

Richmond
Valley
Council



Richmond Valley Development Control Plan 2021



Endorsed by Richmond Valley Council 22 June 2021
Commenced 1 August 2021



Contents

- **Introduction**
- **Part A Residential Development**
 - A-1 Dwelling Houses in the R1 General Residential and RU5 Village Zones
 - A-2 Dwelling Houses in the RU1 Primary Production, R5 Large Lot Residential and E3 Environmental Management Zones
 - A-3 Dual Occupancies in the R1 General Residential and RU5 Village Zones
 - A-4 Dual Occupancies in the RU1 Primary Production, R5 Large Lot Residential and E3 Environmental Management Zones
 - A-5 Secondary Dwellings in the R1 General Residential, RU5 Village and R5 Large Lot Residential Zones
 - A-6 Ancillary Residential Development in the R1 General Residential and RU5 Village Zones
 - A-7 Ancillary Residential Development in the RU1 Primary Production, R5 Large Lot Residential and E3 Environmental Management Zones
 - A-8 Multi Dwelling Housing and Residential Flat Buildings
 - A-9 Shop Top Housing
 - A-10 Seniors Housing & Affordable Housing
 - A-11 Explanatory Notes
- **Part B Commercial Development**
- **Part C Industrial Development**
- **Part D Rural Land Uses**
 - D-1 Roadside Stalls
 - D-2 Kiosks
 - D-3 Intensive Livestock Agriculture
- **Part E Tourist and Visitor Accommodation**
 - E-1 Eco-tourist facilities
 - E-2 Bed and Breakfast Accommodation
 - E-3 Serviced Apartments
 - E-4 Hotel and Motel Accommodation
 - E-5 Backpackers Accommodation
 - E-6 Farm Stay Accommodation
 - E-7 Manufactured Home Estates, Caravan Parks and Camping Grounds
- **Part F Signage**
- **Part G Subdivision**
- **Part H Natural Resources and Hazards**
 - H-1 Flood Planning
 - H-2 Acid Sulfate Soils (ASS)
 - H-3 Natural Resource (NRS)

➤ **Part I Other Considerations**

- I-1 Environmental Heritage
- I-2 Development in, on, over or under Public Road
- I-3 Setbacks
- I-4 Car Parking Provisions
- I-5 Landscaping Guidelines
- I-6 Animal Boarding and Training Establishments
- I-7 Noise Impact Assessment (NIA)
- I-8 Social Impact Assessment (SIA)
- I-9 Water Sensitive Urban Design (WSUD)
- I-10 Crime Prevention Through Environmental Design (CPTED)
- I-11 Land Use Risk Conflict Risk Assessment (LUCRA)
- I-12 Context and Site Analysis
- I-13 Use of Shipping Containers
- I-14 Sex Services Premises, Restricted Premises and Home Occupation (Sex Services)
- I-15 Lane Widening and Access to Narrow Streets
- I-16 Historic New Italy Village Area

Richmond Valley Development Control Plan 2021



Introduction

1. Name of Plan

This plan is known as the *Richmond Valley Development Control Plan 2021 (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 3.43 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 June 2021 and becomes effective from 1 August 2021.

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) 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. Relationship to other Plans

This DCP is to be read in conjunction with 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.

This DCP is also to be read in conjunction with the following:

- *Environmental Planning and Assessment Act 1979*;
- *Environmental Planning and Assessment Regulation 2000*;
- Relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs;
- *Local Government Act 1993*;
- Building Code of Australia (BCA);
- Relevant Australian Standards as identified throughout this DCP;
- Land and Environment Court Planning Principles; and
- Any other policy or document identified for consideration throughout this DCP.

Note. It is advised to check www.legislation.nsw.gov.au for the most current list and version of applicable Acts, Regulations, SEPPs and the LEP.

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

6. Repeal of DCPs

Upon the commencement of this DCP the *Richmond Valley Development Control Plan 2015* shall be repealed and ceases to operate.

7. 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.

8. Structure of this plan

- (1) This plan is structured into Parts as follows:

Administration

Introduction

Development Controls Grouped by Land Use Type

Part A – Residential Development

Introduction

- Part B – Commercial Development
- Part C – Industrial Development
- Part D – Rural Land Uses
- Part E – Tourist and Visitor Accommodation

Subject Based Development Controls

- Part F – Signage
- Part G – Subdivision
- Part H – Natural Resources and Hazards
- Part I – Other Considerations

(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 regard to the design and sighting 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.

9. Amendments to this plan

This development control plan has been amended as follows:

	Nil		

10. Definitions

This development control plan uses terms that are defined in the Standard Instrument – Principal Local Environmental Plan.

Commonly used terms are defined below.

See also the Explanatory Notes in Part A-11 of the DCP.

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-2 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.

Introduction

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 – see setbacks

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.

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

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.

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.

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

Introduction

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*.

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

Principal 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.

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

Setback (or building line) is the horizontal distance between the property boundary and—

- (a) the external wall of a building, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof whichever distance is the shortest.

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.

Street 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.

Voluntary Planning Agreement (VPA) 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.