

Building and Development

This newsletter highlights some current issues that the Clarence Valley Council Development and Building Services team wish to highlight to the local building and development industry and interested members of the Clarence Valley community.

New 2022 Flood Study and draft Flood Planning Levels

A new flood study has been conducted for the Lower Clarence floodplain (Mountain View to Yamba) by Engineering Consultancy, BMT, following the February/March 2022 flood. The study has been peer reviewed by another independent Engineering Consultancy.

Council adopted the Lower Clarence Flood Model Update 2022 (the 2022 Flood Model) on 27 June 2023 (Resolution 06.23.009) and draft interim Flood Planning Levels on 24 October 2023 (Resolution 7.2.190). The 2022 Flood Model is publicly available on Council's website [here](#) and Flood Mapping is available on Council's online mapping system [here](#).

Council proposes to adopt the 1% Annual Exceedance Probability - Climate Change scenario 1 (RCP 4.5) as the Defined Flood Event + 500mm freeboard for determining the minimum primary habitable floor level for future development approvals.

This proposal is now open for public consultation until Monday 29 January 2024. Interested community members are encouraged to provide feedback. After the close of the public consultation period and feedback has been received, the matter will be reported back to Council. To provide feedback, find further information as well as frequently asked questions visit the [on exhibition page](#) on the Council website.

This draft planning control is yet to come into effect pending public consultation and Council adoption of the proposed draft interim Flood Planning Levels, so any changes will not occur until some time in 2024. In the meantime, and to provide certainty for applicants,



development applications will be assessed and decided against the planning controls in effect at time of DA lodgement (i.e. the current Flood Planning Level as defined by the 2013 Flood Model).

Council will also inform applicants of the new draft levels in the 2022 Flood Model and recommend that these levels be considered with a view to ensuring the height of primary habitable floor levels is properly considered based on the most up-to-date information. We are taking this approach as Council has a duty of care to applicants so they are fully aware of the latest flood information.

How can I get my application processed quicker?

Council staff also want to process your application in a timely manner. If we can avoid requesting additional information, the assessment process is shortened considerably. Here is a list of items commonly missing for applications for class 1 and 10 buildings (dwellings, sheds, pools, carports, etc) that result in requests for additional information:

Development applications (DAs)

- Alterations and additions to clearly detail the existing and proposed floor plans or the additions to be highlighted so it is clear what is the new building work.
- Site plan that is to scale, includes the entire property, all existing buildings and their uses and proposed native vegetation removal.
- Location of the septic tank and effluent disposal area to be on site plan.
- Dimensioned floor to ceiling heights; wall and apex heights; setbacks from boundaries; landscaped area; private open space; roof colour, BASIX commitments.
- Cut & fill heights with dimensioned offsets from the toe of the batter to the boundary and retaining wall heights.
- Floor area of secondary dwellings (must be correct and accurate for 60m² threshold-measured on the

internal face of external walls).

- Details of fencing forward of the building line for swimming pools located in the front yard as notification is delayed until received.
- Offset from power lines to proposed buildings including swimming pools. Buildings within 5m and pools within 30m of power poles/lines must be referred to Essential Energy and they will request this information resulting in delays.
- Accurate notification plans including wall and apex heights, and setbacks from the boundaries.

Construction certificates (CCs)

- Site classification with engineering referencing the same site classification.
- BASIX commitments.
- Information requested in conditions of consent.
- BAL Addendums -available from the bushfire page on Council's website.
- CC plans that are consistent with the DA approved plans.

If you're unsure about a particular matter, please contact our Duty Building Surveyor service before lodgement on 6643 0200.

Swimming pool fencing – existing pools

When a property with an existing swimming pool is to be leased or sold, an application for a Swimming Pool Compliance Certificate will generally be needed.

This certificate can be obtained from either Council or a private certifier. See the [Swimming Pool Safety page](#) on the Clarence Valley Council website for more information.

AS1926 previously allowed a 1200mm high boundary fence to form part of the pool safety barrier. This did not provide an adequate level of safety. Since 2010, any new pool where the boundary fence forms part of the pool

safety barrier requires a 1800mm high boundary fence with a 900mm non climb zone on the pool side of the fence.

NSW Fair Trading have recently extended this requirement to apply to all pools that are the subject of an application for a Swimming Pool Compliance Certificate, regardless of the age of the pool.

For older pools, Council officers will not be able to issue a certificate of compliance unless any boundary fence that forms part of the pool safety barrier is upgraded.

Occupation certificates

An Occupation Certificate (OC) is needed to legally occupy a building. This is issued by the building certifier after the final inspection is passed. For all constructions certificates lodged from 1 July 2021, an application must be lodged on the NSW Planning Portal for an Occupation Certificate before Council officers will conduct the final inspection. Just go to 'Post consent certificates' on the NSW Planning Portal to apply for the OC. Please note that the final inspection still needs to be booked on Council's website.

Commencing building work without a construction certificate

Builders are reminded to ensure the construction certificate is issued before starting building work. Under NSW legislation, a construction certificate and occupation certificate cannot be issued on building work that has already been carried out and substantial fines apply.

New waterproofing requirements for wet areas

The National Construction Code (NCC) 2022 came into effect on 1 May 2023. It has introduced new requirements for waterproofing of bathrooms and laundries. NCC 2022 requires falls to be provided to all floor wastes located in a wet area of between 1:50 and 1:80. This applies regardless of whether the floor waste is a 'required waste' under the wet area waterproofing standards or has just been provided as part of good building practice.

A new version of AS3740 – 2021 has been adopted and a builder/designer can either meet AS3740 - 2021 or the deemed to satisfy requirements in the NCC Housing Provisions.

Council is asking for detailed drawings to be provided at construction certificate stage to detail if showers will be enclosed or unenclosed and the methods of compliance with the NCC.

Pressure sewer areas – new dwellings

Pressure sewer systems are installed in Iluka, Lawrence and parts of Yamba and Maclean. These differs from a gravity sewer system in that a pressure sewer unit is installed onsite to pump sewerage from the property to Council's sewer system.

The builder/home owner is responsible for providing a separate dedicated electrical circuit within the property switchboard for the pressure sewer unit during construction. This is to be 4mm² cable protected by a 25 amp circuit breaker. The builder/property owner shall provide the cable rough-in at frame stage from the circuit board to the proposed location of the pressure sewer unit control panel leaving one (1) metre minimum excess cable at the control panel location. Council

will require advice from a licenced electrician sent to watercyclesupport@clarence.nsw.gov.au that these requirements have been met, before it will install a pressure sewer unit.

The desired location of the Pressure Sewer Unit, Control Panel and Boundary Kit is to be indicated on the construction certificate site plan. The electrical and plumbing plans shall include any additional requirements for connecting into the Pressure Sewer System, in accordance with Clarence Valley Pressure Sewer Policy and WSA07-2007 (available on Council's website). The Pressure Sewer Unit shall be located within 10 meters and line of sight from the Control Panel.