

Richmond
Valley
Council



**Richmond Valley
Development
Control Plan 2015

(As Amended)**

Original Adopted by Council 22
December 2015

Amended Version Effective from 1
December 2019

Richmond Valley Development Control Plan 2015

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Richmond Valley Development Control Plan 2015

Introduction

1. Name of Plan

This plan is known as the *Richmond Valley Development Control Plan 2015 (the DCP)*.

This DCP shall be read in conjunction with the *Richmond Valley Local Environmental Plan 2012 (the LEP)*. The DCP supplements the LEP by providing general information, detailed guidelines, and controls relating to the design and scale of development, and provides an insight into the decision making process.

The LEP and this DCP provide Council's land use planning and development controls for the Richmond Valley LGA.

2. Commencement

This DCP was prepared pursuant to Section 74C of the *Environmental Planning and Assessment Act 1979 (the EP&A Act)*, and Part 3 of the *Environmental Planning and Assessment Regulation 2000 (the Regulation)*.

This DCP was approved by Richmond Valley Council on 22 December 2015 and becomes effective from 4 January 2016.

This DCP is subject to amendment and reference should be made to the table of amendments contained in Section 10.

3. Aims of this DCP

The aims of this DCP are to:

- (1) provide detailed provisions with respect to development to achieve the purpose of the *Richmond Valley Local Environmental Plan 2012*;
- (2) outline requirements for development which meets community expectations and addresses key environmental planning issues relevant to the LGA;
- (3) identify and detail public exhibition requirements for development under Part 4 of the *Environmental Planning and Assessment Act 1979*; and
- (4) repeal all pre-existing DCPs as they apply within the local government area of Richmond Valley Council.

4. Land to which this Plan applies

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

5. Inconsistencies

(1) **Inconsistency between this DCP and an Environmental Planning Instrument**

This plan supports the provisions of the *Richmond Valley Local Environmental Plan 2012*. Where there is an inconsistency between this DCP and the LEP, or any other Environmental Planning Instrument (**EPI**) applying to that land, the provisions of the LEP or EPI shall prevail.

(2) **Inconsistency within this DCP**

Where there is an inconsistency between standards or controls within this DCP, Council shall determine, based upon a merits consideration, which standards shall prevail to the extent of the inconsistency.

6. Departures and Variations

Unless otherwise provided in a Part or Chapter of this DCP, variations to this DCP may be approved under Delegation to the Chief Executive Officer (CEO), or his sub-delegate.

7. Repeal of DCPs

Upon the commencement of this DCP the *Richmond Valley Development Control Plan 2012* shall be repealed and ceases to operate.

8. Savings

- (1) This DCP shall only apply to development applications lodged after its commencement.
- (2) All development control plans repealed by this DCP shall continue to apply for the purposes of assessing development applications made, but not determined, at the time this DCP commenced. Notwithstanding, the intent of this DCP, and changes incorporated into it, may be considered when assessing those development applications.

9. Structure of this plan

- (1) This plan is structured into Parts in the following manner:

Administration

Introduction

Development Controls Grouped by Land Use Type

Part A – Residential Development

Part B – Commercial Development

Part C – Industrial Development

Part D – Rural Land Uses

Part E - Visitor Accommodation, Caravan & Manufactured Home Estates

Subject Based Development Controls

Part F – Signage

Part G – Subdivisions

Part H – Environmental Sensitivity and Hazards

Part I – Other Considerations

Part J – Omitted by Amendment No.1 (1 December 2019)

(2) How Parts and Chapters within this DCP Operate

Each Part, and to a limited extent the Chapters within the Parts, can be read in isolation from the remainder of this DCP. Notwithstanding, each Part and Chapter remains a component of the DCP so it should not be construed that they are separate documents or DCPs.

Parts and Chapters may reference provisions or criteria from other Parts and Chapters of the DCP where additional detail has been provided to explain the standard or principle. That way lengthy detail for a specific subject need not be reproduced in each Chapter. For example, Part A – Residential Development may refer to CPTED in regards to the design and siting of development. CPTED is addressed in detail within Chapter 10 of Part I (I-10) and provides detailed guidelines on the principles for crime prevention through environmental design.

10. Amendments to this plan

This development control plan has been amended as follows:

No	Amendment Title	Date Effective	Comment
1	Richmond Valley DCP 2015 (Amendment No.1) – Community Participation Plan	1 December 2019	Omits Part J – Advertising and Notification of Development with the commencement of the Richmond Valley Community Participation Plan.

11. Definitions

Acid Sulfate Soils (ASS) means a soil type typically found under low lying coastal areas that, when oxidised (exposed to air), produce sulfuric acid. See Part H-3 of this DCP for further details.

Acid Sulfate Soils Manual means the manual published by the NSW Acid Sulfate Soils Management Advisory Committee and contains information on the chemistry, detection, & management of ASS.

Advertised development has the same meaning as in EP&A Act.

Note. Section 4(1) of EP&A Act defines **advertised development** as meaning development, other than designated development, that is identified as advertised development by the regulations, an environmental planning instrument or a development control plan. Advertised development includes any development for the purposes of a scheduled activity at any premises under the *Protection of the Environment Operations Act 1997* that is not designated development.

Note2. For the purposes of this definition Part J of this DCP identifies advertised development.

Advertisement has the same meaning as in the EP&A Act. The term is defined in the Act as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

Advertising Structure has the same meaning as in the EP&A Act. The term is defined in the Act as a structure used or to be used principally for the display of an advertisement. Advertising structures are a type of “signage” for the purposes of the *Richmond Valley LEP 2012*.

Building Lines relates to a setback from either the front boundary, side & rear boundary or a foreshore. For further information see Front Building Line Setback, Side & Rear Setback, Foreshore Building Line, and Part I-3 of this DCP.

Building Height Plane (BHP) means a building height ceiling extending over a property. Except under certain circumstances, all buildings are to be contained. The BHP is measured from the side and rear boundaries of the property, extending up 2 metres at the boundary and then at a 45⁰ angle towards the centre of the property.

CPTED (Crime Prevention Through Environmental Design) provides an assessment process to evaluate and mitigate potential risks from crime.

Development Assessment Panel (DAP) is an internal panel of Richmond Valley Council that has been established to consider all aspects of submitted development applications, and to act as a technical support first contact with developers.

Development Control Plan means a plan that supports an LEP, and/or defines advertised development. Such plans contain development standards and guiding principles for the regulation of development.

Draft Richmond Valley Development Control Plan 2015 (Draft Richmond Valley DCP 2015)(the Draft DCP) means the Draft DCP adopted by Council on 15 September 2015 by Richmond Valley Council for the purposes of community engagement. When this DCP is finally adopted it will repeal the Richmond Valley DCP 2012.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

Formal Notice (Formal Notification) is a form of written notification where the recipient is invited to make a written submission on a development proposal.

Foreshore Building Line Setback mean an area of a property, measured from the shoreline of a waterway, in which buildings are not permitted to be erected. See Part I-3 for details.

Front Building Line Setback mean an area at the front of a property, measured from the front boundary adjacent to a road, in which buildings are not permitted to be erected. See Part I-3 for details.

FSA mean Floor Space Area.

Gross Floor Area (GFA) means the sum of the floor area of each floor of a building measured from the internal face of the external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:
 - (d) any area for common vertical circulation, such as lifts and stairs, and
 - (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
 - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
 - (h) any space used for the loading or unloading of goods (including access to it), and
 - (i) terraces and balconies with outer walls less than 1.4 metres high, and
 - (j) voids above a floor at the level of a storey or storey above.

Informal Notice (Informal Notification) is a form of written notification where the recipient is given a courtesy notice that a development application has been lodged on an adjacent property.

Integrated Development means development (not being complying development) that, in order for it to be carried out, requires development consent and one or more of the approvals listed in section 91 of EP&A Act.

Landscape Open Space (Landscaping) means open space that comprises of gardens, lawns and other areas where stormwater infiltration can occur.

LUCRA (Land Use Conflict Risk Assessment) means an assessment of potential land use conflict between a proposed development and existing development, and should include mitigation measures to minimise any potential for conflict.

MBH or **Maximum Building Height** means the maximum building height established on the Height of Buildings Map in the *Richmond Valley Local Environmental Plan 2012*.

Maximum Site Cover means the percentage coverage for all buildings on the land, including the total roofed area and open space requirement.

Open Space means the total area of land that has been set-a-side in a development as open space that is available to its residents and occupants for recreation and relaxation, and includes garden areas, lawns, paths, unenclosed decks and patios, etc. Open space includes Landscape Open Space and Private Open Space.

Parent Lot when used in this DCP means the land before it has/was subdivided.

Private Open Space (POS) is defined as an area set aside for the exclusive use of the dwelling for which it is intended to benefit and is to be directly accessible from an indoor living area of that dwelling. It should be capable of being gated and excluded from access by other 'units' and the public.

Note. For ground floor dwellings – a minimum 25m² POS area is required; for dwellings located above ground floor – a minimum 7m² balcony space is required.

Published Notice (Published Notification) means a notice published in a newspaper, and usually relates to advertised development, see Part J of this DCP for details.

Regulation 2000 means the *Environmental Planning and Assessment Regulation 2000*.

Richmond Valley Development Control Plan 2012 (Richmond Valley DCP 2012)(the DCP) means the DCP that commenced for the Richmond Valley Local Government Area on 21 April 2012.

Richmond Valley Local Environmental Plan 2012 (Richmond Valley LEP 2012)(the LEP) means the local environmental planning instrument for the Richmond Valley Local Government Area. This LEP zones land, and provides aims/objectives, and statutory provisions for the regulation of development.

Side & Rear Boundary Setback mean an area at the side and rear of a property, measured from the boundary adjacent to a neighbour, in which buildings are not permitted to be erected. See Part I-3 for details.

Voluntary Planning Agreement (VIA) means a legal agreement, initiated by a developer, with Council to contribute money, land and/or undertake a public interest as part of a development proposal.

WSUD (Water Sensitive Urban Design) relates to designing development to conserve water and to minimise impacts on the environment from waste water and stormwater.

Written Notice (Written Notification) means a notice that has been issued in writing to the owners of the property and/or the occupant. In this DCP is usually relates to advertised development, and includes a formal and informal notification. See Part J of this DCP for details.