



INDUSTRIAL ZONES DEVELOPMENT CONTROL PLAN 2011

In force from 23 December 2011

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DCP ORIGIN

Clarence Valley Industrial Zones Development Control Plan 2011	
Adopted by Council.	13 December 2011
In force.	23 December 2011 – supersedes Clarence Valley Development Control Plan Development in Industrial Zones
Clarence Valley Industrial Zones Development Control Plan 2011 - Amendment No 1	
Adopted by Council	17 November 2015
In force.	30 November 2015
Clarence Valley Industrial Zones Development Control Plan 2011 - Amendment No 2	
Adopted by Council	17 May 2016
In force.	6 June 2016
Clarence Valley Industrial Zones Development Control Plan 2011 - Amendment No 3	
Adopted by Council	19 July 2016 (Amendment No 3)
In force.	22 August 2016 (Amendment No 3)
Clarence Valley Industrial Zones Development Control Plan 2011 - Amendment No 4	
Adopted by Council	20 November 2018
In force.	7 December 2018
Clarence Valley Industrial Zones Development Control Plan 2011 - Amendment No 5	
Adopted by Council	17 December 2019
In force	17 January 2020
Clarence Valley Industrial Zones Development Control Plan 2011 - Amendment No 6	
Adopted by Council	24 May 2022
In force	29 July 2022
Clarence Valley Industrial Zones Development Control Plan 2011 - Amendment No 7	
Adopted by Council	23 July 2024
In force	1 January 2025

Summary of Amendments

Summary of Amendment No 1	
New PART N	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.
Summary of Amendment No 2	
PART M	Amend existing PART M CONTROLS FOR JUBILEE STREET TOWNSEND to introduce additional development control provisions specifically for Lots 8 & 9 DP 810388 and Lot 10 DP 1136092, Jubilee Street Townsend.
Summary of Amendment No 3	
New PART O	Insert controls for Biodiversity and Habitat Protection Provisions.
Summary of Amendment No 4	
PART B	Amend Table B1 due to review of notification and advertising. Update B5.3.
PART C	Replace C8 to apply improved landscaping controls.
Dictionary	Update of definitions to align with the CVLEP.
Throughout	Correction of various minor errors and updates to align with Council Policies.
Summary of Amendment No 5	
PART B	The provisions in Part B have been deleted and transferred into Council's Community Participation Plan.
Summary of Amendment No 6	
PART F	Amendment to Table F2 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.
Summary of Amendment No 7	
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.

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 Industrial Zones Development Control Plan 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 in industrial zones that is functional, has an attractive appearance to the street and has a minimum adverse impact on surrounding non-industrial uses and the environment.

The objectives of the plan are to:-

- (a) provide setbacks, landscaping requirements and other development controls for industrial zones.
- (b) Set out procedures for notification and advertising of development applications in industrial zones.
- (c) Provide adequate on-site parking and area for manoeuvring of vehicles.
- (d) Provide controls for erosion and sediment control.
- (e) Provide controls to manage water in a sustainable way.
- (f) Provide subdivision and engineering standards.
- (g) Provide controls for advertising structures.
- (h) Ensure that development in flood prone areas is compatible with the flooding characteristics of the site and is designed so that the likelihood of damage to buildings stock and equipment from floodwater is minimized.
- (i) Controls for brothels and restricted premises
- (j) Provide controls for specific industrial areas or precincts.

A3. Where does the plan apply?

The Clarence Valley Industrial Zones Development Control Plan Development 2011 applies to all land in industrial zones within the Clarence Valley Local Government Area (LGA).

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

- IN1 General Industrial
- IN4 Working Waterfront

A4. When does the plan come into force?

The Clarence Valley Industrial Zones Development Control Plan Development 2011 was adopted by Council on 13 December 2011 and came into effect 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 industrial zone applying to your land.

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

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Note:

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

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

Depending on the type and location of a proposed development /use State Environmental Planning Policies (SEPPs) may apply. For example, SEPP Infrastructure 2007 and State Environmental Planning Policy No 33 - Hazardous and Offensive Development.

For a complete list of up-to-date SEPPs refer to the Department of Planning website www.planning.nsw.gov.au

A6. How to Use this plan

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

Particular locality controls apply for some industrial areas or precincts. Check to determine whether specific controls apply to your land before preparing a development application.

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, elevations and floor plan if relevant.
3. 1 copy A4/A3 of the site plan (without internal layout) and elevations for notification/exhibition purposes.
4. Two copies of specifications (construction certificate and complying development only).
5. A Statement of Environmental Effects completed. For all Designated Development, an Environmental Impact Statement is required.
6. Flora and fauna assessment, prepared in accordance with the Office of Environment & Heritage document,

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Threatened Biodiversity Survey and Assessment: Guidelines for Development and Activities Working Draft November 2004. Refer to website www.environment.nsw.gov.au.

7. 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.
 8. 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.
 9. A landscape plan showing existing and proposed trees and vegetation (refer to PART C – Clause C7).
 10. 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.
 11. Details of Sustainable Water Management and an Erosion and Sediment Controls Plan (ESCP), if applicable.
 12. Details of any advertisement and/or advertising structures proposed.
 13. Details of the proposed waste water management strategy.
 14. Details of waste management for demolition, construction and operational phases in accordance with Council's *Waste Not Development Control Policy*.
 15. On bush fire prone land, information to show compliance with the NSW Rural Fire Service *Planning for Bushfire Protection 2006*.
 16. Details of hours of operation and where applicable, types of manufacturing processes, related noise generating equipment and means to reduce pollution. See Clause C13.
 17. Details of any specific information required by any clause of this DCP relevant to the development application. Eg. Specific information is required for brothels under clause J3.
 18. When the DA includes food preparation provide detailed plans and elevations of the food preparation and food storage areas. Plans are to include the finishes of floors, walls, ceilings, benches and shelves, elevations of fixtures and fittings and location of sinks and hand wash basins.
 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:
- (a) The depth of the fill and the location of area to be filled.

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- (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' in industrial zones

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

PART B NOTIFICATION AND ADVERTISING OF DEVELOPMENT APPLICATIONS**PART B NOTIFICATION AND
ADVERTISING OF DEVELOPMENT
APPLICATIONS**

This section was deleted on 17 December 2019 when Council adopted the Clarence Valley Council Community Participation Plan (CPP) in accordance with new legislative requirements of the Environmental Planning and Assessment Act 1979 (EP &A Act).

Note - The requirements for public notification and exhibition of development proposals are now contained within the Clarence Valley Council CPP. Refer to Council's website or the NSW Planning Portal.

PART C GENERAL DEVELOPMENT CONTROLS FOR INDUSTRIAL ZONES

PART C GENERAL DEVELOPMENT CONTROLS FOR INDUSTRIAL ZONES

C1. What are the objectives for development in industrial zones?

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

- (a) Development which is responsive to site constraints and the surrounding environment.
- (b) Development that is functional and appropriate for the type of use/activity/service being provided.
- (c) Buildings that improve the amenity of an industrial area and provide adequate landscaping.
- (d) Buildings that are at an appropriate scale and height so as to minimise adverse impacts on adjacent properties.

C2. How to apply Part C Controls

The following controls apply to development in industrial zones:

- (a) Building design
- (b) Setbacks
- (c) Landscaping
- (d) Storage of machinery and other equipment
- (e) Services
- (f) Dwellings
- (g) Waste Management
- (h) Retailing
- (i) Air, water and noise pollution
- (j) Crime Prevention
- (k) Disabled access and facilities
- (l) Height
- (m) Controls for flood prone land
- (n) Controls for bush fire prone land
- (o) Land slip/geotechnical hazard controls

These controls must be read in conjunction with the site specific controls applying to your land, under separate Parts of this DCP and controls for car parking, erosion and

sediment control, sustainable water controls, advertising structures and subdivision.

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

Note:

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

C3. Building Design

All new development should consider building design and materials in order to improve the amenity of industrial zones and to minimise any detrimental impact on adjoining development. This can be achieved by avoiding blank walls to the street frontage, by providing interesting architectural features, such as, openings in walls, parapets, awnings and variations in building materials. Good building design should be complemented by landscaping and tree planting.

There should be better design of development along main roads and from sites visible from main roads, in particular sites located at the entry to town centres.

Buildings and associated landscaping should be designed to minimise the potential for crime. See Clause C16.

All building work must comply with the Building Code of Australia (BCA).

PART C GENERAL DEVELOPMENT CONTROLS FOR INDUSTRIAL ZONES
C4. Disabled Access and Facilities
C4.1 New Buildings

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

C4.2 Existing Buildings

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

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

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

C5. Building Height

A maximum building height applies to all development of land in the IN1 General Industrial zone under the provisions of Clarence Valley LEP 2011. Clause 4.3 and the associated Height of Buildings Map in the Clarence Valley LEP 2011 detail these controls.

Check the maximum building height applying to your property /site under the Clarence Valley 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.

A maximum building height does not apply to land in the IN4 Working Waterfront zone.

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 abasement, footings or the like) for which consent has been granted or that is exempt development.

PART C GENERAL DEVELOPMENT CONTROLS FOR INDUSTRIAL ZONES

C6. 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 metre in height, or
- b) To enable development to be stepped down a steep slope where a 6.5 metre maximum building height applies.

C7. Setbacks

C7.1. All buildings are to be setback a minimum of 9 metres from the front boundary. Where land fronts a classified road buildings must be setback 15 metres from the front boundary.

C7.2. On corner lots buildings are to be setback 3 metres to the secondary frontage.

C7.3. At side and rear boundaries no setback applies, unless the building is adjacent to residential development. If adjacent to residential development the side and rear setback must be 3 metres.

C7.4. Setbacks from boundaries will also be determined by the classification of the building, the materials and fire prevention features used in construction in accordance with the Building Code of Australia (BCA).

C7.5. 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 deep. Where the sewer is between 1.5 metres and 3 metres deep, the minimum setback from buildings should be 2.5 metres. Where the sewer is greater than 3.0 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.

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.

C7.6. All buildings must be setback 1.5 metres from the outside masonry levee wall.

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

C7.7. Setbacks are measured from the property boundary to the closest point of a wall, column, structural support or balcony.

C7.8. Additional setbacks may apply where land within an industrial zone is located on the opposite side of the road to land within a residential zone.

In the Yamba Industrial estate, where land is located in Mulgi Street or Favourite Avenue opposite land in a residential zone, construction of a full block or brick wall on the Mulgi Street or Favourite Avenue frontage is required. Or alternatively, the wall may be setback and have no vehicular doors, providing at all times that ordinary doors and windows are not used to create a noise problem to residential land north of the industrial estate.

PART C GENERAL DEVELOPMENT CONTROLS FOR INDUSTRIAL ZONES

C8. Landscaping

C8.1. 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 landscaping provide sufficient information to enable a proper assessment of the proposal.

C8.2. A Landscaping Plan is required with all development applications except applications for:

- Minor ancillary development
- Change of use where no building works are proposed;
- Minor alterations and additions to existing developments.

C8.3. The following criteria apply to landscaping in Industrial zones:

- (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) Where rear or side boundaries adjoin non-industrial zones, landscaping should include substantial plantings of trees and shrubs to minimise overlooking and

- (iii) reduce the visual impact of the development on adjacent properties. Planting should be in keeping with the principles of the NSW Police *Safer by Design: Crime Prevention Through Environmental Design Guidelines*. See clause C16 for further information.
- (iv) Landscaping should integrate with the design of stormwater management systems.
- (v) Large industrial developments should also make provision for an outdoor lunch area for staff in a suitably landscaped location.
- (vi) Outdoor parking bays are to be broken-up with planting beds comprising a mix of trees, low shrubs (up to 1m) and groundcovers. Planting selection and design should be low maintenance and able to endure an intensively used environment, made up of predominantly indigenous species. Tree species selected for shade are to have high spreading branches, non-intrusive root systems and low risk of falling branches.
- (vii) Security fencing along street frontages must be visually unobtrusive and must be located behind a landscaped area.
- (viii) 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.
- (ix) 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*.

C8.4. Development applications are to be accompanied by a Concept Landscaping

PART C GENERAL DEVELOPMENT CONTROLS FOR INDUSTRIAL ZONES

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 C8.1 and the criteria at clause C8.3. 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.

C8.5. 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) Layout and area calculations of proposed planting areas;
- (vii) Indicative planting areas (indicated as trees, shrubs, groundcovers) and indicative plant species;
- (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.

C8.6. Detailed Landscaping Plans are to contain the information required in a Concept Landscaping Plan at clause C8.5 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:
 - 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.

C9. Storage of Machinery and Other Equipment

The front landscaped setback area must not be used for the storage of machinery and/or other equipment, unless specifically approved as a display area.

C10. Provision of essential services

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

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

C10.1 Sewer Connection

PART C GENERAL DEVELOPMENT CONTROLS FOR INDUSTRIAL ZONES

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

Note:

1. Under section 124 of the Local Government Act Council can require:
 - premises that are situated within 75 metres of a sewer system of the Council to be connected to Council's sewer system.
 - premises that are situated within 225 metres of a water pipe of the Council to be connected to Council's water supply.
2. All services including sewer, underground power, water and telephone are to be provided at the developer's expense.
3. Water and sewer connection is to comply with minimum sewer and water connection requirements set out in Council's Sewer and water connection policy No. 1.68.
4. For developments requiring reticulated sewerage in areas identified as reticulated sewerage catchments where sewerage is not yet available, refer to Council's Development Approvals in Future Sewer Areas Policy.
5. For development applications proposing pressure sewerage systems, refer to Council's Pressure Sewerage Policy.

C10.2 Supply of Water

Development must be connected to a reticulated town water supply system at a point acceptable to Council where available. Variations to this requirement may be considered where reticulated services are not available to the property and where extension of these services is not environmentally or economically realistic.

C10.3 Supply of electricity

Development must be connected to a mains power supply. Alternative power sources can be considered where the economic cost and likely environmental impact of connection is unacceptable.

C10.4 Suitable Road Access

Development must be serviced by a sealed road that has direct frontage to a 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 J of this Industrial Zones DCP in force from 23 December 2011

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.

C10.5 Facilities such as toilets, washbasins and other associated health and safety requirements are to be provided in accordance with the BCA.

C10.6 Stormwater Management

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

C11. Development on Flood Prone Land

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

In assessing development proposals on flood liable land council will consider the following:

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

PART C GENERAL DEVELOPMENT CONTROLS FOR INDUSTRIAL ZONES

C12. Dwellings

A dwelling used as a caretaker's dwelling or ancillary dwelling to the industrial use, is permitted on an industrial lot if the following conditions are met:

- (i) Only one dwelling per lot or holding.
- (ii) The gross floor area of the dwelling is not more than 75m².
- (iii) The dwelling is attached to, and located above (i.e. not at ground level), an industrial or commercial building.
- (iv) The dwelling is for the owner of the business operating on the land, or an employee of that person.
- (v) The dwelling is adequately insulated against sound penetration from surrounding industrial activities.
- (vi) The dwelling is not subdivided as a strata title.
- (vii) A dedicated car parking space is available on the site for the dwelling.
- (viii) Use of the dwelling must be fundamental, but subordinate to the dominant industrial / commercial use of the land.

Note:

Clarence Valley Draft LEP 2011 prohibits residential accommodation in the IN1 and IN4 zones. In order for a dwelling to be permitted in an industrial zone the dwelling must be ancillary to the industrial use or other approved use of the land.

Industrial and IN4 Working Waterfront zones for the types of land uses permitted with development consent and the prohibited uses.

Retailing in conjunction with an industrial use of the land is permitted with development consent. This type of retailing is covered by the term 'industry retail outlet' and must comply with the requirements included in the definition of "industry retail outlet." See definition below.

Clause 5.4 in Clarence Valley LEP 2011 limits the floor area of industrial retail outlets. The retail floor area must not exceed 20% of the combined gross floor area of the industrial retail outlet and the building /place on which the relevant industry is carried out or 400 m², whichever is the lesser.

Note:

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.

C13. Retailing

Limited retail uses are permitted in industrial zones. Retail premises and bulky goods premises are prohibited in both the IN1 and IN4 industrial zones.

In the IN1 General Industrial zone garden centres, hardware & building supplies, landscape material supplies and vehicle sales or hire premises are permitted with development consent.

See the Land Use Tables in the Clarence Valley LEP 2011 for the IN1 General Industrial Zones DCP in force from 23 December 2011

C14. Air, Water & Noise Pollution

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

Storage of chemicals, paints and the like should be in suitably bunded areas. Bunded

PART C GENERAL DEVELOPMENT CONTROLS FOR INDUSTRIAL ZONES

areas should have a capacity of 1.2 times the volume of the goods stored within them.

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

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

For offensive and hazardous industries special requirements may apply. Refer to State Environmental Planning Policy No 33 – Hazardous and Offensive Developments. (SEPP 33).

C15. Waste Management

C15.1 Any waste that is generated must be disposed of in accordance with the Protection of the Environment & Operations Act 1997 and Regulations and the Local Government Act 1993. Waste management must be based on the principles of waste avoidance and maximising reuse and recycling of materials.

Details of the waste management strategy for a development (including demolition, construction and operational phases) must be submitted to Council when a development application is lodged. This should include the proposed location of bulk waste bin/s on-site, particularly for the operational phase.

All applications for development, except for minor construction and demolition works involving a construction footprint of less than 50m², 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). The waste management facilities proposed as part of the development must also be clearly

illustrated on the plans of the proposed development.

C15.2 Liquid Trade 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

C15.3 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.

C16. Crime Prevention

Crime within industrial areas should be minimised by building design and landscaping elements that include crime prevention measures. For example:

- (a) All entrances should be well lit, well defined and visible to public and patrol vehicles.
- (b) Parking area should be visible from the street or public areas to patrol cars, pedestrians, parking attendants and building/personnel.

PART C GENERAL DEVELOPMENT CONTROLS FOR INDUSTRIAL ZONES

- (c) The provision of automatic movement detectors near back alleyways and in storage yards.

Details of any crime prevention measures such as lighting, fencing etc. should be included with the development application.

Lighting should be managed so as not to create a nuisance to nearby development, residential areas and/or traffic.

See Clause C8 for landscaping controls.

Major development proposals may be referred to the NSW Police for comment and consideration under the [Safer by Design: Crime Prevention Through Environmental Design Guidelines](#).

C17. 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*.

C18. Sites Subject to Land Slip /Geotechnical Hazard

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

- (a) Land has a potential for landslip due to natural slope and/or soil conditions (geotechnical hazards); and/or
- (b) Land has a potential for landslip due to coastal forces or river flow conditions; and/or
- (c) Land is identified as being of particular concern due to geotechnical hazards; and/or

- (d) Any developments that will or may generate a geotechnical hazard due to the work proposed, developments such as those involving excavation close to another property or near a large tree, deep excavations that may impact on adjoining property, deep filling or any other activity that will or may significantly increase the geotechnical risk to another property.

Note: Contributions may apply

Section 64 Contributions for sewer and capital contributions for water headworks may be applicable. These contributions are set out in Council's Schedule of Fees and Charges.

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

Section 94 contributions for open space and community facilities do not apply to ancillary dwellings.

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

PART D FLOODPLAIN MANAGEMENT CONTROLS

PART D FLOODPLAIN MANAGEMENT CONTROLS

D1. What are the aims of the Floodplain Management Controls?

This plan aims to:-

- (a) Increase public awareness of the hazard and extent of land affected by all potential floods, including 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 (eg. house raising) must be undertaken in a manner which minimises the impact upon the amenity and character of the locality.
- (b) The design of car parking (enclosed or uncovered) and associated driveways should not result in unacceptable environmental or amenity impacts. Unacceptable impacts may include visual intrusion from elevated driveways and parking structures and overshadowing of adjoining residential properties in excess of Council's relevant standards.
- (c) The proposal must not constrain the orderly and efficient utilisation of the waterways for multiple purposes.
- (d) The proposal must not adversely impact upon the recreational, ecological, aesthetic or utilitarian use of the waterway corridors, and where possible, should provide for their enhancement.
- (e) Proposals for house raising must provide appropriate documentation including:
 - i) a report from a suitably qualified engineer to demonstrate that the raised structure will not be at risk of failure from the forces of floodwaters in 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
Flooring and Sub-floor Structure	<ul style="list-style-type: none"> Concrete slab-on-ground monolith construction Suspension reinforced concrete slab 	Doors	<ul style="list-style-type: none"> Solid core with water proof adhesives Solid timber Flush door with marine ply filled with closed cell foam Painted metal construction Aluminium or galvanised steel frame
Floor Covering	<ul style="list-style-type: none"> Clay tiles Concrete, precast or in situ Concrete tiles Epoxy, formed-in-place Mastic flooring, formed-in-place Rubber sheets or tiles with chemical-set adhesives Silicone floors formed-in-place Vinyl sheets or tiles with chemical-set adhesive Ceramic tiles, fixed with mortar or chemical-set adhesive 	Wall and Ceiling Linings	<ul style="list-style-type: none"> Fibro-cement board Brick, face or glazed Clay tile glazed in waterproof mortar Concrete Concrete block Steel with waterproof applications Stone, natural solid or veneer, waterproof grout Glass blocks Glass Wall with waterproof adhesive.
Wall Structure	<ul style="list-style-type: none"> Solid brickwork, blockwork, reinforced, concrete or mass concrete Additional weep-holes and vents to drain and help dry out the area after a flood event 	Insulation Windows	<ul style="list-style-type: none"> Foam (closed cell types) Extruded polystyrene Aluminium frame with stainless steel rollers or similar corrosion and water resistant material.
Roofing Structure (for situations where the relevant Flood Planning Level is above the ceiling)	<ul style="list-style-type: none"> Reinforced concrete construction Galvanised metal construction 	Nails, Bolts, Hinges and Fittings	<ul style="list-style-type: none"> Brass, nylon or stainless steel Removable pin hinges Hot dipped galvanised steel wire, nails or similar.

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>Electrical and Mechanical Equipment</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>Heating and Air Conditioning Systems</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>Main power supply –</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>Fuel –</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>Wiring –</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>Installation –</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>Equipment –</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>Ducting –</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>Reconnection –</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>Ancillary Structures (steps, pergolas, etc.) –</p> <p>Suitable water tolerant materials should be used such as masonry sealed hardwood and corrosive resistant metals. Copper Chrome Arsenate (CCA) treated timber is <u>not</u> a suitable material.</p>

PART D FLOODPLAIN MANAGEMENT CONTROLS

**SCHEDULE D2
LAND USE CATEGORIES**

Critical Uses and Facilities	Commercial or Industrial	Concessional Development
<ul style="list-style-type: none"> • 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); • Hospitals. 	<ul style="list-style-type: none"> • Airport • Amusement centre • Bulky goods premises • Business premises • Caravan park • Child care centre • Community facility (other than critical and sensitive uses and facilities) • Depot • Entertainment facility • Food and drink premises • Freight transport facility • Function centre • Funeral chapel • Funeral home • Garden centre • General industry • Hardware & building supplies • Hazardous industry • Hazardous storage establishment • Health care professional • Health consulting rooms • Heavy industry • Heavy industrial storage establishment • Heliport • High technology industry • Industry • Landscape material supplies • Liquid fuel depot • Light industry • Market • Materials recycling or recovery centre • Medical centre • Mixed use development • Offensive industry • Offensive storage establishment • Office premises • Passenger transport facility • Place of public worship • Public hall (other than critical uses and facilities) • Recreation facility (major) • Registered club • Restaurant • Restricted premises • Retail premises • Rural industry • Service station • Sex services premises\ • Shop top housing • Storage premises • Take away food or drink premises • Timber yards 	<p>(a) <u>In the case of residential development:</u></p> <p>(i) An addition or alteration to an existing dwelling of not more than 50m² of the habitable floor area which existed at the date of commencement of this DCP;</p> <p>(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).</p> <p>(b) <u>In the case of other development:</u></p> <p>(i) An addition to existing buildings of not more than an additional 100m² of the floor area which existed at the date of commencement of this DCP;</p> <p>(ii) Rebuilding of a development which substantially reduces the extent of flood effects to the existing development.</p> <p>(iii) A change of use which does not increase flood risk having regard to property damage and personal safety; or</p> <p>(iv) Subdivision that does not involve the creation of new allotments with potential for further development.</p> <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

	<ul style="list-style-type: none">• Transport depot• Truck depot• Vehicle body repair workshop• Vehicle repair station• Vehicle sales or hire premises• Vehicle showroom• Veterinary hospital Warehouse or distribution centre and utility installations (other than critical uses and facilities).	
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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	Commercial & Industrial	Concessional Development	Critical Uses & facilities	Commercial & Industrial	Concessional Development
Planning Consideration						
Floor & Pad Levels	6	1,2	1,3			1,3
Building Components	1	1	1			1
Structural Soundness	3	2	2			1
Flood Effects	2	2	2			1,3 or 2,3 or 3,4,6
Evacuation	3,5	1,3 or 3,6	1,3 or 2,3 or 3,4,6			1,3 or 2,3 or ,4,6
Management & Design	1,2,3,4	1,2,3,4	1,2			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"> 1. 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>. 2. 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. 3. 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. 4. The development is a heritage item, adjacent to a heritage conservation area, and meeting the <i>Flood Planning Level</i> would result in unreasonable impacts on heritage values. <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 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.

PART D FLOODPLAIN MANAGEMENT CONTROLS

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. Non- <i>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	
	Critical Uses & Facilities	Commercial & Industrial	Concessional Development	Critical Uses & facilities	Commercial & Industrial Concessional Development
Planning Consideration					
Floor & Pad Levels		1,2	1,3		1,3
Building Components		1	1		1
Structural Soundness		2	2		1
Flood Effects		2	2		
Evacuation		1,3 or 3,6	1,3 or 2,3 or 3,4,6		1
Management & Design		1,2,3,4	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

1	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

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 <i>evacuation criteria</i> (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 <i>evacuation criteria</i> (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 E PARKING AND VEHICULAR ACCESS CONTROLS
PART E PARKING AND VEHICULAR ACCESS CONTROLS
E1. What are the parking and vehicular access objectives for industrial zones?

The parking and vehicular access objectives for industrial zones are:

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

E2. Number of Car Parking Spaces
E2.1 Number of car parking spaces

The number of car parking spaces required for different land uses should be provided in accordance with TABLE E1.

When calculating the number of car spaces required, any part spaces must be rounded up to the nearest whole number.

When a land use is not included in TABLE E1 consult Council for requirements, which will usually be based on the RTA publication, "Policies, Guidelines and Procedures for Traffic Generating Developments".

E2.2 All car parking spaces must be provided on-site.

Stacked car parking will not be accepted.

E2.3 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 E2.

E2.4 Large scale development may require a Parking Study to determine the number of car parking spaces. Where developments are subject to a parking study, the applicant will be required to undertake a parking study of a similar type of development, in a similar location, to determine the number of parking spaces required for the proposed development. Also see clause E10.

E2.5 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).

E2.6 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.

E2.7 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.

E2.8. 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.

PART E PARKING AND VEHICULAR ACCESS CONTROLS

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.

TABLE E1

Land Use	Car Parking Requirements
Ancillary dwelling/ caretaker's dwelling Depot	1 space per dwelling
Garden centre	Parking Study required. No parking of trucks on public roads. 1 space per 200m ² of site area & 1 space per employee. Where other retail is involved – 400m ² GFA
Industrial retail outlet	1 space per 30m ² GFA
Industry	1 space per 100m ² GFA
Landscape material supplies	1 space per 200m ² of site area & 1 space per employee.
Hotel or motel accommodation (permitted in R1 zone)	1 space per unit, plus 1 space per 2 employees
Neighbourhood shop	1 space per 30m ² GFA
Take-away food/drink premises	
Place of worship	1 space per 10 seats or 1 space per 15m ² of main assembly area, whichever is the greater.
Plant nursery	1 space per 200m ² of site area & 1 space per employee.
Recreation facility (indoor), eg gymnasium	1 space per 25m ² GFA
Restaurant or café (permitted in R1 zone)	1 space per 30m ² GFA, except for Grafton/South Grafton 1 space per 5m ² GFA or 1 space per 6 seats
Restricted premises	1 space per 30m ² GFA
Service Station	3 spaces per work bay, plus 1 space per 30m ² GFA for a convenience store, plus 1 space per 3 seats for a restaurant.

Land Use	Car Parking Requirements
Sex services premises /Brothel	1 space per 30m ² GFA
Storage premises	1 space per 300m ² GFA
Transport depot	Parking Study required. No parking of trucks on public roads.
Hardware & building supplies	1 space per 200m ² of site area & 1 space per employee.
Vehicle repair station	3 spaces per work bay
Vehicle sales or hire premises	1 space per 130m ² of display area, plus for vehicle servicing 3 spaces per work bay.

TABLE E2 Delivery Service Vehicles

Land use / development	Minimum parking spaces	Special requirements
Business premises	1 per 4000m ² of gross floor area up to 20,000m ² , plus 1 per 8000m ² thereafter.	
Industrial, storage and Wholesale	1 per 800m ² of gross floor area up to 8,000m ² plus a 1 space per 1000m ² thereafter.	

PART E PARKING AND VEHICULAR ACCESS CONTROLS

E3. Variations to Car Parking Requirements

Council may allow variations to the requirements of TABLE E1 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 8:30AM and 5:30 PM, and adequate on-street car parking is available and in proximity to the proposed development.

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

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

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 land owner to the effect that the land intended for parking will not be sold without Council consent and/or a restriction on the title is required.

E4. 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 1 metre wider than the adjacent spaces.
5. Parking space dimensions and aisle widths must also be in accordance with the class of user, as identified in Table 1.1 of AS2890.1.

E5. Manoeuvring, Loading & Unloading

1. All industrial 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 AS 2890.
4. The number and size of loading bays will be assessed by Council on the type and scale of the development proposal. The applicant must submit details of the estimated frequency of

PART E PARKING AND VEHICULAR ACCESS CONTROLS

- 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 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.
- 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 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.

Gradients of Ramps and Access Driveways

9. At entry and exit points, the ramp or access driveway should be graded to minimise problems associated with crossing the footpath and entering the traffic in the frontage road.
10. The maximum gradient on ramps or access driveways must be 1 in 20 (5%) across the property line or at the building alignment and for at least the first 6 metres into the car park.
11. All gradients of car parking surfaces, ramps and access driveways must be in accordance with AS2890. Also consult the Northern Rivers 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.

E6. Access to the Site

Vehicle access

1. All vehicles must enter and leave the site in a forward direction.
2. Access points are to be located where they cause the least interference to pedestrian and vehicle movement.
3. The width and location of access driveways must be in accordance with the requirements of AS2890.1.

PART E PARKING AND VEHICULAR ACCESS CONTROLS

13. The minimum sight distances must be in accordance with AS2890. Also consult the NR Design Manuals.

Pedestrian access

14. Adequate pedestrian access to the site is required.

E7. Car Park Design

Design and Safety

1. Car parks must be designed to provide a safe environment for users. The design of the car park and surrounding landscape should provide clear sightlines into and throughout the car park.
2. The layout of the car park should make it easy to enter, leave and drive around the parking area. The design should minimise the probability of vehicle/vehicle conflict and vehicle/pedestrian conflict.
3. Parking area must be designed to reflect the specific requirements of the particular development proposal, the nature of the existing and anticipated surrounding development and the characteristics of the site.
4. A parking area should be integrated into the development so that does not dominate the streetscape. This can be achieved by appropriate design and landscaping.

Parking directions and signs

5. Parking spaces should be clearly line marked and signposted where appropriate.
6. Where designated car spaces are provided, such as, visitor and disabled persons parking signposting must clearly indicate these spaces.
7. Arrow marking on the surface of aisles and driveways should be

used to indicate the circulation pattern and whether one-way or two-way movement.

8. Car park entries and exits must be clearly marked.

Lighting and Ventilation

9. Covered or enclosed car parks must have adequate lighting and ventilation.
10. Where car parks are to be used at night, adequate artificial lighting must be provided for the whole parking area.
11. Lighting should be positioned so as to minimize shadows from landscaping and other obstructions.

E8. Pavement construction

1. All parking areas must be constructed with a base course pavement of an adequate depth to suit the type of expected traffic, both number and type of vehicles.
2. All parking areas must be surfaced with either two coat bitumen seal, asphaltic concrete, concrete or interlocking pavers.
3. All vehicle crossings are to be constructed in concrete or interlocking pavers.
4. In choosing the pavement type suitable for the proposed development the following factors should be considered:
 - (a) Anticipated vehicle volumes and types:
 - (b) Run-off gradients, drainage and stormwater management requirements. (Refer to Part F for Sustainable Water Controls).
 - (c) Construction constraints.

PART E PARKING AND VEHICULAR ACCESS CONTROLS

- (d) California Bearing Ratio (CBR) of subgrade (natural soil).
5. Pavement thicknesses for parking areas will be assessed on a site specific basis and must be to the satisfaction of Council.
6. Parking areas surfaced with bitumen or asphaltic concrete are to be designed and constructed in accordance with the Northern Rivers Development and Design Manual, Sections D1 and D2.
7. Concrete interlocking paver parking areas and vehicle crossings are to be designed and constructed in accordance with guidelines published by the Cement and Concrete Association of Australia.

E9. Car parking on flood liable land

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

E10. Traffic impact of large-scale development

Large scale development or development located on land adjacent to a classified road may require referral to the Roads and Traffic Authority.

For details refer to SEPP Infrastructure 2007, Division 17 Roads and traffic.

Council may require a Traffic Study as part of the development application depending on the proposed scale of the development.

PART F SUSTAINABLE WATER CONTROLS

PART F SUSTAINABLE WATER CONTROLS

F1. What are the Sustainable Water objectives for Industrial Zones

The sustainable water objectives 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.

F2. What type of development must comply with Sustainable Water Controls?

'Sustainable water controls' apply to:

- (a) All new industrial and commercial development.
- (b) Additions to industrial and commercial development, where the cumulative increase in the roofed and/or impervious area is equal to or greater than 150m² or is a 50% or greater increase in the roofed and/or impervious areas.
- (c) All subdivisions except:
 - (i) where no additional lots are created;
 - (ii) strata subdivisions;
 - (iii) where no road or stormwater drainage works are required; or
 - (iv) where lots are greater than 1 hectare.

F3. What Sustainable Water Controls apply?

All development specified in F2 must meet the following requirements:

- (a) Installation of 3 Star rated fixtures, as required by clause F4.
- (b) Compliance with 'sustainable water requirements' as specified in TABLE F1.
- (c) Compliance with water quality targets, as specified in TABLE F2 – Default Water Quality Targets for Industrial Development, 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.

F4. Requirements for 3 Star Rated Fixtures and Dual Flush toilets

All new development and additions to industrial buildings must include:

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

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

Note:

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

PART F SUSTAINABLE WATER CONTROLS

TABLE F1 'Sustainable Water' Requirements for Industrial Development

	Development with no increase in impermeable surface post development Or Subdivision under 5 lots	Development with impermeable surface < 500 m ² post development Or Subdivision between 5 and 25 lots	Development with impermeable surface > 500m ² 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 Industrial 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 requirements.	√	√	√
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
Limit cut or fill used on site (pylons, piers, posts, walls etc to be used in place where possible).	X no increase in impermeable surface	O increase in impermeable surface	O increase in impermeable surface
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 Requirement : Information For Applicants" Section 2).	Basic	Basic	Basic
	Key: √ = Must Comply	X = Does not Apply	O = Optional

PART F SUSTAINABLE WATER CONTROLS**TABLE F2 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 G EROSION AND SEDIMENT CONTROL
PART G EROSION AND SEDIMENT CONTROL
G1. What are the erosion and sediment control objectives for industrial zones?

The erosion and sediment control objectives are to:

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

G2. What development do the erosion and sediment controls apply to?

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

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

Note:

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

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

Erosion and sediment control offers many advantages for home owners, builders and the building industry, as well as for the environment.

These include, but are not limited to:

- All weather access
- Reduced stockpile losses
- Reduced clean-up costs.
- Improved wet weather working conditions.
- Fewer public complaints.
- A better public image.
- Reduced risk of fines
- Reduced downtime.

PART G EROSION AND SEDIMENT CONTROL
G3. 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 G6. *General Principles of Erosion and Sediment Control* and clause G7. *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 G5 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 G8 and for conditions for subdivision creating more than 2 lots see clause G9.

TABLE G1 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 G1, and copies are available at Council offices.

TABLE G1

DEVELOPMENT / ACTIVITY	EROSION & SEDIMENT CONTROL REQUIREMENTS
<ul style="list-style-type: none"> ▪ Dwelling houses and house extensions. ▪ Garages and similar minor development. ▪ 2 lot subdivisions. ▪ Additions to existing commercial and industrial development. 	<p>'Standard' Erosion & Sediment Control Plan; or Deemed to Comply Statement (refer to SCHEDULE G2)</p>
<ul style="list-style-type: none"> ▪ Subdivisions, >2 lots, where no road or vehicular ROW access is to be constructed. ▪ All other development (except dwelling houses and minor development as listed above) where the site area exceeds 2000m² or where slope exceeds 10% (1 in 10). 	<p>'Standard' Erosion & Sediment Control Plan</p>
<ul style="list-style-type: none"> ▪ Dwelling houses on land with slope > 20% (1 in 5). ▪ Subdivisions (not being 2 lot subdivisions) requiring construction of a new road or vehicular ROW access. ▪ All other development where the site area exceeds 2000m² or where slope exceeds 10% (1 in 10). 	<p>'Detailed' Erosion & Sediment Control Plan.</p>

PART G EROSION AND SEDIMENT CONTROL
G4. Erosion and Sediment Control Plan (ESCP) Requirements

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

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

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

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

The degree of detail submitted to Council with an ESCP depends on the scale of the proposal, the complexity of the site characteristics and the potential environmental impact.

A '**detailed**' ESCP must include the following:

- Plan(s)
- Supporting information
- Construction details, calculations and notations.

A. Plan(s), to include:

- (a) Locality of the site, north point and scale.
- (b) Existing contours and catchment boundaries.
- (c) Location and description of existing vegetation and significant natural areas (eg. Wetlands).
- (d) Location of existing and proposed drainage patterns.
- (e) Nature and extent of works, including cut and fill and road works.

- (f) Location of all soil and material stockpiles.
- (g) Location of site access, proposed roads and any impervious areas.
- (h) Location and type of proposed erosion and sediment control measures.
- (i) Staging of works.
- (j) Site rehabilitation proposals, including final contours.
- (k) Ongoing monitoring and maintenance details.

B. Supporting information -

A description of the overall erosion and sediment control strategy, to include:

- (a) Description of the existing site conditions.
- (b) Description of proposed works and the impact on the site and adjacent areas.
- (c) Description of any areas with potential for serious erosion and/or sedimentation and details of the proposed management strategy.
- (d) Description of the construction sequence.
- (e) Description of the site rehabilitation program.
- (f) Description of the maintenance strategy for all control measures.
- (g) Description of how the erosion and sediment controls fit into the stormwater management strategy for the site and catchment.

C. Construction details calculations and notations, to include:

- (a) Construction drawings and written specifications must be provided for each type of structural erosion and sediment control measure to be installed; and
- (b) Specifications for rehabilitation and revegetation works.

PART G EROSION AND SEDIMENT CONTROL
G5. Deemed to Comply Requirements

Applicants who choose to utilise the Deemed to Comply option are not required to submit an ESCP but **must** instead **submit a signed Deemed to Comply Statement** to Council stating that the following requirements will be met.

1. All erosion and sediment control measures are to be installed prior to the commencement of any work, including cutting and filling.
2. All sediment control measures are to be constructed to prevent sediment from leaving the site or entering downstream properties, drainage lines or watercourses.
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 G2 and copies are available at Council's Office.

PART G EROSION AND SEDIMENT CONTROL
G6. General Principles of Erosion and Sediment Control

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

1. Investigate site features to ensure that the land capability and the proposed development are compatible.
2. Prepare an Erosion and Sediment Control Plan (ESCP).
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.

G7. General Erosion and Sediment Control

General controls to implement these principles include the following:-

- A. Control water through the site.
 - B. Limit vehicular entry/exit to one point and stabilise.
 - C. Install sediment fencing to the low side of the site.
 - D. Topsoil stockpiles to be protected by sediment fencing and/or bunding.
 - E. Store all building materials within a sediment fence.
 - F. Minimise disturbance when excavating.
 - G. Installation of down pipes and connection to the stormwater system after roof cladding and guttering are installed (prior to frame inspection).
 - H. Maintain all controls in good order at all times prior to and during construction.
 - I. Compact all trenches when backfilling.
 - J. Revegetate/stabilise all disturbed areas as soon as possible.
 - 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.

PART G EROSION AND SEDIMENT CONTROL
B. Limit vehicular entry/exit to one point and stabilise

A stabilised access point reduces disturbance of the site and limits transport of sediment from the site by vehicles. It is recommended that the stabilised access be constructed of 40mm blue metal aggregate or recycled concrete, approximately 150mm deep, 2.5 metres wide and where possible stretch from the kerb line to the slab.

C. Install sediment fencing to the low side of the site

A sediment fence is designed to filter runoff, not concentrate water flows. They need to be installed correctly, i.e. to follow the natural contour with the bottom of the fence in a trench to allow water to flow through and not underneath the fence. The capacity of the fence can be increased by use of a return. Straw bales may be used, although they do not last as long as sediment fences. If straw bales are used, each bale needs to be anchored by at least two stakes. Maintaining sediment fences is extremely important. A break in a sediment fence means that sediment is not trapped. On longer or steeper sites two (2) or more sediment fences may be required.

D. Topsoil stockpiles to be protected by sediment fencing

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

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

E. Store all building materials within the sediment fence

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

F. Minimise disturbance when excavating

By excavating only the area needed for construction the number and extent of sedimentation controls needed are reduced. Existing vegetation on site should be retained where possible. Grass on the nature strip should also be retained where possible. Vegetation cover is the most effective form of erosion control as it prevents erosion and filters sediments from run-off.

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

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

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.

PART G EROSION AND SEDIMENT CONTROL

H. Maintain all controls in good order

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

I. Compact all trenches when backfilling

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

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

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

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

G8. 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.

PART G EROSION AND SEDIMENT CONTROL

5. Direct up slope runoff around the site, by use of a diversion bank or channels. These devices may require measures to control erosion depending on the volume of flow anticipated.
6. Vehicular access is to be restricted to one stabilised access point.
7. Stockpiles of erodible materials (sand, soil, spoil and vegetation) must be 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.

G9. 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.

PART G EROSION AND SEDIMENT CONTROL

6. All areas not subject to construction works are to be free from disturbance or damage. These areas may require fencing off or use of other means to ensure compliance with this condition.
7. Construction works must be staged to minimise the area of land disturbance exposed at any one time.
8. Stockpiles of erodible materials (sand, soil, spoil and vegetation) must be protected by a sediment fence or bund. Stockpiled material must be stored clear of any drainage line and within the property boundary. If the stockpile area is prone to high winds or is to be there for a long time then the stockpile must be covered.
9. Stripping and stockpiling of topsoil should be undertaken immediately before commencement of bulk earthworks.
10. Where possible, major drainage works should be undertaken prior to stripping topsoil eg construction of major culverts.
11. Any stockpiled or unwanted spoil remaining on the site must be removed on completion of construction works.
12. All fuelling of plant to be undertaken in a fully bunded area, away from trees/vegetation to be retained.
13. Fuel and oils shall be stored in a fully bunded area. The capacity of the bund must be greater than the maximum volume stored.

G10. Maintenance Requirements

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

G11. 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 G EROSION AND SEDIMENT CONTROL**SCHEDULE G1
STANDARD EROSION and SEDIMENT CONTROL PLAN
INFORMATION SHEET & CHECKLIST**

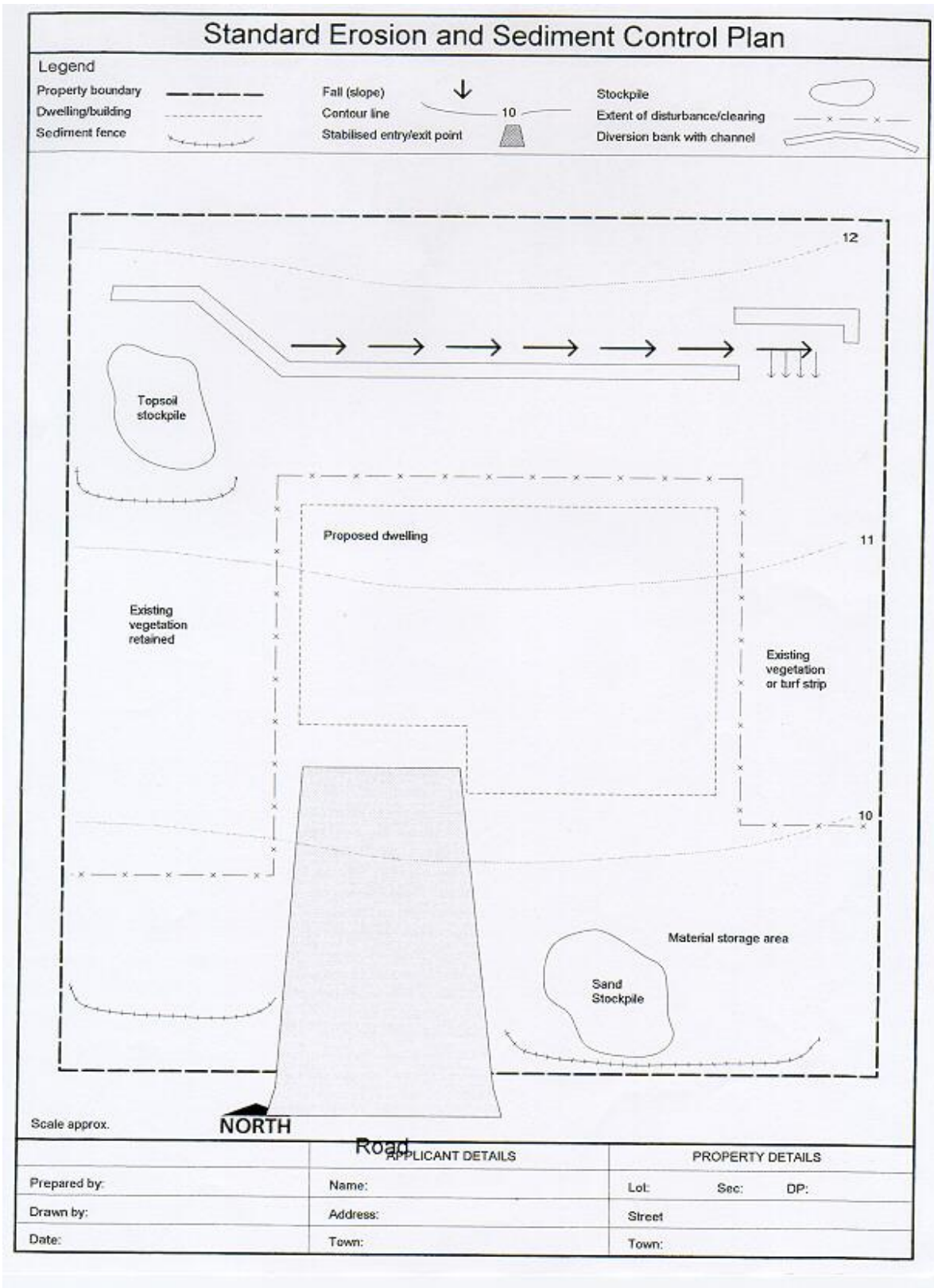
The following information is to be provided on the "Standard Erosion & Sediment Control Plan" base plan:

1. Location of dwelling or building
 2. Direction of slope/fall of the site.
 3. Contour lines, if possible.
 4. Locate where site is to be disturbed or cleared and where existing vegetation is to remain.
 5. Location of sediment fence.
 6. Location of stabilised entry/exit point.
 7. Location of stockpiles, eg. Topsoil, sand, building materials.
 8. Location of diversion bank & channel, if required.
 9. Location of other erosion & Sediment control measures.
-
- Uphill water directed around the building site, by use of a bank or channels.
 - One stabilised vehicular entry/exit point.
 - Sediment fencing installed on the lower side of the site.
 - Stockpiles of erodible materials (eg. Topsoil, sand, spoil & vegetation) protected by sediment fencing.
 - Stockpiled material within property boundary and clear of drainage lines.

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

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


PART G EROSION AND SEDIMENT CONTROL



PART G 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



NORTH

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

PART G EROSION AND SEDIMENT CONTROL
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SCHEDULE G2**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 H SUBDIVISIONS AND ENGINEERING CONTROLS

PART H SUBDIVISIONS AND ENGINEERING CONTROLS

H1. What are the objectives for engineering standards and subdivision?

The objectives for engineering standards and subdivision are to:

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

H2. 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.

H3. Minimum Lot Sizes

Subdivision of land must meet the minimum lot size for that land shown on the Clarence Valley LEP 2011 Lot Size Map.

See Clarence Valley LEP 2011 clause 4.1 *Minimum subdivision lot size*.

Under the provisions of Clarence Valley LEP 2011 a minimum lot size of 1,000m² applies to land in the IN1 General Industrial zone.

A minimum lot size does not apply to land in the IN4 Working Waterfront zone.

A minimum frontage of 24 metres applies to land in the IN1 General Industrial zone. This will ensure that industrial sites have sufficient area to allow manoeuvring and turning of large vehicles on site.

In unsewered areas, (for example, Koolkhan), a larger lot size may be more appropriate to allow for on-site waste water management. Depending on the proposed land use 1000m² may not be able to accommodate buildings, car parking, manoeuvring, driveways, on-site effluent disposal and buffer areas to effluent disposal areas and buffers to boundaries. See Council's On-site Wastewater Management Strategy 2005.

H4. Lot Layout and Road Design

Subdivision layout and road design must consider the particular site constraints of the land, the proposed use of the land and integrate the subdivision and road network with surrounding roads and development pattern.

The road network should be designed to cater for anticipated traffic volumes and the type of traffic generated by future uses. Traffic generation must consider the type of development, the size of individual uses or industries and the amount of retailing and related complementary uses. Council may require a Traffic Study as part of the development application depending on the

PART H SUBDIVISIONS AND ENGINEERING CONTROLS

proposed scale of the subdivision. See clause E10.

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

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

Local roads must have a minimum road reserve width of 25 metres, with a 13 metre carriageway where parallel parking is provided and an 18 metre carriageway where angle parking is permitted. Cul-de-sacs should generally be avoided in industrial estates.

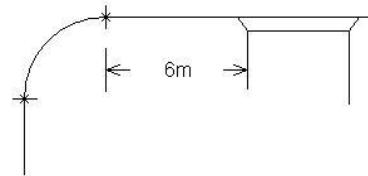
Road widths to accommodate services.

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.

H5. Site Access

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

- (a) Divided on the property line or have separate driveway entries and exits, wherever possible, to ensure an unobstructed traffic flow onto and from the site.
- (b) Not closer than 6 metres to the kerb return tangent point of an intersecting road or break in a traffic island.
- (c) Located so that sight distance is adequate.



Driveway from corner

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

Access to RTA managed roads will require RTA approval. Refer also to SEPP Infrastructure 2007, Division 17 Roads and traffic.

Note:

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

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

PART H SUBDIVISIONS AND ENGINEERING CONTROLS

H6. Provision of essential services

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

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

All services, including water, sewer, power and telecommunications are to be provided to all new lots.

H6.1 New development (including new lots) is to be connected to Council's existing sewer system. Where there is no reticulated sewer available, effluent disposal should be in accordance with Council's adopted On-Site Waste Water Management Strategy 2005.

Note:

1. Under section 124 of the Local Government Act Council can require:
 - premises that are situated within 75 metres of a sewer system of the Council to be connected to Council's sewer system.
 - premises that are situated within 225 metres of a water pipe of the Council to be connected to Council's water supply.
2. All services including sewer, underground power, water and telephone are to be provided at the developer's expense.
3. Water and sewer connection is to comply with minimum sewer and water connection requirements set out in Council's Sewer and water connection policy No. 1.68.
4. For developments requiring reticulated sewerage in areas identified as reticulated sewerage catchments where sewerage is not yet available, refer to Council's Development Approvals in Future Sewer Areas Policy.
5. For development applications proposing pressure sewerage systems, refer to Council's Pressure Sewerage Policy.

H6.2 Development must be serviced by a sealed road that has direct frontage to a road that is listed in Councils adopted Road Maintenance Policy, that is Councils' Road Asset (Maintenance) List; the standard of road access is to comply with the Northern Rivers Local Government Development and Design Manual, the Northern Rivers Local Government Construction Manual. A lesser standard may be considered having regard to the nature and scale of the proposed development, the context of the site and locality and the Northern Rivers Local Government Development and Design Manual, the Northern Rivers Local Government Construction Manual.

H7. Buffers to avoid Land Use Conflicts

To minimise conflicts between industrial land and other potentially incompatible land uses buffers must be provided.

Where subdivision of land within an industrial zone adjoins a residential zone, a landscaped buffer, with a minimum width of 20 metres must be provided between the industrial and residential zones.

Buffer areas are to be landscaped in accordance with an approved landscape plan which would need to be submitted as part of the subdivision application. Landscaping must be completed in accordance with the approved landscape plan before release of the linen plan can take place.

Species selection should generally result in a range of plant heights. See Clause C7 for landscaping requirements.

PART I ADVERTISEMENTS AND ADVERTISING STRUCTURES

General note for advertising and signage:

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

PART I ADVERTISEMENTS AND ADVERTISING STRUCTURES

11. What are the objectives for advertisements and advertising structures in industrial zones?

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

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

12. Advertising Structures not requiring Development Approval

Advertising structures and signs listed as exempt development in the CV LEP 2011 or the 'Codes SEPP' do not require development approval.

If the advertising structure does not meet the requirements of the 'standards for exemption' then a development application must be submitted to Council.

Note:

Under the provisions of SEPP 64 an advertisement with a display area greater than 20m² 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 45m², to roof or sky advertisements and wall advertisements.

13. 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 11, in line with the provisions of SEPP 64 (State Environmental Planning Policy No 64 – Advertising and Signage).

An advertisement and/or advertising structure development consent will not be granted unless the impact of the advertisement and/or advertising structure is assessed by Council as to be acceptable in terms of the criteria in SCHEDULE 11.

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

14. Above awning advertisements

14.1. 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.

PART I ADVERTISEMENTS AND ADVERTISING STRUCTURES

- (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.

14.2. Footpath Awning Blinds

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

15 Pole Signs

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

Council will specifically consider the impact of the structure on the amenity of the locality, the size, shape and scale of the proposed advertisement and height of the structure in comparison to buildings located on and around the subject land. The advertising structure and advertisement must be wholly located within the boundary of the subject land.

16. Advertisements and Advertising Structures fronting classified roads

All advertisements and structures fronting classified roads require the approval of a development application.

The following standards apply to advertisements and advertising structures fronting main roads:

- (a) A maximum of one advertising structure per allotment or if an allotment has a frontage greater than 500 metres, a maximum of one advertising structure per 500 metres of main road frontage.
- (b) While two advertisements per structure is usual eg. One front and back, Council will consider applications where more than one tourist facility, tourist area or community service wish to advertise on one side of the structure. However, in this instance, the legibility of the advertisement should not be compromised;
- (c) Advertisements are to be a maximum of 6 metres in length and 3 metres in height, however, if the advertising structure is to be situated adjacent to residential dwellings, a reduction in these dimensions may be appropriate.
- (d) Council will not permit internally illuminated advertisements. Advertisements may be externally illuminated by spot lighting directed at the advertisement.

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

Note:

SEPP 64 Advertising and Signage requires the concurrence of the RTA in granting consent to advertisements greater than 20m² and within 250 metres of, and visible from, a classified road.

PART I ADVERTISEMENTS AND ADVERTISING STRUCTURES**SCHEDULE 11
ASSESSMENT CRITERIA**

- 1. Character of the area**
 - Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?
 - Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?
- 2. Special areas**
 - Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?
- 3. Views and vistas**
 - Does the proposal obscure or compromise important views?
 - Does the proposal dominate the skyline and reduce the quality of vistas?
 - Does the proposal respect the viewing rights of other advertisers?
- 4. Streetscape, setting or landscape**
 - Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?
 - Does the proposal contribute to the visual interest of the streetscape, setting or landscape?
 - Does the proposal reduce clutter by rationalising and simplifying existing advertising?
 - Does the proposal screen unsightliness?
 - Does the proposal protrude above buildings, structure or tree canopies in the area or locality?
 - Does the proposal require ongoing vegetation management?
- 5. Site and building**
 - Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?
 - Does the proposal respect important features of the site or building, or both?
 - Does the proposal show innovation and imagination in its relationship to the site or building.
- 6. Associated devices and logos with advertisements and advertising structures**
 - Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?
- 7. Illumination**
 - Would illumination result in unacceptable glare?
 - Would illumination affect safety for pedestrians, vehicles or aircraft?
 - Would illumination detract from the amenity of any residence or other form of accommodation?
 - Can the intensity of the illumination be adjusted, if necessary?
 - Is the illumination subject to a curfew?
- 8. Safety**
 - Would the proposal reduce the safety for any public road?
 - Would the proposal reduce the safety for pedestrians or bicyclists?
 - Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

PART J SEX SERVICES PREMISES / BROTHELS
PART J SEX SERVICES PREMISES/BROTHELS
J1. What are the objectives of Part J of this plan?

The objectives of Part J of this plan are to:

- (a) Ensure that sex services premises /brothels exist in suitable locations and operate in a hygienic, discreet, unobtrusive and inoffensive manner.
- (b) Indicate Council's preferred locations for brothel development.
- (c) Specify criteria which will minimise the potential for members of the community to be offended or the amenity of the neighbourhood affected by the establishment of brothels.

J2. Operating a sex services premises /brothel

The operation of sex services premises /brothels in NSW is regulated in part by the following Acts:

- Public Health Act 1991 (or Public Health Act 2010, when it becomes effective)
- Disorderly Houses Act 1943
- Disorderly Houses Amendment Act 1995
- Summary Offences Act 1988
- Crimes Act 1900

Before submitting a development application for a sex services premises or brothel you should be familiar with the relevant sections of these Acts and their effect on the operation of a brothel. For example Section 18 of the Summary Offences Act 1988 restricts advertising of a premises for prostitution.

"Health and Safety Guidelines for Brothels" published by WorkCover NSW (2001) should also be considered.

Note 1:

- Brothels are permitted with development consent in the IN1 General Industrial zone.
- Brothels are prohibited in the IN4 Working Waterfront zone.

Note 2:

brothel means a brothel within the meaning of the *Restricted Premises Act 1943*, other than premises used or likely to be used for the purposes of prostitution by no more than one prostitute

As defined in the *Restricted Premises Act 1943*, **brothel** means premises:

- (a) habitually used for the purposes of prostitution, or
- (b) that have been used for the purposes of prostitution and are likely to be used again for that purpose, or
- (c) that have been expressly or implicitly:
 - (i) advertised (whether by advertisements in or on the premises, newspapers, directories or the internet or by other means), or
 - (ii) represented,

as being used for the purposes of prostitution, and that are likely to be used for the purposes of prostitution.

Premises may constitute a brothel even though used by only one prostitute for the purposes of prostitution.

home occupation (sex services) means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, but does not include a home business or sex services premises.

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).

PART J SEX SERVICES PREMISES / BROTHELS
J3. Information to be submitted with a Development Application for a sex services premises /brothel

Before submitting a development application you are advised to consult with staff of Council's Development Services Section.

The following information must be provided with the development application:

1. A detailed statement of environmental effects which provides the following:

- (a) Comprehensive description of proposed development;
- (b) Details of the present use of the premises;
- (c) Details of existing uses on adjoining properties or any other uses established on the property.
- (d) Number of employees;
- (e) Hours and days of operation.
- (f) Number of rooms in the premises.
- (g) Floor plan of the premises; and
- (h) Elevation plan (from all sides) where a new premises or additions to an existing premises are proposed.

2. A location plan drawn to scale showing the proximity of the site to all churches, hospitals, schools, community facilities, residential properties, any other brothel, or any other place regularly frequented by children within 100 metres of the site.

3. A full site and floor layout plan drawn to scale of 1:100 showing room layout and dimensions, partitioning, location of windows and doors including all entrances to and exits from the building. Any proposed internal or external alterations to the premises are to be clearly indicated on the plan. The proposed use of each room is to be nominated specifically identifying all rooms proposed to be used for the conduct of prostitution.

4. Layout of the parking area, including the location and number of parking spaces.

5. The size, form, illumination and position, colour and content of any proposed business identification sign, advertisement or promotional device to be erected or displayed on the subject premises, including any distinctive external lighting.

6. Details of proposed and existing external lighting.

7. Other matters to demonstrate compliance with the requirements of PART J of this DCP.

J4. Social and Amenity Considerations
Note:

See Clarence Valley LEP 2011
Clause 7.9 *Location of sex services premises*

In assessing any development application for a sex services premises /brothel Council will take into account the following criteria when assessing the social and local amenity impact:

1. In Grafton City the following industrial precincts are preferred for the location of brothels. As follows:-
 - (a) Land zoned IN1 General Industrial in North Street, North Grafton (ex brewery site)
 - (b) Land zoned IN1 General Industrial bounded by Hyde, Armidale Road and Bessie Street and Swallow Road, South Grafton.
 - (c) Land zoned IN1 General Industrial bounded by Tyson, Swallow and Hyde Streets and the North Coast Railway Line, South Grafton.

PART J SEX SERVICES PREMISES / BROTHELS

2. Council will not consider an application for a brothel or sex services premises within view or within a 100 metre radius of a church, hospital, school, community facility, residential zone, or any other place regularly frequented by children for recreation or cultural activities.
3. An entrance to or exit from a sex services premises /brothel is not to be within 100 metres of the entry to any other brothel.
4. The interior of the sex services premises /brothel is not to be visible from a public place.
5. Sex services premises /brothels shall not be located in a building that contains a dwelling(s).
6. Whether the operation of the sex services premises /brothel is likely to cause a disturbance in the neighbourhood when taking into account other land uses in the vicinity.
7. Restricting the floor space of a sex services premises /brothel so that it will be reasonably compatible with the scale and character of and not dominate in relation to existing development in the vicinity.
8. A sex services premises /brothel shall be restricted to a maximum of five (5) rooms where sexual services are provided at any one time.
9. The sex services premises /brothel's appearance shall be discrete and sympathetic with adjoining premises.
10. The sex services premises /brothel shall not generate excessive comings and goings of persons late at night that would disrupt the amenity of the neighbourhood or of nearby areas through which patrons are reasonably likely to travel.
11. Brothels shall be generally small scale and not clustered so that they integrate with adjoining land uses.

J5. Car Parking

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

J6. Signage

- (a) Only one sign per premises is permitted.
- (b) The sign must only identify the registered name of the business or the person who operates it.
- (c) Council must be satisfied that the content, illumination, size and shape of the sign is not likely to interfere with the amenity of the neighbourhood or likely to cause offence.
- (d) Details of signage must be submitted with the development application and will be controlled by a condition of consent.
- (e) Complies with any relevant controls in PART I of this DCP.

J7. Health and Building Requirements

- (a) All sex services premises /brothels shall be fitted with the necessary service and facilities which are currently required for Class 5 Buildings under the Building Code of Australia.
- (b) Details of Council's health and building requirements are specified in SCHEDULE J1. These requirements will be specified as conditions of consent, where appropriate.

PART J SEX SERVICES PREMISES / BROTHELS
J8. Specified Operator

- (a) A specified operator must be nominated on the application for a brothel. Where consent is granted, the specified operator will be nominated on the consent.
- (b) Should the specified operator change, Council must be notified prior to the business operating.
- (c) If the number of sex workers, hours of operation or signage are proposed to be changed, a new development application may be required.

- (c) Council may also impose conditions of consent relating to the hours of operation. This will also be subject to review after the twelve month trial. If, after the twelve month trial, any hours of operation are shown to be causing a nuisance or disturbance in the neighbourhood, the approved hours of operation may be further restricted.
- (d) The hours of operation nominated with the development application form part of any approval and businesses will be bound by those hours unless a specific condition of consent is imposed by Council to the contrary.

J9. Initial Limit on Development Consent

- (a) All development consents granted to a sex services premises /brothel application shall be initially limited to a period of twelve (12) months. At the completion of this period, Council will re-evaluate the proposed terms of any complaints received regarding the operation of the business, and in terms of compliance with conditions of consent.
- (b) If Council is satisfied that the sex services premises /brothel has operated in an orderly manner with minimal impact upon nearby uses, and in compliance with conditions of consent, it may approve a modification of the consent under Section 96 of the Environmental Planning and Assessment Act, 1979, to extend the consent for a further twelve months or to remove the time limitation from the consent.

J10. Can a sex services premises /brothel be forced to cease operation?

- (a) The Land and Environment Court may, on application by Council, make an order under Section 17 of the Disorderly Houses Act, 1943, for premises not to be used as a sex services premises /brothel.
- (b) SCHEDULE J2 specifies the grounds under which such an application may be made.
- (c) These powers operate in addition to the existing powers of Council to serve notice upon the premises operating without consent, or outside existing conditions of development consent.

PART J SEX SERVICES PREMISES / BROTHELS**SCHEDULE J1
HEALTH AND BUILDING REQUIREMENTS FOR SEX SERVICE PREMISES/BROTHELS**

1. Premises must be kept in a clean condition and state of good repair at all times. Particular attention should be given to showers, baths and toilets.
2. Shelves, fittings and furnishings shall be constructed of or covered with materials that are durable, smooth, impervious to moisture and capable of being easily cleaned.
3. Each room shall be provided with a wash hand basin with hot and cold running water through a single outlet.
4. Liquid soap and single use towels shall be provided adjacent to all wash hand basins.
5. The proprietor must provide clean linen and towels for the use of each client.
6. All linen and towels shall be washed with soap and detergent in hot water (not less than 80 degrees Celsius) rinsed and dried, or be commercially laundered.
7. Contaminated waste being disposed of by a licensed waste collection contractor approved by Council. Used condoms should be double bagged in plastic and placed in an approved waste receptacle on the premises.
8. All bars and food preparation areas must be constructed, fitted out and finished in compliance with Australia New Zealand Food Standards Code 2000 and Council's Food Premises Code.
9. Public swimming pools and spas shall be disinfected and maintained in accordance with the "Guidelines for Disinfecting Public Swimming Pools and Spa Pools" published by the NSW Department Health.
10. The use of the premises shall not cause offensive noise as defined in the Protection of the Environment Operations Act.
11. Attention is directed to the provisions of the Public Health Act 1991, Part 3, Schedule Medical Conditions, Section 13(1) and (2), which require precautions to be taken against the spread of sexually transmissible medical conditions.
12. No skin penetration activities (i.e., body piercing, needle use) shall be carried out at the premises without Council approval.
13. All hot water installations shall deliver hot water at the outlet of sanitary fixtures used primarily for personal hygiene purposes (e.g. showers, baths, hand basins) at a temperature not exceeding 50°C. Tempering valves shall be installed by a licenced plumber.
14. Access for people with disabilities is to be provided to and within the building by means of a continuous path of travel in accordance with Australian Standard 1428.1 through the principal public entrance. In some cases this will require the provision of a disable ramp at a grade of 1:14.
15. Sanitary facilities for people with disabilities is to be provided in accordance with Clause F2.4 of the Building Code of Australia.
16. Portable fire extinguishers are needed in accordance with Clause E1.6 of the Building Code of Australia.
17. In larger buildings (over 300m²) other fire safety services such as exit signs and emergency lighting, may be required.
18. Where an existing building is to be converted to a brothel Council staff will need to make a change of use assessment under Clause 93 of the Environmental Planning & Assessment Regulation to ensure that an adequate level of fire safety, structural capacity and sanitary facilities existing in the building.

PART J SEX SERVICES PREMISES / BROTHELS**SCHEDULE J2
EXTRACT FROM THE DISORDERLY HOUSES ACT 1943****17 Application to Land and Environment Court for premises not to be used as a brothel**

- (1) The Land and Environment Court may, on application by a local council, make an order that an owner or occupier of premises that is a brothel and that is situated within the area of the Council is not to use or allow the use of the premises for the purpose of a brothel.
- (2) The local Council must not make an application in relation to a brothel unless it is satisfied that it has received sufficient complaints about the brothel to warrant the making of the application.
- (3) The complaints must have been made by:
 - (a) Residents of the area in which the brothel is situated who live in the vicinity of the brothel, or
 - (b) Residents of the area in which the brothel is situated who use, or whose children use, facilities in the vicinity of the brothel, or
 - (c) Occupiers of premises that are situated in the area in which the brothel is situated and in the vicinity of the brothel.
- (4) The application must state the reasons why the local council is of the opinion that the operation of the brothel should cease based on one of more of the considerations referred to in subsection (5) (a), (b), (c), (d), (e) or (f).
- (5) In making an order under this section the Land and Environment Court is to take into consideration only the following:
 - (a) Whether the brothel is operating near or within view from a church, hospital, school or any place regularly frequented by children for recreational or cultural activities.
 - (b) Whether the operation of the brothel causes a disturbance in the neighbourhood when taking into account other brothels operating in the neighbourhood or other land use within the neighbourhood involving similar hours of operation and creating similar amounts of noise and vehicular and pedestrian traffic,
 - (c) Whether sufficient off-street parking has been provided if appropriate in the circumstances,
 - (d) Whether suitable access has been provided to the brothel,
 - (e) Whether the operation of the brothel causes a disturbance in the neighbourhood because of its size and the number of people working in it,
 - (f) Whether the operation of the brothel interferes with the amenity of the neighbourhood,
 - (g) Any other matter that the Land and Environment Court considers is relevant.
- (6) This section extends to premises within an area that is not a local government area and in that case a reference to a local council is to be read as a reference to the prescribed authority for the area.
- (7) In this section, church, hospital and school have the same meanings as in the Summary Offences Act 1988.

PART K RESTRICTED PREMISES

PART K RESTRICTED PREMISES

K1. What are the objectives for Restricted Premises?

The objectives for restricted premises are to:

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

Note:

- Restricted premises are permitted with development consent in the IN1 General Industrial zone.
- Restricted premises are prohibited in the IN4 Working Waterfront zone.

K2. Social and Local Amenity Considerations

In assessing any development application for restricted premises Council will take into account the following criteria when assessing the social and local amenity impact:

1. The premises shall not be located where an opaque or covered shop façade will reduce the retail continuity of the area.
2. The premises shall not be located within a building containing one or more dwellings.
3. The premises shall not be located within an arcade.
4. The premises shall not be located within 100 metres of a residential zone or rural residential zone.

5. The premises shall not be located within 100 metres (measured by direct walking distance) from a school, church or other religious establishment, park or sporting field, community facility or other place, where, in Council's opinion children are likely to congregate or frequent for recreational or cultural purposes.

K3. Car Parking for Restricted Premises

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

K4. Display of Goods and Signs

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

PART L CONTROLS FOR DEERING STREET, YAMBA
PART L CONTROLS FOR DEERING STREET YAMBA

- (c) That the proposal does not prejudice the future subdivision layout for the land as identified in this plan.

L1. Where does Part L of this plan apply?

PART L of this DCP applies to land in Deering Street, Yamba being Lots 2 & 3 DP 596578, Lot 2 DP 565644 and that part of Lot 3 DP 565644 zoned IN1 General Industrial in Clarence Valley LEP 2011, as shown on MAP L1.

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

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

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

L3. Drainage

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

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

L2. Roads

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

No subdivision of land south of Deering Street is to occur prior to the construction of Freeburn Street to Deering Street as shown in MAP L1. Cost of constructing Freeburn Street is to be fully met by new development in the IN1 General Industrial zone south of Deering Street. MAP L1 also shows an indicative layout for internal road access for the site.

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

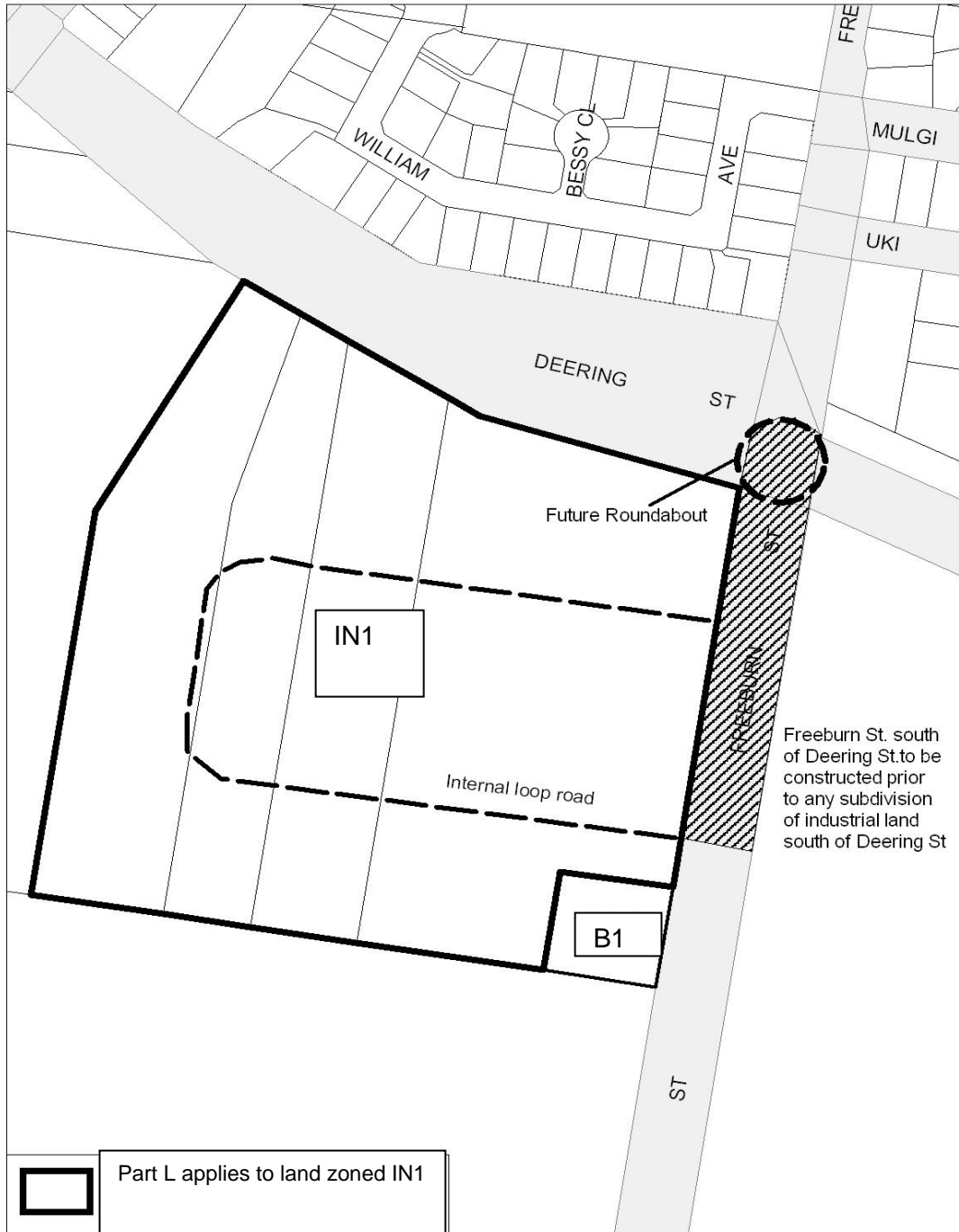
- (a) The amount and type of traffic that would be generated by the development and the capacity and the existing road network to handle that traffic.
- (b) That Deering Street will be required to be upgraded to Council requirements to service the development.

L4. Buffers

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

PART L CONTROLS FOR DEERING STREET, YAMBA

MAP L1



PART M CONTROLS FOR JUBILEE STREET TOWNSEND
PART M CONTROLS FOR JUBILEE STREET TOWNSEND

by Tim Fitzroy & Associates 27 October 2014). These are repeated below:

M1. Where does Part M of this plan apply?

PART M of this DCP applies to land at Jubilee Street, Townsend, as shown on MAP M1.

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

M2. Proposed Road Layout

Development must comply with the road layout as shown on MAP M1.

The following controls apply:

- (a) Roads are to be bitumen sealed with kerb and gutter.
- (b) Water and sewer connection required to all lots
- (c) Underground electricity and telephone services to all lots.
- (d) A minimum frontage of 24 metres.
- (e) A 25 metre road reserve for proposed roads.
- (f) Dedication of 10 metres along the eastern side of Koala Drive Lane for road purposes and public landscaping.
- (g) Access to and egress from land on the eastern side of Koala Drive to Koala Drive is prohibited.

M3. Specific controls and requirements for Lots 8 & 9 DP 810388 and Lot 10 DP 1136092
M3.1 Assessment and mitigation of noise impacts

1. Although future development and uses will be assessed on a case by case basis at the development application stage noise impacts from future uses on Lot 9 DP 810388 in particular is (as a minimum) to be managed and mitigated generally in accordance with the recommendations (Section 5.1) of the "Noise impact assessment for the Proposed Industrial Rezoning Jubilee St Townsend" (prepared

Recommendations (Section 5.1) of the "Noise impact assessment for the Proposed Industrial Rezoning Jubilee St Townsend" (prepared by Tim Fitzroy & Associates 27 October 2014):

1. A noise attenuation buffer ranging from 27 and 46 metres (subject to operating hours)* from the subject site to adjoining residences** is to be imposed unless individual noise attenuation features are installed;
2. Restrict vehicular access to Re Road for Lots 8 and 9;
3. Encourage the adoption of best management practice and best available technology in the development and operation of activities within the proposed subdivision; and
4. Apply appropriate at source controls on individual industrial operations through the imposition of noise mitigation and management conditions at development application stage.

* Noise Attenuation Buffers subject to operating hours

- Industrial activities operating in **Day** hours (7am-6pm Mon-Sat; 8am-6pm Sun) require a **27 metre buffer**
- Industrial activities operating in **Evening** hours (6pm-10pm) require a **33 metre buffer**.
- Industrial activities operating at **Night** (10pm-7am) require a **46 metre buffer**.

** This is to be assessed at the most - affected point on or within the residential property boundary - or, if that is more than 30 m from the residence, at the most-affected point within 30 m of the residence.

Provided that the above recommendations are followed, it is the considered opinion of *Tim Fitzroy and Associates* that the proposed rezoning of the subject site for industrial development will not adversely impact on existing or future surrounding residents.

2. Notwithstanding 1. above some specific future land uses and development proposed on Lot 9 may warrant additional noise impact assessment in accordance with the NSW Industrial Noise Policy.

PART M CONTROLS FOR JUBILEE STREET TOWNSEND**M3.2 Buffer requirements - Lot 9 DP 810388**

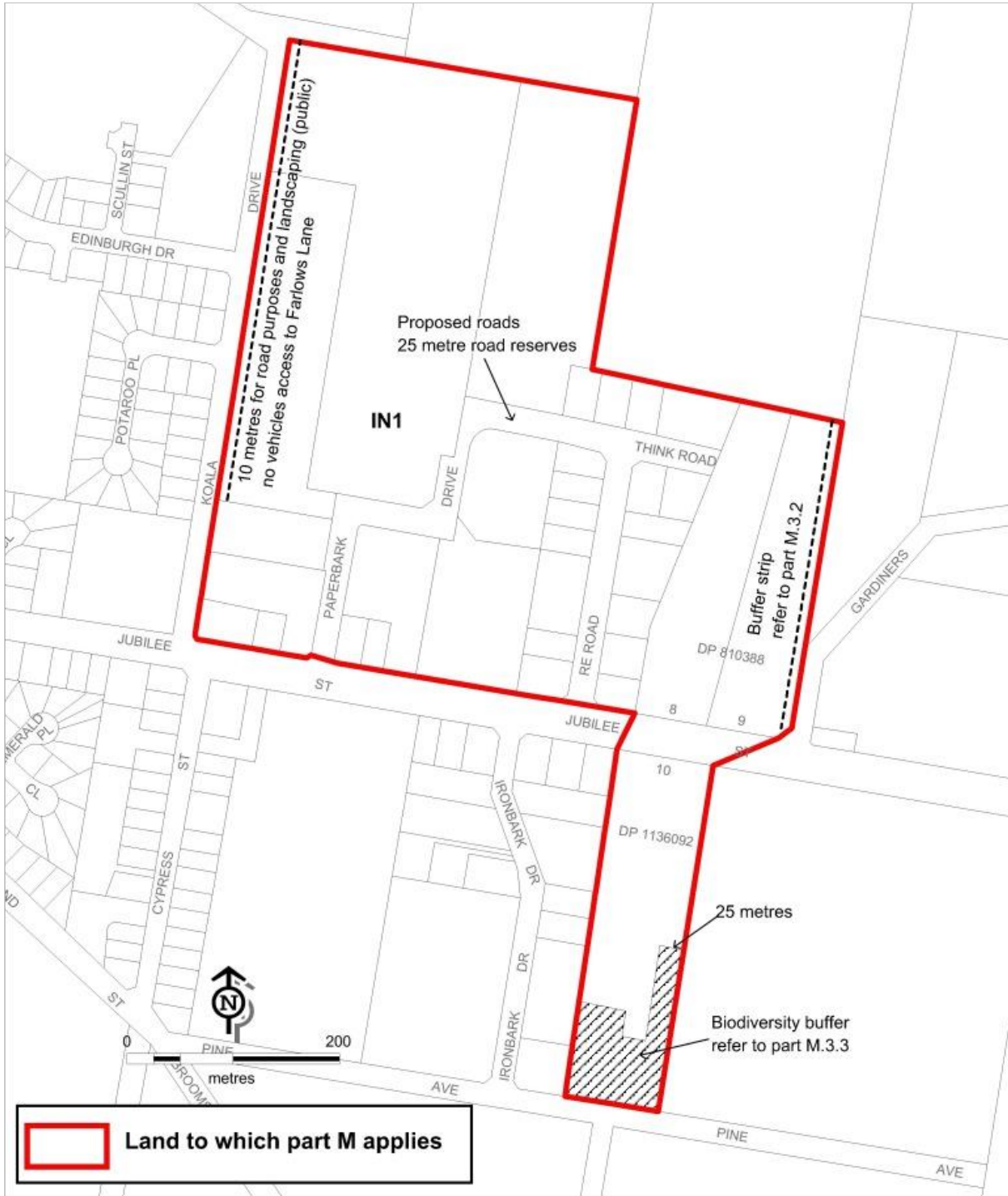
Future development on Lot 9 is to provide for an adequate privacy and acoustical buffer along the eastern boundary of Lot 9 to existing and future residential development immediately to the east. The width and design of such buffer shall be demonstrated in subdivision design, building design and landscape design with individual development applications. Specific mitigation and ameliorative measures and proposals within proposed buffers are to be depicted in development applications. Any proposed buffer serving also as an acoustical function should be supported by the findings of a noise impact assessment.

M3.3 Buffer requirements and exclusion area - Lot 10 DP 1136092

Existing native vegetation remaining in the southern section of Lot 10 and on adjoining land to the south and east is to be buffered by 25 metre setback/buffer area, as generally depicted on Figure 7 of the *"Flora and Fauna Assessment for Proposed Rezoning of Lots 8 & 9 DP 810388 and Lot 10 DP1136092, 119, 121 and 146 Jubilee Street, Townsend, NSW"* prepared by Land & Fire Assessments Pty Ltd (3 September 2013) and also shown on Map M1. This is to be an area where no structures, driveways or services are permitted be to constructed or installed with the aim of mitigating the impact of future development on native vegetation, threatened species, populations and endangered ecological communities.

PART M CONTROLS FOR JUBILEE STREET TOWNSEND

MAP M1

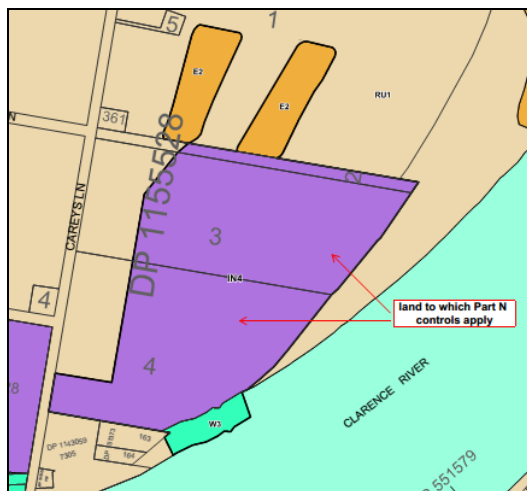


PART N CONTROLS FOR MARINE INDUSTRIAL PRECINCT, HARWOOD ISLAND
PART N CONTROLS FOR MARINE INDUSTRIAL PRECINCT, HARWOOD ISLAND
N1. Where does Part N of this plan apply?

PART N of this DCP applies to land at Careys Lane, Harwood Island that is zoned IN4 Working Waterfront, as shown on MAP N1. The land is legally described as Part Lots 2, 3, & 4 DP 1155528, Careys Lane, Harwood Island. The land the subject of Part N controls will generally be referred to in this Part as the "precinct".

Development of the precinct and land should also comply with the General Controls in PART C and other relevant Parts of this DCP including but not limited to Parts A and D to I.

The land was zoned IN4 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 N1 – land to which PART N of this DCP applies

N2. 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 including upon adjoining land that is zoned E2 Environmental Conservation.

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 zoned W3 Working Waterways and that are contained within Clarence Valley Council Development Control Plan – Development in E and other zones 2011.

PART N CONTROLS FOR MARINE INDUSTRIAL PRECINCT, HARWOOD ISLAND
N3. 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 N2 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.

N4. 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.

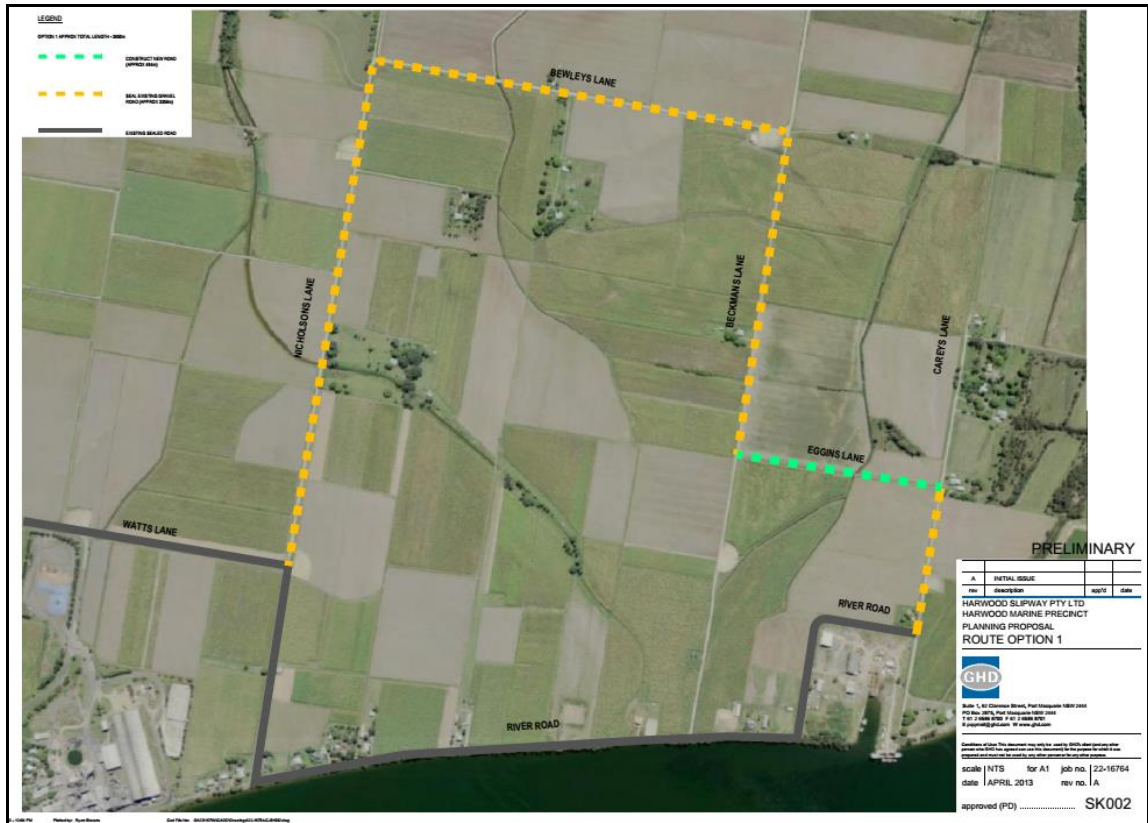
The following controls apply:

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 N CONTROLS FOR MARINE INDUSTRIAL PRECINCT, HARWOOD ISLAND



Map N2 - route Option 1 of the Road Access Strategy (GHD, November 2013)

PART O CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

O1. 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.

O2. What are the objectives of Part O?

The objectives of **Part O** 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.

O3. 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 O 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.

O4. Biodiversity planning principles

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

A. The 3 principles of **Ecologically Sustainable Development** are to be followed in the implementation of this plan:

- (1) **The precautionary approach**
- (2) **Inter-generational equity**
- (3) **Conservation of biodiversity and ecological integrity**

B. **Development should be consistent with overarching biodiversity strategies.**

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.

PART O CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

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.

O5. Site investigation and analysis

O5.1 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 O6). It also introduces the concepts of:

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

A Baseline Ecological Assessment in accordance with Section 1 of the Biodiversity Information for Applicants (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 O6 and

PART O CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

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,

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.

protected and managed.

O5.2 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 O6 of the DCP.

The proposed development and site should be assessed against the applicable biodiversity theme tables featured in Clause O6 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 O7 and Table 8.

O6. Biodiversity thresholds

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

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

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

Note:

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

PART O CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION
O6.1 What is the biodiversity threshold (coloured flag) of the land /site?

Table 1 BUSHLAND - Development Outcomes			
Objectives			
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.			
Threshold Category	Threshold (including Ecological Buffers)	Habitat Retention and Protection Outcomes	Management Outcomes
Red Flag 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 O11; (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>	
Amber Flag 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	
Green Flag	Land not identified above	None	Development impacts minimised in accordance with Clause O11

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

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

- (1) The Thresholds for this theme require site-scale mapping of vegetation communities, condition (see Section 2 of the BIFA) and areas of existing Protected Habitat.
- (2) Assessment of Low Condition is made in relation to the OEH Vegetation Benchmarks Database available from the OEH BioBanking website
(www.environment.nsw.gov.au/BioBanking/vegbenchmarkdatabase.htm)
- (3) Avoidance (Red Flag) Thresholds based on clearing provisions under NV Act (Biometric tool; Gibbons et al 2005) and TSC Act 1995 (BioBanking tool; DECC, 2009).
- (4) Listed Ecological Communities are defined by the final determinations used to support their listing under NSW or Commonwealth Threatened Species schedules. Proponents should also consult the DECC Vegetation Type Database which lists vegetation communities of the NSW north coast and their likely equivalent Endangered Ecological Communities under the NSW Threatened Species Conservation Act 1995
(<http://www.environment.nsw.gov.au/BioBanking/VegTypeDatabase.htm>)

In some cases vegetation in Low Condition may qualify as a Listed Ecological Community if it remains consistent with the final determination for a Listed Ecological Community. Such cases are to be considered within the potential Offsets category (amber flag).
- (5) Over cleared Vegetation Types are listed within the DECC Vegetation Type Database
(<http://www.environment.nsw.gov.au/BioBanking/VegTypeDatabase.htm>)
- (6) The Ecological Buffers are to be managed to improve and maintain the long-term ecological integrity of these high conservation value areas. They are to be implemented in addition to Bushfire Asset Protection Zones required by the Rural Fire Service.

PART O 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
Red Flag 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 O11; (iv) where applicable manage threats from areas adjacent to the Development Site.
Amber Flag 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.)	
Green Flag Minimum Control Threshold	Lands not identified above	No Requirements	Development impacts minimised in accordance with Clause O11

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 O CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION
Table 3 THREATENED AND SIGNIFICANT FAUNA - Development Outcomes

Objectives			
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			
Threshold Category	Threshold (including Ecological Buffers)	Habitat Retention and Protection Outcomes	Management Outcomes
Red Flag 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		
Amber Flag 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).	
Green Flag Minimum Control Threshold	Not above	No Requirements	Development impacts minimised in accordance with Clause O11

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

Objectives			
1. To retain and increase koala populations and their habitats 2. To provide for the improved management of retained koala habitat; 3. To mitigate indirect and ongoing impacts of development on koala populations and their habitats			
Threshold Category	Threshold (including Ecological Buffers)	Habitat Retention and Protection Outcomes	Management Outcomes
Red Flag 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 O11 (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 Appendix 3 of DECC Recovery Plan for the Koala(2008) 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)		
Amber Flag 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).	
Green Flag Minimum Control Threshold	Not above		Development impacts minimised in accordance with Clause O11

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 O 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
Red Flag Avoidance and Habitat Retention	Flying Fox camp within 300m of the Development Footprint	1. Retain flying fox camp in situ 2. Where possible maintain a 300m Environmental Buffer to built infrastructure Propose suitable arrangements to secure the camp and buffer in perpetuity as Protected Habitat.	1. Areas managed under an approved Flying Fox Camp Management Plan prepared in accordance with Section 2 and 4 of the BIFA. 2. Flying Fox Camp Management Plan should ensure that: <ul style="list-style-type: none"> (i) habitat within the camp and the buffer is maintained or restored to its natural (pre-clearing) state; (ii) works within the camp and buffer occur outside the flying fox breeding season; (iii) bushfire risks are managed to maintain camp integrity and viability and; (iv) effectively minimise the ongoing threats from the development in accordance with Clause O11 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.
Amber Flag Potential Offsets	N/A	N/A	
Green Flag Minimum Control Threshold	Not above		Development impacts minimised in accordance with Clause O11

PART O 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 O CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION
Table 6 THREATENED AND SIGNIFICANT FLORA - Development Outcomes

Objectives			
1. To maintain and increase populations of Threatened plant or otherwise significant plant species 2. To provide for the improved management of habitat for Threatened flora or otherwise significant plant species 3. To mitigate indirect and ongoing impacts of development.			
Threshold Category	Threshold (including Ecological Buffers)	Habitat Retention and Protection Outcomes	Management Outcomes
Red Flag 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 O11 or other adjacent areas and as identified in any relevant Recovery Plan.
Amber Flag 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).	
Green Flag Minimum Control Threshold	Not above	No Requirements	Development impacts minimised in accordance with Clause OO1

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).

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

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

Objectives			
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.			
Threshold Category	Threshold (including Ecological Buffers)	Habitat Retention and Protection Outcomes	Management Outcomes
Red Flag Avoidance and Habitat Retention	Intermittent –Seasonal Flowing creek/stream Within 20m	1. Existing Bushland retained 2. At least half of any remaining areas in Low Condition restored and/or rehabilitated 3. Area secured in perpetuity as Protected Habitat e.g. zoned environmental management 4. Location and natural flow characteristics of waterways are retained	1. Areas managed under an approved Habitat Restoration Plan prepared in accordance with Section 3 of the BIFA. 2. Habitat Restoration Plan must include measures to ensure that: (i) habitat within the buffer is maintained or restored to its natural (pre-clearing) state; (ii) terrestrial and aquatic habitat connectivity is enhanced; (iii) domestic animals particularly livestock are excluded; (iv) the area is not subject to use of pesticides, fertilisers and other contaminants; (v) aquatic habitats and water quality are enhanced and (vi) development impacts minimised in accordance with Clause O11.
	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		
Amber Flag Potential Offsets	N/A	N/A	
Green Flag Minimum Control Threshold	Not above		Development impacts minimised in accordance with Clause O11

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 O CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**07. 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 O CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

Table 8 BIODIVERSITY INFORMATION REQUIRED FOR DEVELOPMENT APPLICATIONS		
Supporting information	When is it required	Scope and content
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 CVC <i>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 O6 TABLE 3 Threatened Fauna or TABLE 4 Koala Habitat.	In accordance with CVC <i>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 CVC <i>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 CVC <i>Threatened and Significant Flora and Fauna Species Assessment and Management Plan Guidelines</i> and threatened species assessment guidelines (OEH)
Biodiversity Offset Management Plan(s)	Proposals that trigger amber flags in TABLES 1-7.	In accordance with CVC <i>Biodiversity Offsets Policy Guidelines</i> .

PART O CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

O8. 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.

O9. 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.

PART O CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**O10. Environmental Buffers**

This DCP requires buffers to protect sensitive ecological areas. The tables within Clause O6 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 O CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION
O10.1 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.

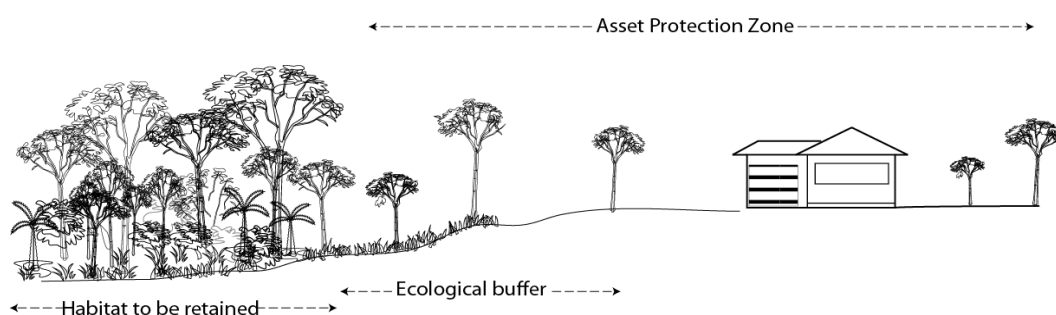


Figure 1: Buffer management components and APZ

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:

O10.2 Ecological buffer widths

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

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

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

Note:

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

PART O CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION
O11. Considerations when managing development impacts

Once the maximum development footprint and acceptable development outcomes have been established by the preceding Clause O10, 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.

O11.1 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.

O1.2 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 O10 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;

PART O CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

- 8) riparian buffers along major streams shall be identified as Protected Habitat with active management in accordance with a plan of management submitted by the applicant and approved by Clarence Valley Council;
- 9) riparian buffer zones shall be revegetated and fences or other appropriate barriers provided to prevent transverse crossing of the riparian buffer (except in designated areas).
- 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).

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.

O11.3 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.

O11.3.1 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

O11.3.2 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.

O11.3.3 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, FeS₂), that, if oxidised (through the exposure of pyrite to air) produce sulphuric acid that can result in soil and groundwater becoming acidic. Exposure of ASS can occur either naturally (e.g. during a drought), through soil disturbance (e.g. dredging or excavation), or from the lowering of a water table (e.g. drain construction).

The impacts of ASS can include:

- (i) elevated levels of sulphuric acid, iron, aluminium and heavy metals being leached from the soil and discharged to receiving waters, often in a concentrated 'slug' after a dry period (such discharges can be acutely toxic to aquatic species such as fin fish and shellfish);
- (ii) significant degradation of aquatic habitats, including habitat for commercial and recreational fisheries;

PART O CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

- (iii) increased levels of fish mortality, disease (e.g. red spot disease) and potentially some types of algal blooms (e.g. Lyngbya mujuscula);
- (iv) reduction in biodiversity in waterways and wetlands;
- (v) decreased health of waterways and wetlands; and/or
- (vi) Corrosion of infrastructure containing concrete and metal (e.g. culverts, bridges and stormwater drains).

In most cases, ASS can be managed effectively through the implementation of ASS Management Plans.

O11.4 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

O11.5 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 O CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**O12. 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.

Biodiversity

The total variety of all life - it is the full range of natural variety and variability within and among living organisms, and the ecological and environmental complexes in which they occur. It encompasses multiple levels of organisation, including genes, species, communities, ecosystems and biomes. Its complexity derives from its sheer variety combined with dependencies, feedbacks and variability within and across these different levels.

Bushfire Asset Protection Zone

An Asset Protection Zone (APZ) is also known as a fire protection zone and aims to protect human life, property and highly valued assets. It is a buffer zone between a bush fire hazard and buildings, which is managed progressively to minimise fuel loads and reduce the potential radiant heat levels, flame contact, ember and smoke attack on life and property. <http://www.rfs.nsw.gov.au/>

Bushland

Land on which there is vegetation, which is either a remainder of the natural vegetation of the land, or, if altered, is still representative of the structure and/or floristics of the natural vegetation. Bushland is usually dominated by native vegetation but in some areas exotic species have become naturalised and have taken the place of native species. Bushland may include regrowth but does not include vegetation in Low Condition.

Connectivity Value

A measure of the extent to which native vegetation not in low condition is linked - assessed as high, moderate, low, nil according to REF.

Defined Wildlife Corridor

Defined Wildlife corridors include those shown in Figures 2 and 3 of Council's adopted Biodiversity Management Strategy 2010.

Development Footprint

That part of the Development Site that is directly affected by the development. Bushfire Asset Protection Zones are part of the Development Footprint.

Development Site

All lots subject of the development.

Ecological Buffer

A buffer of endemic vegetation designed to protect existing native habitat from impacts associated with development site. An Ecological buffer is rehabilitated to the appropriate locally indigenous vegetation community and is to be retained for this purpose only. The appropriate vegetation community will be determined on a site-specific basis but is generally aimed at the pre-disturbance community.

Environmental Buffer

Is a broad term to describe a setback between habitat and development to protect sensitive ecological areas and incorporates Ecological buffer, and Water Sensitive Urban design components.

Flying Fox Breeding Season

The breeding season includes the last trimester of pregnancy and until young become independent

Inter-generational equity - the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

Koala Food trees

Locally relevant species refer to NSW Koala Recovery Plan and Councils adopted Comprehensive Koala Plan of Management for Ashby.

PART O CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION

Listed Ecological Community

Critically endangered, endangered or vulnerable ecological community listed under the NSW Threatened Species Conservation Act 1995 or the Federal Environment Protection and Biodiversity Conservation Act 1999.

Low Condition vegetation

A. Native woody vegetation is in low condition if:

The over-storey per cent foliage cover is <25% of the lower value of the over-storey per cent foliage cover benchmark for that vegetation type

AND

<50% of vegetation in the ground layer is indigenous species or >90% is ploughed or fallow.

B. Native grassland, shrubland, wetland or herbfield in low condition if:

<50% of vegetation in the ground layer is indigenous species or >90% is ploughed or fallow.

Mitigation

Steps taken to avoid or minimise negative environmental impacts - mitigation can include: avoiding the impact by not taking a certain action; minimising impacts by limiting the degree or magnitude of the action; rectifying the impact by repairing or restoring the affected environment; reducing the impact by protective steps required with the action; and compensating for the impact by replacing or providing substitute resources.

Native Vegetation

Vegetation described in section 6 of the *Native Vegetation Act 2003*. Native vegetation is used as a surrogate for general biodiversity values in the methodology.

Offset

Actions on a site that aim to balance any losses on the same or another site proposed for clearing.

Old Growth Vegetation

Based on the Nationally Agreed Criteria for the Establishment of a CAR Reserve System for Forests in Australia

Old-growth forest has a range of biological, aesthetic and cultural values. Old-growth forest is ecologically mature forest where the effects of disturbances are now negligible. This interpretation acknowledges that age-related

features and the effect of disturbances will differ between forest ecosystems due to a range of factors including physical setting, fire proneness and species composition.

Other Significant Fauna

Include fauna species or populations of local significance listed in Section 2A of the BIFA. Listings may include locally endemic, culturally significant, locally relevant migratory species (e.g. some JAMBA/CAMBA species under the Environment Protection and Biodiversity Conservation Act 1999) or poorly known species or populations.

Other Significant Plant Species

Plant species of local significance listed in Section 2A of the BIFA. Listings may include locally endemic, culturally significant, poorly known species and non-Threatened Species as defined by Briggs and Leigh (1996; Rare or Threatened Australian Plants).

Overcleared Vegetation Type

A vegetation type of which more than 70% has been cleared in the Catchment Management Area, as documented in the 2002 unpublished report 'NSW Ecosystems Study- background and methodology, by P. B. Mitchell for the NPWS, Hurstville.

Potential Habitat Linkage

Based on Connectivity Value plus proportion of land in Low Condition on Development Site.

Precautionary Approach

That if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

Protected Habitat

Protected Habitat includes lands protected in perpetuity under one or more of the following: Nature Conservation Trust covenant (Nature Conservation Trust Act 2001); Voluntary Conservation Agreement under the National Parks and Wildlife Act 1974); Planning Agreement under the Environmental Planning and Assessment Act 1979; Transfer to Public reserve system.

Recovery Plan

Adopted NSW or Commonwealth recovery plan - Includes Priority Action Statement (PAS).

PART O CONTROLS FOR BIODIVERSITY AND HABITAT PROTECTION**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” .

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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

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advertisement.

Advertising structures are a type of **signage** - see the definition of that term in this Dictionary.

affordable housing has the same meaning as in the Act. (CV LEP 2011)

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.

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archaeological site means a place that contains one or more relics. (CV LEP 2011)

attached dwelling means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (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)

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Note: The term is defined as follows:

biological diversity means the diversity of life and is made up of the following 3 components:

- (a) genetic diversity - the variety of genes (or units of heredity) in any population,
- (b) species diversity - the variety of species,
- (c) ecosystem diversity - the variety of communities or ecosystems. (CV LEP 2011)

biosolids treatment facility means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility. (CV LEP 2011)

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

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symbol but does not include general advertising of products, goods or services. (CV LEP 2011)

Note: Building identification signs are a type of **signage** - see the definition of that term in this Dictionary.

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

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

whichever distance is the shortest. (CV LEP 2011)

bulky goods premises means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, and
- (b) 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.

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Note: Business identification signs are a type of **signage** - see the definition of that term in this Dictionary.

business premises means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note: Business premises are a type of **commercial premises** - see the definition of that term in this Dictionary.

camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

canal estate development means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works 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.

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charter and tourism boating facility means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

child care centre means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
 - (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,

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(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.)

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.

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Conveyance is a direct measure of the flow carrying capacity of a particular cross-section of a stream or stormwater channel. (For example, if the conveyance of a channel cross-section is reduced by half, then the flow carrying capacity of that channel cross-section will also be halved).

correctional centre means:

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

Council means the Clarence Valley Council.

crematorium means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.

Crown reserve means:

- (a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or
- (b) a common within the meaning of the *Commons Management Act 1989*, or
- (c) lands within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*,

but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

curtilage, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

Cut and fill – is development where the upwards slopes of the land are excavated and downwards filled to create a terraced landform for building.

dairy (pasture-based) means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

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*.

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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.

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

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exhibit or display items.

Note: See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation** - see the definition of that term in this Dictionary.

educational establishment means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

Effective warning time is the time available after receiving advice of an impending flood and before the floodwaters prevent appropriate flood response actions being undertaken. The effective warning time is typically used to move farm equipment, move stock, raise furniture, evacuate people and transport their possessions.

electricity generating works means a building or place used for the purpose of making or generating electricity.

emergency services facility means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

emergency services organisation means any of the following:

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

Enclosed car parking means car parking which is potentially subject to rapid inundation, which consequently increases risk to human life and property (such as basement of bunded car parking areas). The following criteria apply for the purposes of determining what is enclosed car parking:

- (a) Flooding of surrounding areas may raise water levels above the perimeter which encloses the car park (normally the entrance), resulting in rapid inundation of the car park to depths greater than 0.8m, and
- (b) drainage of accumulated water in the car park has an outflow discharge capacity significantly less than the potential inflow capacity.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

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

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restoration works and the like, but does not include coastal protection works.

estuary has the same meaning as in the *Water Management Act 2000*.

Note: The term is defined as follows: **estuary** means:

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

excavation means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

exhibition home means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

exhibition village means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

Existing Use is defined in Section 106 of the Environmental Planning & Assessment Act, 1979 as follows:

Existing use means:

- (a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4A of Part 3 or Division 4 of this Part, have the effect of prohibiting that use, and
- (b) The use of a building, work or land:
 - (i) For which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and
 - (ii) That has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.

extensive agriculture means any of the following:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock for commercial purposes,
- (c) bee keeping,
- (d) a dairy (pasture-based).

Note: Extensive agriculture is a type of **agriculture** - see the definition of that term in this Dictionary.

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.

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extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

farm stay accommodation means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

Note: See clause 5.4 for controls relating to the number of bedrooms.

Farm stay accommodation is a type of **tourist and visitor accommodation** - see the definition of that term in this Dictionary.

feedlot means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, fed (wholly or substantially) on prepared and manufactured feed, for the purpose of meat production or fibre products, but does not include a poultry farm, dairy or piggery.

Note: Feedlots are a type of **intensive livestock agriculture** - see the definition of that term in this Dictionary.

fill means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

filming means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

Fine Sediment – this term refers to contaminant particles less than 0.1 mm.

fish has the same meaning as in the *Fisheries Management Act 1994*.

Note: The term is defined as follows: **Definition of “fish”**

- (1) **Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).
- (2) **Fish** includes:
 - (a) oysters and other aquatic molluscs, and
 - (b) crustaceans, and
 - (c) echinoderms, and
 - (d) beachworms and other aquatic polychaetes.
- (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*

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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.

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) 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, 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).

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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:

- (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

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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.

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.

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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
- (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.

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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.

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 helpads 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,

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- (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
(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.

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heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

high technology industry means a building or place predominantly used to carry out an industrial activity that involves any of the following:

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field,

but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

Note: High technology industries are a type of **light industry** - see the definition of that term in this Dictionary.

highway service centre means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

home-based child care means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) the service is licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

home business means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (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.

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Note: See clause 5.4 for controls relating to the floor area used for a home business.

home industry means a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:

- (a) the employment of more than 2 persons other than those residents,
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,
- (d) the exhibition of any signage (other than a business identification sign),
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

Note: See clause 5.4 for controls relating to the floor area used for a home industry.

Home industries are a type of **light industry** - see the definition of that term in this Dictionary.

home occupation means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

home occupation (sex services) means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

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

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cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take-away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

Note: Hospitals are a type of **health services facility** - see the definition of that term in this Dictionary.

hostel means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

Note: Hostels are a type of **residential accommodation** - see the definition of that term in this Dictionary.

hotel or motel accommodation means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note: Hotel or motel accommodation is a type of **tourist and visitor accommodation** - see the definition of that term in this Dictionary.

Impermeable or Impervious area means the area of land where the surface prevents infiltration of water into the ground and subsequently increases stormwater flows. Impermeable surfaces include roads, footpaths, roofs, concrete areas, non porous paved areas and heavily compacted soils.

industrial activity means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any 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,

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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,
- (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.

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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, woollscours and rendering plants.

Note: Livestock processing industries are a type of **rural industry** - see the definition of that term in this Dictionary.

Local drainage means small scale inundation in urban areas outside the definition of major drainage as defined in the Floodplain Development Manual. Local drainage problem invariably involves shallow depths (less than 0.3m) with generally little danger to personal safety.

Local overland flooding means inundation by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam.

Lot Size Map means the Clarence Valley Local Environmental Plan 2011 Lot Size Map.

maintenance, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

Manufacturing process means any handicraft or process in or incidental to the making, assembling, altering, renovating, preparing, ornamenting, finishing, cleaning, washing, breaking up, or adapting of any goods or any articles or any part of an article for trade

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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.

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.

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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.

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

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potential State significance.

non-potable water means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

Notification means where Council writes to those people identified as requiring notification that a development application has been submitted to Council.

NR Design Manuals means the Northern Rivers Local Government Development and Design Manual, the Northern Rivers Local Government Construction Manual and the Northern Rivers Local Government Handbook of Stormwater Drainage Design which are specifications complied by local councils in the Northern Rivers area derived from the Aus- Spec Generic Development Specification series, as amended from time to time.

NSW Coastal Policy means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

offensive industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note: Offensive industries are a type of **heavy industry** - see the definition of that term in this Dictionary.

offensive storage establishment means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note: Offensive storage establishments are a type of **heavy industrial storage**

establishment - see the definition of that term in this Dictionary.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Note: Office premises are a type of **commercial premises** - see the definition of that term in this Dictionary.

open cut mining means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

operational land has the same meaning as in the *Local Government Act 1993*.

Outbuilding means a building that is ancillary to a principal residential building and includes sheds, garages, carports and similar buildings but does not include granny flats.

parking space means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

passenger transport facility means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

Performance criteria represent a means of assessing whether the desired outcomes will be

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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*.

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*.

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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,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility

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(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,

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(m) shop top housing,
but does not include tourist and visitor accommodation or caravan parks.

residential care facility means accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

Note: Residential care facilities are a type of **seniors housing** - see the definition of that term in this Dictionary.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Note: Residential flat buildings are a type of **residential accommodation** - see the definition of that term in this Dictionary.

resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

Note: Resource recovery facilities are a type of **waste or resource management**

Facility - see the definition of that term in this Dictionary.

respite day care centre means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided.

Note: Restaurants or cafes are a type of **food and drink premises** - see the definition of that term in this Dictionary.

restricted premises means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

restriction facilities means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following;

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,

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- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Note: Retail premises are a type of **commercial premises** - see the definition of that term in this Dictionary.

Riparian Vegetation / Corridor – is a corridor of vegetation along the edge of a waterway that is intimately linked with the waterway. This corridor performs numerous functions including filtering run-off and providing habitat for fauna. Council may require a corridor protection bond for development on lands identified as containing a riparian corridor.

Risk means the chance of something happening that will have an impact. It is measured in terms of consequences and probability (likelihood). In the context of this plan, it is the likelihood of consequences arising from the interaction of floods, communities and the environment.

road means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

roadside stall means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

Note: See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of **retail premises** - see the definition of that term in this Dictionary.

rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (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

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that land.

Note: Rural worker's dwellings are a type of **residential accommodation** - see the definition of that term in this Dictionary.

sawmill or log processing works means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

Note: Sawmill or log processing works are a type of **rural industry** - see the definition of that term in this Dictionary.

school means a government school or non-government school within the meaning of the *Education Act 1990*.

Note: Schools are a type of **educational establishment** - see the definition of that term in this Dictionary.

secondary dwelling means a self-contained dwelling that:

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

Note: See clause 5.4 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of **residential accommodation** - see the definition of that term in this Dictionary.

self-storage units means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

Note: Self-storage units are a type of **storage premises** - see the definition of that term in this Dictionary.

semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.

Note: Semi-detached dwellings are a type of **residential accommodation** - see the definition of that term in this Dictionary.

seniors housing means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for:

- (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:

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- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Note: Serviced apartments are a type of **tourist and visitor accommodation** - see the definition of that term in this Dictionary.

sewage reticulation system means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

Note: Sewage reticulation systems are a type of **sewerage system** - see the definition of that term in this Dictionary.

sewage treatment plant means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

Note: Sewage treatment plants are a type of **sewerage system** - see the definition of that term in this Dictionary.

sewerage system means any of the following:

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place or place that is a combination of any of the things referred to in paragraphs (a)–(d).

sex services means sexual acts or sexual services in exchange for payment.

sex services premises means a brothel, but does not include home occupation (sex services).

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

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term in this Dictionary.

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

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

Note: The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

Site Emergency Response Flood Plan (not being an SES Flood Plan) is a management plan that demonstrates the ability to safely evacuate persons and include a strategy to move goods above the flood level within the available warning time. This Plan must be consistent with any relevant flood evacuation strategy, flood plan or similar plan.

spa pool has the same meaning as in the *Swimming Pools Act 1992*.

Note: The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

stock and sale yard means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

Note: Stock and sale yards are a type of **rural industry** - see the definition of that term in this Dictionary.

storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include heavy industrial storage premises or a warehouse or distribution centre.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

Subdivision means the subdivision of land as described in Section 4B of the Environmental Planning and Assessment Act 1979.

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Survey plan is a plan prepared by a registered surveyor which shows the information required for the assessment of an application in accordance with the provisions of this Plan.

swimming pool has the same meaning as in the *Swimming Pools Act 1992*.

Note: The term is defined as follows:

swimming pool means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Note: Take away food and drink premises are a type of **food and drink premises** - see the definition of that term in this Dictionary.

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

temporary structure has the same meaning as in the Act.

Note: The term is defined as follows:

temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

the Act means the *Environmental Planning and Assessment Act 1979*.

timber yard means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

Note: Timber yards are a type of **retail premises** - see the definition of that term in this Dictionary.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

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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.

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.

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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.

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.

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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
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

wharf or boating facilities means a wharf (or any of the following facilities associated with a wharf or boating) that are not port facilities:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receiveal, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (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.