



**DEVELOPMENT CONTROL PLAN  
DEVELOPMENT IN  
ENVIRONMENTAL PROTECTION,  
RECREATION AND SPECIAL USE  
ZONES 2011**

**In force from 23 December 2011**



## TABLE OF CONTENTS

<b>PART A</b>	<b>INTRODUCTION</b>	8
A1.	What is the name of this Plan?	8
A2.	What are the aims and objectives of the plan?	8
A3.	Where does this plan apply?	8
A4.	When does the plan come into force?	9
A5.	How does this plan relate to other planning instruments?	9
A6.	How to Use this Plan	9
A7.	Consult with Council Staff	9
A8.	What information shall be provided to Council?	9
A9.	Variation to DCP controls	11
A10.	Controls for 'existing uses'	11
A11.	Assessment of development applications	11
<b>PART B</b>	<b>NOTIFICATION AND ADVERTISING OF DEVELOPMENT APPLICATIONS</b>	12
<b>PART C</b>	<b>GENERAL DEVELOPMENT CONTROLS</b>	13
C1.	What are the objectives for development in E and other zones?	13
C2.	How to apply Part C Controls	13
C3.	Site Assessment Requirements SP3 zone	13
C4.	Streetscape Requirements	14
C5.	Building Design Requirements	15
C6.	Consideration of the NSW Coastal Policy and NSW Coastal Design Guidelines	17
C7.	Requirements where there is a potential to impact on coastal views	18
C8.	Different Types of Residential Development	19
C9.	Dwelling houses	19
C10.	Requirements for dual occupancies	20
C11.	Minimum site area for residential flat buildings, attached dwellings, multi dwelling housing and serviced apartments	20
C12.	Secondary Dwellings	20
C13.	Landscaping – SP3 zone	21
C14.	Landscaped Area Requirements – SP3 zone	23
C15.	Private Open Space Requirements – SP3 zone	23
C16.	Private open space for dwellings within residential flat building and serviced apartments – SP3 zone	23
C17.	Setbacks	24
C18.	Development on Flood Liable Land	26
C19.	Building height	26
C20.	Building height controls on internal lots	26
C21.	Variation to the Maximum Height of a Building	27
C22.	Development of land identified on Acid Sulfate Soils Planning Maps	27
C23.	Controls for Bush Fire Prone Land	27
C24.	Sites Subject to Land Slip /Geotechnical Hazard	27
C25.	Waste Management	28
C26.	Provision of Essential Services	28
C27.	Sheds and Occupation of Sheds and Caravans	32
C28.	Fences and walls – SP3 zone	33
<b>PART D</b>	<b>FLOODPLAIN MANAGEMENT CONTROLS</b>	34
D1.	What are the aims of the Floodplain Management Controls?	34
D2.	How to Use this Part of the Plan?	34
D3.	What Development Controls Apply?	35
D4.	Are there Special Requirements for Fencing?	36
D5.	Are There Special Controls for Filling of Flood Liable Land?	36

D6.	Are There Other Special Considerations for Development in a Floodplain? .....	37
D7.	What information is Required with an Application for Development on Flood Liabile Land?.....	38
<b>PART E</b>	<b>HERITAGE CONSERVATION.....</b>	<b>47</b>
E1	Introduction.....	47
E2	Objectives .....	47
E3	Where do the controls for heritage conservation apply? .....	47
E4	Development Application Information Requirements and Matters for Consideration .....	48
E5	Statements of Heritage Impact and Conservation Management Plans 48	
E6	Demolition Controls.....	49
E7	Subdivision .....	49
E8	Development in the vicinity of a Heritage Item or within a Heritage Conservation Area.....	50
E9	General Principles for Heritage Conservation .....	51
E10	Policies for New Development Alterations and Additions .....	51
<b>PART F</b>	<b>PARKING AND VEHICULAR ACCESS CONTROLS .....</b>	<b>66</b>
F1.	What are the parking and vehicular access objectives for E and other zones?.....	66
F2.	Number of Car Parking Spaces.....	66
F3.	Variations to Car Parking Requirements.....	68
F4.	Car Parking Space Dimensions .....	68
F5.	Manoeuvring, Loading & Unloading.....	69
F6.	Access to the Site .....	69
F7.	Car Park Design .....	70
F8.	Pavement construction .....	70
F9.	Car parking on flood liable.....	71
F10.	Traffic Impact of large-scale development.....	71
<b>PART G</b>	<b>SUSTAINABLE WATER CONTROLS .....</b>	<b>72</b>
G1.	What are the Sustainable Water objectives for E and other zones? ..	72
G2.	What type of development must comply with Sustainable Water controls? .....	72
G3.	What Sustainable Water Controls apply? .....	72
G4.	Requirements for 3 Star Rated Fixtures and Dual Flush toilets .....	72
<b>PART H</b>	<b>EROSION AND SEDIMENT CONTROL.....</b>	<b>76</b>
H1.	What are the erosion and sediment control objectives for E and other zones? .....	76
H2.	What development does the erosion and sediment controls apply to? 76	
H3.	Erosion and Sediment Control Plans OR ‘Deemed to Comply Statements’ .....	77
H4.	Erosion and Sediment Control Plan (ESCP) Requirements.....	78
H5.	Deemed to Comply Requirements.....	78
H6.	Principles of Erosion and Sediment Control .....	79
H7.	General Erosion and Sediment Controls.....	79
H8.	Code of Practice / Conditions of consent for All Development that Includes Building Works.....	81
H9.	Code of Practice / Conditions of Consent for subdivision where more than 2 lots are created.....	82
H10.	Maintenance Requirements .....	83
H11.	Rehabilitation Requirements .....	83
<b>PART I</b>	<b>SUBDIVISION &amp; ENGINEERING STANDARDS.....</b>	<b>88</b>

11.	What are the objectives for engineering standards and subdivision?	88
12.	What engineering standards apply to development?.....	88
13.	Subdivision approval process .....	88
14	Site Analysis .....	90
15.	Information to be included with a Development Application for Subdivision .....	90
16.	Road network /street pattern .....	91
17.	Lot Layout .....	92
18.	Site Access .....	93
19.	Stormwater management .....	93
110.	Provision of Services .....	93
111.	Street planting.....	95
<b>PART J ADVERTISEMENTS AND ADVERTISING STRUCTURES .....</b>		<b>97</b>
J1.	What are the objectives for advertisements and advertising structures in E and other zones?.....	97
J2.	Advertising structures not requiring development approval.....	97
J3.	Assessment of development applications for advertisements and advertising structures .....	97
J4.	Above awning advertisements.....	98
J5.	Pole signs.....	98
<b>PART K CONTROLS FOR ECO TOURIST FACILITIES .....</b>		<b>101</b>
K1.	What are the objectives of the controls for eco-tourist facilities? ...	101
K2.	Information required for a development application.....	101
K3.	Approval criteria for eco-tourist facilities .....	102
K4.	Management Plan Requirements.....	102
<b>PART L CONTROLS FOR BACKPACKERS ACCOMMODATION.....</b>		<b>104</b>
L1.	What are the objectives of the controls for backpackers' accommodation?.....	104
L2.	Where do the controls for backpackers' accommodation apply?....	104
L3.	Restrictions on backpackers' accommodation .....	104
L4.	Building Design Requirements .....	104
L5.	Signage.....	106
L6.	Parking .....	106
L7.	Management and Registration .....	106
<b>PART M CONTROLS FOR DEVELOPING STEEP LAND .....</b>		<b>108</b>
M1.	Where do controls for steep land apply?.....	108
M2.	What are the aims and objectives for developing steep land?.....	108
M3.	Information to be provided with a development application .....	108
M4.	Development Constraints.....	110
M5.	Design Components .....	111
M6.	Site Specific Controls.....	112
<b>PART N WOOLI VILLAGE CONTROLS .....</b>		<b>121</b>
N1.	Where do controls for Woolli village apply?.....	121
N2.	What are the objectives of the controls for Woolli village? .....	121
N3.	Character of Woolli village .....	121
N4.	Building Height .....	122
N5.	Woolli Beach Coastline Management Plan Restrictions .....	122
N6	Floor Level and Flood Controls .....	124
<b>PART O CONTROLS FOR OCEAN STREET YAMBA .....</b>		<b>125</b>
O1.	Where do controls for Ocean Street, Yamba apply? .....	125
O2.	What are the objectives of the controls for Ocean Street, Yamba? .	125
O3.	Building Height .....	125
O4.	Setbacks.....	127

O5.	Landscaped Area .....	127
O6	The Public Setback Line.....	127
O7.	Minimum Development Level.....	128
O8.	Impacts on the Rock Platform.....	128
O9.	Building Materials and Colours .....	128
<b>PART P</b>	<b>YAMBA HILL CONTROLS .....</b>	<b>130</b>
P1.	Where do the controls for Yamba Hill apply? .....	130
P2.	What are the objectives of the controls for Yamba Hill?.....	130
P3.	Consideration of NSW Coastal Design Guidelines.....	130
P4.	Minimum site areas for residential development.....	132
P5.	Car Parking .....	132
P6.	Building Height .....	132
P7.	Shadow diagrams .....	133
<b>PART Q</b>	<b>DEVELOPMENT WITHIN WATERWAY ZONES .....</b>	<b>134</b>
Q1.	Introduction.....	134
Q2.	Where does PART Q apply?.....	134
Q3.	What are the objectives of PART Q of this DCP? .....	134
Q4.	Assessment of development within waterways zones.....	134
<b>PART R</b>	<b>CONTROLS FOR MARINE INDUSTRIAL PRECINCT, HARWOOD ISLAND .....</b>	<b>135</b>
R1.	Where does Part R of this plan apply? .....	135
R2.	What are the aims and objectives of the controls for the marine industrial precinct at Harwood Island? .....	135
R3.	Additional documentary requirements for development applications 136	
R4.	Development affecting Crown Land and land below mean high water mark 136	
<b>PART S</b>	<b>CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION</b>	<b>138</b>
S1.	Where do controls for biodiversity and habitat protection apply?... 138	
S2.	What are the objectives of Part S .....	138
S3.	What does biodiversity mean? .....	138
S4	Biodiversity planning principles.....	138
S5.	Site investigation and analysis .....	139
S6.	Biodiversity thresholds .....	140
S6.1	What is the biodiversity threshold (coloured flag) of the land /site? 142	
S7.	Development Design and Preparation of a Development Application 152	
S8.	What are biodiversity offsets? .....	154
S9.	Management of offset areas.....	155
S10.	Environmental Buffers .....	155
S11.	Considerations when managing development impacts.....	157
S12.	Definitions .....	160
<b>PART T</b>	<b>NATIVE VEGETATION MANAGEMENT .....</b>	<b>163</b>
T1.	Where do controls for preservation of native vegetation apply? ....	163
T2.	What are the objectives of Part T? .....	163
T3.	Definitions .....	164
T4.	When is a Native Vegetation Works Permit required? .....	164
T5.	Clearing controls in areas of koala habitat or management .....	164
T6.	Exemptions from the need to obtain a native vegetation works permit. 165	
T7.	Assessment criteria.....	165
T8.	Replacement vegetation.....	166
T9.	Other legislation .....	167
<b>DICTIONARY</b>	.....	<b>i</b>

## DCP ORIGIN

<b>Clarence Valley Council Development Control Plan – Development in E and other zones 2011</b>	
Adopted by Council.	13 December 2011
In force.	23 December 2011 – supersedes Clarence Valley Council Development Control Plan – Development in Environmental Protection, Open Space and Special Use Zones
<b>Clarence Valley Council Development Control Plan – Development in E and other zones 2011 - (Amendment No 1)</b>	
Adopted by Council	17 November 2015
In force	30 November 2015
<b>Clarence Valley Council Development Control Plan – Development in E and other zones 2011 - (Amendment No 2)</b>	
Adopted by Council	19 July 2016
In force	22 August 2016
<b>Clarence Valley Council Development Control Plan – Development in E and other zones 2011 - (Amendment No 3)</b>	
Adopted by Council	15 August 2017
In force	25 August 2017
<b>Clarence Valley Council Development Control Plan – Development in E and other zones 2011 - (Amendment No 4)</b>	
Adopted by Council	20 November 2018
In force	7 December 2018
<b>Clarence Valley Council Development Control Plan – Development in E and other zones 2011 - (Amendment No 5)</b>	
Adopted by Council	23 April 2019
In force	17 May 2019
<b>Clarence Valley Council Development Control Plan – Development in E and other zones 2011 - (Amendment No 6)</b>	
Adopted by Council	17 December 2019
In force	17 January 2020
<b>Clarence Valley Council Development Control Plan – Development in E and other zones 2011 - (Amendment No 7)</b>	
Adopted by Council	24 May 2022
In force	29 July 2022
<b>Clarence Valley Council Development Control Plan – Development in E and other zones 2011 - (Amendment No 8)</b>	
Adopted by Council	23 July 2024
In force	1 January 2025

### Summary of Amendments

<b>Summary of Amendment No 1</b>	
New PART R	Insert new DCP Part aimed at providing a clearer and more detailed set of additional guidelines and requirements for the expanded Harwood Island Marine Industrial precinct.
<b>Summary of Amendment No 2</b>	
New PART S	Insert controls for Biodiversity and Habitat Protection Provisions.
<b>Summary of Amendment No 3</b>	
New PART U	Insert New DCP Part providing for guidelines for development in the Pippi Beach Coastal Hazard Area Pippi Beach
<b>Summary of Amendment No 4</b>	
PART B	Amend Table B1 due to review of notification and advertising. Update B5.3.
PART C	Amend C12 for consistency with the CVLEP in terms of floor area for secondary dwellings. Insert new C13 to replace existing C16 to apply improved landscaping controls. Amend C14 and C15 to update landscaped area and private open space requirements for secondary dwellings. Amend C17 to improve clarity of side and rear setback requirements. Amend C26 to update criteria for suitable road access.
PART P	Update Map P1 to align with amendments to the CVLEP maps.
Dictionary	Update of definitions to align with the CVLEP.

Throughout	Correction of various minor errors and updates to align with Council Policies and BASIX requirements.
<b>Summary of Amendment No 5</b>	
PART T	Update Part E so that is in line with recent legislation updates and Koala Management studies.
<b>Summary of Amendment No 6</b>	
PART B	The provisions in Part B have been deleted and transferred into Council's Community Participation Plan.
<b>Summary of Amendment No 7</b>	
PART G	Amendment to Table G2 to align with Northern Rivers Local Government Development Design and Construction Manual minimum water quality standards and minor changes to the 'Sustainable Water' Objective statements to provide stronger and more appropriate wording
<b>Summary of Amendment No 8</b>	
Part D	Amendment to update interim Flood Planning Levels – update wording to align with Flood Risk Management Manual, flood compatible materials and concessional development. Includes updating the exemption for north Grafton and removing South Grafton exemptions.
Part N	Updated N6 Floor Height Controls with current terminology and to refer to maps in Appendices. Deleted Map N1.
DICTIONARY	Updated and added definitions related to flood controls.
APPENDICES	Added Flood Planning Level Maps.
SAVINGS AND TRANSITIONAL EXPLANATORY NOTE	These amendments will be effective as at 1 January 2025. These amendments do not apply to a development application made before 1 January 2025 that has not been finally determined at the commencement of these amendments. For such applications, the version of this DCP that was in effect immediately prior to the amendments made on 1 January 2025 continues to apply.



**PART A. INTRODUCTION**
**PART A INTRODUCTION**
**A1. What is the name of this Plan?**

This plan is called “Clarence Valley Council Development Control Plan – Development in E and other zones 2011”.

It is a development control plan (DCP) to cover all environment protection, recreation, special purpose and waterways Zones in the Clarence Valley Local Environmental Plan 2011 (CV LEP 2011).

**Note:**

A reference in this plan to “E and other zones” is taken to be a reference to **all** environment protection, recreation, special purpose and waterways zones in the CV LEP 2011.

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

The aim of the plan is to support and complement Clarence Valley Local Environmental Plan 2011 (CVLEP 2011) and to encourage development of land in environment protection, recreation, special purpose and waterway zones that complements the character of a locality and that is at an appropriate scale and form to minimise impacts on the environment and to minimise land use conflicts.

The objectives of the plan are:

- (a) To provide height controls, setbacks and other development controls for E and other zones.
- (b) To set out procedures for notification and advertising of development applications in E and other 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.
- (d) To provide controls for erosion and sediment control.
- (e) To provide controls to manage water in a sustainable way.
- (f) To provide subdivision and engineering standards.
- (g) To provide controls for advertising structures.

- (h) To ensure that development in flood prone areas is compatible with the flooding characteristics of the site and is designed so that the likelihood of damage to buildings, stock and equipment from floodwater is minimised.
- (i) To provide controls for ecotourism.

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

The Clarence Valley Council Development Control Plan – Development in E and other zones 2011 applies to land within the following Environment Protection, Recreation, Special Purpose and Waterways Zones:

**Special Purpose Zones**

- SP1 Special Activities
- SP2 Infrastructure
- SP3 Tourist

**Recreation Zones**

- RE1 Public Recreation
- RE2 Private Recreation

**Environment Protection Zones**

- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management

**Waterway Zones**

- W1 Natural Waterways
- W2 Recreational Waterways
- W3 Working Waterways

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 environment protection, recreation, special purpose and waterway zones, then the provisions of this DCP must be applied to development of the land.

## PART A. INTRODUCTION

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

The Clarence Valley Council Development Control Plan – Development in E and other zones 2011 was adopted by Council on 13 December 2011 and came into force on 23 December 2011.

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

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

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

If your development/use is permissible within the zone, you should also consult [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) (“Codes SEPP”).

Depending on the type and location of a proposed development /use State Environmental Planning Policies (SEPPs) may apply. For example, SEPP 30 - Intensive Agriculture, SEPP Infrastructure 2007, SEPP 14 – Coastal Wetlands and SEPP 71 - Coastal Protection.

For a complete list of up-to-date SEPPs refer to the Department of Planning website [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au); SEPPs are found under ‘the planning process’, ‘environmental Planning Instruments (SEPPs & REPs)’.

### A6. How to Use this Plan

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

Particular locality controls apply for some environment protection, recreation, special purpose and waterway zones. Check to determine whether specific controls apply

to your land before preparing a development application.

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

If your development requires;

- Car parking, see Part F.
- Changes in water usage, 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. Consult with Council Staff

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

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

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

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

1. A completed development application form with relevant fees.
2. 3 copies of the site plan, floor plan (if relevant) and elevations.
3. 1 copy A4/A3 of the site plan (without internal layout) and

**PART A. INTRODUCTION**

- 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 Environmental Effects. For all Designated Development, an Environmental Impact Statement is required.
  7. 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*. Refer to website [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au).
  8. A species impact statement where land is, or is part of, critical habitat or development that is likely to significantly affect threatened species, populations or ecological communities, or their habitats.
  9. If the development involves any subdivision work, preliminary engineering drawings of the work to be carried out that includes details necessary to clearly demonstrate that the proposed development will comply with the relevant standards in this DCP, particularly access, road widths and stormwater drainage..
  10. A landscape plan showing existing and proposed trees and vegetation.
  11. A car parking plan showing on-site manoeuvring, loading and unloading, details of estimates of frequency of deliveries, types of service vehicles to be used and information detailing compliance with the requirements of Part E. This includes identification and assessment of access to the land.
  12. Details of Sustainable Water Management and an Erosion and Sediment Controls Plan (ESCP), if applicable.
  13. Details of any advertisement and/or advertising structures proposed.
  14. Details of the proposed waste water management strategy.
  15. Details of waste management for demolition, construction and operational phases in accordance with Council's *Waste Not Development Control Policy*.
  16. Details of essential fire services within existing buildings.
  17. On bush fire prone land, information to show compliance with the NSW Rural Fire Service *Planning for Bushfire Protection 2006*.
  18. Where applicable detail of hours of operation, types of manufacturing processes, related noise generating equipment and means to reduce pollution. Details of any specific information required by any clause of this DCP relevant to the development application.
  19. An assessment of the potential for the land to be contaminated and its suitability for the proposed development. This must include the following details:
    - (a) Present use of the land;
    - (b) History of past uses of the land;
    - (c) Details of any uses (past or present) that may involve potentially contaminating activities;
    - (d) Details of fill, chemicals, pesticides, insecticides and fertilisers known to have been used on the site.
- Applicants should refer to State Environmental Planning Policy No. 55- Remediation of Land (SEPP 55), the NSW *Managing Land Contamination: Planning Guidelines* and Council's Contaminated Land Policy for further information.20.
- Details of any specific information required by any clause of this DCP relevant to the development application.
- Where a development involves the filling of land the following information needs to be provided:

**PART A. INTRODUCTION**

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

**A9. Variation to DCP controls**

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

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

**A10. Controls for 'existing uses'**

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

**Note:**

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

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

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

**A11. Assessment of development applications**

Compliance with development standards and other DCP requirements does not necessarily 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

In addition to Section 79C of the Act, some LEP's detail matters to be considered in determining development applications.

**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**

### **PART C GENERAL DEVELOPMENT CONTROLS**

#### **C1. What are the objectives for development in E and other zones?**

The following objectives should be met in designing development in E and other 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 use /activity being provided.
- (d) Development /uses that provide adequate buffers to residential and other 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 E and other zones. These controls include:

- (a) Restrictions on dual occupancy.
- (b) Building height.
- (c) Setbacks.
- (d) Development on flood liable land.
- (e) 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 establishments and eco-tourist facilities.

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

These controls should also be read in conjunction with provisions of CV LEP 2011, in particular clause 4.1A Erection of dwelling houses and dual occupancies (attached) in RU1, RU2, RU3, R5 and E3 zones.

#### **C3. Site Assessment Requirements SP3 zone**

This clause applies to the SP 3 zone where tourist and residential development is expected to occur.

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

The site assessment should identify;

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

An assessment of the impact of the proposed development on the surrounding area should also be made. This should address the site specific matters and the following:

- (a) privacy.
- (b) views.
- (c) solar access.
- (d) difference in levels between the site and adjacent properties, particularly at their boundaries.
- (e) the built form and character of adjacent development, particularly street frontage features e.g. fencing.

## **PART C. GENERAL DEVELOPMENT CONTROLS**

- (f) access to local shops, schools, public transport, open space, recreation and community facilities.
- (g) adjoining bushland or environmentally sensitive land.
- (h) sources of nuisance, e.g. traffic noise, industries.
- (i) the location and height of neighbouring buildings, including the location of facing windows and doors.

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

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

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

### **C4. Streetscape Requirements**

#### **C4.1. Presentation to the street**

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

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

#### **C4.2. Setbacks**

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

#### **C4.3. Heritage**

New development near heritage buildings and in heritage conservation areas should be sympathetic in design and should not detract from the existing streetscape character. See Part E of this DCP.

#### **C4.4. Building height**

For most areas the maximum height of buildings is restricted to 9 metres. Both LEP and DCP height restrictions apply. In most areas where residential flat buildings are permitted and a maximum height limit of 12 metres applies, the streetscape will change over time. See Clauses C19 and C20.

#### **C4.5. Buildings on corner blocks**

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

#### **C4.6. Roofing**

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

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

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

#### **C4.7. Fences and walls**

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

#### **C4.8. Landscaping**

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

## **PART C. GENERAL DEVELOPMENT CONTROLS**

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

A Landscape Plan is required for all Development Applications on lots less than 560m<sup>2</sup>. See Clause C16.

**Note:**

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

### **C5. Building Design Requirements**

#### **C5.1. Siting**

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

#### **C5.2. Cut and fill**

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

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

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

In all cases adequate provision for surface and subsurface water drainage shall be made. Retaining walls shall be set in from boundaries so that agricultural pipes and crushed stone backfill can be wholly located within the subject property and

surface water is not dammed or concentrated onto adjoining properties.

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

#### **C5.3. Energy Efficiency**

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

#### **C5.4. Materials and colours.**

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

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

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



## PART C. GENERAL DEVELOPMENT CONTROLS

### **C5.5. Carports and garages**

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

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

### **C5.6 Enclosure of subfloor area**

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

### **C5.7. Privacy**

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

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

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

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

Refer to The Design Quality Principles of SEPP 65.

#### **Note:**

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

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

- (a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and
- (b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops),

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

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

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

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

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

**PART C. GENERAL DEVELOPMENT CONTROLS**

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

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

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

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

- (a) public access to and from the coastal foreshore for pedestrians, both existing public access and opportunities for new public access; and
- (b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:
  - (i) the type of proposed development and any associated land uses, and
  - (ii) the location, and
  - (iii) the bulk, scale, size and overall built form design of any building or work; and
- (c) the impact of the proposed development on the amenity of the coastal foreshore, including overshadowing of the coastal foreshore and loss of views from a public place to the coastal foreshore; and
- (d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected; and
- (e) how biodiversity and ecosystems can be conserved, including native vegetation, existing wildlife corridors, rock platforms, water

- quality of coastal waterbodies and native fauna and native flora, and their habitats; and
- (f) the effect of coastal processes and coastal hazards and potential impacts, including sea level rise:
  - (i) on the proposed development, and
  - (ii) arising from the proposed development; and
- (g) the cumulative impacts of the proposed development and other development in the coastal catchment.

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

The following general guidelines should be considered:

1. Locate and design buildings to respond to and appropriately address the effects of coastal processes within the local hazard context.
2. Reinforce the village character with new buildings that are appropriate in terms of location, use, scale, height and site configuration.
3. Consider the appropriateness of new buildings within the whole streetscape, rather than each building as a stand-alone object.
4. Maintain consistent street setbacks.
5. Ensure buildings address the street by providing direct and on-grade entries to the street for residential, commercial and retail purposes.
6. Rationalise car-related uses on-site, such as driveways widths and lengths.
7. Protect views from public places and streets by maintaining consistent setbacks along streets and not placing buildings in view corridors.
8. Protect local views and vistas throughout and in the surrounding residential area or the village from

**PART C. GENERAL DEVELOPMENT CONTROLS**

- public places. This can be achieved by relating new buildings to the topography, reducing heights to maintain views of the surrounding landscape and maintaining consistent, height, bulk, scale with the street and local context.
9. Ensure developments and neighbouring properties have:
- (a) access to daylight
  - (b) access to natural ventilation
  - (c) visual privacy and acoustic privacy
  - (d) private open space
  - (e) a pleasant microclimate.
10. Achieving amenity relates to the design of individual buildings and, in particular, to:
- (a) building orientation and depth.
  - (b) the size of the lot.
  - (c) Open space location, size and connection with the inside of the building.
  - (d) car parking, location and access.
  - (e) pedestrian access from the street.
  - (f) street edge configuration and building separation.
  - (g) mature trees, vegetation and soil areas.

required to provide photomontages from selected locations with the initial submission of the Development Application.

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

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

**Or**

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

The validity of objections will be determined by Council staff.

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

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

Proposed developments that Council staff consider will have a major impact on coastal views in their locality will be

**PART C. GENERAL DEVELOPMENT CONTROLS**

**C8. Different Types of Residential Development**

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

TABLE C1

Permitted with consent	E3	SP3 Tourist
Attached dwelling	X	√
Dual occupancy	X	√
Dual occupancy (attached)	√	√
Dwelling house	√	√
Multi dwelling housing	X	√
Residential flat building	X	√
Secondary dwelling	X	√
Semi detached dwelling	X	√
Seniors housing	X	X
Serviced apartment	X	√
All forms of residential accommodation are prohibited in the R1, R3, E1, E2, RE1, RE2, W1, W2 and W3 zones.		

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

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

Height controls and setbacks apply to all types of residential development. See DCP clauses C17, C19, C20 and C21.

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

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

See clause C12 for controls for secondary dwellings.

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

**Note: Contributions May Apply**

Any additional dwellings must pay a cash contribution, referred to as Section 94 contributions, to Council for public open space and community facilities, based on the number of additional dwellings. Contributions for water and sewer headworks, Section 64 contributions, may also be applicable. These contributions are indicated in Council's current Schedule of Fees and Charges

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

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

**C9. Dwelling houses**

Dwelling houses are not permitted in all environment protection, recreation, special purpose and waterway zones.

You must consult the relevant LEP and zoning to determine whether a dwelling is permitted on the land and whether development consent is required.

**Note:**

Dwelling houses are permitted with development consent in the following zones under CV LEP 2011:

- E3 Environmental Management
- SP3 Tourist

In order to obtain approval for a dwelling house on land in the E3 zone the requirements of CV LEP 2011 clause 4.2B *Erection of dwelling houses and dual occupancies on land in certain*

## PART C. GENERAL DEVELOPMENT CONTROLS

*rural, residential and environmental protection zones* must be met; that is the lot must meet lot size specified on the Lot Size Map or meet one of the other "conditions" set out in clause 4.2B of the LEP.

**C9.1** A minimum lot size does not apply to land in the SP3 zone. However a site zoned SP3 must be of sufficient areas and dimension to fit a rectangle suitable for building measuring 10 metres by 15 metres behind the building line.

**Note:**

Approval of dwellings on existing lots less than 400m<sup>2</sup> will be considered on merit and in particular in relation to the adequacy of effluent disposal.

Consent for development may be refused if the proposed development is not consistent with the objectives of the zone.

### C10. Requirements for dual occupancies

#### E3 Environmental Management zone

The E3 zone permits dual occupancy (attached) only.

**C 10.1** Attached dual occupancy development in the E3 zone must be designed so that the 2 dwellings are:

- (a) Attached by a garage, carport or common roof (excluding walkways), with a maximum separation distance of 12 metres, to give the appearance of a single building; and
- (b) Designed to create a harmonious building by the use of matching building materials, colours and design elements, for example, roof pitch, gables, etc.

**Note:**

Clause 4.2B of the CVLEP 2011 is applicable to dual occupancy development.

#### SP3 Tourist zone

**C10.2.** There is no minimum site area for dual occupancies and semi-detached dwellings in the SP3 zone.

A minimum site area does not apply for secondary dwellings, that is, where the secondary dwelling has a maximum floor area of 60m<sup>2</sup> or 18% of the total floor area of the principal dwelling, whichever is the greater. See clause 5.4 in the CV LEP 2011 for floor area controls and DCP clause C12.

### C11. Minimum site area for residential flat buildings, attached dwellings, multi dwelling housing and serviced apartments

**C11.1.** A minimum site area for residential flat buildings, attached dwellings, multi dwelling housing and serviced apartments does not apply in the SP3 zone, except for the Yamba Hill area, where a 400m<sup>2</sup> minimum site area applies for these residential uses. See Part P of this DCP for controls applying to Yamba Hill.

**Note:** *Site area* is defined in the CV LEP 2011.

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

### C12. Secondary Dwellings

**C12.1.** Development previously known as a 'granny flat' is now referred to as a 'secondary dwelling'.

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

**Secondary dwelling** means a self contained dwelling that:

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

Clause 5.4 of CV LEP 2011 limits the size of a secondary dwelling. The total floor area of a secondary dwelling (excluding

## PART C. GENERAL DEVELOPMENT CONTROLS

any area used for parking) must not exceed 60m<sup>2</sup> or 18% of the total floor area of the principal dwelling, whichever is the greater.

A secondary dwelling is permitted with development consent in the SP3 zone but not in the other zones to which this DCP applies.

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

**Total floor area** means the sum of the areas of each storey of the principal dwelling or secondary dwelling, measured at a height of 1.4 metres above each floor level, where the area is taken to be the area within the inner face of the external walls of the dwelling, but excluding any of the following:

- (a) any carport, garage, balcony, deck, patio, pergola, terrace or verandah,
- (b) any part of an awning, blind or canopy that is outside the outer wall of a building,
- (c) an eave,
- (d) a lift shaft,
- (e) a stairway,
- (f) a void above a lower storey.

**C12.2.** Secondary dwellings must also comply with the following controls:

- Clauses C19, C20 and C21 - Building height.
- Clause C17 - Setbacks.
- Clauses C13 – C15 - Landscaped area / private open space requirements.

**C12.3.** It is not mandatory to provide additional car parking for a secondary dwelling.

**Note:**

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

### C13. Landscaping – SP3 zone

**C13.1.** The objectives of the Landscaping controls are:

- To contribute to the streetscape character and enhance the appearance of development from the street and neighbouring properties;

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

**C13.2.** A Landscaping Plan is required with all development applications except applications for:

- Minor ancillary development (e.g. shed, fence, garage);
- Dwelling houses (unless on a lot with an area less than 560m<sup>2</sup>);
- Secondary dwellings;
- Change of use where no building works are proposed;
- Minor alterations and additions to existing developments;
- Subdivision proposals that do not involve the provision of a public road.

**C13.3.** The following criteria apply to landscaping in the SP3 zone:

- (i) Landscaping should complement the building design and function of the development and a large proportion of the front setback area must be landscaped. Trees with a mature height matching the scale and bulk of the development should be used.
- (ii) Planting should be in keeping with the principles of the NSW Police *Safer by Design: Crime Prevention Through Environmental Design Guidelines*.
- (iii) Landscaping should integrate with the design of stormwater management systems.

## PART C. GENERAL DEVELOPMENT CONTROLS

- (iv) Outdoor parking bays are to be broken-up with planting beds comprising a mix of trees, low shrubs (up to 1m) and groundcovers. Tree species selected for shade are to have high spreading branches, non-intrusive root systems and low risk of falling branches.
- (v) Plantings and garden beds are to be located where they can be easily accessed for maintenance and will not be adversely impacted by, or impact upon, vehicle or pedestrian movement, electricity wires or other utility infrastructure.
- (vi) Species used should be predominantly local indigenous plant species. No biosecurity matter weed species registered as a priority weed for the North Coast by the Department of Primary Industries should be used.
- (vii) Landscaping on bushfire prone land must comply with bushfire hazard management requirements, in particular, the NSW Rural Fire Service's *Planning for Bushfire Protection 2006*.
- (viii) Specific landscaping requirements may apply in some localities, particularly in heritage conservation areas. See Part E and the locality based provisions of this DCP.

**C13.4.** Development applications are to be accompanied by a Concept Landscaping Plan (at a minimum) or a Detailed Landscaping Plan. The landscaping plan submitted with the Development Application must provide enough detail to enable assessment of the proposed landscaping in relation to the objectives at clause C22.1 and the criteria at clause C22.3. Where a Detailed Landscaping Plan is not provided with the Development Application, any development approval will include a condition requiring submission of a Detailed Landscaping Plan prior to the

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

**C13.5.** Concept Landscaping Plans are to contain the following information:

- (i) Lot boundaries, dimensions and area;
- (ii) North point and appropriate scale (e.g. 1:100 or 1:200);
- (iii) Legend;
- (iv) Date, version and draftsperson's name;
- (v) Location of any utility infrastructure and easements;
- (vi) Indicative planting areas (indicated as trees, shrubs, groundcovers) and indicative plant species;
- (vii) Calculation of landscaped area, demonstrating compliance with any minimum landscaped area required by clause C19;
- (viii) Fencing, retaining walls and other structures;
- (ix) Location and botanical name of any existing trees that are to be retained as well as any existing trees that are to be removed.

**C13.6.** Detailed Landscaping Plans are to contain the information required in a Concept Landscaping Plan at clause C22.5 as well as the following:

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

## PART C. GENERAL DEVELOPMENT CONTROLS

- a. The Botanical Name and Common Name of all plants, sorted under the headings: Trees, Shrubs, Groundcovers;
- b. Quantity of each species;
- c. Planting pot/container sizes;
- d. Species height at maturity;
- e. Section details of proposed planting method and staking;
- f. Details of maintenance period and program.

### C14. Landscaped Area Requirements – SP3 zone

**C14.1.** All development on land in the SP3 zone must have a minimum of 35% of the site area as landscaped area, unless a landscaped area requirement is identified in another clause of this DCP.

**C14.2.** A Development Application must clearly indicate the area designed to meet the landscaped area requirements. Dimensions must be shown on the plans.

**Note 1:**

CV LEP 2011 defines *landscaped area* as follows:

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

**Note 2:**

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

**Note 3:**

Effluent disposal areas can be included as landscaped area.

### C15. Private Open Space Requirements – SP3 zone

**C15.1.** All dwellings in the SP3 zone must be provided with an area of private open space. Where a dwelling is within a residential flat building or serviced apartment with no ground level access, the requirements of Clause C15.1 apply.

**C15.2.** For attached dwellings, dwelling houses, secondary dwellings, dual occupancies, multi dwelling housing and semi-detached dwellings, private open space must meet the following requirements:

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

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

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

**Note:**

**Private open space** is defined in CV LEP 2011, as follows:

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

### C16. Private open space for dwellings within residential flat building and serviced apartments – SP3 zone

**C16.1.** For dwellings in a residential flat building and serviced apartments with no ground level access, open space must be provided in the form of a balcony and communal open space, unless the clause C15.2 requirements are to be applied.



**PART C. GENERAL DEVELOPMENT CONTROLS**

The following requirements must be met:

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

**C16.2.** Where dwellings in a residential flat building have ground level access, as an alternative to meeting the requirements of Clause 15.1, the requirements of Clause 14.2 can be applied.

**C17. Setbacks**

Setbacks are required to meet the following objectives:

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

**SP3 Tourist zone**

**C17.1.** Development in the SP3 zone must comply with the setbacks setout as follows, except where alternative setbacks may be identified in another Part of this DCP.

- **Front** - 6 metres
- **Side and rear**- as set out in the TABLE C2 below, unless zero setback provisions are to be used.

TABLE C2

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

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

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

***Building line*** or ***setback*** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

## **PART C. GENERAL DEVELOPMENT CONTROLS**

### **C17.2. Secondary Frontage Setbacks**

For development on corner sites in the SP3 zone, the secondary frontage should have a minimum setback from the property boundary of 3.5 metres.

### **C17.3. Setbacks to laneways in zone SP3**

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

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

### **E2, E3, SP1, RE1, RE2 zones**

**C17.4.** Development in the E2, E3, SP1, RE1, RE2 zones must not exceed the following setbacks, except where alternative setbacks are identified in another Part of this DCP.

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.

**C17.5.** A minimum 6 metre setback to Queens Lane, Iluka applies to land on the southern side of Queens Lane. A minimum 3.6 metre setback to Queens Lane applies to land located on the northern side of Queens Lane, Iluka.

**C17.6.** Where the established front setback is greater than 10 metres then the established front setback should be maintained.

### **C17.7. Setbacks from Services**

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

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

**C17.8.** 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.

**C17.9.** 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.

**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.

**C17.10.** Additional setbacks may apply on arterial or main roads depending on the zoning and LEP applying to the land.

**PART C. GENERAL DEVELOPMENT CONTROLS**

**C18. Development on Flood Liable Land**

**C18.1** Development of flood prone land must comply with the requirements of PART D Floodplain Management Controls of this DCP.

**C19. Building height**

**C19.1.** A maximum building height applies to all development of land in the SP3 zone. Clause 4.3 of the CV LEP 2011 imposes maximum building heights in some instances.

As the building height can be variable between zones and sites the CV LEP 2011 Height of Buildings Map should be consulted to determine the maximum building height applying to any property /site.

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

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

**Building height (or height of building)** means:

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- (b) in relation to the RL of a building — the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

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

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

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

**C19.2 Maximum top plate height of buildings**

Where a maximum building height limit applies to land, a maximum top plate building height applies as shown in TABLE C3.

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

TABLE C3

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

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

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

**Note:**  
For Wooli see Part N and Yamba Hill see Part P.

**C20. Building height controls on internal lots.**

**C20.1.** On land in SP3 zones, other than where a 12 metre height limit applies (see PART W for Yamba Hill controls), all rear dwellings must not exceed a maximum building height to the top plate of 4 metres and 6.5 metres to the highest point on the roof (that is, single storey). This height limit is to maintain the amenity of adjacent dwellings and prevent problems of overlooking.

**PART C. GENERAL DEVELOPMENT CONTROLS**

**C20.2.** All dual occupancies and residential accommodation on internal allotments, that being allotments served by rights-of-carriageway, battleaxe lots, or other non street frontage allotments, are also limited to a maximum building height to the top plate of 4 metres and 6.5 metres to the highest point on the roof for the same reasons.

**C20.3.** Dwellings located at the rear or on internal lots that exceed the 6.5 metre height limit may be considered where;

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

**C20.4.** Variation to the requirements for single storey development (the 6.5 metre height limit) on internal lots or buildings without street frontages will be considered if it can be demonstrated that there is no unreasonable loss of privacy (overlooking) or over-shadowing caused by the additional height of the proposed building.

**C20.5.** Where the 6.5 metre height limit is to be exceeded, privacy screens on balconies or landscaping should be considered to address privacy.

**C21 Variation to the Maximum Height of a Building.**

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

- (a) To meet flood control requirements of Part D of this DCP only if the fill required is less than 1 metres in height, or
- (b) To enable development to be stepped down a steep slope where a 6.5 metre maximum building height applies.

**C22. Development of land identified on Acid Sulfate Soils Planning Maps**

Specific controls apply to disturbance of land classified and identified on Acid Sulfate Soils Planning Maps.

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

**C23. 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 will be 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*.

**C24. Sites Subject to Land Slip /Geotechnical Hazard**

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

- (a) Land has a potential for landslip due to natural slope and/or soil conditions (geotechnical hazards); and/or
- (b) Land has a potential for landslip due to coastal forces or river flow conditions; and/or
- (c) Land is identified as being of particular concern due to geotechnical hazards; and/or
- (d) Any developments that will or may generate a geotechnical hazard due to the work proposed, developments such as those involving excavation close to another property or near a large tree, deep excavations that may impact on adjoining property, deep filling or any other activity that will or may significantly increase the

## **PART C. GENERAL DEVELOPMENT CONTROLS**

geotechnical risk to another property.

### **C25. Waste Management**

**C25.1** 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.

#### **C25.2 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)

#### **C25.3 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.

### **C26. Provision of Essential Services**

#### **C26.1. General**

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

Clause 7.8 requires Council to be satisfied that any utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available. Such infrastructure includes the supply of water, electricity, the disposal and management of sewage, stormwater management, telecommunications and suitable road access.

#### **C26.2. Supply of water**

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

**PART C. GENERAL DEVELOPMENT CONTROLS**

**Note:**

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

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

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

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

(e) On land in bush fire prone areas that is not serviced by a reticulated water supply, a water reserve must be provided for fire fighting purposes. The water requirements for fire fighting purposes in TABLE C4 must be met.

TABLE C4

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
Dual occupancy	2,500 litres/dwelling
Townhouses and units	5,000 litres/unit up to 20,000 litres maximum

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

**C26.3. Disposal and management of sewage**

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

**Note:**

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

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

(c) In unsewered areas on an existing lot where there is an increase in the number of dwellings, or an increase in the number of bedrooms or it is proposed to replace an existing dwelling, Council will require

## **PART C. GENERAL DEVELOPMENT CONTROLS**

upgrading of the on-site waste water system in accordance with the current On-Site Wastewater Management Strategy, unless a wastewater consultant can justify otherwise. Refer to the Clarence Valley On-Site Wastewater Management Strategy for details.

- (d) Hydraulic details, prepared by a suitable qualified hydraulic consultant, must be provided for sewer work in all new multi dwelling housing and residential flat buildings.

These details are to be submitted to Council for approval prior to issue of the Construction Certificate.

### **C26.4 Supply of electricity**

- (a) SP3 zone - Development must be connected to a mains power supply. Connection to an underground power network is required unless the lot has frontage to a road which is serviced by an existing overhead electricity service or where the energy provider determines the ground conditions are unsuitable for underground provision of services. Refer also to Clause 110.1.
- (b) E3 zone - A mains power supply is to be provided to the boundary of any new lot to be created in a subdivision. Council may impose a requirement for a mains power supply to be provided for other development proposed in the E3 zone. Refer also to Clause 26.4(d) below.
- (c) Council may impose a requirement for a mains power supply to be provided for development proposed in other zones (E2, RE1, RE2, SP1, SP2, W1, W2 and W3 zones). Refer also to Clause 26.4(d) below.
- (d) Alternative power sources can be considered where the economic cost and/or likely environmental impact of connections can be demonstrated as being unacceptable.

### **C26.5. Provision of suitable road access**

#### **E3 zone**

- (a) For the purposes of clause 7.8(e) of the CVLEP 2011 "suitable road access" for the purposes of development in zone E3 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 Council's 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 Council's 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 Council's 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

## **PART C. GENERAL DEVELOPMENT CONTROLS**

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

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

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

### **(e) 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 Travelling Stock Route, 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



## **PART C. GENERAL DEVELOPMENT CONTROLS**

dwelling house it is serving. The design must consider:

- a. The topography of the land.
  - b. Provision of a culvert to account for a 1 in 5 year stormwater event at any permanent or intermittent water course.
  - c. Any existing services which may be impacted upon.
  - d. 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.

### **SP3 zone and other zones**

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

### **All zones to which this DCP apply**

- (l) In the case of bushfire prone land, road access should also comply with minimum access requirements

specified by Planning for Bushfire Protection 2006.

### **C26.6 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.

### **C26.7. Provision of other services and infrastructure**

Development must be serviced by telecommunications and street lighting, as further provided for in Part I10.

## **C27. Sheds and Occupation of Sheds and Caravans**

**C27.1** Sheds and outbuildings on unsewered lots (E3 zone only) 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.

**C27.2** Council will permit the occupation of a caravan or shed on an allotment where a dwelling is being constructed, subject to:

- (a) The occupation of the caravan or shed only being for a 12 months or less.
- (b) A shower, basin, and toilet connection to either sewerage or an approved on-site effluent disposal system.
- (c) Construction of the dwelling has commenced.
- (d) Ongoing commitment to dwelling construction.

Before occupation of a shed, the access road and on-site water supply to meet the NSW Rural Fire Service requirements must be in place.

Occupation of the caravan, shed or uncompleted building may only be granted to the immediate family of the owner of the property or to a paid nightwatchman.

## PART C. GENERAL DEVELOPMENT CONTROLS

**C27.3** On land in SP3 zone sheds and outbuildings must comply with the following:

- Maximum floor area 100m<sup>2</sup>.
- Maximum wall height 3m.
- Maximum building height 4.5m.
- Must be behind the front setback.

Located at least 900mm from side and rear boundaries.

### C28. Fences and walls – SP3 zone

**C28.1.** On land in the SP3 zone front fences and side fences forward of the building line should have a maximum height of 1.2 metres except on corner allotments.

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

**C28.2.** On land in the SP3 zone fences not located within the front setback area are to be a maximum of 1.8 metres. Fences to a height of 1.8 metres may be permitted within the front setback area on a road with high traffic noise or where the main area of private open space is located at the front of the dwelling to achieve optimum solar access and require an application.

Adequate safety for driveway access must be considered where front fences are higher than 1.2 metres. For example, setting the fence back or lowering the fence height adjacent to the driveway, or constructing the fence on an angle.

**C28.3.** Where a fence to a height of 1.8 metres is to be constructed within the front setback area the following apply;

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

Variation to fencing controls will be considered on merit.

**C28.4.** Some fences may not require approval of a Development Application if the exempt development requirements are met. Refer to [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) (Parts 1 and 2) CV LEP 2011 clause 3.1 *Exempt development* and Schedule 2 Exempt Development.

## PART 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 climate change assumptions and floods greater than the 1% *Annual Exceedance Probability* (AEP) flood (previously referred to as 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.
- (f) To apply the best available information to inform flood risk and decision making, inclusive of climate change assumptions as included in the most up to date flood studies adopted by Council.

**Note:** The following definitions are referred to in this part:

**Defined Flood Event (DFE)** means the flood event selected as a general standard for the management of flooding to development. Council currently has three adopted Defined Flood Events, being:

- (a) The Lower Clarence River floodplain area (including Grafton to Yamba / Iluka) -

Council has adopted the 1% AEP 2090 Climate Change (RCP 4.5) scenario (derived from the Lower Clarence Flood Model Update 2022) as the Defined Flood Event.

- (b) Wooli Wooli River floodplain area – Council has adopted the 1% AEP 2100 Climate Change (RCP 4.5) scenario (derived from the Wooli Wooli River FRMP 2022) as the Defined Flood Event.

- (c) All other areas (including Glenreagh) - Council has adopted the 1% AEP as the Defined Flood Event.

*Note:* The Defined Flood Event can also be described as the 'Design Flood'.

**Flood Planning Area (FPA)** means the area of land below the Flood Planning Level (FPL). Council's adopted Flood Planning Area is mapped in the Appendices attached to this DCP and available on Council's on-line mapping.

**Flood Planning Level (FPL)** means the combination of the flood level from the Defined Flood Event (DFE) plus Freeboard selected for flood risk management purposes. Council currently has three adopted Flood Planning Levels, being:

- (a) The Lower Clarence River floodplain area (including Grafton to Yamba / Iluka) - Council has adopted the 1% AEP 2090 Climate Change (RCP 4.5) scenario (derived from the Lower Clarence Flood Model Update 2022) as the Defined Flood Event, plus 500mm Freeboard.

- (b) Wooli Wooli River floodplain area – Council has adopted the 1% AEP 2100 Climate Change (RCP 4.5) scenario (derived from the Wooli Wooli River FRMP 2022) as the Defined Flood Event, plus 500mm Freeboard.

- (c) All other areas (including Glenreagh) - Council has adopted the 1% AEP as the Defined Flood Event, plus 500mm Freeboard.

#### 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 (e.g. Grafton or Lower Clarence River, Yamba or other Floodplains).

**Note:**

Catchment specific Flood Risk Management Plans are prepared as required by the Flood Risk Management Manual and are available on Council's website.

## PART D FLOODPLAIN MANAGEMENT CONTROLS

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

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

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

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

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

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

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

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

**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

## PART D FLOODPLAIN MANAGEMENT CONTROLS

overshadowing of adjoining properties, privacy impacts (e.g. by unsympathetic house-raising) or by being incompatible with the streetscape or character of the locality.

- (h) Proposed development must be consistent with Ecological Sustainable Development (ESD) principles.
- (i) Development should not prejudice the economic viability of any Voluntary Acquisition Scheme.

### D3.2 Prescriptive Controls

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

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

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

**Note:**

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

### 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.

## PART D FLOODPLAIN MANAGEMENT CONTROLS

### 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:

- (a) loss of flood storage;
- (b) changes in flood levels and velocities caused by alterations to the flood conveyance; and
- (c) 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, 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 engineer's report will be required to demonstrate compliance with Clause D5.2.1.

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

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

- (a) Measures employed to mitigate the potential impact of flooding (e.g. 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 the *Defined Flood Event* (DFE); 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:

## PART D FLOODPLAIN MANAGEMENT CONTROLS

- 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 pinion of Council, not greater than the minimum required to satisfy acceptable standards.

**Note:**

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

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

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

Any Application is to be prepared and assessed in accordance with the NSW Government's Planning Circular PS 24-0001: Update on addressing flood risk in planning decisions.

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

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

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

**D7.4** Applications for earthworks, filling of land and subdivision shall be accompanied by a survey plan (with a

contour interval appropriate to the topography of the site or a contour interval of 0.5m) showing relative levels to Australian Height Datum.

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

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

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

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

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

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

Foundations need to be included in the structural analysis.

**PART D FLOODPLAIN MANAGEMENT CONTROLS**

**SCHEDULE D1  
FLOOD COMPATIBLE MATERIALS & BUILDING COMPONENTS**

BUILDING COMPONENT	FLOOD COMPATIBLE MATERIAL	BUILDING COMPONENT	FLOOD COMPATIBLE MATERIAL
<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 core with water proof adhesives</li> <li>Solid timber</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> </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>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> <li>Additional weep-holes and vents to drain and help dry out the area after a flood event</li> </ul>	<b>Insulation</b>  <b>Windows</b>	<ul style="list-style-type: none"> <li>Foam (closed cell types)</li> <li>Extruded polystyrene</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 Planning 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>

Note: The Flood Resilient Design Framework, February 2023 prepared by the NSW Reconstruction Authority provides additional guidance for flood compatible materials.



**PART D FLOODPLAIN MANAGEMENT CONTROLS**

**SCHEDULE D1: continued**  
**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 <i>Flood Planning Level</i>. 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 <i>Flood Planning Level</i>. 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 <i>Flood Planning Level</i>. All electrical wiring installed below the <i>Flood Planning Level</i> 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 <i>Flood Planning Level</i>. All conduits located below the <i>Flood Planning Level</i> should be so installed that they will be self-draining if subjected to flooding.</p>	<p><b>Installation –</b></p> <p>The heating equipment and fuel storage tanks should be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks should be vented to an elevation of 600 millimetres above the <i>Flood Planning Level</i>.</p>
<p><b>Equipment –</b></p> <p>All equipment installed below or partially below the <i>Flood Planning Level</i> should be capable of disconnection by a single plug and socket assembly.</p>	<p><b>Ducting –</b></p> <p>All ductwork located below the <i>Flood Planning Level</i> 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 <i>Flood Planning Level</i>, the ductwork should be protected by a closure assembly operated from above the <i>Flood Planning Level</i>.</p>
<p><b>Reconnection –</b></p> <p>Should any electrical device and/or part of the wiring be flooded it should be thoroughly cleaned or replaced and checked by an approved electrical contractor before reconnection.</p>	<p><b>Ancillary Structures (steps, pergolas, etc.) –</b></p> <p>Suitable water tolerant materials should be used such as masonry sealed hardwood and corrosive resistant metals. Copper Chrome Arsenate (CCA) treated timber is <u>not</u> a suitable material.</p>

**PART D FLOODPLAIN MANAGEMENT CONTROLS**

**SCHEDULE D2  
LAND USE CATEGORIES**

Critical Uses and Facilities	Special Uses, Open Space & Environmental Protection	Concessional Development
<ul style="list-style-type: none"> <li>• Public administration building or public hall that may provide an important contribution to the notification or evacuation of the community during flood events (e.g. SES Headquarters and Police Stations);</li> <li>• Hospitals.</li> </ul>	<ul style="list-style-type: none"> <li>• Attached dwelling</li> <li>• Backpackers' accommodation</li> <li>• Bed and breakfast accommodation</li> <li>• Boarding house</li> <li>• Caravan park</li> <li>• Child care centre</li> <li>• Correctional centre</li> <li>• Dual occupancy</li> <li>• Dwelling</li> <li>• Dwelling house</li> <li>• Group home</li> <li>• Home-based child care centre</li> <li>• Home business</li> <li>• Home industry</li> <li>• Home occupancy</li> <li>• Home occupation (sex services)</li> <li>• Hostel</li> <li>• Hotel accommodation</li> <li>• Moveable dwelling</li> <li>• Multi dwelling housing</li> <li>• Neighbourhood shop</li> <li>• Permanent group home</li> <li>• Place of public worship</li> <li>• Public hall (other than critical uses and facilities)</li> <li>• Residential flat building</li> <li>• Semi-detached dwelling</li> <li>• Serviced apartments</li> <li>• Tourist and visitor accommodation Transitional group home 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 50m<sup>2</sup> of the habitable floor area which existed at the date of commencement of this DCP;</li> <li>(ii) Rebuilding of a dwelling which substantially reduces the extent of flood effects to the existing building (reducing flood effects includes raising habitable floor levels and/or reconstruction with flood compatible building components).</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 an additional 100m<sup>2</sup> of the floor area which existed at the date of commencement of this DCP;</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> <p>Note: Concessional development is not to create an unacceptable risk from flooding, and floor levels for alterations and additions or re-builds may need to be raised to a level that reduces risks from flooding.</p>

**PART D FLOODPLAIN MANAGEMENT CONTROLS**

**SCHEDULE D2  
LAND USE CATEGORIES (cont)**

<b>Sensitive Uses and Facilities</b>	<b>Rural</b>
<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>• 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>• Landscape and garden supplies</li> <li>• Market</li> <li>• Materials recycling or recovery centre</li> <li>• Mining</li> <li>• Moveable dwelling</li> <li>• Neighbourhood shop</li> <li>• Place of public worship</li> <li>• Public hall (other than critical uses and facilities)</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 disposal land fill operation <ul style="list-style-type: none"> <li>▪ Waste management facility and Utility installations (other than critical uses and facilities).</li> </ul> </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	Urban Residential & Associated Uses	Rural	Open Space & Environment protection	Concessional Development	Critical Uses & Facilities	Sensitive Uses & Facilities	Urban Residential & Associated Uses	Rural	Open Space & Environment protection	Concessional Development
Planning Consideration												
Floor & Pad Levels	6	1,5	1,2	1,2,4	1	1,3					1	1,3
Building Components	1	1	1	1	1	1					1	1
Structural Soundness	3	1	2	2	2	2					1	1
Flood Effects	2	2	2	2	2	2					1,3 or 3,6	1,3 or 2,3 or 3,4,6
Evacuation	3,5	1,2 or 3,5	1,3 or 3,5	1,3 or 3,6	1,3 or 3,5	1,3 or 2,3 or 3,4,6					1,3 or 3,6	1,3 or 2,3 or 3,4,6
Management & Design	1,2,3,4	1,2,3,4	1,2	1	1,2,3	1,2					1,2	1,2

COLOUR LEGEND:



Controls specifically applicable to this DCP



Unsuitable Land Use

**General Notes**

1	<i>Freeboard</i> equals an additional height of 500mm.
2	The Clarence Valley LEP 2011 identifies development permissible with consent in various zones in the LGA. Notwithstanding, constraints specific to individual sites may preclude Council granting consent for certain forms of development on all or part of a site. This matrix identifies where flood risks are likely to determine where certain development types will be considered "unsuitable" due to flood related risks.
3	Filling of the site, where acceptable to Council, may change the Flood Management Area considered to determine the controls applied in the circumstances of individual applications. Refer to clauses providing specific controls on filling in floodplains.
4	Refer to clause D4 for planning considerations for proposals involving only the erection of a fence. Any fencing that forms part of a proposed development is subject to the relevant flood effects and Structural Soundness planning considerations of the applicable land use category.
5	Refer to clause D6 for special considerations for properties identified for voluntary acquisition.
6	The proposed subdivision of flood liable land which creates allotments with potential for further development must be able to demonstrate that the allotments are capable of being developed in compliance with the relevant controls below. Refer to Control No. 1 of the Management and Design Provision. Reference should also be made to other provisions of the DCP which relate specifically to subdivision.
7	Terms in italics are to be defined in the Dictionary 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 " <i>Defined Flood Event</i> " and " <i>Flood Planning Level</i> " 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 20% AEP (not including any climate change assumptions) flood level plus <i>Freeboard</i> unless justified by site specific assessment.
2	<p><i>Primary Habitable Floor</i> levels to be no lower than the <i>Flood Planning Level</i>.</p> <p>The <i>Primary Habitable Floor</i> levels for <i>Infill development</i> in north Grafton may be reduced to no lower than the 1% AEP flood level plus <i>Freeboard</i> where it is not feasible or practical to build to the <i>Flood Planning Level</i>. For development to be considered under this provision, Applicants must submit documentary evidence demonstrating at least one of the following provisions apply:</p> <ol style="list-style-type: none"> <li>The development will be used by a person with accessibility requirements, and it is not feasible or practical to achieve necessary equitable access if building to the <i>Flood Planning Level</i>.</li> <li>The development would result in an impractical amount of earthworks and/or fill to be imported to the site, which would result in unreasonable impacts on neighbouring properties such as excessive retaining walls or stormwater impacts.</li> <li>The construction costs associated with building to the <i>Flood Planning Level</i> are significantly higher and result in the proposed development no longer being feasible.</li> <li>The development is a heritage item, adjacent to a heritage item or in a heritage conservation area, and meeting the <i>Flood Planning Level</i> would result in unreasonable impacts on heritage values.</li> </ol> <p>The documentary evidence must include information that compares the proposed development meeting the <i>Flood Planning Level</i> requirement against the proposal to build to the lower 1% AEP flood level plus <i>Freeboard</i>.</p> <p><i>Note: All building components below the Flood Planning Level are to be flood compatible regardless of the floor level approved – see controls under Building Components and Method.</i></p>
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

**PART D FLOODPLAIN MANAGEMENT CONTROLS**

	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 <i>Defined Flood Event</i> .
5	<i>Habitable Floor</i> levels to be no lower than the <i>Flood Planning Level</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.

**SCHEDULE D3 continued  
GRAFTON (NORTH & SOUTH) FLOODPLAIN**

**Building Components & Method**

1	All structures to have <i>flood compatible building components</i> below the <i>Flood Planning Level</i> . To clarify, this applies to all development, including development that has a floor level below the <i>Flood Planning Level</i> , such as concessional development and development in north Grafton.
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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 the <i>Defined Flood Event</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 the <i>Flood Planning Level</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 <i>Defined Flood Event</i> 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</i> level, 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 engineer's 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 <i>Flood Planning Level</i> .
4	No storage of materials below the <i>Design Floor Level</i> which may cause pollution or be potentially hazardous during any flood.

**PART D FLOODPLAIN MANAGEMENT CONTROLS**

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

Prescriptive Controls (Refer to clause D3.2)

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

COLOUR LEGEND:



Controls specifically applicable to this DCP



Unsuitable Land Use

**General Notes**

1	<i>Freeboard</i> equals an additional height of 500mm.
2	The Clarence Valley LEP 2011 identifies development permissible with consent in various zones in the LGA. Notwithstanding, constraints specific to individual sites may preclude Council granting consent for certain forms of development on all or part of a site. This matrix identifies where flood risks are likely to determine where certain development types will be considered "unsuitable" due to flood related risks.
3	Filling of the site, where acceptable to Council, may change the Flood Management Area considered to determine the controls applied in the circumstances of individual applications. Refer to clauses providing specific controls on filling in floodplains.
4	Refer to clause D4 for planning considerations for proposals involving only the erection of a fence. Any fencing that forms part of a proposed development is subject to the relevant flood effects and Structural Soundness planning considerations of the applicable land use category.
5	Refer to clause D6 for special considerations for properties identified for voluntary acquisition.
6	The proposed subdivision of flood liable land which creates allotments with potential for further development must be able to demonstrate that the allotments are capable of being developed in compliance with the relevant controls below. Refer to control No. 1 of the Management and design provision. Reference should also be made to other provisions of the DCP which relate specifically to subdivision.
7	Terms in italics are to be defined in the glossary of the DCP and the attached Schedule D2 specifies development types included in each land use category.
8	Where the site is protected by a levee, the " <i>Defined Flood Event</i> " and " <i>Flood Planning Level</i> " 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 20% AEP (not including any climate assumptions) flood level plus <i>Freeboard</i> unless justified by site specific assessment.
2	<i>Primary Habitable Floor</i> levels to be no lower than the <i>Flood Planning Level</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 <i>Defined Flood Event</i> . Signage, unique to each property, is required to allow aerial identification.
5	<i>Habitable Floor</i> levels to be no lower than the <i>Flood Planning Level</i> .
6	<i>Habitable Floor</i> levels to be no lower than the <i>PMF</i> level. Non-habitable floor levels to be no lower than the <i>PMF</i> level unless justified by a site specific assessment.

**PART D FLOODPLAIN MANAGEMENT CONTROLS**

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

**Building Components & Method**

<b>1</b>	All structures to have <i>flood compatible building components</i> below the <i>Flood Planning Level</i> of the <i>Primary Habitable Floor</i> level. To clarify, this applies to all development, including development that has a floor level below the <i>Flood Planning Level</i> , such as concessional development and development in north Grafton.
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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 the <i>Defined Flood Event</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 the <i>Flood Planning Level</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 <i>Defined Flood Event</i> 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</i> level to an area of refuge above the <i>PMF</i> level, or a minimum of 20% of the gross floor area of the dwelling to be above the <i>PMF</i> level.
<b>3</b>	The development is to be consistent with any relevant <i>Flood Evacuation Strategy</i> , <i>Flood Plan adopted by Council</i> or similar plan.
<b>4</b>	The evacuation requirements of the development are to be considered. An engineer's 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 <i>Flood Planning Level</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 E. HERITAGE CONSERVATION

### PART E HERITAGE CONSERVATION

#### E1 Introduction

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

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

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

**Note:**

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

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

#### E2 Objectives

The general objectives of the heritage policies are:

1. To conserve and enhance the heritage significance and qualities of Conservation Areas and Heritage Items
2. To ensure that alterations, additions and new infill developments are sympathetic, well designed, and appropriate to the values of the heritage item or streetscape context of the setting in terms of scale, mass, height, roof form and pitch, materials, setbacks, landscaping, and architectural treatment.
3. To preserve and maintain trees and vegetation which contribute to the

significance of heritage conservation areas and heritage items,

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

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

#### E3 Where do the controls for heritage conservation apply?

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

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

(ii) land that is located within one of the Heritage Conservation Areas or a draft Heritage Conservation Area as contained in Schedule 5 of Clarence Valley Local Environmental Plan 2011- refer also to Schedule E1 Heritage Conservation Areas; or

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

**Note:**

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



**PART E. HERITAGE CONSERVATION**

**E4 Development Application Information Requirements and Matters for Consideration**

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

- a) The heritage significance of the item.
- b) The extent to which the carrying out of the proposed development would affect the significance of the heritage item and its setting, or the heritage significance and heritage character of the Conservation Area
- c) Whether any stylistic, horticultural or archaeological features of the building or item or its setting should be retained.
- d) The scale, height, bulk, setbacks, the pitch and form of any roof and proportions of the proposed development and how it relates to it's streetscape context.
- e) The colour, texture, style, size and type of finish of any materials (including signage) to be used on the exterior of the building
- f) The style, proportion and position of openings for any windows and doors which will result from, or be affected by, the carrying out of the development.
- g) The appropriate management, establishment or reinstatement of landscape features; and the style, type and height of any fencing.
- h) Whether the building or work constitutes a danger to the users or occupiers of that item or to the public.

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

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

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

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

**Note:**

Relevant documents include:

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

**PART E. HERITAGE CONSERVATION**

**E6 Demolition Controls**

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

- (a) a Statement of Heritage Impact prepared by a suitably qualified specialist endorsed by NSW Heritage Office, unless consultation with Council's Heritage Officer confirms that the building or work proposed to be demolished is not of a contributory nature; and
- (b) detailed plans of the building which is proposed to take its place. Council will have regard to this proposal in considering the application for demolition.

**Note:**

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

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

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

**E7 Subdivision**

**E7.1 Objectives**

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

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

**E7.2 Controls**

**Note:**

Clause F7.2 does not apply to a proposal to subdivide land (or adjoining land) on which a heritage item is located where 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 consultations related to heritage significance.
- define an appropriate curtilage for any affected heritage item upon the subject site.

### Note:

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

- (i) Original Form and Function of the Heritage Item: The type of structure that constitutes the heritage item should be reflected in the curtilage. For example it may be appropriate that a larger curtilage be maintained around a former rural homestead than that of a suburban building;
- (ii) Outbuildings: A heritage building and its associated outbuildings should be retained on the same allotment;
- (iii) Gardens, Trees, Fencing, Gates and Archaeological Sites: Features that are considered valuable in interpreting the history and in maintaining the setting of a building should be identified and retained within the curtilage;
- (iv) Access Points and Orientation: In order to maintain the historic association of a heritage building with its locality, it is desirable to retain where possible the original access arrangements to the site. The manner in which a heritage building is orientated in respect to public roads contributes to its significance. Creating new street frontages at the rear or side elevations of a heritage building is not desirable;
- (v) Visual Links: The significance of many heritage sites includes important visual links from the item to a particular feature such as the street frontage, garden settings, important vegetation, outbuildings, stables, water features, or distant topographical features. Where possible, these linkages should be retained within the curtilage and should not be obscured by new work; and
- (vi) Historic subdivision pattern in the locality.

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

### E8 Development in the vicinity of a Heritage Item or within a Heritage Conservation Area

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

#### E8.1 Objectives

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

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

### Note:

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

#### 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

## **PART E. HERITAGE CONSERVATION**

area, the following matters must be taken into consideration:-

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

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

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

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

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

#### **E9.1 Planning Stage**

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

#### **E9.2 Works**

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

### **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.

## **PART E. HERITAGE CONSERVATION**

### **E10.2. Roof Pitch and Form**

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

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

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

The use of correct gutters for maintenance and new work is also an important part of maintaining historic character. Ogee, half-round and quad gutters are the most appropriate profiles and should be used in preference to perforated box gutters on historical buildings.

### **E10.3 Verandahs**

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

1. Verandahs for new development should be straightforward and simple in style.
2. Avoid the use of styles and features which have no historical context. For example, bullnose style verandahs with cast iron

balustrade should not be added to modern buildings.

3. Large round posts and thick masonry columns are too heavy in aesthetic character in the context of a Conservation Area and should not be used.
4. Verandah posts should be located 300mm from the pavement edge.
5. Verandahs and awnings are to be designed by a structural engineer so that if any one of the supporting posts is accidentally knocked down, the awning will stay in situ.
6. Supporting posts located adjacent to angle parking are to be designed or protected by bollards so as not to collapse if struck by a vehicle being parked.

### **E10.4. Windows and Doors**

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

Strong vertical proportions are recommended to maintain the historic character within Conservation Areas. Timber windows should be used in restoration of historic buildings.

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

### **E10.5. Building Materials**

To maintain the local vernacular character, the use of traditional building materials such as timber weatherboards and metal roofing is strongly encouraged for new development. Commercial development will need to comply with fire rating and may require masonry walls.

In a mixed street frontage of timber and masonry, the use of masonry would be acceptable. However, in a frontage

## **PART E. HERITAGE CONSERVATION**

dominated by timber buildings, it would be recommended that the infill development use a similar material. Other materials such as compressed sheeting/hardiplank cladding in weatherboard style, vertical cladding, rendered brick or masonry may be considered.

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

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

### **E10.6 Setbacks**

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

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

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

- (a) Locate garages and carports towards the rear of allotments, or at least set back from the front building line.
- (b) As far as possible matches the roof pitch, form and materials of the main building.
- (c) Respect vertical proportions – do not use wide horizontal doors.
- (d) Respect traditional materials and aim to integrate the new structure with the existing building. Pre fabricated coloured metal sheds are not considered appropriate where

visible from street frontages and should be avoided.

- (e) A simple car port under a continued roof line may be preferable as it has less visual impact.

## **PART E. HERITAGE CONSERVATION**

### **E10.8 Colour Schemes**

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

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

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

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

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

which will blend with the streetscape, and highlight colours for joinery and trims should be selected which will distinguish the building from its older neighbours.

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

### **E10.9 Advertising**

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

**PART E. HERITAGE CONSERVATION**

**SCHEDULE E1 HERITAGE CONSERVATION AREAS**

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

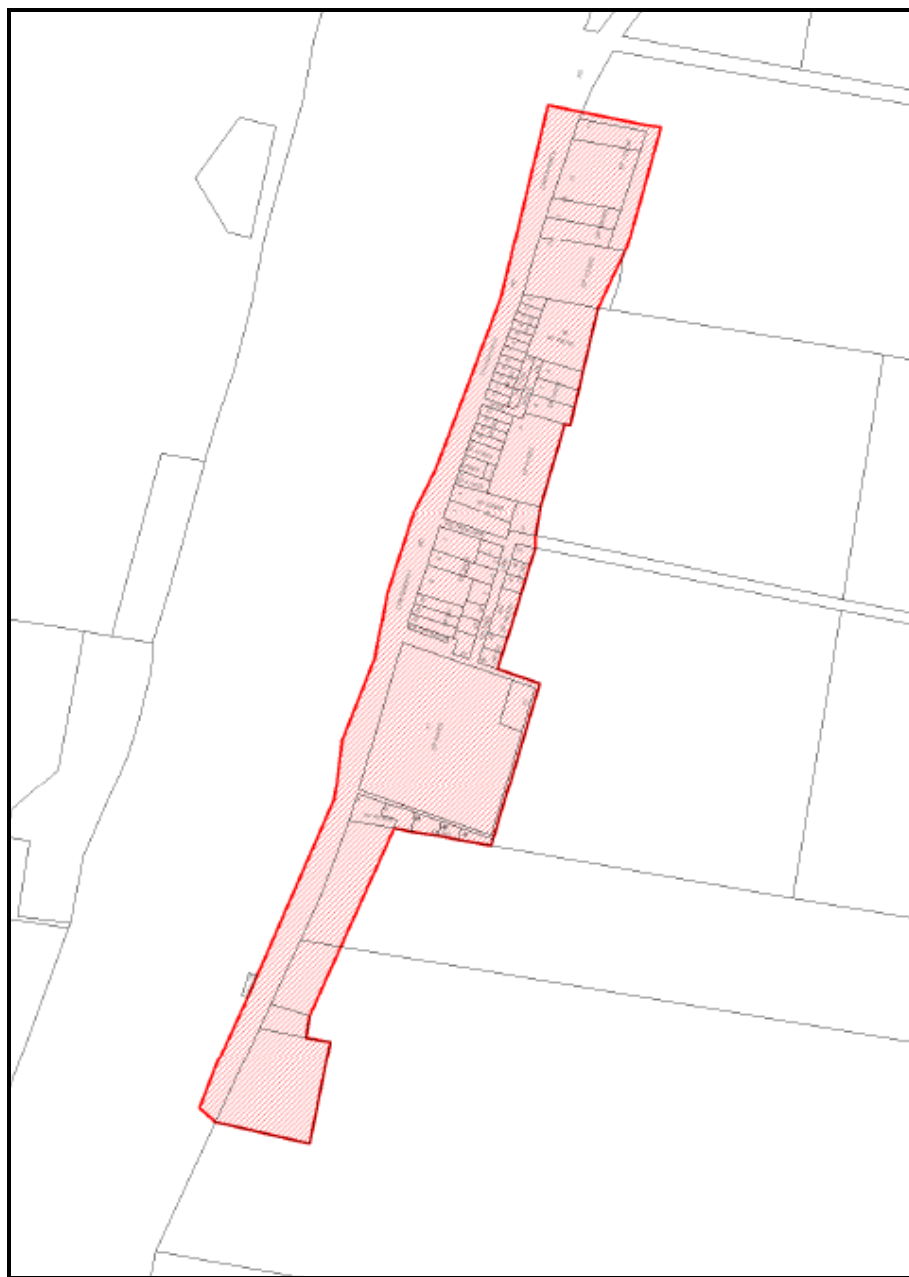


**Statement of significance**

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



**Chatsworth Village Heritage Conservation Area - seeCV LEP Heritage Map  
Sheet 111**



**Statement of significance**

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

**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.

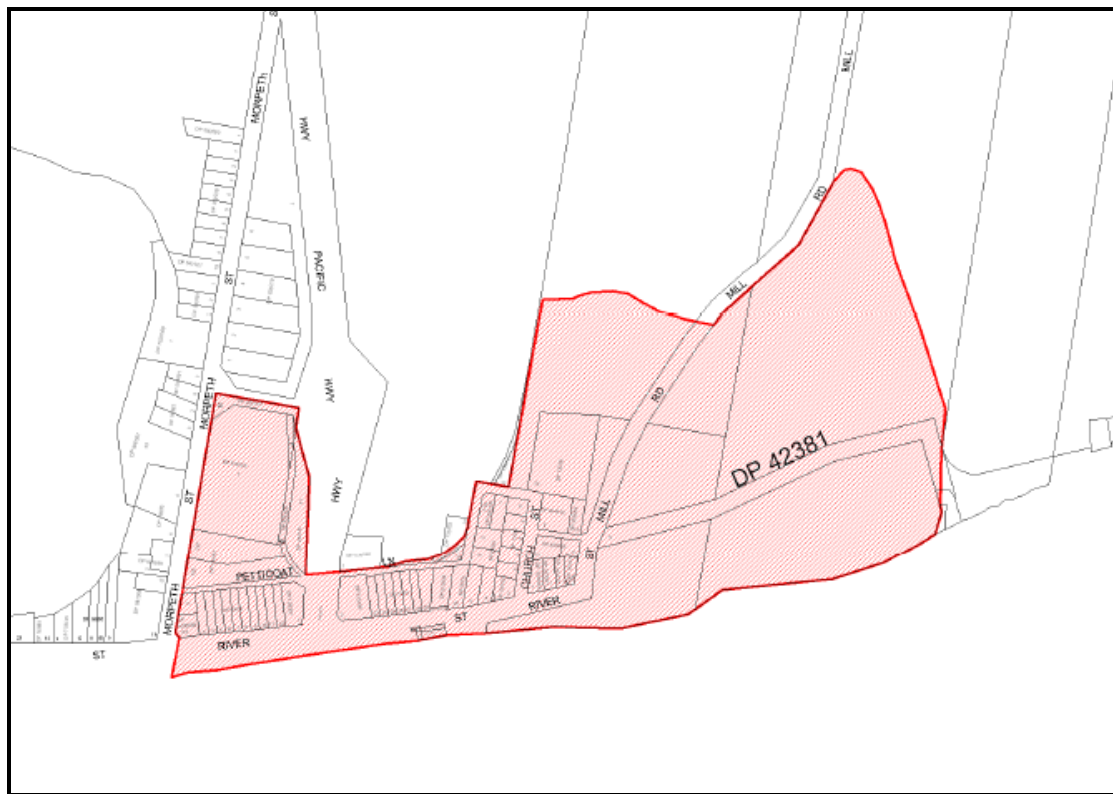
The Grafton Heritage Conservation Area includes a fine gamut of architectural types from the nineteenth and early twentieth century through to the inter-war and post war periods. Distinctive streetscapes have developed from planning and landscaping. These elements create a distinctive townscape in which

## **PART E. HERITAGE CONSERVATION**

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

South Grafton is an outstanding example of a 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.

**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.

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



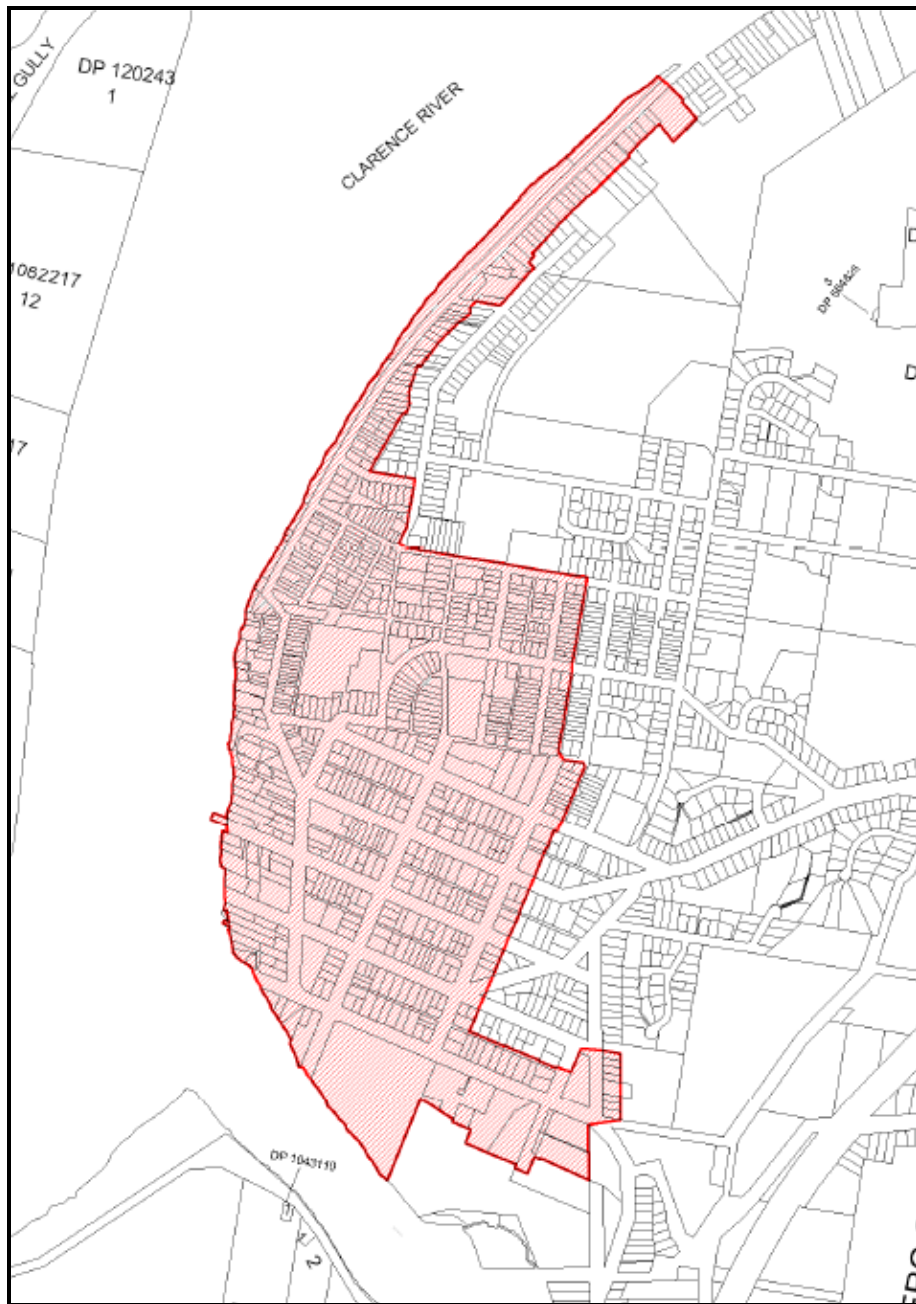
**Statement of significance**

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

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

**PART E. HERITAGE CONSERVATION**

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



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

**Statement of significance**

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

## **PART E. HERITAGE CONSERVATION**

main street is finely grained with narrow frontages, verandahs and a variety of architectural periods which provide a pleasing streetscape.

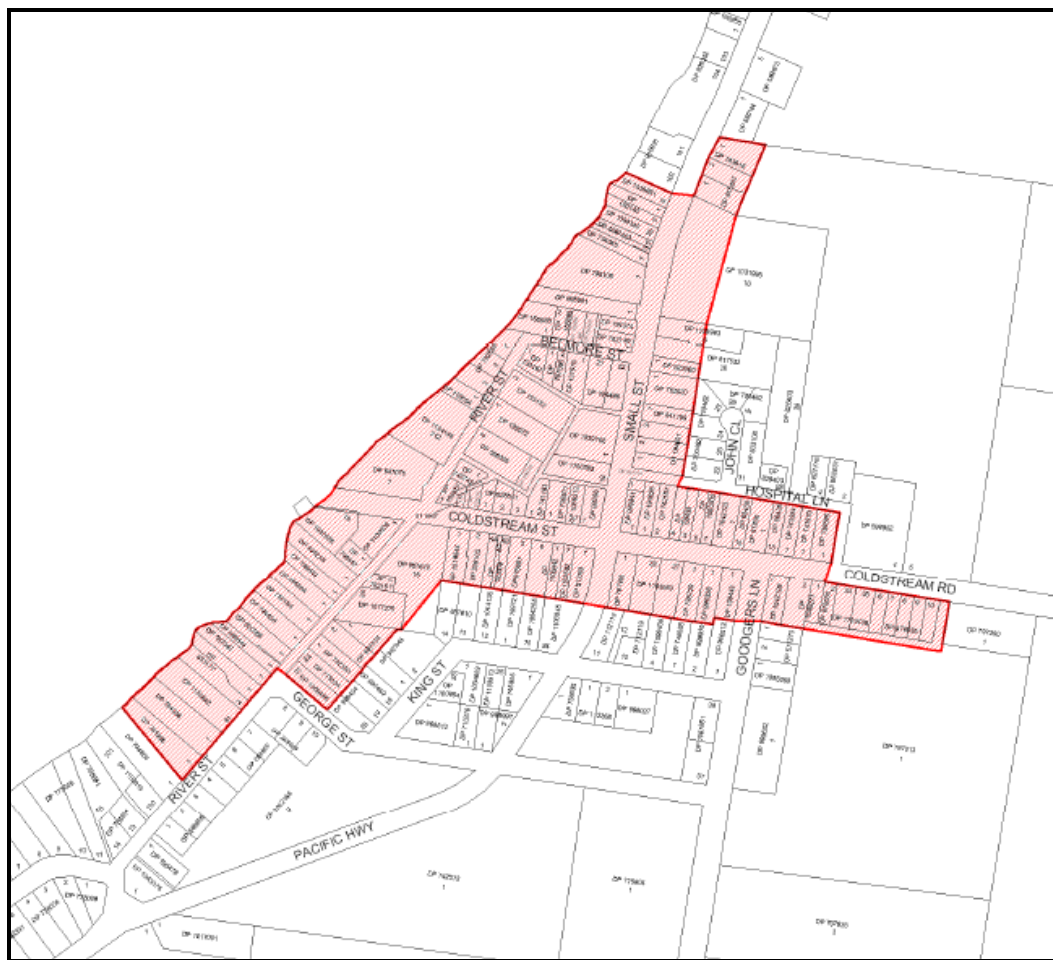
The township has retained a considerable degree of architectural integrity and reflects the residential growth of the town, particularly during the Victorian, Federation and interwar periods. These streets are mainly flood-free and were the first to be laid out by surveyor Greaves. Wharf Street for example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

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

New and infill development needs to be very sympathetic to the heritage values of this conservation area.

**PART E. HERITAGE CONSERVATION**

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



**Statement of significance**

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

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

The uniformity of materials and the scale and dominance of nineteenth century architectural styles create aesthetically distinctive and cohesive streetscapes along River and Coldstream Streets. Whilst there are some recent buildings in the main street which are unsympathetic, the older part of the village remains intact. The riverside setting also contributes to the aesthetic qualities with attractive vistas across the river. It is enhanced by mature trees at the river end of Coldstream Street and in private gardens.

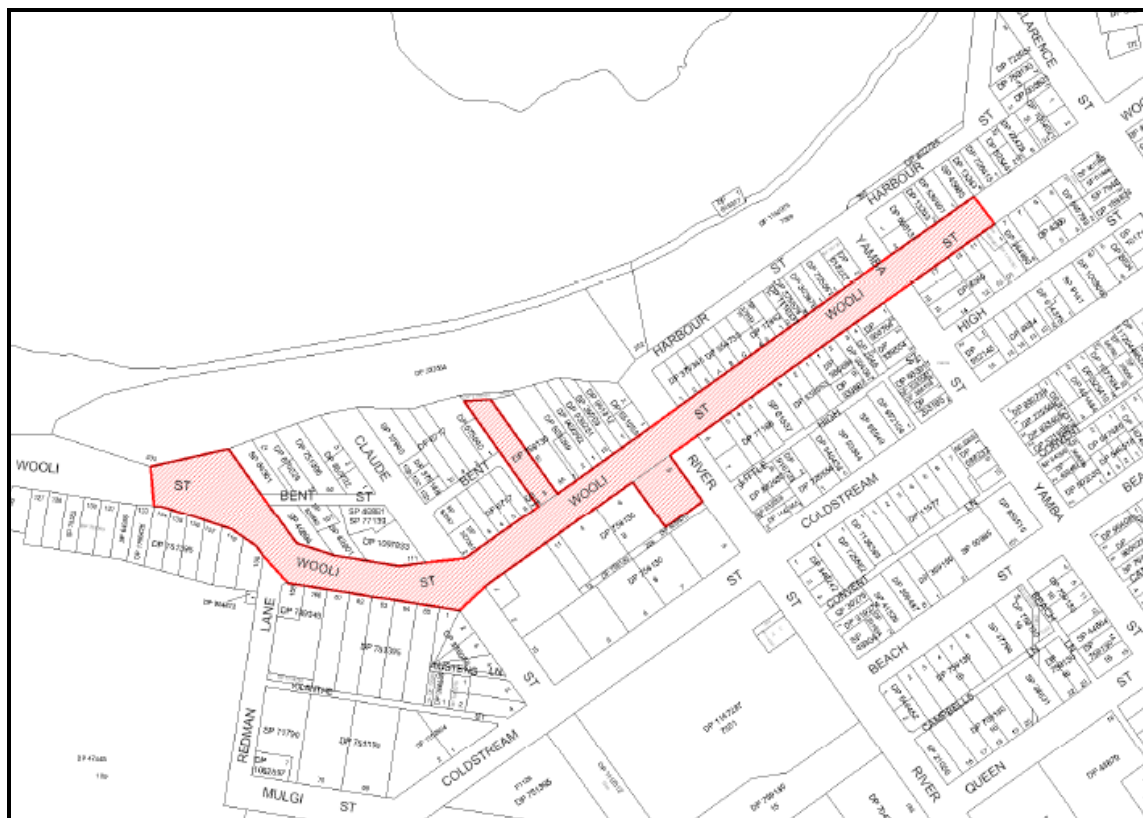


**PART E. HERITAGE CONSERVATION**

Absence of an individual listing on the heritage schedule does not imply that a building is not of significance as a comprehensive heritage study is still to be completed in this locality. Very few historic buildings are currently on the schedule. New and infill development needs to be very sympathetic to the heritage values of this conservation area.

**PART E. HERITAGE CONSERVATION**

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



**Statement of significance**

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

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

## **PART F. PARKING AND VEHICULAR ACCESS CONTROLS**

### **PART F PARKING AND VEHICULAR ACCESS CONTROLS**

#### **F1. What are the parking and vehicular access objectives for E and other zones?**

The car parking and vehicular access objectives for E and other 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 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
Attached dwelling	1 covered space per dwelling
Bed & breakfast accommodation	1 covered space for the dwelling, plus 1 space per guest bedroom.
Child care centre	1 space per employee, plus a safe set down & pick up area of 1 space per 10 children, with a minimum of 2 spaces.
Community facility	1 space per 10 seats or 1 space per 15m <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 establishment	1 space per 2 employees, plus 1 space per 20 students over 17 years.
Health consulting rooms	3 spaces per health care professional.
Health services facility / Hospital	1 space per 5 beds, plus 1 space per 2 employees. Plus ambulance space.
Home business & home industry	1 space for the industry, plus 1 space for the residential use, plus 1 space per non-resident employee.
Hostel	1 space per 5 dwellings See SEPP (Seniors Living) 2004.
Hotel or motel accommodation	1 space per unit, plus 1 space per 2 employees.
Information and education facility	1 space per 30m <sup>2</sup> GFA
Multi dwelling housing	1 space for 1 & 2 bedroom units. 1.5 spaces per 3 bedroom units. 2 spaces per 4 bedroom units. 1 visitor car spaces per 2 units or part thereof.
Neighbourhood Shop	1 space per 30m <sup>2</sup> GFA.
Place of public worship	1 space per 10 seats or 1 space per 15m <sup>2</sup>

Land use	Car Parking Requirements
	of main assembly area, whichever is the greater.
Residential care unit	1 space per 10 dwellings. See SEPP (Seniors Living) 2004.
Residential flat building  Note Separate controls apply to Yamba Hill, see Part W.	1 space for 1 & 2 bedroom units. 1.5 spaces per 3 bedroom units. 2 spaces per 4 bedroom units. 1 visitor car spaces per 2 units or part thereof.
Restaurant or café	1 space per 30m <sup>2</sup> GFA, except for Grafton/South Grafton 1 space per 5m <sup>2</sup> GFA or 1 space per 6 seats.
Secondary dwelling	1 covered space per dwelling
Semi-detached dwelling	1 covered space per dwelling
Seniors housing – self-contained dwelling	0.5 spaces per bedroom, or 1 space per 5 dwellings for Dept of Housing, local government or community housing providers. See SEPP (Seniors Living) 2004.
Serviced apartment	1 space for 1 & 2 bedroom units. 1.5 spaces per 3 bedroom units. 2 spaces per 4 bedroom units. 1 visitor car spaces per 2 units or part thereof.

## PART F. PARKING AND VEHICULAR ACCESS CONTROLS

**TABLE F2 Delivery Service Vehicles**

Land use / development	Minimum parking spaces	Special requirements
Multi dwelling housing Residential flat building Serviced apartment	1 per 50 units /dwellings up to 200, plus 1 per 100 thereafter.	No spaces will be required for developments with less than 6 units/ dwellings. Visitor spaces may be used if designed for dual use.
Hotels and motels	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).	
Shops and 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.	

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

### 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 must comply with AS 2890.
3. Two way aisles are not recommended for parking angles other than 90 degrees. The most efficient parking is generally 90 degree parking with 2-way access aisles.
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

## **PART F. PARKING AND VEHICULAR ACCESS CONTROLS**

- 1 metre wider than the adjacent spaces.
5. Parking space dimensions and aisle widths must also be in accordance with the Australian Standard AS2890.

provisions can not be met, Council may consider a variation to the DCP requirements where the applicant can demonstrate that public safety will not be compromised.

### **F5. Manoeuvring, Loading & 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. The number and size of loading bays will be assessed by Council on the type and scale of the development proposal. The applicant must submit details of the estimated frequency of deliveries and the type of service vehicles proposed to be used.
5. For small scale retail, commercial and industrial developments one loading bay, 3.5m x 7.5m, must be provided.
6. The use of loading bays must not conflict with the safe and efficient circulation of other vehicles and pedestrians.
7. Loading bays must provide sufficient manoeuvring areas and allow all service vehicles to enter and leave the site in a forward direction.
8. For large development, (determined by Council), loading bays should operate independently of other parking areas; i.e. separate access points.
9. Service vehicles must be able to sufficiently manoeuvre to and from loading bays in accordance with AUSTRROADS Design Vehicular and Turning Templates.
10. Where redevelopment of existing premises is proposed, and the loading, unloading and manoeuvring

### **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 AS2890. Also consult the NR Design Manuals.
4. Access points must not be closer than 6 metres to an intersection measured from the property boundary.
5. The location of new entry/exit points must achieve a minimum of potential conflict with existing access points.
6. Where more than 50 parking spaces are required, or a high traffic turnover is likely, e.g. Service stations, a separate entrance and exit are to be provided.
7. Where access 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.

## **PART F. PARKING AND VEHICULAR ACCESS CONTROLS**

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

### Sight Distances

12. Design of parking areas and vehicles access must ensure that there is adequate sight distances to traffic on the frontage road and to pedestrians on the frontage road footpath.
13. The minimum sight distances must be in accordance with AS2890.

### Pedestrian access

14. Adequate pedestrian access to the site is required.

## **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. 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).
5. Pavement thicknesses for parking areas will be assessed on a site specific basis and must be to the satisfaction of Council.
6. Parking areas surfaced with bitumen or asphaltic concrete are to be designed and constructed in accordance with the Northern Rivers Development and Design Manual, Sections D1 and D2.
7. Concrete interlocking paver parking areas and vehicle crossings are to be designed and constructed in

## **PART F. PARKING AND VEHICULAR ACCESS CONTROLS**

accordance with guidelines published by the Cement and Concrete Association of Australia.

### **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 SEPP Infrastructure 2007.



## PART G. SUSTAINABLE WATER CONTROLS

### PART G SUSTAINABLE WATER CONTROLS

- (iv) where lots are greater than 1 hectare.

#### G1. What are the Sustainable Water objectives for E and other zones?

The sustainable water objectives for E and other zones are:

- (a) To maintain water quality and hydrology to predevelopment flows.
- (b) Prevent or minimise pollutants entering stormwater and treat stormwater on the site of the development.
- (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;
- (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

**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.

## **PART G. SUSTAINABLE WATER CONTROLS**

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

**Note:**

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

**PART G. SUSTAINABLE WATER CONTROLS**

**TABLE G1 'Sustainable Water' Requirements for Development**

	Development with no increase in impermeable surface post development 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 Default Water Quality Targets**

WATER QUALITY PARAMETER	DEFAULT TARGET
Gross Pollutants	90% of average annual load retained
Total Phosphorus (TP)	60% of average annual load retained
Total Nitrogen (TN)	45% of average annual load retained
Total Suspended Solids (TSS)	85% of average annual load retained

## PART H EROSION AND SEDIMENT CONTROL

### PART H EROSION AND SEDIMENT CONTROL

#### H1. What are the erosion and sediment control objectives for E and other 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
- Reduced clean-up costs.
- Improved wet weather working conditions.
- Fewer public complaints.
- A better public image.
- Reduced risk of fines
- Reduced downtime.

**PART H EROSION AND SEDIMENT CONTROL**

**H3. Erosion and Sediment Control Plans OR 'Deemed to Comply Statements'.**

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

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

**Clause H6 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
<ul style="list-style-type: none"> <li>▪ Dwelling houses and house extensions.</li> <li>▪ Garages and similar minor development.</li> <li>▪ 2 lot subdivisions.</li> <li>▪ Additions to existing commercial and industrial development.</li> </ul>	<p><b>'Standard'</b> Erosion &amp; Sediment Control Plan; or <b>Deemed to Comply Statement</b> (refer to SCHEDULE H2)</p>
<ul style="list-style-type: none"> <li>▪ Subdivisions, &gt;2 lots, where no road or vehicular ROW access is to be constructed.</li> <li>▪ All other development (except dwelling houses and minor development as listed above) where the site area exceeds 2000m<sup>2</sup> or where slope exceeds 10% (1 in 10).</li> </ul>	<p><b>'Standard'</b> Erosion &amp; Sediment Control Plan</p>
<ul style="list-style-type: none"> <li>▪ Dwelling houses on land with slope &gt; 20% (1 in 5).</li> <li>▪ Subdivisions (not being 2 lot subdivisions) requiring construction of a new road or vehicular ROW access.</li> <li>▪ All other development where the site area exceeds 2000m<sup>2</sup> or where slope exceeds 10% (1 in 10).</li> </ul>	<p><b>'Detailed'</b> Erosion &amp; Sediment Control Plan.</p>

## PART H EROSION AND SEDIMENT CONTROL

### H4. Erosion and Sediment Control Plan (ESCP) Requirements.

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

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

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

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

The degree of detail submitted to Council with an ESCP depends on the scale of the proposal, the complexity of the site characteristics and the potential environmental impact. 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 commencements of any work, including cutting and filling.
2. All sediment control measures are to be constructed to prevent sediment from leaving the site or entering downstream

## **PART H EROSION AND SEDIMENT CONTROL**

- properties, drainage lines or watercourses.
3. Disturbance of the site must be minimised.
  4. A properly installed sediment control fence must be installed at the downslope perimeter of the disturbed area to prevent sediment and other debris from leaving the site. Sediment fencing is to be trenched in at least 150mm and buried and the ends turned upslope.
  5. Where the catchment area is more than 0.5 ha direct, up slope runoff around the site, by the use of a diversion bank or channels. These devices may require measures to control erosion depending on the volume of flow anticipated.
  6. Vehicular access is to be restricted to one stabilised access point which is to be constructed of 40mm crushed stone aggregate or recycled concrete 150mm deep, 2.5m wide and extend from the kerb line to the slab or building line or for at least 15m on rural allotments.
  7. Stockpiles of erodible materials (sand, soil, spoil and vegetation) must be protected by a sediment fence or bund. If the stockpile area is prone to high winds or is to be there for a long time then the stockpile must be covered.
  8. Stockpiled material must be stored clear of any drainage line and within the property boundary. NOTE: stockpiles are not permitted on footpaths or roads.
  9. Immediately following installation of the roof cladding, all guttering and downpipes are to be connected to the stormwater system. Inspection of the frame is not to be arranged until this is completed.
  10. All erosion and sediment control measures are to be regularly maintained in good working order at all times and inspected for adequacy following any rainfall event.
  11. All trenches within the development site are to be backfilled and compacted to a level of 75mm above adjoining ground level. This may not apply on public land, consult with Council staff.
  12. All disturbed areas are to be made erosion resistant by revegetation (i.e. min. 70% coverage), turfing or stabilised by paving on completion of the works and prior to occupation and/or use of the building.

A copy of the Deemed to Comply Statement is included as SCHEDULE H2 page and copies are available at Council's Office.

### **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.



## **PART H EROSION AND SEDIMENT CONTROL**

F. Minimise disturbance when excavating.

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

H. Maintain all controls in good order at all times prior to and during construction.

I. Compact all trenches when backfilling.

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

K. Schedule works when rainfall intensity is lower.

L. Bunding or sediment/silt fencing around stormwater inlets and within the kerbing on roadways.

A. 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

## **PART H EROSION AND SEDIMENT CONTROL**

guttering of the building to the stormwater system should be undertaken as soon as practicable after the roof is completed, in time for the frame inspection.

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

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

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

### **I. Compact all trenches when backfilling.**

It is important that service trenches and drainage lines do not subside after backfilling. Adequate compaction will ensure that sediment will not be removed from the site via drainage lines or concentrated runoff. The recommended practice for digging of service trenches is to ensure that material in the backfilled trench is compacted to 75 mm above the surrounding ground level. This allows some subsidence of material, and ensures material is sufficiently compacted to avoid erosion at a later time.

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

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

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

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

erosion and potential sediment leaving the development site.

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

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

## **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.

## PART H EROSION AND SEDIMENT CONTROL

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

## **PART H EROSION AND SEDIMENT CONTROL**

before commencement of bulk earthworks.

10. Where possible, major drainage works should be undertaken prior to stripping topsoil eg. construction of major culverts.
11. Any stockpiled or unwanted spoil remaining on the site must be removed on completion of construction works.
12. All fuelling of plant to be undertaken in a fully bunded area, away from trees/vegetation to be retained.
13. Fuel and oils shall be stored in a fully bunded area. The capacity of the bund must be greater than the maximum volume stored.

### **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.

## **PART H EROSION AND SEDIMENT CONTROL**

### **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.

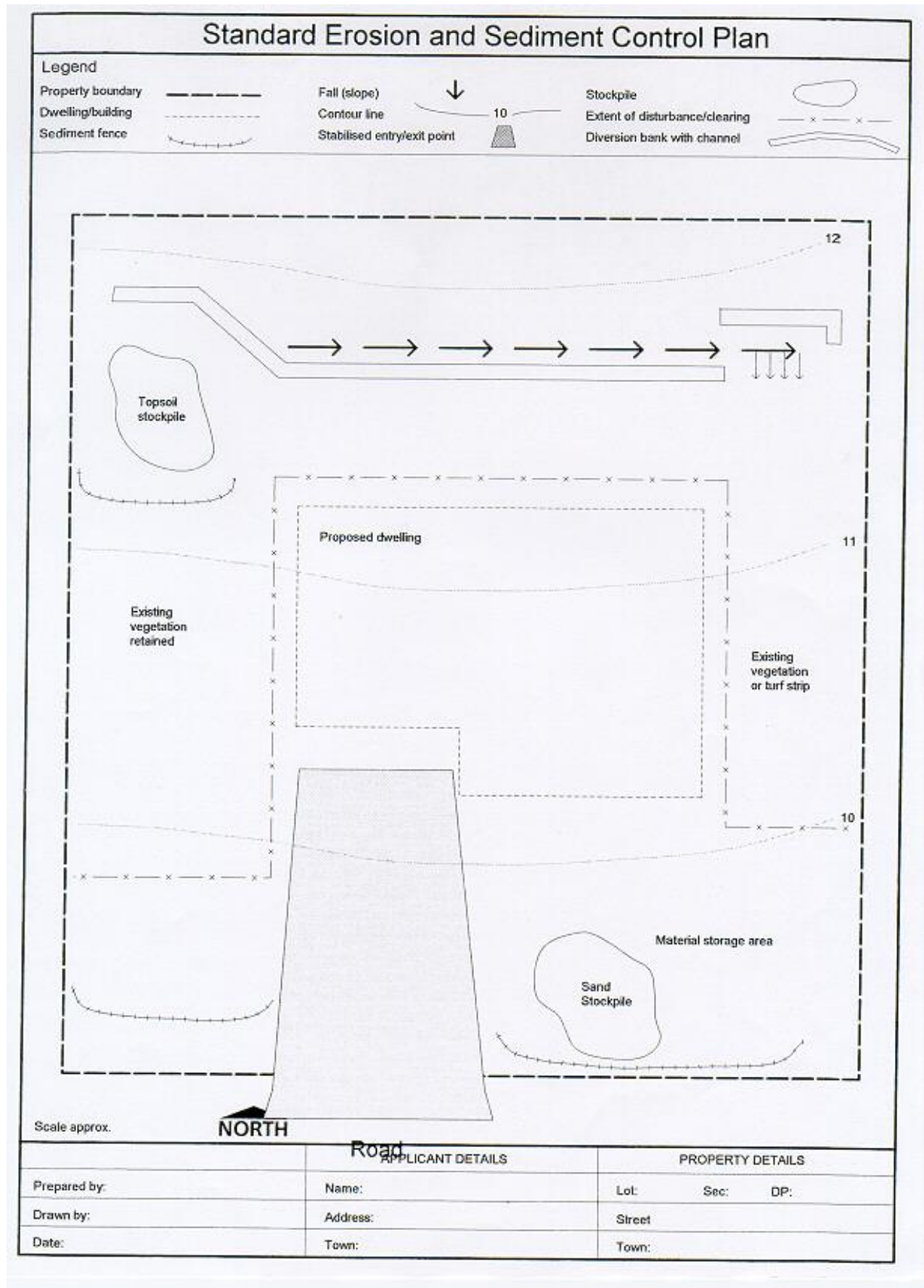
#### **CHECKLIST**

- 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)		Stockpile	
Dwelling/building		Contour line		Extent of disturbance/clearing	
Sediment fence		Stabilised entry/exit point		Diversion bank with channel	

Scale approx.

  
**NORTH**

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

**PART H EROSION AND SEDIMENT CONTROL**

**SCHEDULE H2  
DEEMED TO COMPLY STATEMENT FOR EROSION AND SEDIMENT CONTROL**

1. All erosion and sediment control measures are to be installed prior to the commencement of any work, including cutting and filling.
2. All sediment control measures are to be constructed to prevent sediment from leaving the site or entering downstream properties, drainage lines or watercourses.
3. Disturbance of the site must be minimised.
4. A sediment control fence must be installed at the downslope perimeter of the disturbed area to prevent sediment and other debris from leaving the site. Sediment fencing is to be trenched in at least 150mm and buried with the ends turned upslope.
5. Where catchment area is more than 0.5Ha direct up slope runoff around the site, by the use of a diversion bank or channels. These devices may require measures to control erosion depending on the volume of flow anticipated.
6. Vehicular access is to be restricted to one stabilised access point which is to be constructed of 40mm crushed stone aggregate or recycled concrete 150mm deep, 2.5m wide and extend from the kerb line to the slab or building line or for at least 15m on rural allotments.
7. Stockpiles of erodible materials (sand, soil, spoil and vegetation) must be protected by a sediment fence or bund. If the stockpile area is prone to high winds or is to be there for a long time then the stockpile must be covered.
8. Stockpiled material must be stored clear of any drainage line and within the property boundary. NOTE: stockpiles are not permitted on footpaths or roads.
9. Immediately following installation of the roof cladding, all guttering and downpipes are to be connected to the stormwater system. Inspection of the frame is not to be arranged until this is completed.
10. All erosion and sediment control measures are to be regularly maintained in good working order at all times and inspected for adequacy following any rainfall event.
11. All trenches within the development site are to be backfilled and compacted to a level of 75mm above adjoining ground level. This may not apply on public land, consult with Council staff.
12. All disturbed areas are to be made erosion resistant by revegetation (i.e. min 70% coverage), turfing or stabilised by paving on completion of the works and prior to occupation and/or use of the building or, all necessary erosion and sediment control devices are to be left in place.

I hereby agree to install and implement all of the above measures to control erosion and sediments at the premises described below -

Lot No: ..... D.P. .... Section No: .....

Street Address: .....  
.....

Name: .....

Signature : ..... Date: .....



## **PART I SUBDIVISION & ENGINEERING STANDARDS**

### **PART I SUBDIVISION & 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 E and other zones.
- (b) To ensure that subdivision relates to the characteristics of a site or locality.
- (c) To ensure subdivision of land to which this part applies is adequately serviced.
- (d) To ensure road design is safe and suitable for 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 required development consent. For exempt development controls see State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 See CV LEP 2011 Clause 2.6 Subdivision – consent requirements.

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.

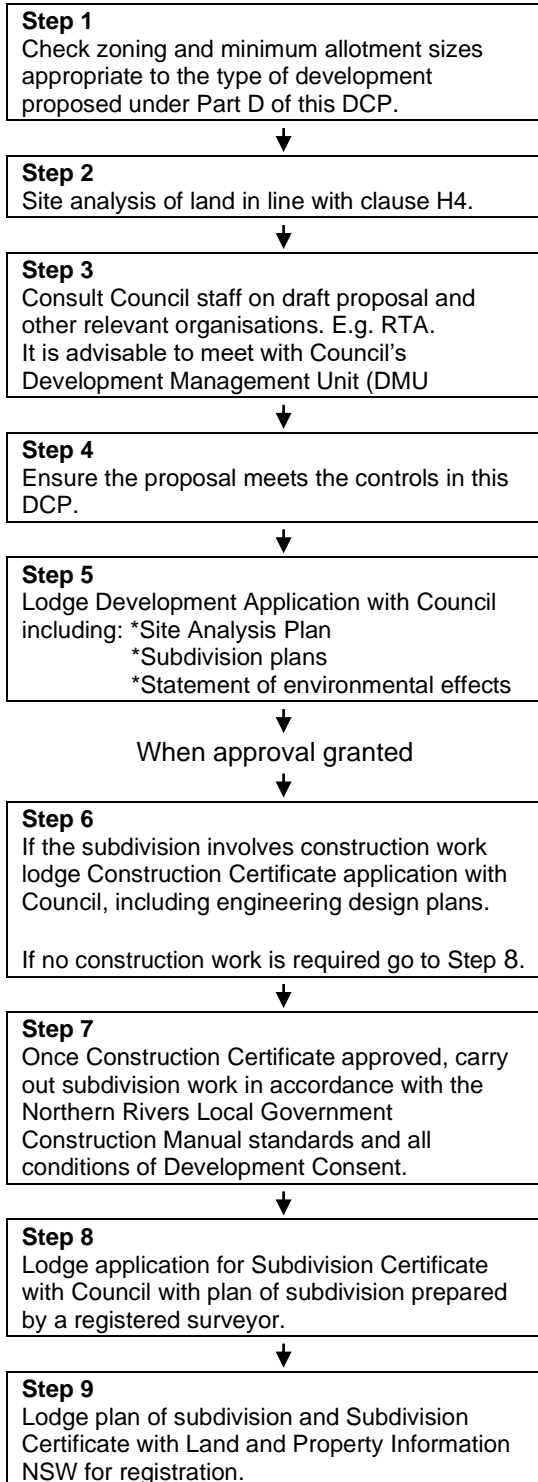
#### **Note:**

Minimum lot sizes for subdivision may apply depending on the zoning of your property.

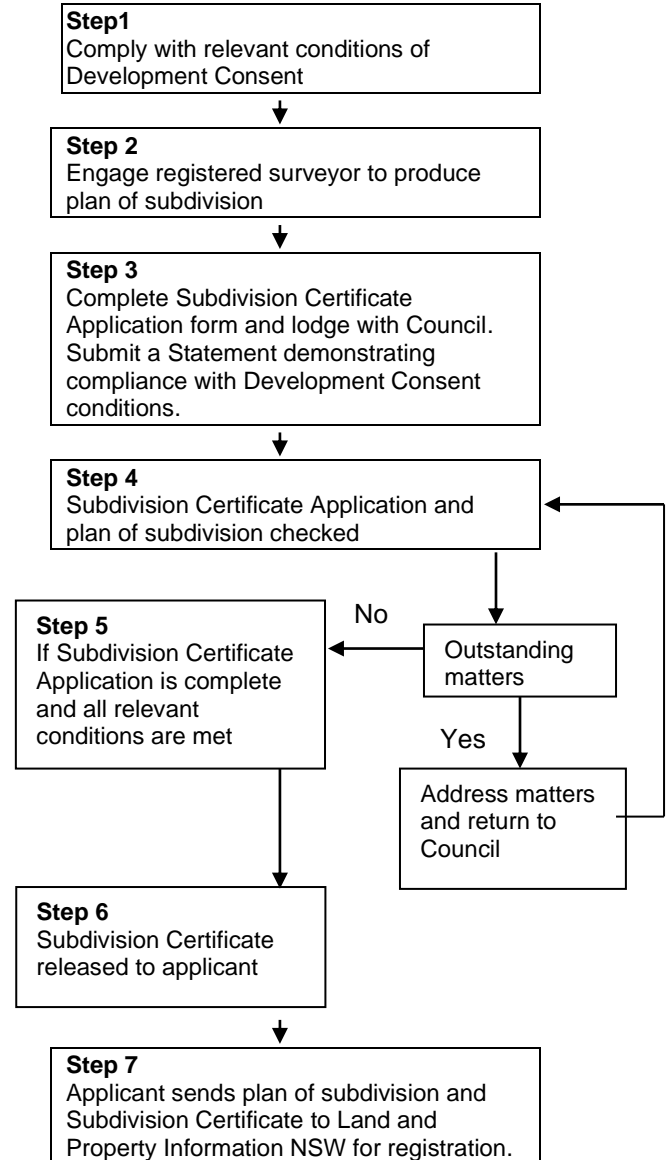
Refer to clause 4.1 Minimum subdivision lot size of the CV LEP 2011 and accompanying Lot size map for any minimum lot sizes that may be applicable to any parcel of land.

**PART I SUBDIVISION & ENGINEERING STANDARDS**

**DEVELOPMENT APPLICATION  
FLOW CHART**



**SUBDIVISION CERTIFICATE  
FLOW CHART**



## **PART I SUBDIVISION & 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.
- (b) The plan of subdivision to show:
  - i. Proposed allotment area sizes, dimensions and boundaries.
  - ii. Roads and other access.
  - iii. drainage systems
  - iv. Easements.
  - v. Services.
  - vi. Right-of-ways and pathways.
  - vii. Vegetation to be retained.
  - viii. Fauna /habitat corridors.
  - ix. Public reserves to be provided in the subdivision.
  - x. All areas to be filled and average depths of fill.
  - xi. Areas of native vegetation to be cleared requiring approval from the Catchment Management Authority (CMA)
  - xii. All areas of cut and depth of cut.
- (c) The plan of subdivision to show all dimensions relating to the existing land and proposed lot numbers.
- (d) The location of any existing buildings and the distance from the buildings to the boundaries of the proposed lots.
- (e) An assessment of potential land contamination and the suitability of the site for the proposed development. This must include the following details:
  - (a) Present use of the land;
  - (b) History of past uses of the land;
  - (c) Details of any uses (past or present) that may involve potentially contaminating activities;
  - (d) Details of fill, chemicals, pesticides, insecticides and fertilisers known to have been used on the site.Where the site history identifies potentially contaminating uses/activities, or there is limited information on past uses/activities, more detailed investigation will be required. Applicants should refer to State Environmental Planning Policy No. 55- Remediation of Land (SEPP 55), the NSW *Managing Land Contamination: Planning Guidelines* and Council's Contaminated Land Policy for further information.
- (f) List of preferred street names.

## **PART I SUBDIVISION & ENGINEERING STANDARDS**

### **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 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 in 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 the NR2.
- (g) Provide for pedestrians and cyclists by including cycleways and footpaths on collector streets and distribution roads and in accordance with the NR Design (Development and Design Manual).

### **16.3. Coastal Design Guidelines**

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

The following general guidelines should be considered:

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

### **16.4 Road Design**

Road design must comply with the standards in the NR Design Manuals. The

## **PART I SUBDIVISION & ENGINEERING STANDARDS**

Manuals include 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 the NR Design Manuals.

The road width characteristics applicable to development in the residential zones under the Residential Zones DCP (clause J.6.5; Table J1) will be applied to residential accommodation and tourist accommodation developments in the SP3 zone.

### **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.

The design of residential subdivisions of 10 or more lots is to provide for affordable housing. Refer to Council's Affordable Housing Policy for further information.

### **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 do not apply in the public recreation, special purpose and waterway, zones. Subdivision of land will

be assessed on merit depending on the prevailing context and circumstances including the objectives of the zone and LEP.

Minimum lot size for subdivision in the E3 zone is 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.

#### **Note:**

The following LEP clauses apply:

- Clause 2.6 Subdivision—consent requirements
- Clause 4.1 Minimum subdivision lot size
- Clause 4.2A No strata or community title subdivision in certain rural or environmental protection zones

### **17.4. Lot dimensions**

No minimum frontage or lot dimensions apply. However frontage requirements may apply for specific uses along arterial roads depending on the zoning of the land. Refer to the LEP applying to your property.

Lot dimensions (including boundaries and area) must be sufficient for the intended purpose and should be able to adequately cater for proposed buildings and any required on-site parking, 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 5 metres wide and the carriageway width must be 3.0 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 6 metres and a maximum length of 100 metres.

A maximum of 2 lots only shall be permitted from the handle of battle axe

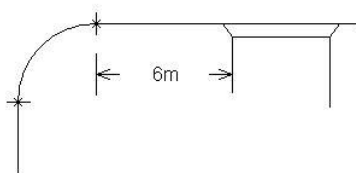
## PART I SUBDIVISION & ENGINEERING STANDARDS

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 the NR Design Manuals, (Development and Design Manual).

### 18. Site Access

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

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



Driveway from corner

Direct access to classified roads is not permitted where alternative access is available for the 85<sup>th</sup> percentile speed of vehicles or the speed zone, whichever is the greater.

Access to RTA managed roads will require RTA approval.

Refer to SEPP Infrastructure 2007, Division 17 Roads and traffic.

### 19. Stormwater management

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

Stormwater management, open space networks and habitat corridors should be integrated. Stormwater should be

managed so there is minimal or no impact on the natural environment.

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

'Water sensitive urban design' is based on the:

- Treatment of stormwater as close to the source as possible.
- Retention and restoration of natural drainage systems.
- 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.
- On-site storage or infiltration being maximised.
- Stormwater management to include vegetation management, in particular the planting of local indigenous plant species and minimising land disturbance.
- Stormwater design shall be in accordance with Section D% of the NR2.

**19.3** A flood study may be required by Council in circumstances where development may be impacted by flooding from nearby local catchment flow paths or drainage systems.

**19.4** 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 Services

Subdivision of land requires the provision of services and infrastructure to all lots including:

- Roads. See Clause I6.
- Footpaths.
- Kerb and gutter. (Council may consider alternatives, such as grass swales).

**PART I SUBDIVISION & ENGINEERING STANDARDS**

- (d) Drainage. See Clause I9.
- (e) Reticulated water and sewer.
- (f) Electricity
- (g) Telecommunications
- (h) Street lighting.

Refer also to Clause C26. Provision of Essential Services.

**Note:**

Clause 7.8 Essential Services of CVLEP 2011 also applies.

**I10.1. Electricity**

- (a) The provision of a mains power supply to development is to be in accordance with clause C26.4.
- (b) Connection to an underground power network is required unless the lot has frontage to a road which is serviced by an existing overhead electricity service or where the energy provider determines the ground conditions are unsuitable for underground provision of services. Refer also to clause C26.4.

**I10.2. 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) Hydraulic details, prepared by a suitable qualified hydraulic consultant, must be provided for water supply work (including fire services) in all new multi dwelling housing and residential flat buildings. These details are to be submitted to Council for approval prior to issue of the Construction Certificate.

- (d) In areas where a reticulated water supply is not available or connection to such supply is deemed unacceptable a domestic water storage capacity of 45,000 litres must be provided.

- (e) On land in bush fire prone areas that is not serviced by a reticulated water supply, a water supply reserve must be provided for fire fighting purposes. The water requirements for fire fighting purposes in TABLE I1 must be met.

**TABLE I1**

Development Type	Water Requirement
Lots < 1,000m <sup>2</sup>	5,000 litres/lot
Lots 1,000 – 10,000m <sup>2</sup>	10,000 litres/lot
Lots > 10,000m <sup>2</sup>	20,000 litres/lot

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

**I10.3. Sewerage**

- (a) Subdivision and development must be connected to a reticulated sewerage system. Where connection 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 subdivision to create lots of less than 1 hectare in unsewered areas must include an Effluent Management Report.

## **PART I SUBDIVISION & ENGINEERING STANDARDS**

### **Note:**

- Under section 124 of the Local Government Act Council can require premises that are situated within 75 metres of a sewer system of the Council to be connected to Council's sewer system.
- Water and sewer connection is to comply with minimum sewer and water connection requirements set out in Council's Sewer and Water Connection Policy.
- For developments requiring reticulated sewerage in areas identified as reticulated sewerage catchments where sewerage is not yet available, refer to Council's Development Approvals in Future Sewer Areas Policy.
- For development applications proposing pressure sewerage systems, refer to Council's Pressure Sewerage Policy.

### **110.4. Telecommunications**

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

### **110.5. Street Lighting**

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

### **110.6. Shared Trenching**

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

### **110.7. Other facilities/services**

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

### **111. 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.northcoastweeds.org.au](http://www.northcoastweeds.org.au) for details on weed species and native alternatives.



**PART I SUBDIVISION & ENGINEERING STANDARDS**

**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 recreation/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 ADVERTISEMENTS AND ADVERTISING STRUCTURES**

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

The objectives for advertisements and advertising structures in E and other zones are to:

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

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

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

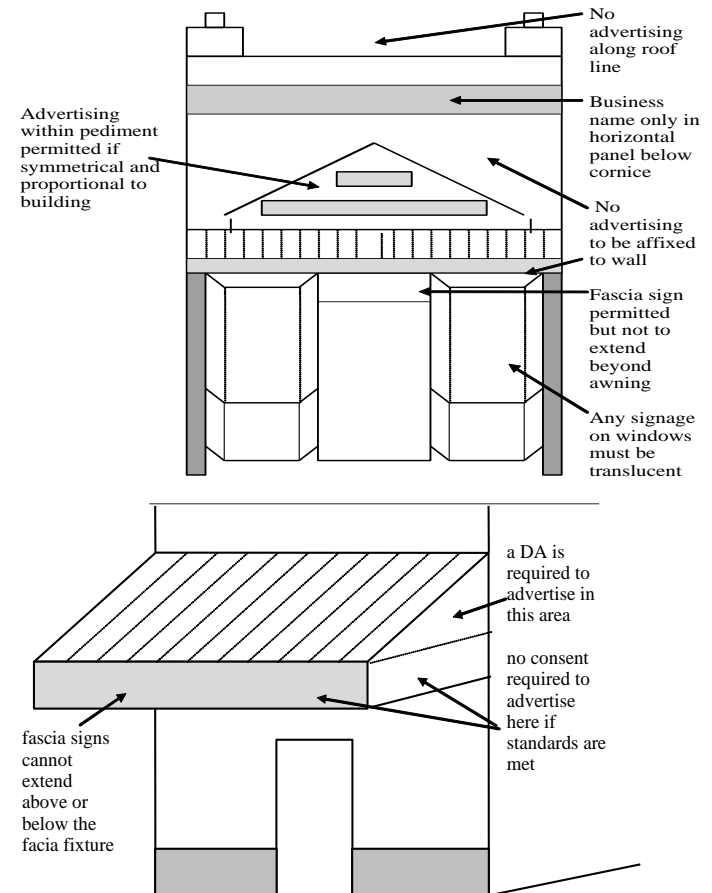
**Note:**  
You must consult the relevant LEP and zoning to determine whether an advertising structure /advertisement is permitted on the land and whether development consent is required.

**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**

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.

## PART J ADVERTISEMENTS AND ADVERTISING STRUCTURES

Advertisements may be externally illuminated by spot lighting directed at the advertisement.

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

- (a) wording on the advertisement is to be concise and may only include the business name, distance and direction to turn off and the like.
- (b) All services provided may only be depicted by the current appropriate Industry or Australian Standard service symbol.
- (c) establishments which provide for accommodation within a heritage building are to utilise accepted heritage colours and may incorporate a picture of the building. However, all services provided may only be depicted by the appropriate Industry or Australian Standard service symbol.
- (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.

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

**Note:**

1. 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.
2. 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 ECO-TOURIST FACILITIES

### PART K CONTROLS FOR ECO TOURIST FACILITIES

#### K1. 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) protect natural areas of high conservation value; and
- (c) provide tourist facilities that enable people to experience natural areas.

**Note:**

**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. (from CV LEP Dictionary).

Eco-tourist facilities are NOT a type of tourist and visitor accommodation.

Refer also to clause 5.13 Eco-tourist facilities of CV LEP.

#### K2. 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 J4 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 matters must be provided to enable the consent authority to assess the proposed eco-tourist facility under clause 5.13(3) of CV LEP 2011:
  - (i) The connection between the development and the ecological, environmental and cultural values of the site or area.
  - (j) Details of the development and the likely impact on the natural environment.
  - (k) How the development enhances an appreciation of the environmental and cultural values of the site or area.
  - (l) Measures to protect and or enhance natural resources and the natural environment.
  - (m) Waste generation.
  - (n) Visual impact of the development.
  - (o) Infrastructure.
  - (p) Impact on the agricultural productivity of adjoining land.
  - (q) Management strategy for minimising any impact on the natural environment.

**PART K CONTROLS FOR ECO-TOURIST FACILITIES**

**K3. 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. Requirements of CV LEP 2011 clause 5.13(3) are met.
2. It is demonstrated that the principles included in the definition of 'eco-tourist facility' are met.
3. 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..
4. That the development will not adversely affect any natural areas with high conservation value.
5. That the development will have minimal impact on land with significant ecological environmental and cultural values.
6. 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.
7. That habitat areas on the land are restored.
8. That the only permanent accommodation on the land will be provided for people managing or operating the eco-tourist facilities.
9. It is demonstrated that the development will not adversely affect the agricultural productivity of the land or nearby land.
10. The development is located to avoid visibility from ridgelines and against escarpments and from watercourses and that any visual intrusion is minimized through the choice of design, colours, and materials and landscaping with local indigenous flora.

**K4. Management Requirements Plan**

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 eco-tourist activity, provide information on how the proposed development is going to use these natural areas 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.

**PART K CONTROLS FOR ECO-TOURIST FACILITIES**

- (j) An operational plan that demonstrates that the facility incorporates the most sustainable and integrated approach as possible to passive 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 L CONTROLS FOR BACKPACKERS' ACCOMMODATION

### PART L CONTROLS FOR BACKPACKERS ACCOMMODATION

#### L1. What are the objectives of the controls for backpackers' accommodation?

The objectives of these controls are:

- a) To enable backpacker accommodation to operate in a manner that does not cause a nuisance to adjoining or nearby residents or impact on the amenity of a locality.
- b) To provide a high standard of amenity for the users of backpacker accommodation.
- c) To ensure the premises meets acceptable standards for fire safety and community health.
- d) To provide controls for signage, car parking and construction of backpackers accommodation facilities.

#### L2. Where do the controls for backpackers' accommodation apply?

The controls apply to development for the purpose of backpackers' accommodation as defined in the CV LEP 2011

*Backpacker's accommodation means a building or place that;*

- a) *provides temporary or short-term accommodation on a commercial basis, and*
- b) *has shared facilities, such as a communal bathroom, kitchen or laundry, and*
- c) *provides accommodation on a bed or dormitory-style basis (rather than by room).*

Backpackers accommodation is permitted with consent in the SP3 zone.

#### L3. Restrictions on backpackers' accommodation

As well as comply with the controls in this part of the DCP you must make sure your development proposal is permitted in the zone applying to your land as provided by CV LEP 2011.

Where possible backpacker accommodation is not to be located in close proximity to residential areas.

These controls are to be read in conjunction with all other parts of this DCP.

Where reference to standards in the Building Code of Australia (BCA) is made these standards are mandatory unless otherwise varied in accordance with the provisions of the BCA.

#### L4. Building Design Requirements

The layout of a building intended for backpackers' accommodation should be designed and constructed;

- a) to respect the amenity of adjoining land uses.
- b) to ensure the health and safety of occupants.

##### L4.1 Height and setbacks.

Height controls are included in the CV LEP, see clause 4.3 *Height of buildings*. Additional height controls and controls for setbacks of buildings are contained in Part D of this DCP.

##### L4.2 Sleeping Rooms.

A minimum of 2m<sup>2</sup> of floor area is to be allocated per person accommodated in a sleeping room, be it a dormitory room or bedroom used for short term sleeping accommodation being less than 28 consecutive days (Public Health (General) Regulation 2002).

Where long term sleeping accommodation is provided (more than 28 consecutive days) a minimum of 5.5m<sup>2</sup> of floor area is to be allocated per person accommodated

## **PART L CONTROLS FOR BACKPACKERS' ACCOMMODATION**

in a sleeping room, be it a dormitory room or bedroom.

Adequate space and secure storage to allow occupants to store clothes and travel gear should be provided in each sleeping room, or alternatively adequate facilities must be provided elsewhere in the building.

Appropriate floor coverings are to be provided in sleeping rooms to minimise the impact of noise and noise generation.

### **L4.3 Toilets and showers.**

The toilet and shower facilities within the building are to comply with the provisions of the BCA. The number of facilities to be provided should be based on the following figures:

#### *Guests*

Washbasins 1 per 10 guests

Toilets 1 per 10 guests

Bath/shower 1 per 10 guests

#### *Staff*

Washbasins 1 per 30

Toilets 1 per 15 female/1 per 20 male

Toilet facilities are to be provided in a separate compartment from the shower/bathroom.

Toilet and shower facilities for employees and persons with a disability are to be provided in accordance with the provisions of the BCA.

### **L4.4 Kitchen Facilities.**

At least 1 communal self catering kitchen and 1 communal dining area are to be provided. The minimum combined floor area of these rooms is to be 1m<sup>2</sup> per person accommodated within the building.

The cooking facilities must be sufficient to enable 20% of the maximum number of guests to prepare meals at any one time.

Kitchen facilities should be capable of being used by a person with a disability. In this regard the requirements of AS1428.2 relating to furniture and fitments is to be observed when designing kitchen facilities.

An approved fire blanket and fire extinguisher must be located within 2m of the cooking area.

Kitchen facilities are to be designed and constructed in accordance with The Food Safety Standards to ensure preservation of health conditions in the kitchen.

### **L4.5 Laundry and Drying Facilities**

A separate communal laundry area is to be provided in the building.

One (1) washing machine, one (1) wash tub and one(1) dryer (or 20m of external clothes line) is to be provided for every 30 beds.

Laundry and drying facilities shall be accessible and adaptable for use by a person with a disability.

### **L4.6 Access for Persons with a Disability**

The design of all backpacker accommodation, including the use of existing buildings must address the provision of access and useability by a person with a disability.

For all backpacker developments at least one room capable of accommodating 4 people is to be constructed to cater for people with a disability. These rooms are to comply with AS1428.1 Design for Access and Mobility.

For backpacker developments of more than 20 rooms, at least 2 disabled rooms are required. These rooms are to be evenly distributed and must represent the range of accommodation available (eg 1 bunk room and 1 ensuite room).

Access to and from common areas, kitchen facilities, dining rooms, laundry facilities recreation areas and parking areas is to comply with the following;

- BCA – Access and Egress (Part D)
- AS1428.1 – Design for Access and Mobility.

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

A minimum of 1m<sup>2</sup> of communal recreation space is to be provided per

## **PART L CONTROLS FOR BACKPACKERS' ACCOMMODATION**

person. The communal recreation space is additional to the requirement for communal kitchen and dining areas. The communal recreation space is to have a minimum dimension of 3m, and may be located either within or outside the building but cannot be made up of more than two locations.

Outdoor communal areas are to be set back from neighbouring residential properties by 2 metres, or otherwise physically separated from those neighbouring properties. Alternatively the design must demonstrate that the location of the communal space will not result in a loss of privacy or cause a noise nuisance to neighbouring properties.

At least 30% of outdoor communal areas are to be capable of growing substantial trees and should be planted with an appropriate large tree species when the site is landscaped to provide shade and amenity.

Lighting of outdoor recreation areas is to be baffled to prevent intrusion on the amenity of neighbouring properties.

All communal recreation areas are to be accessible to a person with a disability.

Roof top terraces are not permitted.

A roof top terrace is defined as:

*An open space, used or intended for use for recreational purposes, accessed by stairs or a lift, located on or above the roof of the uppermost storey of the building. A roof top terrace does not include a balcony which may be located above a storey which is not the uppermost storey of the building*

### **L4.8 Noise**

Rooms and features that generate noise (eg laundry, communal recreation areas, and kitchens) are to be located away from, or soundproofed from sleeping rooms, and property boundaries in residential areas, so as to prevent offensive noise causing a nuisance to occupants of adjoining properties.

### **L5. Signage**

In business zones more than one sign will require development consent unless it meets the exempt development criteria.

### **L6. Parking**

A minimum of one (1) car parking space per 5 beds plus one (1) space per 2 staff is to be provided.

Disabled parking spaces are to be provided in accordance with the BCA.

Car parking areas are to be landscaped to soften the visual impact and minimise potential noise intrusion on neighbouring properties.

Car parking areas shall be available to guests 24 hours a day.

Car parks are to be designed to comply with AS2890.1

Car parks and manoeuvring areas are to be designed to enable vehicles to enter and exit the site in a forward direction.

The provisions of Part F of this DCP for parking and vehicular access also apply to backpackers' accommodation developments.

### **L7. Management and Registration**

Good management practices within backpackers' accommodation are vital to ensure the occupants have a safe and enjoyable stay and the hostel is operated in a manner that does not disturb adjoining residents and landowners.

#### **L7.1 Management Plans**

A management plan is to be provided with the development application. The management plan must address the following:

1. The provision of a responsible manager, over the age of 18 years on the premises at all times. (Note:

**PART L CONTROLS FOR BACKPACKERS' ACCOMMODATION**

- guests shall not be used as temporary managers).
2. Procedures to ensure the facility will be run in a manner which causes no disturbance to neighbouring properties.
3. Procedure to ensure that guest numbers do not exceed those permitted by the development consent.
4. Maintenance of the premises in a clean, safe and tidy condition.
5. Maintenance of a register of guests (including information on length of stay, address etc).
6. Procedures to ensure operation of the facility in accordance with the requirements of the Local Government (General) Regulation 2005, Schedule 2 Par 1, "Standards for Places of Shared Accommodation".
7. Maintenance of essential fire safety services.
8. Prescription and enforcement of house rules, which are to be displayed in prominent locations around the facilities, addressing:
  - (a) Guest behaviour activities and noise at night:
  - (b) The consumption of alcohol on the premises:
  - (c) Fire evacuation procedures:
  - (d) Visitor policy:
  - (e) After hour access; and
  - (f) Hours of use of washing machines and communal areas.

## **PART M CONTROLS FOR DEVELOPING STEEP LAND**

### **PART M CONTROLS FOR DEVELOPING STEEP LAND**

#### **M1. Where do controls for steep land apply?**

Controls for developing steep land apply to land in an environment protection, recreation and special purpose zone in CV LEP 2011 located within the area shown on MAP M1 and land in any environment protection, public recreation and special purpose zone with a slope of 1 in 5 or greater.

Site specific controls apply for Maclean, refer to Clause M6.

#### **M2. What are the aims and objectives for developing steep land?**

The aims and objectives for developing steep lands are:

- (a) To set out requirements and criteria which need to be addressed when building or subdividing on steep land.
- (b) To consider the constraints and opportunities of each site prior to preparing plans for subdivision or building works.
- (c) To reduce environmental and visual impact by requiring development to be located on slopes generally no greater than 1 in 5.
- (d) To prevent soil erosion and sedimentation by minimising land disturbance and requiring control measures to be put in place.
- (e) To maintain natural drainage systems and their ability to handle stormwater runoff by their retention and the provision of suitable buffers.
- (f) To minimise the risk of bushfire hazard to residential development.
- (g) To ensure that significant flora and fauna habitats are maintained and their linkage to other habitat is considered as part of the development process.
- (h) To ensure that any subdivision or development proposals minimise impact on the scenic quality of the area by the careful location of roads and building envelopes.

- (i) To ensure that proposed building elements eg; roof form, siting, materials and colours relate well to the site.
- (j) To ensure that access to steep sites is feasible and minimises impact on the natural features of the site.
- (k) To encourage soft road verge treatments and design which is complimentary to the bushland character of hillsides.

#### **M3. Information to be provided with a development application**

The following information must be submitted with your development application:

- (a) mapping of the existing features of the site.
- (b) whether the proposal affects land with a slope in excess of 1 in 5 (20%).
- (c) an Erosion and Sediment Control Plan.
- (d) a minimum 10 metre buffer on either side of any drainage lines or watercourses, except where otherwise indicated.
- (e) minimisation of earthworks and indication of heights of cut and fill (cut or fill is not to exceed 1200mm).
- (f) bushfire control measures and compliance with the requirements of the NSW Rural Fire Service.
- (g) a statement of environmental effects or a species impact statement to assess flora and fauna.
- (h) photos and overlays to demonstrate the impact on scenic quality.
- (i) building envelope of 10m x 15m for each dwelling.
- (j) a geotechnical appraisal for each proposed building envelope or proposed structure on land with a slope greater than 1 in 5 (20%).
- (k) details about road verges and fencing.
- (l) compliance with any site specific requirements as detailed in Clause K6.

**PART M CONTROLS FOR DEVELOPING STEEP LAND**

**MAP M1**



## **PART M CONTROLS FOR DEVELOPING STEEP LAND**

### **M4. Development Constraints**

#### **M4.1. Site Planning**

It is important to have a good understanding of your site before starting to design a subdivision layout or the location of new buildings.

The first step is to map the existing features of the site;

- (a) orientation
- (b) slope
- (c) vegetation
- (d) native fauna
- (e) drainage lines
- (f) rocky outcrops and other natural features
- (g) soil

This will determine what areas of the site are constrained and are unsuitable for development and the areas of the site where it may be possible to develop.

#### **M4.2. Slope Constraints**

Slopes steeper than 1 in 5 present considerable problems and should generally be excluded from subdivision and building development for the following reasons;

- (a) Increased development difficulties and costs
- (b) Access can be difficult or impossible
- (c) Erosion potential is high or extreme
- (d) Winds are often stronger
- (e) Visibility of development is often increased
- (f) Impact on flora and fauna
- (g) Usually affects heavily vegetated areas
- (h) Fire hazard is high or extreme

**M4.2.1** Council will only consider the areas with a slope greater than 1 in 5 for building envelopes if it can be demonstrated that no alternative building site exists on gentler slopes and the proposal has benefits, such as reduced clearing for roads, fire breaks, etc.

**M4.2.2** A geotechnical appraisal must be submitted for any building envelope or proposed building on land with a slope greater than 1 in 5 (20%) to ensure that development of this part of the site is practical.

The geotechnical site investigation should be prepared by a qualified Engineer and shall fully assess the suitability of the site for the proposed development. All recommendations of the investigation shall be incorporated into the plans for the proposed development.

#### **M4.3. Erosion Control Measures**

**M4.3.1** Your development proposal must comply with the erosion and sediment controls in Part H of this DCP.

**M4.3.2** No structures shall be constructed within the 1:100 stormwater overland flow path. All habitable floor levels shall be 0.5m above the 1: 100 stormwater flow levels. Where applicable Council will require stormwater calculations and levels to be submitted with the development application or construction certificate application.

#### **M4.4. Earthworks**

Disturbance by clearing and cut and fill operations on sloping sites can disrupt natural water run-off, risk soil erosion, and require costly retaining walls.

- (a) Buildings and roads should be designed with the contours of the land and should avoid steeper sections of a site.
- (b) Clearing should be minimised and groundcover vegetation retained.
- (c) Earthworks are not to exceed 1200mm of cut or 1200m of fill in order to minimise site disturbance.
- (d) Slab construction is inappropriate on steep slopes as there is potential for movement of foundation material and for damp problems if water collects against the building.

## **PART M CONTROLS FOR DEVELOPING STEEP LAND**

### **M4.5. Protection of Watercourses**

Several watercourses/ drainage lines occur on land covered by this Part of the DCP. These may only have intermittent flow but are important for stormwater control and are required to be protected.

- (a) A minimum buffer of 10 metres each side of the water course must be provided. Larger buffers are encouraged where possible.
- (b) No clearing of native vegetation is permitted in this buffer area. However, removal of weeds and replanting with native species may be required and should be included in your development proposals.

### **M4.6. Bushfire Hazard Controls**

In bushfire hazard areas building form and materials have to be carefully assessed and non combustible materials may be required. Your development Application must comply with the NSW Rural Fire Service *Planning for Bushfire Protection 2006*. An Asset Protection Zone (APZ) and adequate access will be required. It is advisable to consult the NSW Rural Fire Service.

### **M4.7. Flora and Fauna Protection**

The likely impact of proposed development on the native flora and fauna of these bushland sites must be carefully assessed as part of the site planning process. This is a legal requirement of the EPA Act and Threatened Species Conservation Act.

You are required to prepare a statement of environmental effects to accompany the development application depending on the scale of development and vegetation present on the site. A flora and fauna specialist is required to carry out field work.

### **M4.8. Impact on Scenic Quality**

It is important that scenic quality is not eroded by the impact of new development. This is particularly important in Maclean, as the character of the town owes to the steeply forested backdrop. This is an important element of the views from all the major approaches to the town.

Any subdivision or development proposals are required to demonstrate what impact the development will have on scenic quality. This must be done by showing the area of any proposed clearing for access, building envelopes and associated fire hazard control. This should be illustrated by photographs with overlying transparencies showing the extent of any proposed clearing.

To reduce the impact of development and the destruction of the scenic quality of an area the following controls apply:

- (a) Clustering of buildings in areas which are less prominent.
- (b) Buildings should not penetrate the tree canopy to be visible on the skyline.
- (c) Underground power and telephone lines should be provided to new dwellings or subdivisions to minimise visual intrusion.

Approval will not be granted if it is considered that the proposed development will have an adverse visual impact on the tree canopy and overall scenic quality of the area.

## **M5. Design Components**

### **M5.1. Building Design**

Sloping sites require a different approach to a conventional suburban lot. Initial site planning will help determine the siting, orientation, height and building form of the dwelling. The following requirements should be observed;

- (a) Nominate building envelopes to accommodate a minimum dwelling size of 10 metres x 15 metres, having regard for all the site planning constraints. The nominated building envelope may be enlarged to include unconstrained areas of the site to enable a choice of house position for future owners of the land.
- (b) Roof form should follow the slope of the land as much as possible. Split level homes and pole frames can be used to achieve this.
- (c) Use non reflective materials and natural earthy tones which will blend



## **PART M CONTROLS FOR DEVELOPING STEEP LAND**

with the bushland setting; greys, greens, beige, browns, ochre, olives and blue greys are recommended.

### **M5.2. Access**

Access to sites on steep land requires detailed consideration. Access is necessary for construction as well as operational purposes. You will need to show how this can be provided without destroying the bushland character of the site.

Sufficient investigations should be carried out to ensure that access to steep sites is feasible and complies with relevant standards. In some cases Council will require detailed plans at the development application stage where appropriate or at the Construction Certificate stage to demonstrate that access is feasible.

The design of roads should minimise the need for substantial cut and fill operations unless you can demonstrate that the proposal has other advantages such as the retention of important vegetation on the site.

### **M5.3 Road Verges**

Roads and paths should follow contours and landform wherever possible. Verge treatments which avoid strong edge lines and retain a natural appearance and bushland character are encouraged.

Native vegetation should be retained on the edges of the road reserves and any restoration planting should include massed natives which are compatible with the local vegetation. Restoration planting near underground services should be of the type that will not cause damage to services eg infiltrating sewer mains.

### **M5.4. Fences**

Fences have a major impact on the character of a street. In bushland areas it is important that fences are of a simple design, unobtrusive, and are complimentary with their bushland setting.

The use of post and rail timber fences, simple wire fencing on timber posts or other similar types of fences with a horizontal format and naturally weathered

silver greys, browns and greens are encouraged.

Heavy structures such as brick or solid metal fences can destroy the low key character of the area and are not appropriate.

## **M6. Site Specific Controls**

### **M6.1 MACLEAN AREA 1**

Maclean Area 1 is shown on MAP L2 and is covered by an R2 and E2 zone. This area at the rear of properties in Harwood and Kerry Streets has moderate slopes and includes plantation timber. It is therefore less constrained for residential development than most of the other land referred to in this plan. However, the general principles of the plan still apply and the following points should be noted.

1. A central gully dissects the site and also includes a tributary area in the south east corner of Lot 6 DP 718930. This gully area is covered by a E2 zone which extends approximately 20 metres either side of the creek as shown on the above plan. The purpose of this zone is to provide a continuous linkage along the drainage line including a suitable buffer.
2. Two drainage lines also run north-south from Kerry St across the northern part of this area. These drainage lines handle a large amount of storm water in times of heavy rainfall from the hillside above and this will need to be carefully addressed at the design stage.
3. Pine plantation covers a large portion of the site including parts of the E2 zone. It is acceptable that these trees be removed, but they should be replaced within the E2 zone by native species which are local to the area. Soil erosion protection principles apply.

**PART M CONTROLS FOR DEVELOPING STEEP LAND**

4. Fencing of the boundary between the E2 zone and residential development is a requirement of any development approval on the land. This is necessary to clearly define the buffer area and protect it from urban activities such as clearing and the entry of dogs. The fencing should be designed for the whole site and be simple in design as outlined earlier in the plan. A post and rail fence with dog proof wire is suggested to maintain views through to the buffer area.
5. Any new access road should be located below the level of the ridgeline to minimise visual impact on the hillside and maintain scenic quality. Access through the E2 zone is likely to be required to link both sides of the site. However, this should be limited to minimise impact on this gully area and located where it has least potential to damage natural features such as rocky outcrops and mature native vegetation.

**PART M CONTROLS FOR DEVELOPING STEEP LAND**

**MAP M2  
MACLEAN AREA 1**



## **PART M CONTROLS FOR DEVELOPING STEEP LAND**

### **M6.2 MACLEAN AREA 2**

1. Maclean Area 2 is shown on MAP L3 and is covered by an R2 and E2 zone. This comprises a site of approx 6 ha with undulating south facing slopes. The site has been largely cleared leaving selective mature trees, but has an uncleared area in the south eastern corner which is zoned E2 and links to adjoining bushland.
2. Visibility from approach roads and surrounding sites is low.
3. To maximize the retention of sensitive areas Community Titles subdivision may be an appropriate form of development. Density should not exceed one dwelling per 500m<sup>2</sup> of site area.
4. The design of the cluster housing should aim to maximise the retention of the remaining mature trees on the site by ensuring that they are not located close to building envelopes where future conflicts may arise.
5. Definition of the boundary between the E2 zone and residential development will be a requirement of any development approval on the land. It is suggested that a footpath, or a buffer, be located between any residential development and the E2 zone to protect it from urban activities such as clearing, mowing and the dumping of garden rubbish. This should be considered as an integral part of the proposed residential design for the site.

### **M6.3 MACLEAN AREA 3**

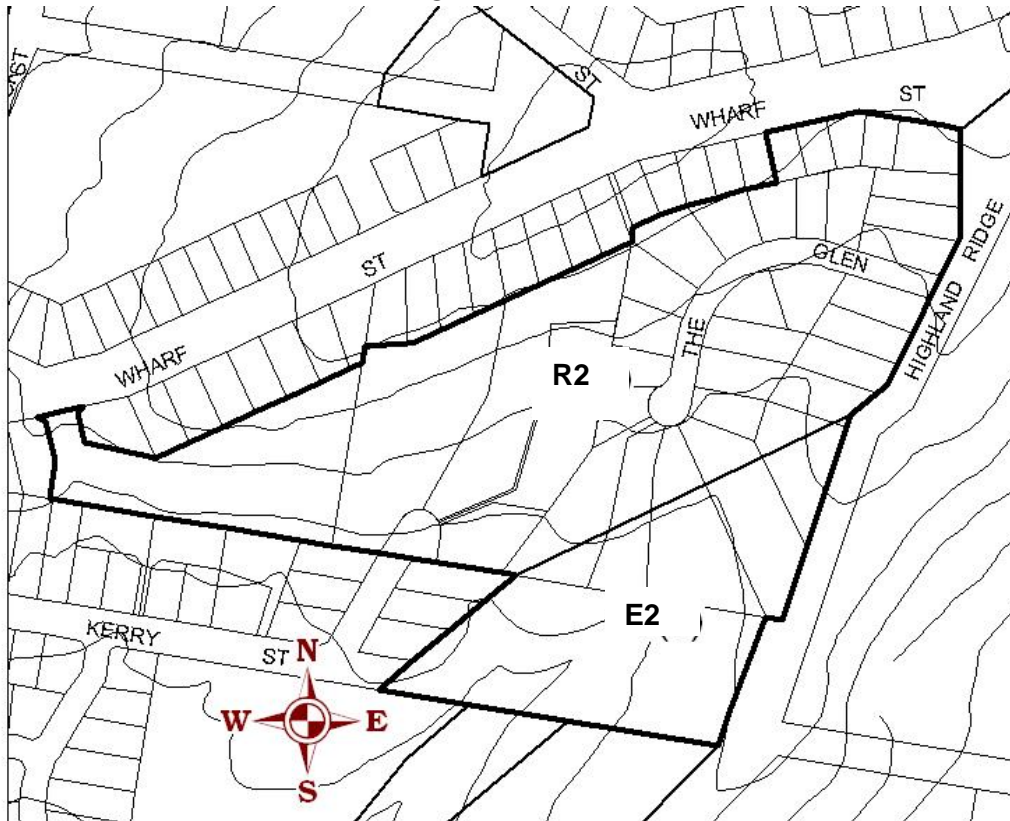
1. Maclean Area 3 is shown on MAP L4 and is covered by an R2 zone. This land comprises 3 separate

properties which presently form one undeveloped area of bushland.

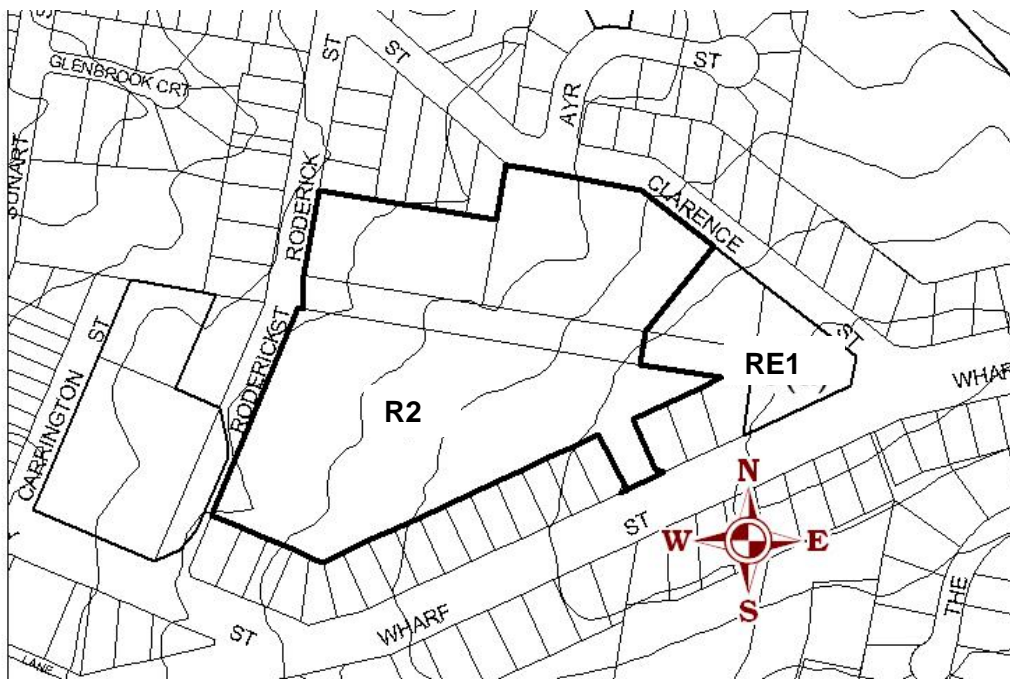
2. The area comprises generally undisturbed mature bushland with north western facing slopes of 1 in 5 (20%) and less.
3. An outstanding natural rocky outcrop runs approximately southwest to north east along the contour of the hillside. This natural feature should be preserved and carefully incorporated into the design of any development on this site.
4. The top section of the hillside at the rear of properties on Wharf Street has a fairly gentle slope and the undergrowth has been slashed for fire protection. This site becomes steeper towards the north and links to adjoining Crown Reserve which contains a central gully and rocky outcrops. The remaining property is similar in character and is accessed from Roderick Street.
5. This area has important scenic and visual quality, forming part of the backdrop to the view of the Catholic Church from River Street. Clearing on this site must be minimised and careful site planning is required to locate building envelopes which will not create large holes in the canopy. The constraints affecting this land will reduce the density of development which can be achieved.
6. Sensitive areas of the site should be incorporated into larger lots or could be separately defined as a community lot under the Community Titles land tenure.
7. A walking track is located on the lower contour of the hill and links to a footpath on Roderick Street. It is desirable that a footpath access be maintained which could link to the Crown Reserve.

**PART M CONTROLS FOR DEVELOPING STEEP LAND**

**MAP M3  
MACLEAN AREA 2**



**MAP M4  
MACLEAN AREA 3**



## **PART M CONTROLS FOR DEVELOPING STEEP LAND**

### **M6.4 MACLEAN AREA 4**

1. Maclean Area 4 is shown on MAP M5 and is covered by an R2 zone. This site comprises mature bushland at the rear of Roderick and Clarence Streets. Access is from Sunart Street which is unformed but has been cleared.
2. The site is heavily vegetated with eastern facing slopes of 1 in 5 (20%) and less, and includes two drainage lines with rocky outcrops.
3. A sensitive design is required which integrates dwellings and access with the natural features of the site and maintains as much vegetation as possible.
4. Council requires a minimum 10 metre buffer either side of drainage lines/ watercourses where there is intermittent flow. Piping of natural drainage lines is not an acceptable solution. Land within the 10m buffer area may be included into lots outside of the nominated building envelopes but must remain uncleared including natural groundcover vegetation.

### **M6.5 MACLEAN AREA 5**

1. Maclean Area 5 is shown on MAP M6 and is covered by an R2, E3 and RE1 zone. This is a very prominent high site which includes a north facing spur which returns to steep eastern facing slopes and include several drainage lines. The land is thickly vegetated with mature bushland and provides a significant visual backdrop to the town.
2. Land containing slopes of 20% or greater generally falls within the E3 zone due to its steepness and visibility. However, some very steep sections of land lie outside of this zone due to the need for practical zone boundaries and are not appropriate for residential development.

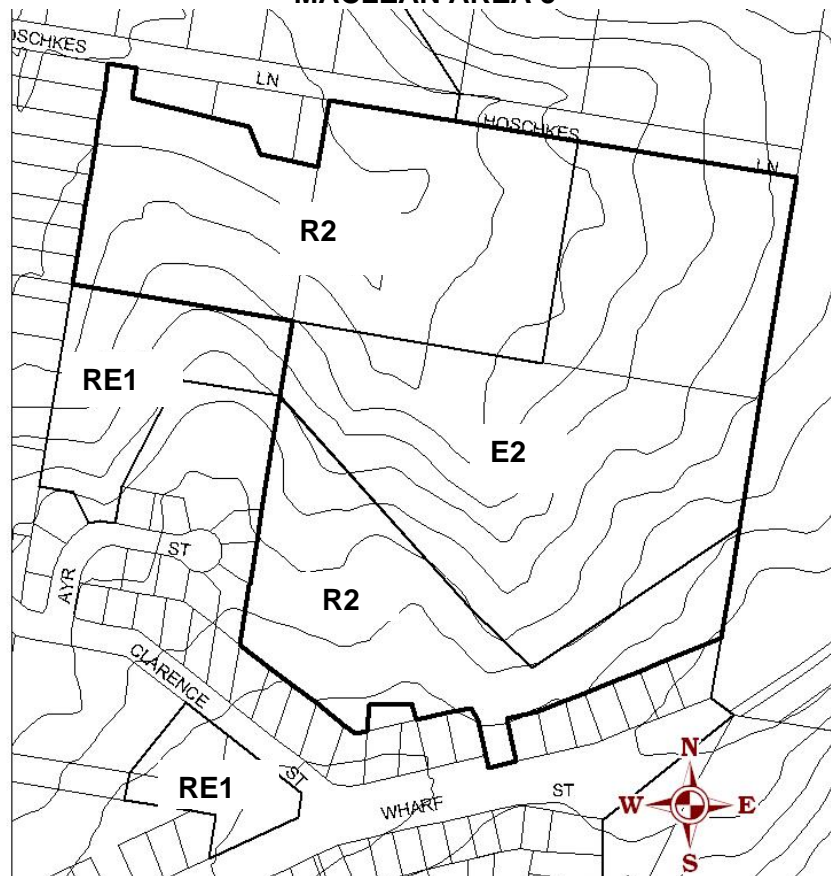
3. The south-western and a small south-eastern section of Lot 23 DP 882189, which are within the R2 zone, have potential for very low density development as the slope is not so severe on these parts of the site. Mature vegetation within the gullies in the E3 zone that descend from these areas screen these sites, and it is important that this vegetation is protected from clearing.
4. The boundary between the E3 and 2(a) zones in the southeastern section of the site should be delineated by the access road as this will assist in providing fire protection and minimising the impact of development on the E3 zone.
5. North to north-western facing steep slopes with thick vegetation make bushfire a high risk on this site. Pockets of steep gully areas which occur within the R2 zone (due to boundary alignments) should be retained uncleared as these areas are highly susceptible to soil erosion and have environmental value. They are also under threat from clearing for the gaining of views. These areas may be incorporated into larger allotments.
6. The upper portion of Lot 1 DP 594907 is zoned E3 for the same reasons as above. The lower portion of the site has shallower north western facing slopes, is less visible and the vegetation is mainly mature acacia regrowth. Building envelopes should be selected with regard to minimising removal of vegetation; likely future visual impact and bushfire requirements. Bushfire risk is not as severe being located on the lower slopes however, radiation areas will still be required.
7. Lot 2 DP 532997 is the least constrained site in this area being located at the lower part of the hillside behind dwellings on Roderick Street. General DCP requirements apply especially the nomination of building envelopes.

**PART M CONTROLS FOR DEVELOPING STEEP LAND**

**MAP M5  
MACLEAN AREA 4**



**MAP M6  
MACLEAN AREA 5**



## **PART M CONTROLS FOR DEVELOPING STEEP LAND**

### **M6.6 MACLEAN AREA 6**

1. Maclean Area 6 is shown on MAP M7. This area is zoned E3.
2. A ridgeline extends in a north - south direction from Wharf Street to Goodwood Street / Cameron Street. It forms an important natural boundary and clearly defines the eastern edge of Maclean township. Land south of Ulmarra Street contains the lowest section of the ridgeline as it descends to the river.
3. The area also contains the steep eastern facing slopes which adjoins the Pacific Highway and provides an important visual buffer to the town.
4. To the north of Wharf Street, the E3 zone includes most of the steeper hillsides generally with slopes in excess of 20%. These areas form a very important visual and scenic backdrop to the town, especially when entering or leaving the town from the north.
5. Development potential of this land is restricted under CV LEP 2011, however where "dwelling eligibilities" exist, extra caution is required to ensure that the proposed development does not detract from the visual and scenic quality of the area. In cases where a land parcel has a dual zoning of R2 and E3, any development must be sited within the R2 zone.



**PART M CONTROLS FOR DEVELOPING STEEP LAND**

**MAP M7  
MACLEAN AREA 6**



## **PART N WOOLI VILLAGE CONTROLS**

### **PART N WOOLI VILLAGE CONTROLS**

#### **N1. Where do controls for Wooli village apply?**

Controls for Wooli village apply to land in the E2 and RE1 zones in the CV LEP 2011 including land affected by *Clause 7.5 Coastal Risk Planning* of CV LEP 2011.

The land is identified on the CV LEP 2011 Coastal Erosion and Land Instability Areas Map as "coastal risk".

#### **N2. What are the objectives of the controls for Wooli village?**

The objectives of the controls for Wooli village are:

- (a) To preserve the natural environment and the character and ambience of the village.
- (b) To maintain a village of low density urban development form, with new development to respect the environmental constraints posed by the river, ocean, small lot sizes and the existing small scale built form.
- (c) To recognise the threat posed by beach erosion of land adjoining the Wooli Beach and therefore limit the type of development permitted within Wooli village.

#### **N3. Character of Wooli village**

The character of Wooli village is largely founded on its:

- (a) Unspoilt beachside and tranquil riverside and peninsula setting.
- (b) Low key and low density development and housing form.
- (c) Outdoor and nature –based recreational and leisure opportunities.
- (d) Lack of through traffic.

Maintaining the individual and unique character of Wooli and the high water quality of the river and ocean is of the

utmost priority of the Wooli community, as expressed in community surveys and consultations.

All new development and additions to existing development must consider the existing character of Wooli village and be designed to be in keeping with that character.

The NSW Coastal Design Guidelines must be considered in design of new buildings and additions.

The following general guidelines must be considered:

1. Locate and design buildings to respond to appropriately address the effects of coastal processes within the local hazard context.
2. Reinforce the village character with new buildings that are appropriate in terms of location, uses, scale, height and site configuration.
3. Consider the appropriateness of new buildings within the whole streetscape, rather than each building as a stand-alone object.
4. Maintain consistent street setbacks.
5. Ensure buildings address the street by providing direct and on-grade entries to the street for residential, commercial and retail purposes.
6. Rationalise car-related uses on site, such as driveways widths and lengths.
7. Protect views from public places and streets by maintaining consistent setbacks along streets and not placing buildings in view corridors.
8. Protect local views and vistas throughout and surrounding the village from public places by relating new buildings to the topography, reducing heights to maintain views of the surrounding landscape and maintaining consistent, height, bulk, scale with the street and local context.
9. Ensure developments and neighbouring properties have:
  - (a) access to daylight
  - (b) access to natural ventilation
  - (c) visual privacy and acoustic privacy
  - (d) private open space
  - (e) a pleasant microclimate.

**PART N WOOLI VILLAGE CONTROLS**

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

**N4. Building Height**

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

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

In Woolli village, the maximum height of all buildings erected on land between the street adjacent to the coastal dune and the coastal dune is 6.5 metres.

In other areas of Woolli village, all development must not exceed the maximum building height of 9 metres to the highest point on the roof.

Where a maximum building height limit applies to land, a maximum top plate building height applies as shown in TABLE M1.

TABLE N1

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

**N5. Woolli Beach Coastline Management Plan Restrictions**

Development restrictions apply within the Woolli Beach Coastline Management Plan as outlined within TABLE N2.

Council may permit development not conforming with any one or more of the requirements of TABLE N2 when in its opinion the objectives of the Woolli Beach Coastline Management Plan will be achieved. Consult Council planning staff for details of land affected by the Woolli Beach Coastline Management Plan.

In addition to this clause 7.5 *Coastal Risk Planning* in CV LEP 2011 requires consideration of a number of matters related to impacts of coastal erosion and land instability; and measures to reduce risks and access before granting consent to development.

In order for the consent authority to consider the matters required by clause 7.5 of the CV LEP 2011, a development application for land at identified on the Coastal Risk Planning Map as a coastal risk planning area must include information on the following matters:

- (a) the likelihood of the proposed development adversely affecting, or being adversely affected by coastal erosion and land instability; and
- (b) the need to relocate buildings or services; and
- (c) the nature, bulk and intensity of the proposed development; and
- (d) the need 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 coastal erosion or land instability; and
- (f) arrangements for access during and after a coastal erosion event
- (g) a geotechnical risk assessment in accordance with Council's Geotechnical Risk Management Policy.

**PART N WOOLI VILLAGE CONTROLS**

**TABLE N2.**

<b>DEVELOPMENT</b>	<b>IMMEDIATE ZONE</b>	<b>ADVISORY NOTE</b>
All building works (no exemptions) Major developments. Redevelopments. Major additions. Minor additions.	Not permitted.	Refer to Wooli Beach Coastline Management Plan. This zone is transitional and will impact upon other zones over time.

<b>DEVELOPMENT</b>	<b>50 YEAR ZONE</b>	<b>ADVISORY NOTE</b>
Light weight structures, shed, carport, pergolas, etc. Removable building structures. Single dwelling houses only.	Permitted	Development applications required for all structures. Refer to Wooli Beach Coastline Management Plan.
All other structures Residential and commercial Major new developments Redevelopments. Major additions. Minor additions.	Not permitted.	Refer to Wooli Beach Coastline Management Plan.

<b>DEVELOPMENT</b>	<b>100 YEAR ZONE</b>	<b>ADVISORY NOTE</b>
Residential structures Dwellings and outbuildings. Commercial structures. Major new developments Redevelopments. Major additions. Minor additions.	Permitted.	Development applications required for all structures. Applications to be accompanied by a certification of the foundation design by an engineer with appropriate geotechnical qualifications and experience. Refer to Wooli Beach Coastline Management Plan.

**NOTE:** Immediate zone, 50 year zone, 100 year zone are those described within the Wooli Beach Coastline Management Plan.

## **PART N WOOLI VILLAGE CONTROLS**

### **N6 Floor Level and Flood Controls**

*Primary habitable floor levels* are to be no lower than the *Flood Planning Level* being the 1% AEP 2100 Climate Change (RCP 4.5) scenario (derived from the Wooli Wooli River FRMP 2022) plus 500mm *freeboard* for land identified in the *Flood Planning Area* for Wooli (see Appendices for FPA maps).

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

## **PART O CONTROLS FOR OCEAN STREET, YAMBA**

### **PART O CONTROLS FOR OCEAN STREET YAMBA**

#### **O1. Where do controls for Ocean Street, Yamba apply?**

The controls for Ocean Street, Yamba under Part O of this DCP apply to Lot 4 DP 19456 & Lots 5A & 5B DP 376103, Ocean Street, Yamba, as shown on MAP O1. The land is zoned E2 Environmental Conservation.

#### **O2. What are the objectives of the controls for Ocean Street, Yamba?**

The objectives of the controls for Ocean Street, Yamba are:

- (a) To limit the visual impact of any development on the land to which this Plan applies by providing design guidelines, to restrict height bulk and scale of future development on the site.
- (b) To control the proximity to the public foreshore of any building or structure on the land to which this Plan applies, by establishing a Public Setback Line as required by the NSW Coastal Policy 1997.

#### **O3. Building Height**

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

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

In order to achieve a stepped development on land in Ocean Streets, Yamba subject of Part O of this DCP, CV LEP 2011 clause 4.6(2) *Exceptions to development standards* is applied.

As the subject land slopes steeply from the foreshore to Ocean Street, any buildings should be designed to reduce

the apparent height, bulk and scale of buildings.

On the Ocean Street frontage dwelling-houses must not exceed a maximum building height to the top plate of 4 metres and a maximum height to the highest point on the roof of 6.5 metres, to be measured from street level at the front boundary.

Other than on the Ocean Street frontage, dwelling-houses must comply with a maximum height to where the roof beams meets the top plate of 6.5 metres and a maximum height to the highest point on the roof of 9 metres.

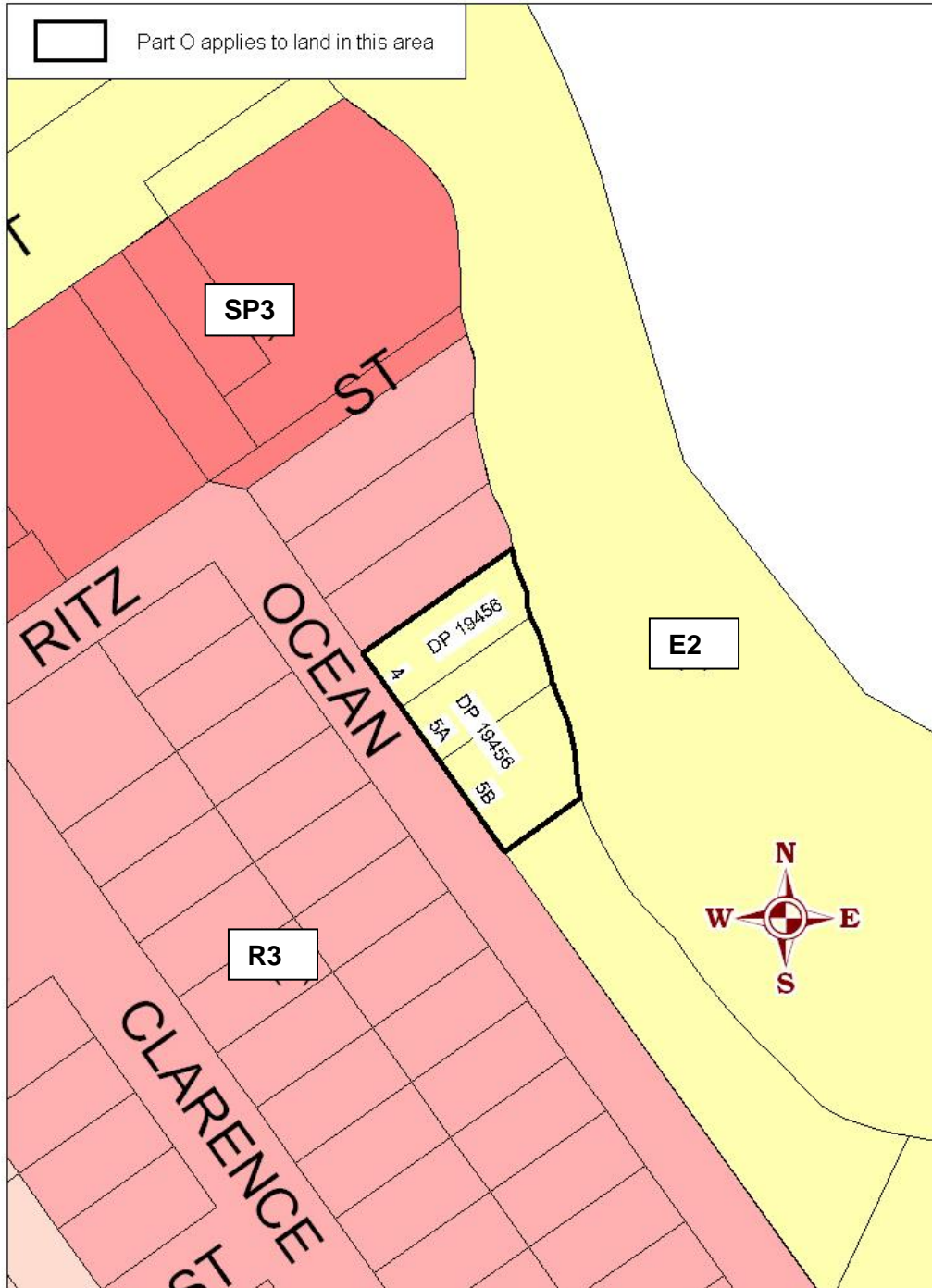
The maximum height to where the roof beams meet the top plate and to the highest point on the roof, is measured from the finished ground level.

Finished ground level means the ground surface level created by filling and grading with the consent of Council.

Due to the nature and topography of the site, a revetment wall may be constructed along the eastern boundary of each of the site.

**PART O CONTROLS FOR OCEAN STREET, YAMBA**

**MAP 01**



**PART O CONTROLS FOR OCEAN STREET, YAMBA**

**O4. Setbacks**

**O4.1 Setback to Ocean Street**

A front setback of 6 metres applies. A minimum front setback of 3.6 metres from the front boundary may be applied, only where the applicant can demonstrate that the merits of the proposal warrant such a variation and that the matters listed below have been adequately addressed.

Any request to vary the front setback should meet the setback objective to provide adequate space for landscaping, privacy and an attractive streetscape and address the following;

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

**O4.2 Side Setbacks**

Side setbacks apply as in TABLE O1 depending on height, with the exception of the setback from the southern boundary of lot 5B, DP 376103:

**TABLE O1**

Maximum height to the top plate**	Maximum height#	Side setback
Upt to 4 metres	6.5 metres	900mm
Over 4 metres and up to 6.5 metres	9 metres	1.5 metres

\*\* Height to where the roof beams meet the top plate, measured from any point at finished ground level.  
# Height to the highest point of the roof, measured at any point at finished ground level.

In order that there is no perceived encroachment by development on Lot 5B, DP 376103 on the adjoining Crown land the side setback from the southern side boundary of Lot 5B, DP 376103 must be 3 metres regardless of the height of the building

**O4.3 Rear Setback**

A 3 metre setback from any revetment wall along the rear boundaries, (fronting the rock platform) is required.

**O5. Landscaped Area**

**O5.1.** A minimum of 45% of the site area is to be landscaped area.

**Note:**

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

**O5.2.** A landscape plan must be provided with your development application, clearly indicating dimensions, walls, fences and paving. The landscape plan should identify the plant species to be used and the expected mature height of the plant.

**O6 The Public Setback Line**

**O6.1 Why is a Public Setback Line required?**

The NSW Coastal Policy requires that a Public Setback Line be set for all new development that immediately adjoins the public foreshore, and that the setback distance be determined after taking into consideration specific details of public access requirements, local topography, scenic factors (including impact of development as viewed from the foreshore area), coastal hazards etc.

The Public Setback Line will establish a horizontal separation between any



## **PART O CONTROLS FOR OCEAN STREET, YAMBA**

proposed development on the subject land and the public foreshore

### **O6.2 What will be the Public Setback Line ?**

The Public Setback Line is 6 metres. This will enable the construction of a revetment wall if required and provide for open space for each dwelling.

The Public Setback Line has been determined by taking into account the necessary dimensions for accommodating a revetment wall along the eastern boundary of the three allotments, if required, as well as providing for adequate open space areas.

### **O6.3 Who will own or manage the land seaward of the Public Setback Line ?**

The NSW Coastal Policy provides that developers will be required to either dedicate land seaward of the public setback line for public use, or enter into a satisfactory agreement to ensure that matters such as public access and maintenance of the area to a suitable standard are addressed as a condition of development consent. Public access on the subject land seaward of the Public Setback Line is not required and consequently dedication of the land is not a requirement of this Plan.

This Plan provides that as a condition of development consent for any future development on this land, the owner will be required to enter into an agreement with Council to ensure that land seaward of the Public Setback Line is landscaped and maintained in a satisfactory manner. No building or balcony is to extend seaward of the Public Setback Line. No fence is to extend seawards of the top of any revetment wall. Land seaward of the top of any revetment wall may be included in the calculation of landscaped area.

### **O7. Minimum Development Level**

The minimum development level is the minimum level on the subject land below

which certain development, being any visible or exposed part of the building, can not be located. The minimum development level is 7.8 metres AHD. Council may review this level following completion of the Yamba Headland Study.

### **O8. Impacts on the Rock Platform**

The subject land is bounded by a coastal rock platform which lies adjacent to the eastern boundary of the allotments.

Rock platforms are important key habitats for ecological communities of fish and marine vegetation. The Statement of Environmental Effects for a future development on the subject land must include a statement on the effect the development may have on the rock platform both during and post construction. The statement should address structural impact, increased human access on the platform, stormwater runoff and provisions for waste disposal emanating from the site, and include proposed measures to ameliorate any potential impact.

If a revetment wall along the eastern boundary of the subject land is proposed in order to maximise development potential on the site, the revetment wall is to be constructed of materials such as natural rock with landscaping which will complement the natural features of the coastline. No part of the revetment wall, is to encroach beyond the eastern and southern boundaries of the subject land. The slope of revetment wall is not to exceed 1(v) to 1.5(h).

### **O9. Building Materials and Colours**

On larger areas of wall mass, lighter colours should be used with darker or bolder colours restricted to trim and highlighting. Brick and masonry should be painted and/or rendered. Dark coloured walls and the extensive use of face brick are out of character with the coastal environment and can also have a detrimental effect on the perceived bulk and scale of a building.

**PART O CONTROLS FOR OCEAN STREET, YAMBA**

Building mass can also be reduced by avoiding long lengths of unbroken wall line and through the use of architectural features such as shade devices. The North Coast Design Guidelines encourages the use of shading devices such as eaves, hoods and verandahs and discourages the use of flat or skillion roofs. Development on the subject land should demonstrate that it satisfies these requirements.

## **PART P YAMBA HILL CONTROLS**

### **PART P YAMBA HILL CONTROLS**

#### **P1. Where do the controls for Yamba Hill apply?**

The controls in Yamba Hill apply to land east of River Street, Yamba within the SP3 zone. See MAP P1.

The same controls apply to land in the R2 and R3 residential zones and B1 Neighbourhood Centre zone in this locality. See the relevant DCP's for these zones.

Controls for Yamba Hill in Part P apply to all development, including dwelling houses, dual occupancies, attached dwellings, multi dwelling housing, residential flat buildings, semi-detached dwellings and serviced apartments.

Controls for Yamba Hill in Part P include:

- (a) Minimum site areas for residential flat buildings attached dwellings, multi dwelling housing and serviced apartments.
- (b) Maximum height controls to the top plate.
- (c) Shadow diagram requirements.
- (d) Car parking.

**Note:** Maximum building height controls apply under clause 4.3 and the associated Height of Buildings Map in the CV LEP 2011.

See Part C of this DCP for other controls that apply, which include:

- (a) Setbacks.
- (b) Landscaped area requirements.
- (c) Private open space.

#### **P2. What are the objectives of the controls for Yamba Hill?**

The objectives of the controls for Yamba Hill are:

- (a) Development which is responsive to site constraints and the surrounding environment.
- (b) Buildings which complement the existing streetscape.
- (c) Buildings which reflect a North Coast character and minimise adverse impacts on adjacent properties.

#### **P3. Consideration of NSW Coastal Design Guidelines**

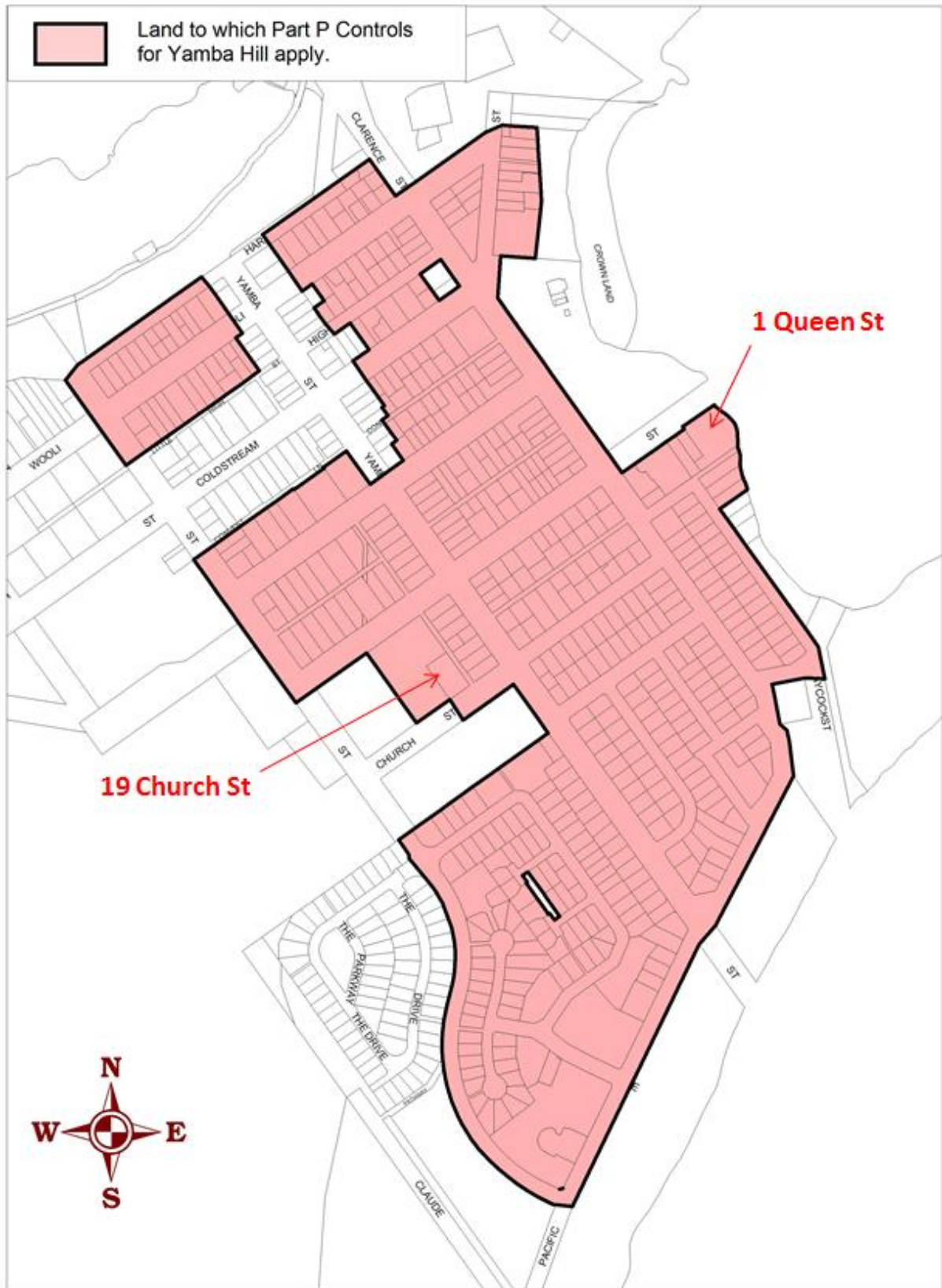
The NSW Coastal Design Guidelines must be considered in design of new buildings and additions in Yamba Hill.

The following general guidelines should be considered:

1. Locate and design buildings to respond to and appropriately address the effects of coastal processes within the local hazard context.
2. Reinforce the village character with new buildings that are appropriate in terms of location, use, scale, height and site configuration.
3. Consider the appropriateness of new buildings within the whole streetscape, rather than each building as a stand-alone object.
4. Maintain consistent street setbacks.
5. Ensure buildings address the street by providing direct and on-grade entries to the street for residential, commercial and retail purposes.
6. Rationalise car-related uses on site, such as driveways widths and lengths.
7. Protect views from public places and streets by maintaining consistent setbacks along streets and not placing buildings in view corridors.
8. Protect local views and vistas throughout and surrounding the village from public places by relating new buildings to the topography, reducing heights to maintain views of the surrounding landscape and maintaining consistent, height, bulk, scale with the street and local context.
9. Ensure developments and neighbouring properties have:
  - (f) access to daylight
  - (g) access to natural ventilation
  - (h) visual privacy and acoustic privacy
  - (i) private open space
  - (j) a pleasant microclimate.

**PART P YAMBA HILL CONTROLS**

**MAP P1**



## PART P YAMBA HILL CONTROLS

10. Achieving amenity relates to the design of individual buildings and, in particular, to:
- (h) building orientation and depth.
  - (i) the size of the lot.
  - (j) open-space location, size and connection with the inside of the building.
  - (k) Car parking, location and access.
  - (l) pedestrian access from the street.
  - (m) street edge configuration and building separation
  - (n) mature trees, vegetation and soil areas

### P4. Minimum site areas for residential development

A minimum site area of 400m<sup>2</sup> applies to land in the SP3 zone in the CV LEP 2011 for the following types of residential development:

- Attached dwellings
- Multi dwelling housing
- Residential flat buildings
- Serviced apartments

### P5. Car Parking

The number of car spaces required for residential development, except for dwelling houses, under Clause G2 of this DCP does not apply in the R3 Medium Density residential zone in Yamba Hill.

The number of car parking spaces required for residential development, except dwelling houses, in the R3 Medium Density residential zone in Yamba Hill are as follows:

Number of bedrooms in dwelling	Number of car spaces required
1 and 2 bedrooms	2
3 and 4 bedrooms	3

No additional car spaces are required for visitor car parking in the R3 Medium Density residential zone in Yamba Hill.

For other requirements related to car parking refer to Part F of the DCP.

### P6. Building Height

Different height limits apply in different parts of Yamba Hill.

A maximum building height applies to all development of land in the SP3 zone. Clause 4.3 and the associated Height of Buildings Map in the CV LEP 2011 detail these controls.

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

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

Where a maximum building height limit applies to land, a maximum top plate building height applies as shown in TABLE P1.

The CV LEP 2011 Height of Buildings Map identifies land on the eastern side of Pilot and Ocean Streets, Yamba as having a maximum building height of 6.5 metres.

In these areas in Pilot and Ocean Streets, Yamba development should be stepped down at the rear of the lots to a maximum height of 9.5 metres to where the roof beam meets the top plate and 12 metres to the top of the roof.

In order to achieve a stepped development on land in these areas in Pilot and Ocean Streets, Yamba CV LEP 2011 clause 4.6 (2) *Exceptions to development standards* is applied.

**PART P YAMBA HILL CONTROLS**

**TABLE P1**

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

\*measured at street level at the front boundary. See clause P6.1

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

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

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

**P6.1.** In Pilot and Ocean Streets where development at the street level is limited to a height of 4 metres to where the roof beams meet the top plate and a height of 6.5 metres to the highest point on the roof, the height is measured at the front boundary.

In these locations development should be stepped down at the rear of the lots to a maximum height of 9.5 metres to where the roof beam meets the top plate and 12 metres to the top of the roof.

**Note:** Definitions from the CV LEP 2011 that must be used to determine building height controls are;

**Building height (or height of building)** means:

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- (b) in relation to the RL of a building — the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite

dishes, masts, flagpoles, chimneys, flues and the like.

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

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

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

**P7. Shadow diagrams**

A shadow diagram showing the impact on adjoining properties must accompany a development application where the maximum building height exceeds 6.5 metres.

At least half the private open space of adjoining properties should receive direct sunlight between 10am and 2pm during mid winter. This same standard applies to private open space areas provided within the proposed development.

Variations to this standard may be accepted if the excessive overshadowing is balanced by improvements in views, access to prevailing breezes, vegetation retention or privacy for the affected property(s).

Council shall also give consideration as to whether the proposed development worsens the existing overshadowing received by the affected property.

## **PART Q DEVELOPMENT WITHIN WATERWAY ZONES**

### **PART Q DEVELOPMENT WITHIN WATERWAY ZONES**

#### **Q1. Introduction**

The Clarence Valley LEP 2011 adopts all three Waterway zones.

The W1 Natural Waterways zone is generally intended for waterways that are to be protected due to their ecological and scenic values.

A limited number of low impact uses that do not have an adverse effect on the natural value of the waterway can be permitted in this zone. Examples of areas zoned W1 are the The Broadwater, Lake Wooloweyah and the Nymboida River.

The W2 Recreational Waterways zone is generally intended for waterways that are used primarily for recreational purposes such as boating, fishing and waterskiing, but which may also have ecological, scenic or other values that require protection. Examples of water bodies zoned W2 is the Clarence River and Coldstream River.

The W3 Working Waterways zone is generally intended for waterways which are primarily used for shipping, port, transport and other working uses. The zone recognises that there may also be recreational uses. Examples of areas zoned W3 include Yamba marina, port/commercial wharf facilities at Goodwood Island and Harwood (sugar mill).

#### **Q2. Where does PART Q apply?**

The controls for Waterways zone apply to all water bodies and areas that are zoned

- W1 Natural Waterways
- W2 Recreational Waterways
- W3 Working Waterways,

under CV LEP 2011.

#### **Q3. What are the objectives of PART Q of this DCP?**

The objectives of PARTQ of this DCP are to:

1. complement the LEP provisions (zone objectives and Land Use Tables) for each the Waterways zones;
2. outline matters for assessment and consideration for development applications in the Waterways zones.

#### **Q4. Assessment of development within waterways zones**

A development application for a development within the Waterway zone shall, include in a Statement of Environmental Effects an assessment of the following matters in detail:

1. The objectives of the particular waterways zone
2. the adjoining land uses and zoning including the objectives of the zone adjoining the site the subject of the development.
3. impacts upon the natural and any commercial fishery
4. Impacts on stream stability and function.
5. Hazards associated with the location.
6. Impacts on water quality and water flow.
7. Impacts on vegetation and habitat areas.
8. Protection of cultural and scenic values
9. Public access considerations.
10. The necessity for the development in the proposed location.
11. Relevant State or Federal legislation relating to waterways and the interface between the waterway and land.

#### **Note:**

The matters set out above are not intended to be comprehensive and are in addition to heads of consideration under section 79C of the EP & A Act.

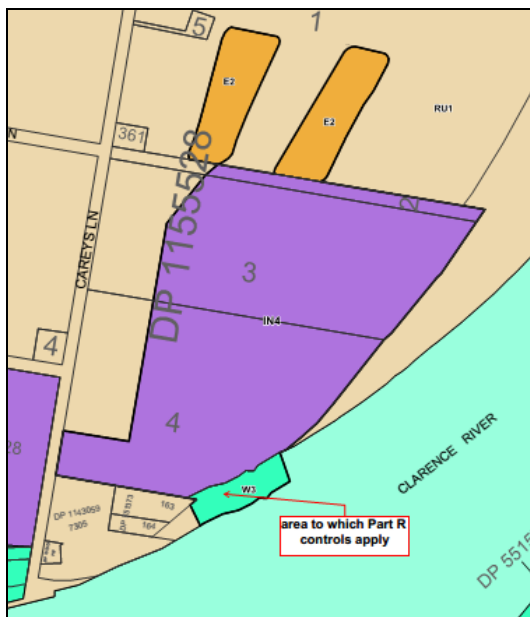
**PART R CONTROLS FOR MARINE INDUSTRIAL PRECINCT, HARWOOD ISLAND**
**PART R CONTROLS FOR MARINE INDUSTRIAL PRECINCT, HARWOOD ISLAND**
**R1. Where does Part R of this plan apply?**

PART R of this DCP applies to land or area at Careys Lane, Harwood Island that is zoned W3 Working Waterways, as shown on MAP R1. The area is legally described as that area adjoining Lot 4, DP 1155528 (Careys Lane Harwood Island), being part of the northern bank of the Clarence River, including an area of land below the mean high water mark of the Clarence River.

The area the subject of Part R controls will generally be referred to in this Part as the "precinct".

Development of the precinct or area should also comply with the General Controls in PART C and other relevant Parts of this DCP including but not limited to Parts A, D to J and Q.

The area was zoned W3 when Amendment No. 20 of the CV LEP 2011 was notified on 10 July 2015. This was the end result of the "Harwood Marine Planning Proposal" lodged on behalf of Harwood Marine by GHD in 2012.



Map R1 – land to which PART R of this DCP applies

**R2. What are the aims and objectives of the controls for the marine industrial precinct at Harwood Island?**

The aim of the controls is to provide a clearer and more detailed set of additional guidelines and requirements for the expanded Harwood Island Marine Industrial Precinct.

The objectives of the controls are to:

O1. Minimise the impact of existing and future natural and man-made hazards upon the development within the precinct.

*Note: particular hazards associated with this locality include but are not limited to flooding, drainage, riverbank erosion and acid sulfate soils.*

O2. Identify and demonstrate that all forms of pollution/polluting processes and associated potential environmental impacts are minimised.

O3. Protect the water quality of local waterways including the Clarence River.

O4. Ensure that development within the precinct has minimal impact only on the land and occupants of land within the surrounding locality including compliance with relevant noise, air and water quality guidelines.

O5. Ensure that the precinct is serviced with an adequate level and standard of infrastructure including a standard of road access appropriate to the scale and intensity of development activity proposed within the precinct taking account of the scale of existing marine industrial development in the immediate vicinity.

O6. Complement the controls for that part of the precinct that is also zoned IN4 Working Waterfront and that are contained within Clarence Valley Industrial Zones Development Control Plan 2011.



**PART R CONTROLS FOR MARINE INDUSTRIAL PRECINCT, HARWOOD ISLAND**
**R3. Additional requirements for documentary development applications**

Although clause A8 of this DCP specifies the matters that a development application (DA) must provide and address, a number of issues were identified during the rezoning process for the precinct and are emphasised as requiring rigorous documentation and assessment in any DA for the precinct.

Therefore DAs for marine industrial development within the precinct must, in addition to clause A8. matters, also be accompanied by the following information:

1. more detailed flood assessment specific to the particular development and its components.
2. more detailed assessment of impact on local drainage.
3. detailed flora and fauna assessment.
4. site specific Aboriginal cultural heritage assessment in accordance with OEH guidelines.
5. measures to manage any cultural heritage artefacts that may be found on site during the development process, including Aboriginal and marine archaeological heritage.
6. Noise assessment undertake in accordance with the NSW Industrial Noise Policy (NSW EPA, 2000) and Noise Guide for Local Government (NSW EPA, 2000) and which should provide a basis for managing and ameliorating all expected noise impacts including the determination of appropriate buffer distances between noise generating marine industrial activity and existing noise sensitive land uses.
7. establishment of a road upgrade staging plan based on construction of route Option 1 of the Road Access Strategy (GHD, November 2013) submitted with the Planning Proposal, coincident with an application to

construct development as indicated in the Planning Proposal's flood assessment. Any preliminary stages not calling up the need for road construction will need to be supported by a justifying traffic assessment.

Refer to Map R2 for route Option 1.

*Note: the required statement of environmental effects (SEE) can contain all information and documentation required by clause A8, this clause and the Regulation.*

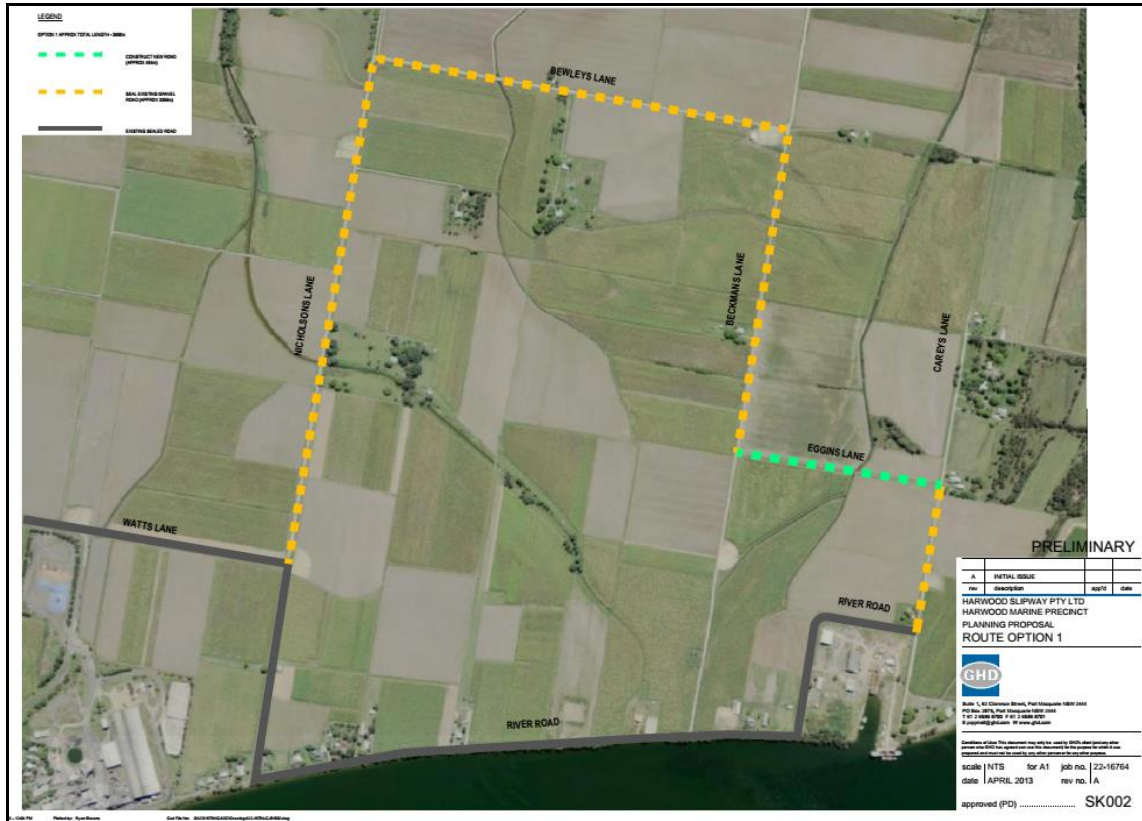
**R4. Development affecting Crown Land and land below mean high water mark**

The aim of this clause is to give particular consideration to development either on Crown land and land below mean high water mark or in close proximity to Crown land and land below mean high water mark.

The following controls apply:

- C1. Development shall not be carried out on Crown Land and land below mean high water mark without the prior written consent of the Minister administering the Crown Lands Acts.
- C2. Where development is proposed on land below mean high water mark evidence is to be provided of consultation with the Yaegl People or their appointed representative whilst any Native Title Determination application remains current whether determined or not. Such evidence is to be provided with a DA.
- C3. Wastes or other materials are not to be discharged nor disposed of on Crown land or land below mean high water mark without the approval of Council or other appropriate regulatory authority where relevant.

**PART R CONTROLS FOR MARINE INDUSTRIAL PRECINCT, HARWOOD ISLAND**



Map R2 - route Option 1 of the Road Access Strategy (GHD, November 2013)

**Part S CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**
**PART S CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**
**S1. 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.

**S2. What are the objectives of Part S**

The objectives of **Part S** 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.

**S3. 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 S 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.

**S4 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>Part S      CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION</b>
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**B.                      Development should be consistent with overarching biodiversity strategies.**

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

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

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

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

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

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

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

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

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

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

Ecological communities listed as endangered must be retained.

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

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

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

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

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

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

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

<b>S5.      Site investigation and analysis</b>
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**S5.1      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 S6). 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.

## Part S CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

A Baseline Ecological Assessment in accordance with Section 1 of the Biodiversity Information for Applicants (BIFA) will normally be required if the development footprint affects native vegetation.

The site investigation and analysis shall classify the habitat of the development footprint based on the findings of the ecological assessment and the criteria or thresholds outlined in Clause S6 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.

### S5.2 Summary of broad steps

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

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

Step 2 – where Native vegetation will be impacted by the proposed development complete Baseline Ecological Assessment and determination of development footprint process having regard to the applicable biodiversity theme tables featured in Clause S6 of the DCP.

The proposed development and site should be assessed against the applicable biodiversity theme tables featured in Clause S6 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 S7 and Table 8.

### S6. Biodiversity thresholds

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

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

**Part S CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**

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

**Note:**

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

**Part S CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**
**S6.1 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 S11; (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 S11

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

<b>Part S    CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION</b>
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**Bushland Explanatory Notes**

Protection Zones required by the Rural Fire Service.

- (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



**Part S 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 S11; (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 S11

**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.

**Part S CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**
**Table 3 THREATENED AND SIGNIFICANT FAUNA - Development Outcomes**

<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 S11

**Part S 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 S CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**
**Table 4 KOALA HABITAT - Development Outcomes**

<b>Objectives</b>			
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			
<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	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 S11 (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 S11

**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 S CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**
**Table 5 FLYING FOX CAMPS - Development Outcomes**
**Objectives**

1. To retain existing flying fox camps and their habitats
2. To provide for the improved management of flying fox camps and adjacent areas
3. To mitigate indirect and ongoing impacts of development on flying foxes and their habitats
4. To conserving and co-existing with the flying-fox population

Threshold Category	Threshold (including Ecological Buffers)	Habitat Retention and Protection Outcomes	Management Outcomes
<b>Red Flag</b> Avoidance and Habitat Retention	Flying Fox camp within 300m of the Development Footprint	<ol style="list-style-type: none"> <li>1. Retain flying fox camp in situ</li> <li>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.</li> </ol>	<ol style="list-style-type: none"> <li>1. Areas managed under an approved Flying Fox Camp Management Plan prepared in accordance with Section 2 and 4 of the BIFA.</li> <li>2. Flying Fox Camp Management Plan should ensure that:               <ol style="list-style-type: none"> <li>(i) habitat within the camp and the buffer is maintained or restored to its natural (pre-clearing) state;</li> <li>(ii) works within the camp and buffer occur outside the flying fox breeding season;</li> <li>(iii) bushfire risks are managed to maintain camp integrity and viability and;</li> <li>(iv) effectively minimise the ongoing threats from the development in accordance with Clause S11 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.</li> </ol> </li> </ol>
<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 S11

**Part S 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.

**Part S CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**
**Table 6 THREATENED AND SIGNIFICANT FLORA - Development Outcomes**

<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.			
<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	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 S11 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 S11

**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 S 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: <ul style="list-style-type: none"> <li>(i) habitat within the buffer is maintained or restored to its natural (pre-clearing) state;</li> <li>(ii) terrestrial and aquatic habitat connectivity is enhanced;</li> <li>(iii) domestic animals particularly livestock are excluded;</li> <li>(iv) the area is not subject to use of pesticides, fertilisers and other contaminants;</li> <li>(v) aquatic habitats and water quality are enhanced and</li> <li>(vi) development impacts minimised in accordance with Clause S11.</li> </ul>
	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 S11

**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 S CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION****S7. 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 S 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 S6 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 S CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION****S8. 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 S CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**
**S9. 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.

**S10. Environmental Buffers**

This DCP requires buffers to protect sensitive ecological areas. The tables within Clause S6 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

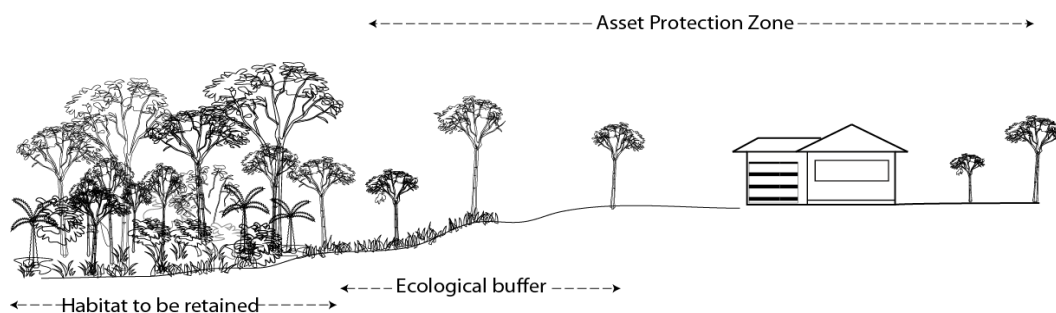
community and is to be retained for this purpose only. Areas already in pristine condition will need to be able to demonstrate this buffer is being managed to protect retained habitat. The appropriate vegetation community will be determined on a site-specific basis but is generally aimed at the pre-disturbance 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 S CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**
**S10.1 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:

**S10.2 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.

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).

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.

**Part S CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**
**S11. Considerations when managing development impacts**

Once the maximum development footprint and acceptable development outcomes have been established by the preceding Clause S10, 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.

**S11.1 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.

**S11.2 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 S10 of this DCP;
- 6) conserve native vegetation surrounding waterways, water bodies, wetlands by the retention of riparian buffers;
- 7) proposals to convert natural watercourses to artificial drains (or remove riparian vegetation or adversely affect existing aquatic habitats) will only be considered if such proposals are part of a site management plan that will result in an enhanced net environmental outcome. An aim of development should be to increase the length and connectivity of streams with adequate native riparian vegetation;
- 8) riparian buffers along major streams shall be identified as Protected Habitat with active management in

**Part S CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**

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.

### S11.3 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.

#### S11.3.1 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).

#### S11.3.2 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.

#### S11.3.3 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;
- (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;

**Part S CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**

- (v) decreased health of waterways and wetlands; and/or
- (vi) Corrosion of infrastructure containing concrete and metal (e.g. culverts, bridges and stormwater drains).

In most cases, ASS can be managed effectively through the implementation of ASS Management Plans.

**S11.4 Native Fauna road strike**

Research has confirmed that transport infrastructure and in particular roads has both direct and indirect impacts on fauna. Direct impacts such as road mortalities can be significant for fauna populations with low numbers or widely dispersed individuals. In addition, indirect impacts from barriers to fauna movement and edge effects are known to reduce movement and thus reduce breeding opportunities for many species. Planning should consider the following:

- (i) new roads must be located on the periphery of any retained habitat or wildlife corridor;
- (ii) new roads must avoid bisecting retained habitat unless located in already cleared areas and can achieve minimum buffer widths;
- (iii) road design must reduce risks to wildlife at wildlife crossing points;
- (iv) where habitat is to be retained on either side of a road, sufficient fauna survey is required to ascertain and implement appropriate fauna crossing structures such as underpasses, overpasses, bridges, glider poles or vegetated land bridges;
- (v) general clause on speed limits- Where on-road structures are deemed appropriate and agreed by Council, traffic calming devices or other design features to restrict traffic speed and a cleared road verge of sufficient width to enable visibility of wildlife without excessive road clearing must be provided. At sites allocated or known to be wildlife crossing areas the preservation of the existing tree canopy is expected to be retained; fauna crossing structures must be designed to facilitate safe passage of numerous fauna types, to provide dry passage and to include revegetation using locally indigenous plant species at entrances to crossing structures;
- (vi) fauna crossing structures must be supported by wildlife fencing which must be maintained by the proponent

for a minimum period of five years. In particular, koala proof fencing must be maintained so that trees do not grow within 3m of the fence.

Vehicular and/or pedestrian access ways must not cross over or through ecologically significant areas (in particular, wetland, aquatic and riparian communities) on the site.

OR

Any vehicular and/or pedestrian access ways that cross over or through ecologically significant areas (in particular, wetland, aquatic and riparian communities) on the site are designed to: minimise the area of disturbance; facilitate the unimpeded movement of fauna.

Linear infrastructure must follow access ways as far as possible

**S11.5 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 S CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION****S12. 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**

**Part S CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**

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.

**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

**Part S CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**

(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.

**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 T NATIVE VEGETATION MANAGEMENT**
**PART T NATIVE VEGETATION MANAGEMENT**
**T1. Where do controls for preservation of native vegetation apply?**

**T1.1** Controls for preservation of native vegetation apply to all land within zones SP3 Tourist, E2 Environmental Conservation and E3 Environmental Management under *Clarence Valley Local Environmental Plan 2011* (CVLEP 2011).

**T1.2.** Applies to private land when clearing of native vegetation is proposed independently of a development application lodged under Part 4 of the Environmental Planning and Assessment Act 1979 that can otherwise authorise clearing works or other action that is authorised under Section 60O of the *Local Land Services Act 2013*.

**T1.3** Clearing controls in SP3, E2 and E3 zones apply to land subject to the Council adopted Koala Plan of Management for Ashby, Woombah and Iluka (2015) localities as well as the Waterview Heights koala population hub as identified in the Southern Clarence Areas of Regional Koala Significance report by Biolink, 2018. These areas are shown in Map T1 and T2.

**Note T1:**

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

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

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

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

Other legislation may apply to the removal and/or damage to trees and native vegetation – refer to Part T7.

**T2. What are the objectives of Part T?**

**T2.1** The objectives of **Part T** are:

- (a) To specify, in conjunction with the provisions of Part 3 of *State Environmental Planning Policy (Vegetation in non-rural areas) 2017*, when a **native vegetation works permit** from Council is required for the actions of ringbarking, cutting down, topping, lopping, removal, injuring or wilfully destroying a tree or other vegetation or a substantial part of the tree or other vegetation ;
- (b) To provide a framework for the protection of native vegetation in SP3, E2 and E3 zones;
- (c) To protect and enhance the environmental amenity, special landscape characteristics, unique vegetation qualities and ecological values of the Clarence Valley Local Government Area;
- (d) protect biodiversity in accordance with Council's Biodiversity Management Strategy 2010;
- (e) to enable clearing native vegetation to the minimum extent necessary to ensure reasonable levels of safety to human life and property. [Note: Clause 8 of the Vegetation SEPP does not require an authority to remove vegetation if Council is satisfied that it is dead or dying and not habitat or is a risk to human life or property]; and
- (f) to preserve koala feed trees species in the area covered by the Ashby, Iluka and Woombah Koala Plan of Management and the Waterview Heights koala population hub to which this Part of the DCP applies.

**Part T NATIVE VEGETATION MANAGEMENT**

**Note T2** – Heritage items, Heritage conservation areas, Aboriginal objects, Aboriginal places of heritage significance or heritage conservation areas:

1. Clause 5.10 of CVLEP 2011 requires development consent for ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation demolishing (or moving) a tree that is or forms part of a heritage item, Aboriginal object, Aboriginal place of heritage significance or that is within a heritage conservation area [except as otherwise dispensed with by clause 5.10(3)].
2. Clearing required for maintenance of a heritage item or place in a heritage conservation area or that is of a minor nature or is considered to be a risk to human life or property (minor works application).

**T3. Definitions**

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

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

- (a) cutting down, felling, uprooting, thinning, or otherwise removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking or burning native vegetation.

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

**T4. When is a Native Vegetation Works Permit required?**

**T4.1** A **native vegetation works permit** or **authority** is required prior to any clearing of native vegetation that is not associated with development that requires separate development consent.

**T4.2** Clearing of native vegetation that is ancillary to an activity or development that

requires separate development consent must be considered in conjunction with a relevant development application. Part Y Controls for Biodiversity and Habitat Protection in this DCP are likely to apply in this circumstance.

**T4.3** Clearing of native vegetation that has been approved under a lawful and valid development consent does not require any further native vegetation works permit or authority or additional development consent.

**T5. Clearing controls in areas of koala habitat or management**

Council has adopted the Ashby, Woombah and Iluka localities Koala Plan of Management 2015 (KPoM). This plan seeks to ensure management of native vegetation, in particular koala feed tree species listed in *State Environmental Planning Policy No 44 - Koala Habitat Protection*, are subject to additional consideration before any clearing takes place. Map T1 shows the area subject to this KPoM where these vegetation control provisions also apply.

**NOTE T3** – The list of koala feed tree species contained in SEPP 44 (from Schedule 2) as at October 2018 that are naturally occurring in the Clarence Valley LGA are:

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

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

Council commissioned Biolink to prepare a report to guide management of koala populations in the Southern Clarence Area of Regional Koala Significance (SCARKS). The report was completed in 2018 and recommends that in the Waterview Heights koala population hub (see Map T2) that there be no net loss of native vegetation. Preferred koala feed tree

## Part T NATIVE VEGETATION MANAGEMENT

species relevant to the Waterview Heights koala population are:

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

In both the Ashby, Woombah and Iluka and Waterview Heights koala management areas clearing of koala feed trees (as relevant to the local koala population and listed above) in proximity to property boundaries or boundary fences cannot utilise the exemptions listed in Part T6. In such instances, a **native vegetation works permit** will be required.

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

### T6. Exemptions from the need to obtain a native vegetation works permit.

**T6.1** Notwithstanding Part T4, a native vegetation works permit is not required for the clearing of native vegetation in the following situations:

- i) Where the base of the trunk or stem is within 10 metres of the face of a lawful existing dwelling house;
- ii) Where the works are undertaken by Council or a contractor acting on behalf of Council or a public authority on land owned or controlled by Council or public authority, including but not limited to lands within a sportsground, park, reserve, road reserve. (Note: Part 5 of the *Environmental Planning and Assessment Act 1979* applies to works undertaken by Council or a public authority);
- iii) Where the works are undertaken within 1.5 metres of the common boundary between lands owned or occupied by different persons, where there is no dividing fence between those lands

(except koala food trees as provided in Part T5);

3 metres where there is a fence (except koala food trees as provided in Part T5); and

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

**Note T4** - Part 3 of the *SEPP (Vegetation in non-rural areas) 2017* does not apply to:

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

**Note T5** - This DCP does not apply where bushfire hazard reduction work is undertaken to comply with a Hazard reduction Notice issued by the NSW Rural Fire Service under the *Rural Fires Act 1997*.

### T7. Assessment criteria

**T7.1** Council will take into consideration any one or more of the following criteria when assessing development applications or native vegetation works permit applications:

- (i) Whole of life tree management – the Safe Useful Life Expectancy (SULE) of the tree and whether the tree is dead, dying or diseased;

**Part T NATIVE VEGETATION MANAGEMENT**

- (ii) Whether the tree is causing structural damage to a building, structure, water main or sewer. Note: A report will be required by a suitably qualified and experienced consultant where the damage is not visually evident;
- (iii) Whether the tree is severely stressed, diseased or is suffering insect damage and whether the health of the tree can be improved;
- (iv) Whether the growth habit or mature size of a trees is undesirable in a given situation (e.g. powerlines, root interference with service, infrastructure or building);
- (v) The current size, expected size at maturity, growth habit of the vegetation in the context of its location to dwellings, other buildings, public infrastructure or private utilities and its potential to interfere and damage such assets and to endanger human life and health. In instances of where branches are dangerous and overhang a building or an adjoining property the assessing Council officer will determine the amount of pruning permitted to address any public nuisance issue.
- (vi) Whether the tree shows poor form and shape and / or vigour typical to the species. A report will be required by a suitably qualified and experienced consultant;
- (vii) Whether the tree species or other vegetation is of regional significance (ie identified regionally as a rare species due to heavily cleared or under represented vegetation community) or a koala feed tree species;
- (viii) Whether the tree or other vegetation is of local significance and is considered relatively rare or has limited distribution or is a critical indigenous species;
- (ix) Whether the removal of the tree(s) or other vegetation will pose any adverse impact upon the amenity or scenic environmental quality of the locality;
- (x) Whether the removal of the tree(s) or other vegetation is necessary as part of any bushfire hazard reduction work under the Rural Fires Act 1997;
- (xi) Whether the removal of the tree(s) is a habitat tree (e.g. nesting tree or roosting tree) for any threatened fauna species;
- (xii) Whether the removal of the tree(s) will adversely affect any riparian corridor and / or wildlife corridor;
- (xiii) Whether the removal of the tree(s) will cause any potential adverse slope instability or geotechnical impacts upon the site or the locality;
- (xiv) Whether the removal of the tree or other vegetation is part of an endangered population, endangered ecological community or is critical habitat for any threatened fauna species;
- (xv) Whether any previous condition of development consent required the retention of the tree(s).
- (xvi) Whether the tree(s) restricts the reasonable solar access to dwellings on adjoining properties.

**Note T6** - The following are not necessarily considered to be valid grounds for the removal or significant pruning of native tree(s) or other vegetation:

- (i) Improvement of views.
- (ii) Minimisation of leaf fall into a swimming pool or roof gutters.
- (iii) Shedding of leaves, bark, fruit flowers, sticks etc, which is part of the normal life cycle of the tree.

**T8. Replacement vegetation**

**T8.1** Council may impose conditions of a permit or authority requiring that clearing native vegetation is replaced by suitable species of plant/vegetation (in suitable

**Part T NATIVE VEGETATION MANAGEMENT**

quantities and/or locations) given the circumstances of the proposed development.

**T9. Other legislation****T9.1 *Biodiversity Conservation Act 2016***

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

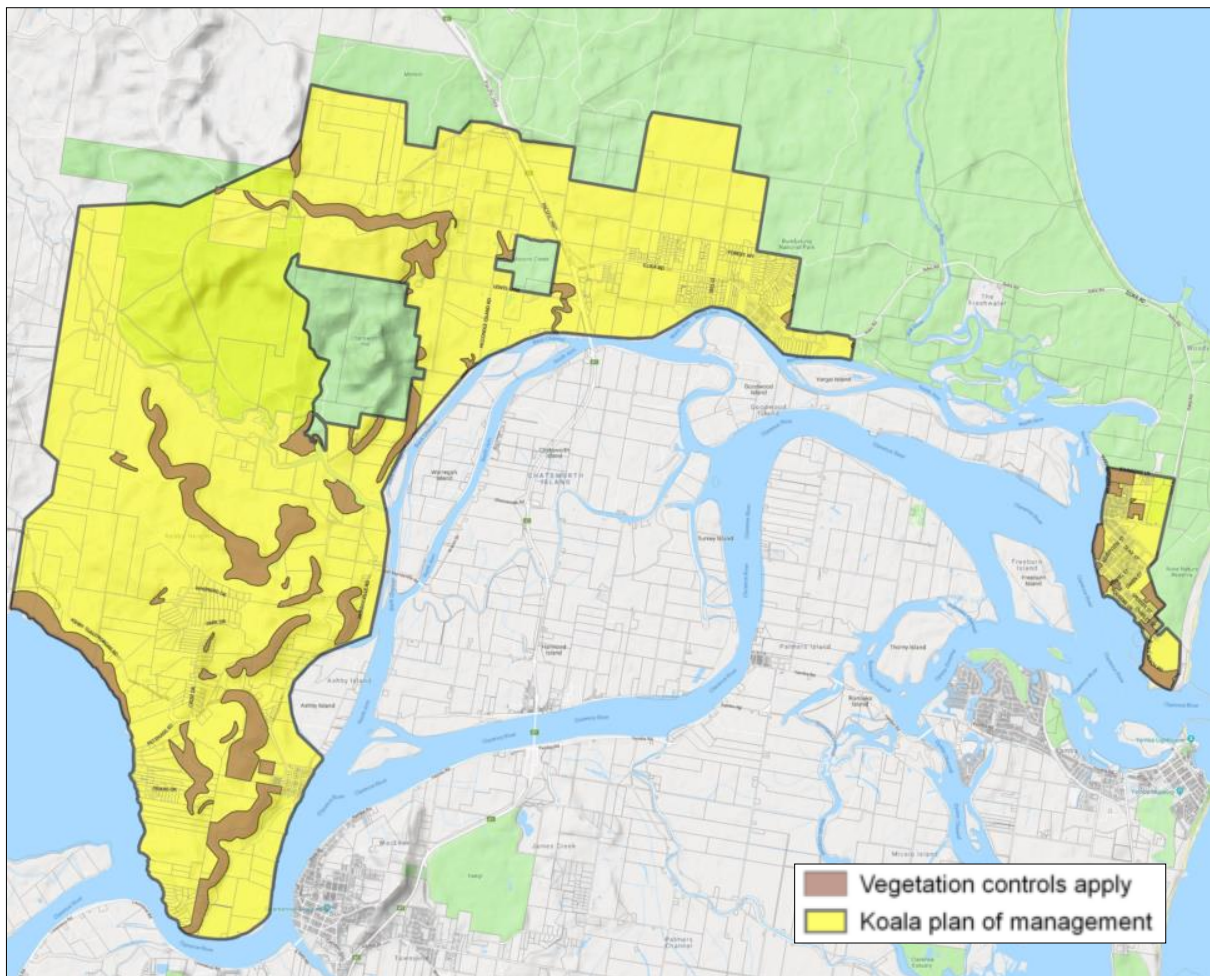
**T9.2 *Environment Protection and Biodiversity Conservation Act 1999***

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



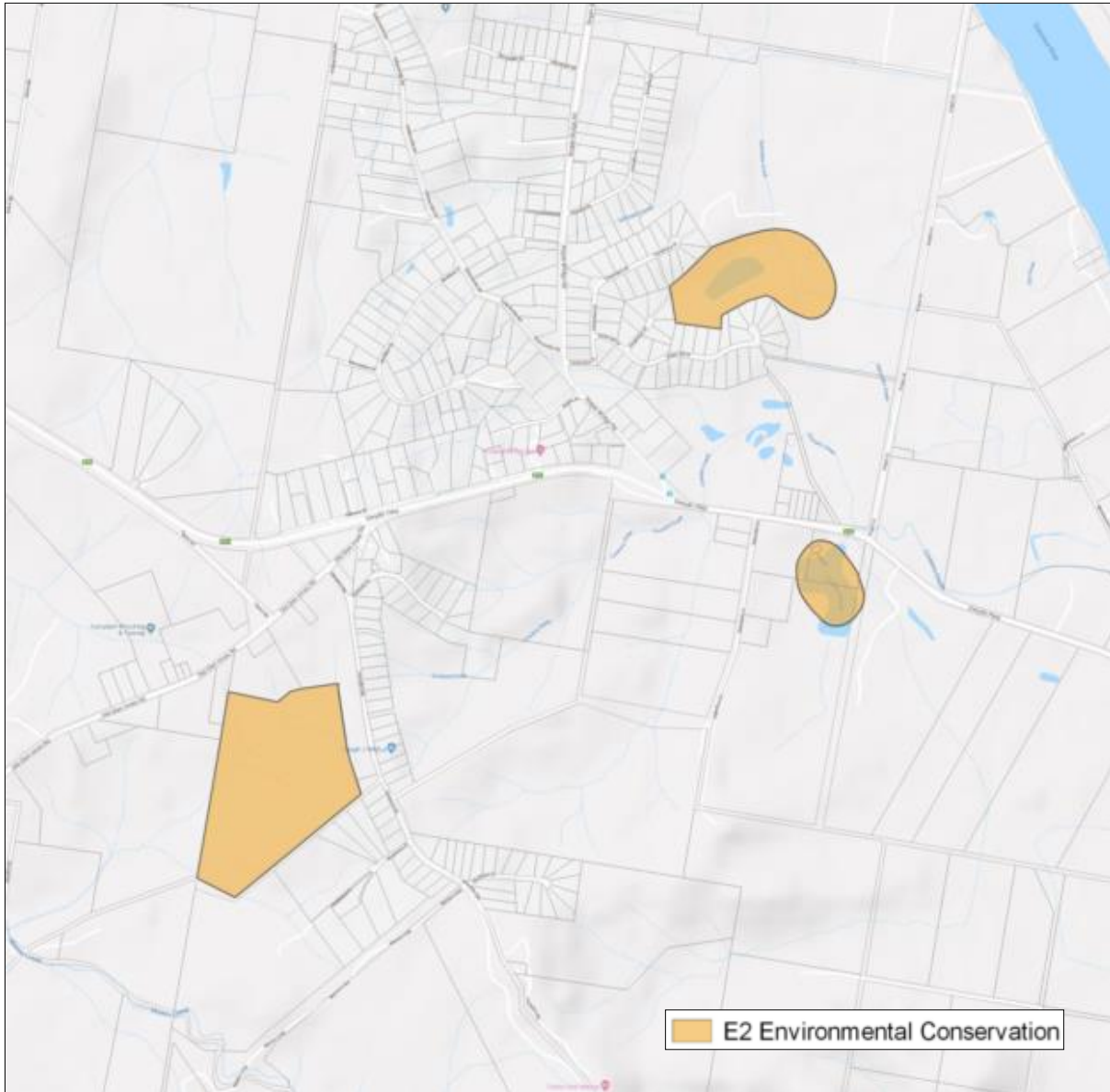
**Part T NATIVE VEGETATION MANAGEMENT**

Map T1 – Land within the Ashby, Woombah and Iluka KPoM area and within the SP3, E2 and E3 zones are subject to Part T Native Vegetation Management.



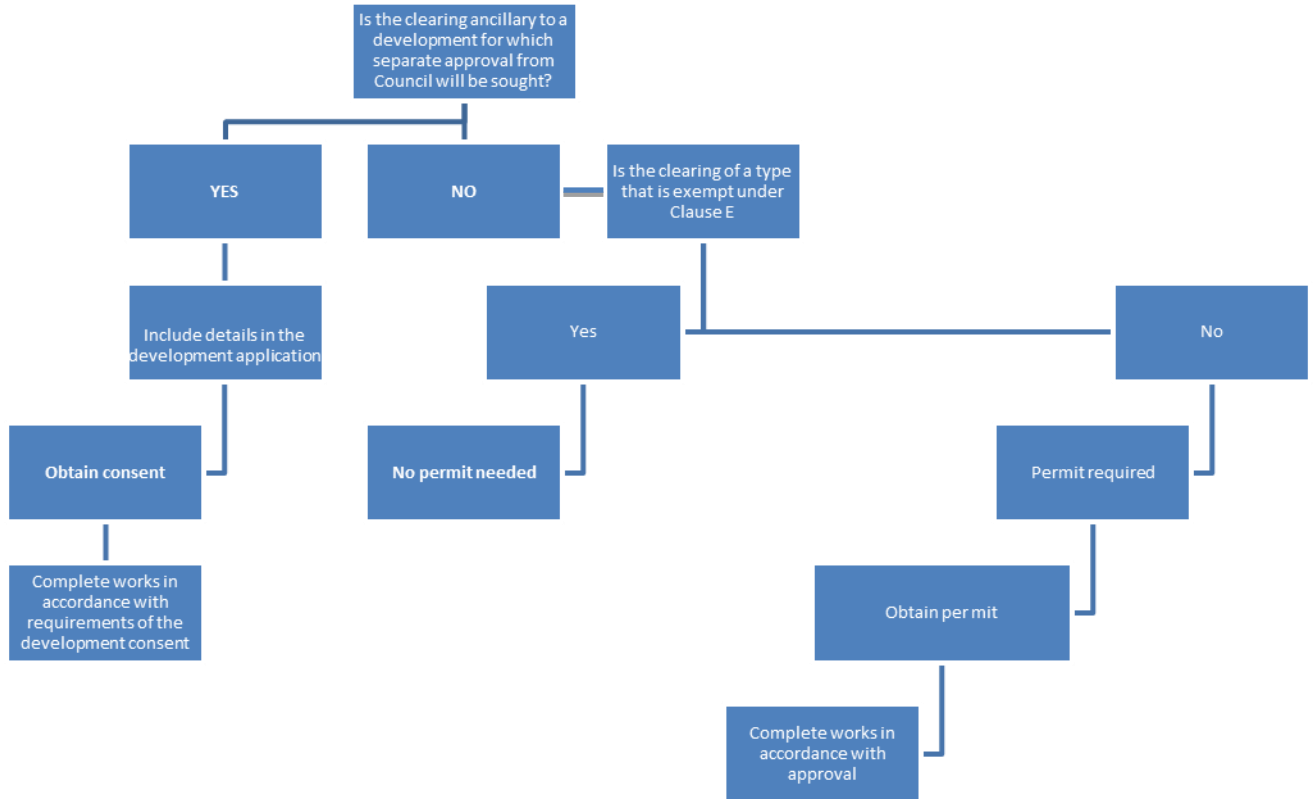
**Part T NATIVE VEGETATION MANAGEMENT**

Map T2 – Waterview Heights land within the koala population hub and the SP3, E2 and E3 zones are subject to Part T Native Vegetation Management



**Part T NATIVE VEGETATION MANAGEMENT**

SUMMARY OF APPROVAL PROCESS



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

**PART U GUIDELINES FOR DEVELOPMENT IN THE PIPPI BEACH (YAMBA)  
COASTAL HAZARD AREA**

**U1. Where does Part T of this plan apply?**

Part T of this DCP applies to land on and adjacent to Pippi Beach, Yamba, that is identified as being likely to be affected by coastal hazard up to the year 2100 as shown in MAP T1. The northern extent of the area is defined as Yamba Point (locally known as Lovers Point) and the southern extent is Barri Point and this correlates with the area included in the Pippi Beach Coastal Hazard Study prepared by consultants, Haskoning Australia, in 2016.

The land is generally public land located east of Pacific Parade and will be referred to in this DCP as the 'Pippi Beach Coastal Hazard Area'.

**U2. What are the aims and objectives of the guidelines for development in the Pippi Beach Coastal Hazard Area?**

The aim of the guidelines is to ensure any proposed development is compatible with, and does not adversely impact on, current and future coastal hazards in the Pippi Beach Coastal Hazard Area.

The objectives of the guidelines are to:

O1. To ensure coastal hazards are properly identified and considered in design of development and assessment of any DAs;

O2. To minimise the risk to development and occupants of development from coastal hazards;

O3. To enable development that is compatible with coastal hazards for the life of the development;

O4. To ensure development does not adversely impact coastal hazards and associated impacts on nearby land and assets.

**U3. What is the source of technical information in relation to the Pippi Beach Coastal Hazard Area?**

The Pippi Beach Coastal Hazard Study (prepared by Haskoning Australia in 2016) is available from Council's website [www.clarence.nsw.gov.au](http://www.clarence.nsw.gov.au). The relevant hazard lines are shown on MAP T1 and more detailed mapping is available from Council. Some development proposals may require more detailed assessment of coastal hazard, such as determining the zone of reduced foundation capacity (ZRFC), to ensure appropriate consideration of the compatibility of development with coastal hazard and vice versa.

At Pippi Beach coastal erosion, coastal inundation and tidal inundation primarily affects the immediate hazard zone (IHZ), or parts thereof. The active beach environment is more prone to frequent coastal hazards whilst the landward margins of the IHZ are likely to be impacted by coastal erosion in a design 1-in-100-year storm event. Land between the immediate hazard line and the 2100 year hazard line are subject to the hazard of coastal recession, being a gradual receding of the shoreline resulting from a range of coastal hazards, such as coastal erosion. These processes are more fully documented in the Coastal Hazard Study.

**PART U GUIDELINES FOR DEVELOPMENT IN THE PIPPI BEACH (YAMBA) COASTAL HAZARD AREA**



## Pippi Beach Coastal Hazard Zones

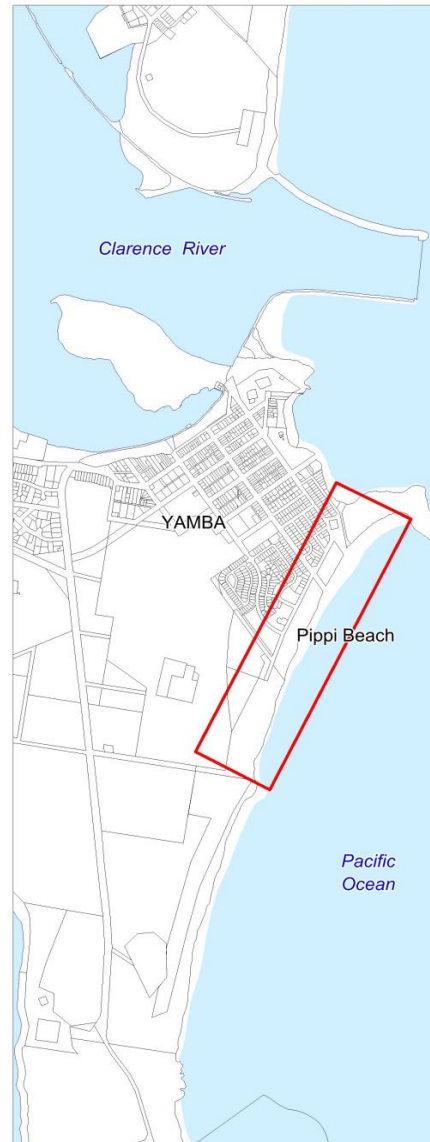
0 60 120 180 Metres

Scale: 1:4,300 @ A3 Landscape

**Legend**

- Immediate Hazard ZRFC
- - - Immediate Hazard Line
- - - 2050 Hazard Line
- - - 2100 Hazard Line

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Aerial Photography 2012



**MAP U1 – Pippi Beach Coastal Hazard Area and Hazard Zone**

**PART U GUIDELINES FOR DEVELOPMENT IN THE PIPPI BEACH (YAMBA)  
COASTAL HAZARD AREA**
**U4. What matters are to be considered in design and assessment of new development in the Pippi Beach Coastal Hazard Area?**
**U4.1 Relationship of Part T to environmental planning instruments**

In addition to the general advice at Clause A5 of this DCP this Part of the DCP should be considered in conjunction with provisions relating to coastal hazard at clause 7.5 (coastal risk planning) of the Clarence Valley LEP 2011 (CVLEP) as well as the provisions of the Coastal Management SEPP (as applicable). In general terms, in the event of any inconsistency between this Part of the DCP and the CVLEP or a SEPP, the CVLEP prevails over the DCP and a SEPP prevails over the CVLEP. Specific provisions of related environmental planning instruments should be checked to determine what has priority in the circumstances of the case.

**U4.2 Relationship to other DCP provisions**

This Part is to be read with other relevant Parts of this Development Control Plan. In the event of any inconsistency between this Part of the DCP and another Part, Part T of the DCP prevails.

**U4.3 Relevant Council policy/s**

Council's Geotechnical Policy is relevant in consideration of how geotechnical factors will influence the design and management of development for the life of the development. Coastal hazard is not a static hazard and will move over time. Generally, it is expected that the hazard will move landward and this is indicated by the immediate (2015), 2050 and 2100 coastal hazard lines, respectively, being located further landward from each other.

**U4.4 Relevant merit-based principles**
**1. Be located as far landward as practical**

Development located as far landward and away from the immediate coastal hazard as is possible. Development satisfying this principle is likely to be able to occupy land for a longer period and be less prone to damage and associated costs. In addition, such development is less likely to impact on, or be adversely impacted by, coastal hazard. Temporary uses or development not involving the construction of a building may be located in higher hazard locations subject to adequate assessment of risk.

**2. Be adaptable**

Development should be designed to be adapted over time as the degree of risk or hazard changes. This includes the ability to relocate any structure/s and/or use/s in whole or part further from the coastal hazard. Development that is light-weight, low-key and minimal is more likely to achieve this principle whilst being more compatible with coastal character. Alternatively, consider the principle of 'Do as much as necessary and as little as possible.' Deep foundations are discouraged as they encourage longer occupation of sites at risk and can result in adverse impacts on coastal processes and nearby lands and/or assets as a result of the interaction with coastal processes.

**3. Be serviced using mains sewerage infrastructure**

Development requiring provision of effluent management should discharge to Council's sewer mains rather than rely on on-site effluent management. This reduces development footprint and potential damage to assets and the

**PART U GUIDELINES FOR DEVELOPMENT IN THE PIPPI BEACH (YAMBA)  
COASTAL HAZARD AREA**

environment arising from coastal storm and erosion events.

**4. Be prepared for evacuation**

Development in the Pippi Beach Coastal Hazard Area should not be occupied on a permanent basis and will be limited to temporary occupation. This will reduce potential for risk to life due to coastal hazards. Proposals need to ensure that the need for evacuation planning is properly considered and this includes relocation of buildings before they are directly impacted by coastal hazard, or have an impact on coastal hazard, and its influence on nearby land and assets. Applications may need to be accompanied by a plan demonstrating that appropriate arrangements have been made or proposed to satisfy the aims and objectives of Part T.

DICTIONARY

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.



## DICTIONARY

Advertising structures are a type of **signage** - see the definition of that term in this Dictionary.

**affordable housing** has the same meaning as in the Act. (CV LEP 2011)

Note: The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

**agricultural produce industry** means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry. (CV LEP 2011)

Note: Agricultural produce industries are a type of **rural industry** - see the definition of that term in this Dictionary.

**agriculture** means any of the following:

- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,
- (d) intensive plant agriculture. (CV LEP 2011)

Note: Part 6 of the *Plantations and Reafforestation Act 1999* provides that exempt farm forestry within the meaning of that Act is not subject to the *Environmental Planning and Assessment Act 1979*.

**air transport facility** means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures. (CV LEP 2011)

**airport** means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport. (CV LEP 2011)

Note: Airports are a type of **air transport facility** - see the definition of that term in this Dictionary.

**airstrip** means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad. (CV LEP 2011)

**amusement centre** means a building or place (not being part of a pub or registered club) used principally for playing:

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like. (CV LEP 2011)

**animal boarding or training establishment** means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital. (CV LEP 2011)

**Annual Exceedance Probability (AEP)** is the probability of exceedance of a given discharge within a period of one year, expressed as a percentage.

**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:

## DICTIONARY

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling. (CV LEP 2011)

Note: Attached dwellings are a type of **residential accommodation** - see the definition of that term in this Dictionary.

**attic** means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like. (CV LEP 2011)

**Australian Height Datum (AHD)** is a common national plain of level corresponding approximately to mean sea level.

**Average Recurrence Interval (ARI)** means the long-term average number of years between the occurrence of a flood as big as, or larger than, the selected event. For example, floods with a discharge as great as, or greater than, the 20 year ARI flood event will occur on average once every 20 years. ARI is another way of expressing the likelihood of occurrence of a flood event.

**backpackers' accommodation** means a building or place that:

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room). (CV LEP 2011)

Note: Backpackers' accommodation is a type of **tourist and visitor accommodation** - see the definition of that term in this Dictionary.

**basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing). (CV LEP 2011)

**bed and breakfast accommodation** means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided. (CV LEP 2011)

Note: See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of **tourist and visitor accommodation** - see the definition of that term in this Dictionary.

**bee keeping** means a building or place used for the keeping and breeding of bees for commercial purposes. (CV LEP 2011)

Note: Bee keeping is a type of **extensive agriculture** - see the definition of that term in this Dictionary.

**biodiversity** means biological diversity. (CV LEP 2011)

**biological diversity** has the same meaning as in the *Threatened Species Conservation Act 1995*. (CV LEP 2011)

Note: The term is defined as follows:

**biological diversity** means the diversity of life and is made up of the following 3 components:

- (a) genetic diversity - the variety of genes (or units of heredity) in any population,

## DICTIONARY

- (b) species diversity - the variety of species,
- (c) ecosystem diversity - the variety of communities or ecosystems. (CV LEP 2011)

**biosolids treatment facility** means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility. (CV LEP 2011)

Note: Biosolids treatment facilities are a type of **sewerage system** - see the definition of that term in this Dictionary.

**boarding house** means a building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment. (CV LEP 2011)

Note: Boarding houses are a type of **residential accommodation** - see the definition of that term in this Dictionary.

**boat building and repair facility** means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed. (CV LEP 2011)

**boat launching ramp** means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities. (CV LEP 2011)

**boat shed** means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure. (CV LEP 2011)

**brothel** has the same meaning as in the Act. (CV LEP 2011)

Note: This definition is relevant to the definitions of **home occupation (sex services)** and **sex services premises** in this Dictionary.

**building** has the same meaning as in the Act. (CV LEP 2011)

Note: The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

**building height** (or **height of building**) means:

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

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like. (CV LEP 2011)

**building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services. (CV LEP 2011)

Note: Building identification signs are a type of **signage** - see the definition of that term in this Dictionary.

## DICTIONARY

**building line** or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest. (CV LEP 2011)

**bulky goods premises** means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, and
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

Note: Bulky goods premises are a type of **retail premises** - see the definition of that term in this Dictionary.

**bush fire hazard reduction work** has the same meaning as in the *Rural Fires Act 1997*.

Note: The term is defined as follows:

**bush fire hazard reduction work** means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

**bush fire prone land** has the same meaning as in the Act.

Note: The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

**bush fire risk management plan** means a plan prepared under Division 4 of Part 3 of the *Rural Fires Act 1997* for the purpose referred to in section 54 of that Act.

**business identification sign** means a sign:

- (a) that indicates:
  - (i) the name of the person or business, and
  - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

Note: Business identification signs are a type of **signage** - see the definition of that term in this Dictionary.

**business premises** means a building or place at or on which:

## DICTIONARY

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note: Business premises are a type of **commercial premises** - see the definition of that term in this Dictionary.

**camping ground** means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

**canal estate development** means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
  - (i) dwellings that are permitted on rural land, and
  - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

**car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

**caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

**catchment action plan** has the same meaning as in the *Catchment Management Authorities Act 2003*.

Note: The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the *Catchment Management Authorities Act 2003*.

**cellar door premises** means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

Note: Cellar door premises are a type of **retail premises** - see the definition of that term in this Dictionary.

**cemetery** means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

**charter and tourism boating facility** means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

## DICTIONARY

**child care centre** means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
  - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
  - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

**classified road** has the same meaning as in the *Roads Act 1993*.

Note: The term is defined as follows: **classified road** means any of the following:

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(See *Roads Act 1993* for meanings of these terms.)

**clearing native vegetation** has the same meaning as in the *Native Vegetation Act 2003*.

Note: The term is defined as follows: **clearing native vegetation** means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

## DICTIONARY

**Climate change scenario** means the 1% AEP 2090 Climate Change (RCP 4.5) scenario.

**Coarse Sediment** – This term refers to contaminant particles between 0.1 mm and 5 mm.

**coastal foreshore** means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

**coastal hazard** has the same meaning as in the *Coastal Protection Act 1979*.

**coastal lake** means a body of water specified in Schedule 1 to *State Environmental Planning Policy No 71—Coastal Protection*.

**coastal protection works** has the same meaning as in the *Coastal Protection Act 1979*.

**coastal waters of the State**—see section 58 of the *Interpretation Act 1987*.

**coastal zone** has the same meaning as in the *Coastal Protection Act 1979*.

Note: The term is defined as follows: **coastal zone** means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

**commercial premises** means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

**community facility** means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

**community land** has the same meaning as in the *Local Government Act 1993*.

**Compensatory Works** refers to earthworks where material is excavated (or “cut”) from one location in the floodplain and placed (or “filled”) at another location in the floodplain, with no net importation of fill material, such that the volume available for storage of flood waters is not altered for all floods.

**Conveyance** is a direct measure of the flow carrying capacity of a particular cross-section of a stream or stormwater channel. (For example, if the conveyance of a channel cross-section is reduced by half, then the flow carrying capacity of that channel cross-section will also be halved).

**correctional centre** means:

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and

## DICTIONARY

- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

**Council** means the Clarence Valley Council.

**crematorium** means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.

**Crown reserve** means:

- (a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or  
(b) a common within the meaning of the *Commons Management Act 1989*, or  
(c) lands within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*,

but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

**curtilage**, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

**Cut and fill** – is development where the upwards slopes of the land are excavated and downwards filled to create a terraced landform for building.

**dairy (pasture-based)** means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

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.

**Defined Flood Event (DFE)** means the flood event selected as a general standard for the management of flooding to development. Council currently has three adopted *Defined Flood Events*, being:

- a) The Lower Clarence River floodplain area (including Grafton to Yamba / Iluka) - Council has adopted the 1% AEP 2090 Climate Change (RCP 4.5) scenario (derived from the Lower Clarence Flood Model Update 2022) as the *Defined Flood Event*.  
b) Woolli Woolli River Floodplain area – Council has adopted the 1% AEP 2100 Climate Change (RCP 4.5) scenario (derived from the Woolli Woolli River FRMP 2022) as the *Defined Flood Event*.  
c) All other areas (including Glenreagh) - Council has adopted the 1% AEP as the *Defined Flood Event*.

Note: The *Defined Flood Event* can also be described as the 'Design Flood'.

**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.



## DICTIONARY

**Design floor level or ground level** means the minimum floor level that applies to the development. If the development is concessional development, this level is determined based on what land use category would apply if it was not categorised as Concessional Development.

**Designated development** is defined in the Environmental Planning and Assessment Regulation 2000. (See clause 4 and Schedule 3 of the Regulations.)

**drainage** means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

**dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

Note: Dual occupancies are a type of **residential accommodation** - see the definition of that term in this Dictionary.

**dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Note: Dual occupancies (attached) are a type of **dual occupancy** - see the definition of that term in this Dictionary.

**dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Note: Dual occupancies (detached) are a type of **dual occupancy** - see the definition of that term in this Dictionary.

**dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

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

Note: Dwelling houses are a type of **residential accommodation** - see the definition of that term in this Dictionary.

**earthworks** means excavation or filling.

**ecologically sustainable development** has the same meaning as in the Act.

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

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

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

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.

## DICTIONARY

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 bonded car parking areas). The following criteria apply for the purposes of determining what is enclosed car parking:

- (a) Flooding of surrounding areas may raise water levels above the perimeter which encloses the car park (normally the entrance), resulting in rapid inundation of the car park to depths greater than 0.8m, and
- (b) drainage of accumulated water in the car park has an outflow discharge capacity significantly less than the potential inflow capacity.

**entertainment facility** means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

**environmental facility** means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

**environmental protection works** means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

**estuary** has the same meaning as in the *Water Management Act 2000*.

Note: The term is defined as follows: **estuary** means:

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

**excavation** means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

## DICTIONARY

**exhibition home** means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

**exhibition village** means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

**Existing Use** is defined in Section 106 of the Environmental Planning & Assessment Act, 1979 as follows:

**Existing use** means:

- (a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4A of Part 3 or Division 4 of this Part, have the effect of prohibiting that use, and
- (b) The use of a building, work or land:
  - (i) For which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and
  - (ii) That has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.

**extensive agriculture** means any of the following:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock for commercial purposes,
- (c) bee keeping,
- (d) a dairy (pasture-based).

Note: Extensive agriculture is a type of **agriculture** - see the definition of that term in this Dictionary.

**extractive industry** means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

Note: Extractive industries are not a type of **industry** - see the definition of that term in this Dictionary.

**extractive material** means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

**farm building** means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

**farm stay accommodation** means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

Note: See clause 5.4 for controls relating to the number of bedrooms.

Farm stay accommodation is a type of **tourist and visitor accommodation** - see the definition of that term in this Dictionary.

**feedlot** means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, fed (wholly or substantially) on prepared and manufactured feed, for the purpose of meat production or fibre products, but does not include a poultry farm, dairy or piggery.

Note: Feedlots are a type of **intensive livestock agriculture** - see the definition of that term in this Dictionary.

## DICTIONARY

**fill** means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

**filming** means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

**Fine Sediment** – this term refers to contaminant particles less than 0.1 mm.

**fish** has the same meaning as in the *Fisheries Management Act 1994*.

Note: The term is defined as follows: **Definition of “fish”**

- (1) **Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).
- (2) **Fish** includes:
  - (a) oysters and other aquatic molluscs, and
  - (b) crustaceans, and
  - (c) echinoderms, and
  - (d) beachworms and other aquatic polychaetes.
- (3) **Fish** also includes any part of a fish.
- (4) However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

**Flood** is a natural phenomenon that occurs when water covers land that is normally dry. It may result from coastal inundation (excluding tsunamis) or catchment flooding, or a combination of both. Flooding results from 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 flowpaths associated with major drainage, and/or oceanic inundation resulting from super-elevated ocean levels.

**Note:** Consistent with the Flood Risk Management Manual, this DCP does not apply in the circumstances of local drainage inundation as defined in the Flood Risk Management 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.

## DICTIONARY

**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 Planning Area (FPA)** means the area of land below the *Flood Planning Level* (FPL). Council's adopted *Flood Planning Area* is mapped in the Appendices attached to this DCP and available on Council's on-line mapping.

**Flood Planning Level (FPL)** means the combination of the flood level from the *Defined Flood Event* (DFE) plus freeboard selected for flood risk management purposes. Council currently has three adopted *Flood Planning Levels*, being:

- a) The Lower Clarence River floodplain area (including Grafton to Yamba / Iluka) - Council has adopted the 1% AEP 2090 Climate Change (RCP 4.5) scenario (derived from the Lower Clarence Flood Model Update 2022) as the Defined Flood Event, plus 500mm Freeboard.
- b) Wooli Wooli River floodplain area – Council has adopted the 1% AEP 2100 Climate Change (RCP 4.5) scenario (derived from the Wooli Wooli River FRMP 2022) as the Defined Flood Event, plus 500mm Freeboard.
- c) All other areas (including Glenreagh) - Council has adopted the 1% AEP as the Defined Flood Event, plus 500mm Freeboard.

**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).

**Flood Risk Management Manual (FRMM)** means the Flood Risk Management Manual, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.

**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 *Flood Risk Management Manual* or its predecessors.

**Floodplain Risk Management Study (FRMS)** means a study prepared for one or more floodplains in accordance with the requirements of the *Flood Risk Management 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** are those parts of the floodplain that are important for the temporary storage of floodwater or stormwater during a flood.

**floor space ratio**—see clause 4.5.

**Floor Space Ratio Map** means the Clarence Valley Local Environmental Plan 2011 Floor Space Ratio Map.

**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

## DICTIONARY

- (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. Council has adopted 500mm as the *Freeboard* amount. Freeboard is included in the *Flood Planning Level*.

**freight transport facility** means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

**function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

**funeral home** means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

Note: Funeral homes are a type of **business premises** - see the definition of that term in this Dictionary.

**garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any the following:

- (a) outdoor furniture and furnishings, barbeques, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

Note: Garden centres are a type of **retail premises** - see the definition of that term in this Dictionary.

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

## DICTIONARY

**general industry** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

Note: General industries are a type of **industry** - see the definition of that term in this Dictionary.

**gross floor area** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:
  - (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
  - (i) storage, and
  - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

**Gross pollutants** – Trash, litter, vegetation or material of particle size larger than 5 mm.

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

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

**ground level (mean)** means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

**group home** means a permanent group home or a transitional group home.

Note: Group homes are a type of **residential accommodation** - see the definition of that term in this Dictionary.

**group home (permanent)** or **permanent group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

Note: Permanent group homes are a type of **group home** - see the definition of that term in this Dictionary.

**group home (transitional)** or **transitional group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and

## DICTIONARY

- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

Note: Transitional group homes are a type of **group home** - see the definition of that term in this Dictionary.

**Habitable Floor area** means:

- in a **residential situation**: a living or working area, such as a lounge room, dining room, rumpus room, kitchen, bedroom or workroom;
- in an **industrial or commercial situation**: an area used for offices or to store valuable possessions susceptible to flood damage in the event of a flood.

**Note:** Separate considerations are specified for the car parking area of a development irrespective of the land use with which it is associated.

**hardware and building supplies** means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

Note: Hardware and building supplies are a type of **retail premises** - see the definition of that term in this Dictionary.

**Hazard** is a source of potential harm or a situation with a potential to cause loss. In relation to this plan, the hazard is flooding which has the potential to cause harm or loss to the community.

**hazardous industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

Note: Hazardous industries are a type of **heavy industry** - see the definition of that term in this Dictionary.

**hazardous storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

Note: Hazardous storage establishments are a type of **heavy industrial storage establishment** - see the definition of that term in this Dictionary.

**headland** includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

**health care professional** means any person registered under an Act for the purpose of providing health care.

**health consulting rooms** means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

Note: Health consulting rooms are a type of **health services facility** - see the definition of that term in this Dictionary.



## DICTIONARY

**health services facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

**heavy industrial storage establishment** means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following:

- (a) a hazardous storage establishment,
- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

**heavy industry** means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes:

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

Note: Heavy industries are a type of **industry** - see the definition of that term in this Dictionary.

**Height of Buildings Map** means the Clarence Valley Local Environmental Plan 2011 Height of Buildings Map.

**helipad** means a place not open to the public used for the taking off and landing of helicopters.

**heliport** means a place open to the public that is used for the taking off and landing of helicopters, whether or not it includes:

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

Note: Heliports are a type of **air transport facility** - see the definition of that term in this Dictionary.

**heritage conservation area** means an area of land of heritage significance:

- (a) shown on the Heritage Map as a heritage conservation area, and
- (b) the location and nature of which is described in Schedule 5,

and includes any heritage items situated on or within that area.

**heritage conservation management plan** means a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

**heritage impact statement** means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and

## DICTIONARY

- (c) proposals for measures to minimise that impact.

**heritage item** means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

Note: Heritage items may be shown on the Heritage Map. An inventory of heritage items is also available at the office of the Council.

**heritage management document** means:

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Heritage Map** means the Clarence Valley Local Environmental Plan 2011 Heritage Map.

**heritage significance** means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

**high technology industry** means a building or place predominantly used to carry out an industrial activity that involves any of the following:

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field,

but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

Note: High technology industries are a type of **light industry** - see the definition of that term in this Dictionary.

**highway service centre** means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

**home-based child care** means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) the service is licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

## DICTIONARY

**home business** means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

Note: See clause 5.4 for controls relating to the floor area used for a home business.

**home industry** means a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:

- (a) the employment of more than 2 persons other than those residents,
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,
- (d) the exhibition of any signage (other than a business identification sign),
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

Note: See clause 5.4 for controls relating to the floor area used for a home industry.

Home industries are a type of **light industry** - see the definition of that term in this Dictionary.

**home occupation** means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

**home occupation (sex services)** means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or

## DICTIONARY

- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

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

Note: Horticulture is a type of **intensive plant agriculture** - see the definition of that term in this Dictionary.

**hospital** means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take-away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

Note: Hospitals are a type of **health services facility** - see the definition of that term in this Dictionary.

**hostel** means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

Note: Hostels are a type of **residential accommodation** - see the definition of that term in this Dictionary.

**hotel or motel accommodation** means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note: Hotel or motel accommodation is a type of **tourist and visitor accommodation** - see the definition of that term in this Dictionary.

**Impermeable or Impervious area** means the area of land where the surface prevents infiltration of water into the ground and subsequently increases stormwater flows. Impermeable surfaces include roads, footpaths, roofs, concrete areas, non porous paved areas and heavily compacted soils.

**industrial activity** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling,

## DICTIONARY

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 retail/commercial building to provide a replacement building for a similar use.

**information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

**intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

- (a) dairies (restricted),
- (b) feedlots,
- (c) piggeries,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

Note: Intensive livestock agriculture is a type of **agriculture** - see the definition of that term

in this Dictionary.

**intensive plant agriculture** means any of the following:

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,

## DICTIONARY

(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.

Note: Liquid fuel depots are a type of **heavy industrial storage establishment** - see the definition of that term in this Dictionary.

**livestock processing industry** means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals and includes abattoirs, knackereries, tanneries, woolscours and rendering plants.

Note: Livestock processing industries are a type of **rural industry** - see the definition of that term in this Dictionary.

**Local drainage** means small scale inundation in urban areas outside the definition of major drainage as defined in the Floodplain Development Manual. Local drainage problem invariably involves shallow depths (less than 0.3m) with generally little danger to personal safety.

**Local overland flooding** means inundation by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam.

**Lot Size Map** means the Clarence Valley Local Environmental Plan 2011 Lot Size Map.

## DICTIONARY

**maintenance**, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

**Manufacturing process** means any handicraft or process in or incidental to the making, assembling, altering, renovating, preparing, ornamenting, finishing, cleaning, washing, breaking up, or adapting of any goods or any articles or any part of an article for trade or sale or gain, or as ancillary to any business, and includes any handicraft or process declared by the Governor, pursuant to this Act, to be a manufacturing process. (Definition from the Factories, Shops and Industries Act 1962.)

**marina** means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

**market** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

Note: Markets are a type of **retail premises** - see the definition of that term in this Dictionary.

**mean high water mark** means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

Note: Medical centres are a type of **health services facility** - see the definition of that term in this Dictionary.

**Merit approach** is an approach, the principles of which are embodied in the Floodplain Development Manual which weighs social, economic, ecological and cultural impacts of land use options for different flood prone areas together with flood damage, hazard and behaviour implications, and environmental protection and well being of the State's rivers and floodplains.

**mezzanine** means an intermediate floor within a room.

**mine** means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

**mine subsidence district** means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

**mining** means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

Note: Mining is not a type of **industry** - see the definition of that term in this Dictionary.

## DICTIONARY

**mixed use development** means a building or place comprising 2 or more different land uses.

**mooring** means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

**mooring pen** means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

**mortuary** means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

**moveable dwelling** has the same meaning as in the *Local Government Act 1993*.

Note: The term is defined as follows: **moveable dwelling** means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Note: Multi dwelling housing is a type of **residential accommodation** - see the definition of that term in this Dictionary.

**native fauna** means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

**native flora** means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

**native vegetation** has the same meaning as in the *Native Vegetation Act 2003*.

Note: The term is defined as follows: **Meaning of "native vegetation"**

- (1) **Native vegetation** means any of the following types of indigenous vegetation:
  - (a) trees (including any sapling or shrub, or any scrub),
  - (b) understorey plants,
  - (c) groundcover (being any type of herbaceous vegetation),
  - (d) plants occurring in a wetland.
- (2) Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.
- (3) **Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

**navigable waterway** means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

**neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.



## DICTIONARY

Note - See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of **shop** - see the definition of that term in this Dictionary.

**nominated State heritage item** means a heritage item that:

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and
- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

**non-potable water** means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**Notification** means where Council writes to those people identified as requiring notification that a development application has been submitted to Council.

**NR Design Manuals** means the Northern Rivers Local Government Development and Design Manual, the Northern Rivers Local Government Construction Manual and the Northern Rivers Local Government Handbook of Stormwater Drainage Design which are specifications compiled by local councils in the Northern Rivers area derived from the Aus- Spec Generic Development Specification series, as amended from time to time.

**NSW Coastal Policy** means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

**offensive industry** means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note: Offensive industries are a type of **heavy industry** - see the definition of that term in this Dictionary.

**offensive storage establishment** means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note: Offensive storage establishments are a type of **heavy industrial storage**

**establishment** - see the definition of that term in this Dictionary.

**office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Note: Office premises are a type of **commercial premises** - see the definition of that term in this Dictionary.

**open cut mining** means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

**operational land** has the same meaning as in the *Local Government Act 1993*.

**Outbuilding** means a building that is ancillary to a principal residential building and includes sheds, garages, carports and similar buildings but does not include granny flats.

## DICTIONARY

**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 receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**potable water** means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

**Pre Development** – condition and characteristics of site at lodgement of DA.

**Prescriptive controls** are preferred ways of achieving the outcome. While adherence to the prescriptive controls may be important, it is paramount that the objectives and the performance criteria area clearly satisfied.

**Primary habitable floor area** means the majority of habitable floor area and in a residential situation includes the majority of bedrooms, main living area, kitchen and first bathroom.

**private open space** means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

**Probable maximum flood (PMF)** is the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation, coupled with the worst flood producing catchment conditions.

**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*.

## DICTIONARY

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.

**RCP 4.5** means the Representative Concentration Pathway (RCP) 4.5 climate change scenario is the middle-of-the-road Green House Gas (GHG) emission scenario where some mitigation of GHG emissions occurs, and global mean temperature increase is between 2-3°C. The RCP 4.5 climate change scenario is Council's adopted position regarding making decisions with respect to climate change.

**Rebuilt dwelling** refers to the construction of a new dwelling on an allotment where an existing dwelling is demolished.

**recreation area** means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

## DICTIONARY

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

**recreation facility (indoor)** means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

**recreation facility (major)** means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

**recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

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

**registered club** means a club that holds a club licence under the *Liquor Act 2007*.

**Reliable access** during a flood means the ability for people to safely evacuate an area subject to flooding, having regard to the depth and velocity of flood waters and the suitability of the evacuation route, without a need to travel through areas where water depths increase.

**relic** has the same meaning as in the *Heritage Act 1977*.

Note: The term is defined as follows:

**relic** means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

**research station** means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

**residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers's dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

## DICTIONARY

but does not include tourist and visitor accommodation or caravan parks.

**residential care facility** means accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

Note: Residential care facilities are a type of **seniors housing** - see the definition of that term in this Dictionary.

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Note: Residential flat buildings are a type of **residential accommodation** - see the definition of that term in this Dictionary.

**resource recovery facility** means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

Note: Resource recovery facilities are a type of **waste or resource management**

**Facility** - see the definition of that term in this Dictionary.

**respite day care centre** means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

**restaurant or cafe** means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided.

Note: Restaurants or cafes are a type of **food and drink premises** - see the definition of that term in this Dictionary.

**restricted premises** means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

**restriction facilities** means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following;

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,

## DICTIONARY

- (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 definition of that term in this Dictionary.

## DICTIONARY

**sawmill or log processing works** means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

Note: Sawmill or log processing works are a type of **rural industry** - see the definition of that term in this Dictionary.

**school** means a government school or non-government school within the meaning of the *Education Act 1990*.

Note: Schools are a type of **educational establishment** - see the definition of that term in this Dictionary.

**secondary dwelling** means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note: See clause 5.4 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of **residential accommodation** - see the definition of that term in this Dictionary.

**self-storage units** means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

Note: Self-storage units are a type of **storage premises** - see the definition of that term in this Dictionary.

**semi-detached dwelling** means a dwelling that is on its own lot of land and is attached to only one other dwelling.

Note: Semi-detached dwellings are a type of **residential accommodation** - see the definition of that term in this Dictionary.

**seniors housing** means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

Note: Seniors housing is a type of **residential accommodation** - see the definition of that term in this Dictionary.

**service station** means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

## DICTIONARY

**serviced apartment** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Note: Serviced apartments are a type of **tourist and visitor accommodation** - see the definition of that term in this Dictionary.

**sewage reticulation system** means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

Note: Sewage reticulation systems are a type of **sewerage system** - see the definition of that term in this Dictionary.

**sewage treatment plant** means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

Note: Sewage treatment plants are a type of **sewerage system** - see the definition of that term in this Dictionary.

**sewerage system** means any of the following:

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place or place that is a combination of any of the things referred to in paragraphs (a)–(d).

**sex services** means sexual acts or sexual services in exchange for payment.

**sex services premises** means a brothel, but does not include home occupation (sex services).

**shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

Note: Shops are a type of **retail premises** - see the definition of that term in this Dictionary.

**shop top housing** means one or more dwellings located above ground floor retail premises or business premises.

Note: Shop top housing is a type of **residential accommodation** - see the definition of that term in this Dictionary.

**signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.



## DICTIONARY

**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,

## DICTIONARY

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.

## DICTIONARY

**underground mining** means:

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

**vehicle body repair workshop** means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

**vehicle sales or hire premises** means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

Note: Vehicle sales or hire premises are a type of **retail premises** - see the definition of that term in this Dictionary.

**veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

**viticulture** means the cultivation of grapes for use in the commercial production of fresh or dried fruit or wine.

Note: Viticulture is a type of **intensive plant agriculture** - see the definition of that term in this Dictionary.

**warehouse or distribution centre** means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

**waste disposal facility** means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

Note: Waste disposal facilities are a type of **waste or resource management facility** - see the definition of that term in this Dictionary.

**waste or resource management facility** means any of the following:

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**waste or resource transfer station** means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

Note: Waste or resource transfer stations are a type of **waste or resource management facility** - see the definition of that term in this Dictionary.

**water recreation structure** means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

## DICTIONARY

**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

## DICTIONARY

- (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 receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

**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.