

Richmond Valley Development Control Plan 2015

Part A. Residential Development

This DCP applies to all land within the Richmond Valley Local Government Area.

Date adopted by Council:
22 December 2015

Effective Date:
4 January 2016

Amendments:
Nil

The Richmond Valley Development Control Plan 2015 (DCP) seeks to provide achievable Residential Development controls to complement and improve upon existing street amenity and liveability within the Richmond Valley Council area. The DCP provides uniform control requirements across the entire LGA and seeks to elevate and standardise the overall quality and liveability for residential accommodation.

Each of the Chapters listed below relates to development principles and standards specific for Residential Accommodation types:

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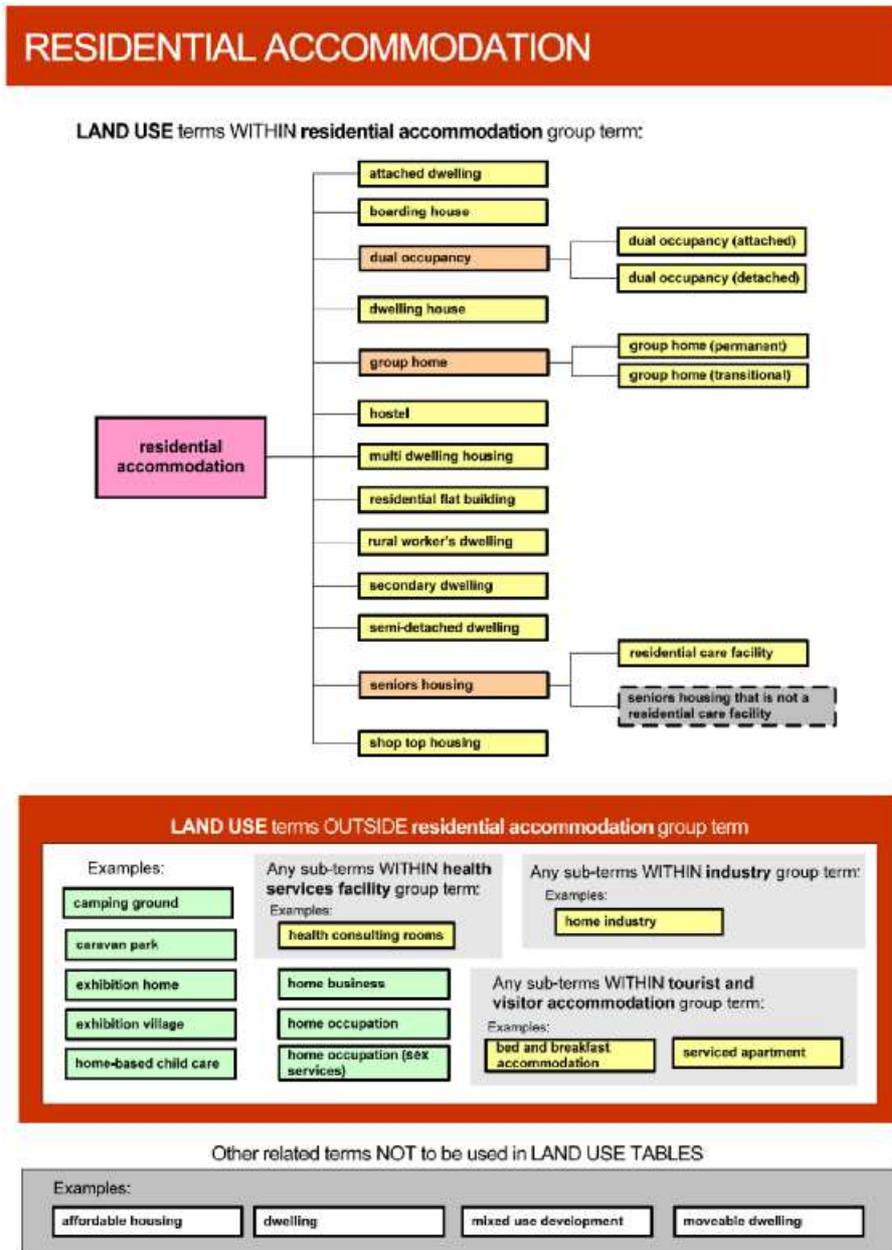


Figure A.1 General relationships between Residential Accommodation terms in the Standard Instrument LEP (Source Dept of Planning Practice Note PN11-004)

The following land use definitions describe the different forms of residential accommodation.

Dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

Dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Dwelling house means a building containing only one dwelling.

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.

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

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. Secondary dwellings cannot be subdivided or strata titled from the principal dwelling.

This DCP does not prescribe development standards for **Attached dwellings** or **Semi-detached dwellings** as these styles are uncommon in the Richmond Valley LGA. If a development is proposing either an attached dwelling or semi-detached dwelling the proponents are recommended to consult with Council early in the pre-planning process.

A.1 Objectives

The objectives of this Part are to:

- (1) provide achievable standards for residential accommodation within without unnecessarily hindering development potential or sacrificing good quality design and liveability concepts.
- (2) have high regard for existing streetscape components, particularly features important to environment and heritage.
- (3) provide for adequate space between residential development through building heights, footprints, site coverage and setbacks to further amenity and feelings of wellbeing within all residential areas.
- (4) provide for private open space within all residential building types.
- (5) provide appropriate areas of onsite landscaping and retain existing vegetation where practicable to improve upon liveability and provide areas which soften and enhances the streetscape.
- (6) have regard for issues relating to safety and crime by integrating elements design principles derived from best practice (CPTED).
- (7) have regard for maximising energy efficiency and providing desirable solar access through intelligent development design and planning.

A.2 Density Maps

Residential densities used within this DCP consist of:

- Ø L1—Low Density
- Ø M1—Low-Medium Density
- Ø M2—High-Medium Density
- Ø H1—High Density

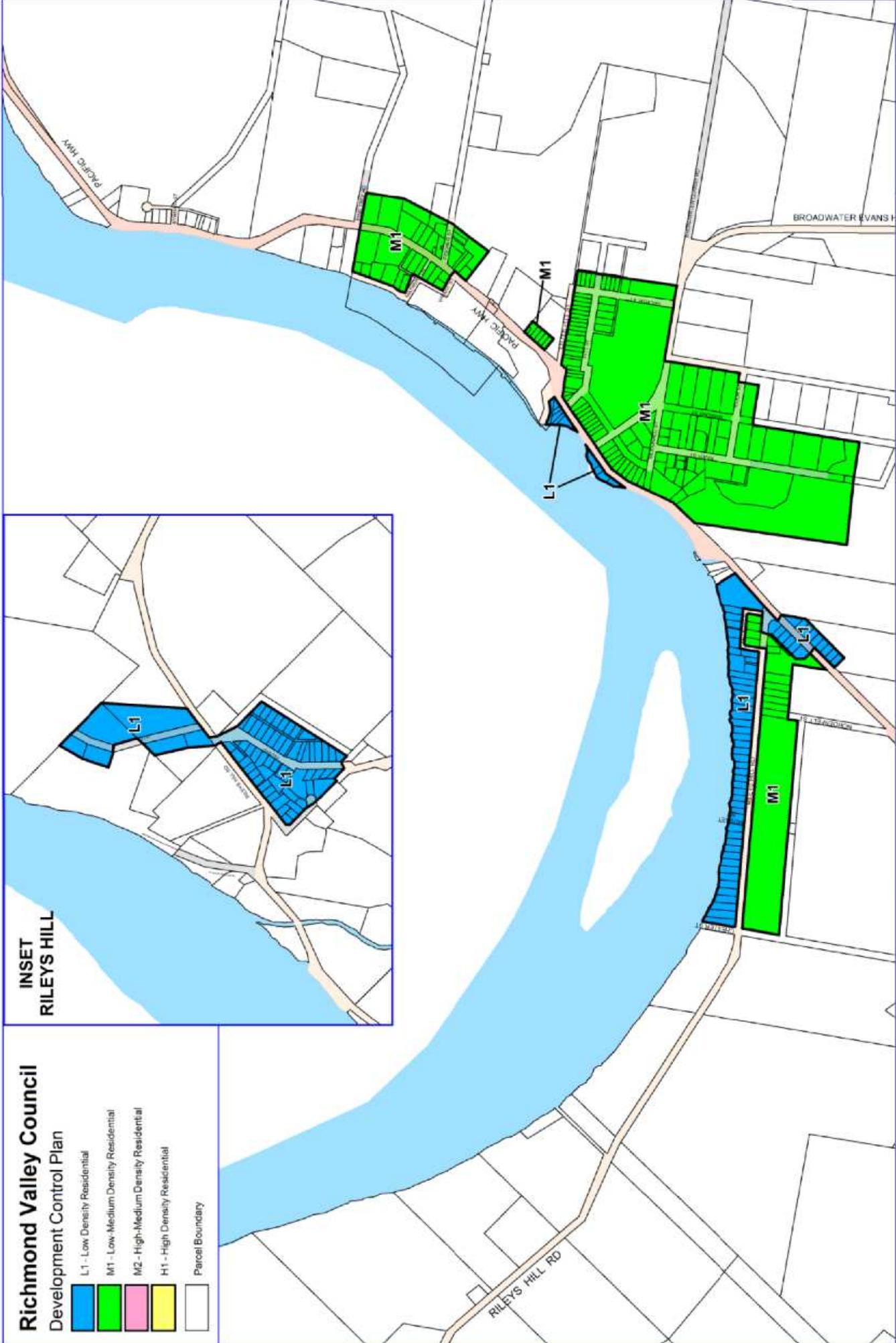
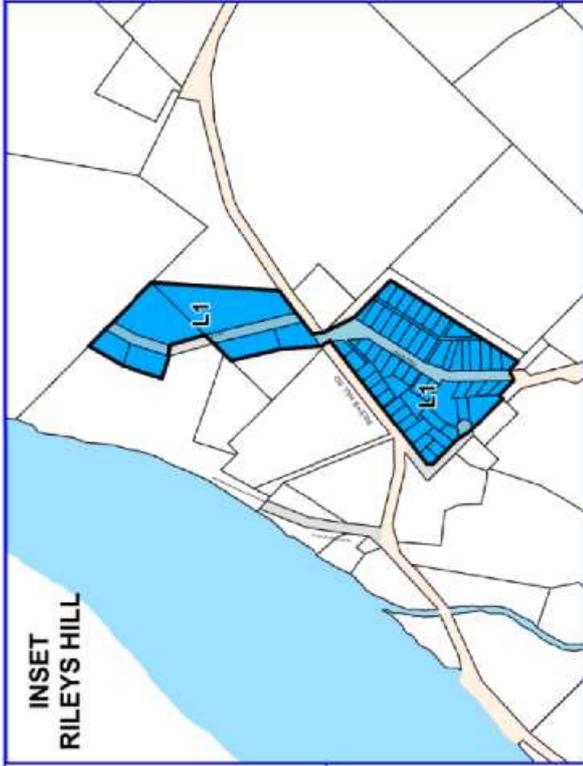
These densities have been applied to the urban zones for the purposes of defining unit entitlements. These densities are presented in:

- Ø Map A-1 – Broadwater & Rileys Hill
- Ø Map A-2 – Casino
- Ø Map A-3 – Coraki
- Ø Map A-4 – Evans Head
- Ø Map A-5 – Woodburn

Note. Larger format versions of these maps (A3) are available from Council.

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-  L1 - Low Density Residential
-  M1 - Low-Medium Density Residential
-  M2 - High-Medium Density Residential
-  H1 - High Density Residential
-  Parcel Boundary



**MAP A-1
BROADWATER &
RILEYS HILL**

Richmond Valley Development Control Plan 2015



This map was produced on the GEOCENTRIC DATUM OF AUSTRALIA 1984 (GDA84), which has superseded the Australian Geodetic Datum of 1984 (AGD84). The map is based on the Geospatial Data (GSD) and the Geospatial Data (GSD) coordinates and is not intended to be used as a substitute for a cadastral map.



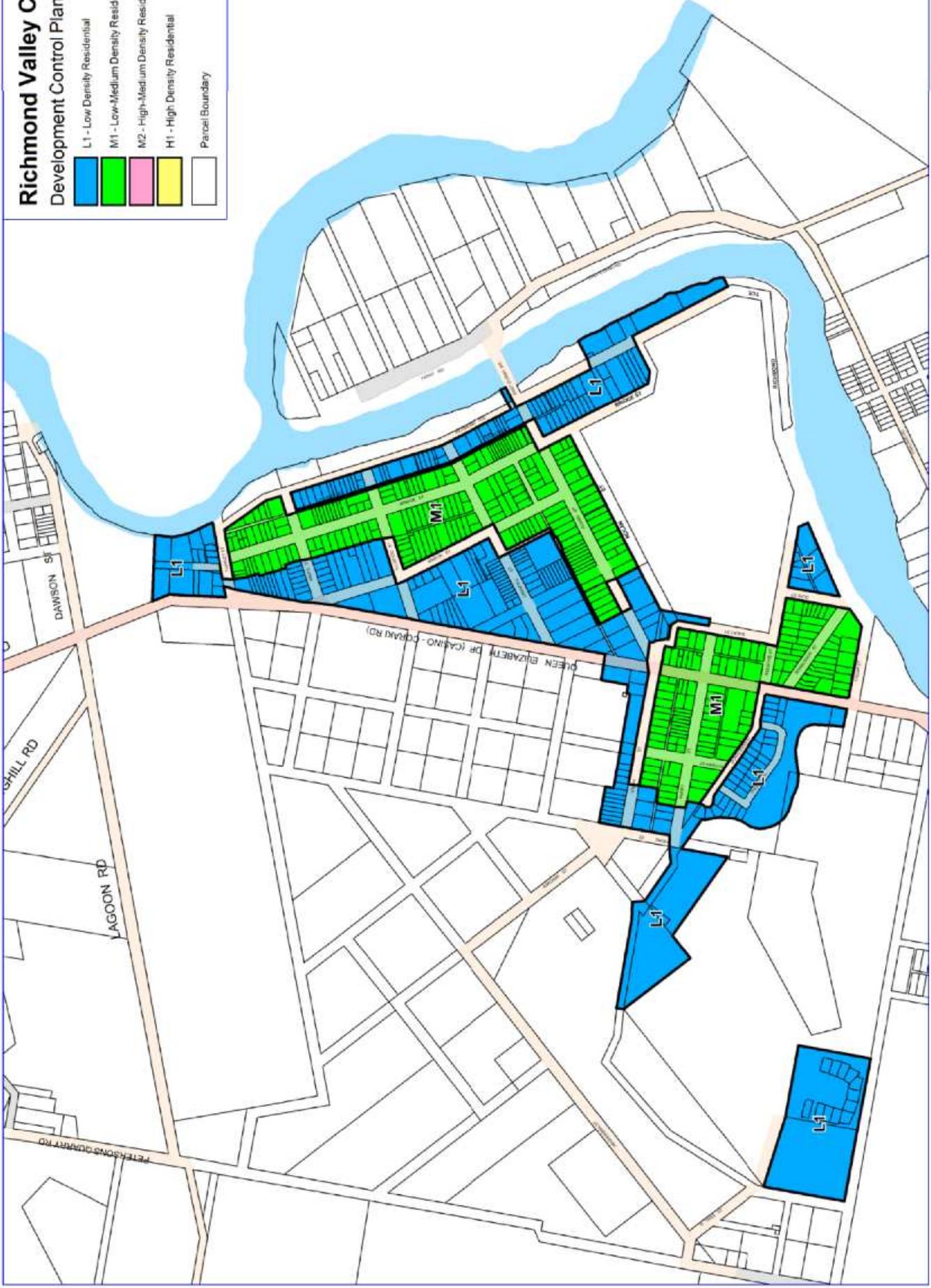
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**MAP A-1
BROADWATER &
RILEYS HILL**

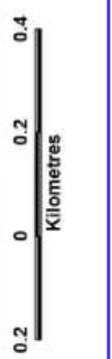
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- L1 - Low Density Residential
- M1 - Low-Medium Density Residential
- M2 - High-Medium Density Residential
- H1 - High Density Residential
- Parcel Boundary



This map was produced in the GEOCENTRIC DATUM (GDA) 1984 (MGS561) and the Australian Geoid Datum of 1984 (AGD84). Heights are referenced to the Australian Height Datum (AHD). Heights for most practical purposes (CADAs, contours and suitable devices (GPS) coordinates based on the World Geodetic Datum 1984 (WGS84) are the same.

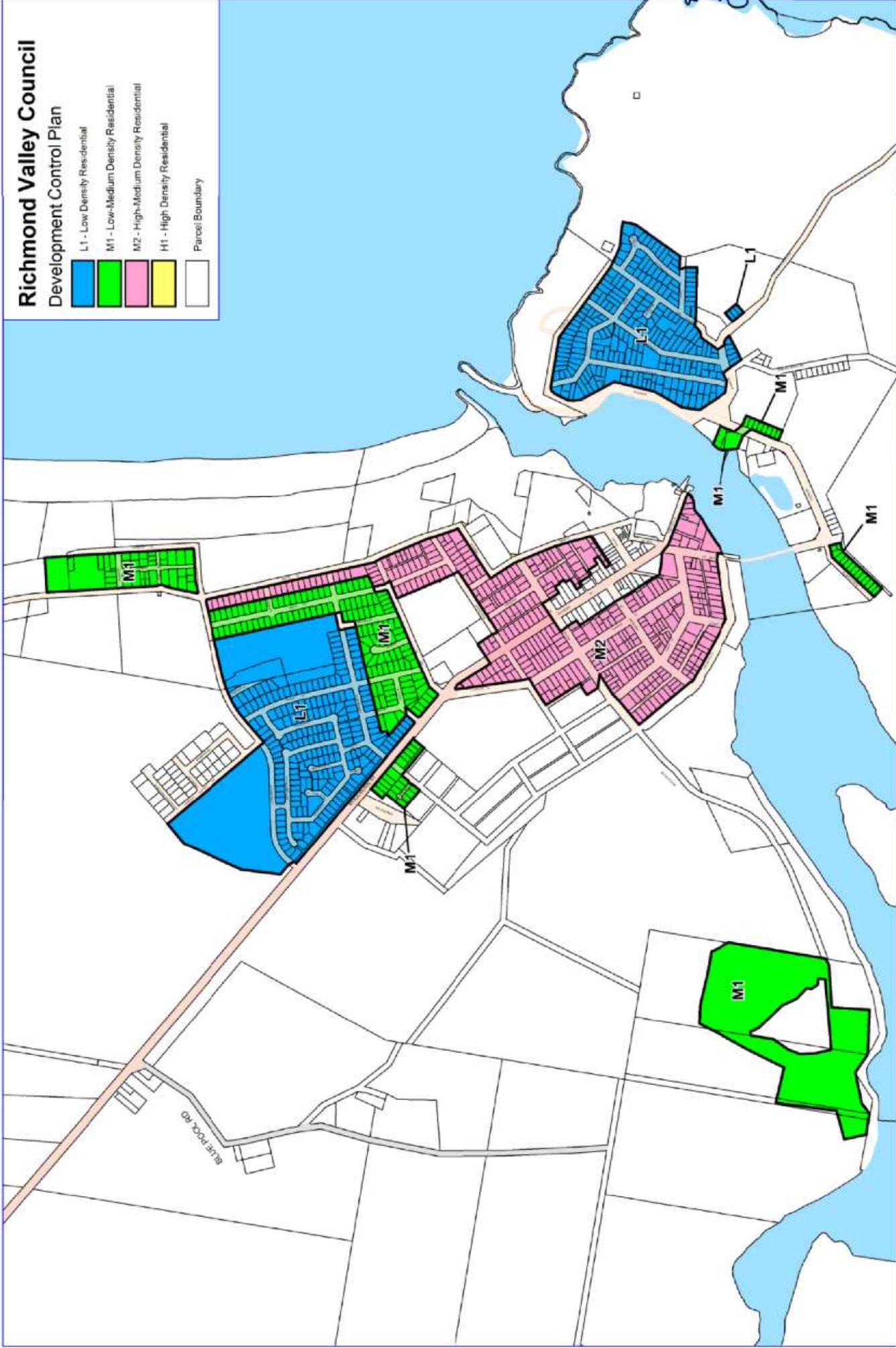


**MAP A-3
CORAKI**

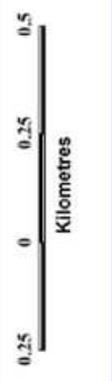
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- L1 - Low Density Residential
- M1 - Low-Medium Density Residential
- M2 - High-Medium Density Residential
- H1 - High Density Residential
- Parcel Boundary



This map was produced on the GEOCENTRIC DATUM OF AUSTRALIA 1984 (GDA84), which has superseded the Australian Geodetic Datum of 1984 (AGD84). The map uses the datum of the Australian Geodetic Datum of 1984 (GDA84). For more information on GDA84, please refer to the Australian Geodetic Datum 1984 (GDA84) on the World Geodetic Datum 1984 (WGS84) on the same



**MAP A-4
EVANS HEAD**

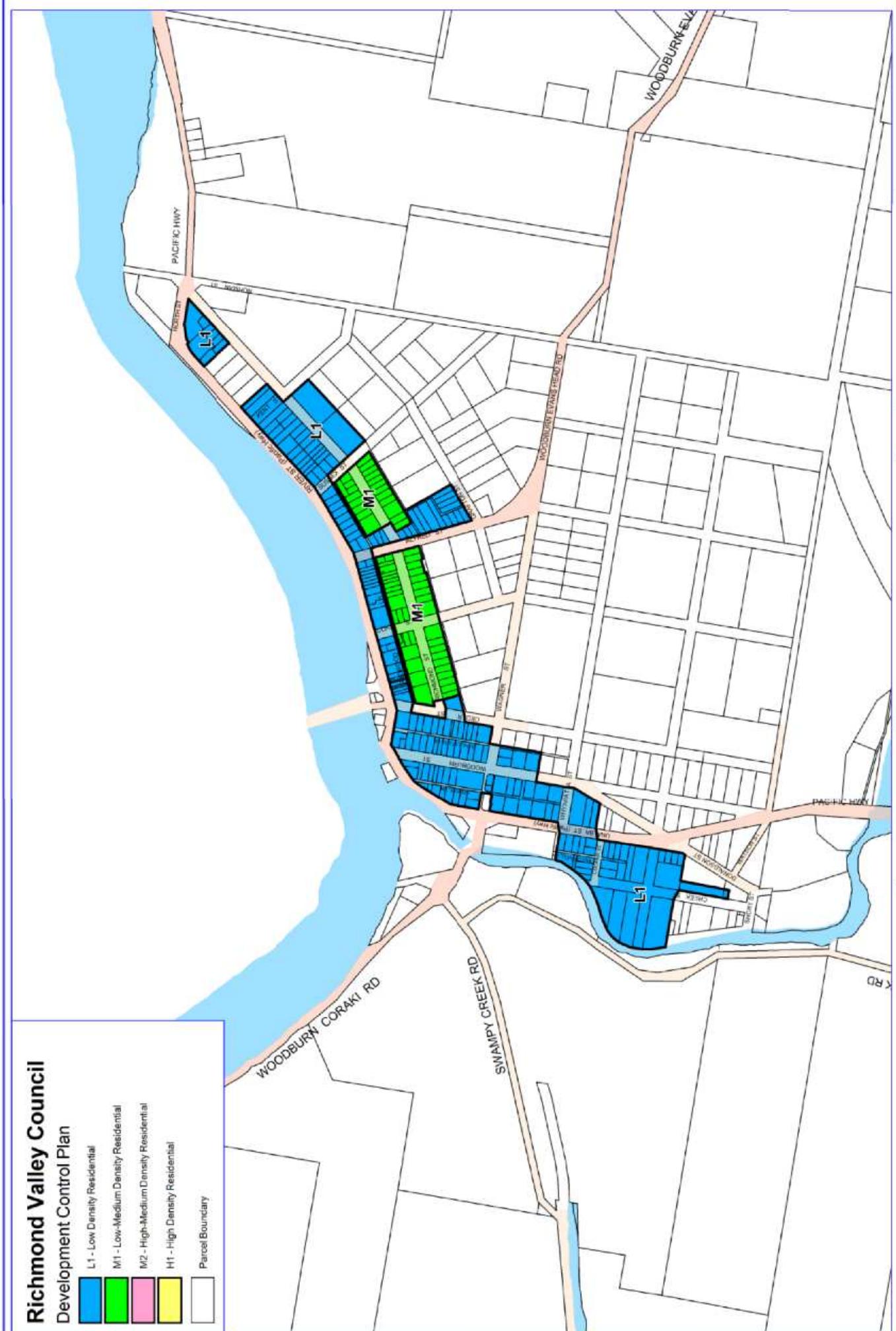
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14/12/2015

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Development Control Plan

- L1 - Low Density Residential
- M1 - Low-Medium Density Residential
- M2 - High-Medium Density Residential
- H1 - High Density Residential
- Parcel Boundary



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MAP A-5
 WOODBURN



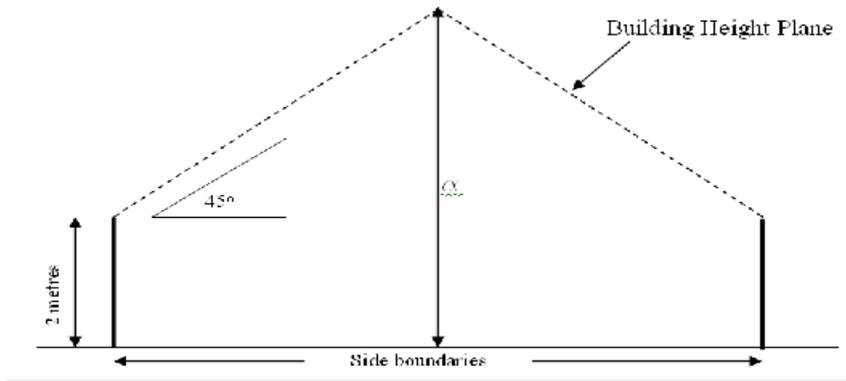
This map was produced on the GEOCENTRIC DATUM OF AUSTRALIA 1984 (GDA84), which has superseded the Australian Geodetic Datum of 1984 (AGD84). The GDA84 datum is based on the Geocentric Datum of Australia (GDA) datum. For more information on GDA84, please refer to the Australian Geodetic Datum 1984 (AGD84) datum.



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Part A-1. Dwelling Houses – (Summary Table)

| A-1.1 Visual and Amenity Impact | <p>Dwelling houses are to be consistent with the streetscape. Particular attention is to be given to dwellings adjoining a heritage item or in a heritage conservation area.</p> <p>Visual & Amenity Impact considerations include:</p> <ul style="list-style-type: none"> (a) bulk and form, character and amenity, (b) scenic amenity and view loss impacts, (c) building features fronting the street (articulation zone features), (d) reducing continuous walls, and (e) conflicting land uses. | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---------------------|--------------------|---------------------|------------------------|------------------|-------|-------------|----------|-----------------|--------------------------|-----------|----------|------------------------|-----------|----------|-----------------------------|------------------|----------|-----|-----|-------------------------|-----|-----|-----|--------------------------|-----|-----|-----|
| A-1.2 Maximum Site Cover | <p>The maximum site cover is the area within the enclosing walls of the dwelling and includes attached outdoor areas if they are enclosed by more than 30%.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 30%;">DCP Area</th> <th style="width: 15%;">Maximum Site Cover</th> <th style="width: 15%;">Total Roofed Cover</th> <th style="width: 15%;">Open Space</th> </tr> </thead> <tbody> <tr> <td>Low Density (L1)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Low Medium (M1)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>High Medium (M2)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>L1 – Low Density</td> <td style="text-align: center;">55%</td> <td style="text-align: center;">70%</td> <td style="text-align: center;">30%</td> </tr> <tr> <td>M1 – Low Medium Density</td> <td style="text-align: center;">65%</td> <td style="text-align: center;">70%</td> <td style="text-align: center;">30%</td> </tr> <tr> <td>M2 – High Medium Density</td> <td style="text-align: center;">65%</td> <td style="text-align: center;">70%</td> <td style="text-align: center;">30%</td> </tr> </tbody> </table> <p><i>Note. Density areas are shown on the Residential Density Maps</i></p> | DCP Area | Maximum Site Cover | Total Roofed Cover | Open Space | Low Density (L1) | | | | Low Medium (M1) | | | | High Medium (M2) | | | | L1 – Low Density | 55% | 70% | 30% | M1 – Low Medium Density | 65% | 70% | 30% | M2 – High Medium Density | 65% | 70% | 30% |
| DCP Area | Maximum Site Cover | Total Roofed Cover | Open Space | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Low Density (L1) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Low Medium (M1) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| High Medium (M2) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| L1 – Low Density | 55% | 70% | 30% | | | | | | | | | | | | | | | | | | | | | | | | | | |
| M1 – Low Medium Density | 65% | 70% | 30% | | | | | | | | | | | | | | | | | | | | | | | | | | |
| M2 – High Medium Density | 65% | 70% | 30% | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A-1.3 Building Line and Setbacks | <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 50%;">LEP Zone</th> <th style="width: 20%;">Building Line</th> <th style="width: 30%;">Side & Rear Setback</th> </tr> </thead> <tbody> <tr> <td>R1 General Residential</td> <td style="text-align: center;">6 metres</td> <td style="text-align: center;">900mm</td> </tr> <tr> <td>RU5 Village</td> <td style="text-align: center;">6 metres</td> <td style="text-align: center;">900mm</td> </tr> <tr> <td>R5 Large Lot Residential</td> <td style="text-align: center;">20 metres</td> <td style="text-align: center;">5 metres</td> </tr> <tr> <td>RU1 Primary Production</td> <td style="text-align: center;">20 metres</td> <td style="text-align: center;">5 metres</td> </tr> <tr> <td>E3 Environmental Management</td> <td style="text-align: center;">20 metres</td> <td style="text-align: center;">5 metres</td> </tr> </tbody> </table> <p>Decreased setbacks are permitted: on secondary frontages; where adjoining properties are forward of the building line; and for articulation zone features. The articulation zone (4.5–6m setback from the front boundary) allows a building feature (up to 7m²) to enhance the design and streetscape.</p> <p>Increased setbacks are required for: Foreshores; Planning for Bushfire Protection; conflicting land uses; an attached garage; and detached garages facing secondary roads.</p> | LEP Zone | Building Line | Side & Rear Setback | R1 General Residential | 6 metres | 900mm | RU5 Village | 6 metres | 900mm | R5 Large Lot Residential | 20 metres | 5 metres | RU1 Primary Production | 20 metres | 5 metres | E3 Environmental Management | 20 metres | 5 metres | | | | | | | | | | |
| LEP Zone | Building Line | Side & Rear Setback | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| R1 General Residential | 6 metres | 900mm | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| RU5 Village | 6 metres | 900mm | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| R5 Large Lot Residential | 20 metres | 5 metres | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| RU1 Primary Production | 20 metres | 5 metres | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| E3 Environmental Management | 20 metres | 5 metres | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| | | | | | | | |
|--|--|--|--|---|--|--|---|
| <p>A-1.4 Building Height Plane</p> | <p>The LEP defines the maximum building height (MBH) as generally 8.5m, with exceptions in limited locations at Evans Head and South Casino (9.5m), and central Casino (14m).</p> <p>In addition, a building height plane applies. This is measured 2.0m up from the property boundary, thence at an angle of 45° towards the centre of the lot. Development is to be contained within the building height plane excepting for encroachments identified in Part I-3.7 and I-3.8.</p>  <p>α is the maximum building height, up to the LEPs MBH</p> | | | | | | |
| <p>A-1.5 Open Space – Landscaped and Private</p> | <p>Open Space includes Landscape Open Space and Private Open Space.</p> <table border="1" data-bbox="414 1064 1412 1467"> <tr> <td colspan="2" data-bbox="414 1064 1412 1220"> <p>Open Space - must be >30% of the lot area. Includes outdoor areas e.g. gardens, lawns, driveways, paths, unenclosed decks, patio's, etc.</p> </td> </tr> <tr> <td data-bbox="414 1220 909 1288"> <p>Landscape Open Space (lawns and gardens)</p> </td> <td data-bbox="909 1220 1412 1288"> <p>Private Open Space (includes unenclosed decks etc.)</p> </td> </tr> <tr> <td data-bbox="414 1288 909 1467"> <ul style="list-style-type: none"> • minimum 10% of the total lot area, inclusive of • minimum 50% of the area forward of the building line. </td> <td data-bbox="909 1288 1412 1467"> <ul style="list-style-type: none"> • Minimum 25m², and • directly accessible from an indoor living area, and • minimum 3m wide. </td> </tr> </table> | <p>Open Space - must be >30% of the lot area. Includes outdoor areas e.g. gardens, lawns, driveways, paths, unenclosed decks, patio's, etc.</p> | | <p>Landscape Open Space (lawns and gardens)</p> | <p>Private Open Space (includes unenclosed decks etc.)</p> | <ul style="list-style-type: none"> • minimum 10% of the total lot area, inclusive of • minimum 50% of the area forward of the building line. | <ul style="list-style-type: none"> • Minimum 25m², and • directly accessible from an indoor living area, and • minimum 3m wide. |
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| <p>Landscape Open Space (lawns and gardens)</p> | <p>Private Open Space (includes unenclosed decks etc.)</p> | | | | | | |
| <ul style="list-style-type: none"> • minimum 10% of the total lot area, inclusive of • minimum 50% of the area forward of the building line. | <ul style="list-style-type: none"> • Minimum 25m², and • directly accessible from an indoor living area, and • minimum 3m wide. | | | | | | |
| <p>A-1.6 Carparking and Access</p> | <p>Minimum two spaces:</p> <ul style="list-style-type: none"> • One space only is allowed forward of the building line. It must be hard stand only (i.e. not a structure such as a carport). • Garages to be at least 7m from primary road boundary or 5.5m from secondary road boundary. • Generally one access per street frontage. | | | | | | |
| <p>A-1.7 Hazards</p> | <p>Any of the following <u>may</u> apply to the land:</p> <ul style="list-style-type: none"> • Flood – Habitable floors to be above Flood Planning Level (FPL). • Bushfire Prone Land – comply with <i>Planning for Bushfire Protection 2006</i>. • Acid Sulfate Soils (ASS) – manage ASS. | | | | | | |

| | |
|--|---|
| | <ul style="list-style-type: none"> • Coastal Development – see Clause 5.5 RVLEP. • Contaminated Lands – Land to be of standard compatible with residential development • Natural Resource Sensitivity – consisting of any one or more overlays: <ul style="list-style-type: none"> § Terrestrial Biodiversity (Native Vegetation and/or Wildlife Corridors) § Key Fish Habitat - referral to NSW Fisheries may be required. § Wetland - buffer of 50 metres recommended. § Steep Land - engineering required and consideration of scenic impacts. § Drinking Water Catchments – assess impacts on water quality |
| <p>A-1.8 Water, Stormwater and Sewage</p> | <p>Water:</p> <ul style="list-style-type: none"> • serviced by town water—have a 5,000 litre rainwater tank, or • where no town water—have min. 60,000 litres potable water supply, plus, if on bushfire prone land, have an addition 10,000 litre water supply for firefighting installed as per RFS requirements. <p>Sewer:</p> <ul style="list-style-type: none"> • connect to town sewer, or • where no sewer—install an approved onsite sewage management facility. <p>Stormwater:</p> <ul style="list-style-type: none"> • connect to stormwater system, and direct 80% of hard stand areas to infiltration (lawn/gardens) and/or tanks. |
| <p>A-1.9 Earthworks and Retaining Walls</p> | <ul style="list-style-type: none"> • Imported fill to be VENM and have geotechnical certification. • Retaining walls to be masonry and have engineering certification if within 900mm of a boundary, or if 900mm or higher. • Not cause a concentration of surface water. • Not be located in proximity to easements, or underground infrastructure. |
| <p>A-1.10 Safety and Security</p> | <p>Incorporate good design features:</p> <ul style="list-style-type: none"> • Unobstructed views to and from front yards. • Avoid hiding and entrapment spaces. • Have good lighting and security. |
| <p>A-1.11 Additional Notes and Provisions</p> | <ul style="list-style-type: none"> • Many types of ancillary development may be undertaken without Council approval if criteria of the <i>State Environmental Planning Policy (Exempt and Complying Development) 2008</i> is met. • Rural Lots must have a dwelling opportunity. • Dwelling houses on Industrial land are not permitted. • Access to rear lanes may be permitted or lane widening requirements may apply. • Construction works are to have a Waste Minimisation and Management Plan. |

Richmond Valley Development Control Plan 2015

Part A-1. Dwelling Houses

This Chapter provides development standards, controls, and guidelines for the development of dwelling houses, a form of Residential Accommodation.

The term dwelling house is defined in the Standard Instrument LEP as being:

Dwelling house means a building containing only one dwelling.

This DCP applies to all land within the Richmond Valley Local Government Area.

Date adopted by Council:
22 December 2015

Effective Date:
4 January 2016

Amendments:
Nil

A-1.1 Visual and Amenity Impacts

Objectives

- (1) To ensure dwellings are sympathetic to the existing streetscape and consistent with the pattern of existing development.
- (2) To ensure dwellings have regard for important features of the street and other dwellings.
- (3) To encourage liveable dwellings having privacy, functionality and comfort to occupants.

Controls

- (1) Visual Impact can be improved by considering how the dwelling fits into the existing pattern and form of dwellings in the street.

Bulk and Form

- (2) Dwellings should be consistent with the bulk and form of others, particularly immediately adjoining and adjacent the lot. Consistency with existing streetscape can include:
 - Ø Overall scale and height, roof forms and pitch
 - Ø Materials of external front walls
 - Ø Street setbacks and spacing between buildings
 - Ø The orientation and placement of patios, porches, balconies and decks.

Character and Amenity

- (3) The following features should be considered:
 - Ø Overall architectural style (e.g. 'Victorian', 'Federation', 'Bungalow', 'Brick & Tile' etc.).
 - Ø Maintaining existing Building lines and setbacks.
 - Ø Finishes and decorative detailing (e.g. collar ties, finials, verandah brackets, balustrades, window mouldings, colour).
 - Ø Architectural features (e.g. verandahs, windows, awnings).
 - Ø Heritage items and/or heritage conservation areas need careful consideration. See Chapter I-1 Heritage for further information.

Scenic Amenity

- (4) Dwellings in rural areas and prominent locations are to consider visual impacts in relation to the environment, views from other dwellings and from public spaces. The following measures are required to mitigate impacts on scenic amenity:
 - Ø Where the siting of the dwelling will involve the removal of more than 1000m² of vegetation. This includes Bushfire requirements such as an Asset Protection Zone and any clearing associated with road access. Also see Chapter H-4 – Natural Resource Sensitivity.
 - Ø Where the dwelling is on a ridgeline, coastline, headland or other highly exposed feature.
 - Ø View loss is to be considered in accordance with the *Land and Environment Court Planning Principles*, where views from other

dwellings or public spaces are likely to be impacted. The applicant may be required to submit a view loss assessment.

- ∅ Where the dwelling and associated development will be visible at a distance of 1 kilometre.
- ∅ In areas of high scenic value, materials shall be non-contrasting and non-reflective. Colours such as muted green, grey and brown are to be used.
- ∅ Landscaping and vegetation planting may be used to screen the dwelling.

Articulation zone – Building features permitted forward of the Building Line

- (5) The Articulation Zone is an area measured 1.5m forward of the Building Line in which features such as entrances, porticos, bay windows, verandas, terraces or similar elements that enhance the buildings appearance may be located. This relaxation of the building line allows for building elements to provide interesting and decorative features to the frontage, to improve residential design and break up possible bland facades.
- (6) Building features within the Articulation Zone will be permitted where:
 - (a) The dwelling is fronting the primary road, and
 - (b) the feature is at least 4.5m from the road boundary and not more than 1.5m forward of the Building Line, and
 - (c) the feature does not exceed 7m² and is not higher than the roof, and
 - (d) the feature is not a short wall.

Building features facing the primary road

- (7) The front elevation of a dwelling must:
 - (a) have an entrance and a window facing the street, and
 - (b) the window must be at least 4m² for a living or bedroom area, and
 - (c) any garage doors are to be set back 1m from the main front wall of the dwelling, excepting where the garage is setback at least 7m from the road boundary, and
 - (d) at least 50% of the area forward of the building line must be set aside for landscaping.

Reducing the impact of continuous walls

- (8) A front wall may not exceed 5m in length without a building feature (excluding garage or carport doors).
A side wall may not exceed 14m in length without a building feature.
- (9) A building feature may involve recessing the wall or embellishing it with screening or other features to lessen the visual and 'bulky' impact of a continuous wall.

Impacts from possible conflicting land uses

- (10) Lots near the Pacific Highway or proposed Highway corridor, or the North Coast Railway may need to consider requirements of *State Environmental Planning Policy (Infrastructure) 2007* and *Development near Rail Corridors*

and *Busy Roads Interim Guideline* published by the NSW Department of Planning.

Dwellings near industrial, commercial and some rural activities need to consider potential impacts on amenity including, noise, dust, odours and the like.

Further information is provided in Part I-11 Land Use Conflict Risk Assessment.

A-1.2 Maximum Site Cover

Objectives

- (1) To ensure the density of residential development is appropriate to the scale and character of each location.
- (2) To ensure minimum open space areas are provided around dwellings.

Controls

- (1) Maximum site cover (including maximum roofed area & minimum open space) for dwelling houses is shown in the following table:

Table A-1.1 Maximum Site Cover for Dwellings

| DCP Area | Maximum Site Cover | Total Roofed Cover | Open Space |
|--------------------------|---------------------------|---------------------------|-------------------|
| L1 – Low Density | 55% | 70% | 30% |
| M1 – Low Medium Density | 65% | 70% | 30% |
| M2 – High Medium Density | 65% | 70% | 30% |

- (2) Building features attached to the dwelling may be excluded from site cover where:
 - (a) they are not enclosed by more than 30%, for example open patios, entrances, carports, decks etc., and
 - (b) they result in not more than 70% of the lot area being covered by roofed structures.
- (3) On a battle axe lot the area of any access handle is to be excluded from the Lot area.
- (4) Maximum site cover may not be achieved in all situations and may be limited by the ability to provide Open Space. A minimum 30% Open Space is required to be set aside on every lot.

A-1.3 Front Building Line, Side and Rear Setbacks

Objectives

- (1) To ensure consistency of development in residential areas and maintain streetscape character.
- (2) To retain land forward of the dwelling for landscaping and creation of attractive streetscapes.

- (3) To provide sunlight, privacy, and space between buildings.
- (4) To provide safe vehicle egress from properties.

Controls

Building Lines

- (1) Dwellings in the following zones must be setback, from the boundary with a primary road frontage, a minimum distance of:

| | |
|------------------------------------|-----------|
| Zone R1 – General Residential Zone | 6 metres |
| Zone RU5 – Village | 6 metres |
| Zone R5 – Large Lot Residential | 20 metres |
| Zone RU1 – Primary Production | 20 metres |
| Zone E3 – Environmental Management | 20 metres |

- (2) Despite subclause (1) the following building lines will apply:
 - (a) garages and sheds attached to dwellings are required to be setback an additional 1m behind the Building line, and
 - (b) in zones R1 and RU5 the opening or roller door of a detached shed, carport or garage to a secondary road must be a minimum of 5.5m from the road boundary, and
 - (c) where a building line variation has been granted.

(3) Variation to the Building Line

Variation to the building line is possible in restricted circumstances. Part I-3-Setbacks and Building Height provides details on when variations can be supported.

A variation may be possible for:

- (a) lots with more than one road frontage—a 50% variation to the Building line is permitted for any secondary road frontage, excluding classified roads, and
- (b) where adjoining properties are located forward of the building line—averaging of those setbacks may be applied, and
- (c) Articulation Zone features.

Side and Rear Setbacks

- (4) Land in the following zones must be setback from side and rear boundaries a minimum distance of:

| | |
|------------------------------------|----------|
| Zone R1 – General Residential Zone | 900mm |
| Zone RU5 – Village | 900mm |
| Zone R5 – Large Lot Residential | 5 metres |
| Zone RU1 – Primary Production | 5 metres |
| Zone E3 – Environmental Management | 5 metres |

- (5) Despite subclause (4) the following minimum setbacks will apply:
 - (a) Lots adjoining a foreshore—either 15m in urban zones, or 40m in other zones.
 - (b) Setbacks on roads subject to lane widening—shall be increased by the width of land to be resumed as part of the widening.

Increased Setbacks

- (6) The setbacks provided in this Section are a minimum requirement. In some cases greater setbacks may be required, for example:
 - (a) Planning for Bushfire Protection may require increased setbacks on Bushfire Prone Land.
 - (b) Buffers may be required to separate conflicting land uses, e.g. dwellings from industries or rural activities.

Further details are provided in Part I-3-Setbacks and Building Height and Part I-11 - LUCRA.

A-1.4 Height of Buildings

Objectives

- (1) To describe the maximum height of dwellings in terms of Building Height and Building Height Plane.
- (2) To ensure the height of buildings compliments the streetscape and character of the area.
- (3) To ensure buildings do not unreasonably impact by way of overshadowing, privacy or disruption of views.
- (4) To ensure buildings are setback progressively from side and rear boundaries as height increases.

Controls

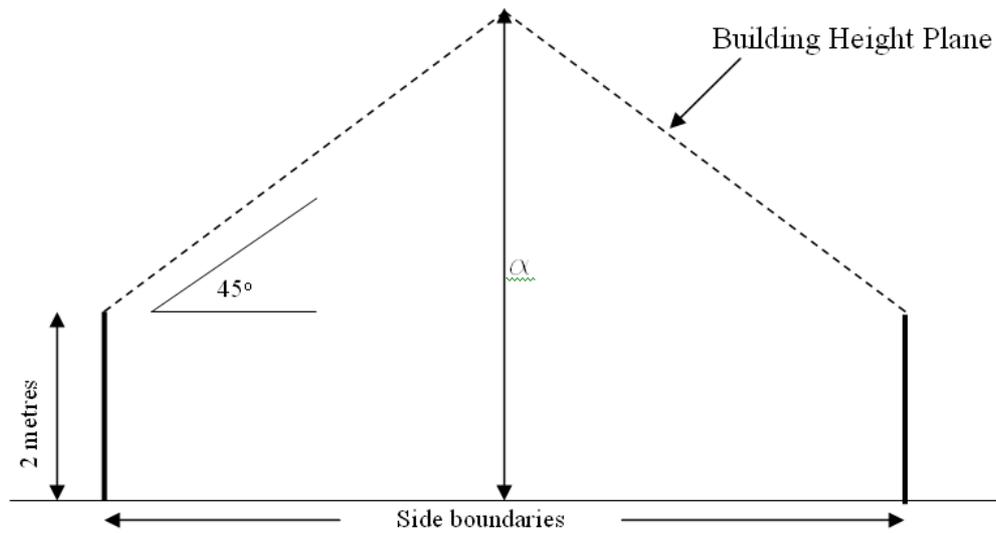
Maximum Height of Buildings

- (1) The maximum height a dwelling may be built (MBH) is shown in the Height of Buildings Map in *Richmond Valley Local Environmental Plan 2012*.
 - (a) Generally the maximum height is 8.5m.
 - (b) Some areas of Evans Head and South Casino have 9.5m maximum.

Building Height Plane

- (2) The building height plane, see Figure A-1.1, is an imaginary ceiling over a lot under which all construction must be located.

Further detail on the building height plane is provided in Chapter I-3 Setbacks and Building Heights.



α is the maximum building height, up to the LEPs MBH

Figure A-1.1 Building Height Plane

(3) **Exceptions and Variations to the Building Height Plane**

Despite subclause (2) the following exceptions to the Building Height Plane apply:

- (a) Eaves and gutters up to a maximum of 700mm from the external wall.
- (b) Open form or translucent balustrading.
- (c) Minor climate control features that do not impact adjoining properties.
- (d) Buildings on slopes >8 degrees, may have encroachments on the north and east elevations where:
 - Ø the wall is less than 6.5m high, from the existing ground level to the wall/eave junction, and
 - Ø the encroachment is at least 1.2m from a side and/or rear boundary.
- (e) On land affected by a Flood Planning Level—the Building Height Plane will be measured from the 1 in 100 year flood level (instead of natural ground), however shadow cast onto adjoining land must be considered.
- (f) Single storey outbuildings with a gable end roof or similar roof design, may encroach where:
 - Ø the wall height is a maximum 2.9m, and
 - Ø the wall length is no longer than 10m, and
 - Ø the roof slope is $<25^\circ$.
- (g) A variation has been granted in accordance with Part I-3.8.

A-1.5 Landscaped and Private Open Spaces

Objectives

- (1) To ensure landscaping is provided to the street frontage, to enhance the character of the streetscape and define areas of private and public land.
- (2) To ensure functional private open space is provided and integrated with the dwelling.
- (3) To soften development, create privacy, amenity and visual appeal of development.
- (4) To enable infiltration of stormwater.

Controls

Open Space

- (1) Dwellings must provide 30% of the lot area as Open Space.
Open Space includes Landscape Open Space and Private Open Space.

Landscape Open Space

- (2) Landscape Open Space is the area of pervious surfaces. It includes gardens and lawns as well as gravel or similar surfaced areas that allow infiltration. Landscape open space is required to be:
 - (a) At least 10% of the area of the lot, inclusive of
 - (b) a lawn and/or garden area being at least 50% of the area forward of the building line (between the dwelling and the road boundary).

Private Open Space

- (3) Private Open Space is an area set aside for the private enjoyment of residents. Private Open space may include areas of lawn, gardens, decks and patios. Private Open Space must meet the following requirements:
 - (a) be directly accessible from a living area in the dwelling, and
 - (b) be a minimum area of 25m², and
 - (c) be a minimum of 3m wide.

A-1.6 Carparking, Access, and Driveways

Objectives

- (1) To provide for the efficient and safe movement of vehicles.
- (2) To ensure on-site car parking is provided within the property and designed to complement the streetscape.

Controls

Car Parking

- (1) The minimum parking requirement is 2 car parking spaces per dwelling.
One stacked parking space only may be considered forward of the building line. A stacked parking space is to be located on the driveway in front of the garage. It is permitted where:
 - (a) the space is located wholly within the property boundaries, and

- (b) it will not interfere with pedestrian access or landscaped open space requirements, and
 - (c) it is a hard stand only and not part of any structure e.g. carport, shed, detached garage.
- (2) Garages and sheds attached to dwellings are required to be setback an additional 1m behind the building line.
- The opening or roller door of a detached shed, carport or garage must be setback a minimum of 5.5m from any secondary road boundary.
- (3) Spaces are to be constructed of an all-weather surface such as concrete or gravel.

Access and Driveways

- (4) Generally 1 access per street or lane frontage is allowed. If there is sufficient lot width and a suitable road, 2 accesses may be allowed.
- Each access must be designed in accordance with the *Northern Rivers Local Government Development, Design and Construction Manual*, or as otherwise specified by Council.
- (5) Works in a road reserve require approval under section 138 of the *Roads Act 1993*. Works to construct or maintain vehicular access to private property shall be conducted in accordance with Council's Vehicular Accessway Policy and specifications.
- (6) Infrastructure may be required, or existing infrastructure upgraded, including:
- (a) Layback, dish or pipe guttering,
 - (b) kerb and driveway - light duty aprons,
 - (c) repair to any road, footpath, or services damaged as a result of construction works.

A-1.7 Hazards and Constraints

Objectives

- (1) To provide for the protection of human life and minimise impacts on property from bushfires, floods and other hazards.
- (2) To ensure effective management of areas affected by bushfire, flooding, acid sulfate soils, contaminated land and to protect the environment.
- (3) Identify each of the Natural Resource Sensitivities mapped within the LEP.

Controls

Flooding

- (1) The floor level of habitable rooms is to be above the 1 in 100 year ARI flood event plus a 500mm freeboard (the Flood Planning Level).
- (2) New residential development is not permitted where the flood depth of a 1 in 100 year ARI flood event is greater than 2m, excepting:
 - (a) for minor extensions to existing dwellings, or
 - (b) in justifiable circumstances, such as where an existing dwelling must be rebuilt after it has been damaged.

- (3) Flood Mapping is available on request. In areas outside current flood modelling, information will be provided where available.

For properties outside a modelled area, the proponent may be required to predict the flood planning level by conducting a localised flood assessment using anecdotal evidence of past flood heights.

Bushfire

- (4) Dwellings must comply with the NSW Rural Fire Service's publication *Planning for Bush Fire Protection (2006)*, and *Australian Standard AS3959-1999 Construction of Buildings in Bush Fire Prone Areas*.

- (a) Applications to build in BAL-40 or a Flame Zone, or providing for any alternative solution, will be referred to the District RFS Fire Control Centre for approval.
- (b) Applications to build in BAL-Low, BAL-12.5, BAL-19, and BAL-29 that conform to acceptable solutions can be determined by the Council.

NSW Rural Fire Service has extensive information available on their website about building in Bush Fire Prone areas, including assessment and submission requirements.

Further details are provided in Part H-2 Bush Fire Prone Land.

Acid Sulfate Soils (ASS)

- (5) Excavation works in certain areas have the potential to disturb Acid Sulfate Soils. Land subject to ASS constraints is shown on the LEP Acid Sulfate Soils Map, along with the Class of ASS Hazard.

The table below shows when further assessment of acid sulfate soils is required:

| Class of land | Works |
|---------------|---|
| 1 | Any works. |
| 2 | Works below the natural ground surface. Works by which the watertable is likely to be lowered. |
| 3 | Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface. |
| 4 | Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface. |
| 5 | Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. |

Clause 6.1 of *Richmond Valley Local Environmental Plan 2012* and Part H-3 Acid Sulfate Soils provides further information.

Coastal Development

- (6) Clause 5.5 of *Richmond Valley Local Environmental Plan 2012* identifies issues associated with development in the coastal zone. Development must have regard for:

- (a) public access to or along the foreshore, and
- (b) impacts on the environment, and

- (c) impacts associated with coastal hazards.

Contaminated Lands

- (7) Contaminated lands will require remediation to a level compatible with a residential land use.

Where a land use history assessment (Preliminary Assessment) indicates the potential for contamination, sampling and analysis may be required.

Development on potentially contaminated land is to be undertaken in accordance with the Regional Policy for the *Management of Contaminated Land*, and *SEPP55 Remediation of Land*.

Natural Resource Sensitivity

- (8) *Richmond Valley Local Environmental Plan 2012* includes overlay mapping, and contains several clauses, relating to management of natural resources. These are:

- Ø Terrestrial Biodiversity Map—representing native vegetation and habitat (wildlife) corridors - LEP clause 6.6.
- Ø Landslip Risk Map—representing steep land with slopes greater than 18 degrees (33%) - LEP clause 6.7.
- Ø Riparian Lands and Watercourses Map—representing key fish habitat plus a 40 metre buffer -LEP clause 6.8
- Ø Drinking Water Catchments Map—representing the watershed catchment for Casino's Jabour Weir, and a 500 metre buffer area around each of the Rous Water Groundwater Bores at Woodburn - LEP clause 6.9, and
- Ø Wetlands Map—representing wetlands and floodplain wetland vegetation communities - LEP clause 6.10.

The extent the resource is to be considered in an application varies based upon the sensitivity of the resource and the level of impacts.

Further details are provided in Part H-4 – Natural Resource Sensitivity (NRS).

A-1.8 Water, Stormwater and Sewage

Objectives

- (1) To ensure all development is adequately serviced by water, sewer and stormwater infrastructure.
- (2) To ensure that development is located and designed so that it will not impact upon existing infrastructure.

Controls

Stormwater

- (1) All dwellings must:
 - (a) connect to urban water, sewer & stormwater infrastructure where provided,
 - (b) install a rainwater tank being a minimum 5000 litres connected to the dwelling, and
 - (c) have a minimum 80% of impermeable surface area diverted to an infiltration area e.g. lawn or garden areas, or water tank.

Erosion and sediment controls are to be implemented during construction to prevent sediment and pollution leaving the site.

Part I-9 Water Sensitive Urban Design provides further details.

Sewage

- (2) Each dwelling is to have adequate arrangements for the disposal of wastewater:
 - (a) Dwellings serviced by reticulated town sewer—All greywater and toilets are required to be connected to sewer infrastructure, subject to any Council requirements, or
 - (b) Dwellings not serviced by reticulated town sewer—are to have an approved onsite sewage management facility designed in accordance with Council's *Onsite Sewage and Wastewater Strategy* and associated guidelines.

Water Supply

- (3) Each dwelling is to have a suitable potable water supply being:
 - (a) Dwellings serviced by reticulated town water—connection to a reticulated water supply is required unless a solution meeting NSW Health requirements can be demonstrated, or
 - (b) Dwellings not serviced by reticulated town water—a minimum 60,000 litres of potable water supply per dwelling.
- (4) Where reticulated water is unavailable, an additional water source is to be provided that is dedicated for firefighting purposes:
 - (a) land having an area <2ha—a minimum 10,000 litres per dwelling, or
 - (b) land having an area =>2ha—a minimum 20,000 litres per dwelling.Tanks and fittings are to be installed as per appropriate Australian Standards, and *Planning for Bushfire Protection 2006*.

Underground infrastructure

- (5) All development is to be a minimum of 1.5 metres clear of infrastructure.

Footings are to be engineered for increased depth and structural adequacy where the footings will be located within the Zone of Influence.

Zone of Influence is an area either side of an underground pipe where it is considered that a structure may impose a load through the ground onto the pipe, or where settlement or excavation of the pipe trench may cause damage to a structure. The gradient of the zone of influence extends upwards to the ground surface from the pipe at an angle of 45 degrees for clay soils, or 30 degrees for sandy soils.

A-1.9 Earthworks and Retaining Walls

- (1) Applications involving earthworks and retaining walls must:
 - (a) provide details of the extent of all cut and fill, and
 - (b) where fill is greater than 600mm high provide geotechnical certification to verify the structural stability of any fill material, and

- (c) not redirect the flow of any surface water or ground water in a concentrated manner onto an adjoining property, and
- (d) be located a minimum of:
 - Ø 1m from any registered easement, and
 - Ø 1.5m from any Council sewer main, water main, or stormwater pipeline, and
- (e) have footings extend below the Zone of Influence for any sewer main, water main, or stormwater pipeline, and
- (f) have adequate drainage lines connected to the existing stormwater drainage system for the site, and
- (g) retaining walls must be of masonry construction and have engineering certification if:
 - Ø 900mm or higher in height, or
 - Ø if located within 900mm of a boundary, and
- (h) if the fill is imported to the site—be free of building and other demolition waste, and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*.

A-1.10 Safety and Security

- (1) Safety considerations and principles are particularly important for residential design. Safety and security considerations are referred to as *Crime Prevention Through Environmental Design* (CPTED) and are outlined in detail in Chapter I-10.
- (2) Good design features include:
 - (a) the ability for occupants or people in the street to view their surroundings well (natural surveillance) e.g. windows from living areas and entranceways focused on the front street.
 - (b) avoiding hiding and entrapment areas e.g. recesses, high solid fencing, dense landscape.
 - (c) gardens should be designed to include low growing plants (less than 600mm) combined with larger trees with canopies higher than 1.8m.
 - (d) good lighting and security.

A-1.11 Additional Notes and Provisions

Exempt and Complying Development

- (1) *State Environmental Planning Policy Exempt and Complying Development Codes (2008)* provides for many types of development to be carried as either exempt or complying development.

The policy can be downloaded at the NSW Legislation website and much information is available on the Department of Planning & Environment's website at <http://www.planning.nsw.gov.au/>

As long as the proposed works meet all of the relevant Policy development standards, development approval from Council may not be needed. Please contact Council staff for further information.

Rural Lots – Dwelling Opportunity

- (2) Rural Lots must have a Dwelling Opportunity to be able to apply to construct a dwelling house.

Information about Dwelling Opportunities is available:

- (a) on the Dwelling Opportunity Map in *Richmond Valley Local Environmental Plan 2012*
- (b) a Section 149(5) planning certificate; or
- (c) by submitting a Property Information Enquiry request (subject to payment of fees).

Lane Widening and Access

- (3) Primary access to laneways will not be permitted, however secondary access may be permitted where the lane is suitable.

Access to rear lanes may be subject to upgrading the land including dish drains/guttering, crossings and surface sealing. Upgrading of rear lane access shall be in accordance with Council's Policy – Vehicular Accessway, or any succeeding documentation.

Council will assess the need for road widening or re-alignment when considering a development application for the land.

Refer to Part I-15 for further information.

Waste Minimisation and Management

- (4) Prior to construction, a dwelling must have a Waste Management Plan submitted and approved in accordance with *Richmond Valley Council Waste Minimisation and Management Policy*.

Richmond Valley Development Control Plan 2015

Part A-2. Dual Occupancy and Secondary Dwellings – (Summary Table)

| A-2.1 Visual and Amenity Impact | <p>Dual Occupancies and Secondary Dwellings are to be consistent with the streetscape. Particular attention is to be given to dwellings adjoining a heritage item or in a heritage conservation area.</p> <p>Visual & Amenity Impact considerations include:</p> <ul style="list-style-type: none"> (a) bulk and form, character and amenity, (b) scenic amenity and view loss impacts, (c) building features fronting the street (articulation zone features), (d) reducing continuous walls, and (e) conflicting land uses. | | | | | | | | | | | | | | | | | | | | |
|---------------------------------------|--|--------------------|------------|----------|--------------------|--------------------|------------------------|-------------------|-------------------|-------------|-------------------|-------------------|------------------------|-------|-------|--------------------------|-------|-------|-----------------------------|-----|----|
| A-2.2 Maximum Site Cover | <p>The maximum site cover is the area within the enclosing walls of the dwelling and includes attached outdoor areas if they are enclosed by more than 30%.</p> <p style="text-align: center;">Dual Occupancy</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #e0f2f1;"> <th style="width: 30%;">DCP Area</th> <th style="width: 20%;">Maximum Site Cover</th> <th style="width: 20%;">Total Roofed Cover</th> <th style="width: 30%;">Open Space</th> </tr> </thead> <tbody> <tr> <td>Low Density (L)</td> <td>55%</td> <td>70%</td> <td>30%</td> </tr> <tr> <td>Low Medium (M1)</td> <td>55%</td> <td>70%</td> <td>30%</td> </tr> <tr> <td>High Medium (M2)</td> <td>65%</td> <td>70%</td> <td>30%</td> </tr> </tbody> </table> <p style="text-align: center;">Secondary Dwellings</p> <p>The total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:</p> <ul style="list-style-type: none"> (a) 60 square metres, or (b) 25% of the total floor area of the principal dwelling. <p><i>Note. Density areas are shown on the Residential Density Maps</i></p> | | | DCP Area | Maximum Site Cover | Total Roofed Cover | Open Space | Low Density (L) | 55% | 70% | 30% | Low Medium (M1) | 55% | 70% | 30% | High Medium (M2) | 65% | 70% | 30% | | |
| DCP Area | Maximum Site Cover | Total Roofed Cover | Open Space | | | | | | | | | | | | | | | | | | |
| Low Density (L) | 55% | 70% | 30% | | | | | | | | | | | | | | | | | | |
| Low Medium (M1) | 55% | 70% | 30% | | | | | | | | | | | | | | | | | | |
| High Medium (M2) | 65% | 70% | 30% | | | | | | | | | | | | | | | | | | |
| A-2.3 Minimum Lot Size | <p style="text-align: center;">Dual Occupancy</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #e0f2f1;"> <th style="width: 50%;">DCP Area</th> <th style="width: 25%;">Attached</th> <th style="width: 25%;">Detached</th> </tr> </thead> <tbody> <tr> <td>R1 General Residential</td> <td>400m²</td> <td>600m²</td> </tr> <tr> <td>RU5 Village</td> <td>400m²</td> <td>600m²</td> </tr> <tr> <td>RU1 Primary Production</td> <td>1.5ha</td> <td>1.5ha</td> </tr> <tr> <td>R5 Large Lot Residential</td> <td>1.5ha</td> <td>1.5ha</td> </tr> <tr> <td>E3 Environmental Management</td> <td>5ha</td> <td>NA</td> </tr> </tbody> </table> | | | DCP Area | Attached | Detached | R1 General Residential | 400m ² | 600m ² | RU5 Village | 400m ² | 600m ² | RU1 Primary Production | 1.5ha | 1.5ha | R5 Large Lot Residential | 1.5ha | 1.5ha | E3 Environmental Management | 5ha | NA |
| DCP Area | Attached | Detached | | | | | | | | | | | | | | | | | | | |
| R1 General Residential | 400m ² | 600m ² | | | | | | | | | | | | | | | | | | | |
| RU5 Village | 400m ² | 600m ² | | | | | | | | | | | | | | | | | | | |
| RU1 Primary Production | 1.5ha | 1.5ha | | | | | | | | | | | | | | | | | | | |
| R5 Large Lot Residential | 1.5ha | 1.5ha | | | | | | | | | | | | | | | | | | | |
| E3 Environmental Management | 5ha | NA | | | | | | | | | | | | | | | | | | | |

| Secondary Dwellings | | | | | | | | | | | | | | | | | | | |
|---|---|---------------------|---------------|---------------------|------------------------|------------|-------------------|-------------|------------|-------------------|--------------------------|-----------|----------|------------------------|-----------|----------|-----------------------------|-----------|----------|
| | <table border="1"> <thead> <tr> <th>DCP Area</th> <th>Attached</th> <th>Detached</th> </tr> </thead> <tbody> <tr> <td>R1 General Residential</td> <td>No minimum</td> <td>450m²</td> </tr> <tr> <td>RU5 Village</td> <td>No minimum</td> <td>450m²</td> </tr> <tr> <td>R5 Large Lot Residential</td> <td>1 ha</td> <td>1 ha</td> </tr> </tbody> </table> | DCP Area | Attached | Detached | R1 General Residential | No minimum | 450m ² | RU5 Village | No minimum | 450m ² | R5 Large Lot Residential | 1 ha | 1 ha | | | | | | |
| DCP Area | Attached | Detached | | | | | | | | | | | | | | | | | |
| R1 General Residential | No minimum | 450m ² | | | | | | | | | | | | | | | | | |
| RU5 Village | No minimum | 450m ² | | | | | | | | | | | | | | | | | |
| R5 Large Lot Residential | 1 ha | 1 ha | | | | | | | | | | | | | | | | | |
| A-2.4 Building Line and Setbacks | <table border="1"> <thead> <tr> <th>LEP Zone</th> <th>Building Line</th> <th>Side & Rear Setback</th> </tr> </thead> <tbody> <tr> <td>R1 General Residential</td> <td>6 metres</td> <td>900mm</td> </tr> <tr> <td>RU5 Village</td> <td>6 metres</td> <td>900mm</td> </tr> <tr> <td>R5 Large Lot Residential</td> <td>20 metres</td> <td>5 metres</td> </tr> <tr> <td>RU1 Primary Production</td> <td>20 metres</td> <td>5 metres</td> </tr> <tr> <td>E3 Environmental Management</td> <td>20 metres</td> <td>5 metres</td> </tr> </tbody> </table> <p>Decreased setbacks are permitted: on secondary frontages; where adjoining properties are forward of the building line; and for articulation zone features. The articulation zone (4.5–6m setback from the front boundary) allows a building feature (up to 7m²) to enhance the design and streetscape.</p> <p>Increased setbacks are required for: Foreshores; Planning for Bushfire Protection; conflicting land uses; an attached garage; and detached garages facing secondary roads.</p> | LEP Zone | Building Line | Side & Rear Setback | R1 General Residential | 6 metres | 900mm | RU5 Village | 6 metres | 900mm | R5 Large Lot Residential | 20 metres | 5 metres | RU1 Primary Production | 20 metres | 5 metres | E3 Environmental Management | 20 metres | 5 metres |
| LEP Zone | Building Line | Side & Rear Setback | | | | | | | | | | | | | | | | | |
| R1 General Residential | 6 metres | 900mm | | | | | | | | | | | | | | | | | |
| RU5 Village | 6 metres | 900mm | | | | | | | | | | | | | | | | | |
| R5 Large Lot Residential | 20 metres | 5 metres | | | | | | | | | | | | | | | | | |
| RU1 Primary Production | 20 metres | 5 metres | | | | | | | | | | | | | | | | | |
| E3 Environmental Management | 20 metres | 5 metres | | | | | | | | | | | | | | | | | |
| A-2.5 Building Height Plane | <p>The LEP defines the maximum building height (MBH) as generally 8.5m, with exceptions in limited locations at Evans Head and South Casino (9.5m), and central Casino (14m).</p> <p>In addition, a building height plane applies. This is measured 2.0m up from the property boundary, thence at an angle of 45° towards the centre of the lot. Development is to be contained within the building height plane excepting for encroachments identified in Part I-3.7 and I-3.8.</p> <div style="text-align: center;"> <p>α is the maximum building height, up to the LEPs MBH</p> </div> | | | | | | | | | | | | | | | | | | |

| | | | | | | | |
|--|---|--|--|---|--|--|---|
| <p>A-2.6 Open Space – Landscaped and Private</p> | <p>Open Space includes Landscape Open Space and Private Open Space.</p> <table border="1" data-bbox="422 264 1412 660"> <tr> <td colspan="2" data-bbox="422 264 1412 414"> <p>Open Space - must be 30% of the lot area. Includes outdoor areas e.g. gardens, lawns, driveways, paths, unenclosed decks, patio's, etc.</p> </td> </tr> <tr> <td data-bbox="422 414 917 492"> <p>Landscape Open Space (lawns and gardens)</p> </td> <td data-bbox="925 414 1412 492"> <p>Private Open Space (includes unenclosed decks etc.)</p> </td> </tr> <tr> <td data-bbox="422 492 917 660"> <ul style="list-style-type: none"> • minimum 10% of the total lot area, inclusive of • minimum 50% of the area forward of the building line. </td> <td data-bbox="925 492 1412 660"> <ul style="list-style-type: none"> • Minimum 25m², and • directly accessible from an indoor living area, and • minimum 3m wide. </td> </tr> </table> <p>Secondary Dwellings are not required to provide Private Open Space.</p> | <p>Open Space - must be 30% of the lot area. Includes outdoor areas e.g. gardens, lawns, driveways, paths, unenclosed decks, patio's, etc.</p> | | <p>Landscape Open Space (lawns and gardens)</p> | <p>Private Open Space (includes unenclosed decks etc.)</p> | <ul style="list-style-type: none"> • minimum 10% of the total lot area, inclusive of • minimum 50% of the area forward of the building line. | <ul style="list-style-type: none"> • Minimum 25m², and • directly accessible from an indoor living area, and • minimum 3m wide. |
| <p>Open Space - must be 30% of the lot area. Includes outdoor areas e.g. gardens, lawns, driveways, paths, unenclosed decks, patio's, etc.</p> | | | | | | | |
| <p>Landscape Open Space (lawns and gardens)</p> | <p>Private Open Space (includes unenclosed decks etc.)</p> | | | | | | |
| <ul style="list-style-type: none"> • minimum 10% of the total lot area, inclusive of • minimum 50% of the area forward of the building line. | <ul style="list-style-type: none"> • Minimum 25m², and • directly accessible from an indoor living area, and • minimum 3m wide. | | | | | | |
| <p>A-2.7 Carparking and Access</p> | <p>Minimum two spaces for each dwelling:</p> <ul style="list-style-type: none"> • One space only is allowed forward of the building line. It must be a hard stand only (i.e. not a structure such as a carport). • Garages to be at least 7m from primary road boundary or 5.5m from secondary road boundary. • Generally one access per street frontage. <p>Secondary Dwellings are not required to provide additional car parking.</p> | | | | | | |
| <p>A-2.8 Subdivision of Dual Occupancy</p> | <p>Only Dual Occupancies on land in Zones R1 and RU5 may be subdivided. Secondary dwellings, and rural dual occupancy may not be subdivided. Strata Subdivision – No minimum lot size. Torrens Title subdivision permitted for constructed urban dual occupancies where each dwelling:</p> <ul style="list-style-type: none"> • will be on a minimum 350m² lot, and • have individual connection to mains sewer, water & stormwater, and • have 2 carparking spaces for each dwelling, and equitable division of open space. | | | | | | |
| <p>A-2.9 Hazards</p> | <p>Any of the following <u>may</u> apply to the land:</p> <ul style="list-style-type: none"> • Flood – Habitable floors to be above Flood Planning Level (FPL). • Bushfire Prone Land – comply with <i>Planning for Bushfire Protection 2006</i>. • Acid Sulfate Soils (ASS) – manage ASS. • Coastal Development – see Clause 5.5 RVLEP. • Contaminated Lands – Land to be of standard compatible with residential development • Natural Resource Sensitivity – consisting of any one or more overlays: <ul style="list-style-type: none"> § Terrestrial Biodiversity (Native Vegetation and/or Wildlife Corridors) § Key Fish Habitat - referral to NSW Fisheries may be required. § Wetland - buffer of 50 metres recommended. § Steep Land - engineering required and consideration of scenic | | | | | | |

| | |
|---|---|
| | <p>impacts. § Drinking Water Catchments – assess impacts on water quality</p> |
| <p>A-2.10 Water, Stormwater and Sewage</p> | <p>Water:</p> <ul style="list-style-type: none"> • serviced by town water—have a 5,000 litre rainwater tank, or • where no town water—have min. 60,000 litres potable water supply, plus, if on bushfire prone land, have an addition 10,000 litre water supply for firefighting installed as per RFS requirements. <p>Sewer:</p> <ul style="list-style-type: none"> • connect to town sewer, or • where no sewer—install an approved onsite sewage management facility. <p>Stormwater:</p> <ul style="list-style-type: none"> • connect to stormwater system, and direct 80% of hard stand areas to infiltration (lawn/gardens) and/or tanks. |
| <p>A-2.11 Earthworks and Retaining Walls</p> | <ul style="list-style-type: none"> • Imported fill to be VENM and have geotechnical certification. • Retaining walls to be masonry and have engineering certification if within 900mm of a boundary, or if 900mm or higher. • Not cause a concentration of surface water. • Not be located in proximity to easements, or underground infrastructure. |
| <p>A-2.12 Safety and Security</p> | <p>Incorporate good design features:</p> <ul style="list-style-type: none"> • Unobstructed views to and from front yards. • Avoid hiding and entrapment spaces. • Have good lighting and security. |
| <p>A-2.13 Additional Notes and Provisions</p> | <ul style="list-style-type: none"> • Many types of ancillary development may be undertaken without Council approval if criteria of the <i>State Environmental Planning Policy (Exempt and Complying Development) 2008</i> is met. • Rural Lots must have a dwelling opportunity. • Dwellings on Industrial land are not permitted. • Access to rear lanes may not be permitted or lane widening requirements may apply. • Construction works are to have a Waste Minimisation and Management Plan. <p>Secondary Dwelling Incentives-</p> <ul style="list-style-type: none"> • Council and Rous Water offer financial incentives for Secondary Dwellings in certain circumstances. See Chapter A-2.13 for details. |

Richmond Valley Development Control Plan 2015

Part A-2. Dual Occupancy and Secondary Dwellings

This DCP applies to all land within the Richmond Valley Local Government Area.

Date adopted by Council:
22 December 2015

Effective Date:
4 January 2016

Amendments:
Nil

Dual Occupancy and Secondary Dwellings are important contributors to housing stock and choice. Both styles of housing involve two dwellings being located on a single parcel of land, however there are subtle differences.

Secondary dwellings are established in conjunction with a principal dwelling; they are limited in size; and they may not be subdivided from the principal dwelling. Secondary dwellings are commonly referred to as "Granny Flats".

Dual occupancy may be subdivided either by Strata Titled, or Torrens Titled in certain situations.

The following land use definitions apply to development in this Part.

Dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

Dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

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.

A-2.1 Visual and Amenity Impacts

Objectives

- (1) To ensure dwellings are sympathetic to the existing streetscape and consistent with the pattern of existing development.
- (2) To ensure dwellings have regard for important features of the street and other dwellings.
- (3) To encourage liveable dwellings having privacy, functionality and comfort to occupants.

Controls

- (1) Visual Impact can be improved by considering how the dwelling fits into the existing pattern and form of dwellings in the street.

Bulk and Form

- (2) Dwellings should be consistent with the bulk and form of others, particularly immediately adjoining and adjacent the lot. Consistency with existing streetscape can include:
 - Ø Overall scale and height, roof forms and pitch
 - Ø Materials of external front walls
 - Ø Street setbacks and spacing between buildings
 - Ø The orientation and placement of patios, porches, balconies and decks.

Character and Amenity

- (3) The following features should be considered:
 - Ø Overall architectural style (e.g. 'Victorian', 'Federation', 'Bungalow', 'Brick & Tile' etc.).
 - Ø Maintaining existing Building lines and setbacks.
 - Ø Finishes and decorative detailing (e.g. collar ties, finials, verandah brackets, balustrades, window mouldings, colour).
 - Ø Architectural features (e.g. verandahs, windows, awnings).
 - Ø Heritage items and/or heritage conservation areas need careful consideration. See Chapter I-1 Heritage for further information.

Scenic Amenity

- (4) Dwellings in rural areas and prominent locations are to consider visual impacts in relation to the environment, views from other dwellings and from public spaces. The following measures are required to mitigate impacts on scenic amenity:
 - Ø Where the siting of the dwelling will involve the removal of more than 1000m² of vegetation. This includes Bushfire requirements such as an Asset Protection Zone and any clearing associated with road access. Also see Chapter H-4 – Natural Resource Sensitivity.
 - Ø Where the dwelling is on a ridgeline, coastline, headland or other highly exposed feature.
 - Ø View loss is to be considered in accordance with the *Land and Environment Court Planning Principles*, where views from other

dwellings or public spaces are likely to be impacted. The applicant may be required to submit a view loss assessment.

- ∅ Where the dwelling and associated development will be visible at a distance of 1 kilometre.
- ∅ In areas of high scenic value, materials shall be non-contrasting and non-reflective. Colours such as muted green, grey and brown are to be used.
- ∅ Landscaping and vegetation planting may be used to screen the dwelling.

Articulation zone – Building features permitted forward of the Building Line

- (5) The Articulation Zone is an area measured 1.5m forward of the Building Line in which features such as entrances, porticos, bay windows, verandas, terraces or similar elements that enhance the buildings appearance may be located. This relaxation of the building line allows for building elements to provide interesting and decorative features to the frontage, to improve residential design and break up possible bland facades.
- (6) Building features within the Articulation Zone will be permitted where:
 - (a) The dwelling is fronting the primary road, and
 - (b) the feature is at least 4.5m from the road boundary and not more than 1.5m forward of the Building Line, and
 - (c) the feature does not exceed 7m² and is not higher than the roof, and
 - (d) the feature is not a short wall.

Building features facing the primary road

- (7) The front elevation of a dwelling must:
 - (a) have an entrance and a window facing the street, and
 - (b) the window must be at least 4m² for a living or bedroom area, and
 - (c) any garage doors are to be set back 1m from the main front wall of the dwelling, excepting where the garage is setback at least 7m from the road boundary, and
 - (d) at least 50% of the area forward of the building line must be set aside for landscaping.

Reducing the impact of continuous walls

- (8) A front wall may not exceed 5m in length without a building feature (excluding garage or carport doors).
A side wall may not exceed 14m in length without a building feature.
- (9) A building feature may involve recessing the wall or embellishing it with screening or other features to lessen the visual and 'bulky' impact of a continuous wall.

Impacts from possible conflicting land uses

- (10) Lots near the Pacific Highway or proposed Highway corridor, or the North Coast Railway may need to consider requirements of *State Environmental Planning Policy (Infrastructure) 2007* and *Development near Rail Corridors*

and *Busy Roads Interim Guideline* published by the NSW Department of Planning.

Dwellings near industrial, commercial and some rural activities need to consider potential impacts on amenity including, noise, dust, odours and the like.

Further information is provided in Part I-11 Land Use Conflict Risk Assessment.

A-2.2 Maximum Site Cover

Objectives

- (1) To ensure the density of residential development is appropriate to the scale and character of each location.
- (2) To ensure minimum open space areas are provided around dwellings.

Controls

Dual Occupancy

- (1) Maximum site cover (including maximum roofed area & minimum open space) for dual occupancies is shown in the following tables:

Table A-2.1 Maximum Site Cover for Dual Occupancy

| DCP Area | Maximum Site Cover | Total Roofed Cover | Open Space |
|--------------------------|--------------------|--------------------|------------|
| L1 – Low Density | 55% | 70% | 30% |
| M1 – Low Medium Density | 55% | 70% | 30% |
| M2 – High Medium Density | 60% | 70% | 30% |

- (2) Building features attached to the dwellings may be excluded from site cover where:
 - (a) they are not enclosed by more than 30%, for example open patios, entrances, carports, decks etc., and
 - (b) they result in not more than 70% of the lot area being covered by roofed structures.
- (3) On a battle axe lot the area of any access handle is to be excluded from the Lot area.
- (4) Maximum site cover may not be achieved in all situations and may be limited by the ability to provide Open Space. A minimum 30% Open Space is required to be set aside on every lot.

Secondary Dwellings

- (5) See Chapter A-1.2 for details on maximum site cover for dwelling houses (the principal dwelling).
No additional site cover standards apply to the secondary dwelling as long as it's floor area does not exceed:
 - (a) 60 square metres, or

- (b) 25% of the total floor area of the principal dwelling, whichever is the greater. This standard is set by Clause 5.4(9) of the LEP.

A-2.3 Minimum Lot Sizes

Objectives

- (1) To achieve planned residential density in certain zones.
- (2) To ensure the density of residential development is appropriate to the scale and character of each location.
- (3) To ensure a variety and choice of housing is available.
- (4) To ensure there is sufficient land area available for developments to manage on-site wastewater, where necessary.

Controls

Dual Occupancy

- (1) The minimum lot size required for a dual occupancy is shown in the following table.

Table A-2.3 Minimum Lot Size for Dual Occupancy

| DCP Area | Attached | Detached |
|-----------------------------|-------------------|-------------------|
| R1 General Residential | 400m ² | 600m ² |
| RU5 Village | 400m ² | 600m ² |
| RU1 Primary Production | 1.5ha | 1.5ha |
| R5 Large Lot Residential | 1.5ha | 1.5ha |
| E3 Environmental Management | 5ha | NA |

- (2) Clause 4.1C of the *Richmond Valley Local Environmental Plan 2012* permits a constructed detached dual occupancy, on Urban land (Zones R1 and RU5), to be subdivided by a Torrens Title subdivision, where each dwelling following subdivision will be located upon a lot having a minimum 350m² of area. In this situation the minimum lot size for the dual occupancy would need to be 700m².

Each lot will need to be separately serviced by reticulated water, sewer and stormwater, and comply with minimum setback requirements.

Secondary Dwellings

- (3) The minimum lot size required for a secondary dwelling is shown in the following table.

Table A-2.4 Minimum Lot Size for Secondary Dwellings

| DCP Area | Attached | Detached |
|--------------------------|------------|-------------------|
| R1 General Residential | No minimum | 450m ² |
| RU5 Village | No minimum | 450m ² |
| R5 Large Lot Residential | 1 ha | 1 ha |

A-2.4 Front Building Line, Side and Rear Setbacks

Objectives

- (1) To ensure consistency of development in residential areas and maintain streetscape character.
- (2) To retain land forward of the dwelling for landscaping and creation of attractive streetscapes.
- (3) To provide sunlight, privacy, and space between buildings.
- (4) To provide safe vehicle egress from properties.

Controls

Building Lines

- (1) Dwellings in the following zones must be setback, from the boundary with a primary road frontage, a minimum distance of:

| | |
|------------------------------------|-----------|
| Zone R1 – General Residential Zone | 6 metres |
| Zone RU5 – Village | 6 metres |
| Zone R5 – Large Lot Residential | 20 metres |
| Zone RU1 – Primary Production | 20 metres |
| Zone E3 – Environmental Management | 20 metres |

- (2) Despite subclause (1) the following building lines will apply:
 - (a) garages and sheds attached to dwellings are required to be setback an additional 1m behind the Building line, and
 - (b) in zones R1 and RU5 the opening or roller door of a detached shed, carport or garage to a secondary road must be a minimum of 5.5m from the road boundary, and
 - (c) where a building line variation has been granted.

(3) Variation to the Building Line

Variation to the building line is possible in restricted circumstances. Part I-3-Setbacks and Building Height provides details on when variations can be supported.

A variation may be possible for:

- (a) lots with more than one road frontage—a 50% variation to the Building line is permitted for any secondary road frontage, excluding classified roads, and
- (b) where adjoining properties are located forward of the building line—averaging of those setbacks may be applied, and
- (c) Articulation Zone features.

Side and Rear Setbacks

- (4) Land in the following zones must be setback from side and rear boundaries a minimum distance of:

| | |
|------------------------------------|----------|
| Zone R1 – General Residential Zone | 900mm |
| Zone RU5 – Village | 900mm |
| Zone R5 – Large Lot Residential | 5 metres |
| Zone RU1 – Primary Production | 5 metres |
| Zone E3 – Environmental Management | 5 metres |

- (5) Despite subclause (4) the following minimum setbacks will apply:
- (a) Lots adjoining a foreshore—either 15m in urban zones, or 40m in other zones.
 - (b) Setbacks on roads subject to lane widening—shall be increased by the width of land to be resumed as part of the widening.

Increased Setbacks

- (6) The setbacks provided in this Section are a minimum requirement. In some cases greater setbacks may be required, for example:
- (a) Planning for Bushfire Protection may require increased setbacks on Bushfire Prone Land.
 - (b) Buffers may be required to separate conflicting land uses, e.g. dwellings from industries or rural activities.

Further details are provided in Part I-3-Setbacks and Building Height and Part I-11 - LUCRA.

Separation of Detached Dwellings on a lot

- (7) Detached Dual Occupancies require a minimum of 1.8m separation measured from the external wall of each dwelling. Eaves between each dwelling shall have a minimum 1.35m separation.
- (8) Rural Dual Occupancy within Zones RU1 and R5 must:
- (a) have a separation between each dwelling of not more than 100 metres, and
 - (b) not impair the use of the land, or adjoining land, for agriculture or rural industries, and
 - (c) each dwelling must use the same vehicular access to and from a public road, and
 - (d) the land must be physically suitable for the development, and
 - (e) the land must be capable of accommodating the on-site disposal and management of wastewater, and
 - (f) the development will not have an adverse impact on the scenic amenity or character of the rural environment, and
 - (g) if located upon Bushfire Prone Land, must meet requirements of *Planning for Bushfire Protection 2006*.

A-2.5 Height of Buildings

Objectives

- (1) To describe the maximum height of dwellings in terms of Building Height and Building Height Plane.
- (2) To ensure the height of buildings compliments the streetscape and character of the area.
- (3) To ensure buildings do not unreasonably impact by way of overshadowing, privacy or disruption of views.
- (4) To ensure buildings are setback progressively from side and rear boundaries as height increases.

Controls

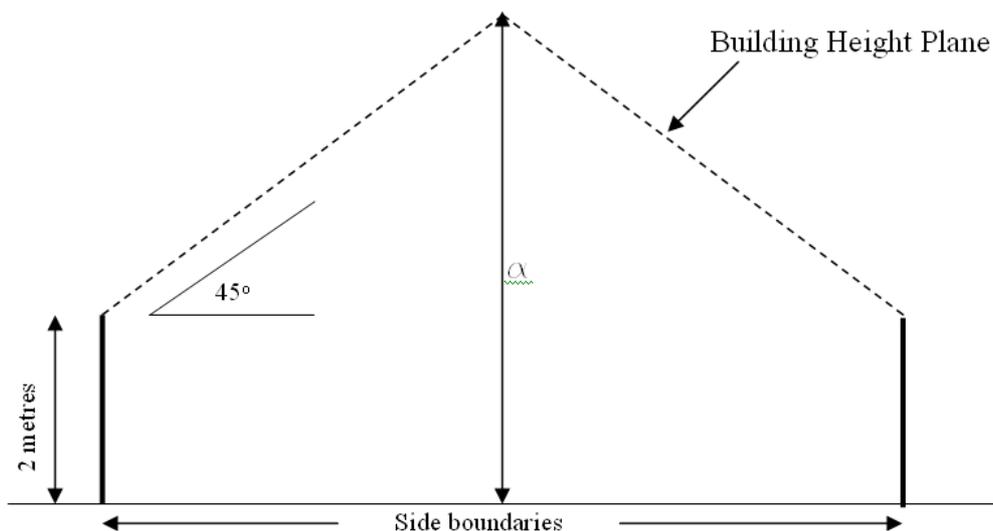
Maximum Height of Buildings

- (1) The maximum height a dwelling may be built (MBH) is shown in the Height of Buildings Map in *Richmond Valley Local Environmental Plan 2012*.
 - (a) Generally the maximum height is 8.5m.
 - (b) Some areas of Evans Head and South Casino have 9.5m maximum.

Building Height Plane

- (2) The building height plane, see Figure A-1.1, is an imaginary ceiling over a lot under which all construction must be located.

Further detail on the building height plane is provided in Chapter I-3 Setbacks and Building Heights.



α is the maximum building height, up to the LEPs MBH

Figure A-1.1 Building Height Plane

(3) **Exceptions and Variations to the Building Height Plane**

Despite subclause (2) the following exceptions to the Building Height Plane apply:

- (a) Eaves and gutters up to a maximum of 700mm from the external wall.
- (b) Open form or translucent balustrading.
- (c) Minor climate control features that do not impact adjoining properties.
- (d) Buildings on slopes >8 degrees, may have encroachments on the north and east elevations where:
 - Ø the wall is less than 6.5m high, from the existing ground level to the wall/eave junction, and
 - Ø the encroachment is at least 1.2m from a side and/or rear boundary.
- (e) On land affected by a Flood Planning Level—the Building Height Plane will be measured from the 1 in 100 year flood level (instead of natural ground), however shadow cast onto adjoining land must be considered.
- (f) Single storey outbuildings with a gable end roof or similar roof design, may encroach where:
 - Ø the wall height is a maximum 2.9m, and
 - Ø the wall length is no longer than 10m, and
 - Ø the roof slope is <25°.
- (g) A variation has been granted in accordance with Part I-3.8.

A-2.6 Landscaped and Private Open Space

Objectives

- (1) To ensure landscaping is provided to the street frontage, to enhance the character of the streetscape and define areas of private and public land.
- (2) To ensure functional private open space is provided and integrated with the dwelling.
- (3) To soften development, create privacy, amenity and visual appeal of development.
- (4) To enable infiltration of stormwater.

Controls

Open Space

- (1) Dwellings must provide 30% of the lot area as Open Space.
Open Space includes Landscape Open Space and Private Open Space.

Landscape Open Space

- (2) Landscape Open Space is the area of pervious surfaces. It includes gardens and lawns as well as gravel or similar surfaced areas that allow infiltration. Landscape open space is required to be:
 - (a) At least 10% of the area of the lot, inclusive of
 - (b) a lawn and/or garden area being at least 50% of the area forward of the building line (between the dwelling and the road boundary).

Private Open Space

- (3) Dual Occupancy - Private Open Space is an area set aside for the private enjoyment of residents. Private Open space may include areas of lawn, gardens, decks and patios. Private Open Space must meet the following requirements:
 - (a) be directly accessible from a living area in the dwelling, and
 - (b) be a minimum area of 25m², and
 - (c) be a minimum of 3m wide.
- (4) Secondary dwellings are not required to provide additional Private Open Space.

A-2.7 Carparking, Access, and Driveways

Objectives

- (1) To provide for the efficient and safe movement of vehicles.
- (2) To ensure on-site car parking is provided within the property and designed to complement the streetscape.

Controls

Car Parking

- (1) Minimum parking requirements are shown in the following table:

| Land Use | Parking Rate |
|----------------------------------|---|
| Residential Accommodation | |
| Dual Occupancy | 1 per dwelling, plus 1 visitor space; or 2 per dwelling (where the development will be Torrens Title subdivided)(1 space per dwelling may be stack parked) |
| Secondary Dwelling | 2 for the Primary Dwelling, with no additional parking required for the Secondary Dwelling |

One stacked parking space only may be considered forward of the building line. A stacked parking space is to be located on the driveway in front of the garage. It is permitted where:

- (a) the space is located wholly within the property boundaries, and
 - (b) it will not interfere with pedestrian access or landscaped open space requirements, and
 - (c) it is a hard stand only and not part of any structure e.g. carport, shed, detached garage.
- (2) Garages and sheds attached to dwellings are required to be setback an additional 1m behind the building line.
The opening or roller door of a detached shed, carport or garage must be setback a minimum of 5.5m from any secondary road boundary.
 - (3) Spaces are to be constructed of an all-weather surface such as concrete or gravel.

Access and Driveways

- (4) Generally 1 access per street or lane frontage is allowed. If there is sufficient lot width and a suitable road, 2 accesses may be allowed.
Each access must be designed in accordance with the *Northern Rivers Local Government Development, Design and Construction Manual*, or as otherwise specified by Council.
- (5) Works in a road reserve require approval under section 138 of the *Roads Act 1993*. Works to construct or maintain vehicular access to private property shall be conducted in accordance with Council's Vehicular Accessway Policy and specifications.
- (6) Infrastructure may be required, or existing infrastructure upgraded, including:
 - (a) Layback, dish or pipe guttering,
 - (b) kerb and driveway - light duty aprons,
 - (c) repair to any road, footpath, or services damaged as a result of construction works.

A-2.8 Subdivision of Dual Occupancy

Objectives

- (1) To describe the subdivision opportunities for Dual Occupancy development.
- (2) To exclude Rural Dual Occupancy from this clause.

Controls

- (1) Dual Occupancy on land Zoned R5, RU1, or E3 may not be subdivided.
- (2) Dual Occupancy on land Zoned R1 and RU5 may be subdivided subject to the following:
 - (a) Strata Subdivision:
 - Ø visitor parking spaces must form part of the common property.
 - (b) Torrens Title Subdivision of detached dual occupancy is permitted in accordance with clause 4.1C of *Richmond Valley Local Environmental Plan 2012* where:
 - Ø the dual occupancy has been constructed, and
 - Ø each resulting lot contains a dwelling house and will be a minimum 350m², and
 - Ø each lot will have separate access and a minimum of two compliant carparking spaces, and
 - Ø each lot will have separate mains connections to water, sewage and stormwater in accordance with Council requirements, and
 - Ø each dwelling will conform to minimum setbacks and building height planes, and
 - Ø each lot will have equitable division of open space or, satisfy the minimum dwelling house requirements relating to open space.

A-2.9 Hazards and Constraints

Objectives

- (1) To provide for the protection of human life and minimise impacts on property from bushfires, floods and other hazards.
- (2) To ensure effective management of areas affected by bushfire, flooding, acid sulfate soils, contaminated land and to protect the environment.
- (3) Identify each of the Natural Resource Sensitivities mapped within the LEP.

Controls

Flooding

- (1) The floor level of habitable rooms is to be above the 1 in 100 year ARI flood event plus a 500mm freeboard (the Flood Planning Level).
- (2) New residential development is not permitted where the flood depth of a 1 in 100 year ARI flood event is greater than 2m, excepting:
 - (a) for minor extensions to existing dwellings, or
 - (b) in justifiable circumstances, such as where an existing dwelling must be rebuilt after it has been damaged.
- (3) Flood Mapping is available on request. In areas outside current flood modelling, information will be provided where available.

For properties outside a modelled area, the proponent may be required to predict the flood planning level by conducting a localised flood assessment using anecdotal evidence of past flood heights.

Bushfire

- (4) Dwellings must comply with the NSW Rural Fire Service's publication *Planning for Bush Fire Protection (2006)*, and *Australian Standard AS3959-1999 Construction of Buildings in Bush Fire Prone Areas*.
 - (a) Applications to build in BAL-40 or a Flame Zone, or providing for any alternative solution, will be referred to the District RFS Fire Control Centre for approval.
 - (b) Applications to build in BAL-Low, BAL-12.5, BAL-19, and BAL-29 that conform to acceptable solutions can be determined by the Council.

NSW Rural Fire Service has extensive information available on their website about building in Bush Fire Prone areas, including assessment and submission requirements.

Further details are provided in Part H-2 Bush Fire Prone Land.

Acid Sulfate Soils (ASS)

- (5) Excavation works in certain areas have the potential to disturb Acid Sulfate Soils. Land subject to ASS constraints is shown on the LEP Acid Sulfate Soils Map, along with the Class of ASS Hazard.

Clause 6.1 of *Richmond Valley Local Environmental Plan 2012* and Part H-3 Acid Sulfate Soils provides further information.

The table below shows when further assessment of acid sulfate soils is required:

| Class of land | Works |
|---------------|---|
| 1 | Any works. |
| 2 | Works below the natural ground surface. Works by which the watertable is likely to be lowered. |
| 3 | Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface. |
| 4 | Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface. |
| 5 | Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. |

Coastal Development

- (6) Clause 5.5 of *Richmond Valley Local Environmental Plan 2012* identifies issues associated with development in the coastal zone. Development must have regard for:
- (a) public access to or along the foreshore, and
 - (b) impacts on the environment, and
 - (c) impacts associated with coastal hazards.

Contaminated Lands

- (7) Contaminated lands will require remediation to a level compatible with a residential land use.

Where a land use history assessment (Preliminary Assessment) indicates the potential for contamination, sampling and analysis may be required.

Development on potentially contaminated land is to be undertaken in accordance with the Regional Policy for the *Management of Contaminated Land*, and *SEPP55 Remediation of Land*.

Natural Resource Sensitivity

- (8) *Richmond Valley Local Environmental Plan 2012* includes overlay mapping, and contains several clauses, relating to management of natural resources. These are:
- ∅ Terrestrial Biodiversity Map—representing native vegetation and habitat (wildlife) corridors - LEP clause 6.6.
 - ∅ Landslip Risk Map—representing steep land with slopes greater than 18 degrees (33%) - LEP clause 6.7.
 - ∅ Riparian Lands and Watercourses Map—representing key fish habitat plus a 40 metre buffer -LEP clause 6.8
 - ∅ Drinking Water Catchments Map—representing the watershed catchment for Casino's Jabour Weir, and a 500 metre buffer area around each of the Rous Water Groundwater Bores at Woodburn - LEP clause 6.9, and
 - ∅ Wetlands Map—representing wetlands and floodplain wetland vegetation communities - LEP clause 6.10.

The extent the resource is to be considered in an application varies based upon the sensitivity of the resource and the level of impacts.

Further details are provided in Part H-4 – Natural Resource Sensitivity (NRS).

A-2.10 Water, Stormwater and Sewage

Objectives

- (1) To ensure all development is adequately serviced by water, sewer and stormwater infrastructure.
- (2) To ensure that development is located and designed so that it will not impact upon existing infrastructure.

Controls

Stormwater

- (1) All dwellings must:
 - (a) connect to urban water, sewer & stormwater infrastructure where provided,
 - (b) install a rainwater tank being a minimum 5,000 litres connected to the dwelling, and
 - (c) have a minimum 80% of impermeable surface area diverted to an infiltration area e.g. lawn or garden areas, or water tank.

Erosion and sediment controls are to be implemented during construction to prevent sediment and pollution leaving the site.

Part I-9 Water Sensitive Urban Design provides further details.

Sewage

- (2) Each dwelling is to have adequate arrangements for the disposal of wastewater:
 - (a) Dwellings serviced by reticulated town sewer—All greywater and toilets are required to be connected to sewer infrastructure, subject to any Council requirements, or
 - (b) Dwellings not serviced by reticulated town sewer—are to have an approved onsite sewage management facility designed in accordance with Council's *Onsite Sewage and Wastewater Strategy* and associated guidelines.

Water Supply

- (3) Each dwelling is to have a suitable potable water supply being:
 - (a) Dwellings serviced by reticulated town water—connection to a reticulated water supply is required unless a solution meeting NSW Health requirements can be demonstrated, or
 - (b) Dwellings not serviced by reticulated town water—a minimum 60,000 litres of potable water supply per dwelling.
- (4) Where reticulated water is unavailable, an additional water source is to be provided that is dedicated for firefighting purposes:
 - (a) land having an area <2ha—a minimum 10,000 litres per dwelling, or
 - (b) land having an area =>2ha—a minimum 20,000 litres per dwelling.

Tanks and fittings are to be installed as per appropriate Australian Standards, and *Planning for Bushfire Protection 2006*.

Underground infrastructure

- (5) All development is to be a minimum of 1.5 metres clear of infrastructure. Footings are to be engineered for increased depth and structural adequacy where the footings will be located within the Zone of Influence.
- Zone of Influence** is an area either side of an underground pipe where it is considered that a structure may impose a load through the ground onto the pipe, or where settlement or excavation of the pipe trench may cause damage to a structure. The gradient of the zone of influence extends upwards to the ground surface from the pipe at an angle of 45 degrees for clay soils, or 30 degrees for sandy soils.

A-2.11 Earthworks and Retaining Walls

- (1) Applications involving earthworks and retaining walls must:
- (a) provide details of the extent of all cut and fill, and
 - (b) where fill is greater than 600mm high provide geotechnical certification to verify the structural stability of any fill material, and
 - (c) not redirect the flow of any surface water or ground water in a concentrated manner onto an adjoining property, and
 - (d) be located a minimum of:
 - Ø 1m from any registered easement, and
 - Ø 1.5m from any Council sewer main, water main, or stormwater pipeline, and
 - (e) have footings extend below the Zone of Influence for any sewer main, water main, or stormwater pipeline, and
 - (f) have adequate drainage lines connected to the existing stormwater drainage system for the site, and
 - (g) retaining walls must be of masonry construction and have engineering certification if:
 - Ø 900mm or higher in height, or
 - Ø if located within 900mm of a boundary, and
 - (h) if the fill is imported to the site—be free of building and other demolition waste, and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*.

A-2.12 Safety and Security

- (1) Safety considerations and principles are particularly important for residential design. Safety and security considerations are referred to as *Crime Prevention Through Environmental Design* (CPTED) and are outlined in detail in Chapter I-10.

- (2) Good design features include:
 - (a) the ability for occupants or people in the street to view their surroundings well (natural surveillance) e.g. windows from living areas and entranceways focused on the front street.
 - (b) avoiding hiding and entrapment areas e.g. recesses, high solid fencing, dense landscape.
 - (c) gardens should be designed to include low growing plants (less than 600mm) combined with larger trees with canopies higher than 1.8m.
 - (d) good lighting and security.

A-2.13 Additional Notes and Provisions

Exempt and Complying Development

- (1) *State Environmental Planning Policy Exempt and Complying Development Codes (2008)* provides for many types of development to be carried as either exempt or complying development.

The policy can be downloaded at the NSW Legislation website and much information is available on the Department of Planning & Environment's website at <http://www.planning.nsw.gov.au/>

As long as the proposed works meet all of the relevant Policy development standards, development approval from Council may not be needed. Please contact Council staff for further information.

Rural Lots – Dwelling Opportunity

- (2) Rural Lots must have a Dwelling Opportunity to be able to apply to construct a dwelling house.

Information about Dwelling Opportunities is available:

- (a) on the Dwelling Opportunity Map in *Richmond Valley Local Environmental Plan 2012*
- (b) a Section 149(5) planning certificate; or
- (c) by submitting a Property Information Enquiry request (subject to payment of fees).

Lane Widening and Access

- (3) Primary access to laneways will not be permitted, however secondary access may be permitted where the lane is suitable.

Access to rear lanes may be subject to upgrading the land including dish drains/guttering, crossings and surface sealing. Upgrading of rear lane access shall be in accordance with Council's Policy – Vehicular Accessway, or any succeeding documentation.

Council will assess the need for road widening or re-alignment when considering a development application for the land.

Refer to Part I-15 for further information.

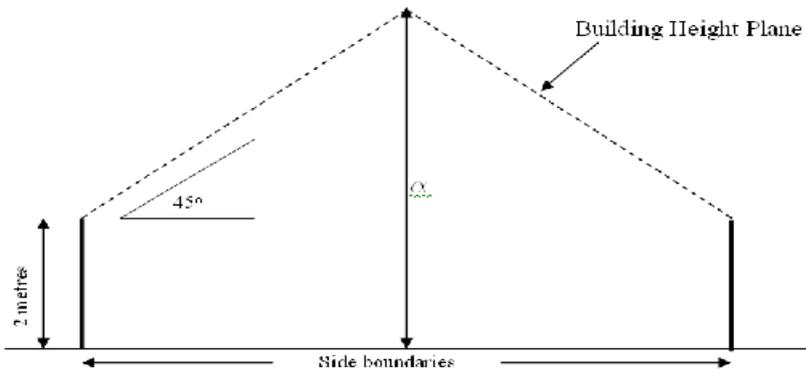
Waste Minimisation and Management

- (4) Prior to construction, a dwelling must have a Waste Management Plan submitted and approved in accordance with *Richmond Valley Council Waste Minimisation and Management Policy*.

Richmond Valley Development Control Plan 2015

Part A-3. Multi Dwelling Housing and Residential Flat Buildings – (Summary Table)

| <p>A-3.1 Visual Impact</p> | <p>Multi dwelling housing and residential flat buildings are to be consistent with the streetscape. Particular attention is to be given to dwellings adjoining a heritage item or in a heritage conservation area.</p> <p>Visual & Amenity Impact considerations include:</p> <ul style="list-style-type: none"> (a) bulk and form, character and amenity, (b) scenic amenity and view loss impacts, (c) building features fronting the street (articulation zone features), (d) reducing continuous walls, and (e) conflicting land uses. | | | | | | | | | | | | | | | | | | | | |
|--|---|-------------------------|-----------------------------|--------------------------|-----------------------------|----------|--------------------|--------------------|------------|-------------------------|-----|-----|-----|--------------------------|-----|-----|-----|-------------------|-----|-----|-----|
| <p>A-3.2 Density & Maximum Site Cover</p> <p>Low Medium M1</p> <p>High Medium M2</p> <p>High Density – H1</p> | <p>Multi dwelling housing and residential flat buildings are permissible within M1, M2 and H1 designated areas in Zones R1 – General Residential and RU5 – Village Zones.</p> <p>The following densities are a guide only. It is based on a standard 3 bedroom unit. The density may be relaxed if other DCP controls are achieved and a good overall design is demonstrated:</p> <table border="1" style="margin-left: 40px;"> <tr> <td>M1 – Low Medium Density</td> <td>335 m² per unit</td> </tr> <tr> <td>M2 – High Medium Density</td> <td>250 m² per unit</td> </tr> </table> <p>The maximum site cover is the area within the enclosing walls of the building(s) and includes attached outdoor areas if they are enclosed by more than 30%.</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th>DCP Area</th> <th>Maximum Site Cover</th> <th>Total Roofed Cover</th> <th>Open Space</th> </tr> </thead> <tbody> <tr> <td>M1 – Low Medium Density</td> <td>55%</td> <td>70%</td> <td>30%</td> </tr> <tr> <td>M2 – High Medium Density</td> <td>65%</td> <td>70%</td> <td>30%</td> </tr> <tr> <td>H1 – High Density</td> <td>65%</td> <td>70%</td> <td>30%</td> </tr> </tbody> </table> <p><i>Note.</i> Density areas are shown on the Residential Density Maps</p> <p>Developments exceeding three storeys may only be proposed within areas with a building height limit of 14 metres.</p> | M1 – Low Medium Density | 335 m ² per unit | M2 – High Medium Density | 250 m ² per unit | DCP Area | Maximum Site Cover | Total Roofed Cover | Open Space | M1 – Low Medium Density | 55% | 70% | 30% | M2 – High Medium Density | 65% | 70% | 30% | H1 – High Density | 65% | 70% | 30% |
| M1 – Low Medium Density | 335 m ² per unit | | | | | | | | | | | | | | | | | | | | |
| M2 – High Medium Density | 250 m ² per unit | | | | | | | | | | | | | | | | | | | | |
| DCP Area | Maximum Site Cover | Total Roofed Cover | Open Space | | | | | | | | | | | | | | | | | | |
| M1 – Low Medium Density | 55% | 70% | 30% | | | | | | | | | | | | | | | | | | |
| M2 – High Medium Density | 65% | 70% | 30% | | | | | | | | | | | | | | | | | | |
| H1 – High Density | 65% | 70% | 30% | | | | | | | | | | | | | | | | | | |

| | |
|--|--|
| <p>A-3.3 Buildings 3 or more storeys and with 4 or more dwellings</p> | <p><i>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</i> applies. The state policy prevails if inconsistent with this Control Plan.</p> <p>Development is to comply with NSW Department of Planning's <i>Apartment Design Guide</i> and will be referred to a Design Review Panel where applicable.</p> |
| <p>A-3.4 Building Line and Setbacks</p> | <p>Building Line is a minimum 6 metres, (attached garages are to be setback at least 7 metres).</p> <p>Side setback is a minimum 2.5 metres.</p> <p>Rear setback is a minimum 3.0 metres.</p> <p>Any building height exceeding three (3) storeys must be set back a minimum of six (6) metres from the side and rear boundaries from the ceiling height of the second storey up.</p> <p>Decreased setbacks are permitted on: secondary frontages; where adjoining properties are forward of the building line; and for articulation zone features. The articulation zone (4.5–6m setback from the front boundary) allows a building feature (up to 7m²), or two features (up to 5m² each) to enhance the design and streetscape.</p> <p>Increased setbacks are required for: Foreshores; Planning for Bushfire Protection; conflicting land uses; an attached garage; and detached garages facing secondary roads.</p> |
| <p>A-3.5 Building Height Plane</p> | <p>The LEP defines the maximum building height (MBH) as generally 8.5m, with exceptions in limited locations at Evans Head and South Casino (9.5m), and central Casino (14m).</p> <p>In addition, a building height plane applies. This is measured 2.0m up from the property boundary, thence at an angle of 45° towards the centre of the lot. Development is to be contained within the building height plane excepting for encroachments identified in Part I-3.7 and I-3.8.</p>  <p>α is the maximum building height, up to the LEPs MBH</p> |

| <p>A-3.6 Open Space – Landscaped and Private</p> | <p>Open Space includes Landscape Open Space and Private Open Space.</p> <table border="1" data-bbox="421 264 1420 947"> <tr> <td colspan="2" data-bbox="421 264 1420 416"> <p>Open Space - must be 30% of the lot area. Includes outdoor areas e.g. gardens, lawns, driveways, paths, unenclosed decks, patio's, etc.</p> </td> </tr> <tr> <th data-bbox="421 416 908 495">Landscape Open Space (lawns and gardens)</th> <th data-bbox="908 416 1420 495">Private Open Space (includes unenclosed decks etc.)</th> </tr> <tr> <td data-bbox="421 495 908 947"> <ul style="list-style-type: none"> • minimum 10% of the total lot area, inclusive of • minimum 50% of the area forward of the building line. • A Landscaping Plan is required. </td> <td data-bbox="908 495 1420 947"> <ul style="list-style-type: none"> • Ground floor units: <ul style="list-style-type: none"> - minimum 25m², and - directly accessible from an indoor living area, and - minimum 3m wide. • Upper floor unit: <ul style="list-style-type: none"> - minimum 7m² balconey, and - directly accessible from an indoor living area, <p>Or</p> <ul style="list-style-type: none"> • Consideration of quality communal space can be given. </td> </tr> </table> | <p>Open Space - must be 30% of the lot area. Includes outdoor areas e.g. gardens, lawns, driveways, paths, unenclosed decks, patio's, etc.</p> | | Landscape Open Space (lawns and gardens) | Private Open Space (includes unenclosed decks etc.) | <ul style="list-style-type: none"> • minimum 10% of the total lot area, inclusive of • minimum 50% of the area forward of the building line. • A Landscaping Plan is required. | <ul style="list-style-type: none"> • Ground floor units: <ul style="list-style-type: none"> - minimum 25m², and - directly accessible from an indoor living area, and - minimum 3m wide. • Upper floor unit: <ul style="list-style-type: none"> - minimum 7m² balconey, and - directly accessible from an indoor living area, <p>Or</p> <ul style="list-style-type: none"> • Consideration of quality communal space can be given. |
|---|--|--|--|---|--|---|--|
| <p>Open Space - must be 30% of the lot area. Includes outdoor areas e.g. gardens, lawns, driveways, paths, unenclosed decks, patio's, etc.</p> | | | | | | | |
| Landscape Open Space (lawns and gardens) | Private Open Space (includes unenclosed decks etc.) | | | | | | |
| <ul style="list-style-type: none"> • minimum 10% of the total lot area, inclusive of • minimum 50% of the area forward of the building line. • A Landscaping Plan is required. | <ul style="list-style-type: none"> • Ground floor units: <ul style="list-style-type: none"> - minimum 25m², and - directly accessible from an indoor living area, and - minimum 3m wide. • Upper floor unit: <ul style="list-style-type: none"> - minimum 7m² balconey, and - directly accessible from an indoor living area, <p>Or</p> <ul style="list-style-type: none"> • Consideration of quality communal space can be given. | | | | | | |
| <p>A-3.7 Carparking and Access</p> | <p>Minimum:</p> <ul style="list-style-type: none"> • 1 space per dwelling < 150m² GFA, plus • 1.5 space per dwelling > 150m² GFA, plus • 1 visitor space per 4 dwellings (or part thereof). <p>Spaces to be located behind the building line.</p> <ul style="list-style-type: none"> • Garages to be at least 7m from primary road boundary or 5.5m from secondary road boundary. • Vehicles to enter and leave in a forward direction. • Generally one access per street frontage. | | | | | | |
| <p>A-3.8 Hazards</p> | <p>Any of the following <u>may</u> apply to the land:</p> <ul style="list-style-type: none"> • Flood – Habitable floors to be above Flood Planning Level (FPL). • Bushfire Prone Land – comply with <i>Planning for Bushfire Protection 2006</i>. • Acid Sulfate Soils (ASS) – manage ASS. • Coastal Development – see Clause 5.5 RVLEP. • Contaminated Lands – Land to be of standard compatible with residential development • Natural Resource Sensitivity – consisting of any one or more overlays: <ul style="list-style-type: none"> § Terrestrial Biodiversity (Native Vegetation and/or Wildlife Corridors) § Key Fish Habitat - referral to NSW Fisheries may be required. § Wetland - buffer of 50 metres recommended. § Steep Land - engineering required and consideration of scenic impacts. § Drinking Water Catchments – assess impacts on water quality | | | | | | |

| | |
|--|---|
| <p>A-3.9 Water, Stormwater and Sewage</p> | <ul style="list-style-type: none"> • Connect to urban infrastructure essential, and • must have a 5,000 litre rainwater tank, and • 80% hard stand areas are to be diverted to infiltration (lawn/gardens) • Stormwater management plan for larger developments. |
| <p>A-3.10 Earthworks and Retaining Walls</p> | <ul style="list-style-type: none"> • Imported fill to be VENM and have geotechnical certification. • Retaining walls to be masonry and have engineering certification if within 900mm of a boundary, or if 900mm or higher. • Not cause a concentration of surface water. • Not be located in proximity to easements, or underground infrastructure. |
| <p>A-3.11 Safety and Security</p> | <p>Incorporate good design features:</p> <ul style="list-style-type: none"> • Unobstructed views to and from front yards. • Avoid hiding and entrapment spaces. • Have good lighting and security. • Safe pedestrian pathways and connection to streets. |
| <p>A-3.12 Additional Notes and Provisions</p> | <ul style="list-style-type: none"> • When located on Bushfire Prone Land—Strata Subdivision requires referral to NSW Rural Fire Service under section 100B of the <i>Rural Fires Act 1997</i>. • Access to rear lanes may only be permitted if adequate arrangements are made to upgrade the lane, or lane widening requirements apply. • Construction works are to have a Waste Minimisation and Management Plan. |

Richmond Valley Development Control Plan 2015

Part A-3. Multi Dwelling Housing and Residential Flat Buildings

This DCP applies to all land within the Richmond Valley Local Government Area.

Date adopted by Council:
22 December 2015

Effective Date:
4 January 2016

Amendments:
Nil

Well-designed higher density housing is encouraged to provide diversity of housing choice and efficient use of land. Both multi dwelling housing and residential flat buildings are types of higher density housing.

Multi dwelling housing and Residential Flat Buildings are permitted in Zones R1 General Residential and RU5 Village.

This housing style is, however, limited to the M1 – Low-Medium Density, M2 – Medium-High Density and H1 – High Density areas.

The following definitions apply to development in this Part:

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.

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

Note. Residential accommodation (including multi dwelling housing and residential flat buildings) is prohibited in the Commercial Zones B1, B2, and B3 – however Shop Top housing is permitted. Refer to Part A4 – Shop Top Housing.

A-3.1 Visual and Amenity Impact

Objectives

- (1) To ensure development is consistent with the desired character of the area.
- (2) To contribute to the provision of a variety of dwelling types to meet population growth.
- (3) To maximise amenity, safety and security for the benefit of occupants and the wider community

Controls

- (1) Visual Impact can be improved by considering how the development fits into the existing pattern in the street and its future character. While not required for all applications the Design Quality Principals outlined in the NSW Department of Planning's *Apartment Design Guide* may be useful.

Character, Bulk and Form

- (2) Development should be consistent with the existing streetscape. This can include:
 - Ø a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings particularly in areas undergoing or identified for change.
 - Ø built form should define the public domain, contribute to the character of streetscapes and parks, including their views and vistas, and provide internal amenity and outlook.
 - Ø all parking to be contained behind the building line to achieve an attractive streetscape and functional private open space.
 - Ø entries and fences are to be designed to provide direct access and encourage activation of surrounding streets.

Scenic Amenity

- (3) Development in prominent locations is to consider visual impacts in relation to natural environment, views from other dwellings and from public spaces. The following circumstances require measures to mitigate impacts on scenic amenity:
 - Ø where the development is on a ridgeline, coastline, headland or other highly exposed feature.
 - Ø where the development may impact views from other dwellings or public spaces. View Loss is to be considered in accordance with the Land and Environment Court Planning Principals. The applicant may be required to submit a view loss assessment.
 - Ø in areas of high scenic value, materials shall be non-contrasting and non-reflective. Colours such as muted green, grey and brown are to be used.
 - Ø landscaping and vegetation planting may be used to screen the development.

Articulation zone – Building features permitted forward of the Building Line

- (4) The Articulation Zone is an area measured 1.5m forward of the Building Line in which features such as entrances, porticos, bay windows, verandas, terraces or similar elements that enhance the buildings appearance may be located. This relaxation of the building line allows for building elements to provide interesting and decorative features to the frontage, to improve residential design and break up possible bland facades.

Building features within the Articulation Zone will be permitted where:

- (a) The dwelling is fronting the primary road, and
- (b) the feature is at least 4.5m from the road boundary and not more than 1.5m forward of the Building Line, and
- (c) the feature does not exceed:
 - Ø for a single feature—7m², or
 - Ø for up to 2 features on the land—5m² for each, and
- (d) the feature is not higher than the roof, and
- (e) the feature is not a short wall.

Waste Management

- (5) The location of waste facilities is to be shown on the site plan. Suitable pick up areas are to be provided, the use of narrow street frontages for a large number of bins is to be avoided.

Waste bin storage areas are to be:

- Ø located behind the front setback area; and
- Ø adequately screened from the street, and
- Ø not to cause odour or noise impacts to neighbours.

Building features facing the primary road

- (6) The front elevation of a dwelling must:
- (a) have an entrance and a window facing the street, and
 - (b) the window must be at least 4m² for a living or bedroom area, and
 - (c) any garage doors are to be set back 1m from the main front wall of the dwelling, excepting where the garage is setback at least 7m from the road boundary, and
 - (d) at least 50% of the area forward of the building line must be set aside for landscaping.

Reducing the impact of continuous walls

- (7) A front wall may not exceed 5m in length without a building feature (excluding garage or carport doors).
A side wall may not exceed 14m in length without a building feature.
- (8) A building feature may involve recessing the wall or embellishing it with screening or other features to lessen the visual and 'bulky' impact of a continuous wall.

Impacts from possible conflicting land uses

- (9) Lots near the Pacific Highway or proposed Highway corridor, or the North Coast Railway may need to consider requirements of *State Environmental Planning Policy (Infrastructure) 2007* and *Development near Rail Corridors and Busy Roads Interim Guideline* published by the NSW Department of Planning.

Dwellings near industrial, commercial and some rural activities need to consider potential impacts on amenity including, noise, dust, odours and the like.

Further information is provided in Part I-11 Land Use Conflict Risk Assessment.

A-3.2 Maximum Site Cover

Objectives

- (1) To ensure the density of residential development is appropriate to the scale and character of each location.
- (2) To ensure a variety and choice of housing is available.
- (3) To ensure minimum open space areas are provided around dwellings.

Controls

- (1) As a general rule, the following minimum site area is required per unit:

| DCP Area | Minimum Land Area per unit |
|--------------------------|----------------------------|
| M1 – Low Medium Density | 335 m ² |
| M2 – High Medium Density | 250 m ² |

Note. The densities above are a guide only and relate to a standard 3 bedroom unit. This density may be relaxed if all other DCP controls are satisfied and good design is demonstrated.

- (2) Maximum site cover is the percentage shown in the following table.

Table A-3.1 Maximum Site Cover for Multi Dwelling Housing

| DCP Area | Maximum Site Cover | Total Roofed Cover | Open Space |
|--------------------------|--------------------|--------------------|------------|
| M1 – Low Medium Density | 55% | 70% | 30% |
| M2 – High Medium Density | 65% | 70% | 30% |
| H1 – High Density | 65% | 70% | 30% |

- (3) Building features attached to the dwelling may be excluded from site cover where:
- (a) they are not enclosed by more than 30%, for example open patios, entrances, carports, decks etc., and
 - (b) they result in not more than 70% of the lot area being covered by roofed structures.

- (4) On a battle axe lot the area of any access handle is to be excluded from the Lot area.
- (5) Maximum site cover may not be achieved in all situations and may be limited by the ability to provide Open Space. A minimum 30% Open Space is required to be set aside.

A-3.3 Buildings 3 storeys and containing at least 4 dwellings

Objectives

- (1) To advise *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development* applies to some buildings being 3 or more storeys.

Controls

- (1) *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* applies if:
 - (a) the development consists of any of the following:
 - Ø the erection of a new building,
 - Ø the substantial redevelopment or the substantial refurbishment of an existing building,
 - Ø the conversion of an existing building, and
 - (b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and
 - (c) the building concerned contains at least 4 or more dwellings.
- (2) The development is to comply with the NSW Department of Planning *Apartment Design Guide* and will be referred to a Design Review Panel where applicable.

A-3.4 Front Building Line, Side and Rear Setbacks

Objectives:

- (1) To ensure consistency of development in residential areas and maintain streetscape character.
- (2) To retain land forward of the dwellings for landscaping and creation of attractive streetscapes.
- (3) To provide sunlight, privacy, and space between buildings.
- (4) To provide safe vehicle egress from properties.

Controls:

Building Lines

- (1) Development must be setback:
 - (a) a minimum 6 metres from the front property boundary, and

- (b) for that part of any development above 3 storeys a minimum of 10 metres.
- (2) Despite subclause (1) the following building lines will apply:
 - (a) Garages and sheds attached to a building are required to be setback an additional 1m behind the Building Line.
 - (b) The opening or roller door of a detached shed, carport or garage to a secondary road must a minimum of 5.5m from the road boundary.
 - (c) Where a building line variation has been granted.

(3) Variation to the Building Line

Variation to the building line is possible in restricted circumstances. Part I-3 - Setbacks and Building Height provides details on when variations can be supported.

A variation may be possible for:

- (a) lots with more than one road frontage—a 50% variation to the Building line on any secondary road frontage, excluding any classified road, and
- (b) where adjoining properties are located forward of the building line—averaging of those setbacks may be applied, and
- (c) Articulation Zone features.

Side and Rear Setbacks

- (4) Single and two story development must be setback a minimum of the following:
 - (a) 2.5m to any side boundary, and
 - (b) 3.0m to any rear boundary
- (5) That part of any development above 3 storeys shall be setback a minimum of 6m.

Despite subclause (4) the following minimum setbacks apply:

- (a) Lots adjoining a foreshore—either 15m in urban zones, or 40m in other zones.
- (b) Setbacks on roads subject to lane widening—shall be increased by the width of land to be resumed as part of the widening.

Increased Setbacks

- (6) The setbacks provided in this Section are a minimum requirement. In some cases greater setbacks may be required, for example:
 - (a) Planning for Bushfire Protection may require increased setbacks on Bushfire Prone Land.
 - (b) Buffers may be required to separate conflicting land uses, e.g. dwellings from industries or rural activities.

Further details are provided in Part I-3 - Setbacks and Building Height and Part I-11 - LUCRA.

A-3.5 Height of Buildings

Objectives

- (1) To describe the maximum height of dwellings in terms of Building Height and Building Height Plane.
- (2) To ensure the height of buildings compliments the streetscape and character of the area.
- (3) To ensure buildings do not unreasonably impact by way of overshadowing, privacy or disruption of views.
- (4) To ensure buildings are setback progressively from side and rear boundaries as height increases.

Controls

Maximum Height of Buildings

- (1) The maximum height a dwelling may be built (MBH) is shown in the Height of Buildings Map in *Richmond Valley Local Environmental Plan 2012*.
 - (a) Generally the maximum height is 8.5m.
 - (b) Some areas of Evans Head and South Casino have 9.5m maximum.
 - (c) The High density area in proximity to the Casino CBD has a 14m maximum.

Building Height Plane

- (2) The building height plane, see figure A-3.1, is an imaginary ceiling over a lot under which all construction must be located.

Further detail on the building height plane is provided in Chapter I-3 Setbacks and Building Heights.
- (3) The Building Height Plane shall only apply to development up to and including 3 storeys. That part of development above 3 storeys shall be setback a minimum of 6 metres from the side and rear boundaries. This standard may be varied by application.
- (4) **Exceptions and Variations to the Building Height Plane**

Despite subclauses (2) & (3) the following exceptions to the Building Height Plane apply:

 - (a) Eaves and gutters up to a maximum of 700mm from the external wall.
 - (b) Open form or translucent balustrading.
 - (c) Minor climate control features that do not impact adjoining properties.
 - (d) Buildings on slopes >8 degrees, may have encroachments on the north and east elevations where:
 - Ø the wall is less than 6.5m high, from the existing ground level to the wall/eave junction, and
 - Ø the encroachment is at least 1.2m from a side and/or rear boundary.
 - (e) On land affected by a Flood Planning Level—the Building Height Plane is measured from the 1 in 100 year flood level (instead of natural ground), however, shadow cast onto adjoining land must be considered.

- (f) Single storey outbuildings with a gable end roof or similar roof design, may encroach where:
- Ø the wall height is a maximum 2.9m, and
 - Ø the wall length is no longer than 10m, and
 - Ø the roof slope is $<25^\circ$.
- (g) A variation has been granted in accordance with Part I-3.8.

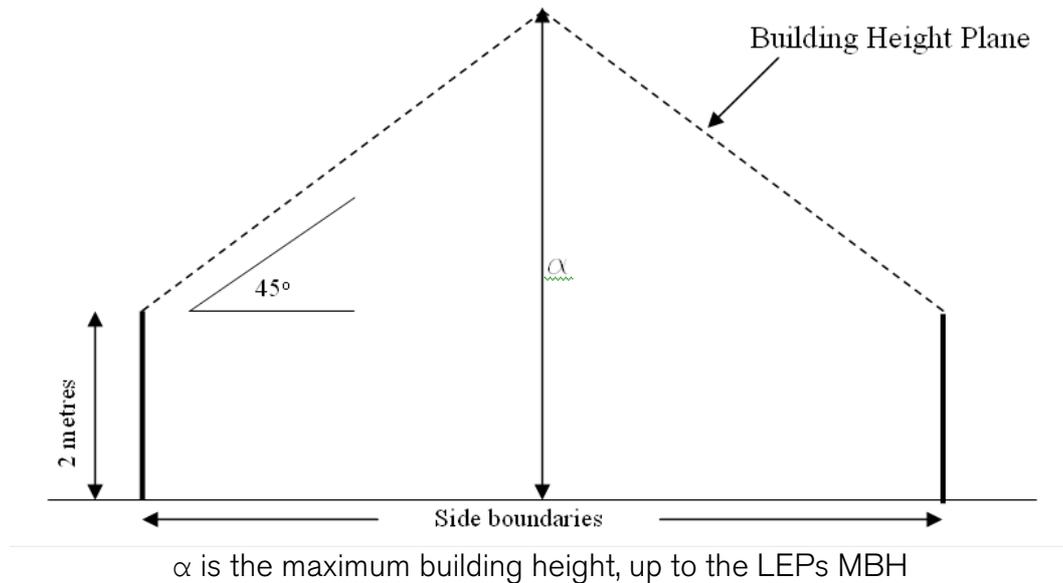


Figure A-3.1 Building Height Plane

A-3.6 Landscaped and Private Open Spaces

Objectives

- (1) To ensure landscaping is provided to the street frontage, to enhance the character of the streetscape and define areas of private and public land.
- (2) To ensure functional private open space is provided and integrated with the dwelling.
- (3) To soften development, create privacy, amenity and visual appeal of development.
- (4) To enable infiltration of stormwater.

Controls

Open Space

- (1) Dwellings must provide 30% of the lot area as Open Space.
Open Space includes Landscape Open Space and Private Open Space.

Landscape Open Space

- (2) Landscape Open Space is the area of pervious surfaces. It includes gardens and lawns as well as gravel or similar surfaced areas that allow infiltration. Landscape open space is required to be:
 - (a) At least 10% of the area of the lot, inclusive of

- (b) a lawn and/or garden area being at least 50% of the area forward of the building line (between the dwellings and the road boundary).
- (3) The visual impact of hard landscaping is to be minimised by soft landscaping.

Private Open Space

- (4) Private Open Space is an area set aside for the enjoyment of residents. Private Open space may include areas of lawn, gardens, decks and patios. Private Open Space must meet the following requirements:
 - (a) each ground floor unit must have minimum area of 25m² being a minimum 3m wide, and
 - (b) each upper floor unit must have a minimum unenclosed area of 7m², and
 - (c) the private space must be directly accessible from the living areas of the unit.
- (5) In unique circumstances a variation to Private Open Space may be sought. The following minimum criteria apply:
 - (a) A high quality communal space is provided to residents as common property e.g. a combination of gardens, pool, bbq areas, and other recreation spaces.
 - (b) The communal space must be equivalent to 25m² per unit of the land.
 - (c) A minimum 7m² private open space is retained in each unit.

Landscape Plan

- (6) A Landscape plan is to be submitted in accordance with requirements of Part I-5 – Landscaping Guidelines.

Attention is to be given to the area forward of the Building Line and appearance of the street frontage. The following minimum requirements apply:

 - (a) Fencing or walls higher than 1.2m must be located at least 1.5m from the property boundary and the street frontage must be landscaped. Small encroachments are permitted to provide articulation to the fence.
 - (b) a minimum of 3 native shrubs or trees (preferably endemic to the area) with minimum mature height of 3 metres shall be included in the front setback of the development lot.
 - (c) Suitable grass shall be established within the front setback and within any other open space areas dedicated for landscaping.
 - (d) Council reserves judgement as to whether the objectives and requirements for landscaping and open space have been satisfied.

A-3.7 Carparking, Access, and Driveways

Objectives:

- (1) To provide for the efficient and safe movement of vehicles.
- (2) To ensure adequate parking to service the development is provided, and
- (3) To ensure on-site car parking is provided within the property and designed to complement the streetscape.

Controls:

Car Parking

(1) Minimum parking requirements are shown in the following table:

| Land Use | Parking Rate* |
|---|--|
| Residential Accommodation | |
| Residential Flat Buildings and Multi-dwelling Housing | 1 per dwelling (< 150 m ² GFA), plus 1.5 per dwelling (>= 150 m ² GFA), plus 1 visitor space per 4 dwellings |

- (a) All parking spaces must be located behind the building line, and
- (b) garages and sheds attached to any building are required to be setback an additional 1m behind the building line, and
- (c) the opening or roller door of a detached shed, carport or garage must be setback a minimum of 5.5m from any secondary road boundary, and

Access and Driveways

- (2) Generally 1 access per street or lane frontage is allowed. If there is sufficient lot width and suitable roads 2 accesses may be allowed.
- (3) Vehicles must be able to enter and leave the site in a forward direction.
- (4) Each access must be designed in accordance with the *Northern Rivers Local Government Development, Design and Construction Manual*, or as otherwise specified by Council.
- (5) Works in a road reserve require approval under section 138 of the *Roads Act 1993*. Works to construct or maintain vehicular access to private property shall be conducted in accordance with Council's Vehicular Accessway Policy and specifications.
- (6) Infrastructure may be required or existing infrastructure upgraded including:
 - (a) Layback, dish or pipe guttering,
 - (b) kerb and driveway - light duty aprons,
 - (c) repair to any road, footpath, or services damaged as a result of construction works.

A-3.8 Hazards and Constraints

Objectives

- (1) To provide for the protection of human life and minimise impacts on property from bushfires, floods and other hazards.
- (2) To ensure effective management of areas affected by bushfire, flooding, acid sulfate soils, contaminated land and to protect the environment.
- (3) Identify each of the Natural Resource Sensitivities mapped within the LEP.

Controls

Flooding

- (1) The floor level of habitable rooms is to be above the 1 in 100 year ARI flood event plus a 500mm freeboard (the Flood Planning Level).
- (2) New residential development is not permitted where the flood depth of a 1 in 100 year ARI flood event is greater than 2m, excepting:
 - (a) for minor extensions to existing dwellings, or
 - (b) in justifiable circumstances, such as where an existing dwelling must be rebuilt after it has been damaged.
- (3) Flood Mapping is available on request. In areas outside current flood modelling, information will be provided where available.

For properties outside a modelled area, the proponent may be required to predict the flood planning level by conducting a localised flood assessment using anecdotal evidence of past flood heights.

Bushfire

- (4) Dwellings must comply with the NSW Rural Fire Service's publication *Planning for Bush Fire Protection (2006)*, and *Australian Standard AS3959-1999 Construction of Buildings in Bush Fire Prone Areas*.
 - (a) Applications to build in BAL-40 or a Flame Zone, or providing for any alternative solution, will be referred to the District RFS Fire Control Centre for approval.
 - (b) Applications to build in BAL-Low, BAL-12.5, BAL-19, and BAL-29 that conform to acceptable solutions can be determined by the Council.

NSW Rural Fire Service has extensive information available on their website about building in Bush Fire Prone areas, including assessment and submission requirements.

Further details are provided in Part H-2 Bush Fire Prone Land.

Acid Sulfate Soils (ASS)

- (5) Excavation works in certain areas have the potential to disturb Acid Sulfate Soils. Land subject to ASS constraints is shown on the LEP Acid Sulfate Soils Map, along with the Class of ASS Hazard.

The table below shows when further assessment of acid sulfate soils is required:

| Class of land | Works |
|---------------|---|
| 1 | Any works. |
| 2 | Works below the natural ground surface. Works by which the watertable is likely to be lowered. |
| 3 | Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface. |
| 4 | Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface. |
| 5 | Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. |

Clause 6.1 of *Richmond Valley Local Environmental Plan 2012* and Part H-3 Acid Sulfate Soils provides further information.

Coastal Development

- (6) Clause 5.5 of *Richmond Valley Local Environmental Plan 2012* identifies issues associated with development in the coastal zone. Development must have regard for:
- (a) public access to or along the foreshore, and
 - (b) impacts on the environment, and
 - (c) impacts associated with coastal hazards.

Contaminated Lands

- (7) Contaminated lands will require remediation to a level compatible with a residential land use.

Where a land use history assessment (Preliminary Assessment) indicates the potential for contamination, sampling and analysis may be required.

Development on potentially contaminated land is to be undertaken in accordance with the Regional Policy for the *Management of Contaminated Land*, and *SEPP55 Remediation of Land*.

Natural Resource Sensitivity

- (8) *Richmond Valley Local Environmental Plan 2012* includes overlay mapping, and contains several clauses, relating to management of natural resources. These are:

- ∅ Terrestrial Biodiversity Map—representing native vegetation and habitat (wildlife) corridors - LEP clause 6.6.
- ∅ Landslip Risk Map—representing steep land with slopes greater than 18 degrees (33%) - LEP clause 6.7.
- ∅ Riparian Lands and Watercourses Map—representing key fish habitat plus a 40 metre buffer -LEP clause 6.8
- ∅ Drinking Water Catchments Map—representing the watershed catchment for Casino's Jabour Weir, and a 500 metre buffer area around each of the Rous Water Groundwater Bores at Woodburn - LEP clause 6.9, and
- ∅ Wetlands Map—representing wetlands and floodplain wetland vegetation communities - LEP clause 6.10.

The extent the resource is to be considered in an application varies based upon the sensitivity of the resource and the level of impacts.

Further details are provided in Part H-4 – Natural Resource Sensitivity (NRS).

A-3.9 Water, Stormwater and Sewage

Objectives

- (1) To ensure all development is adequately serviced by water, sewer and stormwater infrastructure.
- (2) To ensure that development is located and designed so that it will not impact upon existing infrastructure.

Controls

Stormwater

- (1) All dwellings must:
 - (a) connect to urban water, sewer & stormwater infrastructure where provided,
 - (b) install a rainwater tank being a minimum 5,000 litres connected to the dwelling, and
 - (c) have a minimum 80% of impermeable surface area diverted to an infiltration area e.g. lawn or garden areas, or water tank.

Erosion and sediment controls are to be implemented during construction to prevent sediment and pollution leaving the site.

Part I-9 Water Sensitive Urban Design provides further details.

Sewage

- (2) Each dwelling is to have adequate arrangements for the disposal of wastewater:
 - (a) Dwellings serviced by reticulated town sewer—All greywater and toilets are required to be connected to sewer infrastructure, subject to any Council requirements, or
 - (b) Dwellings not serviced by reticulated town sewer—are to have an approved onsite sewage management facility designed in accordance with Council's *Onsite Sewage and Wastewater Strategy* and associated guidelines.

Water Supply

- (3) Each dwelling is to have a suitable potable water supply being:
 - (a) Dwellings serviced by reticulated town water—connection to a reticulated water supply is required unless a solution meeting NSW Health requirements can be demonstrated, or
 - (b) Dwellings not serviced by reticulated town water—a minimum 60,000 litres of potable water supply per dwelling.
- (4) Where reticulated water is unavailable, an additional water source is to be provided that is dedicated for firefighting purposes:
 - (a) land having an area <2ha—a minimum 10,000 litres per dwelling, or
 - (b) land having an area =>2ha—a minimum 20,000 litres per dwelling.

Tanks and fittings are to be installed as per appropriate Australian Standards, and *Planning for Bushfire Protection 2006*.

Underground infrastructure

- (5) All development is to be a minimum of 1.5 metres clear of infrastructure.

Footings are to be engineered for increased depth and structural adequacy where the footings will be located within the Zone of Influence.

Zone of Influence is an area either side of an underground pipe where it is considered that a structure may impose a load through the ground onto the pipe, or where settlement or excavation of the pipe trench may cause damage to a structure. The gradient of the zone of influence extends upwards to the

ground surface from the pipe at an angle of 45 degrees for clay soils, or 30 degrees for sandy soils.

A-3.10 Earthworks and Retaining Walls

- (1) Applications involving earthworks and retaining walls must:
 - (a) provide details of the extent of all cut and fill, and
 - (b) where fill is greater than 600mm high provide geotechnical certification to verify the structural stability of any fill material, and
 - (c) not redirect the flow of any surface water or ground water in a concentrated manner onto an adjoining property, and
 - (d) be located a minimum of:
 - Ø 1m from any registered easement, and
 - Ø 1.5m from any Council sewer main, water main, or stormwater pipeline, and
 - (e) have footings extend below the Zone of Influence for any sewer main, water main, or stormwater pipeline, and
 - (f) have adequate drainage lines connected to the existing stormwater drainage system for the site, and
 - (g) retaining walls must be of masonry construction and have engineering certification if:
 - Ø 900mm or higher in height, or
 - Ø if located within 900mm of a boundary, and
 - (h) if the fill is imported to the site—be free of building and other demolition waste, and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*.

A-3.11 Safety and Security

- (1) Safety considerations and principles are particularly important for residential design. Safety and security considerations are referred to as *Crime Prevention Through Environmental Design* (CPTED) and are outlined in detail in Chapter I-10.
- (2) Good design features include:
 - (a) the ability for occupants or people in the street to view their surroundings well (natural surveillance) e.g. windows from living areas and entranceways focused on the front street.
 - (b) avoiding hiding and entrapment areas e.g. recesses, high solid fencing, dense landscape.
 - (c) gardens should be designed to include low growing plants (less than 600mm) combined with larger trees with canopies higher than 1.8m.
 - (d) good lighting and security.

A-2.12 Additional Notes and Provisions

Exempt and Complying Development

- (1) *State Environmental Planning Policy Exempt and Complying Development Codes (2008)* provides for many types of development to be carried as either exempt or complying development.

The policy can be downloaded at the NSW Legislation website and more information is available on the Department of Planning & Environment's website at <http://www.planning.nsw.gov.au/>

As long as the proposed works meet all of the relevant Policy development standards, development approval from Council may not be needed. Please contact Council staff for further information.

Lane Widening and Access

- (2) Primary access to laneways will not be permitted unless it can be demonstrated that:
- (a) the lane can and will be upgraded to an acceptable standard, including dish drains/guttering, crossings and surface sealing. Upgrading of rear lane access shall be in accordance with Council's Policy – Vehicular Accessway, or any succeeding documentation, or
 - (b) the lane is subject to future lane widening. Council will assess the need for road widening or re-alignment when considering a development application for the land.

Waste Minimisation and Management

- (3) Prior to construction, a dwelling must have a Waste Management Plan submitted and approved in accordance with *Richmond Valley Council Waste Minimisation and Management Policy*.

Strata Title Subdivision

- (4) Development seeking consent for Strata Subdivision must submit a plan of proposed subdivision and payment of applicable fees.
- (5) Applications for Strata Subdivision on Bushfire Prone Land will be referred to NSW Rural Fire Service under Section 100B of the *Rural Fires Act 1997*.

Richmond Valley Development Control Plan 2015

Part A-4. Shop Top Housing

This DCP applies to all land within the Richmond Valley Local Government Area.

Date adopted by Council:
22 December 2015

Effective Date:
4 January 2016

Amendments:
Nil

Shop Top Housing forms an important mixed development style which contributes important housing supply without compromising valuable commercial development area.

The Local Environmental Plan (LEP) template provides the definition:

Shop Top Housing means one or more dwellings located above ground floor retail premises or business premises.

Shop Top Housing may be undertaken in Zones B1 Neighbourhood, B2 Local Centre and B3 Commercial Core.

A-4.1 Visual and Amenity Impacts

- (1) Shop Top Housing is located above retail or business premises in the Commercial areas. Mixed use developments are generally to take the form of podium buildings with an upper level setback to residential development. The visual impact of development is to have regard for the commercial activities and style of buildings.

Particular attention is to be given within Heritage Conservation Areas or nearby Heritage buildings.

Bulk and Form

- (2) The proposed Development should be consistent with the bulk and form of existing elements within the streetscape, particularly immediately adjoining and adjacent. Consistency with existing streetscape elements includes:
- Ø Overall Scale and Height
 - Ø Roof Forms and Pitch
 - Ø Materials of External Front Walls
 - Ø Street Set-backs and Spacings between Buildings

Character and Amenity

- (3) The proposed development should be consistent with the prevailing character of the neighbourhood, the following elements are to be considered:
- Ø Overall architectural Style (i.e. 'Victorian', 'Federation', 'Bungalow', 'Brick & Tile' etc.).
 - Ø Maintaining or Continuing existing Horizontal Lines or any 'Stepping'.
 - Ø Finishes and Decorative Detailing (and to a lesser extent colour) (i.e. Collar Ties, Finials, Verandah Brackets, Balustrades, etc.).
 - Ø Architectural Elements (i.e. Verandahs, Awnings, etc).
 - Ø A heritage item, or a development proposed within a Heritage Conservation Area should have high regard for detail within Chapter I-1 Heritage within this DCP.

Reducing the impact of continuous walls

- (4) Windows or structures (entranceways, porticos, windows including bay windows, balconies etc.) are to be used to break up the façade. Any section of front façade may not exceed five metres without a building element to disrupt continuous wall area.

In addition, any side wall may not exceed 14 metres in length without a recess, or building element, in the wall to break the continuity and lessen visual and 'bulky' impacts.

How to assess the elements of Shop Top Housing

- (5) Shop Top Housing is best assessed in accordance with the separate components of which it is made up. The ground floor Commercial component may be assessed as per Part B – Commercial Development. The second floor, although comprising a residential component, may exhibit densities similar to what may be permitted as 2nd floor development in Part B – Commercial, however must satisfy many provisions as per above ground floor residential in Parts A-1, A-2 or A-3.

A-4.2 Building Footprint & Floor Space Area

- (1) Density on the Ground Floor Commercial component to be assessed as per Part B – Commercial Development.
- (2) Zone B1 – Neighbourhood Centre—development is required to most closely align with residential development and the surrounding area.
If there are commercial examples to draw upon nearby, and generally the streetscape is dominated by similar ‘older’ style development, higher density ‘shopfront’/‘awning’ development may be acceptable if the design aligns closely.
- (3) Zone B2 & B3—As per Part B – Commercial Development for first 2 storeys.
- (4) Density Area H1 – High Density—there is likely to be little or no examples of the ideal form to follow, however the podium style typology described within Chapter A-4.3 will be considered at Commercial density.
- (5) The development shall have a high regard for provisions relating to the residential development style proposed, however with leniency concerning the second floor density and setbacks which may mirror the commercial ground floor component.

A single dwelling may refer to Chapter A-1 – Dwelling Houses, however follow the same building lines on the second floor determined as per the commercial ground floor. Duplexes should refer to Chapter A-2 – Dual Occupancies, except for density, landscaping, etc.

Developments exceeding Three Storeys

- (6) Developments exceeding three storeys may only be proposed within areas with a building height limit of 14 metres within Casino near the CBD area.

The Density and site cover provisions do not apply to a development 3 storeys or greater, above the ceiling height of the second storey. This is because the building height plane would in effect cancel out the higher storeys.

Any building height three (3) storeys and higher as a stand-alone development must be set back a minimum of six (6) metres from the side and rear boundaries, from the ceiling height of the second storey up. When proposed within a commercial area, lesser or even zero building line setback from the side boundaries may be permissible dependent upon dominant adjacent building bulk and form. Council reserves the right to ultimate resolution as to the proposal’s built form and setbacks.

A-4.3 Height of Buildings

Objectives:

- (1) To describe the maximum height of buildings in terms of Building Height and Building Height Plane.
- (2) To ensure buildings do not unreasonably impact by way of overshadowing, privacy or disruption of views.
- (3) To ensure buildings are setback progressively from side and rear boundaries as height increases.

Controls:

Maximum Height of Buildings

- (1) The maximum height a structure may be built is shown in the Height of Buildings Map in *Richmond Valley Local Environmental Plan 2012*.
 - (a) Generally the maximum height is 8.5m.
 - (b) Some areas of Evans Head and South Casino have 9.5m maximum.
 - (c) The High density area in proximity to the Casino CBD has a 14m maximum.

Building Height Plane

- (2) The building height plane, see Figure A-4.1, is an imaginary ceiling over a lot under which all construction must be located. The Building Height Plane is measured 2.0m up from the side and rear boundaries, then at an angle of 45° towards the centre of the lot as indicated in the following diagram.

The building height plane only applies to development up to and including 3 storeys. That part of development above 3 storeys shall be setback a minimum of 6 metres from the side and rear boundaries. This standard may be varied by application.

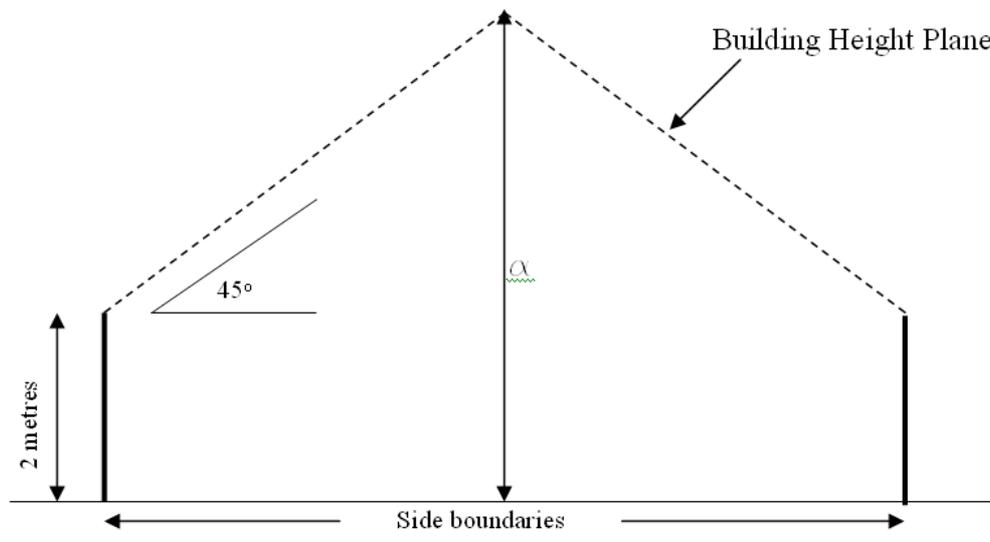


Figure A-4.1 Building Height Plane (only applies to development at or below 3 storeys)

(3) Exceptions and Variations to the Building Height Plane

Despite subclause (2) the following exceptions to the Building Height Plane apply:

- (a) Eaves and gutters up to a maximum of 700mm from the external wall.
- (b) Open form or translucent balustrading.
- (c) Minor climate control features that do not impact adjoining properties.
- (d) Buildings on slopes >8 degrees, may have encroachments on the north and east elevations where:

- Ø the wall is less than 6.5m high, from the existing ground level to the wall/eave junction, and
 - Ø the encroachment is at least 1.2m from a side and/or rear boundary.
- (e) On land affected by a Flood Planning Level—the Building Height Plane is measured from the 1 in 100 year flood level (instead of natural ground), however shadow cast onto adjoining land must be considered.
- (f) Single storey outbuildings with a gable end roof or similar roof design, may encroach where:
- Ø the wall height is a maximum 2.9m, and
 - Ø the wall length is no longer than 10m, and
 - Ø the roof slope is <25°.
- (g) A variation has been granted in accordance with Part I-3.8.

A-4.4 Building Lines and Setbacks

Objectives

- (1) To ensure consistency of development in areas and maintain streetscape character.
- (2) To provide sunlight, privacy, and space between buildings.
- (3) To provide safe vehicle egress from properties.
- (4) To advise Part I-3 Setbacks and Building Height of this DCP provides further detail.

Controls

- (1) Building Lines – as per Part B – Commercial Development up to the second storey.
- (2) Side and Rear Setbacks:
 - (a) 3rd Storey and below—as necessary to comply with the Building Height Plane,
 - (b) 3rd Storey and Higher—6.0 metres.

A-4.5 Driveways and Access

- (1) Generally one (1) access per street or lane frontage is appropriate. In instances where there is ample width to the development lot, two (2) accesses may be permitted if the development has frontage to appropriately constructed and dimensioned streets or laneways.

Each access must be compliant with all other provisions within this Plan and any other requirements set by the *Northern Rivers Local Government Development, Design and Construction Manual*, or as otherwise specified by Council.

- (2) Council's Works Department will determine whether line of sight distances are adequate dependent upon vegetation, distance from intersections, orientation and gradient.

- (3) In general, all infrastructure may be required to be upgraded, whether existing or required to be provided as a part of new development:

- Ø Layback, Dish or Pipe guttering.
- Ø Kerb and Driveway light or heavy duty aprons dependent on whether for domestic or commercial/industrial/units use.
- Ø Any road damaged as a result of works undertaken.
- Ø Turf and any other disturbed vegetation.

All work shall be designed and constructed in accordance with all relevant and current Australian Standards. AS2890 is relevant for all access and parking specifications. AS2890 or any subsequent standard for this purpose must be complied with for all works.

- (4) In limited cases lane widening may be required as part of proposed development. Council will assess the need for road widening or re-alignment when considering a development application for the land. Such consideration of a development application will have regard to the existing and likely future traffic needs in the locality and those areas designated as requiring road widening are outlined within Chapter I-15.

A-4.6 Car Parking

Car Parking Requirements

- (1) One (1) car-parking space must be provided per dwelling (unit) wholly within the building lines and setbacks of the development, plus one visitor car parking space, or part thereof, for every ten (10) units, which must also be wholly within the building lines and setbacks of the development.
- (2) All work shall be designed and constructed in accordance with all relevant and current Australian Standards. AS2890 is relevant for all access and parking specifications.
- (3) Where existing Gross Floor Area is being converted to Shop Top Housing—no additional car parking shall be required for the conversion of that floor area, however, any car parking provided on site must be retained.

Accessibility – Car Parking

- (4) Car parking provision for mobility impaired must be provided minimum one (1) per development and located closest to the most suitable entranceway.
- (5) Unit development must provide one (1) mobility impaired space per five (5) units, or as prescribed by most recent Australian Standards and requirements. Additional relevant detail is available within Chapter I-4 – Car Parking.

A-4.7 Open Space – Landscaped and Private

- (1) Private Open Balcony Space – units wholly above the ground floor:
- Ø Upstairs Units must provide a minimum of 15m² per dwelling of private balcony or rooftop area, which may only be exclusively accessed by the

unit to which it is attributed. Balconies or rooftop areas must be greater than 7m², with a minimum width of 3 metres.

- Ø The height plane at the rear of the premises may be relaxed slightly to provide for balcony and rooftop Private Open Space provision in addition to the required 7m² area.
- Ø Balconies and Rooftop areas may protrude outside the building plane by a maximum of 1.2 metres, to the extent they are providing additional balcony/rooftop area and are not roofed.

A-4.8 Hazards and Constraints

- (1) Development is required to be assessed for the potential impacts that various hazards or constraints may present. Natural Hazards are dealt with in more detail within Chapter H – Natural Resources and Hazards in this DCP. The following Natural Hazards should be considered:

- Ø Flooding
- Ø Acid Sulfate Soils (ASS)
- Ø Contaminated Lands
- Ø Bushfire
- Ø Contaminated Land
- Ø Natural Resource Sensitivity Overlays – comprising:
 - § Native Vegetation
 - § Key Fish Habitat
 - § Habitat Corridor
 - § Wetland
 - § Steep Land

A-4.9 Water, Stormwater and Sewage

Objectives

- (1) To ensure all development is adequately serviced by water, sewer and stormwater infrastructure.
- (2) To ensure that development is located and designed so that it will not impact upon existing infrastructure.

Controls

Stormwater

- (1) All development must be connected to urban water, sewer & stormwater infrastructure where provided.

Erosion and sediment controls are to be implemented during construction to prevent sediment and pollution leaving the site.

Part I-9 Water Sensitive Urban Design provides further details.

Sewage

- (2) All greywater and toilets are required to be connected to sewer infrastructure, subject to any Council requirements.

Water Supply

- (3) Each dwelling is to be connected to town water infrastructure subject to any Council requirements.

Underground infrastructure

- (4) All development is to be a minimum of 1.5 metres clear of infrastructure. Footings are to be engineered for increased depth and structural adequacy where the footings will be located within the Zone of Influence.

Zone of Influence is an area either side of an underground pipe where it is considered that a structure may impose a load through the ground onto the pipe, or where settlement or excavation of the pipe trench may cause damage to a structure. The gradient of the zone of influence extends upwards to the ground surface from the pipe at an angle of 45 degrees for clay soils, or 30 degrees for sandy soils.

A-4.10 Earthworks and Retaining Walls

- (1) Applications involving earthworks and retaining walls must:
- (a) provide details of the extent of all cut and fill, and
 - (b) where fill is greater than 600mm high provide geotechnical certification to verify the structural stability of any fill material, and
 - (c) not redirect the flow of any surface water or ground water in a concentrated manner onto an adjoining property, and
 - (d) be located a minimum of:
 - Ø 1m from any registered easement, and
 - Ø 1.5m from any Council sewer main, water main, or stormwater pipeline, and
 - (e) have footings extend below the Zone of Influence for any sewer main, water main, or stormwater pipeline, and
 - (f) have adequate drainage lines connected to the existing stormwater drainage system for the site, and
 - (g) retaining walls must be of masonry construction and have engineering certification if:
 - Ø 900mm or higher in height, or
 - Ø if located within 900mm of a boundary, and
 - (h) if the fill is imported to the site—be free of building and other demolition waste, and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*.

A-4.11 Overshadowing, Solar Access and Orientation

Overshadowing

- (1) Council may require a shadow diagram if it suspects there will be excessive overshadowing of an adjacent lot or public land.

The shadow diagram shall identify shadowing at 9am, 12 noon & 3pm for the shortest day of the year (Winter Solstice – on 21st June). In this way it may be determined whether the proposal could unduly impact upon living and private open space areas of adjoining allotments and development.

Solar Access

- (2) Consideration should also be given to the orientation of design elements and the location of central living rooms and open space areas within any proposed development to maximise:

- Ø **Energy Conservation** - Development should orientate living areas to best maximise conservation of heat gained from solar access, and utilise predominating breezes and other natural light, wind, water occurrences to provide maximum efficiency within dwellings reducing the need for artificial energy usage.
- Ø **Sunlight Infusion** - Important daytime living areas within a dwelling should be orientated toward the northernmost areas of the design to provide warmth and light.
- Ø **Solar Power Generating Equipment** - North-facing roofing should have consideration for the ideal slope, surface area, orientation and structural integrity to facilitate the immediate or possible future installation of Solar Power receptacles (Solar Hot Water Systems and Photovoltaic Cells).

Orientation

- (3) The proposed development should be orientated in a way to benefit street and front yard surveillance (as satisfying CPTED principles, see below). The orientation of the development should also have regard for the other existing elements within the streetscape, and the way and style in which they are orientated.

A-4.12 Safety and Security

- (1) Safety considerations and principles are particularly important for residential design. Safety and security considerations are referred to as *Crime Prevention Through Environmental Design* (CPTED) and are outlined in detail in Chapter – I-10.

Good design features include:

- (a) the ability for occupants or people in the street to view their surroundings well (natural surveillance) e.g. windows from living areas and entranceways focused on the front street.
- (b) avoiding hiding and entrapment areas e.g. recesses, high solid fencing, dense landscape.

- (c) gardens should be designed to include low growing plants (less than 600mm) combined with larger trees with canopies higher than 1.8m.
- (d) good lighting and security.

A-4.13 Additional Notes and Provisions

Lane Widening and Access

- (2) Primary access to laneways will not be permitted unless it can be demonstrated that:
 - (a) the lane can and will be upgraded to an acceptable standard, including dish drains/guttering, crossings and surface sealing. Upgrading of rear lane access shall be in accordance with Council's Policy – Vehicular Accessway, or any succeeding documentation, or
 - (b) the lane is subject to future lane widening. Council will assess the need for road widening or re-alignment when considering a development application for the land.

Waste Minimisation and Management

- (3) Prior to construction, a dwelling must have a Waste Management Plan submitted and approved in accordance with *Richmond Valley Council Waste Minimisation and Management Policy*.

Richmond Valley Development Control Plan 2015

Part A-5. Seniors Housing and Affordable Housing

This DCP applies to all land within the Richmond Valley Local Government Area.

Date adopted by
Council:
22 December 2015

Effective Date:
4 January 2016

Amendments:
Nil

A-5.1 General Objectives

The general objectives of this Chapter are:

- (1) Provide information regarding Seniors Living and Affordable Housing options.

A-5.2 Legislative Provisions

- (1) The following *State Environmental Planning Policies* provide development controls for the provision of Seniors Housing and Affordable Housing.

- (a) ***SEPP (Housing for Seniors or People with a Disability)***

This SEPP aims to encourage developments for the elderly and disabled. The State policy seeks to provide incentives and guidelines for 'high quality' accommodation and offers floor-space-ratio and other density concessions to developments meeting desirable criteria as accommodation providers to a disadvantaged sector of the community.

- (b) ***SEPP (Affordable Rental Housing) 2009***

This policy provides for a relaxation of local provisions if demonstrated that multi-development provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and provides incentives for role expansion of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people. As with all SEPPs, it operates almost independently and overrides the LEP on the proviso that proposals in accordance with this policy are proposed within residentially zoned land in accordance with the new LEP. Reference should be made to the *SEPP (Affordable Rental Housing) 2009* for further detail regarding requirements of development proposed under this policy.

- (2) Notwithstanding these Policies, Chapters A-2 Dual Occupancy, A-3 Multi Dwelling Housing and Residential Flat Buildings, and A-4 Shop Top Housing may be used to provide for Seniors Housing and Affordable Housing.