

Richmond Valley Development Control Plan 2015

Part B. Commercial Development

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

Date adopted by Council:
22 December 2015

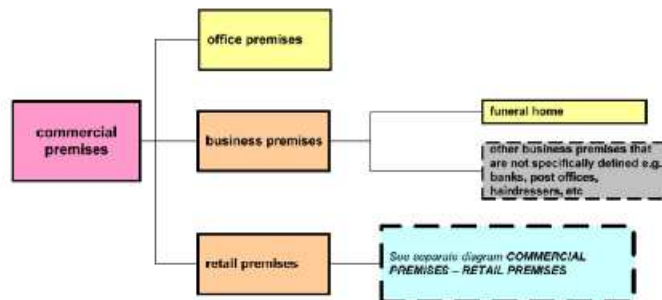
Effective Date:
4 January 2016

Amendments:
Nil

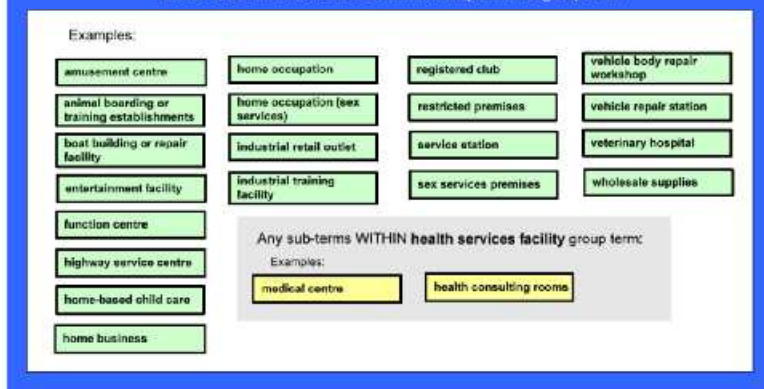
The Development Control Plan (DCP) seeks to provide achievable Commercial Development controls to complement and improve upon existing commercial precincts and street amenity within Richmond Valley. The DCP provides uniform control requirements across the Local Government Area (LGA) and seeks to elevate and standardise Richmond Valley Commercial Development.

COMMERCIAL PREMISES

LAND USE terms WITHIN commercial premises group term:



LAND USE terms OUTSIDE commercial premises group term



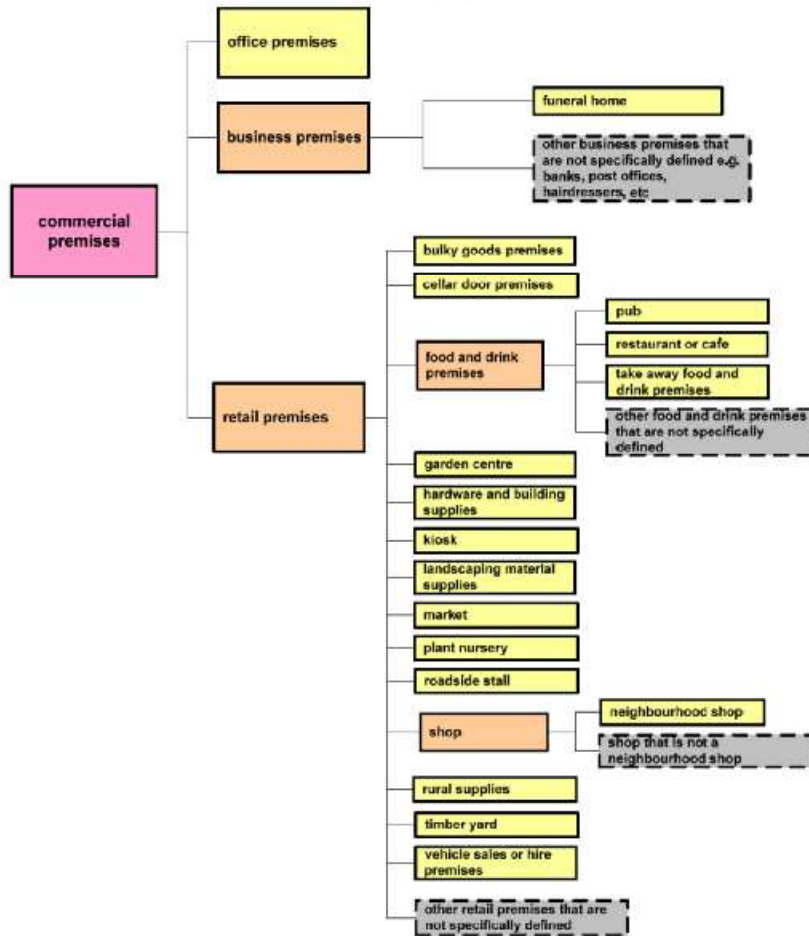
Other related terms NOT to be used in LAND USE TABLES



Figure B.1 General relationships between land use terms in the Standard Instrument LEP (Source Dept of Planning Practice Note PN11-004)

COMMERCIAL PREMISES – RETAIL

LAND USE terms WITHIN commercial premises group term:



LAND USE terms OUTSIDE commercial premises group term

Examples:

highway service centre

industrial retail outlet

restricted premises

service station

Figure B.1 continued General relationships between land use terms in the Standard Instrument LEP (Source Dept of Planning Practice Note PN11-004)

B-1 General Objectives

The general objectives of this Part are to:

- (1) provide increased opportunity for commercial and business activity within the Casino and Evans Head Central Business Districts as well as Neighbourhood and Local Centres within the Richmond Valley Local Government Area (LGA)
- (2) have high regard for existing streetscape components, particularly features important to heritage and the built environment
- (3) provide for improved design considerations for all forms of Commercial Development
- (4) maintain an urban form throughout the main streets and business districts replicating existing characteristics where appropriate, and encouraging newer built form in the periphery for future expansion of existing commercial areas
- (5) provide for commercial development which compliments or accentuates street beautification programmes

B-2 Visual Impact

- (1) The visual impact of Commercial Development may be assessed using selected elements to determine the overall impact of proposed development in relation to adjoining commercial premises and the overall streetscape. Any proposed Commercial Development should integrate effectively and give particular consideration for the following:

- Ø Heritage Significance – if the land on which development is proposed has any item of heritage significance.
- Ø Heritage Items – adjoining and adjacent listed items
- Ø Heritage Area - if the development is proposed within an identified area
- Ø Adjoining or adjacent to a Significant Streetscape Element

An adjacent building presenting relatively unaltered from the era for which it represents may be considered a Significant Streetscape Element, with particular regard for the following:

- Ø being more than fifty years old
- Ø having largely original decorative embellishments.

In circumstances where the assessing officer is of the opinion adjoining existing commercial (or other) development has little or no architectural significance, or is proposed in an area where the majority of development components within the street are not homogenous, it may be considered onerous to require consistency with surrounding existing development.

The proponent will be required to demonstrate within the application's Statement of Environmental Effects how the design contributes favourably to the overall streetscape and functionality of the Commercial locality.

- (2) **Bulk and Form**

Commercial Development should be consistent with the bulk and form of existing elements within the streetscape, particularly immediately adjoining and adjacent Commercial Development. Consistency with existing streetscape elements include:

- Ø Overall Scale and Height
- Ø Roof Forms and Pitch (particularly awnings and associated structures).
- Ø Materials of External Front Walls, awnings and embellishments
- Ø Scale and position of windows and other architectural features.

Development shall also have particular regard for any embellishments in the vicinity of a Commercial premise to provide continuity within the surrounding locality, particularly in regards to:

- Ø Footpaths (within the road reserve, or any encroachments)
- Ø Landscaping,
- Ø Air conditioning units, exhaust vents, and the like, must be unobtrusive.

(3) Character and Amenity

The proposed Commercial Development should be consistent with the prevailing character of the street and neighbourhood, particularly immediately adjoining and adjacent commercial development (or residential where proposed within Village or Local Centre).

Proposed Commercial Development adjacent to a heritage item or proposed within a heritage conservation area should have high regard Chapter I-1 of this DCP within this DCP.

Some possible sympathetic design suggestions are:

- Ø More closely aligning the scale, height, roof form & pitch, etc with the predominating and/or nearby building styles within the neighbourhood.
- Ø Decorative detail on gable ends, expanses of walling and awnings.
- Ø Use of traditional colour schemes to better reflect the street character.
- Ø Use of traditional styling and other detail.

Any of the above or similar measures shall be implemented where necessary to contribute positively to the locality and reduce potential visual disparity with the existing built environ.

(4) Design

- Ø New Commercial Development is required to respect the scale and qualities of important community buildings and landmarks within the precinct.
- Ø New development shall incorporate active retail or office uses and provide direct and inviting access from the street level.
- Ø Alterations and additions shall be of similar in design and style to any existing development, and shall be consistent with any favourable existing elements described above. In all instances, Council reserves final judgement as to the appropriateness of commercial additions or alterations, and the proponent will be required to provide justification for dissimilarity to existing style and design.

B-3 Building Footprint

- (1) The building footprint may extend to the boundary of the allotment in zones B2 – Local Centre and B3 – Commercial Core. The bulk and form of any existing adjacent development is the defining measure, and this extends to a degree within zone B1 – Neighbourhood Centre as well. Any proposed development within an area for which there is little or no guiding development to compare will be largely limited by car parking requirements.

B-4 Building Height

(1) Determining maximum height for proposed Commercial Development

The maximum height a development may be built is depicted within the Height of Buildings Map – Sheet HOB_INDEX within the *Richmond Valley Local Environmental Plan 2012*. Richmond Valley has a general maximum height limit of 8.5 metres (two (2) storeys) which is relaxed within areas of Evans Head and South Casino to 9.5 metres. A limited area within the Casino CBD has a maximum height of 14 metres (about 5 storeys).

Refer to the Chapter I-3 – Setbacks and Building Height for additional detail concerning building height plane.

(2) Consistency in Scale

Building height shall be in a scale consistent with adjoining commercially zoned land. Development on the CBD or other commercial zone fringe should be in a scale respectful to adjacent one or two storey residential development. Development within the zone (not on the zone boundary) shall have consideration for any possibility of future scale and height. Building height is required to be in proportion to any existing CBD street or other commercial district hierarchy, particularly as viewed from the primary street.

(3) Building Height Plane at the Rear of Commercial Premises

The Building Height Plane, as described within I-3 – Setbacks and Building Heights and elsewhere within this DCP, shall apply to the rear of the development lot (not that adjoining the primary street frontage) to provide sufficient ‘tapering’ of the development and integrate with non-commercial development and other surrounding built form.

B-5 Building Line, Side & Rear Boundary Setbacks

- (1) Any proposed Commercial Development is required to have complimentary form and design consistent with the existing street façade (existing adjoining developments as viewed as an elevation from the primary road perspective).

In addition, building setbacks have an opportunity to be considered on merit based upon the integration of the development with streetscape/beautification plans and existing building lines within the locality. Generally, the building lines are set within a given zone and/or control plan area, and may only be adjusted where an application can demonstrate improved design and environmental outcomes. Chapter I-3 – Setbacks and

Building Height provides detail as to what concession to required setbacks may be allowed.

- (2) The Casino CBD area, covered by parts of Barker and Walker Streets, is included in a Heritage Conservation Area. Development above the height of the facade of existing development must achieve a front building line setback of 10 metres to ensure the new construction does not impact upon the significance of this heritage streetscape.

B-6 Access and Loading

- (1) Vehicular access must be to Australian Standards and will require approval for works within a road reserve, as set within section 138 of the *Roads Act 1993*.

All works to procure or maintain vehicular access to private property must be conducted in accordance with Council's Vehicular Accessway Policy. It is the responsibility of the applicant to ensure that any contractor engaged to carry out work within the road reserve is conversant with this policy to ensure any part of any road reserve is maintained in a satisfactory state of repair.

Australian Standard AS2890 is relevant for all access, parking and loading/unloading specifications. AS2890 or any subsequent standard for this purpose must be complied with for all works.

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

B-7 Car Parking Provision

- (1) Car parking is required to be provided onsite in order to protect the street and amenity of the area from unnecessary congestion. The number of car parking spaces required on a property is dependent upon the Commercial Development proposed and any past credit for car parking which may be assumed from historic uses conducted on the site.
- (2) Table B.1 contains the minimum car parking requirements for commercial development.

A flat rate of parking shall apply to all existing floor area in the Business Zones of B1 Neighbourhood Centre, B2 Local Centre, & B3 Commercial Core. As such a change of use within a B Zone will not require additional car parking to be provided. The only additional car parking that will be required in these B Zones will be for the provisions of additional floor area.

Table B.1 Provides the minimum car parking requirements for commercial development. For other types of development see Chapter I-4.

Land Use	Parking Rate*
Commercial Development	
Zone B1, B2 or B3 – Change of Use of existing GFA to another use (including to shop top housing)	No additional parking will be required. No loss of existing parking will be permitted.
Commercial premises - Office Premises - Retail Premises - Business Premises	1 per 30 m ² of GFA (<=1000m ²), or 1 per 40 m ² of GFA (>1000m ²)
Pub/Hotel Premises Restaurants or Cafes Function Centres	1 per 30 m ² of GFA (<=1000m ²), or 1 per 40m ² of GFA (>1000m ²)
Take Away Food and Drink Premises	1 per 30 m ² of GFA (including external dining areas), plus where a drive thru is provided—2 waiting bays, plus queuing area for 10 cars
Kiosks	1 per 40 m ² of GFA
Restricted Premises	1 per 30 m ² of GFA (<=1000m ²), or 1 per 40 m ² of GFA (>1000m ²)
Sex Service Premises	1.5 per working room
Garden Centres Landscaping Material Supplies Plant Nurseries Rural Supplies Timber Yards Wrecking Yards	1 per 200 m ² of display area (internal and external)
Vehicle Sales or Hire Premises	1 per 100 m ² of showroom area
Amusement Centres	1 per 25 m ² of GFA
Service Stations including convenience store	1 per fuel pump, plus 1 per 100 m ² of GFA (Additional parking to be provided if a vehicle repair station is included)
Highway Service Centres	2 per fuel pump, plus 1 per 50 m ² of GFA
Roadside Stalls	3 spaces with sufficient area for vehicles to manoeuvre and exit the land in a forward direction.

Land Use	Parking Rate*
<p>Notes.</p> <ul style="list-style-type: none"> • Car Parking requirements for other uses shall be determined based upon considering it as a comparable use to those listed, or to be determined on merit. • In all instances a merit consideration may override the rate listed based upon exceptional circumstance and thorough justification. • GFA = Gross Floor Area • DOM = Determine on Merit • Reference to the number of employees is reference to the peak number of employees on duty at any one time. 	

B-8 Signage

- (1) All signage intended for the proposed Commercial Development must be outlined within formal application for the development. Part F of this DCP relates to signage. In addition, some forms of Business Identification Signage may be carried out as exempt development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- (2) Care should be taken to check if the property is heritage listed or in a conservation area before erecting any new signage, or replacing existing signage.
- (3) An elevation of the proposed Commercial Development shall be required detailing signage size, colour and style for approval purposes.

B-9 Natural Hazards

- (1) Natural hazards may need to be considered in some areas for Commercial Development, and the design and construction methods may require refinement to minimise risk to life and property. Natural hazards are dealt with in more detail within Part H of this DCP.

(2) Flooding

Commercial development is required to be designed to endure flooding events of a 1 in 100 year ARI frequency, or as otherwise assessed within an updated Risk Management Plan.

Commercial development must have its floor levels located:

- ∅ in the Casino area—above the 1 in 100 year ARI flood event,
- ∅ in the Mid-Richmond area—above the 1 in 20 year ARI Flood event,
- ∅ in areas of the Council outside a formal flood study area—to be determined on researching historic data, anecdotal information, and a risk assessment.

Council can provide property specific flood information for areas within formal flood studies covering the Mid-Richmond and Casino areas.

All potential flood risks associated with the development must be considered, including potential risks to emergency personnel (SES) in the event evacuation may be required. Flood consideration is mostly directed toward

dwellings and habitable areas, however Council must also consider flood impacts upon other assets and access to and from the development. Chapter H1 – Flooding provides additional detail concerning flooding issues.

(3) Acid Sulfate Soils (ASS)

All works which are likely to impact on ASS will require extra consideration during the construction phase of the development. Chapter H-3 – Acid Sulfate Soils provides additional information concerning the risks posed by various classes of ASS.

(4) Contaminated Lands

Contaminated lands may require rehabilitation prior to development being initiated. Alternatively, confinement of the source of contamination may be acceptable in low-risk situations. The foremost option is to locate any proposed development outside any area considered unsafe, however rehabilitation is the most usual option for Commercial Development.

B-10 Development over Roads

- (1) Commercial Development often incorporates some form of development over public roads. This development may be in the form of Footway Activities (kerbside dining, footpath trading, erection of signage), erection of awnings and verandahs, flagpoles etc.

Appropriate approvals and consents will be required to carry out any activity or construction on a public road. Chapter I-2 provides further information on Council's consent and approval processes.

B-11 Landscaping

- (1) Landscaping allows for the built environment to blend more successfully with the natural environment and contributes to streetscape amenity for all to enjoy. Streets devoid of vegetation provide no shade and fail to soften harsh and contrasting solid construction elements found within streetscapes. Landscaping is most likely not required for the majority of Commercial Development, however Zone B1 – Neighbourhood Centre and some areas where the existing built form incorporates landscaping components may be required to provide landscaping as part of the development based on merit consideration.

Ø Landscaping Plan may be required and should be prepared in consultation with Chapter I-5 – Landscaping.

- (2) A landscaping component is required for Commercial Development in situations where adjoining uses and overall built form also incorporates landscaping.

Shop top housing is likely to require a landscaping component. Where the rear of a commercial premise is proposed to adjoin residential development, particularly where car parking areas are required, landscaping shall be incorporated to screen these areas from adjoining land uses.

B-12 Stormwater and Sewage

- (1) Where water and sewer connections are not available to a lot in an urban area, Council will require the extension of Council's main to service that lot at the developers cost.

For all infrastructure connections within the property the proponent is required to take into consideration possible subsidence areas ('Zone of influence'). The Zone of Influence is calculated based on soil type and the depth of the piped infrastructure. The zone must be observed on all plans and all footings either must avoid this zone or be appropriately engineered in accordance with Council standards.

- (2) **Stormwater**

All urban lots are required to connect or maintain adequate connection to town infrastructure where provided and have consideration for Water Sensitive Urban Design principles. All stormwater is to be directed to the street drainage system, or to an interallotment drainage easement where available.

- (3) **Sewage**

All greywater and toilets are required to be connected to sewer infrastructure, where provided.

- (4) **Water Sensitive Urban Design**

WSUD principles to apply and Chapter I-9 of this DCP provides detail as to what design consideration may be required to be incorporated into Commercial Developments.

- (5) **Erosion and Sediment Control**

Erosion and sediment controls are to be incorporated into the construction phase of the development as to prevent sediment and pollution leaving the construction site.

B-13 Earthworks and Retaining Walls

- (1) All earthworks and retaining walls proposed for the development must be detailed within the development application.

- (2) **Consideration of Acid Sulfate Soils (ASS)**

Acid Sulfate Soils are relatively prevalent within the lower river regions of Richmond Valley, and due consideration of the risk and structural adequacies must be considered within any application proposing earthworks and retaining walls. ASS considerations must accompany any engineering certification. Further information may be obtained in Chapter H-3 of this DCP.

- (3) **Engineering Certification Required**

Retaining walls in excess of 600 mm height require engineering certification. All materials to be utilised as fill, ballast or for retaining walls must be accompanied by a geotechnical certification to verify structural stability and that they are free from contamination.

Erosion and Sediment Control safeguards and practices are required to be implemented during construction.

Any material resulting from demolition, including concrete and brick which may be sourced as ballast, is classified as a waste. It is an offence under the *Protection of the Environment Operations Act* to transport waste to a place that cannot lawfully be used to deposit waste. Ballast or fill cannot be sourced from a demolition site unless it has been certified as clean and de-classified as waste.

B-14 Overshadowing, Solar Access, Orientation and View Loss

- (1) The following considerations are intended for development proposed on the fringe of commercially zoned land and where there is potential for the development to negatively impact upon adjoining sensitive land uses.

- (2) **Overshadowing**

If the assessing officer is of the opinion there is likely to be excessive overshadowing of adjoining residentially zoned land, a shadow diagram will be required (showing the Winter Solstice at 9am, 12 noon, and 3 pm). In this way it may be determined whether the proposal may unduly impact upon living and private open space areas of the existing development. This requirement may also apply to similarly sensitive land uses such as parklands, childcare centres, community use buildings, and the like.

- (3) **Solar Access**

Some consideration should be made concerning the orientation of commercial development where excessive loss of solar access is likely to occur on adjoining properties, particularly residential development.

Consideration should be given to the orientation of design elements having regard to the location of adjoining living rooms, open space areas, solar equipment, skylights, pergolas, rooftop balconies, etc.

- (4) **Orientation**

In addition to the considerations discussed relating to sunlight infusion and energy conservation, the proposed development should consider locating service areas of the development as to minimise negative impacts on adjoining sensitive receivers.

- (5) **View Loss**

Consideration and respect of views to and from important community landmarks from adjoining public places must form part of the assessment process in allowing high rise commercial development. New development shall respect view corridors within and along main streets and out to the surrounding landscape. A view loss assessment shall form part of any commercial application in excess of three (3) storeys.

B-15 Safety and Security

- (1) Security considerations and principles are particularly important for commercial design to provide for the safety of all intended users of the development. The provisions for safety and security considerations within the DCP standards vary dependent on the type of commercial development. More information concerning Crime Prevention Through Environmental Design (CPTED) is outlined within Chapter I-10 of this DCP.

The design and orientation of important elements of any proposed Commercial Development shall have regard to the basic strategies outlined for CPTED. Most commercial developments will be referred for comment to the NSW Police Force as part of the assessment process. Council may require alterations to the design if it is of the opinion the proposed commercial development demonstrates an undue propensity for providing crime opportunity. Unsafe design features include:

- Ø Poor lighting/shadowing
- Ø Isolation
- Ø Lack of sightlines
- Ø Hiding and entrapment areas
- Ø Inadequate security