downstream properties, drainage lines or watercourses.
3. Disturbance of the site must only occur on areas indicated in the approved plans.
4. A sediment control fence must be installed at the downslope perimeter of the disturbed area to prevent sediment and other debris from leaving the site.
5. Direct up slope runoff around the site, by use of bank or channels.
6. Vehicular access is to be restricted to one stabilised access point.
7. Stockpiles of erodible materials (sand, soil, spoil and vegetation) must be protected by a sediment fence.
8. Stockpiled material must be stored clear of any drainage line and within the property boundary. NOTE: stockpiles are not permitted on footpaths or roads.
9. On completion of the roof area of a building, guttering and downpipes are to be connected to the stormwater system. Inspection of the frame will not be carried out until this is satisfactorily completed.
10. All erosion and sediment control measures are to be maintained in good order.
11. All trenches are to be backfilled and compacted to a level of 75mm above adjoining ground level.
12. All disturbed areas are to be made erosion resistant by revegetation, turfing or stabilised by paving on completion of the building works.



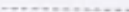






**PART H EROSION AND SEDIMENT CONTROL**




**PART H EROSION AND SEDIMENT CONTROL**

### Standard Erosion and Sediment Control Plan

**Legend**

Property boundary		Fall (slope)	
Dwelling/building		Contour line	
Sediment fence		Stabilised entry/exit point	
		Stockpile	
		Extent of disturbance/clearing	
		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**
**I1. What are the objectives for engineering standards and subdivision?**

The subdivision and engineering standards objectives are:

- (a) To provide engineering standards for development and subdivision in rural zones.
- (b) To ensure that subdivision relates to the characteristics of a site or locality.
- (c) To ensure subdivision of residential land that is adequately serviced.
- (d) To ensure road design is safe and suitable for residential development.

**I2. 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.

**I3. Subdivision approval process**

Subdivision, other than the types of subdivision that is exempt development under the Codes SEPP, requires development consent. For exempt development controls see State Environmental Planning Policy (Exempt and complying Development Codes) 2008 clause 2.75. Also See CV LEP 2011 clause 2.6 *Subdivision – consent requirements*

Subdivision of land must meet the minimum lot size for that land shown on the CV LEP 2011 Lot Size Map. If a minimum lot size is not identified on the Lot Size Map then a minimum lot size for subdivision does not apply and subdivision is considered on the merits of the proposal. However minimum site areas apply for different types of residential development as set out in PART C of this DCP.

See CV LEP 2011 clause 4.1 *Minimum subdivision lot size*, clause 4.1AA *minimum subdivision lot size for community title schemes* and Clause 4.2 *rural subdivision*.

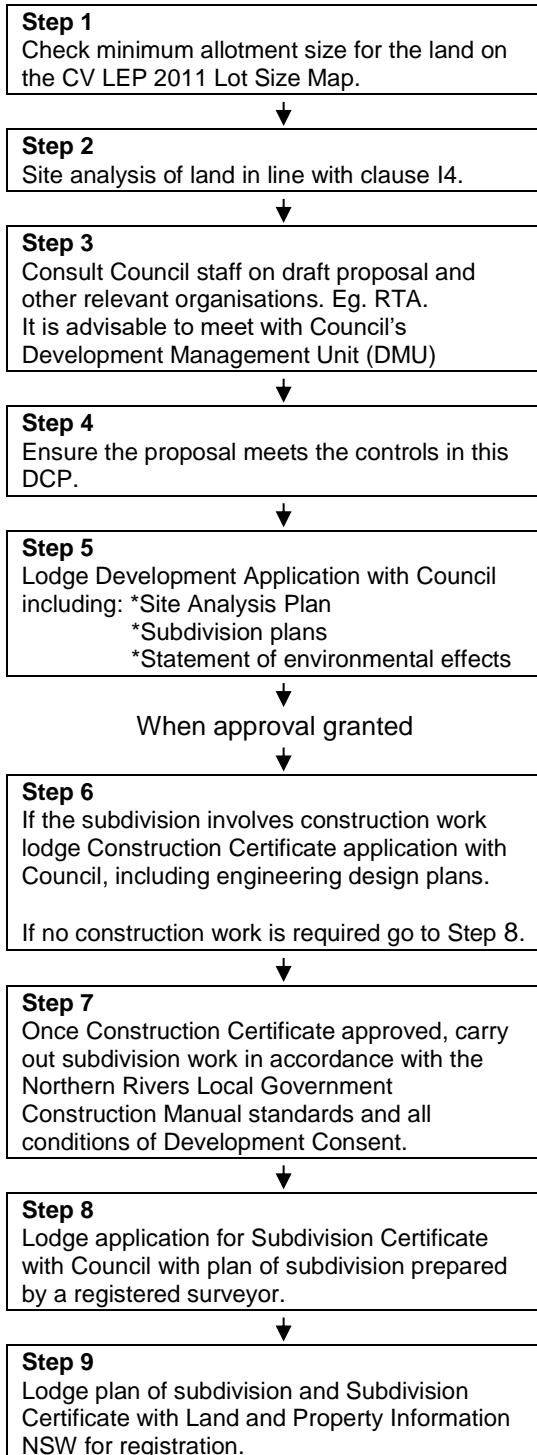
Strata subdivision requires approval which may be obtained under the controls for complying development or a Development Application can be lodged with Council.

The process to obtain development consent is outlined in the following chart.

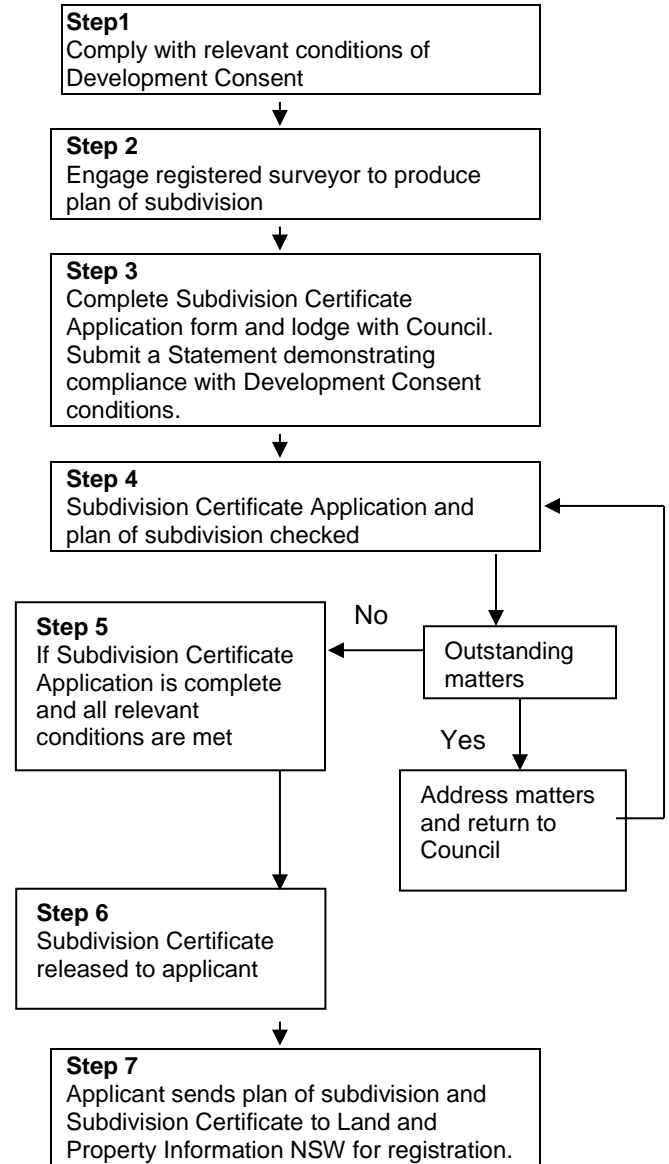


**PART I SUBDIVISION AND ENGINEERING STANDARDS**

**DEVELOPMENT APPLICATION  
FLOW CHART**



**SUBDIVISION CERTIFICATE  
FLOW CHART**



**PART I SUBDIVISION AND ENGINEERING STANDARDS**
**I4 Site Analysis**

A Site Analysis Plan is required to accompany a development application for subdivision.

The Site Analysis Plan should show the opportunities and constraints relating to the proposed subdivision and future use of the land.

A Site Analysis Plan must be to scale and must consider and show the following matters, where relevant:

- (a) Locality Plan (relationship to surrounding development).
- (b) Aspect.
- (c) Waterways (rivers, creeks).
- (d) Vegetation / habitat / fauna corridors.
- (e) Flood liable land.
- (f) Steep land / land slip areas.
- (g) Topography (contours appropriate for the site conditions, but generally at 1m intervals).
- (h) Bush fire prone land.
- (i) Soil conditions (acid sulphate soils / contamination).
- (j) Drainage systems (natural and constructed).
- (k) Surrounding land uses.
- (l) Roads, pathways and other access points.
- (m) Road and lot layout of locality, including possible future subdivisions where known.
- (n) Service connections.
- (o) Easements.
- (p) Existing buildings.
- (q) Driveways and
- (r) waste water disposal areas.

The Site Analysis Plan should be used to prepare the Statement of Environmental Effects, which must also accompany the development application.

**15. Information to be included with a Development Application for Subdivision**

In addition to the information for development applications required by Clause A7 of this DCP, all development applications for subdivision need to submit the following information:

**(a) Site Analysis Plan.**

The plan of subdivision to show:

- i. Proposed allotment area sizes, dimensions and boundaries, and
  - ii. Roads and other access.
  - iii. Drainage systems
  - iv. Easements.
  - v. Services.
  - vi. Right-of-ways and pathways.
  - vii. Vegetation to be retained.
  - viii. Fauna /habitat corridors.
  - ix. Public reserves to be provided in the subdivision.
  - x. All areas to be filled and average depths of fill.
  - xi. All areas of cut and depth of cut
- (b) The plan of subdivision to show all dimensions relating to the existing land and proposed lot numbers.
- (c) The location of any existing buildings and the distance from the buildings to the boundaries of the proposed lots.
- (d) An assessment of potential land contamination and the suitability of the site for the proposed development. This must include the following details:
- (a) Present use of the land;
  - (b) History of past uses of the land;
  - (c) Details of any uses (past or present) that may involve potentially contaminating activities;
  - (d) Details of fill, chemicals, pesticides, insecticides and fertilisers known to have been used on the site.

Where the site history identifies potentially contaminating uses/activities, or there is limited information on past uses/activities, more detailed investigation will be required. Applicants should refer to State Environmental Planning Policy No. 55- Remediation of Land (SEPP 55), the NSW *Managing Land Contamination: Planning Guidelines* and Council's Contaminated Land Policy for further information.

- (e) List of preferred street names.

**16. Road network /street pattern**

**16.1.** Subdivision layout and road design must consider the particular site constraints of the land, the proposed use of the land and integrate the subdivision

**PART I SUBDIVISION AND ENGINEERING STANDARDS**

and road network with the surrounding road and development pattern. NR Design Manuals provides advice on road network design in Sections D1.05, D1.07 and D1.08 of the Development and Design Manual.

Subdivisions should be designed to minimise impacts on the natural environment and retain significant landscape features.

Subdivisions should be designed to minimise cut and fill. A geotechnical report may be required when subdividing steep land.

The road network should be designed to cater for anticipated traffic volumes and the type of traffic generated by future uses. Council may require a Traffic Study as part of the Development Application depending on the proposed scale of the subdivision.

**16.2** The proposed road network must:

- (a) Provide for safe and functional vehicle and pedestrian movement.
- (b) Connect efficiently with external traffic routes. Proposed roads must link with other roads that have the capacity to accommodate increased traffic.
- (c) Locate intersections to create safe and convenient vehicle movements.
- (d) Provide convenient vehicular access to all lots for residents and visitors.
- (e) Provide adequate access for service and emergency vehicles, for example, garbage collection services.
- (f) Accommodate public transport services generally along collector roads and within 400 metres of all dwellings and in accordance with Sections D1.21 of NR Design Manuals in the Development and Design Manual.
- (g) Provide for pedestrians and cyclists by including cycleways and footpaths on collector streets and distribution roads and in accordance with the NR Design Manuals in the Development and Design Manual.

**Note:**

Refer to clause C8.5. Provision of suitable road access regarding the minimum standard/requirement for road access for development (including dwelling houses/residential development) and subdivision.

A suitable constructed vehicular access that has direct frontage to a road that is listed in Councils adopted Road Maintenance Policy, that is Councils' Road Asset (Maintenance) List must service or be provided to development in rural zones.

**16.3. Coastal Design Guidelines**

Subdivisions within and adjacent to coastal settlements should consider the NSW Coastal Design Guidelines in the designing new subdivisions.

The following general guidelines should be considered:

- (a) The original street pattern should be maintained and reinforced. The new road network should build on the existing road pattern.
- (b) The road /street pattern should respond to the topography.
- (c) The street pattern should provide views and vistas of important natural features (coast, river, foreshores, headlands) and places of civic/community importance in the surrounding locality.
- (d) The road hierarchy should be appropriate to the requirements of the locality.
- (e) The number of connections within the road hierarchy should relate to surrounding uses. The traditional street grid pattern has high accessibility and permeability for vehicles and pedestrians.
- (f) Road crossings over waterways and water bodies should be minimised.
- (g) Fast moving through traffic in residential streets should be limited.
- (h) A system of pedestrian pathways throughout and between localities should be provided.
- (i) Residential areas should be separated from open space and environmental protection areas by the use of roads ('edge roads') to front open space and reserves, thus defining the boundary of the residential /urban area. This provides asset protection zones for bushfire management and access to open spaces, foreshores and the like.

## PART I SUBDIVISION AND ENGINEERING STANDARDS

- (j) Streets should be planted with appropriate vegetation and street trees.

### **16.4 Road Design.**

Road design must comply with the standards in the NR Design Manuals. The Manuals includes details on design speed, gradients, curves, crossfalls, intersection treatments, turning areas, traffic calming, pavements, subsurface drainage, cycleways and pathways.

### **16.5. Road width characteristics.**

New roads must comply with the road widths and characteristics in TABLE I1.

**TABLE I1**

<b>Minor no through road up to 150 AADT</b>	<b>Minor road up to 1000 AADT</b>	<b>Major road over 1000 AADT</b>
6m seal 0.5 m shoulders	150-500 AADT 6m seal 1m shoulders	7.5m seal 1.5m shoulders
	501-1000 AADT 7m seal 1m shoulders	

AADT Average Annual Daily Traffic

A minimum road reserve width of 20 metres applies.

Also refer to NR Design Manuals in the Development and Design Manual.

### **16.6 Road Widths to accommodate services**

The road reserve must be of a sufficient width to accommodate all the facilities that are required, including batters and a pedestrian and service area at each frontage.

## 17. Lot Layout

**17.1.** A variety of lot sizes should be provided to meet market demand. Lots should be regular and rectangular in shape.

Battle axe blocks generally should be avoided in subdivision design and will only be considered under exceptional circumstances.

### **17.2. Lot Orientation**

Subdivisions must be designed to maximize solar access. Lot design should allow for houses to be built with north facing windows which receive maximum winter sun.

### **17.3. Minimum lot sizes**

Minimum lot sizes for subdivision are included in CV LEP 2011. See clause 4.1 *Minimum subdivision lot size* and the Lot Size Map.

Minimum lot sizes do not relate directly to the zoning of the land. That is, the minimum lot size for subdivision can vary within the same zoning.

### **17.4. Lot dimensions**

No minimum frontage or lot dimensions apply. Lot dimensions must be able to provide sufficient area and dimensions to enable the construction of dwellings and convenient on-site parking, provision of private open space, solar access and adequate safe vehicular access, effluent disposal areas and bush fire hazard protection zones.

### **17.5. Battle axe shaped lots**

Where battle axe blocks have been allowed under clause 17.1 the access corridor providing frontage to a public road must be a minimum of 7.0 metres wide and the carriageway width must be 4.0 metres wide and sealed. The lot must meet the minimum area requirements.

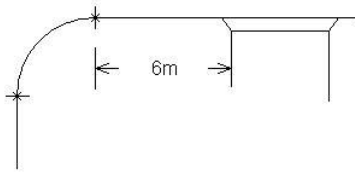
No more than 2 access ways shall be shared by use of reciprocal rights-of-way; the combined width of the access way must have a minimum width of 7 metres.

A maximum of 2 lots only shall be permitted from the handle of battle axe lots, whether through a shared right-of-way (ROW) easement or through a reciprocal ROW easement. The standards of battle axe handles shall be in accordance with Clauses D1.33 and Table D1.13 of the NR Design Manuals in the Development and Design Manual.

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

**18.1.** Vehicular access driveways from a public road must comply with Australian Standard 2890 and generally be:

- (a) Not closer than 6 metres to the kerb return tangent point of an intersecting road or break in a traffic island.
- (b) Located so that sight distance is adequate for the 85<sup>th</sup> percentile speed of vehicles or the speed zone, whichever is the greater.



Driveway from corner

**18.2.** Gates in rural areas should be setback 15 metres from the front boundary to allow for semi-trailers and trucks to be able to stop at the entrance without disrupting traffic.

**18.3.** Direct access to classified roads is not permitted where alternative access is available. Access to RTA managed roads will require RTA approval.

Restrictions may apply to prohibit or restrict uses fronting classified roads.

See [State Environmental Planning Policy \(Infrastructure\) 2007](#) Division 17 Roads and Traffic Subdivision 2 Development in or adjacent to road corridors and road reservations.

**19. Stormwater management**

Stormwater management and drainage systems should be an integral part of the subdivision design.

Stormwater management, open space networks and habitat corridors should be integrated. Stormwater should be managed so there is minimal or no impact on the natural environment.

Stormwater management should be based on the principles of 'water sensitive urban design'. This approach requires managing water use and runoff at the lot level and emphasises the reuse of stormwater and wastewater.

'Water sensitive urban design' is based on the:

- (a) Treatment of stormwater as close to the source as possible.
- (b) Retention and restoration of natural drainage systems.
- (c) The hydrological conditions (both quality and quantity) of stormwater runoff after development being approximately the same as pre-development conditions, for the 20% ARI storm event.
- (d) On-site storage or infiltration being maximised.
- (e) Stormwater management to include vegetation management, in particular the planting of local indigenous plant species and minimising land disturbance.
- (f) Stormwater design shall be in accordance with Section D5 of the NR Design Manuals.

Stormwater design must take into account future maintenance.

Compliance with the sustainable water controls in PART G of this DCP is required.

**110. Provision of Essential Services**

CV LEP 2011 requires adequate services before development consent can be granted to development – refer to clause 7.8 *Essential services* and also to DCP clause C8.

Subdivisions of land in rural zones are required to provide services and infrastructure to all lots including:

- (a) Roads. See Clause I6.
- (b) Footpaths.
- (c) Kerb and gutter. (Council may consider alternatives, such as grass swales)
- (d) Drainage. See Clause I9

**PART I SUBDIVISION AND ENGINEERING STANDARDS**

- (e) Reticulated water and sewer, where available
- (f) Electricity
- (g) Telecommunications
- (h) Street lighting.

**110.1. Electricity**

- (a) Connection to electricity services is required for all lots.
- (b) Alternative power sources for subdivision and development can be considered where it can be demonstrated that the economic cost and/or likely environmental impact of connection is unacceptable.

**110.2. Water supply**

- (a) Subdivision and development must be connected to a reticulated town water supply system at a point acceptable to Council
- (b) Variations to this requirement may be considered where reticulated services are not currently available to the property and where it can be demonstrated to Council's satisfaction that the economic cost and/or likely environmental impact of extension/connection is unacceptable.

**Note;**

- Under section 124 of the Local Government Act Council can require premises that are situated within 225 metres of a water pipe of the Council to be connected to Council's water supply.
- Water and sewer connection is to comply with minimum sewer and water connection requirements set out in Council's Sewer and water connection policy No. 1.68.

- (c) In cases where connection to a reticulated town water supply is deemed unacceptable a domestic water storage capacity of 45,000 litres (ie for a dwelling house) must be provided.
- (d) On land in bush fire prone areas that is not serviced by a reticulated water supply, a water supply reserve must be provided for fire fighting purposes. The water requirements for fire fighting purposes in TABLE I2 must be met.

TABLE I2

Development Type	Water Requirement
Dwellings on lots , 1,000m <sup>2</sup>	5,000 litres/lot
Dwellings on lots 1,000-10,000m <sup>2</sup>	10,000 litres/lot
Dwellings on lots . 10,000m <sup>2</sup>	20,000 litres/lot

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

**110.3. Sewerage**

- (a) Where connection to a reticulated sewerage system is not possible, wastewater disposal must comply with the Clarence Valley Council On-site Wastewater Management Strategy 2005.
- (b) A Development Application for subdivision in unsewered areas must include an Effluent Management Report.

**Note:**

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

**110.4. Provision of suitable road access**

Development, including dwelling houses and subdivision, must have frontage to a road that is listed in Council's adopted Road Maintenance Policy that is Council's

## PART I SUBDIVISION AND ENGINEERING STANDARDS

Road Asset (Maintenance) List. See clause C8.5 for details.

### **I10.5. Telecommunications**

- (a) Connection to a telecommunications network is required in accordance with the requirements of the relevant telecommunications provider.
- (b) Alternative means of telecommunications can be considered where the economic cost and/or likely environmental impact of connections is demonstrated as being unacceptable.

### **I10.6. Street Lighting**

Street lighting should be installed in accordance with the requirements of the relevant energy provider and the requirements of Council.

### **I10.7. Shared Trenching**

Shared trenching for services is encouraged by Council and should be undertaken in consultation with the relevant service providers. Generally services shall be provided in trenches offset in accordance with the provisions of the Streets Opening Conference. Reference can also be made to the Northern Rivers Local Government Standard Drawing R-10.

### **I10.8. Other facilities/services**

Council may require the provision of facilities, such as bus shelters, depending on the size of the subdivision.

## **I11. Street planting**

Where a subdivision includes road construction, street landscaping and tree planting must be provided. The Development Application for the subdivision must include a Landscape Plan showing all street trees and planting of public open space.

In determining suitable landscaping and street planting the character of the locality and the need to maintain and enhance the

streetscape must be considered. A street planting theme should be developed for the area.

Landscaping and planting should be developed as part of the stormwater management of the area and open space network, if applicable.

A Landscape Plan must show the following details:

- (a) Location of existing trees/vegetation to be retained.
- (b) Proposed street planting, landscaping and details of associated drainage, fencing, paving, natural features and structures.
- (c) All plant species to be used, location and quantity.
- (d) Details of plant species including height at maturity and management/maintenance proposals.
- (e) Location of underground services.

Species used should be local indigenous plant species. No noxious weeds or weed species registered on the Bushland Friendly Nursery Scheme should be used in the landscaping. See [www.bfns.org.au](http://www.bfns.org.au) for details on weed species and native alternatives.

### **Note: Contributions May Apply**

Contributions for additional lots may apply for the following:

- (a) open space and recreation facilities.
- (b) community facilities.
- (c) drainage /stormwater management.
- (d) road works.
- (e) sewerage services.
- (f) water services.

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

For some subdivisions, Council may require dedication of land for public open space or community facilities, in lieu of contribution for local open space and/or facilities. Consult Council officers if dedication of land for open space /public facilities is a possible option for your proposed subdivision.

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

**PART J ADVERTISEMENTS AND ADVERTISING STRUCTURES**

**PART J ADVERTISING AND ADVERTISING STRUCTURES**

**J1. What are the objectives for advertisements and advertising structures in rural zones?**

The objectives for advertisements and advertising structures in rural zones:

- (a) To ensure that advertising complements the development on which it is displayed and the character of the surrounding locality.
- (b) To ensure that the number of advertisements and advertising structures does not lead to 'visual clutter'.
- (c) To ensure that advertising does not have an adverse affect on an area, due to size, appearance and illumination.

**J2. Advertising structures not requiring development approval**

Building identification signs and business identification signs are permitted in rural zones without consent.

Advertising structures and signs that meet the exempt development criteria in clause 3.1 of the CV LEP 2011 and meet the exempt development standards in Schedule 2 of the LEP do not require development consent.

Exemptions for signage also apply under the Codes SEPP, i.e. State Environmental Planning policy (Exempt and Complying Development Codes) 2008.

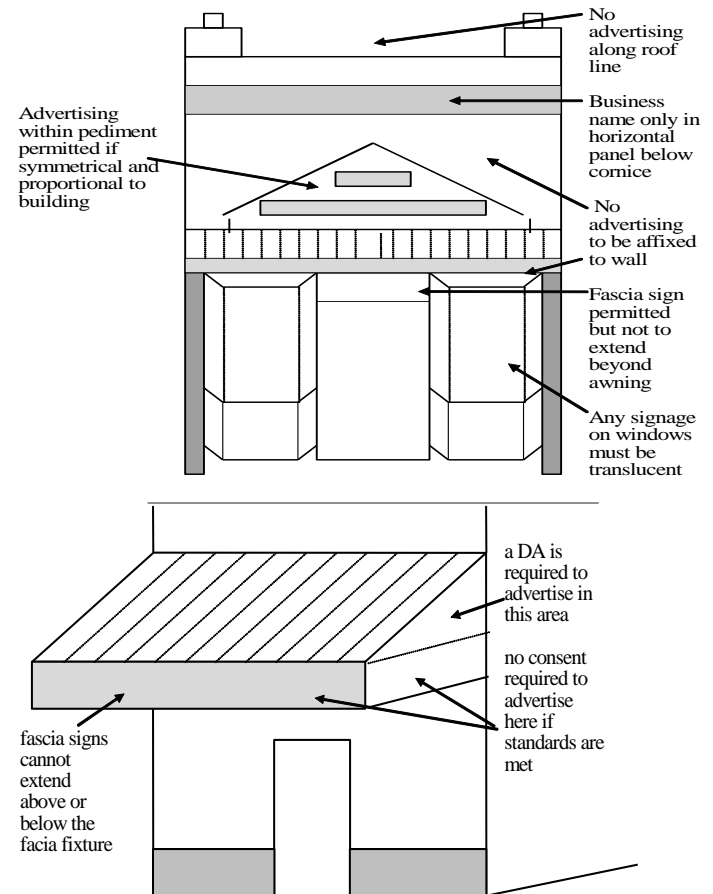
**Note:**  
**Building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol, but that does not include general advertising of products, goods or services.  
**Business identification sign** means a sign:  
 (a) that indicates:  
     (i) the name of the person or business, and  
     (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and  
 (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,  
 but that does not include any advertising relating to a person who does not carry on business at the premises or place.

**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).

Development consent for an advertisement and /or advertising structure will not be granted unless the impact of the advertisement and /or advertising structure is assessed by Council as to be acceptable in terms of the criteria in SCHEDULE J1.

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





**PART J ADVERTISEMENTS AND ADVERTISING STRUCTURES**
**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.

**J4.2. Footpath Awning Blinds**

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

**J5. Pole signs**

Pole or pylon advertising structures and associated advertisements require the submission and approval of a development application. These will be assessed on their merits.

Council will specifically consider the impact of the structure on the amenity of the locality, the size, shape and scale of the proposed advertisement and height of the structure in comparison to buildings

located on and around the subject land. The advertising structure and advertisement must be wholly located within the boundary of the subject land.

**J6. 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.

**PART J ADVERTISEMENTS AND ADVERTISING STRUCTURES**

- (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.
- (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.

See the Department of Planning publication *Transport Corridor Outdoor Advertising and Signage Guidelines* July 2007.

**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.

**Note:**

Under the provisions of SEPP 64 an advertisement with 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.

**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, structures or tree canopies in the area or locality?

Does the proposal require ongoing vegetation management?

**5 Site and building**

- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?
- Does the proposal respect important features of the site or building, or both?
- Does the proposal show innovation and imagination in its relationship to the site or building, or both?

**6 Associated devices and logos with advertisements and advertising structures**

- Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

**7 Illumination**

- Would illumination result in unacceptable glare?
- Would illumination affect safety for pedestrians, vehicles or aircraft?
- Would illumination detract from the amenity of any residence or other form of accommodation?
- Can the intensity of the illumination be adjusted, if necessary?
- Is the illumination subject to a curfew?

**8 Safety**

- Would the proposal reduce the safety for any public road?
- Would the proposal reduce the safety for pedestrians or bicyclists?
- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

**PART K CONTROLS FOR RURAL WORKER'S DWELLINGS**
**PART K CONTROLS FOR RURAL WORKER'S DWELLINGS**
**K1. What are the objectives of the controls for rural worker's dwellings?**

The objectives of the controls for rural workers' dwellings are to set out controls for rural workers' dwellings and ensure that rural workers' dwellings:

- (a) are permitted where genuinely required;
- (b) minimise conflict with adjoining land uses;
- (c) minimise environmental impact such as that caused by the provision of building envelopes, utilities and access roads; and,
- (d) do not compromise the agricultural viability of the subject land.

**K2. Approval criteria for rural worker's dwellings**

The CV LEP 2011 defines rural worker's dwelling, as follows:

**rural worker's dwelling** means a building or place used that is additional to a dwelling house on the same lot and that is used predominately 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 works dwellings are a type of residential accommodation – see the definition of that term in this Dictionary.

You will need to lodge a development application and obtain development consent for a rural workers' dwelling. You must demonstrate to Council that the following criteria are met:

1. Impact on viability.
2. Demonstrated need
3. Employment
4. Other rural workers' dwellings
5. Location.

**K2.1. Impact on viability**

The erection of the dwelling, and the associated infrastructure, (eg. roads, electricity, water), must not impair the suitability of the land for agriculture or rural industry.

You will need to carefully consider where the dwelling is to be sited and if that site

will interfere with current or future farming, eg. spraying, burning, slashing, grazing etc., and demonstrate this to Council, i.e. through a site plan showing the areas under cultivation and the techniques routinely use.

**K2.2. Demonstrated need**

The needs of the agriculture or the rural industry must genuinely require that rural workers reside on the land.

You will need to demonstrate that the farm cannot operate without the employee's labour and that these cannot be effectively performed without residing on the land. This can be done by listing the jobs that are required to be done on the farm, their frequency, who does them, and the times of day they are required to be performed.

**K2.3. Employment**

The rural worker to occupy the dwelling is to be directly and permanently employed by the owner of the land employed for the purpose of agriculture or a rural industry on that land.

This does not mean that you are restricted to one particular person for all time, but you will need to demonstrate to Council that a contract, work agreement or similar has been entered into by yourself and the employee to work on the subject land, and that residing on the land is a condition of employment.

**K2.4. Other rural workers' dwellings**

You must show that all other rural workers' dwellings on other allotments are being used by persons substantially engaged in agricultural employment on that land.

This means that where a rural workers' dwelling exists, you will need to provide Council with details that the person

## PART K CONTROLS FOR RURAL WORKER'S DWELLINGS

residing in the dwelling is indeed a rural worker and is still substantially employed by you for that purpose. If this situation has changed, then Council will not consent to the erection of another rural workers' dwelling.

Note: Clause 7.10 of the Clarence Valley Local Environmental Plan 2011 limits the number of rural workers dwellings to one (1) per allotment.

### **K2.5. Location of rural workers' dwellings**

Each dwelling-house (including the proposed rural workers dwelling) must be within the same allotment. No more than one (1) rural workers dwelling is permitted per allotment.

Often, several rural allotments will be on one title, however, you will need to submit a site plan showing where the existing and proposed dwellings are in relation to the allotment boundaries and show that they are on only one allotment.

### **K3. Essential requirements for rural worker's dwellings**

1. The dwelling must have the same road access as the principal farm dwelling.
2. The dwelling must be located so that it minimises conflict with adjoining land users.
3. The farm must generate enough income to support the employee who is to be housed in the dwelling.
4. You must show how the employee will assist in the management of the farm.
5. You must show evidence that no alternative local labour or housing is available.

### **K4. Dwelling Construction**

Where a new building is proposed to be constructed for a rural worker, the dwelling must be designed and constructed so that it can be easily removed from the site by road vehicle, should it cease to be needed to accommodate rural workers. The plans of the building are to include an adequate description of the removal process. Certification is to be provided with the Development Application from a practicing structural engineer as to the adequacy of this building to be easily dismantled and readily removed from the site by road vehicle.

Where approval is given for a rural workers' dwelling, no works are to be carried out on the property which might hinder the relocation of the building. Such works might include the construction of brick walls, brick veneering, extensive landscaping, or the fixing of joints or structural members by welding or other means.

### **K5. Information to accompany a development application**

Information to accompany your Development Application must include the following details on the property, labour requirements, potential land use conflict associated with the dwelling and financial details for the farm.

#### **K5.1. Property Details**

- (a) The size of the property in hectares
- (b) The property description, Lot and DP numbers
- (c) A district map showing the property location
- (d) A property map showing farm infrastructure (eg. buildings, sheds, dams, roads)
- (e) Area in each land use (eg. cropping, grazing)

#### **K5.2. Labour Requirements**

- (a) What jobs will the employee do?
- (b) When is the employee required, eg. daily, seasonally?

**PART K CONTROLS FOR RURAL WORKER'S DWELLINGS**

- (c) What are the critical components of the employment that require an onsite residence?

Council will also consider the land's rating classification. Land may be rated as "farmland", "residential", "business" or "mining". Generally, rural workers' dwellings are in keeping with allotments that are rated as "farmland", as the dominant use is for profitable commercial farming, on a continuous or repetitive basis.

**K5.3 Potential Conflict**

- (a) Indicate the distance from the proposed dwelling to adjoining holdings and potentially conflicting land uses eg. intensive animal husbandry or horticulture, pesticide use.
- (b) Indicate the distance to the nearest town with services.

**K5.4. Financial Details**

If your farm shows a negative profit, it cannot support a full time rural worker. This section takes you through the steps required to calculate your farm profit.

Please provide information for each step

- (a) For each enterprise on your farm, multiply the annual gross margin/hectare by the hectares used in that enterprise. Total the results to give the whole farm gross margin per year.
- (b) Calculate overheads and costs:

**Cash Costs such as:**

council rates  
 electricity  
 telephone  
 water  
 office requisites  
 interest payments  
 hired labour not included in gross margins (please detail)  
 fuel costs not included in gross margins  
 other cash costs associated with producing your farm income (please detail)

**Non Cash Costs such as:**

depreciation (please detail)  
 rent, stores etc supplied for employees

- (c) Total the overhead costs on an annual basis and subtract them from the whole farm gross margin to give you your whole farm profit or loss.
- (d) Should you be undertaking a development with a long delay before any income is received, eg. farm forestry, tree or vine crops, you may need to prepare a cash flow budget for the period until full returns are achieved.

**PART L CONTROLS FOR BED AND BREAKFAST ACCOMMODATION**
**PART L CONTROLS FOR BED AND BREAKFAST ACCOMMODATION**
**L1. What are the objectives of the controls for bed and breakfast accommodation?**

The objectives of the controls for bed and breakfast accommodation are:

- (a) To maintain the amenity of both the property and the neighbourhood where a bed and breakfast establishment is located.
- (b) To ensure that the premises meet acceptable standards for fire safety and community health.
- (c) To ensure that bed and breakfast accommodation operate as an ancillary function to that of a dwelling house.

**L2. Restrictions on bed and breakfast accommodation**

**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.

Clause 5.4 of CV LEP 2011 limits the size and scale of bed and breakfast accommodation to no more than 3 bedrooms provided to guests.

The following controls apply to bed and breakfast accommodation:

- (a) Must be operated by the permanent residents of the dwelling.
- (b) Must be for short term guests only, no long term or permanent accommodation.

- (c) A maximum of 3 bedrooms are to be used for guest accommodation, limiting the number of guests to 6 at any one time.
- (d) No more than 10 residents (including permanent residents) are to be accommodated at any one time. This will ensure the building remains as a class 1b under the Building Code of Australia (BCA).

**L3. Signage**

Only one advertising sign is permitted, indicating the house is a bed and breakfast accommodation and the name of the proprietor.

The sign must not exceed 0.75 m<sup>2</sup>.

**L4. Car parking and access**

On – site parking must be provided on the basis of one (1) car space per guest bedroom, in addition to the 1 space required for the dwelling.

Car parking must be located to maintain the amenity and character of the locality.

Access to a bed and breakfast accommodation is not permitted from the Pacific Highway.

**L5. Health and Building requirements**

- (a) There must be adequate means of escape in the case of fire or other emergency from the building to a place of public safety.
- (b) A smoke detection alarm system that complies with the BCA must be installed in all bedrooms and hallways.
- (c) A fire blanket and fire extinguisher, with appropriate instructions, must be installed in the kitchen area.
- (d) Adequate toilet and bathroom facilities must be provided for guests. A minimum of one (1) bathroom must be provided for

**PART L CONTROLS FOR BED AND BREAKFAST ACCOMMODATION**

- every 2 guest bedrooms or part thereof.
- (e) Deadlocks requiring an internal key release are not to be installed on doors to guest's rooms or external doors.
  - (f) The premises and furnishings must be kept clean and free from vermin.
  - (g) Adequate services and disposal of waste water and storm water is required, based on the number of bedrooms.



**PART M CONTROLS FOR ECO TOURIST FACILITIES**
**PART M CONTROLS FOR ECO TOURIST FACILITIES**
**M1. What are the objectives of the controls for eco-tourist facilities?**

The objectives of the controls for eco-tourist facilities are to enable eco-tourist facilities that;

- (a) do not adversely impact on the agricultural productivity of land;
- (b) protects natural areas of high conservation value; and
- (c) provides tourist facilities that enable people to experience natural areas.

**Eco-tourist facility** means a building or place that:

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

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

**Note:**

- Refer to LEP 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.
- The requirements of PART C of this DCP must also be met. In particular see C4 Assessment considerations in determining Development Applications.

**M2. Information required for a development application**

A development application for an eco-tourist facility must include the following:

1. A Management Plan, to be approved by Council as part of the development application. See

Clause M4 for the Management Plan requirements.

2. A statement demonstrating that the principles included in the definition of “eco-tourist facility” are met.
3. An assessment of the conservation value of the land.
4. Identification of part of the land subject of the development as land of high conservation value.
5. Plans showing siting of all facilities and buildings are required. The plans must include the following information:
  - (a) Dimensions of proposed buildings.
  - (b) Building heights and building setbacks from natural areas and other buildings.
  - (c) Location of all natural areas and habitat areas to be restored.
  - (d) Landscaping details and existing trees (to be removed or retained).
  - (e) Dimensions of all car parking spaces and driveway widths.
  - (f) Type and colour of building materials.
  - (g) Location of services and waste disposal facilities.
  - (h) Details of all access to and within the site.
6. Information on the following to enable the consent authority to assess the proposed eco-tourist facility under clause 5.13(3) or VC LEP 2011
  - (a) The connection between the development and the ecological, environmental and cultural values.
  - (b) Details of the development and the likely impact on the natural environment.
  - (c) How the development enhances an appreciation of the environmental and cultural values of the site or area.
  - (d) Measures to protect and or enhance natural resources and the natural environment.
  - (e) Waste generation.
  - (f) Visual impact of the development.
  - (g) Infrastructure.

**PART M CONTROLS FOR ECO TOURIST FACILITIES**

- (h) Impact on the agricultural productivity of adjoining land.
- (i) Management strategy for minimising any impact on the natural environment.

**M3. Approval criteria for eco-tourist facilities**

To obtain consent for an eco-tourist facility, you have to demonstrate to Council that the following criteria are met:

1. It is demonstrated that the principles included in the definition of 'eco-tourist facility' and the requirements of clause 5.13(3) of CV LEP 2011 are met.
2. That the facilities to be provided on the land or on nearby land will enable people to experience land with significant ecological, environmental and cultural values.
3. That the development will not adversely affect any natural areas with high conservation value.
4. That the development will have minimal impact on land with significant ecological environmental and cultural values.
5. That the development is located, constructed and managed so as to minimise the impact on the natural environment and areas of high conservation value are conserved.
6. That habitat areas on the land are restored.
7. That the only permanent accommodation on the land will be provided for people managing or operating the eco-tourist facilities.
8. It is demonstrated that the development will not adversely affect the agricultural productivity of the land or nearby land.
9. The development is located to avoid visibility from ridgelines and against escarpments and from watercourses and that any visual intrusion is minimised through the choice of design, colours and materials and landscaping with local indigenous flora.

**M4. Management Plan Requirements**

1. A Management Plan must form part of a development application for an eco-tourist facility.
2. The Management Plan must identify land with significant ecological, environmental and cultural values that are the primary focus of the tourist activity, provide information on how the proposed development is going to use this land with significant ecological environmental and cultural values and if the areas are outside the site, subject of the proposed development, provide evidence of agreements/security that access to these natural areas is possible.
3. The Management Plan must assess the potential impacts of the development on the ecological, environmental and cultural values of the site, including adjoining land and include measures to minimise these impacts.
4. The Management Plan for the subject land is to include the following matters:
  - (a) Impacts on native flora, fauna, habitat areas and habitat corridors.
  - (b) Control of pest animals
  - (c) Weed control and management.
  - (d) Management of riparian zones.
  - (e) Water quality and stormwater management.
  - (f) Erosion and sediment control measures.
  - (g) Bush fire management plan.
  - (h) Design of buildings and structures that are compatible with the natural environment, including limited visual intrusion.
  - (i) Design of buildings and structures that is energy efficient, water efficient and sustainable building materials are used.
  - (j) An operational plan that demonstrates that the facility incorporates the most sustainable and integrated approach as possible to passive

**PART M CONTROLS FOR ECO TOURIST FACILITIES**

- building design, energy efficiency, waste disposal, effluent disposal and stormwater management.
- (k) Construction works and measures to minimise impacts.
  - (l) Land rehabilitation and maintenance.
  - (m) Landscape design.
  - (n) Preservation of cultural and historical sites.
  - (o) Infrastructure and waste disposal
  - (p) Access, pedestrian and vehicular movement.
  - (q) Tourist facilities, activities and programs.
  - (r) An environmental and cultural education program.
  - (s) A flood evacuation plan, if appropriate.
  - (t) Provisions to ensure public access to any foreshore areas.
  - (u) Visual impacts.

**PART N CONTROLS FOR FORMER HORTICULTURAL LANDS**
**PART N CONTROLS FOR FORMER HORTICULTURAL LANDS**
**N1. Where do the controls for former horticultural lands apply?**

The controls for the former horticultural lands apply to land shown by hatching on MAP N1 in the DCP

The former horticultural lands were previously zoned 1(h) (Rural (Horticultural Holdings) under the Ulmarra LEP 1992 and rezoned to 1(a) General Rural by Ulmarra Local Environmental Plan 1992 (Amendment No 5) on 29 June 2007.

**N2. What are the aims and objectives of the controls for former horticultural lands?**

The aim is to provide a clearer set of guidelines and requirements for property owners and applicants in relation to the development of lands that were formerly zoned 1(h) (Rural (Horticultural Holdings) under the Ulmarra LEP 1992 and were originally approved as horticultural lots.

The objectives of the controls are:

- (a) To enable horticultural and agricultural use on land that is suitable for that kind of purpose within a sustainable management context.
- (b) To permit the erection of a dwelling house on horticultural allotments:
  - the land is suitable for such purpose, and
  - there will be no adverse conflicts with and between existing authorised horticultural activities and operations, and
  - there will be no adverse environmental impact

**N3. How do these controls relate to other planning instruments?**

**N3.1.** These controls should be read in conjunction with dwelling and minimum lot size controls in clause 4.1 and 4.1AA in CV LEP 2011.

**N3.2.** These controls only apply where a development consent/development application is required.

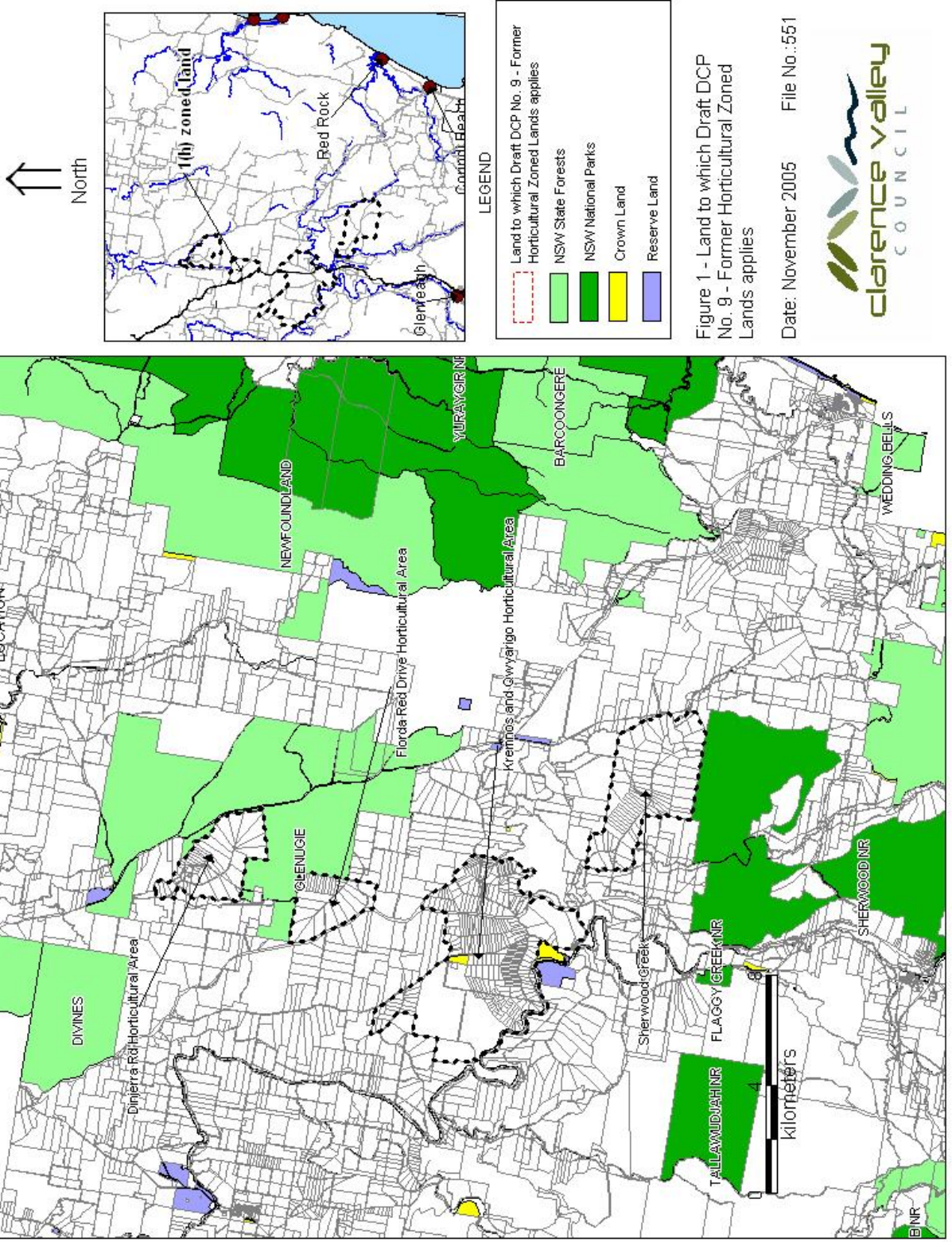
**N4. Definitions**

**dwelling house** means a building containing only one dwelling.

**horticultural allotment**, means an allotment that:

- (a) was lawfully created by a subdivision of the land to which this Part of the DCP applies before the commencement of the Ulmarra LEP 1992 (Amendment No 5), and
- (b) at the time of subdivision, was created primarily for the purposes of horticulture.

**PART N CONTROLS FOR FORMER HORTICULTURAL LANDS**



**MAP N1  
FORMER HORTICULTURAL LANDS**

**PART N CONTROLS FOR FORMER HORTICULTURAL LANDS**

**horticulture** means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include retail sales or viticulture.

**property management plan** means:

- (a) a property vegetation plan within the meaning of the *Native Vegetation Act 2003* for land, prepared by or on behalf of the owner of the land, or
- (b) a plan for land, prepared by or on behalf of the owner of the land, that specifies ongoing land management goals and a program of activities and works proposed to be undertaken on the land to enhance or restore the natural ecosystem, areas of native vegetation and any wildlife corridors or links, and that may contain proposals for farm and general land management practices. These activities and works may include, but are not limited to the following:
  - (iii) fencing riparian corridors to regulate stock access points,
  - (iv) planting native vegetation species,
  - (v) fencing of remnant vegetation to exclude stock and encourage re-growth,
  - (vi) environmental weed management,
  - (vii) bush fire hazard reduction works for fuel or ecosystem management purposes.

**“property vegetation plan”** means a property vegetation plan that has been approved under Part 4 (section 27 ) of the *Native Vegetation Conservation Act 2003*.

**N5. Background.**

Large tracts of rural land (approximately 5,000 hectares) within the former Ulmarra/Pristine Waters Local Government Area were zoned 1(h) Rural (Horticultural Holdings) under the Ulmarra LEP 1992 (ULEP). The 1(h) zone was introduced in the 1980's when, over a period of a number of years, a number of rural zoned areas were progressively zoned to 1(h) with associated horticulture, subdivision and dwelling house provisions.

The zoning and planning provisions were introduced to primarily facilitate the development of a series of commercial/collective horticultural enterprises based on a variety of horticultural crops including blueberries, asian pear fruit, nashi fruit, persimmons to name a few. The 1(h) zone was applied to a number of areas including Corindi/Upper Corindi (now in the Coffs Harbour LGA),

Lanitza, Kungala and Glenugie. The original cluster farm design was developed as a company managed investment. Since its inception this concept has not been successful. Much of the original development inclusive of the management, infrastructure, maintenance and capital failed, leaving original investors (in lot purchases and ongoing maintenance) “stranded”.

Today the horticulture that survives is neither collective or co-operative, whatsoever, with many of the horticultural lots on-sold and in the hands of persons who purchased such lots with perhaps an aspiration to just build a house; or if the land was large enough, to re-subdivide.

There are approximately 276 allotments that were created specifically as horticultural allotments (of less than 40 hectares in area) throughout the former 1(h) zone. Most lots of less than 40 hectares in the 1(h) zone were created specifically as horticultural allotments. Typically, a horticultural allotment had an area of approximately 10 hectares with some around the 8 hectare mark and some even less again.

Many (but not all) horticultural allotments were created as split lots, with 2 physically separate portions or parts. One part was for the horticultural activity/enterprise whilst the other part was intended to accommodate an eventual dwelling associated with the horticulture.

Some much smaller lots again were created and approved as “infrastructure support” lots (e.g. for packing sheds) or “workers dwelling” lots. They were never intended as horticultural allotments or as residential lots other than the workers dwelling lots (e.g. Kungala Road, Kungala). A Schedule of such lots is Schedule N4. Such lots are not “horticultural allotments” and accordingly Council is unable to consent to a development application for a dwelling house, dual occupancy or duplex on such lots. A number of lots were created having an area of approximately 40 hectares or an area within 10% of 40 hectares. Such lots including lots having an area exceeding 40 hectares are not regarded as “horticultural allotments”.

**PART N CONTROLS FOR FORMER HORTICULTURAL LANDS**

Under the former 1 (h) zone Council could approve a dwelling upon a horticultural lot only if it was satisfied that substantial horticultural development has been commenced and maintained. There is now a considerable amount of pressure on Council to approve houses on individual horticultural lots regardless of whether or not there is or there has been a horticultural enterprise/activity on the land. There is also some pressure to permit dwellings on those lots that were approved for other purposes such as "infrastructure support" lots (eg for packing sheds) or workers dwelling lots.

Council has recognised this pressure and also acknowledges the following:

- i. The poor potential and capability of the former 1 (h) zone areas for commercially viable horticulture.
- ii. The significant level of unauthorised dwellings/habitation on lots in the area.
- iii. The questionable need to force the clearing of some naturally vegetated/regenerating native vegetation to establish horticulture so as to satisfy minimum statutory requirements for a dwelling on horticultural lots.
- iv. Marginal decisions made by Council in the last few years in approving dwellings on some horticultural lots and in some cases subdivisions.
- v. The need for a practical solution and one, which can demonstrate a better planning outcome and that, has environmental, social and economic benefits.

**N6. Matters to be considered in granting development consent**

In considering whether to grant consent to a development on land to which Part N of this DCP applies Council will have regard to the following:

- (a) The hazards and constraints that impinge upon the site (eg bushfire risk, soil contamination, spray drift from any adjoining or nearby horticultural operations).
- (b) Any Property Management Plan or Property Vegetation Plan prepared for the land.
- (c) Access to the site.

**N7. Setbacks and building siting**

**N7.1.** Except as otherwise governed by building siting criteria referred to below, all buildings are to be setback from property boundaries as follows:

- i. a minimum of 20 metres from the front property boundary.
- ii. 900 mm from side and rear boundaries.

**N7.2.** Dwellings and other buildings /facilities used permanently or occasionally for human use/occupation are to be setback a minimum of:

- i) 100 metres from an existing or authorised horticultural enterprise on adjoining or adjacent land.
- ii) 50 metres from a property boundary where there is no existing or approved horticulture occurring on adjoining or adjacent land.

**N7.3.** Where the 100 metre setback and /or 50 metre setback cannot be achieved, a reduction can be considered; for instance if lot size, dimension and configuration are such that compliance with this requirement is difficult or impossible. Other considerations will include the need to establish asset protection zones within the development site and scope to establish a vegetative chemical spray drift buffer.

**N7.4.** Dwellings and other buildings/facilities used permanently or occasionally for human use/occupation are to be sited having regard to site constraints and any hazards or constraints adjoining or in the locality.

**N7.5.** Dwellings and other buildings are otherwise to be sited having regard to the following criteria:

- (a) On sites free from soils contamination
- (b) free from bushfire attack (i.e. low bushfire attack category)
- (c) Where a lot in its existing state cannot offer a building site having a low bushfire attack category the building should be sited in a position where as little clearing of native vegetation is necessary to achieve required Asset Protection zones
- (d) A minimum of 500 metres from any existing or authorised quarry/extractive industry

**PART N CONTROLS FOR FORMER HORTICULTURAL LANDS**

- (e) A minimum of 100 metres from any river, creek or permanent/intermittent watercourse.
- (f) In a flood free location. Areas of poor drainage are to be avoided

include the need to establish asset protection zones within the development site and scope to establish a vegetative chemical spray drift buffer.

**N8. Waste water management**

An application for an on-site wastewater system is to accompany a development application for a dwelling house or any other development that features human use, habitation or occupation whether permanent or not.

**N9.3.** Where there is currently no intensive horticultural activity on adjoining or adjacent land, the setback of any dwelling or building to any boundary shall be sufficient to accommodate a vegetation chemical spray drift buffer having a minimum width of 40 metres taking into account the need to also establish any required asset protection zone for bushfire protection purposes.

The documentation requirements for an application to install an on-site wastewater management system are set out in Councils On-Site Wastewater Management Strategy 2005.

**N10. Information to accompany development applications on horticultural allotments**
**N9. Buffers and adjoining land use**

In an area that is zoned rural and that is still characterised by past and present horticultural activities it is important to establish and maintain adequate buffers between such uses and more residential uses/occupation or uses of land where humans use the site on a permanent or temporary basis (e.g. commercial/business or tourist usage).

**N10.1.** On land to which Part N of this DCP applies and which were created as horticultural allotments, a development application for dwelling houses, duplexes and other buildings involving permanent/intermittent human use/occupation must be accompanied by a Property Management Plan or an already adopted Property Vegetation Plan, as well as the information and documentation outlined in SCHEDULE N3 Items (i) to (v).

**N9.1.** Where there is current intensive horticultural activity on the land or on adjoining or adjacent land (within 100 metres of the proposed dwelling) vegetative buffers are useful to mitigate against chemical spray drift. In situations, where a dwelling is proposed within 100 metres of an existing or authorised horticultural enterprise on the land or on adjoining or adjacent land, the vegetation chemical spray drift buffer shall have a minimum width of 40 metres and shall be designed in accordance with the criteria referred to in SCHEDULE N1 of this DCP and featuring species referred to in the species list in SCHEDULE N2.

**N10.2.** The requirement for a property management plan may be dispensed with where the applicant submits a *property vegetation plan* that has been approved under Part 4 (section 27) of the Native Vegetation Conservation Act 2003. However, it will still be necessary for an applicant to submit with a development application the information and documentation referred to in SCHEDULE N3 Items (iii) to (v).

**N9.2.** Where the 100 metre setback cannot be achieved, a reduction can be considered for instance, if lot size, dimension and configuration are such that compliance with this requirement is difficult or impossible. Other considerations will



**PART N CONTROLS FOR FORMER HORTICULTURAL LANDS****SCHEDULE N1.  
Vegetation chemical spray drift buffer – Design Criteria**

(From Queensland Department of Natural Resources and QLD Department of Local Government & Planning (1997) *Planning Guidelines – Separating Agricultural and Residential Land Uses*. QDNR, Brisbane.)

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Note: Refer to clauses N7 and N9 of this DCP

While buffer areas of up to 300 m width are recommended for forward planning between residential and agricultural areas, 'vegetated buffers' can offer an alternative to this separation requirement. Research into the behaviour of pesticide spray drift has shown that vegetation screens can prove effective barriers to spray drift where they meet the following criteria:

1. are of a minimum total width of 40 m;
2. contain random plantings of a variety of tree and shrub species of differing growth habits, at spacings of 4–5 m for a minimum width of 20 m;
3. include species with long, thin and rough foliage which facilitates the more efficient capture of spray droplets;
4. provide a permeable barrier which allows air to pass through the buffer. A porosity of 0.5 is acceptable (approximately 50% of the screen should be air space);
5. foliage is from the base to the crown;
6. include species which are fast growing and hardy;
7. have a mature tree height 1.5 times the spray release height or target vegetation height, whichever is higher;
8. have mature height and width dimensions which do not detrimentally impact upon adjacent cropped land;
9. include an area of at least 10 m clear of vegetation or other flammable material to either side of the vegetated area;

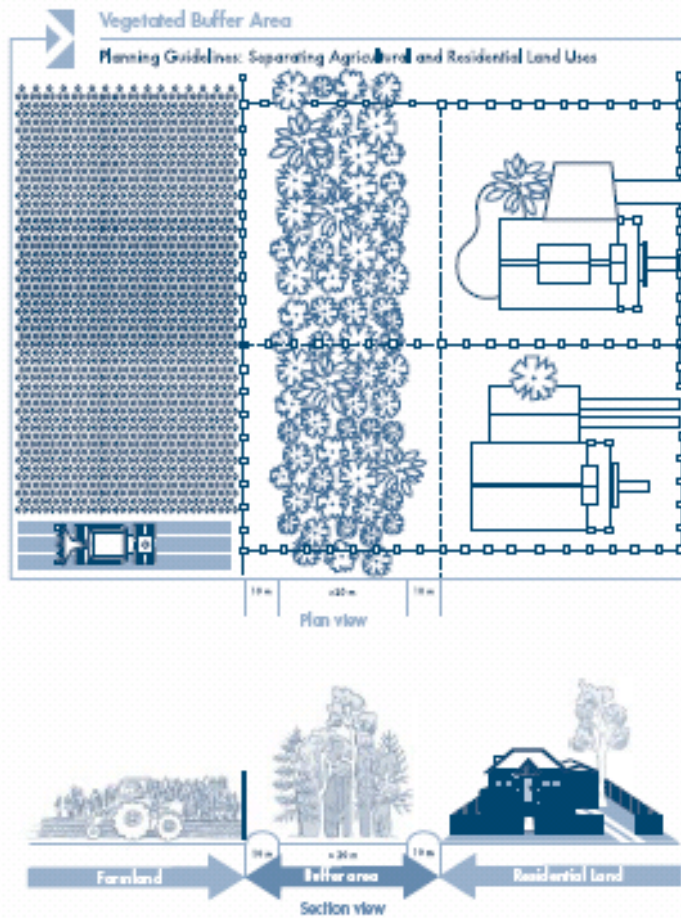
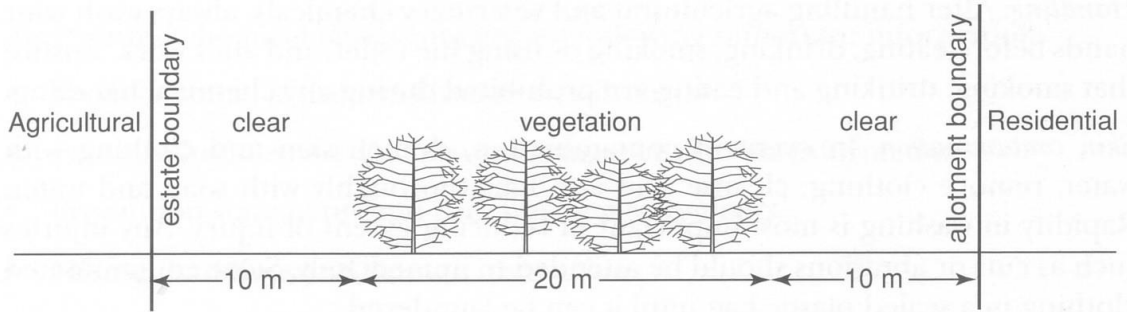
Vegetated buffers have other advantages in that they:

- (a) create habitat and corridors for wildlife;
- (b) increase the biological diversity of an area, thus assisting in pest control;
- (c) favourably influence the microclimate;
- (d) are aesthetically pleasing;
- (e) provide opportunities for recreational uses;
- (f) contribute to the reduction of noise and dust impacts.

Applications for development, where vegetated buffers are proposed, should include a landscape plan indicating the extent of the buffer, the location and spacing of proposed and existing trees and shrubs and a list of tree and shrub species to be planted. The application should also contain details concerning proposed ownership of the vegetated buffer and the means by which the buffer is to be maintained. A list of some appropriate vegetation species is available in SCHEDULE N2.

**PART N CONTROLS FOR FORMER HORTICULTURAL LANDS**

**Vegetative Buffer to Mitigate Spray Drift Based on Qld 'Planning Guidelines'**



<b>PART N</b>	<b>CONTROLS FOR FORMER HORTICULTURAL LANDS</b>
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**SCHEDULE N2****Vegetation chemical spray drift buffer – appropriate vegetation species****Suggested species (incomplete)**

Common Name	Scientific Name
Sally Wattle or Blackwood Wattle	<i>Acacia melanoxylon</i>
Orange Gum	<i>Eucalyptus bancroftii</i>
Scribbly Gum	<i>Eucalyptus signata</i>
River She-Oak	<i>Allocasuarina cunninghamiana</i>
Swamp Oak	<i>Allocasuarina glauca</i>
Forest Oak	<i>Allocasuarina torulosa</i>
Willow-leaf Hakea	<i>Hakea salicifolia</i>
Cheese Tree	<i>Glochidion ferdinadi</i>
Fine-leaved Paperbark	<i>Melaleuca linarifolia</i>
Native Frangipani	<i>Hymenosporum flavum</i>
Silky Oak	<i>Grevillea robusta</i>
Broad Leafed Geebung	<i>Persoonia levis</i>
Blueberry Ash	<i>Eleocarpus reticulatus</i>
Rosemary Grevillea	<i>Grevillea rosmarinifolia</i>
	<i>Syzigium oleosum</i>
Cheese Tree	<i>Glochidion fernandii</i>
	<i>Rapania variabilis</i>

<b>PART N      CONTROLS FOR FORMER HORTICULTURAL LANDS</b>
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**SCHEDULE N3**  
**Documentation requirements for development applications**  
**on former horticultural lots**

The following information shall be submitted with applications for development consent for the following categories of development

<b>Dwelling Houses, duplexes and other buildings involving permanent/intermittent human use/occupation</b>
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<b>Note: the matters referred to below have to be provided in respect of development applications for "horticultural allotments" and not for lots that have an area of 40 hectares or more.</b>
---

(i) A Property Management Plan (PMP or the plan) shall be prepared and submitted to Council and shall be of a standard that includes the specifications set out below.

(ii) A PMP must comprise a combination of text, maps/plans, figures or tables and must conform to the document entitled "Property Environmental Management Plan" published by NSW Dept. of Environment and Conservation (November 2004).

(iii) In addition to the above the following information shall also be included in a property management plan or shall accompany a development application:

- (a) Proposed building envelope(s) inclusive of required Asset Protection Zone (where land is bushfire prone land). Such envelope must be indicated, where possible, in locations that are free from natural and man – made hazards and constraints.
- (b) The building envelope referred to above must show a 1 hectare square (100metres x 100metres) area around the house site for the purpose of:
  - identifying soil contamination testing sites as required by Council's Assessment of contamination of former cultivated areas (refer to Assessment of contamination of former cultivated areas).
- (c) tree screening to be planted as required by Council's Vegetation chemical spray drift buffer requirements in order to reduce spray drift - refer to SCHEDULES N1 and N2.
- (d) Identification of current erosion areas and inclusion of an Erosion and Sediment Control Plan to ensure that future clearing and soil disturbance will not impact on water quality in the catchment. All development applications must include an Erosion and Sediment Control Plan developed to standards approved by the Department of Natural Resources to ensure that future clearing and soil disturbance will not impact on water quality in the catchment.
- (e) Identification of areas of weed infestation/occurrence, species and quantum of individual species occurring on the land. The plan shall document how weeds are proposed to be actively and passively managed in the long term.
- (f) Where the lot is bushfire prone land, the proposals for the management and maintenance of required Asset Protection zones are to be documented based on design criteria derived from "Planning for Bushfire Protection" (NSW Rural Fire Service, December 2006).
- (g) Identification and description of surrounding land use activities including indication of distance (in metres) from the proposed dwelling site/building envelope.
- (h) Identification of vegetation chemical spray drift buffers.
- (i) Drainage and on-site sewage site layout and management plan must be included.
- (j) Known cultural heritage sites must be identified on the management plan, advice on Aboriginal cultural heritage sites can be obtained from National Parks and Wildlife Service;
- (k) Other information and documentation referred to in (iv) and (v) following.

**PART N CONTROLS FOR FORMER HORTICULTURAL LANDS****(iv) Assessment of contamination of former cultivated areas**

The objective of requiring an assessment contamination is to ensure that Council only approves of residential occupation/use (whether permanent or temporary) where it can be demonstrated that the development site is free from contamination hazard to the extent that it does not pose a threat to human health. The steps in the process of assessing contamination potential are as follow:

**Step 1**

The application shall be accompanied by proof that the land has never been used or cultivated for horticultural purposes (e.g. fruit orchards, market gardens –see definition of horticulture) or by any other land use likely to result in the contamination of the site or of part of the site.

In this regard a preliminary site investigation should be undertaken in accordance with Section 3.1 of the Dept. of Environment and Conservation Guidelines for Assessing Former Orchards and Market Gardens (June 2005). It should aim to determine whether any part of the site has, or is likely to have, contaminated soil. The preliminary investigation will include information on site history and condition, potential contamination and any necessary further investigation.

Such investigation/assessment will need to be undertaken by a suitably qualified and experienced consultant. Site assessors will also find useful guidance on conducting site history reviews in NEPM: Schedule B(2) – Guideline on Data Collection, Sample Design and Reporting (NEPC 1999).

**Step 2**

This step involves undertaking the soil sampling requirements and contamination assessment set out in sections 3.2 and 3.3 of the Dept. of Environment and Conservation Guidelines for Assessing Former Orchards and Market Gardens (June 2005). Soil sampling should focus on the building envelope of the proposed dwelling house. The envelope /sampling area should measure a minimum 30 metres by 30 metres. A lesser lineal dimension may be acceptable provided that the total envelope area is 900 m<sup>2</sup>.

Chemical analysis should be in accordance with section 3.6 of the above guidelines.

**Step 3**

Depending on the outcome of step 2 the person undertaking the assessment of contamination of the site should recommend whether the following is required:

- Further hotspot assessment section 3.4 of the guidelines referred to above.
- Ground & surface water assessment – section 3.5 of the guidelines referred to above.
- Remediation of the site in accordance with section 4 of the above guidelines.
- Site validation in accordance with section 5 of the above guidelines.

**Note:** All reporting should be consistent with the requirements of *Guidelines for consultants reporting on contaminated sites*. The assessment should be undertaken by a suitably qualified and experienced professional specialising in the field of soil contamination assessment.

**PART N CONTROLS FOR FORMER HORTICULTURAL LANDS**

- (v) Other supporting information to be included as part of a development application or a PMP:
- The information and documentation referred to in Clause A7.
  - Vegetation chemical spray drift buffer plan that complies with the minimum criteria set out in SCHEDULE N1 and N2 inclusive of the landscape plan.
  - Where the lot is bushfire prone land the information required by “Building in Bush Fire Prone Areas – Guidelines for single dwelling development applications” (produced for the NSW Rural Fire Service). Most land in the 1(h) zone is mapped as bush fire prone land.
  - Statement of compliance and consistency with the objectives of the 1(a) zone.
  - A BASIX certificate.
  - Strategies for sourcing and storing water, particularly for those properties that do not hold water entitlements, must be provided. Council must be satisfied that each lot has adequate water storage capacity for domestic and proposed and/or current horticultural purposes. This includes water storage in terms of size of dams and/or rainwater tanks, collection of subsurface drainage and or irrigation. Rainwater tanks must be a minimum of 22,000 litres.
  - A water diverter must be fitted to all rainwater tanks to provide for the roof area to be flushed with the first 60 litres of rainfall;

Note: Applicants/enquirers consult with Council's Environment and Planning staff to ascertain information for other development that requires Council consent on land to which this plan applies.

**SCHEDULE N4**

List of allotments which, in the opinion of council are not “horticultural allotments”, as defined in clause 7.9 Dual occupancies and dwelling houses on certain former horticultural land and which therefore Council cannot grant consent to the erection of a dwelling house under clause 7.9 of the Clarence Valley LEP 2011.

Lot	DP	Road	Locality
166	789434	Orara Way	Lanitza
33	775063	860 Parker Road	Lanitza
19	733357	Curlew Drive	Lanitza
21	733357	Curlew Drive	Lanitza
20	733357	10 Curlew Drive	Lanitza
95	775063	Kungala Road	Kungala
96	775063	Kungala Road	Kungala
97	775063	Kungala Road	Kungala
98	775063	Kungala Road	Kungala
99	775063	Kungala Road	Kungala
100	775063	Kungala Road	Kungala
101	775063	Kungala Road	Kungala
102	775063	Kungala Road	Kungala
103	775063	Kungala Road	Kungala
104	775063	Kungala Road	Kungala
105	775063	Kungala Road	Kungala
637	746948	Delta Close	Kungala
16	714406	326 Florda Red Drive	Halfway Creek
23	713871	Dinjerra Road	Glenugie

Schedule N4 and PART N of this DCP apply only to those lots that were formerly zoned 1(h) (Rural (Horticultural Holdings) under the Ulmarra LEP 1992 prior to the gazettal of Ulmarra LEP 1992 (Amendment No 5) on 29 June 2007.

See clause N5 Background.

**PART O CONTROLS FOR PRECINCTS CLOSE TO GLENREAGH VILLAGE**
**PART O CONTROLS FOR PRECINCTS CLOSE TO GLENREAGH VILLAGE**

- (d) Shannon Park
- (e) Historic Glenreagh Railway Station and railway line to Dorrigo.

**O1. Where do controls for precincts close to Glenreagh village apply?**

Part O of this plan applies to land close to Glenreagh village zoned RU2 Rural Landscape in CV LEP 2011, identified as the Glenreagh Recreation Ground and Cemetery Precinct and the Glenreagh Railway Station Precinct. See MAP O1 and MAP O2.

**O2. What is the aim of the Glenreagh precinct controls?**

The primary aim of the controls for the Glenreagh precincts is to conserve and enhance the historic significance and character of the village by providing detailed guidelines for conservation and new development in these areas.

**O3. The Built Character**
**O3.1 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 utilizing 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

**O3.2. Design elements**

Although the village includes modern infill development, the traditional buildings which provide it with its historic character are broadly characterized 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

**O3.3.** All historic building stock should be retained and conserved having regard to the character of the village and the design elements. 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.

**O3.4.** 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.

**O4. Glenreagh Recreation Ground and Cemetery Precinct**
**O4.1. Description**

The Glenreagh Recreation Ground is located about 1 km from the village centre in a distinct rural setting. It is an important

## PART O CONTROLS FOR PRECINCTS CLOSE TO GLENREAGH VILLAGE

public space which was established in 1915 and has hosted many events including picnic races, wood chops, sporting matches, and Children's Day. More recently it is used for camp drafts, pony club, and the annual family fun day. The current access to a section of the historic Glenreagh to Dorrigo restored railway line is also located in this precinct. The Showground has strong social and historical significance to the local community and contains several older timber buildings and structures which are worthy of conservation. See MAP O1.

### **O4.2. Precinct Policies**

- (a) The Recreation Ground should be carefully protected and maintained.
- (b) Existing buildings, and structures are not of great heritage significance, but should be retained and conserved as they provide character to the precinct.
- (c) Mature trees contribute strongly to the character of the showground and should be retained wherever possible (unless dangerous).
- (d) Any new development such as new buildings or additional facilities should be carefully designed to complement the rural and historic character of the precinct, for example, prefabricated metal shed should be avoided where highly visible.
- (e) The Glenreagh Cemetery should be carefully protected and maintained.
- (f) Historic headstones, markers and any other significant structures in the Glenreagh Cemetery should be conserved with careful management, for example, the use of whipper snippers around the base of stones can cause cuts in the stone and accelerate the weathering process.

of this village. The railway contributed to an increase in population and economic growth in the Glenreagh area.

Sadly the railway station currently lies in disrepair, but the building is still fairly intact and there are proposals by State Rail to support the restoration.

The Glenreagh community has a vision of this precinct becoming a major attraction for heritage tourism through the restoration of the Glenreagh to Dorrigo line and associated rolling stock. There is also potential to develop sympathetic associated facilities such as a café/restaurant, a local – railway museum, plus necessary parking and amenities.

The Glenreagh Mountain Railway Group is actively pursuing this vision. See MAP O2.

### **O5.2. Precinct Policies**

- (a) This precinct has a high level of cultural heritage significance to the village of Glenreagh and has potential for tremendous future economic development. The restoration of the railway and the development of associated facilities require a cohesive, planned approach.
- (b) Restoration and reconstruction work to the station and original ancillary structures must be carried out by suitably qualified trades people in accordance with the recommendations of the Conservation Management Plan.

## **O5. Glenreagh Railway Station Precinct**

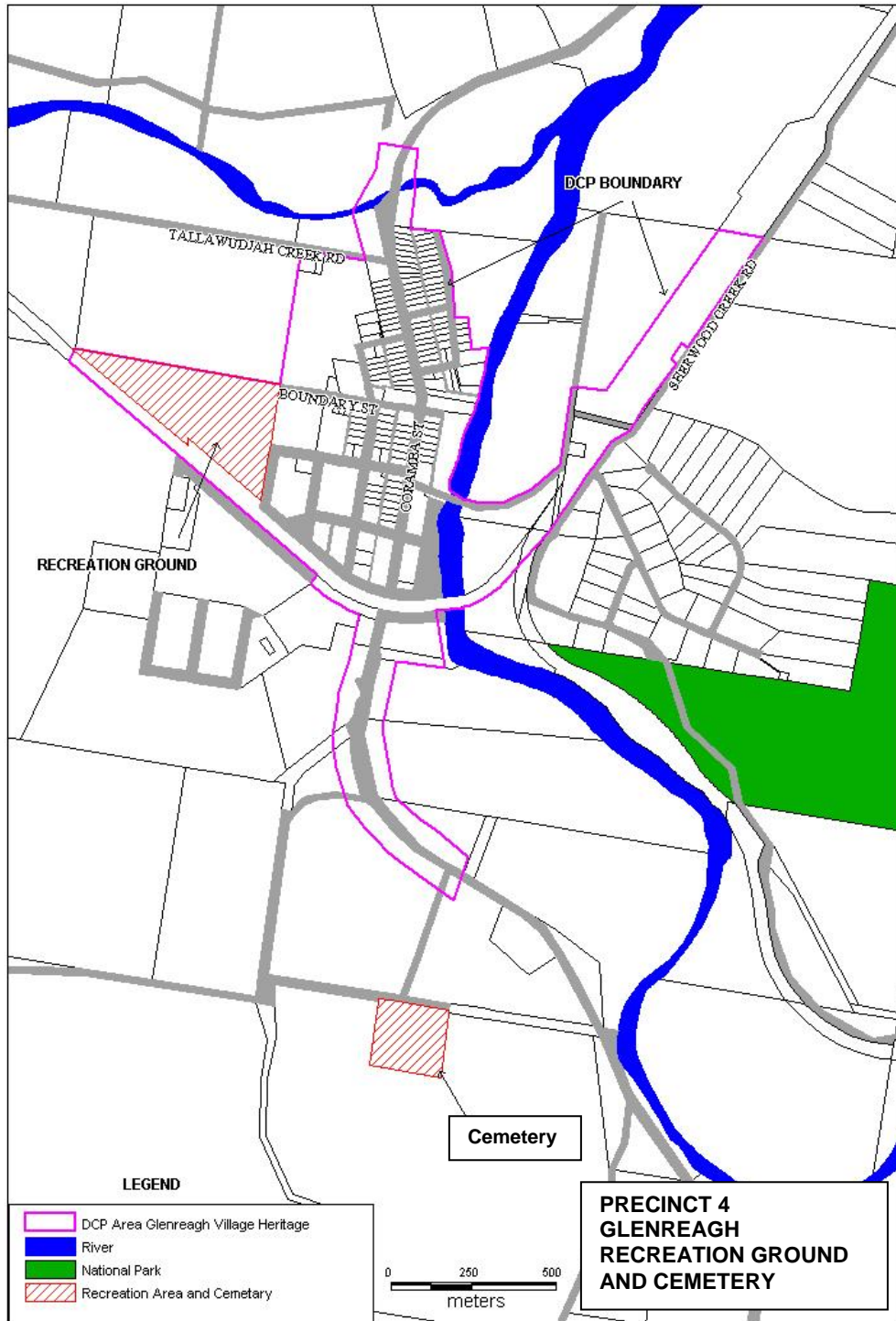
### **O5.1. Description**

The building of the North Coast Railway from Glenreagh to South Grafton in 1911 and the Glenreagh to Dorrigo Line in 1914 were highly significant events in the history



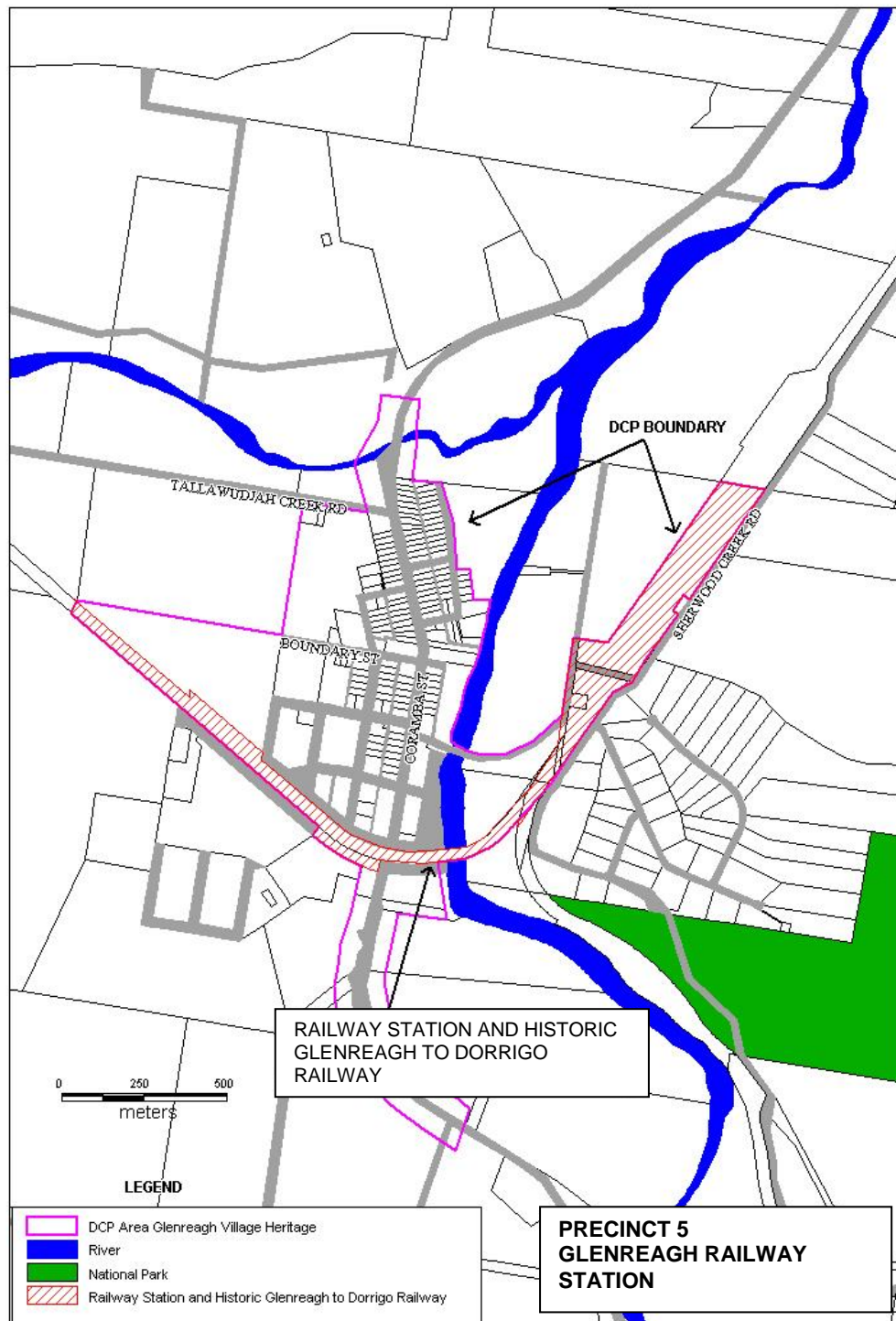
**PART O CONTROLS FOR PRECINCTS CLOSE TO GLENREAGH VILLAGE**

**MAP O1**



**PART O CONTROLS FOR PRECINCTS CLOSE TO GLENREAGH VILLAGE**

**MAP O2**



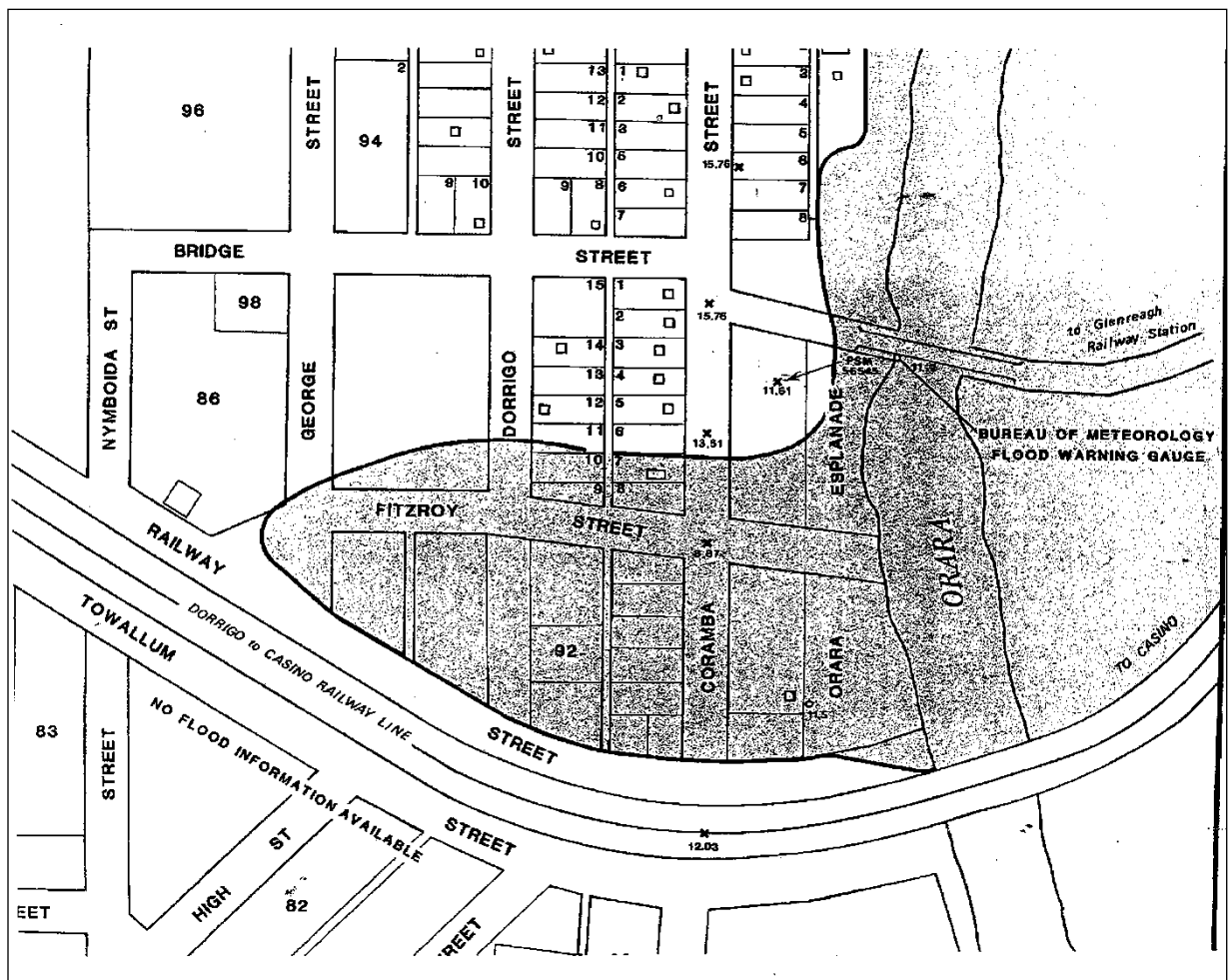
**PART O CONTROLS FOR PRECINCTS CLOSE TO GLENREAGH VILLAGE**

**O6 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 O3.

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

**MAP O3**



## PART P PALMERS ISLAND RIVERBANK CONTROLS

### PART P PALMERS ISLAND RIVERBANK CONTROLS

**100 year Management Line** means the line shown on the map indicating that the land on the river side of that line may come under threat from riverbank erosion within 100 years.

#### P1. Where do Palmers Island Riverbank controls apply?

Controls for Palmers Island riverbank apply to land in a rural zone adjacent to the Palmers Island village identified by as a riverbank erosion planning area on the CV LEP 2011 Riverbank Erosion Planning Map.

Clause 7.6 *Development on land subject to riverbank erosion* of CV LEP 2011 applies to this land. See MAP P1

An immediate management line and 100 year management line are shown on MAP P1 to identify Precincts 1 and 2. Restrictions on development in Precincts 1 and 2 apply because of a likelihood that the proposed development may adversely affect or be adversely affected by riverbank erosion.

#### P2. What are the aims of the controls for Palmers Island riverbank?

The aims of the controls for Palmers Island riverbank are:

- (a) To make provision for the orderly and economic development of land within the erosion zone.
- (b) To ensure that such development is carried out in a manner which does not adversely affect the riverbank erosion process and will not be adversely affected by riverbank erosion processes.
- (c) To provide guidelines for the determination of development on lands subject to riverbank erosion.

#### P3. Definitions

In this Part of the DCP,

**Map** means MAP P1.

**Immediate Management Line** means the line shown on the map marking the extent of land considered to be under immediate threat from riverbank erosion.

**Precinct 1** means that area between the river bank and the immediate management line; that is land subject to immediate threat from riverbank erosion.

**Precinct 2** means that area between the immediate management line and the 100 year management line.

#### P4. Additional information to be submitted with a development application

Clause 7.6 *Development on land subject to riverbank erosion* in CV LEP 2011 requires consideration of a number of matters related to impacts of riverbank erosion, safeguards and measures to reduce risks and access before granting consent to development.

In order for the consent authority to consider the matters required by clause 7.6 of the CV LEP 2011, a development application for land at Palmers Island subject to PART P of this DCP must include information on the following matters:

- (a) the likelihood of the proposed development adversely affecting, or being adversely affected by, river bank erosion; and
- (b) the need to relocate buildings or services; and
- (c) the nature, bulk and intensity of the proposed development; and
- (d) the need for the proposed development to be limited to a specified time period; and
- (e) safeguards and measures proposed or in place, to protect the environment and mitigate the risk of property damage or loss of life as a result of river bank erosion or flooding; and
- (f) arrangements for access during a flood and after river bank erosion has occurred.

#### P5. Controls for Precinct 1

**Precinct 1** means that area between the river bank and the immediate management line; that is land subject to immediate threat from riverbank erosion.

**PART P PALMERS ISLAND RIVERBANK CONTROLS**

**P5.1.** No buildings or works are permitted within Precinct 1 other than fencing and rebuilding, in line with the following requirements.

**P5.2. Rebuilding**

1. Where an existing building is totally destroyed through accident or damage caused by processes other than riverbank erosion, no rebuilding will be allowed. This is to ensure that a new building is not erected in the area at highest risk of riverbank slip.
2. Where an existing building is partially destroyed through accident or damage caused by processes other than riverbank erosion, it is preferred that the building be demolished. However, where no building or development approval is required, the building may be repaired so that:
  - (a) the total floor area of the rebuilt or repaired building is not greater than the total floor area before the damage occurred;
  - (b) the repairs or rebuilding have no detrimental effect on the ability of the building to be relocated in an emergency; and
  - (c) the repairs or rebuilding are effected within 12 months of the date when the damage occurred.

**P6. Controls for Precinct 2**

**Precinct 2** means that area between the immediate management line and the 100 year management line.

**P6.1.** Development within this Precinct 2 will be considered on the understanding that any consent granted will be subject to the provision that should the riverbank come within 18 metres of any building then the development consent will cease.

**P6.2.** If the development consent does cease then the owner of the land will be responsible for the removal of any or all buildings from the site at the owner's expense, or where possible, to a location on the site further than 18 metres from the riverbank.

**P6.3.** Prior to lodging an application with Council, the developer of the land must determine whether buildings are to be relocated or demolished, should the consent cease.

**P6.4.** Notwithstanding the above, all Class 1 residential buildings (dwelling-houses) must be relocatable and able to meet the conditions listed below. Extensions to existing dwellings may also be required to be demountable, taking into consideration the additional floor space proposed and the likely effect of the extension on the ability of the building to be relocated in case of an emergency.

**P7. Conditions for Precinct 2**

The following conditions will be imposed due to the possibility of riverbank erosion adversely affecting dwellings within the next 100 years.

1. The dwelling-house will be designed and constructed so that it can be easily removed from the site by road vehicle. The plans of the building will include an adequate description of the removal process.
2. Further to subclause (1), at the time of submission of a building application, a certificate is to be provided from a practising structural engineer as to the adequacy of this building to be easily dismantled and readily removed from the site by road vehicle.
3. The dwelling shall be located so as to maximise as far as practicable the distance from the nearest point of the building to the riverside boundary of the site with due consideration given to subclause (a) above and to any relevant local government building regulations.
4. Subsequent to any approval being given for a relocatable dwelling, no works shall be carried out on the property which might hinder the ready relocation of the building. Such works might include the construction of wall, fences, screens, enclosures, brick veneering, landscaping or the fixing of joints or structural members by welding or other means.
5. A restriction as to user will be placed on the title pursuant to the provision of section 88B of the Conveyancing Act 1919, stating:

The subject land and any improvements erected thereon shall not be used for the purpose of (land use) in the event that the riverbank, as defined by Council from time to time, comes to within 18 metres of any

**PART P PALMERS ISLAND RIVERBANK CONTROLS**

building or any part thereof at any time erected on the said land.

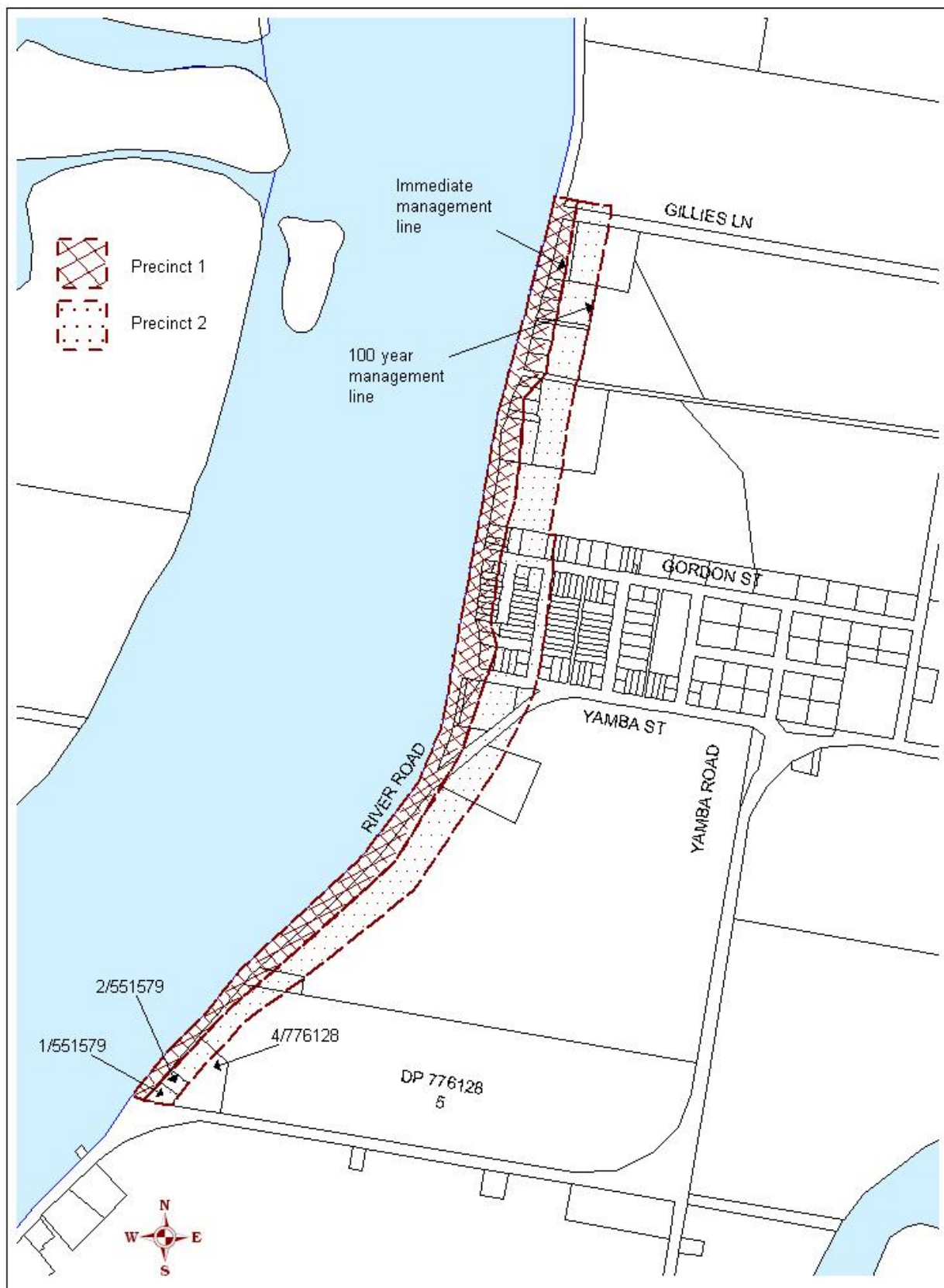
6. This development consent shall cease if at any time the riverbank, as defined by Council comes to within 18 metres of any building associated with this development. The buildings shall then be removed by the owner of the land at the owner's expense.

**P8. Servicing**

The provision of vehicular access, water, electricity, telephone and other services will be considered on the merits of each case. In principle, all services should be provided from the landward side of the development such that the building is between the services and the riverbank.

**PART P PALMERS ISLAND RIVERBANK CONTROLS**

**MAP P1**



**PART Q CONTROLS FOR LAND ADJACENT TO ULMARRA VILLAGE**
**PART Q CONTROLS FOR LAND ADJACENT TO ULMARRA VILLAGE**
**Q1. Where do controls for land adjacent to Ulmarra village apply?**

Part Q of this DCP applies to land adjacent to Ulmarra Village within the RU1 Primary Production zone in CV LEP 2011.

**Q2. What are the objectives of the controls for land adjacent to Ulmarra village?**

The objectives of the controls are:

- (b) To conserve the heritage significance and protect the character of the historic village precincts of Ulmarra.
- (c) To enable sympathetic change to occur.
- (d) To provide detailed planning policies to guide the form, scale and location of infill developments in these areas.
- (e) 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.
- (f) To guide alterations and extensions to existing buildings
- (g) To ensure that new development is sympathetic to heritage items and other contributory buildings in these historic village precincts
- (h) To encourage and promote public awareness, appreciation and knowledge of the heritage value of these precincts.
- (i) To restrict development of land subject to riverbank erosion.

**Q3. 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 designated Conservation Area under the North Coast Regional Environmental Plan 1988 (now deemed to be a SEPP, as at 1 July 2009 – refer to clause 120, Schedule 6 of the EP & A Act 1979).

The vision for Ulmarra Locality adopted by the community is:

*“To recognize 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 utilizing 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.



<b>PART Q    CONTROLS FOR LAND ADJACENT TO ULMARRA VILLAGE</b>
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**Q3.2. Design elements**

Although the village includes some modern infill development, it is broadly characterized 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

**Q3.3.** The character of Ulmarra village and the design elements outlined in clause Q3.2. must 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.

<b>Q4 Controls for Precinct 1 Gateways to the Village</b>
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**Q4.1. Description**

The gateways to the village comprise rural land with dispersed rural and residential development including the Ulmarra to Southgate Ferry access. River views from the highway are important to the attraction of Ulmarra as a stopping point. See MAP Q1.

**Q4.2. Precinct Policies**

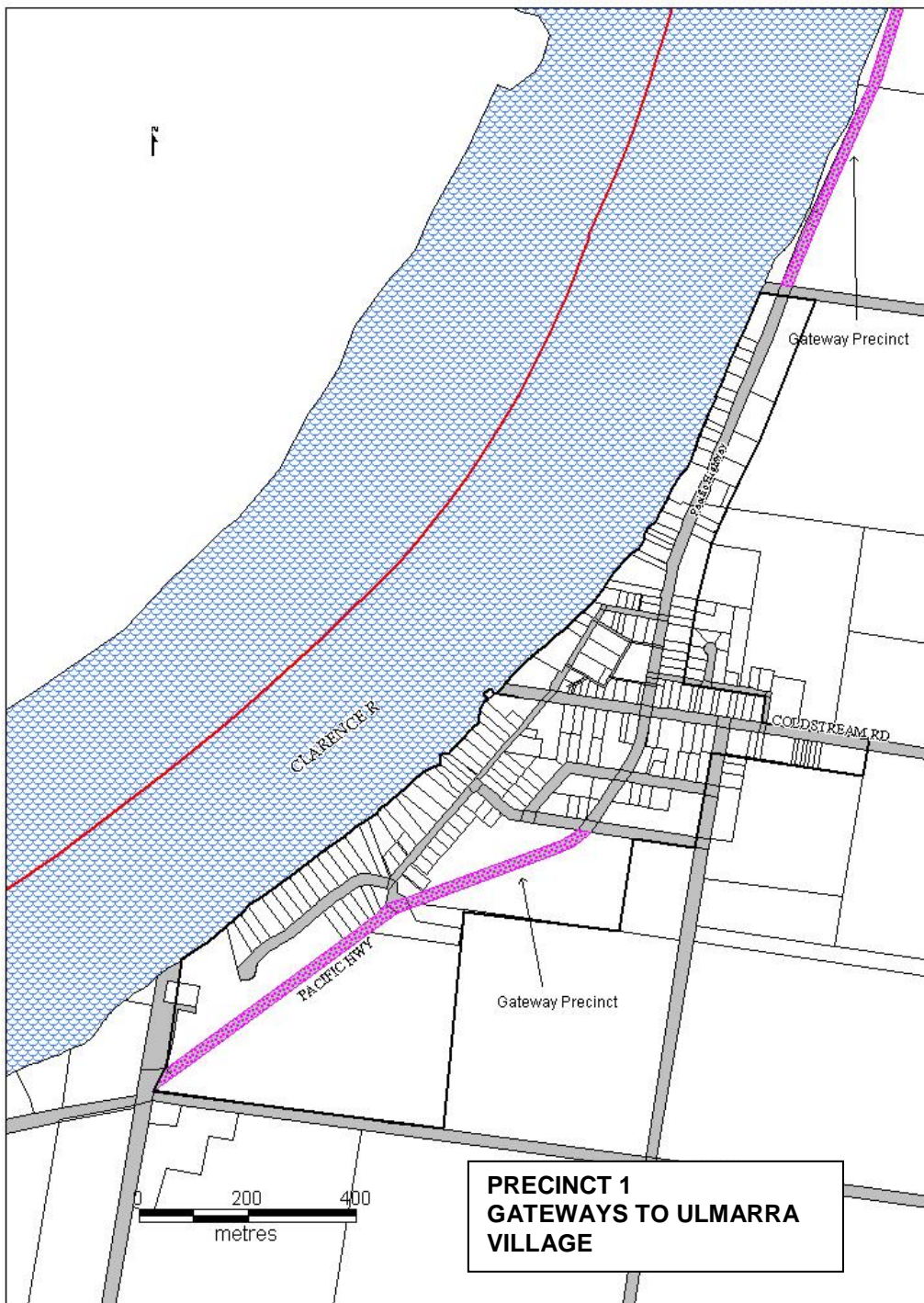
1. Entries to the village are important to residents and visitors alike. Road reserves should be attractive and well maintained.
2. Avenue planting on road reserves would reinforce the gateways to the village.
3. Views of the river should also be maintained and enhanced where possible to reinforce the important relationship of the river to the village.
4. Clear sign posting with the village identity, is essential as it is the first point of contact for visitors to the village.
5. Urban 'clutter' or unnecessary advertising should be removed. Any new signage should only relate to the identification or promotion of village as a whole and its historic river port identity.
6. Once travelers have entered the village, individual businesses can employ a range of advertising strategies.
7. The development of sites along the gateways to the village which are visible from road frontages should be compatible with the built character of the village through compliance with the policies set out in this plan. E.g., design, bulk roof pitch, materials, colours and signage.
8. Promotional banners could be erected for specific events such as the Ulmarra Heritage Festival but should not be permanent as they lose their impact.

<b>Q5. Ulmarra Riverbank Management Plan Restrictions</b>
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Development of land subject to the "Ulmarra Riverbank Management Plan (URMP) March 2000" must comply with the development restrictions as outlined in TABLE Q1. Consult Council planning staff for details of land affected by the Ulmarra Riverbank Management Plan.

**PART Q CONTROLS FOR LAND ADJACENT TO ULMARRA VILLAGE**

**MAP Q1**



**PART Q CONTROLS FOR LAND ADJACENT TO ULMARRA VILLAGE**
**TABLE Q1**

Land Use	Development	Riverbank land affected by “River Bank Zone” (RBZ) in Ulmarra Management Plan Maps 1-8	Riverbank land not affected by “River Bank Zone” (RBZ)
<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 R CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

### PART R CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

#### R1. Where do controls for biodiversity and habitat protection apply?

The biodiversity and habitat controls apply to land likely to have existing native vegetation in the Clarence Valley LGA in the following zones:

- RU1 Primary Production.
- RU2 Rural Landscape.
- R5 Large Lot Residential.
- IN1 General Industrial
- IN4 Working Waterfront.
- SP1 Special Activities.
- SP2 Infrastructure.
- SP3 Tourist.
- RE1 Public Recreation.
- RE2 Private Recreation.
- E2 Environmental Conservation.
- E3 Environmental Management.
- W1 Natural Waterways.
- W2 Recreational Waterways.
- W3. Working Waterways.

#### R2. What are the objectives of Part R

The objectives of **Part R** are:

- (a) To protect, maintain and improve native biodiversity in the Clarence Valley LGA.
- (b) To provide a framework for assessing development that is likely to impact on native vegetation and biodiversity in conjunction with aims (2) (d) and (g) in clauses 1.2(2) (d) and (g) of CVLEP 2011 where there is potential to degrade biodiversity and ecological values.
- (c) To retain native vegetation and habitats of significant species in parcels of a size and configuration that will enable existing plant and animal communities to survive in the long term.
- (d) To offset unavoidable habitat losses in accordance with contemporary best practice.

- (e) To ensure retained vegetation and offset areas are securely protected and managed in perpetuity.
- (f) To ensure that construction and indirect impacts of development are mitigated using current best practice standards.

#### R3. What does biodiversity mean?

Biodiversity includes the full range of natural variety and variability within and among living organisms, and the ecological and environmental complexes in which they occur. It encompasses multiple levels of organisation, including genes, species, communities, ecosystems and biomes.

There is no single measure of biodiversity. The area and condition of native vegetation is commonly regarded a general measure of ecological integrity and biodiversity function.

The term "Biodiversity Theme" is used in this Part R to identify specific biodiversity values. Examples;

- (a) The type and condition of native vegetation to define vegetation of high conservation status.
- (b) The size and spatial configuration of bushland to indicate wildlife corridors.
- (c) The density of preferred koala feed trees to indicate areas of important koala habitat.

#### R4 Biodiversity planning principles

Development proposals are to be consistent with biodiversity principles listed below:

- A.** The 3 principles of **Ecologically Sustainable Development** are to be followed in the implementation of this plan:
  - (1) **The precautionary approach**
  - (2) **Inter-generational equity**
  - (3) **Conservation of biodiversity and ecological integrity**
- B.** **Development should be consistent with overarching biodiversity strategies.**

## PART R CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

Development should be consistent with, and contribute to targets, set out in the CVC Biodiversity Management Strategy 2010 the North Coast Biodiversity Management Plan and NSW and Commonwealth biodiversity strategies and legislation.

### **C. Development should maintain or improve vegetation condition.**

The carrying out of development should maintain or improve the extent of vegetation cover throughout the Clarence Valley LGA. Clearing must be minimised and will only be permitted where satisfactory arrangements have been made for provision of compensatory habitat.

### **D. Habitat retention is the first priority.**

Prevention of habitat loss and degradation from development is the first priority and is significantly more cost-effective and less risky than recovery and restoration actions. Key habitats for threatened or significant fauna must be retained. High conservation value habitats must be retained.

### **E. Environmental impacts should be avoided at the source.**

Priority should be given to avoidance of impacts at their source, whether through the redesign of a project or by regulating the timing or location of activities. If it is not possible to avoid significant impacts, opportunities should be sought to reduce the impacts, ideally to the point that they are no longer significant or where absolutely necessary and technically feasible, biodiversity loss can be offset.

### **F. Development should not contribute to habitat fragmentation.**

In general, larger, less disturbed and better-connected natural areas are more likely to retain a higher degree of biodiversity in the long term. Development proposals should not contribute to habitat fragmentation.

### **G. Endangered Ecological Communities must be retained**

Ecological communities listed as endangered must be retained.

### **H. Measures should be taken to mitigate edge effects and other threats to small patches of retained habitat.**

Small isolated patches of habitat are often vulnerable to edge effects and other threats from the adjacent landscape. However such areas commonly support a wide range of native species, represent examples of communities that have been disproportionately cleared, provide refuge habitat and "stepping stones" for fauna and flora to disperse across the landscape.

### **I. Indirect impacts on biodiversity should be avoided.**

Indirect impacts of development on biodiversity must be minimised and effectively mitigated.

### **J. Degraded habitat forming part of a development site should be rehabilitated.**

Degraded habitats that are not part of the development footprint should be rehabilitated.

### **K. The costs of ongoing management of biodiversity values should be met by the development.**

## R5. Site investigation and analysis

### **R5.1 How to determine your development footprint**

This part of the DCP provides for the assessment of native vegetation and habitat by means of a Baseline Ecological Assessment and potential impacts of proposed development on habitat – refer to the various Biodiversity themes (Clause R6). It also introduces the concepts of:

- (i) The development footprint of proposed development ; and
- (ii) Threshold (including threshold category and threshold criteria) in relation to the development footprint.

A Baseline Ecological Assessment in accordance with Section 1 of the Biodiversity Information for Applicants

## PART R CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

(BIFA) will normally be required if the development footprint affects native vegetation.

The site investigation and analysis shall classify the habitat of the development footprint based on the findings of the ecological assessment and the criteria or thresholds outlined in Clause R6 and tables 1 to 7 as being an area that is either:

- **Green flag** area - area that can be developed (least impact).
- **Amber flag** areas – areas with low conservation value where development can occur with identified impacts minimised and any loss of habitat offset
- **Red flag** areas - areas with high conservation value status where retention of habitat is essential

In general, **Green flags** represent areas such as cleared land with little or no native vegetation and have no specific requirements for habitat retention or protection.

**Amber flags** indicate lands or types of habitat with relatively low condition vegetation where the impact of development is considered sustainable if impacts on biodiversity are minimised and offset (within or outside of the development site). In such cases, the proponent should consider reducing the extent of habitat loss by revising the Development Footprint but may proceed on the basis of offsetting the proposed loss in accordance with the Biodiversity Offsets Policy.

**Red flag** areas represent areas of high conservation value that must be retained, protected and managed.

### Note:

Development proposals that are located on cleared land will generally be classed as “green flag” threshold category under the biodiversity provisions and will not require a detailed baseline ecological assessment. Proponents will just need to complete a simple statement of environmental impacts (template provided in the development application pack). An aerial photo shall be submitted with the application to demonstrate that the land where the development is sites is cleared.

### R5.1A Baseline Ecological Assessment Exemptions

Notwithstanding R5.1, Council will not require a Baseline Ecological Assessment to be submitted with a development application for a single dwelling in the following circumstances:

1. The allotment is vacant
2. The allotment has a dwelling eligibility
3. The dwelling is sited as such to minimise any clearing required to meet bushfire asset protection and other planning requirements
4. All reasonable opportunities are taken to off-set on site any native vegetation removal that is required.

### Note:

This does not obviate the need for other legislative requirements to be met and Council and/or the applicant may require assessment as necessary to meet those requirements (such as the *Biodiversity Conservation Act 2016*).

### R5.2 Summary of broad steps

The following is a summary of the main steps in relation to the biodiversity controls for undertaking development in areas of native vegetation and associated habitat.

Step 1 – determine if a proposed development is in a “green flag” area. If so no further assessment of biodiversity required under this DCP.

**PART R CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**

Step 2 – where Native vegetation will be impacted by the proposed development complete Baseline Ecological Assessment and determination of development footprint process having regard to the applicable biodiversity theme tables featured in Clause R6 of the DCP.

The proposed development and site should be assessed against the applicable biodiversity theme tables featured in Clause R6 of the DCP to determine the threshold. Refer also to Section 1.1.2 of the BIFA guidelines.

Step 3 – plan/prepare development application in accordance with Clause R7 and Table 8.

Note:  
Not all biodiversity themes may apply to a particular development site.

**R6. Biodiversity thresholds**

Development must comply with biodiversity thresholds in TABLES 1 to 7 inclusive.

The following biodiversity themes are included in TABLES 1 - 7.

1. Bushland
2. Wildlife corridors
3. Threatened and significant fauna
4. Koala habitat
5. Flying fox camps
6. Threatened and significant flora
7. Waterways and riparian areas

**PART R CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**
**R6.1 What is the biodiversity threshold (coloured flag) of the land /site?**

<b>Table 1 BUSHLAND - Development Outcomes</b>			
<b>Objectives</b>			
1. To retain native vegetation bushland in parcels of a size and configuration which will enable existing plant communities to survive and develop in the long term. 2. To provide for the improved management of retained areas. 3. To mitigate indirect and ongoing impacts of development.			
<b>Threshold Category</b>	<b>Threshold (including Ecological Buffers)</b>	<b>Habitat Retention and Protection Outcomes</b>	<b>Management Outcomes</b>
<b>Red Flag</b> Avoidance	Areas within, or within 20m of an Endangered Ecological Community	1. Areas retained <i>in situ</i>  2. Area secured in perpetuity as Protected Habitat (see Section 3 of the BIFA for options)	1. Areas managed under an approved Habitat Restoration Plan.  2. Habitat Restoration Plan must include measures that: (i) restore and enhance retained habitat; (ii) ensure that the Ecological Buffer is managed to improve the ecological integrity of the retained habitat; (iii) ensure that bushfire management actions beyond prescribed APZs are directed toward maintaining and improving ecological values consistent with the Clarence Valley Council Bushfire Risk Management Plan; (iv) effectively minimise the ongoing threats from the development in accordance with Clause R11; (v) where applicable manage threats from areas adjacent to the Development Site;
	Areas within, or within 20m of an <i>Overcleared</i> *Vegetation Type		
	Areas within, or within 50m of a Wetland		
	Bushland on slopes greater than 18 degrees		
	Areas within, or within 20m of Old Growth Vegetation		
	Protected Habitat	Areas retained <i>in situ</i>	
<b>Amber Flag</b> Potential Offsets	All other areas of Bushland not in Low Condition (except Listed Ecological Communities)	1. All options to avoid clearing on site to be explored prior to proceeding with any offset proposals. 2. If retained, management outcomes (above) apply. 3. Offsets implemented in accordance with Biodiversity Offsets Policy	
<b>Green Flag</b>	Land not identified above	None	Development impacts minimised in accordance with Clause R11

\* See Definitions at the end of this part of the DCP.



**PART R CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION****Bushland Explanatory Notes**

- (1) The Thresholds for this theme require site-scale mapping of vegetation communities, condition (see Section 2 of the BIFA) and areas of existing Protected Habitat.
- (2) Assessment of Low Condition is made in relation to the OEH Vegetation Benchmarks Database available from the OEH BioBanking website  
[www.environment.nsw.gov.au/BioBanking/vegbenchmarkdatabase.htm](http://www.environment.nsw.gov.au/BioBanking/vegbenchmarkdatabase.htm)
- (3) Avoidance (Red Flag) Thresholds based on clearing provisions under NV Act (Biometric tool; Gibbons et al 2005) and TSC Act 1995 (BioBanking tool; DECC, 2009).
- (4) Listed Ecological Communities are defined by the final determinations used to support their listing under NSW or Commonwealth Threatened Species schedules. Proponents should also consult the DECC Vegetation Type Database which lists vegetation communities of the NSW north coast and their likely equivalent Endangered Ecological Communities under the NSW Threatened Species Conservation Act 1995  
<http://www.environment.nsw.gov.au/BioBanking/VegTypeDatabase.htm>  
  
In some cases vegetation in Low Condition may qualify as a Listed Ecological Community if it remains consistent with the final determination for a Listed Ecological Community. Such cases are to be considered within the potential Offsets category (amber flag).
- (5) Over cleared Vegetation Types are listed within the DECC Vegetation Type Database  
<http://www.environment.nsw.gov.au/BioBanking/VegTypeDatabase.htm>
- (6) The Ecological Buffers are to be managed to improve and maintain the long-term ecological integrity of these high conservation value areas. They are to be implemented in addition to Bushfire Asset Protection Zones required by the Rural Fire Service.

**PART R CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**
**Table 2 WILDLIFE CORRIDORS - Development Outcomes**
**Objectives**

1. To retain bushland habitat within wildlife corridors.
2. To encourage restoration and regeneration of bushland to increase habitat connectivity.

Threshold Category	Threshold (including Ecological Buffers)	Habitat Retention and Protection Outcomes	Management Outcomes
<b>Red Flag</b> Avoidance	1. Bushland with high, moderate or low <i>connectivity value</i>  OR 2. Bushland within a Defined Wildlife Corridor	1. Areas retained <i>in situ</i>  2. Area secured in perpetuity as Protected Habitat	1. Areas managed under an approved Habitat Restoration Plan prepared in accordance with Section 4 of the BIFA 2. Habitat Restoration Plan must include measures that: (i) restore and enhance retained habitat; (ii) improve habitat connectivity within the wildlife corridor; (iii) effectively minimise the ongoing threats from the development in accordance with Clause R11; (iv) where applicable manage threats from areas adjacent to the Development Site.
<b>Amber Flag</b> Potential Offsets	Isolated or scattered trees with Potential Habitat Linkages	1. All options to accommodate the area on site to be explored prior to proceeding with any Offset proposals. 2. If retained, red flag provisions (above) apply. 3. Offsets implemented in accordance with Biodiversity Offsets Policy and Biodiversity Offset Management Plan (see Section 3 of the BIFA.)	
<b>Green Flag</b> Minimum Control Threshold	Lands not identified above	No Requirements	Development impacts minimised in accordance with Clause R11

**Wildlife Corridors Explanatory Notes**

(1) Recognised Wildlife Corridors already mapped include those shown in Figures 2 and 3 of Councils adopted Biodiversity Management Strategy 2010 and as an example of others the Office of Environment and Heritage's Key Habitat and Corridors Mapping. At a site and local scale corridors need to be confirmed using the methodology in the following two clauses.

The Thresholds for this theme require aerial photography of the locality to determine Connectivity Value, Potential

Habitat Linkages plus any relevant information needed to identify defined Wildlife Corridors such as adopted wildlife corridor mapping. The criteria for determining Connectivity Value are set out in The Biometric Operational Manual (Gibbons et al, 2005). Note, however that although the criteria for determining Connectivity Value set out in The Biometric Operational Manual indicates that some areas classified as low Connectivity Value may be in Low Condition, this is not possible under the Threshold above because the definition of Bushland excludes vegetation in Low Condition.

<b>PART R      CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION</b>
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<b>Table 3 THREATENED AND SIGNIFICANT FAUNA - Development Outcomes</b>
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<b>Objectives</b>			
1. To retain and enhance habitat features necessary to maintain and increase populations of threatened fauna 2. To provide for the improved management of retained habitat features; 3. To mitigate indirect and ongoing impacts of development on Threatened fauna			
<b>Threshold Category</b>	<b>Threshold (including Ecological Buffers)</b>	<b>Habitat Retention and Protection Outcomes</b>	<b>Management Outcomes</b>
<b>Red Flag</b> Avoidance and Habitat Retention	Areas within or within 20m of a Threatened Species Polygon for Threatened fauna that are known or likely to occur at the site that cannot tolerate further loss and are at risk of local extinction.	1. Species habitat retained <i>in situ</i>  2. Area secured in perpetuity as Protected Habitat	1. Areas managed under an approved Threatened Species Management Plan prepared in accordance with Section 2 of the BIFA.  2. Threatened Species Management Plan must include measures that: (i) restore and enhance Threatened species habitat including the Ecological Buffer; (ii) effectively minimise the ongoing threats as identified in any relevant Recovery Plan from the development or other adjacent areas;
	Areas within or within 20m of a Threatened Species Polygon for Other Significant Fauna		
<b>Amber Flag</b> Potential Offsets	Areas within or within 20m of a Threatened Species Polygon for Threatened fauna that are known or likely to occur at the site that can tolerate further loss and not at risk of local extinction.	1. All options to avoid habitat removal or disturbance on site to be explored prior to proceeding with any Offset proposals. 2. If retained, red flag provisions apply: Areas managed under an approved Threatened Species Management Plan prepared in accordance with Section 2 of the BIFA. 3. Threatened Species Management Plan must include measures that: (i) restore and enhance Threatened species habitat including the Ecological Buffer and; (ii) effectively minimise the ongoing threats as identified in any relevant Recovery Plan from the development or other adjacent areas 4. Offsets implemented in accordance with Biodiversity Offsets Policy and Biodiversity Offset Management Plan (see Section 3 of the BIFA).	
<b>Green Flag</b> Minimum Control Threshold	Not above	No Requirements	Development impacts minimised in accordance with Clause R11

**PART R CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION****Threatened and Significant Fauna  
Explanatory Notes**

- (1) Thresholds for this theme are to be determined using the BioBanking Assessment Methodology (DECC, 2009; <http://www.environment.nsw.gov.au/BioBanking/tools.htm> or Threatened Species Tool which utilises a threatened species profile database to identify candidate Threatened fauna that may use the site. The Threatened Species Profile Database [www.environment.nsw.gov.au/resources/BioBanking/ThsppcharaCMA.xls](http://www.environment.nsw.gov.au/resources/BioBanking/ThsppcharaCMA.xls) also identifies species that “cannot sustain further loss”. Where possible, species are associated with site characteristics such as the vegetation

type. However as many species are cryptic, the methodology allows for filtering of species that require on-ground survey or expert reports to establish whether or not they use the site. Section 3 of the BIFA outlines the requirements for Threatened and significant fauna surveys and assessment.

- (2) The Ecological Buffers are to be managed to improve and maintain the long-term ecological integrity of the Threatened fauna habitat. They are to be implemented in addition to Bushfire Asset Protection Zones required by the Rural Fire Service.

**PART R CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**
**Table 4 KOALA HABITAT - Development Outcomes**

Objectives			
1. To retain and increase koala populations and their habitats 2. To provide for the improved management of retained koala habitat; 3. To mitigate indirect and ongoing impacts of development on koala populations and their habitats			
Threshold Category	Threshold (including Ecological Buffers)	Habitat Retention and Protection Outcomes	Management Outcomes
<b>Red Flag</b> Avoidance and Habitat Retention	Core koala habitat as defined by SEPP 44	1. Species habitat retained <i>in situ</i> 2. Area secured in perpetuity as Protected Habitat 3. Where appropriate habitat linkages to any adjacent or nearby koala habitat are retained.	1. Areas managed under an approved Koala Management Plan prepared in accordance with Section 2 of the BIFA and SEPP 44. 2. Koala Management Plan must include measures that: (i) restore and enhance koala habitat and; (ii) effectively minimise the ongoing threats from the development in accordance with Clause R11 (iii) effectively minimise the threats posed to koalas from traffic (e.g. exclusion fencing and/or restricting motor vehicle speeds to 40 kph or less), dog attack (e.g. prohibitions on dog ownership and restrictions on title), drowning, bushfire and where applicable forestry activities.
	Primary or Secondary (class A) koala habitat as described in <a href="#">Appendix 3 of DECC Recovery Plan for the Koala(2008)</a> and Secondary habitat (class B) with evidence of Koala occurrence on site		
	Preferred koala food trees with a dbhob of 250mm or greater (identified in the CV CKPoM)		
<b>Amber Flag</b> Potential Offsets	Isolated or scattered trees within 300m of Primary, Secondary (class A) or Core koala habitat	1. All options to avoid tree removal or disturbance to be explored prior to proceeding with any Offset proposals. 2. If retained, red flag provisions (above) apply. 3. Offsets implemented in accordance with Biodiversity Offsets Policy and Biodiversity Offset Management Plan (Section 3 of the BIFA).	
<b>Green Flag</b> Minimum Control Threshold	Not above		Development impacts minimised in accordance with Clause R11

**Koala Habitat Explanatory Notes**

1. The Thresholds for the koala habitat theme require surveys to establish and map the density of primary and secondary koala food trees.

2. dbhob – diameter of tree at breast height over bark

3. Thresholds have also been established from the CVC CKPoM based on species assessment data and known ecology.

**PART R CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**
**Table 5 FLYING FOX CAMPS - Development Outcomes**

<b>Objectives</b>			
1. To retain existing flying fox camps and their habitats 2. To provide for the improved management of flying fox camps and adjacent areas 3. To mitigate indirect and ongoing impacts of development on flying foxes and their habitats 4. To conserving and co-existing with the flying-fox population			
<b>Threshold Category</b>	<b>Threshold (including Ecological Buffers)</b>	<b>Habitat Retention and Protection Outcomes</b>	<b>Management Outcomes</b>
<b>Red Flag</b> Avoidance and Habitat Retention	Flying Fox camp within 300m of the Development Footprint	1. Retain flying fox camp in situ 2. Where possible maintain a 300m Environmental Buffer to built infrastructure Propose suitable arrangements to secure the camp and buffer in perpetuity as Protected Habitat.	1.Areas managed under an approved Flying Fox Camp Management Plan prepared in accordance with Section 2 and 4 of the BIFA. 2. Flying Fox Camp Management Plan should ensure that: (i) habitat within the camp and the buffer is maintained or restored to its natural (pre-clearing) state; (ii) works within the camp and buffer occur outside the flying fox breeding season; (iii) bushfire risks are managed to maintain camp integrity and viability and; (iv) effectively minimise the ongoing threats from the development in accordance with Clause R11 including the location or design of power lines which can electrocute flying foxes and interpretive signage to inform the public of the sensitive nature of the area.
<b>Amber Flag</b> Potential Offsets	N/A	N/A	
<b>Green Flag</b> Minimum Control Threshold	Not above		Development impacts minimised in accordance with Clause R11

**PART R CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION****Flying Fox Camps Explanatory Notes**

1. The Thresholds for this theme require surveys to establish and map existing flying fox camps. OEH keeps records of camps known to them and can provide details of their locations although this list may not be comprehensive Flying Fox camps may be permanently, seasonally or occasionally occupied, so they may be vacant for years at a time prior to their occupation resuming.
2. The 300m Environmental Buffer is recommended to prevent noise, odour and droppings from affecting people nearby and also allow to reduce nuisance caused when flying foxes leave and return at dusk and dawn. In camps where specific flyways can be identified the shape and extent of the buffer may need to be varied. Variations to the buffer may also be appropriate where topographic features influence the likely nuisance to adjacent development.

<b>PART R      CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION</b>
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<b>Table 6 THREATENED AND SIGNIFICANT FLORA - Development Outcomes</b>
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<b>Table 6 THREATENED AND SIGNIFICANT FLORA - Development Outcomes</b>			
<b>Objectives</b>			
1. To maintain and increase populations of Threatened plant or otherwise significant plant species 2. To provide for the improved management of habitat for Threatened flora or otherwise significant plant species 3. To mitigate indirect and ongoing impacts of development.			
Threshold Category	Threshold (including Ecological Buffers)	Habitat Retention and Protection Outcomes	Management Outcomes
<b>Red Flag</b> Avoidance and Habitat Retention	Land within 10m of a Threatened Plant Species where the number of individuals within the Development Footprint exceeds the number considered a negligible loss or red flagged in the CVC threatened Species Listing (Section 2A of the BIFA)	1. Species <i>retained in situ</i> 2. Where possible a 10m Ecological Buffer to built infrastructure is maintained. 3. Plants and buffer secured in perpetuity as Protected Habitat	1. Areas managed under an approved Threatened Species Management Plan prepared in accordance with Section 2 of the BIFA. 2. Threatened Species Management Plan must include measures that: (i) restore and enhance threatened flora habitat and; (ii) effectively minimise the ongoing threats from the development in accordance with Clause R11 or other adjacent areas and as identified in any relevant Recovery Plan.
<b>Amber Flag</b> Potential Offsets	Threatened Plant Species not identified as a red flag above  Other Significant Plant Species	1. All options to avoid vegetation removal or disturbance to be explored prior to proceeding with any Offset proposals. 2. If retained, red flag provisions (above) including the 10m Ecological Buffer apply. 3 Offsets implemented in accordance with Biodiversity Offsets Policy and Biodiversity Offset Management Plan (Section 3 of the BIFA).	
<b>Green Flag</b> Minimum Control Threshold	Not above	No Requirements	Development impacts minimised in accordance with Clause R11

**Threatened and Significant Flora Explanatory Notes**

The Thresholds for this theme require an on-ground survey to establish and map any Threatened or Other Significant Plant Species that occur on the Development Site. Plant survey techniques and timing should be consistent with the Threatened

Species Profile Database  
[www.environment.nsw.gov.au/resources/BioBanking/ThsppcharaCMA.xls](http://www.environment.nsw.gov.au/resources/BioBanking/ThsppcharaCMA.xls)

The Threatened Species Profile Database must also be consulted to determine the number of individuals that is considered a negligible loss.



**PART R CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**
**Table 7 WATERWAYS AND RIPARIAN AREAS - Development Outcomes**

<b>Objectives</b>			
1. To retain and restore native vegetation within riparian areas 2. To improve the water quality, bank and bed stability and ecosystem functions of waterways and riparian habitats 3. To provide for the improved management of riparian and aquatic habitats 4. To mitigate indirect and ongoing impacts of development.			
<b>Threshold Category</b>	<b>Threshold (including Ecological Buffers)</b>	<b>Habitat Retention and Protection Outcomes</b>	<b>Management Outcomes</b>
<b>Red Flag</b> Avoidance and Habitat Retention	Intermittent –Seasonal Flowing creek/stream Within 20m	1. Existing Bushland retained 2. At least half of any remaining areas in Low Condition restored and/or rehabilitated 3. Area secured in perpetuity as Protected Habitat e.g. zoned environmental management 4. Location and natural flow characteristics of waterways are retained	1. Areas managed under an approved Habitat Restoration Plan prepared in accordance with Section 3 of the BIFA. 2. Habitat Restoration Plan must include measures to ensure that: (i) habitat within the buffer is maintained or restored to its natural (pre-clearing) state; (ii) terrestrial and aquatic habitat connectivity is enhanced; (iii) domestic animals particularly livestock are excluded; (iv) the area is not subject to use of pesticides, fertilisers and other contaminants; (v) aquatic habitats and water quality are enhanced and (vi) development impacts minimised in accordance with Clause R11.
	Permanent creek/stream/ 50m exclusion zone from the mean high water mark		
	River or properties with high conservation value or where threatened species occur on the property or adjacent water course 100m exclusion zone		
<b>Amber Flag</b> Potential Offsets	N/A	N/A	
<b>Green Flag</b> Minimum Control Threshold	Not above		Development impacts minimised in accordance with Clause R11

**Waterways and Riparian Areas Explanatory Notes**

(i) The Thresholds for this theme should be based on Council 1:100 flood data heights and set back distances are to be measured from the top of the bank for mapped streams and the mean high water spring tide for estuarine areas.

(ii) The Thresholds and Ecological Buffers are consistent with the Riparian Action Strategy adopted by Clarence Valley Council April 2010.

**PART R CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION****R7. Development Design and Preparation of a Development Application**

The following section outlines what is required once the site analysis and classification of the habitat within the development footprint into Green, Amber or Red has been undertaken.

Information to be submitted at the development application stage is specified in TABLE 8.

For proposals that do not trigger any red or amber flags in the biodiversity themes specified in TABLES 1 - 7 only a minor environmental impacts statement, site plan and aerial photo is required.

This part of the DCP endeavours to ensure a consistent approach to conserving ecological values. Providing the information outlined will enable council to determine if the proposed development meets the aims of the CVLEP 2011.

All development applications must include and submit the information outlined in table 8 to show how the proposal is consistent with the biodiversity theme controls in TABLES 1 - 7.

You will need to consult the following guidelines;

1. CVC Baseline Ecological Assessment Guidelines.
2. CVC Threatened and Significant Flora and Fauna Species Assessment and Management Plan Guidelines.
3. CVC Biodiversity Offsets Policy Guidelines.
4. CVC Biodiversity Offset Management Plan Guidelines.
5. CVC Habitat Restoration Plan Guidelines.

In cases where complex issues arise or where further clarification is required Council staff should be consulted before submitting a Development Application.

**PART R CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**

<b>Table 8 BIODIVERSITY INFORMATION REQUIRED FOR DEVELOPMENT APPLICATIONS</b>		
<b>Supporting information</b>	<b>When is it required</b>	<b>Scope and content</b>
Minor Environmental Impacts Statement.	Proposals that do NOT trigger red or amber flags in biodiversity themes set out in TABLES 1-7.	1. Site plan 2. Aerial photo.
Baseline Ecological Assessment (Incorporates Flora and Fauna Assessments)	Proposals that trigger red or amber flags in any of the biodiversity themes set out in TABLES 1-7.	In accordance with <i>CVC Baseline Ecological Assessment Guidelines</i> , this includes surveys for Threatened or significant plants.
Supplementary Threatened Fauna Assessment	Proposals that trigger red or amber flags in Clause R6 TABLE 3 Threatened Fauna or TABLE 4 Koala Habitat.	In accordance with <i>CVC Threatened and Significant Flora and Fauna Species Assessment and Management Plan Guidelines</i> .
Habitat Restoration Plan	Where required in TABLES 1-7.	In accordance with <i>CVC Habitat Restoration Plan Guidelines</i> .
Threatened Species Management Plan(s)	Where required in TABLES 1-7 (includes both flora and fauna plans)	In accordance with <i>CVC Threatened and Significant Flora and Fauna Species Assessment and Management Plan Guidelines</i> and <a href="#">threatened species assessment guidelines (OEH)</a>
Biodiversity Offset Management Plan(s)	Proposals that trigger amber flags in TABLES 1-7.	In accordance with <i>CVC Biodiversity Offsets Policy Guidelines</i> .

**PART R CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION****R8. What are biodiversity offsets?**

A biodiversity offset is an action that ensures there is a maintain or improve environmental standard as a result of development.

A biodiversity offset is an ameliorative measure that minimises the impact of development upon threatened species, populations and communities.

Ameliorative measures are not limited to the protection or restoration of habitat. Offsets are a way of having both development and environmental protection where development continues but not at the expense of the environment

Guidance on the implementation of biodiversity offsets is provided in Clarence Valley Council's Biodiversity Offsets Policy in section 3 of the BIFA.

Thresholds for potential offsets are set in TABLES 1 - 7

**Note:**

The **Development Footprint** includes built up areas and any other land necessary to support the development including roads, open space, community facilities, stormwater management areas, effluent disposal areas and Bushfire Asset Protection Zones.

Areas retained for the purposes of nature conservation or Ecological Buffers required to protect these areas are not part of the Development Footprint.

## PART R CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

### R9. Management of offset areas

Management of offset areas is achieved through the preparation and implementation of one or more management plans. All management plans must include measures to restore and enhance the habitat and minimise ongoing threats relative to any specific biodiversity themes triggered by the development.

There are several types of management plans, as follows;

- Habitat Restoration Plan. (See Section 4 of the BIFA).
- Threatened and Significant Species Management Plan. (See Section 2 of the BIFA).
- Offset Management Plans. (See Section 3A of the BIFA).

See detailed guidelines for each of these types of management plans. 3 of the BIFA or Council's policies on the website)

Offsets must be in accordance with the CVC Biodiversity Offset Policy. (See Section 3 of the BIFA or Council's policies on the website)

See detailed guidelines for each of these types of management plans.

Offsets must be in accordance with the CVC Biodiversity Offset Policy. (See Section 3 of the BIFA or Council's policies on the website)

A proposed offset must be enduring. In general, the management plan for offsets will need to match the timeframe for the impact of the development. Council may request a bond to ensure the offset is completed in accordance with the offset policy. The plan shall run for a minimum of five years during which time the proponent will be responsible for implementing the actions specified in the plan and be reviewed after 5 years to determine an ongoing management regime. If performance criteria have not been achieved at the end of the five-year period, Council may instruct that the duration of the HRP be extended or where a bond was lodged to ensure completion of the offset the bond may be forfeited.

### R10. Environmental Buffers

This DCP requires buffers to protect sensitive ecological areas. The tables within Clause R6 describe the situations when buffers are required as part of development. This section describes the expected treatment of buffers.

Buffers provide a setback between habitat and the development in order to mitigate direct and indirect impacts arising from development, primarily edge effects, that lead to contraction of habitat over time.

Examples of edge effects include increased penetration of wind, sunlight, anthropogenic impacts such as trampling, track formation and noise. Minimum buffer width between habitat to be retained and any development is 20m.

To adequately protect retained habitat an Ecological buffer will be required, (please see figure 1) this will be left to rehabilitate to the appropriate locally indigenous vegetation

community and is to be retained for this purpose only. Areas already in pristine condition will need to be able to demonstrate this buffer is being managed to protect retained habitat. The appropriate vegetation community will be determined on a site-specific basis but is generally aimed at the pre-disturbance community unless the landform has been so altered that this is no longer possible.

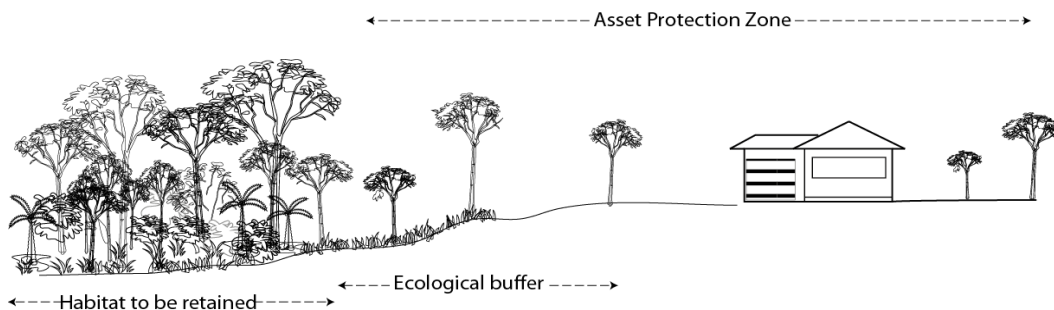
No construction activities are permitted within the ecological buffer. The buffer area must be fenced off during construction for protection.

Generally ecological buffers and asset protection zones shall not overlap. If there is an overlap as shown in figure 1 below, this will need to be supported in a habitat restoration plan consistent with (Section 4 of the BIFA)

## PART R CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

### R10.1 Asset Protection Zones

An APZ is a protection zone between a bush fire hazard and an asset which is managed progressively to minimise fuel loads and reduce potential radiant heat levels, flame, ember and smoke attack. The appropriate APZ is based on vegetation type, slope and levels of construction (and for Special Fire Protection Services) and must be in accordance with the prescribed bush fire legislation and guidelines. APZ are included in the development footprint.



**Figure 1: Buffer management components and APZ**

Total buffer width will vary depending on the habitat to be retained and the nature of the development, however minimum Ecological buffers are established below:

#### R10.2 Ecological buffer widths

- 20m to Red Flag areas;
- 20 to 100m to waterways dependant on stream order;
- 50m to wetlands and estuaries;
- 100m to coastal foreshores.

The buffer width for wetlands is measured from the outer, landward boundary of the mapped freshwater or tidal Wetland, as defined through an approved Ecological Assessment.

The buffer width, on each side of the waterway, is measured from the top of the high bank or from the outer landward boundary of a mapped riparian community as defined through an approved Ecological Assessment.

Note: The buffer width for habitat to be retained is measured from the outer drip line or vegetation edge mapped in accordance with the Ecological Assessment Guidelines (Section 1 of the BIFA).

## PART R CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

### R11. Considerations when managing development impacts

Once the maximum development footprint and acceptable development outcomes have been established by the preceding Clause R10, this part establishes criteria to avoid or mitigate development impacts during and post development.

#### **Can I develop land that has dwelling entitlement and is red flagged?**

Approval for a minimal impact development can be sought. Council will assess the proposal to ensure it fulfils red flag management outcomes. Proponents of development in these circumstances are strongly encouraged to attend a Development Management Unit (DMU), or pre lodgement, meeting with Council staff.

Minimal Impact Development has to fulfil the following criteria:

- preservation and protection of natural drainage patterns;
- protection of sensitive natural resources;
- maintenance of existing topography;
- plan development site to minimise clearing in areas where biodiversity values are reduced (generally locating development close to the road frontage, or existing access);
- minimise earthwork and the potential for soil erosion;
- Minimise the amount of impervious cover.

#### **R11.1 Development design generally**

Any development can have direct and indirect impacts on biodiversity values and impacts can occur at either the construction or operational phase. The following sections discuss the requirements for particular issues as they relate to potential biodiversity impacts. In some cases, these controls require management plans additional to those listed within the BIFA to this plan and include erosion and sediment control plans, acid sulphate soil and dewatering management plans. Such construction-phase plans may be required by other government departments, other sections of Council's DCP or other policies.

This part is not designed to replace such requirements, but to supplement such guides

with the emphasis on avoiding and mitigating biodiversity impacts. An overall Environmental Management Plan is the most appropriate way to compile any additional requirements arising from this Clause. Larger projects may be required to nominate an Environmental Officer for site management or, for larger developments, an independent environmental auditor.

#### **R11.2 Stormwater runoff, drainage, waterways and wetlands**

In addition to considerations mentioned in the following passages please refer to the CV LEP 2011 for a complete list of considerations when planning for development.

The natural hydrological regimes of wetlands and waterways, including natural water quality, quantity and groundwater conditions must be maintained and enhanced.

Waterways, water bodies' riparian areas and riparian vegetation are to be clearly identified and an assessment of the environmental values provided.

Development in or adjacent to waterways, water bodies, wetlands or within their catchments must:

- 1) ensure preservation of fish and aquatic habitat;
- 2) not create barriers to fish passage;
- 3) ensure development does not result in pollution or adversely effect quality or quantity of flows of water into the water way, water body, wetland or habitat;
- 4) provide public foreshore reserves and public access to those reserves;
- 5) provide a riparian buffer in accordance with Clause R10 of this DCP;
- 6) conserve native vegetation surrounding waterways, water bodies, wetlands by the retention of riparian buffers;
- 7) proposals to convert natural watercourses to artificial drains (or remove riparian vegetation or adversely affect existing aquatic habitats) will only be considered if such proposals are part of a site management plan that will result in an enhanced net environmental outcome. An aim of development should be to increase the length and

## PART R CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

- connectivity of streams with adequate native riparian vegetation;
- 8) riparian buffers along major streams shall be identified as Protected Habitat with active management in accordance with a plan of management submitted by the applicant and approved by Clarence Valley Council;
- 9) riparian buffer zones shall be revegetated and fences or other appropriate barriers provided to prevent transverse crossing of the riparian buffer (except in designated areas).

Where stream/waterway edge based land use is proposed in the riparian buffer (recreation, public utilities, wharves/jetties/marinas, tourist facilities etc) such proposals are to be accompanied by a riparian zone assessment which addresses:

- (i) the impact of the proposed use on the ecological values of the riparian zone, adjacent stream and aquatic habitat;
- (ii) the impact of the proposal on the current and future connectivity of the riparian zone habitat;
- (iii) measures to minimise and fully compensate for any adverse impacts.

### R11.3 Soils and Earthworks

In addition to considerations mentioned in the following passages please refer to the CV LEP 2011 for a complete list of considerations when planning for development.

#### R11.3.1 Earthworks

Earthworks to be undertaken must comply with the following:

- (i) all construction and associated activities including cut and fill, erosion and sediment control and stockpiling must occur no closer than 20m from any habitat to be retained;
- (ii) the 20m construction buffer must be fenced with a highly visible traffic barrier to prevent access;
- (iii) hydrological regimes and soil conditions must not be altered within the habitat to be retained unless improvement is required. Pollutants, including sediment exposed during

construction, are prevented from reaching any component of the habitat to be retained or waterways and wetlands;

- (iv) clearing on steep slopes (between 14-18 degrees) is to be avoided. Where unavoidable, clearing is to comply with the methodology contained within document 'Clearing of non-native vegetation and dead native trees on steep protected land' (DLWC).

#### R11.3.2 Erosion, sediment and dust control

Sediment input into waterways and wetlands is one of the most common and detrimental impacts to these areas. Erosion and sediment control must follow best practice and be designed in accordance with the NSW Government publication Managing Urban Stormwater: Soils and Construction (Landcom 2004).

Erosion and sediment control plans (ESCP) submitted with development applications will only be accepted from consultants who can demonstrate their knowledge and understanding of current best practice erosion and sediment control and who apply those principles.

#### R11.3.3 Acid Sulphate Soils

Please refer to Part 7 of the CVLEP 2011

'Acid sulphate soils' (ASS) is the common name given to soils containing iron sulphides (usually Pyrite, FeS<sub>2</sub>), that, if oxidised (through the exposure of pyrite to air) produce sulphuric acid that can result in soil and groundwater becoming acidic. Exposure of ASS can occur either naturally (e.g. during a drought), through soil disturbance (e.g. dredging or excavation), or from the lowering of a water table (e.g. drain construction).

The impacts of ASS can include:

- (i) elevated levels of sulphuric acid, iron, aluminium and heavy metals being leached from the soil and discharged to receiving waters, often in a concentrated 'slug' after a dry period (such discharges can be acutely toxic to aquatic species such as fin fish and shellfish);
- (ii) significant degradation of aquatic habitats, including habitat for commercial and recreational fisheries;



## PART R CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

- (iii) increased levels of fish mortality, disease (e.g. red spot disease) and potentially some types of algal blooms (e.g. *Lyngbya mujuscula*);
  - (iv) reduction in biodiversity in waterways and wetlands;
  - (v) decreased health of waterways and wetlands; and/or
  - (vi) Corrosion of infrastructure containing concrete and metal (e.g. culverts, bridges and stormwater drains).
- preservation of the existing tree canopy is expected to be retained; fauna crossing structures must be designed to facilitate safe passage of numerous fauna types, to provide dry passage and to include revegetation using locally indigenous plant species at entrances to crossing structures;
- (vi) fauna crossing structures must be supported by wildlife fencing which must be maintained by the proponent for a minimum period of five years. In particular, koala proof fencing must be maintained so that trees do not grow within 3m of the fence.

In most cases, ASS can be managed effectively through the implementation of ASS Management Plans.

### **R11.4 Native Fauna road strike**

Research has confirmed that transport infrastructure and in particular roads has both direct and indirect impacts on fauna. Direct impacts such as road mortalities can be significant for fauna populations with low numbers or widely dispersed individuals. In addition, indirect impacts from barriers to fauna movement and edge effects are known to reduce movement and thus reduce breeding opportunities for many species. Planning should consider the following:

- (i) new roads must be located on the periphery of any retained habitat or wildlife corridor;
- (ii) new roads must avoid bisecting retained habitat unless located in already cleared areas and can achieve minimum buffer widths;
- (iii) road design must reduce risks to wildlife at wildlife crossing points;
- (iv) where habitat is to be retained on either side of a road, sufficient fauna survey is required to ascertain and implement appropriate fauna crossing structures such as underpasses, overpasses, bridges, glider poles or vegetated land bridges;
- (v) general clause on speed limits- Where on-road structures are deemed appropriate and agreed by Council, traffic calming devices or other design features to restrict traffic speed and a cleared road verge of sufficient width to enable visibility of wildlife without excessive road clearing must be provided. At sites allocated or known to be wildlife crossing areas the

Vehicular and/or pedestrian access ways must not cross over or through ecologically significant areas (in particular, wetland, aquatic and riparian communities) on the site.

#### OR

Any vehicular and/or pedestrian access ways that cross over or through ecologically significant areas (in particular, wetland, aquatic and riparian communities) on the site are designed to: minimise the area of disturbance; facilitate the unimpeded movement of fauna.

Linear infrastructure must follow access ways as far as possible

### **R11.5 Subdivision Design**

Please refer to relevant section Part I in the Rural DCP and Part J of the Residential DCP.

Subdivision design must meet low impact urban design and development principles.

The layout of a subdivision must:

- (i) ensure minimal disturbance to habitat function;
- (ii) maximise use of existing cleared or highly disturbed areas; and,
- (iii) ensure new allotments are not created such that retained vegetation is likely to require later removal such as for house placement, asset protection zones or vehicle access provisions.

## PART R CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

### R12. Definitions

#### Benchmark

Benchmarks are quantitative measures of the range of variability in vegetation with relatively little evidence of modification by humans since European settlement. Benchmarks are defined for specified variables by vegetation community at the scale of the stand or patch. Vegetation with relatively little evidence of modification generally has minimal timber harvesting (few stumps, coppicing, cut logs), minimal firewood collection, minimal exotic weed cover, minimal grazing and trampling by introduced or over abundant native herbivores, minimal soil disturbance, minimal canopy dieback, no evidence of recent fire or flood, not subject to high frequency burning, and evidence of recruitment of native species. Benchmarks are currently available by vegetation class (sensu Keith 2004) at [http://www.nationalparks.nsw.gov.au/npws.nsf/Content/BioMetric\\_tool](http://www.nationalparks.nsw.gov.au/npws.nsf/Content/BioMetric_tool).

#### Biodiversity

The total variety of all life - it is the full range of natural variety and variability within and among living organisms, and the ecological and environmental complexes in which they occur. It encompasses multiple levels of organisation, including genes, species, communities, ecosystems and biomes. Its complexity derives from its sheer variety combined with dependencies, feedbacks and variability within and across these different levels.

#### Bushfire Asset Protection Zone

An Asset Protection Zone (APZ) is also known as a fire protection zone and aims to protect human life, property and highly valued assets. It is a buffer zone between a bush fire hazard and buildings, which is managed progressively to minimise fuel loads and reduce the potential radiant heat levels, flame contact, ember and smoke attack on life and property. <http://www.rfs.nsw.gov.au/>

#### Bushland

Land on which there is vegetation, which is either a remainder of the natural vegetation of the land, or, if altered, is still representative of the structure and/or floristics of the natural vegetation. Bushland is usually dominated by native vegetation but in some areas exotic species have become naturalised and have taken the place of native species. Bushland

may include regrowth but does not include vegetation in Low Condition.

#### Connectivity Value

A measure of the extent to which native vegetation not in low condition is linked - assessed as high, moderate, low, nil according to REF.

#### Defined Wildlife Corridor

Defined Wildlife corridors include those shown in Figures 2 and 3 of Council's adopted Biodiversity Management Strategy 2010.

#### Development Footprint

That part of the Development Site that is directly affected by the development. Bushfire Asset Protection Zones are part of the Development Footprint.

#### Development Site

All lots subject of the development.

#### Ecological Buffer

A buffer of endemic vegetation designed to protect existing native habitat from impacts associated with development site. An Ecological buffer is rehabilitated to the appropriate locally indigenous vegetation community and is to be retained for this purpose only. The appropriate vegetation community will be determined on a site-specific basis but is generally aimed at the pre-disturbance community.

#### Environmental Buffer

Is a broad term to describe a setback between habitat and development to protect sensitive ecological areas and incorporates Ecological buffer, and Water Sensitive Urban design components.

#### Flying Fox Breeding Season

The breeding season includes the last trimester of pregnancy and until young become independent

**Inter-generational equity** - the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

#### Koala Food trees

Locally relevant species refer to NSW Koala Recovery Plan and Councils adopted Comprehensive Koala Plan of Management for Ashby.

## PART R CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

### Listed Ecological Community

Critically endangered, endangered or vulnerable ecological community listed under the NSW Threatened Species Conservation Act 1995 or the Federal Environment Protection and Biodiversity Conservation Act 1999.

### Low Condition vegetation

A. Native woody vegetation is in low condition if:

The over-storey per cent foliage cover is <25% of the lower value of the over-storey per cent foliage cover benchmark for that vegetation type

#### AND

<50% of vegetation in the ground layer is indigenous species or >90% is ploughed or fallow.

B. Native grassland, shrubland, wetland or herbfield in low condition if:

<50% of vegetation in the ground layer is indigenous species or >90% is ploughed or fallow.

### Mitigation

Steps taken to avoid or minimise negative environmental impacts - mitigation can include: avoiding the impact by not taking a certain action; minimising impacts by limiting the degree or magnitude of the action; rectifying the impact by repairing or restoring the affected environment; reducing the impact by protective steps required with the action; and compensating for the impact by replacing or providing substitute resources.

### Native Vegetation

Vegetation described in section 6 of the *Native Vegetation Act 2003*. Native vegetation is used as a surrogate for general biodiversity values in the methodology.

### Offset

Actions on a site that aim to balance any losses on the same or another site proposed for clearing.

### Old Growth Vegetation

Based on the Nationally Agreed Criteria for the Establishment of a CAR Reserve System for Forests in Australia

Old-growth forest has a range of biological, aesthetic and cultural values. Old-growth

forest is ecologically mature forest where the effects of disturbances are now negligible. This interpretation acknowledges that age-related features and the effect of disturbances will differ between forest ecosystems due to a range of factors including physical setting, fire proneness and species composition.

### Other Significant Fauna

Include fauna species or populations of local significance listed in Section 2A of the BIFA Listings may include locally endemic, culturally significant, locally relevant migratory species (e.g. some JAMBA/CAMBA species under the Environment Protection and Biodiversity Conservation Act 1999) or poorly known species or populations.

### Other Significant Plant Species

Plant species of local significance listed in Section 2A of the BIFA. Listings may include locally endemic, culturally significant, poorly known species and non-Threatened Species as defined by Briggs and Leigh (1996; Rare or Threatened Australian Plants).

### Overcleared Vegetation Type

A vegetation type of which more than 70% has been cleared in the Catchment Management Area, as documented in the 2002 unpublished report 'NSW Ecosystems Study- background and methodology, by P. B. Mitchell for the NPWS, Hurstville.

### Potential Habitat Linkage

Based on Connectivity Value plus proportion of land in Low Condition on Development Site.

### Precautionary Approach

That if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

### Protected Habitat

Protected Habitat includes lands protected in perpetuity under one or more of the following: Nature Conservation Trust covenant (Nature Conservation Trust Act 2001); Voluntary Conservation Agreement under the National Parks and Wildlife Act 1974); Planning Agreement under the Environmental Planning and Assessment Act 1979; Transfer to Public reserve system.

**PART R CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION****Recovery Plan**

Adopted NSW or Commonwealth recovery plan - Includes Priority Action Statement (PAS).

**Threatened Species Polygon**

Mapped area enclosing threatened species habitat.

**Threatened Species**

Species listed as Threatened under the TSC Act or any threatened species identified under the EPBC Act.

**Threshold**

Is the level or point at which the option of either red, amber or green flag (threshold category) would be assigned to the development footprint, threshold criteria are set for each threshold.

**Wetland**

One of the most general definitions of a wetland was developed at the Ramsar Convention on Wetlands in 1971, which defines them as:

"... areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters".

## PART S CONTROLS FOR FUNCTION CENTRES

### PART S CONTROLS FOR FUNCTION CENTRES

#### S1. Where do controls for functions centres apply?

The controls for function centres apply to land in the RU2 zone.

#### S2. What are the objectives of controls for function centres?

The objectives of the controls for function centres are to ensure that consent is only granted when the use of the use of land for function centres:

- (a) Does not unreasonably impact residents and other lawful uses in the locality and upon the ability to undertake lawful primary industry production and associated lawful agricultural practices in the locality, whether existing or in the future;
- (b) Facilitates the appropriate use of land for function centres in rural areas;
- (c) Is compatible with the primary production potential, rural character and environmental capabilities of the land; and
- (d) If such issues such as noise, traffic and parking are satisfactorily addressed.

#### S3. Information to accompany development applications for function centres

In addition to the requirements of Part A, a DA for a function centre must include the following:

1. Details of operating hours (no later than 11 pm and 10 pm on Sundays), days of the week, and the maximum number of days an event will be held per year.
2. Maximum number of guests.
3. Show proximity to residents within a 2 km radius.

4. Parking area that shows the parking demand can be sufficiently met on-site.
5. An Operational Management Plan including (where relevant):
  - (a) Traffic management
  - (b) Suitable road access (see requirements at clause C8.5)
  - (c) Parking plan
  - (d) Waste management plan
  - (e) Noise mitigation
  - (f) Land use risk assessment prepared in accordance with guidelines established by NSW Department of Primary Industries - Agriculture
  - (g) Patron behaviour management
  - (h) Complaint management

#### S4. Special Considerations

When assessing proposals for functions centres, Council will take into consideration the following specific matters:

1. Whether there are function centres in operation nearby and whether it is appropriate to approve an additional function centre or to reduce the maximum number of days, considering cumulative impacts on surrounding land users.
2. Whether it is appropriate to allow the land use to operate on back to back weekends, considering impacts on surrounding land users.
3. Topographical features and built structures that may soften or exacerbate noise impacts.
4. Whether the proposal is adjacent to water and more stringent noise mitigation measures are required.
5. Whether it is appropriate to allow amplification of music outside or whether to restrict amplified music indoors after a certain time.
6. Existing lawful primary industry production in the locality and the ability to undertake



## **PART 5 CONTROLS FOR FUNCTION CENTRES**

lawful primary industry production and associated lawful agricultural practices in the locality, whether existing or in the future without mutual conflict.

7. Adequacy of onsite management and supervision measures in the context of particular proposed events, functions, conferences and the like.

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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)

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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



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- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling. (CV LEP 2011)

Note: Attached dwellings are a type of **residential accommodation** - see the definition of that term in this Dictionary.

**attic** means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like. (CV LEP 2011)

**Australian Height Datum (AHD)** is a common national plain of level corresponding approximately to mean sea level.

**Average Recurrence Interval (ARI)** means the long-term average number of years between the occurrence of a flood as big as, or larger than, the selected event. For example, floods with a discharge as great as, or greater than, the 20 year ARI flood event will occur on average once every 20 years. ARI is another way of expressing the likelihood of occurrence of a flood event.

**backpackers' accommodation** means a building or place that:

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room). (CV LEP 2011)

Note: Backpackers' accommodation is a type of **tourist and visitor accommodation** - see the definition of that term in this Dictionary.

**basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing). (CV LEP 2011)

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

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided. (CV LEP 2011)

Note: See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of **tourist and visitor accommodation** - see the definition of that term in this Dictionary.

**bee keeping** means a building or place used for the keeping and breeding of bees for commercial purposes. (CV LEP 2011)

Note: Bee keeping is a type of **extensive agriculture** - see the definition of that term in this Dictionary.

**biodiversity** means biological diversity. (CV LEP 2011)

**biological diversity** has the same meaning as in the *Threatened Species Conservation Act 1995*. (CV LEP 2011)

Note: The term is defined as follows:

**biological diversity** means the diversity of life and is made up of the following 3 components:

- (a) genetic diversity - the variety of genes (or units of heredity) in any population,
- (b) species diversity - the variety of species,
- (c) ecosystem diversity - the variety of communities or ecosystems. (CV LEP 2011)

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**biosolids treatment facility** means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility. (CV LEP 2011)

Note: Biosolids treatment facilities are a type of **sewerage system** - see the definition of that term in this Dictionary.

**boarding house** means a building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment. (CV LEP 2011)

Note: Boarding houses are a type of **residential accommodation** - see the definition of that term in this Dictionary.

**boat building and repair facility** means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed. (CV LEP 2011)

**boat launching ramp** means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities. (CV LEP 2011)

**boat shed** means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure. (CV LEP 2011)

**brothel** has the same meaning as in the Act. (CV LEP 2011)

Note: This definition is relevant to the definitions of **home occupation (sex services)** and **sex services premises** in this Dictionary.

**building** has the same meaning as in the Act. (CV LEP 2011)

Note: The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

**Building height** (or **height of building**) means:

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

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like. (CV LEP 2011)

**building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services. (CV LEP 2011)

Note: Building identification signs are a type of **signage** - see the definition of that term in this Dictionary.

**building line** or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

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whichever distance is the shortest. (CV LEP 2011)

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

- (a) a large area for handling, display or storage, and
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

Note: Bulky goods premises are a type of **retail premises** - see the definition of that term in this Dictionary.

**bush fire hazard reduction work** has the same meaning as in the *Rural Fires Act 1997*.

Note: The term is defined as follows:

**bush fire hazard reduction work** means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

**bush fire prone land** has the same meaning as in the Act.

Note: The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

**bush fire risk management plan** means a plan prepared under Division 4 of Part 3 of the *Rural Fires Act 1997* for the purpose referred to in section 54 of that Act.

**business identification sign** means a sign:

- (a) that indicates:
  - (i) the name of the person or business, and
  - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

Note: Business identification signs are a type of **signage** - see the definition of that term in this Dictionary.

**business premises** means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note: Business premises are a type of **commercial premises** - see the definition of that term in this Dictionary.

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**camping ground** means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

**canal estate development** means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
  - (i) dwellings that are permitted on rural land, and
  - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

**caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

**catchment action plan** has the same meaning as in the *Catchment Management Authorities Act 2003*.

Note: The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the *Catchment Management Authorities Act 2003*.

**cellar door premises** means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

Note: Cellar door premises are a type of **retail premises** - see the definition of that term in this Dictionary.

**cemetery** means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

**charter and tourism boating facility** means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

**child care centre** means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or

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- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
  - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
  - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

**classified road** has the same meaning as in the *Roads Act 1993*.

Note: The term is defined as follows:

**classified road** means any of the following:

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(See *Roads Act 1993* for meanings of these terms.)

**clearing native vegetation** has the same meaning as in the *Native Vegetation Act 2003*.

Note: The term is defined as follows:

**clearing native vegetation** means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

**Coarse Sediment** – This term refers to contaminant particles between 0.1 mm and 5 mm.

**coastal foreshore** means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

**coastal hazard** has the same meaning as in the *Coastal Protection Act 1979*.

**coastal lake** means a body of water specified in Schedule 1 to *State Environmental Planning Policy No 71—Coastal Protection*.

**coastal protection works** has the same meaning as in the *Coastal Protection Act 1979*.

**coastal waters of the State**—see section 58 of the *Interpretation Act 1987*.

**coastal zone** has the same meaning as in the *Coastal Protection Act 1979*.

Note: The term is defined as follows:

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**coastal zone** means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

**commercial premises** means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

**community facility** means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

**community land** has the same meaning as in the *Local Government Act 1993*.

**Compensatory Works** refers to earthworks where material is excavated (or "cut") from one location in the floodplain and placed (or "filled") at another location in the floodplain, with no net importation of fill material, such that the volume available for storage of flood waters is not altered for all floods.

**Conveyance** is a direct measure of the flow carrying capacity of a particular cross-section of a stream or stormwater channel. (For example, if the conveyance of a channel cross-section is reduced by half, then the flow carrying capacity of that channel cross-section will also be halved).

**correctional centre** means:

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

**Council** means the Clarence Valley Council.

**crematorium** means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.

**Crown reserve** means:

- (a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or
- (b) a common within the meaning of the *Commons Management Act 1989*, or
- (c) lands within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*,

but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

## DICTIONARY

**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).

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.

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**ecologically sustainable development** has the same meaning as in the Act.

**eco-tourist facility** means a building or place that:

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

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

Note: See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation** - see the definition of that term in this Dictionary.

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

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

**Effective warning time** is the time available after receiving advice of an impending flood and before the floodwaters prevent appropriate flood response actions being undertaken. The effective warning time is typically used to move farm equipment, move stock, raise furniture, evacuate people and transport their possessions.

**electricity generating works** means a building or place used for the purpose of making or generating electricity.

**emergency services facility** means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

**emergency services organisation** means any of the following:

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

**Enclosed car parking** means car parking which is potentially subject to rapid inundation, which consequently increases risk to human life and property (such as basement of bunded car parking areas). The following criteria apply for the purposes of determining what is enclosed car parking:

- (a) Flooding of surrounding areas may raise water levels above the perimeter which encloses the car park (normally the entrance), resulting in rapid inundation of the car park to depths greater than 0.8m, and
- (b) drainage of accumulated water in the car park has an outflow discharge capacity significantly less than the potential inflow capacity.

**entertainment facility** means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.



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**environmental facility** means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

**environmental protection works** means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

**estuary** has the same meaning as in the *Water Management Act 2000*.

Note: The term is defined as follows:

**estuary** means:

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

**excavation** means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

**exhibition home** means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

**exhibition village** means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

**Existing Use** is defined in Section 106 of the Environmental Planning & Assessment Act, 1979 as follows:

**Existing use** means:

- (a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4A of Part 3 or Division 4 of this Part, have the effect of prohibiting that use, and
- (b) The use of a building, work or land:
  - (i) For which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and
  - (ii) That has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.

**extensive agriculture** means any of the following:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock for commercial purposes,
- (c) bee keeping,
- (d) a dairy (pasture-based).

Note: Extensive agriculture is a type of **agriculture** - see the definition of that term in this Dictionary.

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**extractive industry** means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

Note: Extractive industries are not a type of **industry** - see the definition of that term in this Dictionary.

**extractive material** means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

**farm building** means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

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

Note: See clause 5.4 for controls relating to the number of bedrooms.

Farm stay accommodation is a type of **tourist and visitor accommodation** - see the definition of that term in this Dictionary.

**feedlot** means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, fed (wholly or substantially) on prepared and manufactured feed, for the purpose of meat production or fibre products, but does not include a poultry farm, dairy or piggery.

Note: Feedlots are a type of **intensive livestock agriculture** - see the definition of that term in this Dictionary.

**fill** means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

**filming** means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

**Fine Sediment** – this term refers to contaminant particles less 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.

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- (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.

**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.

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**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. [Not adopted].

**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.

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**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.

**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.

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**group home (permanent)** or **permanent group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

Note: Permanent group homes are a type of **group home** - see the definition of that term in this Dictionary.

**group home (transitional)** or **transitional group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

Note: Transitional group homes are a type of **group home** - see the definition of that term in this Dictionary.

**Habitable Floor area** means:

- in a **residential situation**: a living or working area, such as a lounge room, dining room, rumpus room, kitchen, bedroom or workroom;
- in an **industrial or commercial situation**: an area used for offices or to store valuable possessions susceptible to flood damage in the event of a flood.

**Note:** Separate considerations are specified for the car parking area of a development irrespective of the land use with which it is associated.

**hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

Note: Hardware and building supplies are a type of **retail premises** - see the definition of that term in this Dictionary.

**Hazard** is a source of potential harm or a situation with a potential to cause loss. In relation to this plan, the hazard is flooding which has the potential to cause harm or loss to the community.

**hazardous industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

Note: Hazardous industries are a type of **heavy industry** - see the definition of that term in this Dictionary.

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**hazardous storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

Note: Hazardous storage establishments are a type of **heavy industrial storage establishment** - see the definition of that term in this Dictionary.

**headland** includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

**health care professional** means any person registered under an Act for the purpose of providing health care.

**health consulting rooms** means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

Note: Health consulting rooms are a type of **health services facility** - see the definition of that term in this Dictionary.

**health services facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

**heavy industrial storage establishment** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following:

- (a) a hazardous storage establishment,
- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

**heavy industry** means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes:

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

Note: Heavy industries are a type of **industry** - see the definition of that term in this Dictionary.

**Height of Buildings Map** means the Clarence Valley Local Environmental Plan 2011 Height of Buildings Map.

**helipad** means a place not open to the public used for the taking off and landing of helicopters.

**heliport** means a place open to the public that is used for the taking off and landing of helicopters, whether or not it includes:

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- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

Note: Heliports are a type of **air transport facility** - see the definition of that term in this Dictionary.

**heritage conservation area** means an area of land of heritage significance:

- (a) shown on the Heritage Map as a heritage conservation area, and
- (b) the location and nature of which is described in Schedule 5,

and includes any heritage items situated on or within that area.

**heritage conservation management plan** means a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**heritage impact statement** means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

**heritage item** means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

Note: Heritage items may be shown on the Heritage Map. An inventory of heritage items is also available at the office of the Council.

**heritage management document** means:

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Heritage Map** means the Clarence Valley Local Environmental Plan 2011 Heritage Map.

**heritage significance** means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

**high technology industry** means a building or place predominantly used to carry out an industrial activity that involves any of the following:

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field,

but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.



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Note: High technology industries are a type of **light industry** - see the definition of that term in this Dictionary.

**highway service centre** means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

**home-based child care** means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) the service is licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

**home business** means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

Note: See clause 5.4 for controls relating to the floor area used for a home business.

**home industry** means a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:

- (a) the employment of more than 2 persons other than those residents,
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,
- (d) the exhibition of any signage (other than a business identification sign),
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

Note: See clause 5.4 for controls relating to the floor area used for a home industry.

Home industries are a type of **light industry** - see the definition of that term in this Dictionary.

**home occupation** means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

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- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**home occupation (sex services)** means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

**horticulture** means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

Note: Horticulture is a type of **intensive plant agriculture** - see the definition of that term in this Dictionary.

**hospital** means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take-away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

Note: Hospitals are a type of **health services facility** - see the definition of that term in this Dictionary.

**hostel** means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and

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- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

Note: Hostels are a type of **residential accommodation** - see the definition of that term in this Dictionary.

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and  
 (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note: Hotel or motel accommodation is a type of **tourist and visitor accommodation** - see the definition of that term in this Dictionary.

**Impermeable or Impervious area** means the area of land where the surface prevents infiltration of water into the ground and subsequently increases stormwater flows. Impermeable surfaces include roads, footpaths, roofs, concrete areas, non porous paved areas and heavily compacted soils.

**industrial activity** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

**industrial retail outlet** means a building or place that:

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

but does not include a warehouse or distribution centre.

Note: See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

**industrial training facility** means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

**industry** means any of the following:

- (a) general industry,  
 (b) heavy industry,  
 (c) light industry,

but does not include:

- (d) rural industry, or  
 (e) extractive industry, or  
 (f) mining.

**Infill development** is development which is proposed within an established existing urban area and usually involves the development of a vacant residential site, or the removal of an existing residential or retain/commercial building to provide a replacement building for a similar use.

**information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

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

- (a) dairies (restricted),
- (b) feedlots,
- (c) piggeries,
- (d) poultry farms,

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

Note: Intensive livestock agriculture is a type of **agriculture** - see the definition of that term in this Dictionary.

**intensive plant agriculture** means any of the following:

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

Note: Intensive plant agriculture is a type of **agriculture** - see the definition of that term in this Dictionary.

**jetty** means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

**kiosk** means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

Note: See clause 5.4 for controls relating to the gross floor area of a kiosk.

Kiosks are a type of **retail premises** - see the definition of that term in this Dictionary.

**Land Application Map** means the Clarence Valley Local Environmental Plan 2011 Land Application Map.

**Land Reservation Acquisition Map** means the Clarence Valley Local Environmental Plan 2011 Land Reservation Acquisition Map.

**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.

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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, woollscours and rendering plants.

Note: Livestock processing industries are a type of **rural industry** - see the definition of that term in this Dictionary.

**Local drainage** means small scale inundation in urban areas outside the definition of major drainage as defined in the Floodplain Development Manual. Local drainage problem invariably involves shallow depths (less than 0.3m) with generally little danger to personal safety.

**Local overland flooding** means inundation by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam.

**Lot Size Map** means the Clarence Valley Local Environmental Plan 2011 Lot Size Map.

**maintenance**, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

**Manufacturing process** means any handicraft or process in or incidental to the making, assembling, altering, renovating, preparing, ornamenting, finishing, cleaning, washing, breaking up, or adapting of any goods or any articles or any part of an article for trade or sale or gain, or as ancillary to any business, and includes any handicraft or process declared by the Governor, pursuant to this Act, to be a manufacturing process. (Definition from the Factories, Shops and Industries Act 1962.)

**marina** means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

**market** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

Note: Markets are a type of **retail premises** - see the definition of that term in this Dictionary.

**mean high water mark** means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

Note: Medical centres are a type of **health services facility** - see the definition of that term in this Dictionary.

**Merit approach** is an approach, the principles of which are embodied in the Floodplain Development Manual which weighs social, economic, ecological and cultural impacts of land

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use options for different flood prone areas together with flood damage, hazard and behaviour implications, and environmental protection and well being of the State's rivers and floodplains.

**mezzanine** means an intermediate floor within a room.

**mine** means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

**mine subsidence district** means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

**mining** means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

Note: Mining is not a type of **industry** - see the definition of that term in this Dictionary.

**mixed use development** means a building or place comprising 2 or more different land uses.

**mooring** means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

**mooring pen** means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

**mortuary** means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

**moveable dwelling** has the same meaning as in the *Local Government Act 1993*.

Note: The term is defined as follows:

**moveable dwelling** means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Note: . Multi dwelling housing is a type of **residential accommodation** - see the definition of that term in this Dictionary.

**native fauna** means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

**native flora** means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

**native vegetation** has the same meaning as in the *Native Vegetation Act 2003*.

Note: The term is defined as follows:

### Meaning of "native vegetation"

- (1) **Native vegetation** means any of the following types of indigenous vegetation:
  - (a) trees (including any sapling or shrub, or any scrub),
  - (b) understorey plants,
  - (c) groundcover (being any type of herbaceous vegetation),
  - (d) plants occurring in a wetland.
- (2) Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.

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(3) **Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

**navigable waterway** means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

**neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

Note - See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of **shop** - see the definition of that term in this Dictionary.

**nominated State heritage item** means a heritage item that:

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and
- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

**non-potable water** means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**Notification** means where Council writes to those people identified as requiring notification that a development application has been submitted to Council.

**NR Design Manuals** means the Northern Rivers Local Government Development and Design Manual, the Northern Rivers Local Government Construction Manual and the Northern Rivers Local Government Handbook of Stormwater Drainage Design which are specifications complied by local councils in the Northern Rivers area derived from the Aus- Spec Generic Development Specification series, as amended from time to time.

**NSW Coastal Policy** means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

**offensive industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note: Offensive industries are a type of **heavy industry** - see the definition of that term in this Dictionary.

**offensive storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note: Offensive storage establishments are a type of **heavy industrial storage establishment** - see the definition of that term in this Dictionary.

**office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

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Note: Office premises are a type of **commercial premises** - see the definition of that term in this Dictionary.

**open cut mining** means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

**operational land** has the same meaning as in the *Local Government Act 1993*.

**Outbuilding** means a building that is ancillary to a principal residential building and includes sheds, garages, carports and similar buildings but does not include granny flats.

**parking space** means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

**passenger transport facility** means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

**Performance criteria** represent a means of assessing whether the desired outcomes will be achieved.

**place of public worship** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

**plant nursery** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

Note: Plant nurseries are a type of **retail premises** - see the definition of that term in this Dictionary.

**port facilities** means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receival, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**potable water** means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**Pre Development** – condition and characteristics of site at lodgement of DA.

**Prescriptive controls** are preferred ways of achieving the outcome. While adherence to the prescriptive controls may be important, it is paramount that the objectives and the performance criteria area clearly satisfied.

**Primary habitable floor area** means the majority of habitable floor area and in a residential situation includes the majority of bedrooms, main living area, kitchen and first bathroom.

**private open space** means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

**Probable maximum flood (PMF)** is the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation.



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**Probable maximum precipitation (PMP)** is the greatest depth of precipitation for a given duration meteorologically possible over a given size storm area at a particular location at a particular time of the year, with no allowance made for long-term climatic trends (World Meteorological Organisation, 1986). It is often the primary input to the estimation of the probable maximum flood.

**Probability** is a statistical measure of the expected chance of flooding (see ARI).

**property vegetation plan** has the same meaning as in the *Native Vegetation Act 2003*.

Note: The term is defined as follows:

**property vegetation plan** means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

**pub** means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Note: Pubs are a type of **food and drink premises** - see the definition of that term in this Dictionary.

**public administration building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

**public authority** has the same meaning as in the Act.

**public land** has the same meaning as in the *Local Government Act 1993*.

Note: The term is defined as follows:

**public land** means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

**public reserve** has the same meaning as in the *Local Government Act 1993*.

**public utility undertaking** means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

**rainwater tank** means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

**Raised fill pad level** is a raised area of ground upon which a dwelling or ancillary buildings must be constructed on rural or other non-urban zoned lands.

**Rebuilt dwelling** refers to the construction of a new dwelling on an allotment where an existing dwelling is demolished.

**recreation area** means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or

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(c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

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

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

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

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

**registered club** means a club that holds a club licence under the *Liquor Act 2007*.

**Reliable access** during a flood means the ability for people to safely evacuate an area subject to flooding, having regard to the depth and velocity of flood waters and the suitability of the evacuation route, without a need to travel through areas where water depths increase.

**relic** has the same meaning as in the *Heritage Act 1977*.

Note: The term is defined as follows:

**relic** means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

**research station** means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

**residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,

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- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

**residential care facility** means accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

Note: Residential care facilities are a type of **seniors housing** - see the definition of that term in this Dictionary.

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Note: Residential flat buildings are a type of **residential accommodation** - see the definition of that term in this Dictionary.

**resource recovery facility** means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

Note. Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

**respite day care centre** means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

**restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided.

Note: Restaurants or cafes are a type of **food and drink premises** - see the definition of that term in this Dictionary.

**restricted premises** means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

**restriction facilities** means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,

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- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Note: Retail premises are a type of **commercial premises** - see the definition of that term in this Dictionary.

**Riparian Vegetation / Corridor** – is a corridor of vegetation along the edge of a waterway that is intimately linked with the waterway. This corridor performs numerous functions including filtering run-off and providing habitat for fauna. Council may require a corridor protection bond for development on lands identified as containing a riparian corridor.

**Risk** means the chance of something happening that will have an impact. It is measured in terms of consequences and probability (likelihood). In the context of this plan, it is the likelihood of consequences arising from the interaction of floods, communities and the environment.

**road** means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

**roadside stall** means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

Note: See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of **retail premises** - see the definition of that term in this Dictionary.

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

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

Note: Rural industries are not a type of **industry** - see the definition of that term in this Dictionary.

**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

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definition of that term in this Dictionary.

**sawmill or log processing works** means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

Note: Sawmill or log processing works are a type of **rural industry** - see the definition of that term in this Dictionary.

**school** means a government school or non-government school within the meaning of the *Education Act 1990*.

Note: Schools are a type of **educational establishment** - see the definition of that term in this Dictionary.

**secondary dwelling** means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note: See clause 5.4 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of **residential accommodation** - see the definition of that term in this Dictionary.

**self-storage units** means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

Note: Self-storage units are a type of **storage premises** - see the definition of that term in this Dictionary.

**semi-detached dwelling** means a dwelling that is on its own lot of land and is attached to only one other dwelling.

Note: Semi-detached dwellings are a type of **residential accommodation** - see the definition of that term in this Dictionary.

**seniors housing** means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

Note: Seniors housing is a type of **residential accommodation** - see the definition of that term in this Dictionary.

**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),

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(e) the ancillary retail selling or hiring of general merchandise or services or both.

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

Note: Serviced apartments are a type of **tourist and visitor accommodation** - see the definition of that term in this Dictionary.

**sewage reticulation system** means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

Note: Sewage reticulation systems are a type of **sewerage system** - see the definition of that term in this Dictionary.

**sewage treatment plant** means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

Note: Sewage treatment plants are a type of **sewerage system** - see the definition of that term in this Dictionary.

**sewerage system** means any of the following:

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place or place that is a combination of any of the things referred to in paragraphs (a)–(d).

**sex services** means sexual acts or sexual services in exchange for payment.

**sex services premises** means a brothel, but does not include home occupation (sex services).

**shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

Note: Shops are a type of **retail premises** - see the definition of that term in this Dictionary.

**shop top housing** means one or more dwellings located above ground floor retail premises or business premises.

Note: Shop top housing is a type of **residential accommodation** - see the definition of that term in this Dictionary.

**signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

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but does not include a traffic sign or traffic control facilities.

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

Note: The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

**site coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

**Site Emergency Response Flood Plan** (not being an SES Flood Plan) is a management plan that demonstrates the ability to safely evacuate persons and include a strategy to move goods above the flood level within the available warning time. This Plan must be consistent with any relevant flood evacuation strategy, flood plan or similar plan.

**spa pool** has the same meaning as in the *Swimming Pools Act 1992*.

Note: The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

**stock and sale yard** means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

Note: Stock and sale yards are a type of *rural industry* - see the definition of that term in this Dictionary.

**storage premises** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include heavy industrial storage premises or a warehouse or distribution centre.

**storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

**Subdivision** means the subdivision of land as described in Section 4B of the Environmental Planning and Assessment Act 1979.

**Survey plan** is a plan prepared by a registered surveyor which shows the information required for the assessment of an application in accordance with the provisions of this Plan.

**swimming pool** has the same meaning as in the *Swimming Pools Act 1992*.

Note: The term is defined as follows:

**swimming pool** means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

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and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

**take away food and drink premises** means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Note: Take away food and drink premises are a type of **food and drink premises** - see the definition of that term in this Dictionary.

**telecommunications facility** means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

**telecommunications network** means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

**temporary structure** has the same meaning as in the Act.

Note: The term is defined as follows:

**temporary structure** includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

**the Act** means the *Environmental Planning and Assessment Act 1979*.

**timber yard** means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

Note: Timber yards are a type of **retail premises** - see the definition of that term in this Dictionary.

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

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include:

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

**transport depot** means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

**truck depot** means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

**turf farming** means the commercial cultivation of turf for sale and the removal of turf for that purpose.

Note: Turf farming is a type of **intensive plant agriculture** - see the definition of that term in this Dictionary.



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**underground mining** means:

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

**vehicle body repair workshop** means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

**vehicle sales or hire premises** means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

Note: Vehicle sales or hire premises are a type of **retail premises** - see the definition of that term in this Dictionary.

**veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

**viticulture** means the cultivation of grapes for use in the commercial production of fresh or dried fruit or wine.

Note: Viticulture is a type of **intensive plant agriculture** - see the definition of that term in this Dictionary.

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

**waste disposal facility** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

Note: Waste disposal facilities are a type of **waste or resource management facility** - see the definition of that term in this Dictionary.

**waste or resource management facility** means any of the following:

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**waste or resource transfer station** means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

Note: Waste or resource transfer stations are a type of **waste or resource management facility** - see the definition of that term in this Dictionary.

**water recreation structure** means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

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**water recycling facility** means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

Note: Water recycling facilities are a type of **sewerage system** - see the definition of that term in this Dictionary.

**water reticulation system** means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

Note: Water reticulation systems are a type of **water supply system** - see the definition of that term in this Dictionary.

**water storage facility** means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

Note: Water storage facilities are a type of **water supply system** - see the definition of that term in this Dictionary.

**water supply system** means any of the following:

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**water treatment facility** means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

Note: Water treatment facilities are a type of **water supply system** - see the definition of that term in this Dictionary.

**waterbody** means a waterbody (artificial) or waterbody (natural).

**waterbody (artificial)** or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

**waterbody (natural)** or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

**watercourse** means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

**waterway** means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

**wetland** means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or

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- (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 receiveal, 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,
- (e) 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.