Richmond Valley Development Control Plan 2021

Part A
Residential Development

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

Date adopted by Council: 22/06/2021

Effective Date: 01/08/2021

Amendments: Nil

The Richmond Valley Development Control Plan 2021 (**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:

Part A Preamble

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*** or ***manor houses*** 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. Where the proposed development matches one of development types found in the *Low Rise Housing Diversity Design Guide for Development Applications* (July 2020) prepared by the NSW Government, these controls will guide development.

For manor houses and dual occupancy (one above the other), Council will rely on the standards prescribed for these forms of development in the *Low Rise Housing Diversity Design Guide for Development Applications* (July 2020) prepared by the NSW Government, other than requiring compliance with the street setback requirements applying to all residential development in the applicable zone. The common street setbacks help ensure that the proposed development is consistent with the desired character of the locality.

Attached dwellings, semi detached dwellings and manor houses are forms of development which are not supported in the L1 Low Density areas identified in this DCP.

Part A Residential Development Objectives

(1) To provide achievable standards for residential accommodation while fostering a high standard of design and amenity for occupants, neighbours and the wider community.

(2) Promote a wider choice in housing to satisfy the demand of a variety of household types and lifestyles.

Part A Density Maps

Objectives

These densities have been applied to the urban zones to:

- identify the type and scale of residential development desired in urban towns and villages, having regard to the environmental capacity of each location and the proximity to services and facilities.
- To ensure a variety and choice of housing is available which meets the needs of different household types and lifestyles.

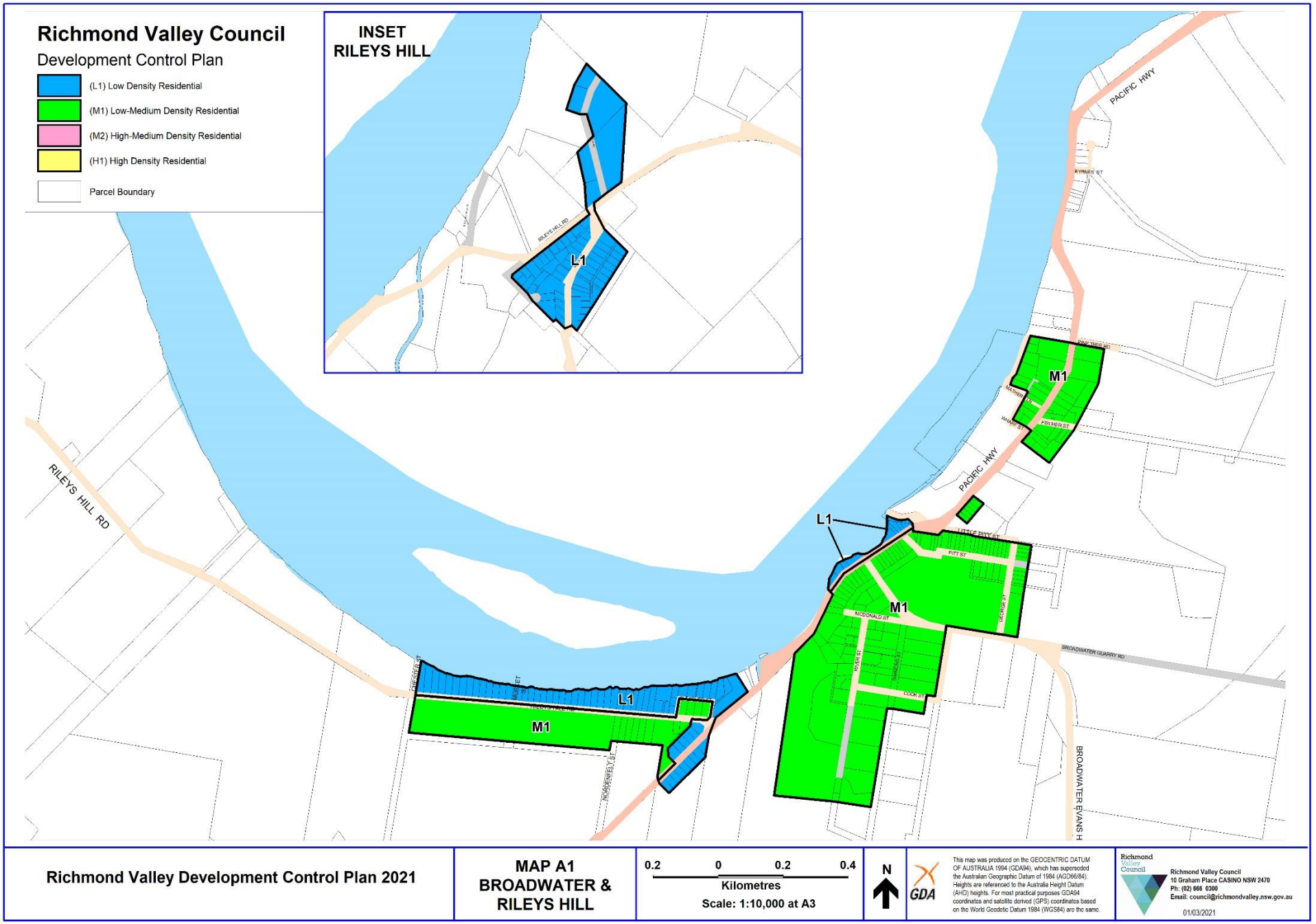
Controls

1. Residential densities used within this DCP consist of:

   - **L1—Low Density**
     Areas within rural villages and urban areas characterised by single dwelling houses and some dual occupancy development.
     Localities where site constraints, setting and character of the area and/or distances from services generally make higher density development inappropriate.
   - **M1—Low-Medium Density**
     Areas within rural villages and towns where there is a mix of dual occupancy and dwelling houses; interspersed with some multi dwelling housing, of a form and scale consistent with the lower density character of the area.
   - **M2—High-Medium Density**
     Areas of Casino and Coraki that are mostly located close to services and amenities, where more diverse forms of housing such as multi dwelling houses (villas and townhouses) are intended to form an important part of the housing mix. Dual occupancies and dwelling houses are also located in these areas.
   - **H1—High Density**
     Located in the B3 Commercial Core of the Casino town centre and a small area of Casino along Hickey street between Convent Parade and Pratt Street which is zoned R1 General Residential. These zones have a maximum building height of 14 metres under the *Richmond Valley LEP 2012*. The High Density classification provides opportunity for higher density development in the form of residential flat buildings in the R1 General Residential zone and for mixed use development in the B3 Commercial Core zone.

2. Residential density controls apply in the following locations:

- Map A1 – Broadwater & Rileys Hill
- Map A2 – Casino
- Map A3 – Coraki
- Map A4 – Evans Head
- Map A5 – Woodburn


Richmond Valley Council
Development Control Plan
(L1) Low Density Residential
(M1) Low-Medium Density Residential
(M2) High-Medium Density Residential
(H1) High Density Residential
Parcel Boundary
INSET
RILEYS HILL
L1
RILEYS HILL RD
PACIFIC HWY
M1
L1
M1
L1
M1
BROADWATER QUARRY RD
BROADWATER EVANS H
Richmond Valley Development Control Plan 2021
MAP A1
BROADWATER &
RILEYS HILL
0.2 0 0.2 0.4
Kilometres
Scale: 1:10,000 at A3
N
GDA
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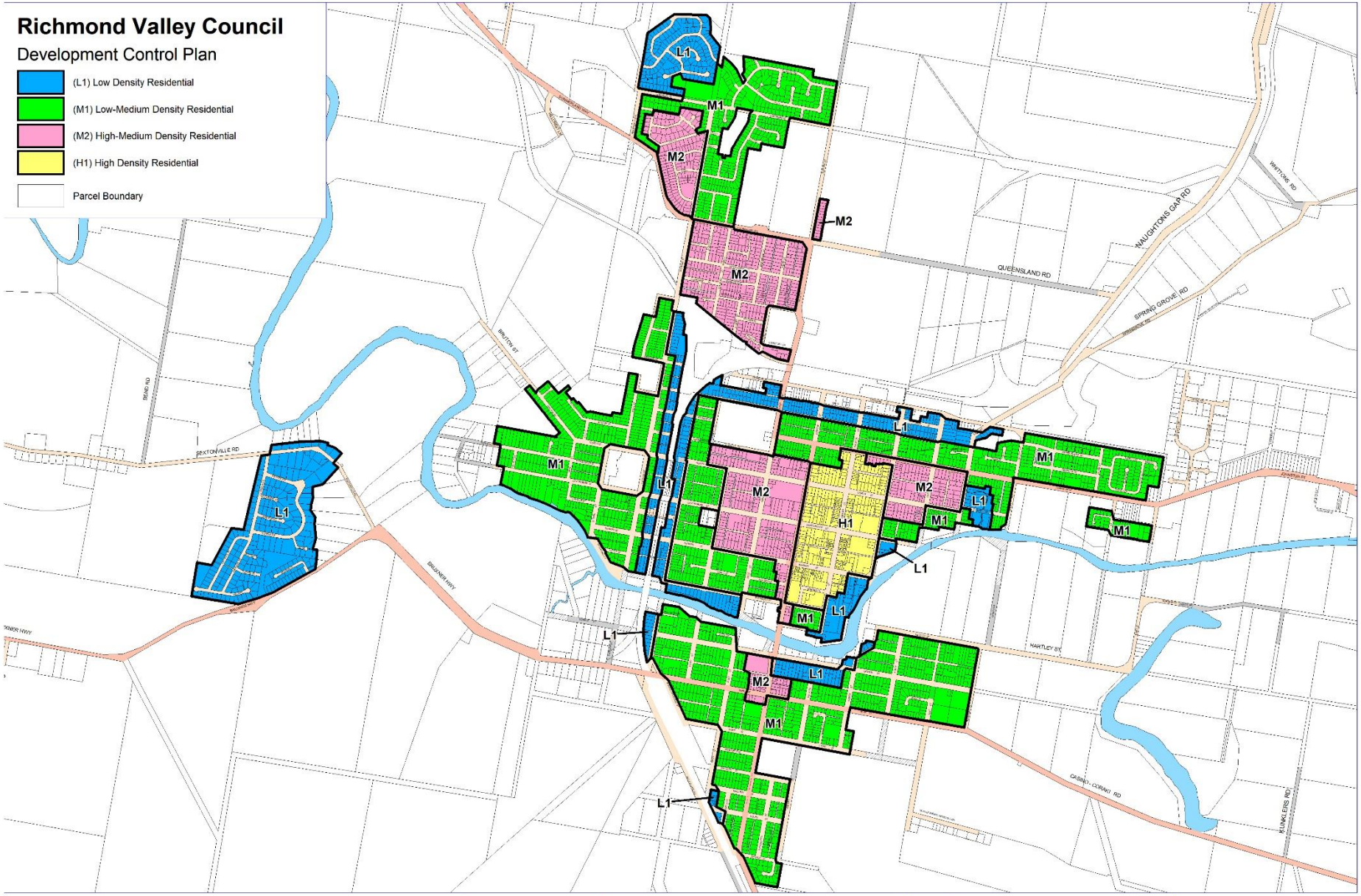
01/03/2021



Richmond Valley Development Control Plan 2021

MAP A2
CASINO

0.5 0 0.5 1
Kilometres
Scale: 1:20,000 at A3

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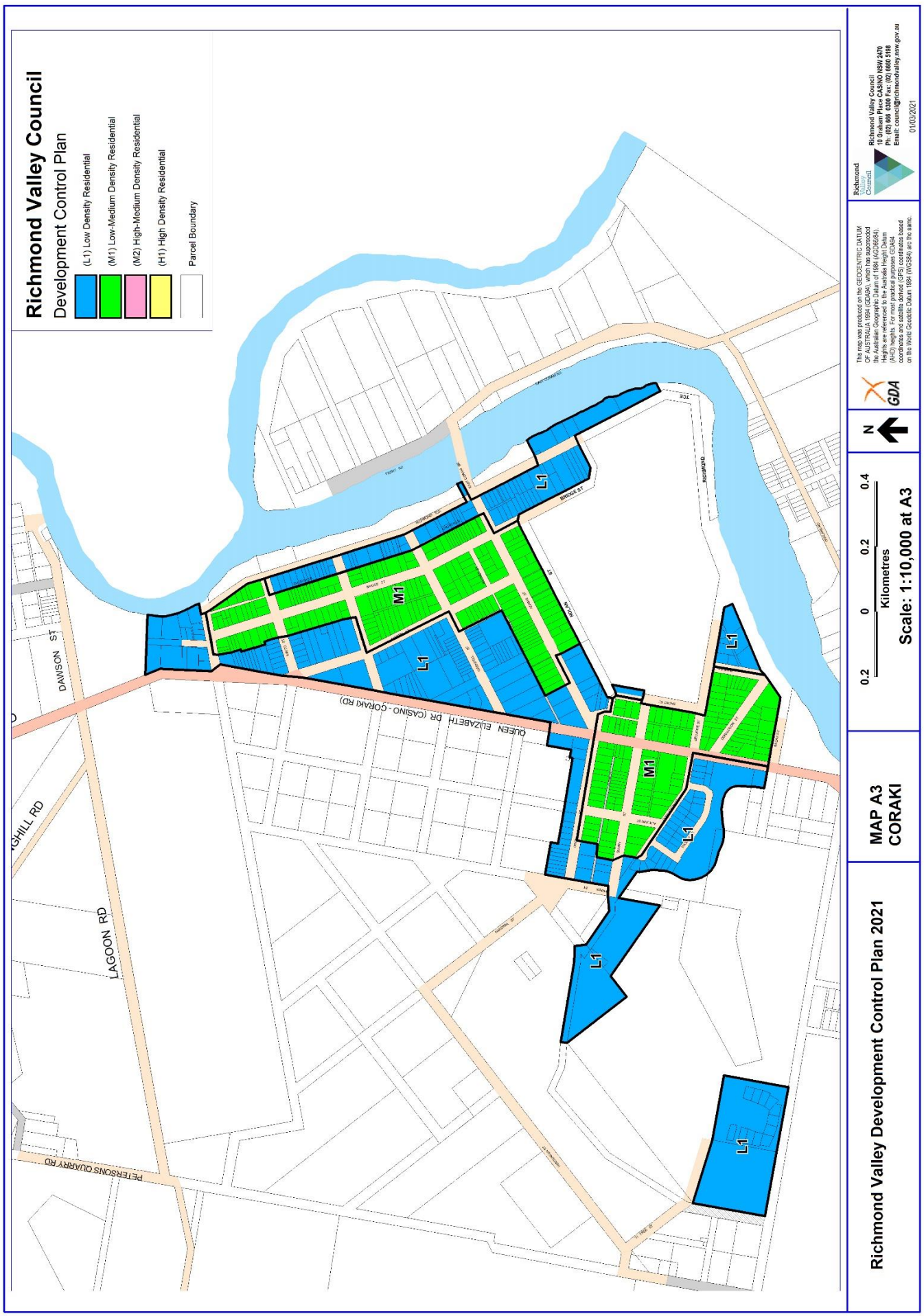
Richmond Valley Council
Development Control Plan
(L1) Low Density Residential
(M1) Low-Medium Density Residential
(M2) High-Medium Density Residential
(H1) High Density Residential
Parcel Boundary
L1
M1
QUEEN ELIZABETH DR (CASINO - CORAKI RD)
DAWSON ST
LAGOON RD
PETERSONS QUARRY RD
BRIDGE ST
RICHARDS
0.2 0 0.2 0.4
Kilometres
Scale: 1:10,000 at A3
N
GDA
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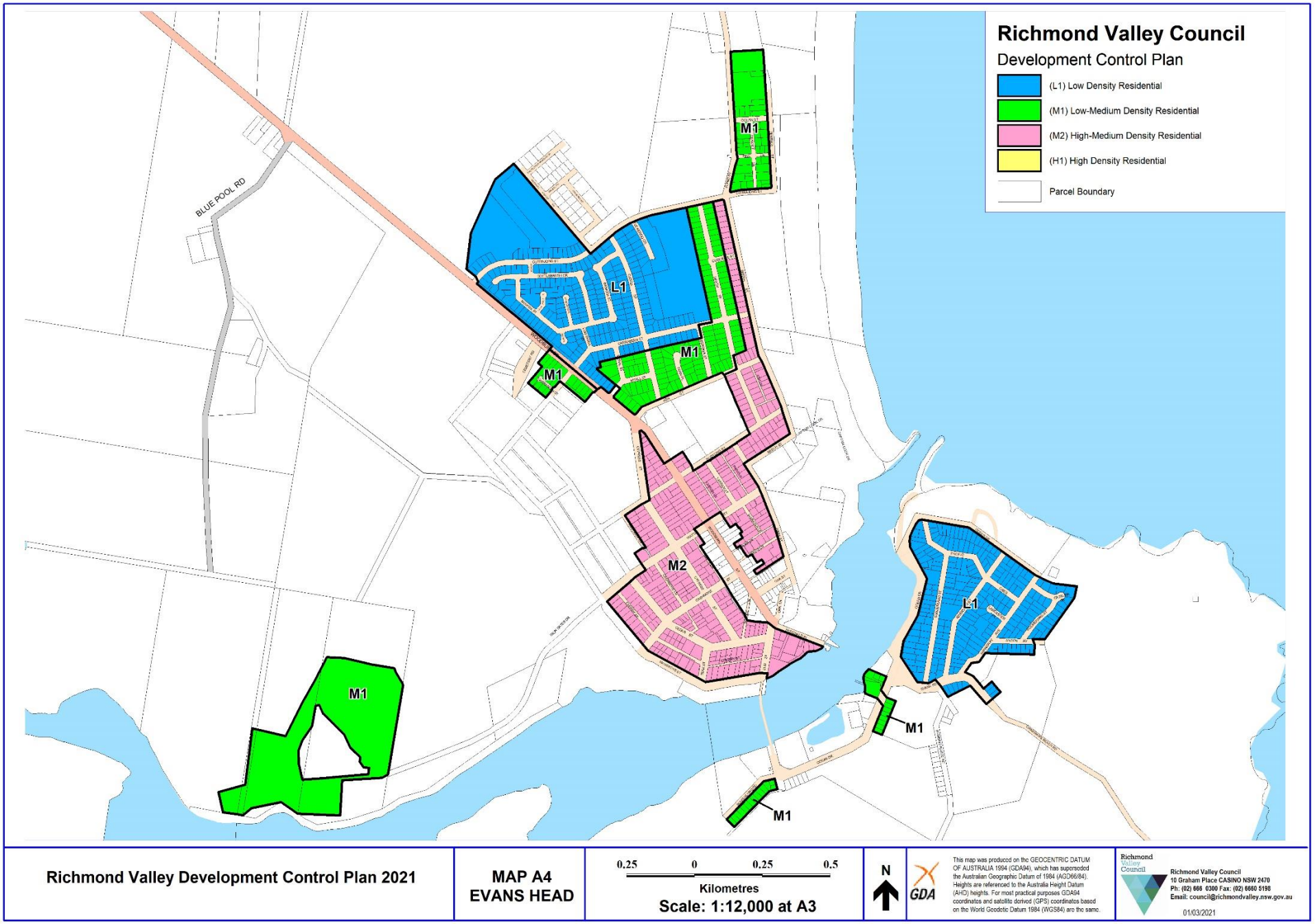
Richmond Valley Development Control Plan 2021
MAP A3
CORAKI


Richmond Valley Council
Development Control Plan
(L1) Low Density Residential
(M1) Low-Medium Density Residential
(M2) High-Medium Density Residential
(H1) High Density Residential
Parcel Boundary
BLUE POOL RD
L1
M1
M2
Richmond Valley Development Control Plan 2021
MAP A4
EVANS HEAD
0.25 0 0.25 0.5
Kilometres
Scale: 1:12,000 at A3
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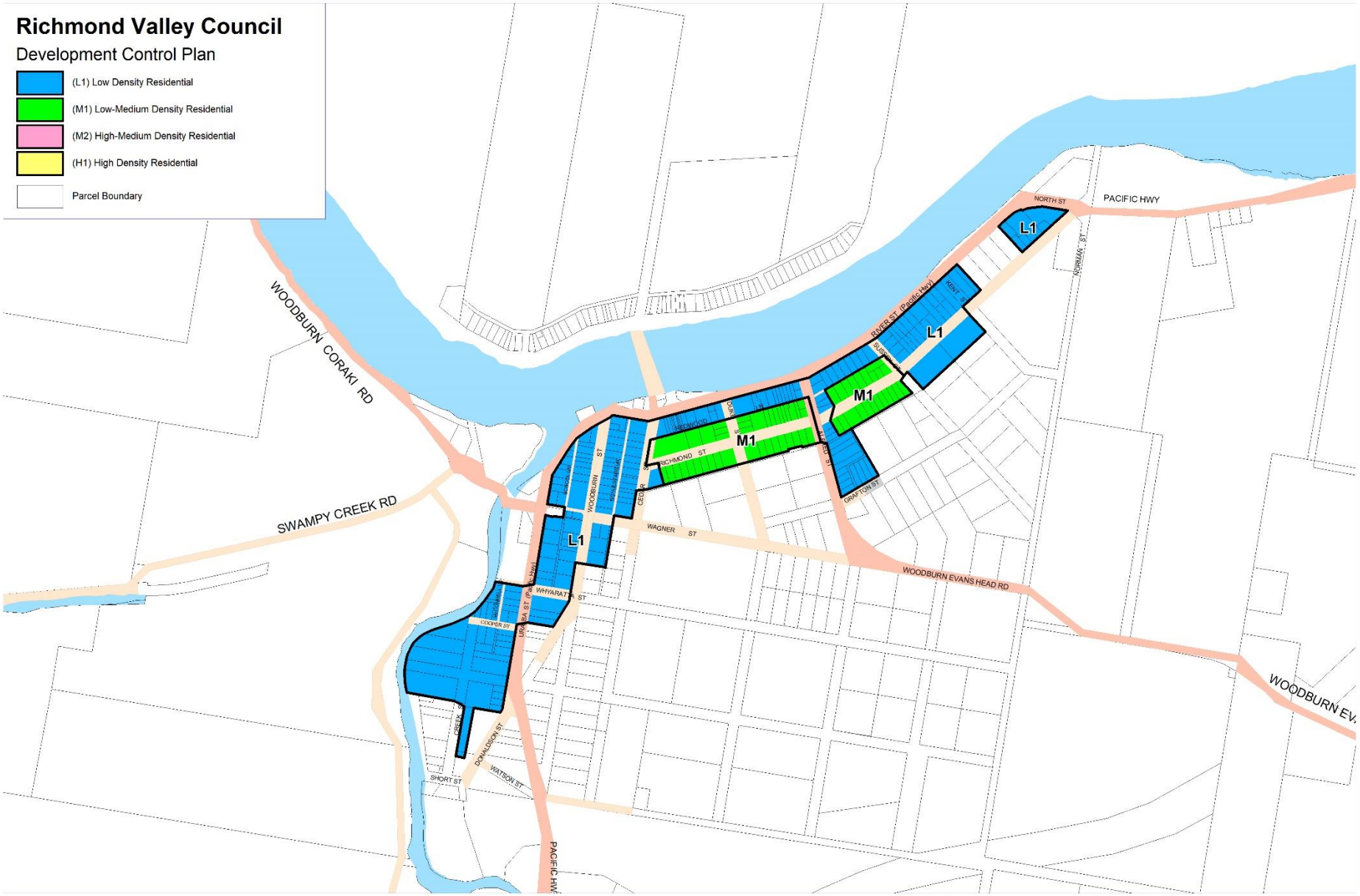
Richmond Valley Council
Development Control Plan
(L1) Low Density Residential
(M1) Low-Medium Density Residential
(M2) High-Medium Density Residential
(H1) High Density Residential
Parcel Boundary
L1
M1
WOODBURN CORAKI RD
SWAMPY CREEK RD
PACIFIC HWY
NORTH ST
RIVER ST (Pacific Hwy)
RICHMOND ST
GRAFTON ST
WAGNER ST
WOODBURN EVANS HEAD RD
WHYARAT ST
COOPER ST
DONALDSON ST
WATSON ST
SHORT ST
Richmond Valley Development Control Plan 2021
MAP A5
WOODBURN
0.2 0 0.2 0.4
Kilometres
Scale: 1:10,000 at A3
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Part A-1
Dwelling Houses in the R1 General Residential and RU5 Village Zones

Preamble

This chapter establishes objectives and design criteria for construction of a new dwelling house, or alterations and/or additions to an existing dwelling house on a lot of land in the following urban zones, where dwelling houses are permitted under the *Richmond Valley LEP 2012*:

- R1 General Residential
- RU5 Village

A-1.1 Hazards and Constraints

Objectives	Design Criteria
(a) To alert applicants to the range of potential site constraints including natural hazards constraints, that may apply to a lot. **These constraints may impact on the siting and form of the development and require preparation of additional planning reports as part of the development applications.**	1. The development design must take into account any hazards or constraints applying to the land, which may include the following: (a) Flood – Habitable floors to be above Flood Planning Level (FPL). – see Council for flood levels and Part H-1 of the DCP. (b) Bushfire – comply with Planning for Bushfire Protection 2019. A Bushfire Report is required. (c) Acid Sulfate Soils (ASS) - see clause 6.1 of RVLEP & Part H-2 of this DCP. (d) Coastal Development – A statement addressing the matters in SEPP (Coastal Management) 2018 is required. (e) Contaminated Lands – Land to be of a standard compatible with residential development. Contaminated Land should be based upon consideration of current and historic land uses, the likely presence of asbestos and lead paints, and the land uses identified in SEPP 55. (f) Natural Resource Sensitivity – confirm whether any one or more overlays applies – See clauses 6.6 to 6.10 of RVLEP: • 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 (g) Clearing of native vegetation - A report is provided addressing the *Biodiversity Conservation Act 2019* and a map showing the vegetation to be removed is provided. (h) Heritage – on or adjoining the site. See Part I-1 & RVLEP (i) Easements, Clear Zones, Zone of Influence for Services – see Council for locations and zone of influence and clear zone requirements. (j) Aircraft Noise - Any development within the 20 ANEF contour is to be constructed to comply with AS 2021:2015 Acoustics – Aircraft Noise Intrusion (k) Dwellings that are within 100 m of a classified road or 80m from a rail corridor need to comply with relevant noise control treatment for sleeping areas and other habitable rooms in Appendix C of *RMS Development Near Rail Corridors and Busy Roads - Interim Guideline*.

Note. Information regarding the constraints and hazards applying can be found from:

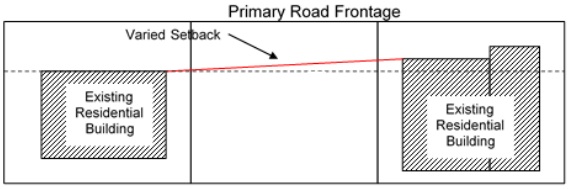
- A Section 10.7 Planning Certificate
- The Department of Planning, Industry and Environment's eSpatial viewer
- The Biodiversity Values Map
- By contacting Councils development concierge for assistance.

A-1.2. Building Height

Maximum height of building	
Objectives	**Design Criteria**
(a) To comply with the maximum building height requirement in the *Richmond Valley LEP 2012*.	1. The maximum height is as specified in the Height of Buildings Map in *Richmond Valley Local Environmental Plan 2012*. (a) Generally, the maximum height is 8.5 m. (b) Some residential areas of Evans Head have a 9.5 m maximum height.

A-1.3. Building Setbacks

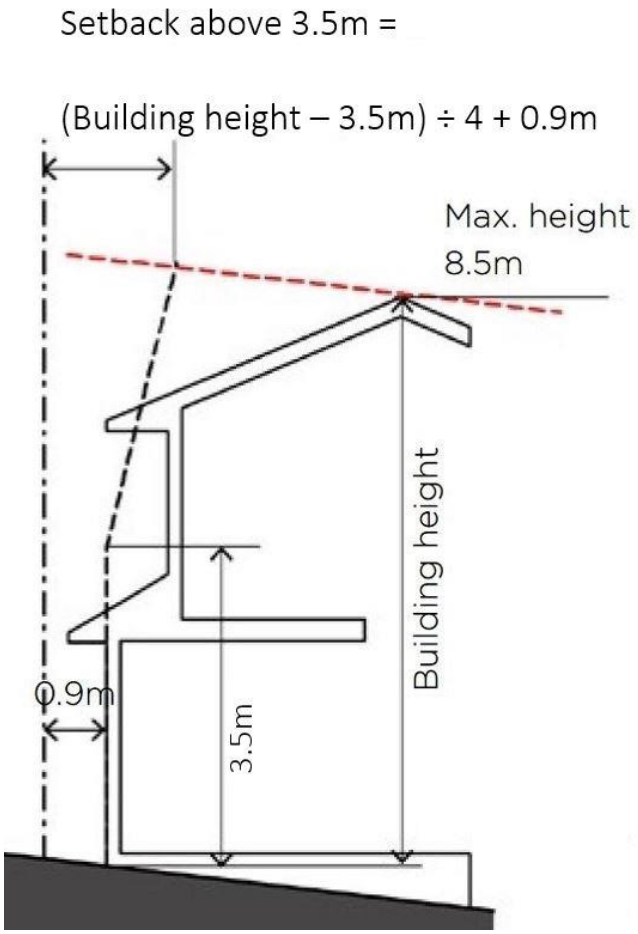
Note: The explanatory notes section provides further detail on the types of setbacks and how setbacks are measured.

Setbacks to Streets	
Objectives	**Design Criteria**
(a) The development provides a setback from the front boundary or public space that: **i. defines the street edge;** **ii. creates a clear threshold and transition from public to private space;** **iii. assists in achieving visual privacy to ground floor dwellings from the street;** **iv. contributes to the streetscape character and landscape; and** **v. relates to the existing streetscape and setback pattern or the desired future streetscape pattern if different to the existing.**	***Street Setback (Primary Road)*** 1. The setback of the dwelling from the primary road frontage is: **(a) the distance defined below**: i. 6 metres, and ii. 7m for any part of a garage, carport with enclosure or part enclosure on any side, and sheds. **OR** **(b) the established street setback being:** i. The average distance of the setbacks of the nearest dwelling houses or dual occupancies located within 40m of the development and having the same primary road boundary, measured as follows:  2. The established street setback excludes any part of a structure erected in an articulation zone on adjoining properties, and garages, carports, and ancillary development on the adjoining properties 3. Where relying on the established street setback controls, a garage, carport with enclosure or part enclosure on any side, or shed must be set back the greater of either: • One metre behind the dwelling, or • 5.5 m from the primary road boundary. ***Setbacks to Secondary and Parallel Roads*** 4. A 3 metre setback is required from any secondary or parallel road frontage, whether those roads are formed or unformed. 5. A 5.5m setback is required from any secondary or parallel road frontage to a garage, carport with enclosure or part enclosure on any side, or shed.

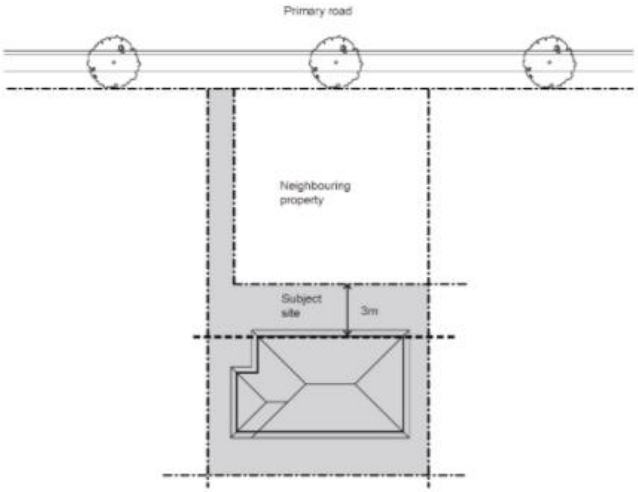
Setbacks to Streets	
Objectives	**Design Criteria**
	Roads subject to Widening
	6. The street setback to a road subject to widening shall be increased by width of land to be resumed by the widening as follows: (a) Lane Widening proposed in Chapter I-15 of this DCP—the setback shall be increased by 3 metres to accommodate the proposed widening, (b) land identified as Classified Road (SP2) on the *Richmond Valley LEP 2012 Land Reservation Acquisition Map*—the setback shall increase by the width of identified resumption.

Side Boundary Setbacks	
Objectives	**Design Criteria**
(b) The development provides side boundary setbacks that reflects the character and separation of buildings within the surrounding area.	7. The following side boundary setbacks apply:

Building Height	Minimum required setback from each side boundary
0m – 3.5m	0.9m
>3.5m to 8.5m	$\frac{(\boldsymbol{Building\ Height} - \mathbf{3.5})}{\mathbf{4}} + \mathbf{0.9}$



Rear Boundary Setbacks	
Objectives	**Design Criteria**
(c) The development provides a rear boundary setback that: **i. is consistent with the character of the locality,** **ii. ensures dwellings do not visually dominate or compromise the character of adjacent dwellings,** **iii. provides privacy and solar access for outdoor areas of adjoining properties,** **iv. provides opportunity for landscaping and private open space.** **(d) Buildings are to be designed and sited to acknowledge the private open space of surrounding development and spatial character of rear yards. Extensive development should not visually dominate the outlook from the rear yards of neighbouring.**	8. The following rear setback controls apply: Building Height / Minimum required setback from each side boundary **Single Storey dwelling** – 3 metres **Two storey dwelling:** First Storey – 3 metres Second Storey – 6 metres

Front Setback - Battle Axe Lot	
Objectives	**Design Criteria**
(e) The development provides a setback that reflects the character and separation of buildings within the surrounding area and provides adequate separation for privacy and landscaping between dwellings.	9. A dwelling on a battle axe lot shall be set back 3 metres from the lot boundary facing towards the road. 

Increased Setbacks on Certain Land	
Objectives	**Design Criteria**
(f) Encourage building design and locations that have regard for the existing characteristics of the site and locality.	10. Site constraints may require greater setbacks from front, rear and/or side boundaries. For example: (a) **A foreshore building line setback** will apply to land fronting waterways having a W1 Natural Waterways, or W2 Recreational Waterways zoning under the *Richmond Valley LEP 2012*. See Part I-3.5 Foreshore Building Line Setbacks. (b) **Bushfire Prone Lands and Grasslands** Planning for Bushfire Protection, published by the NSW Rural Fire Service, may require increased setbacks. (c) **Land Use Conflict** Buffers may be required to separate conflicting land uses, such as dwellings from industries, grazing, cropping or other rural activities. Further details see Part I-11 - LUCRA.

Underground Infrastructure and Easements	
Objectives	**Design Criteria**
(g) Development does not impact upon easements and underground infrastructure.	11. Ensure development is clear of any easements and infrastructure services such as water supply, stormwater drainage pipelines, swales and overland flow paths, and sewer mains, including any additional constraints from the Zone of Influence – see Council for locations. 12. Development within the Zone of Influence shall, as an absolute minimum, be outside of the Clear Zone as determined by Council assessment of the relevant depth and pipe diameter. 13. Increased depth of footings are generally required between the Clear Zone and the edge of the Zone of Influence (any relaxation will be subject to assessment of the location, the criticality of the infrastructure, the soil type, the development scale, and the type of development, etc). 14. Referrals to other authorities such as Essential Energy may be required. See *State Environmental Planning Policy (Infrastructure).*

A-1.4 Gross Floor Area/ Floor Space Ratio

Objectives	Design Criteria
(a) The bulk and scale of development is appropriate for the context, minimises impacts on surrounding properties and allows for articulation of the built form.	1. The following maximum gross floor area applies for all development on the site: Lot Area (m^2) / Maximum GFA 0 to 2000 / 25% of lot area + 300m^2 >2000 / 800m^2

A-1.5 Landscaped Area and Landscape Design

Landscaped Area	
Objectives	**Design Criteria**
(a) To provide adequate opportunities for the retention of existing and provision of new vegetation that: **i. contributes to biodiversity;** **ii. enhances tree canopy; and** **iii. minimises urban runoff.** **(b) Existing natural features of the site that contribute to neighbourhood character are retained, and visual and privacy impacts on existing neighbouring dwellings are reduced.** **(c) Existing street trees are protected.**	1. The minimum landscaped area is 30% of the site area. 2. 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. Gravel or similar surfaced areas that allow infiltration can contribute to the achievement of the minimum landscaped area, where they form part of the overall landscape design, but not where the gravel comprises a vehicular accessway or parking area or any other use which is not landscaping. 3. On a battle axe lot, the area of any access handle is to be excluded from the lot area used to calculate the minimum landscaped area requirements. 4. The minimum dimension of any area included in the landscaped area calculation is 1.5m. 5. At least 50% of the street setback is to be landscaped area. 6. The following is to be provided: • Front: 1 tree with mature height of 8m if primary road setback is greater than 5m. If the primary road setback is less than 5m, a tree with a mature height of 5m. • Rear: 1 tree with mature height of 3m. 7. Trees need to be sited clear of below ground and overhead services Note. A list of suitable species is found in Part I-5 of the DCP. 8. Mature trees are to be retained, particularly those along the boundary, (except those where approval is granted by Council for their removal). 9. Landscape features on the site including trees and rock outcrops are to be retained where they contribute to the streetscape character or are located within the rear setback. 10. Development is to be designed to protect any existing street trees.

A-1.6 Principal Private Open Spaces

Objective	**Design Criteria**
(a) Dwellings provide appropriately sized private open space to enhance residential amenity.	1. The area of principal private open space provided for each dwelling is: at least 25m² with a minimum length and width of 3m.
(b) Principal private open space is appropriately located to enhance liveability for residents.	2. The principal private open space is located behind the front building line. 3. The principal private open space is located adjacent to the living room, dining room or kitchen to extend the living space.

A-1.7 Building Design

Building Elements on Street Frontages	
Objectives	**Design Criteria**
(a) Create a visually interesting façade on street frontages which contributes to the streetscape. **(b) Provide activation and passive surveillance to the public streets.**	1. Each dwelling with frontage to a street has: (a) at least 1 door and 1 window to a habitable room at ground floor level facing the primary road, and (b) at least 1 door and 1 window to a habitable room at ground floor level facing any secondary or parallel road. (c) garages and carports must not comprise more than 50% of the façade of the development to any road frontage
Primary Road Frontage Articulation Zone	
Objectives	**Design Criteria**
(c) Create a visually interesting façade and reduce the bulk and scale of a building.	2. Where a dwelling house has a setback of 6.0m or greater to a primary road, building elements may encroach up to 1.5m into the front setback, forming an articulation zone. 3. The following building elements may be located in the articulation zone— (a) an entry feature or portico, (b) a balcony, deck, pergola, terrace or verandah, (c) a window box treatment, (d) a bay window or similar feature, 4. The maximum total area of all building elements in the articulation zone, is $7m^2$. 5. Garages and garage or carport doors are not to be located in the articulation zone. These elements are to be located no closer than 7.0 m to the front boundary and integrated with the building design. 6. The maximum height of building elements within the Articulation zone shall be: (a) no more than 1m above the gutter line of the eaves of a single storey dwelling house, or (b) no higher than the gutter line of the eaves of a 2 storey dwelling house.
Side Walls	
Objectives	**Design Criteria**
(d) Minimise overshadowing, visual intrusion and bulk of buildings on adjoining properties and public places, and create a visually interesting façade.	7. Where a second storey wall adjacent to a side boundary is longer than 15m in length, the side setback shall be increased by a further 500mm or more for that part of the wall exceeding 15m. 8. Where an elevation that faces a public place (including roads) exceeds 15m in continuous length, articulation of the wall and the roofline shall be provided. 9. Where the scale of the side elevation results in significant overshadowing and/or visual intrusion due to building bulk to an adjoining dwelling, an increased building setback is to be employed.

A-1.8 Solar and Daylight Access

Proposed Dwelling	
Objective	**Design Criteria**
(e) Development is designed to incorporate passive solar design to maximise winter sun and summer shade.	1. Dwellings should be orientated with the main indoor and outdoor living spaces and major window areas facing towards the north and east to maximise winter solar access to these areas. Bedrooms, bathrooms, laundries and non-living areas should be oriented to the south and west to provide buffers to summer heat and winter wind. 2. Eaves, awning, pergolas or deciduous vines and trees are used to provide shade during summer, and allow solar access in winter. 3. A living room and the principal private open space in each dwelling is to receive a minimum of 3 hours direct sunlight between 9 am and 3 pm on the winter solstice (June 21).

Adjoining Dwelling	
Objective	**Design Criteria**
(f) Reasonable solar access is maintained mid winter to adjoining dwellings and their area of principle private open space	4. For the neighbouring dwellings: (a) ensure 10m^2 of the principle private open space has 3 hours of solar access between 9:00am and 3:00pm at the winter solstice (21 June); (b) ensure windows of living areas have 3 hours of solar access between 9:00am and 3:00pm at the winter solstice (21 June); (c) overshadowing by vegetation should be ignored; (d) overshadowing by fences, roof overhangs and changes in level should be taken into consideration. 5. Consideration will be given to allowing reduced solar access in situations where: • solar access to an adjoining dwelling is already below these requirements, and the proposed development does not further reduce solar access to the principle private open space and living area of the adjoining dwelling. • where the proposed dwelling is generally compliant with all development standards and controls, and the extent of impact is the result of orientation, site constraints, and or existing built forms.

Note:

1. For the purposes of calculating direct sunlight to the proposed and adjoining dwellings:
   - ➢ Direct sunlight is achieved when a minimum of 1m² of direct sunlight on the glass is received for at least 15 minutes.
   - ➢ To satisfy 3 hours direct sunlight, 12 periods of 15 minutes will need to be achieved, however the periods do not need to be consecutive.

2. The applicant will be required to provide shadow diagrams where Council considers that the siting, orientation or height of the proposed dwelling make it likely to impact on solar access to living areas and principle private open space of the adjoining dwelling, or where it is considered unlikely that adequate solar access will be achieved to a proposed dwelling.

A-1.9 Car Parking, Pedestrian and Vehicular Circulation

Objective	Design Criteria
(a) Car parking is provided appropriate for the scale of the development. **(b) Car parking and driveways do not dominate the streetscape and building façade.** **(c) Ensure there is adequate space for vehicle circulation and off-street parking.**	1. Car parking is to be provided at the rate of 2 spaces per dwelling. 2. 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. 3. Garage doors shall not occupy more than 50% of the street façade of any street. 4. Car parking spaces and circulation are to comply with AS 2890.1. 5. Where on street parking is currently available in front of the development, the proposed driveways are located so that at least one car space remains. 6. Where a driveway is adjacent to an existing tree, it is either outside the drip line or complies with the recommendations in a report prepared by a qualified arborist

A-1.10 Visual Privacy

Objective	Design Criteria
(a) Ensure building design and siting minimises impacts on privacy of habitable rooms and private outdoor space of adjoining dwellings.	1. Locate, orientate and design new development to ensure visual privacy between buildings and between buildings and adjacent private open space. 2. Use building design to increase privacy without compromising access to light and air. 3. Living room, dining room and kitchen windows that provide a direct outlook to an adjacent property which leads to a loss of amenity, needs to consider the following: (a) offset the edge of one window to the edge of the other window by a sufficient distance to limit the views into the adjacent windows; or (b) provide sill heights of at least 1.5m; or (c) have fixed obscure glazing or glass blocks in any part of the window below 1.5m. (d) direct the outlook from all living rooms, dining rooms, bedrooms, kitchens and studies where possible towards the street, private open space on the development site, public open spaces, and waterways. (e) where overlooking of adjacent living rooms, dining rooms, bedrooms, kitchens and studies or private open space is unavoidable then screening elements such as louvres and obscured glass must be used to preserve reasonable visual privacy for neighbours. 4. A balcony, deck, patio, terrace or verandah must have a privacy screen if it: • Has a setback of less than 3 metres from a side or rear boundary, and • Has a floor area of more than 3 m^2 and a floor level greater than 1.0m above ground level (existing).

A-1.11 Acoustic Privacy

Objective	Design Criteria
(a) Noise transfer is minimised through the siting of buildings and building layout.	1. Electrical, mechanical, hydraulic and air conditioning equipment is housed so that it does not create an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* either within or at the boundaries of any property at any time of the day.

A-1.12 View Sharing

Objective	Design Criteria
(a) To allow for the reasonable sharing of views with adjoining and/or nearby properties.	1. Where views from other dwellings or public spaces are likely to be impacted, the applicant may be required to submit a view loss assessment. 2. View loss and opportunities for view sharing is to be considered in accordance with the Land and Environment Court Planning Principals.

A-1.13 Water, Stormwater and Sewage

Objective	Design Criteria
(a) To ensure all development is adequately serviced by water, sewer and stormwater infrastructure. **(b) To ensure that development is located and designed so that it will not impact upon existing infrastructure.**	***Stormwater*** 1. All dwellings must: (a) connect to 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. Note. 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 reticulate 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. Note. Subdivision of a dual occupancy is only permitted on land that is serviced by a water reticulation system and sewerage system.

Objective	Design Criteria
	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, or in areas where there is reticulated water but there is a distance of greater than 90 metres from the nearest hydrant point to the further most part of the dwelling, an additional water source is to be provided that is dedicated for firefighting purposes: (a) rural or rural residential land having an area <2ha—a minimum 10,000 litres per lot, or (b) rural or rural residential land having an area =>2ha)—a minimum 20,000 litres per lot, or (c) urban areas – a minimum of 5,000 litres per dwelling. Note. Tanks and fittings are to be installed as per appropriate Australian Standards, and Planning for Bushfire Protection 2019.

A-1.14 Earthworks and Retaining Walls

Objective	Design Criteria
(a) To ensure cut and fill required for any development is designed to minimise any safety, environmental and amenity impacts on the site and adjoining properties.	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 outside the Clear Zone of and have footings outside which extend below the Zone of Influence for any 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: • 900mm or higher in height, or • 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*.

Part A-2
Dwelling Houses in the RU1 Primary Production, R5 Large Lot Residential and E3 Environmental Management Zones

Preamble

This chapter makes provision for construction of a dwelling house on a lot of land in the following rural zones, where dwelling houses are permitted under the *Richmond Valley LEP 2012*:

- RU1 Primary Production
- E3 Environmental Management
- R5 Large Lot Residential

For a dwelling house to be constructed on a lot of land in these zones, the lot must have a Dwelling Opportunity under the *Richmond Valley Local Environmental Plan 2012*. Consult with Council to determine whether a dwelling opportunity exists for that land.

A-2.1 Hazards and Constraints

Objectives	Design Criteria
(a) To alert applicants to the range of potential site constraints including natural hazards constraints, that may apply to a lot. **(b) These constraints may impact on the siting and form of the development and require preparation of additional planning reports as part of the development applications.**	1. The development design must take into account any hazards or constraints applying to the land, which may include the following: (a) Flood – Habitable floors to be above Flood Planning Level (FPL). – see Council for flood levels and Part H-1 of this DCP. (b) Bushfire– comply with Planning for Bushfire Protection 2019. A Bushfire Report is required. (c) Acid Sulfate Soils (ASS) - see clause 6.1 of RVLEP & Part H-2 of this DCP. (d) Coastal Development – A statement addressing the matters in SEPP (Coastal Management) 2018 is required. (e) Contaminated Lands – Land to be of a standard compatible with residential development. Contaminated Land should be based upon consideration of current and historic land uses, the likely presence of asbestos and lead paints, and the land uses identified in SEPP 55. (f) Natural Resource Sensitivity – confirm whether any one or more overlays applies – See clauses 6.6 to 6.10 of RVLEP: • 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 (g) Clearing of native vegetation - A report is provided addressing the *Biodiversity Conservation Act 2019* and a map showing the vegetation to be removed is provided. (h) Heritage – on or adjoining the site. See Part I-1 & RVLEP (i) Easements, Clear Zones, Zone of Influence for Services – see Council for locations and zone of influence and clear zone requirements. (j) Aircraft Noise - Any development within the 20 ANEF contour is to be constructed to comply with AS 2021:2015 Acoustics – Aircraft Noise Intrusion (k) Dwellings that are within 100 m of a classified road or 80 m from a rail corridor need to comply with relevant noise control treatment for sleeping areas and other habitable rooms in Appendix C of *RMS Development Near Rail Corridors and Busy Roads* - Interim Guideline.

Note. Information regarding the constraints and hazards applying can be found from:

- A Section 10.7 Planning Certificate
- The Department of Planning, Industry and Environment's eSpatial viewer
- The Biodiversity Values Map
- By contacting Councils development concierge for assistance.

A-2.2 Building Height

Maximum height of building	
Objectives	**Design Criteria**
(a) To comply with the maximum building height requirement in the *Richmond Valley LEP 2012*.	1. The maximum height, as specified in the Height of Buildings Map in *Richmond Valley Local Environmental Plan 2012,* is 8.5m.

A-2.3 Building Setbacks

Street Setbacks to Any Road Frontage	
Objectives	**Design Criteria**
(a) Provide a buffer between a dwelling and the road to minimise the impact of noise, dust and vibration on dwellings and their occupants. **(b) To preserve the rural character of the locality.**	1. The following setback controls apply to the road frontage: • 15 metres from a local sealed road • 50 metres from a local unsealed road • 20 metres from a classified road
Side and Rear Boundary Setbacks	
Objectives	**Design Criteria**
(c) Ensure that new dwellings are located to minimise intrusion on the privacy and amenity of adjoining properties. **(d) Provide building separation which reflects the rural character of the locality.**	***RU1 and E3 Zones*** 2. Minimum Side Boundary Setback: 5m 3. Minimum Rear Boundary Setback: 5m ***R5 Large Lot Residential Zones*** 4. Minimum Side Boundary Setback: 5m 5. Minimum Rear Boundary Setback: 5m
Note. A larger setback may be required to accommodate Planning for Bushfire Protection measures such as an Asset Protection Zone (APZ).	

Battle-Axe Lots	
Objectives	**Design Criteria**
(e) Ensure that new dwellings are located to minimise intrusion on the privacy and amenity of adjoining properties. **(f) Provide building separation which reflects the rural character of the locality.**	***RU1 and E3 Zones*** 6. Minimum setback to all boundaries: 5m ***R5 Large Lot Residential Zones*** 7. Minimum setback to all boundaries: 5m

Increased Setbacks on Certain Land	
Objectives	**Design Criteria**
(g) Encourage building design and locations that have regard for the existing characteristics of the site and locality.	8. Site constraints may require greater setbacks from front, rear and/or side boundaries, may be required, for example: (a) **A foreshore building line setback** will apply to land fronting waterways having a W1 Natural Waterways, or W2 Recreational Waterways zoning under the *Richmond Valley LEP 2012*. See section I-3.5 Foreshore Building Line Setbacks.

Increased Setbacks on Certain Land	
Objectives	**Design Criteria**
	(b) **Bushfire Prone Lands and Grasslands** Planning for Bushfire Protection, published by the NSW Rural Fire Service, may require increased setbacks. (c) **Land Use Conflict** Buffers may be required to separate conflicting land uses, e.g. dwellings from industries or rural activities. Further details See Part I-11 - LUCRA.

Setbacks to Easements and Infrastructure	
Objectives	**Design Criteria**
(h) Development does not impact upon easements and underground infrastructure.	9. Ensure development is clear of any easements and infrastructure services such as water supply, stormwater drainage pipelines, swales and overland flow paths, and sewer mains, including any additional constraints from the Zone of Influence – see Council for locations. 10. Development within the Zone of Influence shall, as an absolute minimum, be outside of the Clear Zone as determined by Council assessment of the relevant depth and pipe diameter. 11. Increased depth of footings are generally required between the Clear Zone and the edge of the Zone of Influence (any relaxation will be subject to assessment of the location, the criticality of the infrastructure, the soil type, the development scale, and the type of development, etc).

A-2.4 Car Parking and Access

Objective	Design Criteria
(a) Car parking is provided appropriate for the scale of the development.	1. 2 car parking spaces are to be provided, located behind the building line.

A-2.5 Visual Privacy

Objective	Design Criteria
(a) Ensure building design and siting minimises impacts on privacy of habitable rooms and private outdoor space of adjoining dwellings.	1. Locate, orientate and design new development to ensure visual privacy between buildings, and also between buildings and adjacent private open space.

A-2.6 Acoustic Privacy

Objective	Design Criteria
(a) Noise transfer is minimised through the siting of buildings and building layout.	1. Electrical, mechanical, hydraulic and air conditioning equipment is housed so that it does not create an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* either within or at the boundaries of any property at any time of the day.

A-2.7 View Sharing

Objective	Design Criteria
(a) To allow for the reasonable sharing of views with adjoining and/or nearby properties.	1. Where views from other dwellings or public spaces are likely to be impacted, the applicant may be required to submit a view loss assessment. 2. View loss and opportunities for view sharing is to be considered in accordance with the Land and Environment Court Planning Principals.

A-2.8 Local Character and Context

Objectives	Design Criteria
(a) The built form relates to the local character of the area and the context. (b) Encourage building design and locations that have regard for the existing characteristics of the site and locality.	1. The design of dwelling and associated buildings should be in keeping with the rural character of the locality. Traditional construction materials (i.e. timber, corrugated roofing or similar) and natural colours (grey, greens and browns) are encouraged; 2. Extensive use of highly reflective materials and/or colours is not acceptable for roof or wall cladding.

A-2.9 Water, Stormwater and Sewage

Objective	Design Criteria
(a) To ensure all development is adequately serviced by water, sewer and stormwater infrastructure. (b) To ensure that development is located and designed so that it will not impact upon existing infrastructure.	***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. Note. Part I-9 Water Sensitive Urban Design provides further details.
	Sewage
	2. 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

Objective	Design Criteria
	(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, or in areas where there is reticulated water but there is a distance of greater than 90 metres from the nearest hydrant point to further most part of the dwelling, an additional water source is to be provided that is dedicated for firefighting purposes: (a) rural or rural residential land having an area <2ha—a minimum 10,000 litres per lot, or (b) rural or rural residential land having an area =>2ha)—a minimum 20,000 litres per lot. (c) urban areas – a minimum of 5,000 litres per dwelling Note. Tanks and fittings are to be installed as per appropriate Australian Standards, and Planning for Bushfire Protection 2019.

A-2.10 Earthworks and Retaining Walls

Objective	Design Criteria
(a) To ensure cut and fill required for any development is designed to minimise any safety, environmental and amenity impacts on the site and adjoining properties.	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 outside the Clear Zone of and have footings outside which extend below the Zone of Influence for any sewer main, water main, or stormwater pipeline, and (e) have adequate drainage lines connected to the existing stormwater drainage system for the site, and (f) retaining walls must be of masonry construction and have engineering certification if: • 900mm or higher in height, or • if located within 900mm of a boundary, and (g) 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*.

Part A-3
Dual Occupancies in the R1 General Residential and RU5 Village Zones

Preamble

This chapter makes provision for dual occupancy development in the following urban zones, in which attached and detached dual occupancy is permitted under the *Richmond Valley LEP 2012*:

- R1 General Residential
- RU5 Village

A-3.1 Minimum Lot Sizes and Subdivision

Minimum lot size for carrying out dual occupancy development

Objectives	Design Criteria
(a) To achieve planned residential density consistent with the local housing strategy.	1. The minimum lot area for dual occupancy as specified in the *Richmond Valley LEP 2012* is: 2. The minimum lot width for a dual occupancy development is: • 15 m measured at the building line where parking is accessible from a primary road. • 12 m measured at the building line where parking is provided from a secondary road or parallel road.

Zone	Attached	Detached
R1 General Residential	400 m^2	600 m^2
RU5 Village	400 m^2	600 m^2

Minimum lot size resulting from the subdivision of a dual occupancy

Objectives	Design Criteria
(b) To ensure that lots created resulting from the subdivision of a dual occupancy have sufficient area for the dwelling, vehicle access, landscaping, parking and amenity and services and are consistent with the desired future character of an area.	3. 350 m^2 is the minimum lot area for Torrens Title subdivision in the R1 and RU5 zones. 4. Torrens Title subdivision of a dual occupancy is only permitted on land that is serviced by a water reticulation system and sewerage system. 5. Each resulting Torrens Title lot will need to be separately serviced by reticulated water, sewer and stormwater. 6. Each resulting Torrens Title lot must separately comply with the maximum gross floor area and minimum landscaped area requirements. 7. The minimum lot width for each resulting Strata or Torrens Title lot is: • Garages fronting primary road - 7.5 m • Garages not fronting primary road – 6 m 8. A dwelling on a proposed battle-axe lot (whether Strata or Torrens title) must be a part of a detached dual occupancy and should have a lot with minimum dimensions of: • 4.5 m wide access to the primary road • Minimum dimension of 18 m x 18 m.

A-3.2 Hazards and Constraints

Objectives	Design Criteria
(a) To alert applicants to the range of potential site constraints including natural hazards constraints, that may apply to a lot. **These constraints may impact on the siting and form of the development and require preparation of additional planning reports as part of the development applications.**	1. The development design must take into account any hazards or constraints applying to the land, which may include the following: (a) Flood – Habitable floors to be above Flood Planning Level (FPL) – see Council for flood levels and Part H of the DCP. (b) Bushfire– comply with Planning for Bushfire Protection 2019. A Bushfire Report is required. (c) Acid Sulfate Soils (ASS) see clause 6.1 of RVLEP & Part H-2 of this DCP. (d) Coastal Development – A statement addressing the matters in SEPP (Coastal Management) 2018 is required.

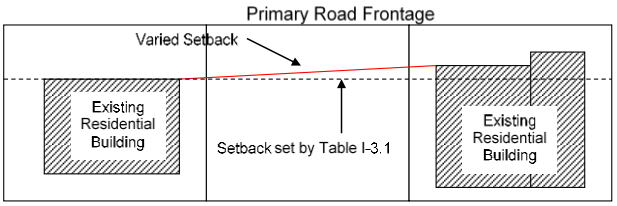
Objectives	Design Criteria
	(e) Contaminated Lands – Land to be of a standard compatible with residential development. Contaminated Land should be based upon consideration of current and historic land uses, the likely presence of asbestos and lead paints, and the land uses identified in SEPP 55. (f) Natural Resource Sensitivity – confirm whether any one or more overlays applies – See clauses 6.6 to 6.10 of RVLEP: • 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 (g) Clearing of native vegetation - A report is provided addressing the *Biodiversity Conservation Act 2019* and a map showing the vegetation to be removed is provided. (h) Heritage – on or adjoining the site. See Part I-1 & RVLEP (i) Easements, Clear Zones, Zone of Influence for Services – see Council for locations and zone of influence and clear zone requirements. (j) Aircraft Noise - Any development within the 20 ANEF contour is to be constructed to comply with AS 2021:2015 Acoustics – Aircraft Noise Intrusion (k) Dwellings that are within 100 m of a classified road or 80 m from a rail corridor need to comply with relevant noise control treatment for sleeping areas and other habitable rooms in Appendix C of *RMS Development Near Rail Corridors and Busy Roads* - Interim Guideline.
Note. Information regarding the constraints and hazards applying can be found from; • A Section 10.7 Planning Certificate • The Department of Planning, Industry and Environment's eSpatial viewer • The Biodiversity Values Map • By contacting Councils development concierge for assistance.	

A-3.3 Building Height

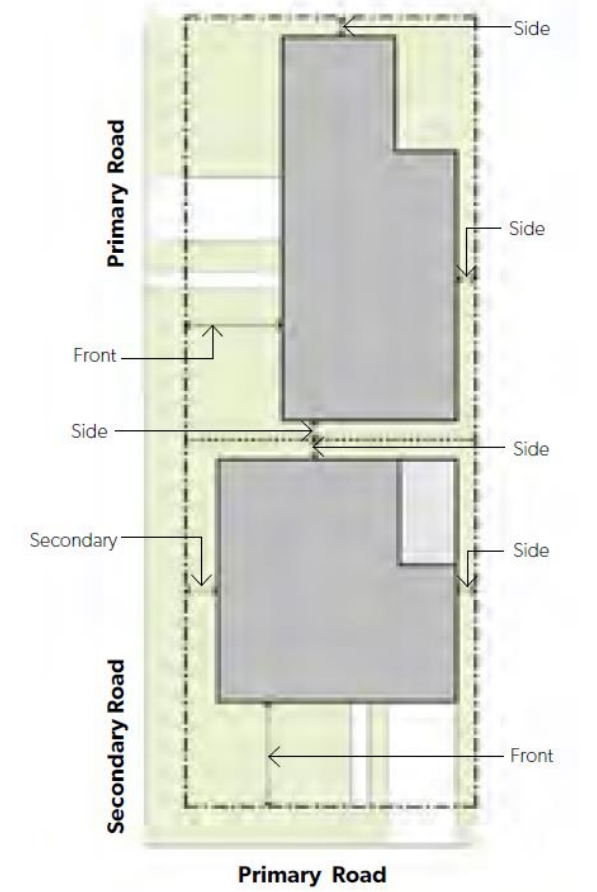
Maximum height of building	
Objectives	**Design Criteria**
(a) The building height is consistent with the desired scale and character of the street and locality and provides an acceptable impact on the amenity of adjoining properties.	1. The maximum height is as specified in the Height of Buildings Map in *Richmond Valley Local Environmental Plan 2012*. (a) Generally the maximum height is 8.5m. (b) Some areas of Evans Head have a 9.5m maximum height. 2. For detached dual occupancies in a battle axe arrangement, the dwelling furthest from the street: 5.4m from ground level (existing).

Maximum height of building	
Objectives	**Design Criteria**
	3. When flood related requirements apply to the land, consideration may be given to varying this height requirement. 4. The maximum number of storeys excluding basements is: • 2, or • for detached dual occupancies in a battle axe arrangement, the dwelling furthest from the street: 1

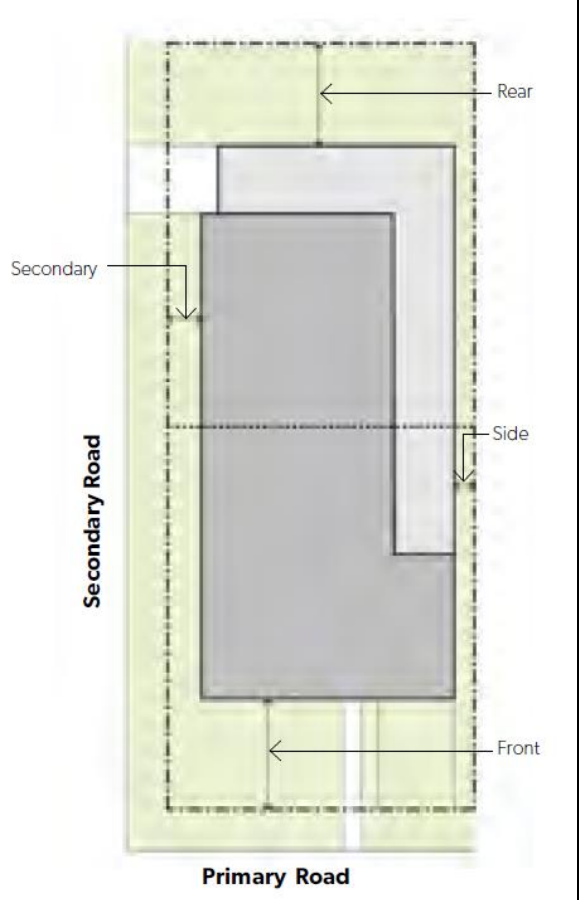
A-3.4 Building Setbacks

Setbacks to Streets – Parent Lot	
Objectives	**Design Criteria**
(a) The development provides a setback from the front boundary or public space that: **i. defines the street edge;** **ii. creates a clear threshold and transition from public to private space;** **iii. assists in achieving visual privacy to ground floor dwellings from the street;** **iv. contributes to the streetscape character and landscape; and relates to the existing streetscape and setback pattern or the desired future streetscape pattern if different to the existing.**	***Front Setback to a Primary Road*** 1. The setback of the dwelling from the street is the lesser of the following: **(a) the distance defined below**: i. 6 metres, and ii. Garages, carports with enclosure or part enclosure on any side, and sheds must be 1.0 metre behind the building line **OR** **(b) the established street setback provisions below:** i. The average distance of the setbacks of the nearest dwelling houses or dual occupancies located within 40m of the development and having the same primary road boundary, measured as follows:  2. A calculation based on the established street setback excludes any part of a structure erected within an articulation zone on adjoining properties, and any garages, carports, and ancillary development on the adjoining properties 3. Where relying on the established street setback controls to set the front building line, a garage, carport with enclosure or part enclosure on any side, or shed must be set back either: • One metre behind the dwelling or • 5.5m from the primary road boundary; Whichever is the greater. Note. Further information on measuring setbacks is found in the explanatory notes section of the DCP.

Setbacks to Streets – Parent Lot	
Objectives	**Design Criteria**
	Setbacks to Secondary and Parallel Roads
	4. On land having frontage to more than 1 road alignment whether those roads are formed or unformed, a 3 metre setback applies to any secondary or parallel street frontage. 5. Garages and sheds and carports fully or partly enclosed on any side are required to be set back 5.5 metres from a secondary or parallel road frontage.
	Street Setbacks for Dual Occupancies on Corner Lots
	6. A detached dual occupancy on a corner lot is required to address both street frontages. Each dwelling will have a frontage to a "nominated" primary road. Setbacks to the other boundaries on the site will be side boundary setbacks. An attached dual occupancy development will be treated in a similar way to a single dwelling house where the shorter frontage is the 'primary road' and longer frontage is the 'secondary road'. See diagrams below.



Street Setbacks for Detached Dual Occupancy on a Corner Lot



Street Setbacks for an Attached Dual Occupancy on a Corner Lot

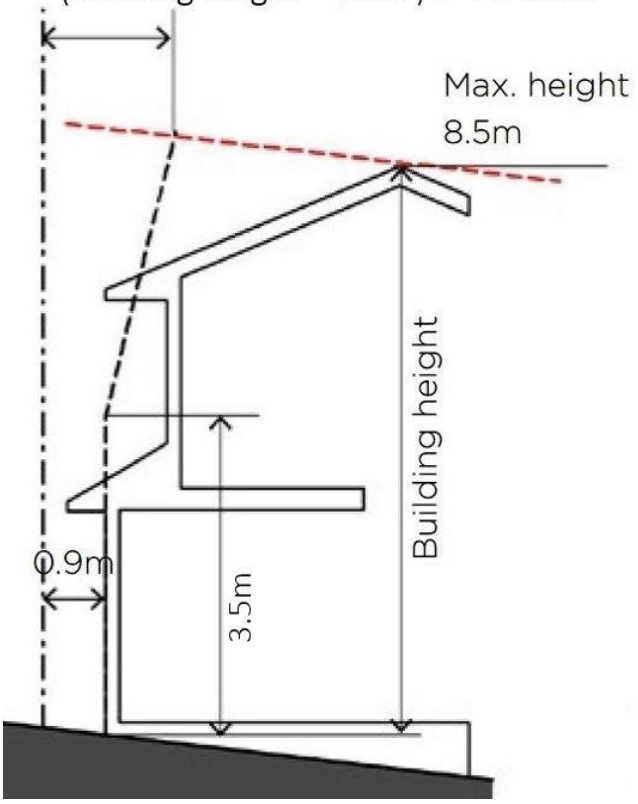
Roads Subject to Road Widening	
Objectives	**Design Criteria**
(b) Development provides for adequate street setbacks following planned road widening.	6. The street setback to a road subject to widening shall be increased by width of land to be resumed by the widening as follows: (a) Lane Widening proposed in Chapter I-15 of this DCP—the setback shall be increased by 3 metres to accommodate the proposed widening.

Side Boundary Setbacks – Parent Lot	
Objectives	**Design Criteria**
(c) The development provides side boundary setbacks that reflects the character and separation of buildings within the surrounding area.	7. The following side boundary setbacks apply:

Building Height	Minimum required setback from each side boundary
0m – 3.5m	0.9m
>3.5m to 8.5m	$\frac{(\boldsymbol{Building\ Height} - \mathbf{3.5})}{\mathbf{4}} + \mathbf{0.9}$

Setback above 3.5m =

(Building height – 3.5m) ÷ 4 + 0.9m

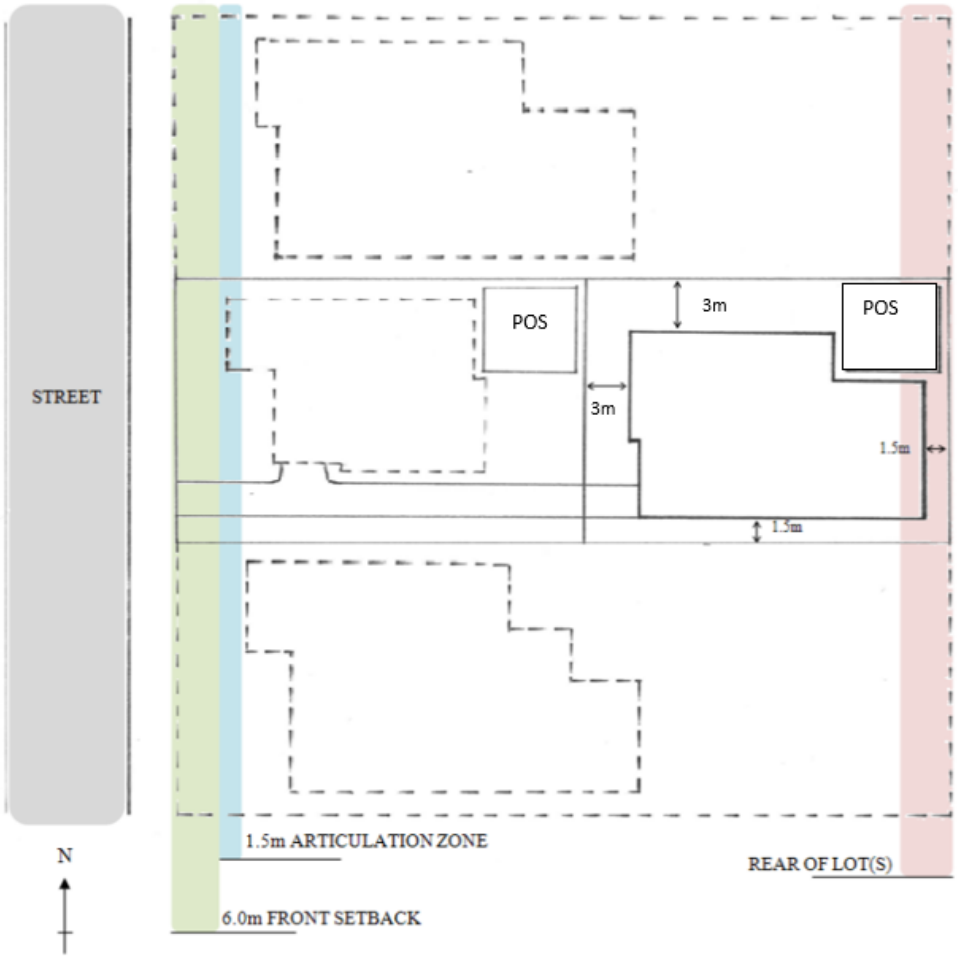


Rear Boundary Setbacks – Parent Lot

Objectives	Design Criteria
(d) The development provides a rear boundary setback that provides opportunity to retain and protect or establish significant landscaping and trees in deep soil areas.	8. The following rear setback controls apply to the siting of the proposed dual occupancy development on the parent lot:

Building Height	Minimum required setback from each side boundary
Single Storey dwelling	3 metres
Two storey dwelling:	
First Storey	3 metres
Second Storey	6 metres

9. Despite clause 8, a single storey rear dwelling on a lot where the side boundary has a predominantly northerly aspect, its 3.0m rear setback can be relocated to the northern side boundary, provided the principal private open space for that dwelling is located along this northern side boundary. In such circumstances, the original rear boundary of that dwelling may be reduced to 1.5m. See the diagram below.



Variation to a rear boundary setback for a detached dual occupancy dwelling where the side boundary has a predominantly northerly aspect.

Front Setback –Proposed Dual Occupancy Sited on a Battle Axe Parent Lot	
Objectives	**Design Criteria**
(e) The development provides a setback that reflects the character and separation of buildings within the surrounding area and provides adequate separation for privacy and landscaping between dwellings.	10. If the parent lot on which a dual occupancy is proposed is a battle axe lot, any dwelling shall be set back 3 metres from the front boundary (the boundary facing towards the street).

Setbacks Between Detached Dual Occupancy Dwellings	
Objectives	**Design Criteria**
(f) Provide adequate separation between buildings to provide visual separation and daylight access. **(g) The setbacks resulting from subdivision of detached dual occupancy development are consistent with the development pattern of the locality.**	11. For a dual occupancy (detached) where one dwelling is located behind the other a 6 metre separation is to be provided between the two dwellings, comprising: • 3m rear setback for the dwelling closest to the street. • 3m front setback for the rear dwelling. 12. The rear dwelling also needs to comply with the rear setback requirement in clause 8. 13. For a dual occupancy (detached) on a corner lot, where each dwelling has frontage to a different street, the minimum separation between the two dwellings is 1.8 m between the external walls, to help create a pattern of development consistent with other dwellings in the locality.

Increased Setbacks on Certain Land	
Objectives	**Design Criteria**
(h) Encourage building design and locations that have regard for the existing characteristics of the site and locality. **(i) Ensure development is clear of easements, infrastructure clear zones and sewer zones of influence.**	14. Site constraints may require greater setbacks from front, rear and/or side boundaries, may be required, for example: (a) **A foreshore building line setback** will apply to land fronting waterways having a W1 Natural Waterways, or W2 Recreational Waterways zoning under the *Richmond Valley LEP 2012*. See section I-3.5 Foreshore Building Line Setbacks. (b) **Bushfire Prone Lands and Grasslands** Planning for Bushfire Protection, published by the NSW Rural Fire Service, may require increased setbacks (c) **Land Use Conflict** Buffers may be required to separate conflicting land uses, e.g. dwellings from industries or rural activities. Further details See Part I-11 - LUCRA.

Easements, Infrastructure Clear Zones and Sewer Zones of Influence	
Objectives	**Design Criteria**
(j) Development does not impact upon easements and underground infrastructure.	15. Ensure development is clear of any easements and infrastructure services such as water supply, stormwater drainage pipelines, swales and overland flow paths, and sewer mains, including any additional constraints from the Zone of Influence – see Council for locations. 16. Development within the Zone of Influence shall, as an absolute minimum, be outside of the Clear Zone as determined by Council assessment of the relevant depth and pipe diameter.

Easements, Infrastructure Clear Zones and Sewer Zones of Influence	
Objectives	**Design Criteria**
	17. Increased depth of footings are generally required between the Clear Zone and the edge of the Zone of Influence (any relaxation will be subject to assessment of the location, the criticality of the infrastructure, the soil type, the development scale, and the type of development, etc).

A-3.5 Gross Floor Area

Gross Floor Area	
Objectives	**Design Criteria**
(a) To ensure that buildings are compatible with the bulk, scale and character of the locality, and allows for articulation of the built form.	1. The following maximum gross floor area applies for all development on the site in the L1, M1 and M2 density zones:

Lot Area (m^2)	Maximum GFA
0 to 2000	25% of lot area + 300m^2
>2000	800m^2

A-3.6 Landscaped Area and Landscaping

Landscaped Area	
Objectives	**Design Criteria**
(a) To provide adequate opportunities for the retention of existing and provision of new vegetation that: **- contributes to biodiversity;** **- enhances tree canopy; and** **- minimises urban runoff** **(b) Maximise the livability and amenity of residential development.** **(c) Ensure that landscaped areas are an integral component of residential development.**	1. The minimum landscaped area in the L1, M1 and M2 density zones is 30% of the site area. 2. 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. Gravel or similar surfaced areas that allow infiltration can contribute to the achievement of the minimum landscaped area, where they form part of the overall landscape design, but not where the gravel comprises a vehicular accessway or parking area or any other use which is not landscaping. On a battle axe lot, the area of any access handle is to be excluded from the lot area used to calculate the minimum landscaped area requirements. 3. The minimum dimension of any area included in the landscaped area calculation is 1.5m. 4. At least 50% of the area forward of the building line is to be landscaped area.

Landscaping	
Objectives	**Design Criteria**
(d) Landscape design supports healthy plant and tree growth and provides sufficient space for the growth of medium sized trees.	5. A landscape plan is provided, and also includes an ongoing maintenance plan. 6. The following is to be provided: • Front: 1 tree with mature height of 8m if primary road setback is greater than 5m. If the primary road setback is less than 5m, a tree with a mature height of 5m. • Rear: 1 tree with mature height of 3m.

Landscaping	
Objectives	**Design Criteria**
	7. Trees need to be sited clear of below ground and overhead services Note. A list of suitable species is found in Part I-5 of the DCP.
(e) Existing natural features of the site that contribute to neighbourhood character and amenity are retained.	8. Mature trees are to be retained wherever practicable, particularly those along the boundary. 9. Landscape features including trees and rock outcrops are to be retained where they contribute to the streetscape character or are located within the rear setback.
(f) Landscape design contributes to a local sense of place and creates a micro climate. **(g) Visual and privacy impacts on existing neighbouring dwellings are reduced.** **(h) Existing street trees are protected.**	10. The landscape plan proposes a combination of tree planting, for shade, mid height shrubs, lawn and ground covers. 11. The landscape plan indicates that at least 50% of the overall number of trees and shrubs are species native to the region. 12. Development is to be designed to protect any existing street trees.

A-3.7 Principal Private Open Space

Principal Private Open Space	
Objective	**Design Criteria**
(a) Dwellings provide appropriately sized private open space which is usable, meets the needs of occupants and enhances residential amenity.	1. The area of principal private open space provided for each dwelling is: • At least 16m^2 with a minimum length and width of 3m for a 1 or 2 bedroom dwelling; • at least 25m^2 with a minimum length and width of 3m for a dwelling containing 3 or more bedrooms (or 2 bedrooms and a study).
(b) Principal private open space area is appropriately located to enhance livability for residents.	2. The principal private open space is located behind the front building line. 3. The principal private open space is located adjacent to the living room, dining room or kitchen to extend the living space. 4. 25% of the private open space is to be covered to provide shade and protection from rain.

A-3.8 Street Activation and Articulation Zones

Street Activation	
Objectives	**Design Criteria**
(a) Provide activation and passive surveillance to the public streets. **(b) Promote building facades which contribute to the character of the streetscape.**	1. Each dwelling with frontage to a street has: (a) at least 1 door and 1 window to a habitable room at ground floor level facing the primary road, and (b) at least 1 door and 1 window to a habitable room at ground floor level facing any secondary or parallel road. (c) garages and carports must not comprise more than 50% of the façade of the development to any road frontage 2. Each dwelling on a corner lot is to have a frontage to a different street

Articulation Zone – Primary Road Frontage	
Objectives	**Design Criteria**
(c) Create a visually interesting façade and reduce the bulk and scale of a building.	3. Where a dwelling house has a setback of 6.0m or greater to a primary road, building elements may encroach up to 1.5m into the front setback, forming an articulation zone. 4. The following building elements may be located in the articulation zone— (a) an entry feature or portico, (b) a balcony, deck, pergola, terrace or verandah, (c) a window box treatment, (d) a bay window or similar feature, 5. The maximum total area of all building elements in the articulation zone, is 7m^2. 6. Garages and garage or carport doors cannot be located in the articulation zone. These elements are to be located no closer than 7.0m to the front boundary and integrated with the building design. 7. The maximum height of building elements within the Articulation zone shall be: (a) no more than 1m above the gutter line of the eaves of a single storey dwelling house, or (b) no higher than the gutter line of the eaves of a 2 storey dwelling house.

Articulation Zone – Side Setbacks and Public Places	
Objectives	**Design Criteria**
(d) Reduce the visual intrusion and bulk of buildings on adjoining properties and public spaces and creates a visually interesting façade.	8. Where a second storey wall adjacent to a side boundary exceeds 15m in continuous length, the side setback shall be increased by a further 500mm or more for that part of the wall exceeding 15m. 9. Where an elevation that faces a public place (including roads) exceeds 15m in continuous length, articulation of the wall and the roofline shall be provided. 10. Where the scale of the side elevation results in significant overshadowing and/or visual intrusion due to building bulk to an adjoining dwelling, an increased building setback is to be employed.

A-3.9 Building Design and Amenity

Dwelling Orientation and Siting for Climate Control	
Objectives	**Design Criteria**
(a) Development is designed to incorporate passive solar design to maximise winter sun and summer shade.	1. Dwellings should be orientated with the main indoor and outdoor living spaces and major window areas facing towards the north and east to maximise winter solar access to these areas. Bedrooms, bathrooms, laundries and non- living areas should be oriented to the south and west to provide buffers to summer heat and winter wind. 2. Eaves, awning, pergolas or deciduous vines and trees are used to provide shade during summer, and allow solar access in winter.

Solar Access – Adjoining Dwellings and Public Open Space	
Objectives	**Design Criteria**
(b) Ensure developments do not significantly overshadow living areas and the private open space of adjacent dwellings	3. For the neighbouring dwellings: (a) ensure 10m^2 of the principal private open space has 3 hours of solar access between 9:00am and 3:00pm at the winter solstice (21 June); (b) ensure windows of living areas have 3 hours of solar access between 9:00am and 3:00pm at the winter solstice (21 June); (c) overshadowing by vegetation should be ignored; (d) overshadowing by fences, roof overhangs and changes in level should be taken into consideration. 4. Consideration will be given to allowing reduced solar access in situations where: • solar access to an adjoining dwelling is already below these requirements, and the proposed development does not further reduce solar access to the principle private open space and living area of the adjoining dwelling. • the proposed dwelling is generally compliant with all development standards and controls, and the extent of impact is the result of orientation, site constraints, and or existing built forms.

Solar and Daylight Access – Proposed Dual Occupancy	
Objective	**Design Criteria**
(c) To optimise sunlight received to habitable rooms and private open spaces. Solar access enables passive solar heating in winter and provides a healthy indoor environment.	5. A living room and the principal private open space in each dwelling is to receive a minimum of 3 hours direct sunlight between 9 am and 3 pm on the winter solstice (June 21).
(d) To provide good access to daylight suited to the function of the room, minimises reliance on artificial lighting, and improves amenity.	6. Daylight may not be borrowed from other rooms, except where a room has a frontage to a classified road. 7. No part of a habitable room is more than 8m from a window. 8. No part of a kitchen work surface is more than 6m from a window or skylight. 9. A window is visible from 75% of the floor area of a habitable room.
Notes. 1. For the purposes of calculating direct sunlight to the proposed and adjoining dwellings: a) Direct sunlight is achieved when a minimum of 1m² of direct sunlight on the glass is received for at least 15 minutes. b) To satisfy 3 hours direct sunlight, 12 periods of 15 minutes will need to be achieved, however the periods do not need to be consecutive. 2. The applicant will be required to provide shadow diagrams where council considers that the siting, orientation or height of the proposed dwelling make it likely to impact on solar access to living areas and principle private open space of the adjoining dwelling, or where it is considered unlikely that adequate solar access will be achieved to a proposed dwelling.	

Natural Ventilation	
Objective	**Design Criteria**
(e) All habitable rooms are naturally ventilated.	10. All habitable rooms are naturally ventilated. 11. Each dwelling is naturally cross ventilated.

Visual Privacy	
Objective	**Design Criteria**
(f) Ensure building design and siting does not unduly affect existing or future development on adjoining properties by impinging on privacy. **(g) Provide visual privacy for habitable rooms and principal private open space of the proposed development.**	12. Locate, orientate and design new development to ensure visual privacy between buildings and also between buildings and adjacent principal private open space; both on adjoining sites and the development site. 13. Use building design to increase privacy without compromising access to light and air. 14. Living room, dining room and kitchen windows that provide a direct outlook to an adjacent property which leads to a loss of amenity, needs to consider the following: (a) offset the edge of one window to the edge of the other window by a sufficient distance to limit the views into the adjacent windows; or (b) provide sill heights of at least 1.5m; or (c) have fixed obscure glazing or glass blocks in any part of the window below 1.5m. (d) direct the outlook from all living rooms, dining rooms, bedrooms, kitchens and studies where possible towards the street, private open space on the development site, public open spaces, and waterways. (e) where overlooking of adjacent living rooms, dining rooms, bedrooms, kitchens and studies or private open space is unavoidable then screening elements such as louvres and obscured glass must be used to preserve reasonable visual privacy for neighbours. 15. A balcony, deck, patio, terrace or verandah must have a privacy screen if it: • Has a setback of less than 3 metres from a side or rear boundary, and • Has a floor area of more than 3 m^2 and a floor level greater than 1.0m above ground level (existing).

Acoustic Privacy	
Objective	**Design Criteria**
(h) Noise transfer is minimised through the siting of buildings and building layout.	16. Electrical, mechanical, hydraulic and air conditioning equipment is housed so that it does not create an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* either within or at the boundaries of any property at any time of the day.

View Sharing	
Objective	**Design Criteria**
(i) To allow for the reasonable sharing of views with adjoining and/or nearby properties.	17. Where views from other dwellings or public spaces are likely to be impacted, the applicant may be required to submit a view loss assessment. 18. View loss and opportunities for view sharing is to be considered in accordance with the Land and Environment Court Planning Principals.

A-3.10 Car Parking, Vehicle and Pedestrian Circulation

Objective	Design Criteria
(a) Adequate on site car parking is provided, which is appropriate for the scale of the development. **(b) Provide car parking that is safe and convenient to access.** **(c) Car parking and driveways do not dominate the streetscape and building façade; and streetscape amenity, character and utility is maintained.** **(d) Ensure there is adequate space for vehicle circulation and off-street parking.**	1. Car parking is to be provided at the rate of: • 1 per dwelling, plus 1 visitor space; or • 2 per dwelling (where the development will be Torrens Title subdivided) 2. One stacked parking space per dwelling 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. 3. Garage doors shall not occupy more than 50% of the street façade of any street. 4. Car parking spaces and circulation are to comply with AS 2890.1:2004. 5. Driveways and pedestrian paths shall be designed to ensure that at least 50% of the street setback area is retained as landscaped area. 6. Vehicle circulation complies with AS2890.1. 7. Where on street parking is currently available in front of the development, the proposed driveways are located so that at least one car space remains. 8. Where a driveway is adjacent to an existing tree, it is either outside the drip line or complies with the recommendations in a report prepared by a qualified arborist. 9. On a battle axe lot vehicular access allows for vehicles to enter and leave the lot in a forward direction.

A-3.11 Water, Stormwater and Sewage

Objective	Design Criteria
(a) To ensure all development is adequately serviced by water, sewer and stormwater infrastructure. **(b) To ensure that development is located and designed so that it will not impact upon existing infrastructure.**	***Stormwater*** 1. All dwellings must: (a) connect to 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. Note. Part I-9 Water Sensitive Urban Design provides further details.

Objective	Design Criteria
	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 reticulate 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. Note. Subdivision of a dual occupancy is only permitted on land that is serviced by a water reticulation system and sewerage system
	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's 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, or in areas where there is reticulated water but there is a distance of greater than 90 metres from the nearest hydrant point to further most part of the dwelling, an additional water source is to be provided that is dedicated for firefighting purposes: (a) rural or rural residential land land having an area <2ha—a minimum 10,000 litres per lot, or (b) rural or rural residential land having an area =>2ha)—a minimum 20,000 litres per lot. (c) urban areas – a minimum of 5,000 litres per dwelling Note. Tanks and fittings are to be installed as per appropriate Australian Standards, and Planning for Bushfire Protection 2019.

A-3.12 Earthworks and Retaining Walls

Objective	Design Criteria
(a) To ensure cut and fill required for any development is designed to minimise any safety, environmental and amenity impacts on the site and adjoining properties.	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 outside the Clear Zone of and have footings outside which extend below the Zone of Influence for any sewer main, water main, or stormwater pipeline, and

Objective	Design Criteria
	(e) be located outside the Clear Zone of and have footings outside which 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: • 900mm or higher in height, or • 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*.

Part A-4
Dual Occupancy in the RU1 Primary Production, R5 Large Lot Residential and E3 Environmental Management Zones

Preamble

This chapter makes provision for dual occupancy development in the following rural zones, in which attached and/or detached dual occupancy is permitted under the *Richmond Valley LEP 2012*:

- RU1 Primary Production Zone
- E3 Environmental Management Zone
- R5 Large Lot Residential Zone

For a dual occupancy to be constructed on a lot of land in these zones, the lot must have a Dwelling Opportunity under the *Richmond Valley Local Environmental Plan 2012*. Consult with Council to determine whether a dwelling opportunity exists for that land.

Part A-4 Dual Occupancy in the RU1 Primary Production, R5 Large Lot Residential and E3 Environmental Management Zones

A-4.1. Permissibility, Minimum Lot Size and Subdivision Requirements

Type of Dual Occupancy Permitted in Each Zone	
Objectives	**Design Criteria**
(a) Dual occupancy is of a type that is permitted in the zone by *Richmond Valley LEP 2012.*	1. A dual occupancy (attached) or dual occupancy (detached) is permitted in the RU1 and R5 zones. 2. A dual occupancy (attached) is permitted in the E3 zone. 3. Subdivision of a dual occupancy development is not permitted in the RU1, R5 or E3 zones.
Minimum lot size for carrying out dual occupancy development	
Objectives	**Design Criteria**
(b) To achieve planned residential density consistent with the local housing strategy.	4. The minimum lot size for a dual occupancy (attached or detached) in the RU1 and R5 zones: 1.5 hectares 5. Only attached dual occupancies are permitted in the E3 zone. The minimum lot size is 5 hectares.
Separation between detached dual occupancy dwellings	
(c) To comply with maximum separation requirement of *Richmond Valley LEP 2012.*	6. Maximum separation between detached dual occupancy dwellings is 100m.
(d) Provide adequate separation between buildings to allow for landscape, provide visual separation and daylight access between buildings.	7. Minimum separation between detached dual occupancy dwellings is 1.8 between the external walls.

A-4.2 Hazards and Constraints

Objectives	**Design Criteria**
(a) To alert applicants to the range of potential site constraints including natural hazards constraints, that may apply to a lot. **(b) These constraints may impact on the siting and form of the development and require preparation of additional planning reports as part of the development applications.**	1. The development design must take into account any hazards or constraints applying to the land, which may include the following: (a) Flood – Habitable floors to be above Flood Planning Level (FPL). – see Council for flood levels and Part H of the DCP. (b) Bushfire– comply with Planning for Bushfire Protection 2019. A Bushfire Report is required. (c) Acid Sulfate Soils (ASS) - see clause 6.1 of RVLEP & Part H-2 of this DCP. (d) Coastal Development – A statement addressing the matters in SEPP (Coastal Management) 2018 is required. (e) Contaminated Lands – Land to be of a standard compatible with residential development. Contaminated Land should be based upon consideration of current and historic land uses, the likely presence of asbestos and lead paints, and the land uses identified in SEPP 55.

Objectives	Design Criteria
	(f) Natural Resource Sensitivity – confirm whether any one or more overlays applies – See clauses 6.6 to 6.10 of RVLEP: • 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 (g) Clearing of native vegetation - A report is provided addressing the *Biodiversity Conservation Act 2019* and a map showing the vegetation to be removed is provided. (h) Heritage – on or adjoining the site. See Part I-1 & RVLEP (i) Easements, Clear Zones, Zone of Influence for Services – see Council for locations and zone of influence and clear zone requirements. (j) Aircraft Noise - Any development within the 20 ANEF contour is to be constructed to comply with AS 2021:2015 Acoustics – Aircraft Noise Intrusion (k) Dwellings that are within 100 m of a classified road or 80 m from a rail corridor need to comply with relevant noise control treatment for sleeping areas and other habitable rooms in Appendix C of *RMS Development Near Rail Corridors and Busy Roads* - Interim Guideline.
Note. Information regarding the constraints and hazards applying can be found from: • A Section 10.7 Planning Certificate • The Department of Planning, Industry and Environment's eSpatial viewer • The Biodiversity Values Map • By contacting Councils development concierge for assistance.	

A-4.3 Maximum Building Height

Maximum height of building	
Objectives	**Design Criteria**
(a) To comply with the maximum building height requirement in the *Richmond Valley LEP 2012*.	1. The maximum height is 8.5 m as specified in the Height of Buildings Map in *Richmond Valley Local Environmental Plan 2012*.

A-4.4 Building Setbacks

Setbacks to Streets	
Objectives	**Design Criteria**
(a) Provide a buffer between a dwelling and the road to minimise the impact of noise, dust and vibration on dwellings and their occupants. **(b) To preserve the rural character and amenity of the locality.**	1. The following setback controls apply to any road frontage: • 15 metres from a local sealed road • 50 metres from a local unsealed road • 20 metres from a classified road

Side and Rear Boundary Setbacks	
Objectives	**Design Criteria**
(c) Ensure that new dwellings are located to minimise intrusion on the privacy and amenity of adjoining properties. **(d) Provide building separation which reflects the rural character of the locality.**	***RU1 and E3 Zones*** 2. Minimum Side Boundary Setback: 5m 3. Minimum Rear Boundary Setback: 5m ***R5 Large Lot Residential Zone*** 4. Minimum Side Boundary Setback: 5 m 5. Minimum Rear Boundary Setback: 5 m
Note. A larger setback may be required to accommodate Planning for Bushfire Protection measures such as an Asset Protection Zone (APZ).	

Battle-axe Lots - All Setbacks	
Objectives	**Design Criteria**
(e) Ensure that new dwellings are located to minimise intrusion on the privacy and amenity of adjoining properties. **(f) Provide building separation which reflects the rural character of the locality**	***RU1 and E3 Zones*** 6. Minimum setback to all boundaries: 5m ***R5 Large Lot Residential Zones*** 7. Minimum setback to all boundaries: 5m

Increased Setbacks on Certain Land	
Objectives	**Design Criteria**
(g) Encourage building design and locations that have regard for the existing characteristics of the site and locality.	8. Site constraints may require greater setbacks from front, rear and/or side boundaries, may be required, for example: (a) **A foreshore building line setback** will apply to land fronting waterways having a W1 Natural Waterways, or W2 Recreational Waterways zoning under the *Richmond Valley LEP 2012*. See section I-3.5 Foreshore Building Line Setbacks. (b) **Bushfire Prone Lands and Grasslands** Planning for Bushfire Protection, published by the NSW Rural Fire Service, may require increased setbacks.

Increased Setbacks on Certain Land	
Objectives	**Design Criteria**
	(c) **Land Use Conflict** Buffers may be required to separate conflicting land uses, e.g. dwellings from industries or rural activities. Further details See Part I-11 - LUCRA.

Easements, Infrastructure Clear Zones and Sewer Zones of Influence	
Objectives	**Design Criteria**
(h) Development does not impact upon easements and underground infrastructure.	9. Ensure development is clear of any easements and infrastructure services such as water supply, stormwater drainage pipelines, swales and overland flow paths, and sewer mains, including any additional constraints from the Zone of Influence – see Council for locations. 10. Development within the Zone of Influence shall, as an absolute minimum, be outside of the Clear Zone as determined by Council assessment of the relevant depth and pipe diameter. 11. Increased depth of footings are generally required between the Clear Zone and the edge of the Zone of Influence (any relaxation will be subject to assessment of the location, the criticality of the infrastructure, the soil type, the development scale, and the type of development, etc).

A-4.5 Local Character and Context

Objectives	Design Criteria
(a) The built form relates to the local character of the area and the context. **(b) Encourage building design and locations that have regard for the existing characteristics of the site and locality.**	1. The design of dwellings and associated buildings should be in keeping with the rural character of the locality. Traditional construction materials (i.e. timber, corrugated roofing or similar) and natural colours (grey, greens and browns) are encouraged. 2. Extensive use of highly reflective materials and/or colours is not acceptable for roof or wall cladding.

A-4.6 Solar and Daylight Access

Objective	Design Criteria
(a) To provide good access to daylight suited to the function of the room, minimises reliance on artificial lighting, and improves amenity.	1. Daylight may not be borrowed from other rooms, except where a room has a frontage to a classified road. 2. No part of a habitable room is more than 8m from a window. 3. No part of a kitchen work surface is more than 6m from a window or skylight. 4. A window is visible from 75% of the floor area of a habitable room.

A-47 Natural Ventilation

Objective	Design Criteria
(a) All habitable rooms are naturally ventilated.	1. All habitable rooms are naturally ventilated. 2. Each dwelling is naturally cross ventilated.

A-4.8 View Sharing

Objective	Design Criteria
(a) To allow for the reasonable sharing of views with adjoining and/or nearby properties.	1. Where views from other dwellings or public spaces are likely to be impacted, the applicant may be required to submit a view loss assessment. 2. View loss and opportunities for view sharing is to be considered in accordance with the Land and Environment Court Planning Principals.

A-4.9 Car Parking

Objective	Design Criteria
(a) Car parking is provided appropriate for the scale of the development.	1. 2 car parking spaces are provided for each dual occupancy dwelling, located behind the building line.

A-4.10 Water, Stormwater and Sewage

Objective	Design Criteria
(a) To ensure all development is adequately serviced by water, sewer and stormwater infrastructure. (b) To ensure that development is located and designed so that it will not impact upon existing infrastructure.	***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. Note. Part I-9 Water Sensitive Urban Design provides further details. ***Sewage*** 2. 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.

Objective	Design Criteria
	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, 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, or in areas where there is reticulated water but there is a distance of greater than 90 metres from the nearest hydrant point to further most part of the dwelling, an additional water source is to be provided that is dedicated for firefighting purposes: (a) rural or rural residential land having an area <2ha—a minimum 10,000 litres per lot, or (b) rural or rural residential land having an area =>2ha)—a minimum 20,000 litres per lot.

A-4.11 Earthworks and Retaining Walls

Objective	Design Criteria
(a) To ensure cut and fill required for any development is designed to minimise any safety, environmental and amenity impacts on the site and adjoining properties.	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 outside the Clear Zone of and have footings outside which extend below the Zone of Influence for any sewer main, water main, or stormwater pipeline, and (e) have adequate drainage lines connected to the existing stormwater drainage system for the site, and (f) retaining walls must be of masonry construction and have engineering certification if: ➢ 900mm or higher in height, or ➢ if located within 900mm of a boundary, and (g) 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*.

Part A-5
Secondary Dwellings in the R1 General Residential, RU5 Village and R5 Large Lot Residential Zones

Preamble

This chapter contains the development controls for the construction of a secondary dwelling in the following zones, where secondary dwellings are permitted under the *Richmond Valley LEP 2012*, and on lots where there is an existing approved dwelling:

- R1 General Residential Zone
- RU5 Village Zone
- R5 Large Lot Residential Zone

Secondary dwellings are not permitted in the RU1 Primary Production or E3 Environmental Protection zones. See Dual Occupancy provisions for these zones.

Subdivision of secondary dwellings is not permitted in any zone.

This chapter needs to be read in conjunction with the Dwelling House DCP Chapter that applies to the land.

A-5.1 Minimum Lot Sizes

Minimum lot size for secondary dwelling

Objectives	Design Criteria
(a) To achieve planned residential density consistent with the local housing strategy.	1. The minimum lot size for a secondary dwelling is:

DCP Area	Attached	Detached
R1 General Residential	No minimum	450m^2
RU5 Village	No minimum	450m^2
R5 Large Lot Residential	No minimum	450m^2

Note. The minimum lot sizes for a secondary dwelling in the R1 and R5 zones are established by the *State Environmental Planning Policy (Affordable Rental Housing)*.

A-5.2 Hazards and Constraints

Objectives	Design Criteria
(a) To alert applicants to the range of potential site constraints including natural hazards constraints, that may apply to a lot. **(b) These constraints may impact on the siting and form of the development and require preparation of additional planning reports as part of the development applications.**	1. The development design must take into account any hazards or constraints applying to the land, which may include the following: (a) Flood – Habitable floors to be above Flood Planning Level (FPL). – see Council for flood levels and Part H of the DCP. (b) Bushfire– comply with Planning for Bushfire Protection 2019. A Bushfire Report is required. (c) Acid Sulfate Soils (ASS) see clause 6.1 of RVLEP & Part H-2 of this DCP. (d) Coastal Development – A statement addressing the matters in SEPP (Coastal Management) 2018 is required. (e) Contaminated Lands – Land to be of a standard compatible with residential development. Contaminated Land should be based upon consideration of current and historic land uses, the likely presence of asbestos and lead paints, and the land uses identified in SEPP 55. (f) Natural Resource Sensitivity – confirm whether any one or more overlays applies – See clauses 6.6 to 6.10 of RVLEP: • 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 (g) Clearing of native vegetation - A report is provided addressing the *Biodiversity Conservation Act 2019* and a map showing the vegetation to be removed is provided. (h) Heritage – on or adjoining the site. See Part I-1 & RVLEP (i) Easements, Clear Zones, Zone of Influence for Services – see Council for locations and zone of influence and clear zone requirements. (j) Aircraft Noise - Any development within the 20 ANEF contour is to be constructed to comply with AS 2021:2015 Acoustics – Aircraft Noise Intrusion (k) Dwellings that are within 100 m of a classified road or 80 m from a rail corridor need to comply with relevant noise control treatment for sleeping areas and other habitable rooms in Appendix C of *RMS Development Near Rail Corridors and Busy Roads* - Interim Guideline.

Note. Information regarding the constraints and hazards applying can be found from;

- A Section 10.7 Planning Certificate
- The Department of Planning, Industry and Environment's eSpatial viewer
- The Biodiversity Values Map
- By contacting Councils development concierge for assistance.

A-5.3 Building Height

Maximum height of building	
Objectives	**Design Criteria**
(a) The building height is consistent with the desired scale and character of the street and locality and provides an acceptable impact on the amenity of adjoining properties.	1. The maximum height is as specified 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.
Maximum Height – Detached Secondary Dwellings in the R1 and RU5 zones	
Objectives	**Design Criteria**
(b) A detached secondary dwelling located adjacent to the rear yards of adjoining properties provides an acceptable impact on the amenity of adjoining properties including privacy, overshadowing, visual intrusion and view loss.	2. Detached Secondary dwellings in the R1 and RU5 zones shall have a maximum height of 5.4m above the ground level (existing) if located in the rear 50% of the lot. 3. When flood related requirements apply to the land, consideration may be given to varying this height requirement.

A-5.4 Building Setbacks

Setbacks to Streets, Side and Rear Boundaries	
Objectives	**Design Criteria**
(a) The development provides a setback from the front boundary or public space that: **i. defines the street edge;** **ii. creates a clear threshold and transition from public to private space;** **iii. assists in achieving visual privacy to ground floor dwellings from the street;** **iv. contributes to the streetscape character and landscape; and relates to the existing streetscape and setback pattern or the desired future streetscape pattern if different to the existing.**	1. Setbacks to the street, side and rear boundaries for a secondary dwelling shall be the same as those applying to the principal dwelling house on the land. Refer to the applicable dwelling house Chapter for the required street, side and rear boundary setbacks. 2. Refer also to the provisions regarding increased setbacks on certain land, and to easements and zones of influence in the applicable dwelling house Chapter.

Separation Between Detached Secondary Dwelling and the Primary Dwelling House	
Objectives	**Design Criteria**
(b) Provide adequate separation between buildings provide visual separation and daylight access between buildings.	3. For a detached secondary dwelling the minimum setback between two dwellings is 1.8m to the walls and 1.35m to the eaves.

A-5.5 Maximum Floor Area for a Secondary Dwelling and Site Maximum Gross Floor Area in the R1 and RU5 Zones only

Objectives	Design Criteria
(a) To ensure that the bulk and scale is appropriate for the context, minimises impacts on surrounding properties and allows for articulation of the built form.	***Total Floor Area of a Secondary Dwelling***
	1. The total floor area of the secondary dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater— (a) 60 m^2, (b) 25% of the total floor area of the principal dwelling. Note. this is a requirement of the *Richmond Valley LEP 2012* - clause 5.4(9))
	Maximum Gross Floor Area on the Site
	2. In the R1 and RU5 zones, the secondary dwelling must not result in all buildings on the site exceeding the maximum gross floor area permitted on the site. 3. The following maximum gross floor area applies for all development on the site:

Lot Area (m^2)	Maximum GFA
0 to 2000	25% of lot area + 300m^2
>2000	800m^2

Note. See explanatory guide for further details on Floor area and Gross Floor Area.

A-5.6 Landscaped Area for a Secondary Dwelling in the R1 and RU5 Zones only

Landscaped Area	
Objectives	**Design Criteria**
(a) To provide adequate opportunities for the retention of existing and provision of new vegetation that: **- contributes to biodiversity;** **- enhances tree canopy; and** **- minimises urban runoff.** **(b) Existing natural features of the site that contribute to neighbourhood character are retained, and visual and privacy impacts on existing neighbouring dwellings are reduced.**	1. A secondary dwelling in the R1 and RU5 zones shall not result in development on the site reducing landscaped area on for the site below the minimum landscaped area required. 2. The minimum landscaped area in the L1, M1 and M2 density zones is 30% of the site area. 3. The minimum dimension of any area included in the landscaped area calculation is 1.5m. 4. At least 50% of the area forward of the building line is to be landscaped area. 5. 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. Gravel or similar surfaced areas that allow infiltration can contribute to the achievement of the minimum landscaped area, where they form part of the overall landscape design, but not where the gravel comprises a vehicular accessway or parking area or any other use which is not landscaping. On a battle axe lot, the area of any access handle is to be excluded from the lot area used to calculate the minimum landscaped area requirements.

Landscaped Area	
Objectives	**Design Criteria**
	6. The following is to be provided: • Front: 1 tree with mature height of 8m if primary road setback is greater than 5m. If the primary road setback is less than 5m, a tree with a mature height of 5m. • Rear: 1 tree with mature height of 3m. 7. Trees need to be sited clear of below ground and overhead services. A list of suitable species is found in Part I-5 of the DCP. 8. Mature trees are to be retained, particularly those along the boundary, (except those where approval is granted by Council for their removal).

A-5.7 Principal Private Open Space

Objective	Design Criteria
(a) Dwellings provide appropriately sized private open space to enhance residential amenity. **(b) Principal private open space appropriately located to enhance liveability for residents.**	1. The secondary dwelling shall be located to ensure that the principal private open space for the primary dwelling is: • at least 25m² with a minimum length and width of 3m • located behind the front building line. • Is located adjacent to the living room, dining room or kitchen of the primary dwelling. 2. Principal private open space can be shared between the secondary and primary dwelling. 3. Living areas of the secondary dwelling should be oriented towards the principal private open space.

A-5.8 Building Design – Primary and Secondary Street Frontage – R1 and RU5 Zones only

Building Elements on Street Frontages	
Objectives	**Design Criteria**
(a) Create a visually interesting façade on street frontages which contributes to the streetscape. **(b) Provide activation and passive surveillance to the public streets.**	1. Each dwelling with frontage to a street has: (a) at least 1 door and 1 window to a habitable room at ground floor level facing the primary road, and (b) at least 1 door and 1 window to a habitable room at ground floor level facing any secondary or parallel road. (c) garages and carports must not comprise more than 50% of the façade of the development to any road frontage.

A-5.9 Climate Control and Solar Access – All Zones

Proposed Dwelling	
Objective	**Design Criteria**
(a) Development is designed to incorporate passive solar design to maximise winter sun and summer shade.	1. Secondary dwellings should be orientated with the main indoor and outdoor living spaces and major window areas facing towards the north and east to maximise winter solar access to these areas. Bedrooms, bathrooms, laundries and non-living areas should be oriented to the south and west to provide buffers to summer heat and winter wind. 2. Eaves, awning, pergolas or deciduous vines and trees are used to provide shade during summer, and allow solar access in winter.

A-5.10 Additional Climate Control and Solar Access – R1 and RU5 Zones

Proposed Dwelling	
Objective	**Design Criteria**
(a) To optimise sunlight received to habitable rooms and private open spaces. Solar access enables passive solar heating in winter and provides a healthy indoor environment.	1. A living room in the secondary dwelling is to receive a minimum of 3 hours direct sunlight between 9 am and 3 pm on the winter solstice (June 21).
(b) To provide good access to daylight suited to the function of the room, minimises reliance on artificial lighting, and improves amenity.	2. Daylight may not be borrowed from other rooms, except where a room has a frontage to a classified road. 3. No part of a habitable room is more than 8m from a window. 4. No part of a kitchen work surface is more than 6m from a window or skylight. 5. A window is visible from 75% of the floor area of a habitable room.
Adjoining Dwelling	
(c) Reasonable solar access is maintained mid winter to adjoining dwellings and their area of principle private open space.	6. For the neighbouring dwellings: (a) ensure 10m^2 of the principle private open space has 3 hours of solar access between 9:00am and 3:00pm at the winter solstice (21 June); (b) ensure windows of living areas have 3 hours of solar access between 9:00am and 3:00pm at the winter solstice (21 June); (c) overshadowing by vegetation should be ignored; (d) overshadowing by fences, roof overhangs and changes in level should be taken into consideration. 7. Consideration will be given to allowing reduced solar access in situations where: • solar access to an adjoining dwelling is already below these requirements, and the proposed development does not further reduce solar access to the principle private open space and living area of the adjoining dwelling. • where the proposed dwelling is generally compliant with all development standards and controls, and the extent of impact is the result of orientation, site constraints, and or existing built forms.

Notes.

1. For the purposes of calculating direct sunlight to the proposed and adjoining dwellings:
   - Direct sunlight is achieved when a minimum of 1m² of direct sunlight on the glass is received for at least 15 minutes.
   - To satisfy 3 hours direct sunlight, 12 periods of 15 minutes will need to be achieved, however the periods do not need to be consecutive.
2. The applicant will be required to provide shadow diagrams where council considers that the siting, orientation or height of the proposed dwelling make it likely to impact on solar access to living areas and principle private open space of the adjoining dwelling.

A-5.11 Car Parking and Access

Objective	Design Criteria
(a) Car parking is provided appropriate for the scale of the development.	1. No additional car parking is required for a secondary dwelling. 2. The secondary dwelling shall not result in car parking for the primary dwelling being less than 2 spaces, located as specified in the dwelling house controls.

A-5.12 Visual Privacy

Objective	Design Criteria
(a) Ensure building design and siting minimises impacts on privacy of habitable rooms and private outdoor space of adjoining dwellings.	1. Locate, orientate and design new development to ensure visual privacy between buildings and between buildings and adjacent private open space. 2. Use building design to increase privacy without compromising access to light and air. 3. Living room, dining room and kitchen windows that provide a direct outlook to an adjacent property which leads to a loss of amenity, needs to consider the following: (a) offset the edge of one window to the edge of the other window by a sufficient distance to limit the views into the adjacent windows; or (b) provide sill heights of at least 1.5m; or (c) have fixed obscure glazing or glass blocks in any part of the window below 1.5m. (d) direct the outlook from all living rooms, dining rooms, bedrooms, kitchens and studies where possible towards the street, private open space on the development site, public open spaces, and waterways. (e) where overlooking of adjacent living rooms, dining rooms, bedrooms, kitchens and studies or private open space is unavoidable then screening elements such as louvres and obscured glass must be used to preserve reasonable visual privacy for neighbours. 4. In the R1 and RU5 zones: A balcony, deck, patio, terrace or verandah must have a privacy screen if it: • Has a setback of less than 3 metres from a side or rear boundary, and • Has a floor area of more than 3 m^2 and a floor level greater than 1.0m above ground level (existing).

A-5.13 Acoustic Privacy

Objective	Design Criteria
(a) Noise transfer is minimised through the siting of buildings and building layout.	1. Electrical, mechanical, hydraulic and air conditioning equipment is housed so that it does not create an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* either within or at the boundaries of any property at any time of the day.

A-5.14 View Sharing

Objective	Design Criteria
(a) To allow for the reasonable sharing of views with adjoining and/or nearby properties.	1. Where views from other dwellings or public spaces are likely to be impacted, the applicant may be required to submit a view loss assessment. 2. View loss and opportunities for view sharing is to be considered in accordance with the Land and Environment Court Planning Principals.

A-5.15 Water, Stormwater and Sewage

Objective	Design Criteria
(a) To ensure all development is adequately serviced by water, sewer and stormwater infrastructure. **(b) To ensure that development is located and designed so that it will not impact upon existing infrastructure.**	***Stormwater*** 1. A secondary dwelling must: (a) connect to urban water, sewer & stormwater infrastructure where provided, (b) install a rainwater tank being a minimum 2,000 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. Note. Part I-9 Water Sensitive Urban Design provides further details. ***Sewage*** 2. A secondary dwelling is to have adequate arrangements for the disposal of wastewater: (a) On a site serviced by reticulated town sewer—All greywater and toilets is required to be connected to sewer infrastructure, subject to any Council requirements, or b) On a site not serviced by reticulated town sewer— is 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's requirements can be demonstrated, or (b) Dwellings not serviced by reticulated town water—a minimum 60,000 litres of potable water supply per lot. (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 lot, or

Objective	Design Criteria
	(b) land having an area =>2ha)—a minimum 20,000 litres per lot. (c) urban lots – 5000 litres serving both the primary and secondary dwelling Note. Tanks and fittings are to be installed as per appropriate Australian Standards, and Planning for Bushfire Protection 2019.

A-5.16 Earthworks and Retaining Walls

Objective	Design Criteria
(a) To ensure cut and fill required for any development is designed to minimise any safety, environmental and amenity impacts on the site and adjoining properties.	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 outside the Clear Zone of and have footings outside which extend below the Zone of Influence for any 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: • 900mm or higher in height, or • 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*.

Part A-6
Ancillary Residential Development in the R1 General Residential and RU5 Village Zones

Preamble

Ancillary residential developments are types of minor development that would ordinarily be associated with the occupation and use of a dwelling and that generally have minimal environmental impact.

Many of these forms of development can be undertaken as Exempt Development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. These controls are intended to apply in those circumstances where a development does not utilise the State provisions.

This Chapter addresses ancillary residential development in the R1 General Residential and RU5 Village zones where the urban lot sizes can create significant constraints to the scale and number of ancillary developments that can be placed on a lot without adversely impacting on the surrounding properties, the environment or the character of the area. It is in these zones where most guidance is required to balance the ability of residents to develop their property, with the impact of such development on adjoining properties and the general locality, including public areas.

This section comprises two parts:

- **Part 1 – General ancillary development.** This section contains controls which apply to all ancillary development.
- **Part 2 – Additional Controls for Specific Development Types**.

Overall Objectives for Ancillary Development

(1) Balance the ability of the individual residents to erect ancillary structures which contribute to their enjoyment of their property while protecting the amenity and acoustic and visual privacy of neighbours.

(2) Ensure that ancillary structures are compatible with the established character, scale and setting of the locality.

(3) Minimise the potential environmental impacts of ancillary development.

(4) Manage the cumulative impact of ancillary development, particularly the visual impact when viewed from the public domain and neighbouring properties.

(5) Ensure new ancillary development minimises overshadowing, view loss and visual intrusion for neighbouring properties.

Part A-6.1 General Ancillary Development Controls

A-6.1.1 Hazards and Constraints

Objectives	Design Criteria
(a) To alert applicants to the range of potential site constraints including natural hazards constraints, that may apply to a lot. **(b) These constraints may impact on the siting and form of the development and require preparation of additional planning reports as part of the development applications.**	1. The development design must take into account any hazards or constraints applying to the land, which may include the following: (a) Flood – Habitable floors to be above Flood Planning Level (FPL). – see Council for flood levels and Part H of the DCP. (b) Bushfire – comply with Planning for Bushfire Protection 2019. A Bushfire Report is required. (c) Acid Sulfate Soils (ASS) see clause 6.1 of RVLEP & Part H-2 of this DCP. (d) Coastal Development – A statement addressing the matters in SEPP (Coastal Management) 2018 is required. (e) Contaminated Lands – Land to be of a standard compatible with residential development. Contaminated Land should be based upon consideration of current and historic land uses, the likely presence of asbestos and lead paints, and the land uses identified in SEPP 55. (f) Natural Resource Sensitivity – confirm whether any one or more overlays applies – See clauses 6.6 to 6.10 of RVLEP: • 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 (g) Clearing of native vegetation - A report is provided addressing the *Biodiversity Conservation Act 2019* and a map showing the vegetation to be removed is provided. (h) Heritage – on or adjoining the site. See Part I-1 & RVLEP (i) Easements, Clear Zones, Zone of Influence for Services – see Council for locations and zone of influence and clear zone requirements. (j) Aircraft Noise - Any development within the 20 ANEF contour is to be constructed to comply with AS 2021:2015 Acoustics – Aircraft Noise Intrusion (k) Dwellings that are within 100 m of a classified road or 80m from a rail corridor need to comply with relevant noise control treatment for sleeping areas and other habitable rooms in Appendix C of *RMS Development Near Rail Corridors and Busy Roads* - Interim Guideline.
Note. Information regarding the constraints and hazards applying can be found from; • A Section 10.7 Planning Certificate • The Department of Planning, Industry and Environment's eSpatial viewer • The Biodiversity Values Map • By contacting Councils development concierge for assistance.	

A-6.1.2 Compliance with Overall Site Control for Gross Floor Area

Gross Floor Area (GFA)	
Objectives	**Design Criteria**
(a) To allow for reasonable development potential without impacting the amenity and development potential of adjoining properties. **(b) To achieve the general objectives for ancillary development.**	1. The ancillary structure must not result in all buildings on the site exceeding the maximum gross floor area permitted on the site. The following maximum gross floor area applies for all development on the site in the L1, M1 and M2 density zones: Lot Area (m^2) / Maximum GFA 0 to 2000 / 25% of lot area + 300m^2 >2000 / 800m^2 Note. See explanatory notes for further details on the calculation of GFA.

A-6.1.3 Compliance with Overall Site Control for Minimum Landscaped Area

Landscaped Area	
Objectives	**Design Criteria**
(a) To provide adequate opportunities for the retention of existing and provision of new vegetation that: **i. contributes to biodiversity;** **ii. enhances tree canopy; and** **iii. minimises urban runoff.** **(b) To achieve the general objectives for ancillary development.**	1. Ancillary development the shall not result in development on the site exceeding the minimum landscaped area for the site The minimum landscaped area is 30% of the site area. 2. At least 50% of the area forward of the building line is to be landscaped area.

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.

Gravel or similar surfaced areas that allow infiltration can contribute to the achievement of the minimum landscaped area, where they form part of the overall landscape design, but not where the gravel comprises a vehicular accessway or parking area or any other use which is not landscaping.

On a battle axe lot, the area of any access handle is to be excluded from the lot area used to calculate the minimum landscaped area requirements.

A-6.1.4 Retention of Principal Private Open Space

Objectives	**Design Criteria**
(a) Dwellings have appropriately sized and located private open space to enhance residential amenity. **(b) To achieve the general objectives for ancillary development.**	1. Ancillary structures such as sheds, garages, studios, carports and the like are to be located to ensure that the minimum area of principal private open space required for the dwelling is retained. 2. Shade structures, gazebos, decks, pools or the like which enhance the use of the principal private open space can be located within the principal private open space area.

Part A-6 Ancillary Residential Development in the R1 General Residential and RU5 Village Zones

A-6.1.5 Height Controls

Objectives	Design Criteria
(a) The building height is consistent with the desired scale and character of the street and locality and provides an acceptable impact on the amenity of adjoining properties. (b) To achieve the general objectives for ancillary development.	***Maximum Height – R1 and RU5 Zones*** 1. The maximum height of any ancillary structure whether attached or detached (except aerials, antennae and satellite/communication dishes) is 4.5m above the ground level (existing) at any point. 2. The finished floor level of an ancillary structure must not be more than 1m above ground level (existing) at any point. 3. The maximum height and maximum floor height may only be achieved when the structure does not unreasonably impact on the amenity of adjoining properties, assessed against the criteria contained in this chapter.

A-6.1.6 Street, Rear and Side Boundary Setbacks for Attached Ancillary Development

Attached Ancillary Development	***Street, Rear and Side Boundary Setbacks***
Objectives	**Design Criteria**
(a) To ensure attached ancillary development maintains consistency with the desired character and proportions of development on the lot. (b) To achieve the general objectives for ancillary development.	1. Ancillary development which is attached to a dwelling including a balcony, deck, patio, pergola, terrace, carport, garage or outbuilding or the like, shall comply with the street, rear and side boundary setbacks applying to that dwelling. Note. See the relevant dwelling house, dual occupancy or multi dwelling setback requirements.

A-6.1.7 Street Setbacks for Detached Ancillary Development

Objectives	Design Criteria
(a) Ancillary development is consistent with the desired character and setting within the street. (b) Vehicle parking structures do not dominate the streetscape. (c) To achieve the general objectives for ancillary development.	***Street Setbacks for Garages and Semi Enclosed Carports*** 1. Street setbacks for garages and semi enclosed carports* are: Minimum Setbacks / R1 & RU5 Zone Primary Road / 7 m Secondary or Parallel Road / 5.5 m ***Street Setbacks for all Other Ancillary Development*** 2. Street setbacks for all other ancillary development** are: Minimum Setbacks / R1 & RU5 Zone Primary Road / 6.0 m Secondary or Parallel Road / 3.0 m

Notes.

1. *Semi enclosed carports are carports with roller doors or similar on the street and/or having full or partial enclosure of any side.
2. **In some circumstances open shade structures and fully open carports may be permitted forward of the building line see Part A-6.2 below.

A-6.1.8. Side and Rear Boundary Setbacks for Detached Ancillary Development

Side and Rear Setbacks	
Objectives	**Design Criteria**
(a) To ensure ancillary development is consistent with the desired character and setting within the street. **(b) To achieve the general objectives for ancillary development.**	1. The minimum side and rear boundary setbacks for all attached and detached ancillary development are set out in the table below: Maximum Wall Height: ≤2.9 m — Minimum Side and Rear Boundary Setback: 900mm Maximum Wall Height: >2.9 m -4.5 m — Minimum Side and Rear Boundary Setback: Maximum Wall Height – 2 metres 2. The side and rear boundary setbacks are minimum setbacks. Where the scale of the side elevation results in significant overshadowing and/or visual intrusion to an adjoining dwelling, an increased building setback is to be employed. 3. Smaller Scale outbuildings that could otherwise be permitted under the Exempt Development Code SEPP may, with development consent encroach into Side and Rear Boundary Setbacks where: (a) the structure will not impact on the amenity of adjoining properties by visual intrusion, overshadowing, loss of privacy, or view loss, (b) the structure is located clear of easements and services, including clear zones and provides for access to services or maintenance of the structure, (c) The structure complies with the BCA.

A-6.1.9 Maximum Building Footprint

Objective	**Design Criteria**
(a) To ensure that a structure is of a size that is in proportion to the lot size and urban setting. **(b) To achieve the general objectives for ancillary development.**	1. The maximum footprint of any attached or detached ancillary structure in the R1 and RU5 zone shall be as follows: Lot Size: < 300 sqm — Maximum Footprint*: 36 m^2 Lot Size: 300-600 sqm — Maximum Footprint*: 45 m^2 Lot Size: >600-900 sqm — Maximum Footprint*: 60 m^2 Lot Size: >900 sqm — Maximum Footprint*: 100 m^2
Note. * The maximum footprint is measured to the external face of a wall, the outer edge of a deck or the like, or a column or support post where there is no wall.	

A-6.1.10 Parking and Pedestrian and Vehicle Circulation

Objective	**Design Criteria**
(a) To ensure that ancillary development does not reduce the required parking or impede pedestrian or vehicle circulation.	1. Ancillary development shall not reduce parking on site below the minimum number of spaces required for the dwelling or impede pedestrian and vehicle circulation.

A-6.1.11 Amenity Requirements

Sunlight to Living Rooms and Principal Private Open Space on the site and adjoining properties	
Objective	**Design Criteria**
(a) To ensure that ancillary development maintains reasonable solar access mid winter to living rooms and principal private open space on the site and adjoining properties.	1. Ancillary development is sited and designed to comply with the following minimum requirements for sunlight to living rooms and principal private open space on the site and adjoining properties: (a) $10m^2$ of private open space has 3 hours of solar access between 9:00am and 3:00pm at the winter solstice (21 June) (b) windows of living areas have 3 hours of solar access between 9:00am and 3:00pm at the winter solstice (21 June); (c) consideration will be given to reduced solar access where the proposed structure is generally compliant with all development standards and controls, and the extent of impact is the result of orientation, site constraints, and or existing built forms; (d) Where the living rooms and private open space of the subject site and/or adjoining property currently receive less sunlight than that specified above, the structure shall not further reduce the sunlight received
Notes. 1. For the purposes of calculating direct sunlight to the proposed and adjoining dwellings: • Direct sunlight is achieved when a minimum of $1m^2$ of direct sunlight on the glass is received for at least 15 minutes. • To satisfy 3 hours direct sunlight, 12 periods of 15 minutes will need to be achieved, however the periods do not need to be consecutive. 2. Shadow diagrams will be required where council considers that the siting, orientation or height of the proposed dwelling make it likely to impact on solar access to living areas and principle private open space of the adjoining dwelling.	

Privacy and Visual Intrusion	
Objective	**Design Criteria**
(b) Ensure the siting and building design minimises impacts on privacy of habitable rooms and private outdoor space of adjoining dwellings.	2. The structure shall not overlook the principal area of private open space of the adjoining properties or provide a direct line of sight into windows of habitable rooms of the adjoining properties. 3. The structure shall not dominate the outlook when viewed from any areas of principal private open space or living areas of the immediately adjoining property/s. The structure may need to be reduced in height and/or set back from the boundary where it immediately adjoins the principal area of private open space or living areas of an adjoining property.

View Sharing	
Objective	**Design Criteria**
(c) To allow for the reasonable sharing of views with adjoining and/or nearby properties.	4. The structure shall not reduce existing views from the dwelling and principal private open space of adjoining and nearby properties.

View Sharing	
Objective	**Design Criteria**
	5. View loss and opportunities for view sharing is to be considered in accordance with the Land and Environment Court Planning Principals.

Materials and finishes	
Objective	**Design Criteria**
(d) To ensure that ancillary development minimises glare impacts on adjoining and nearby properties.	6. Extensive use of highly reflective materials is not acceptable for roof or wall cladding. 7. Recessive, darker colours are preferred.

Acoustic Privacy	
Objective	**Design Criteria**
(e) Noise transfer is minimised through the siting of buildings and building layout.	8. Electrical, mechanical, hydraulic and air conditioning equipment is housed so that it does not create an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* either within or at the boundaries of any property at any time of the day.

Retention of Existing Landscape Features	
Objective	**Design Criteria**
(f) Existing natural features of the site that contribute to neighbourhood character are retained, and visual and privacy impacts on existing neighbouring dwellings are reduced.	9. Landscape features including trees and rock outcrops are to be retained where they contribute to the streetscape character or are located within the rear setback.

A-6.1.12 Earthworks and Retaining Walls

All Developments Involving Earthworks and Retaining Walls	
Objective	**Design Criteria**
(a) To ensure that earthworks and retaining walls will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	1. All 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 outside the Clear Zone of and have footings outside which extend below the Zone of Influence for any 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

All Developments Involving Earthworks and Retaining Walls	
Objective	**Design Criteria**
	(g) retaining walls must be of masonry construction and have engineering certification if: ➢ 900mm or higher in height, or ➢ 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*.

Part A-6.2 Additional Controls for Specific Ancillary Development Types in the R1 and RU5 Zones

Preamble

In addition to the general controls set out in Part A-6.1 of this Chapter, this Part provides additional more specific controls for the following development types:

- Carports forward of the Street Building Line in the R1 and RU5 Zones
- Shade structures forward of the Street Building Line in the R1 and RU5 Zones
- Fencing in the R1 and RU5 Zones

The general site and amenity controls outlined in Part A-6.1 shall apply other than where amended by the provisions for that specific development type contained in Part A-6.2 of this Chapter.

A-6.2.1 Carports Forward of the Street Building Line for Dwelling Houses and Dual Occupancy Developments in the R1 and RU5 Zones

Objectives	Design Criteria
	1. *General Controls*
(a) To allow additional roofed parking within the street setback in circumstances where there is no opportunity for further parking behind the building line. **(b) To ensure that a carport forward within any street setback is designed to minimise the visual intrusion on the street and compliments the streetscape.** **(c) To ensure that additional parking does not result in a loss of landscaped area within the front setback or result in car parking being the dominant built form element within the street setback of that property.** **(d) To ensure that additional parking does not impact on the amenity of adjoining properties or the subject site.** **(e) To minimise the cumulative impact of such parking on the streetscape and landscape setting of the locality.** **(f) To ensure that additional parking does not compromise vehicular or pedestrian safety, or the amenity of adjoining properties.**	(a) The carport should only be located forward of a street building line when there is no opportunity to locate the carport in a rear or side yard behind the building line. (b) Only one carport per lot may be sited (either wholly or partly) forward of a street building line. (c) There must be a minimum length of 5.5m within the street setback, to enable parking of a vehicle wholly within the property. (d) The carport shall not impact on pedestrian safety or vehicle egress to and from the site or adjoining properties. (e) A carport shall not be located within the street setback on a heritage property or a property adjoining a heritage property unless a heritage assessment confirms there is no impact on heritage item or its setting.
	2. *Location and Setbacks*
	(a) The carport is to be located over an existing approved driveway. (b) A carport located entirely forward of the building line shall be set back a minimum of 900mm from the side boundary and landscaping provided within the side boundary setback. (c) The carport shall be set a minimum of 0.5m from the boundary with the street.

Part A-6 Ancillary Residential Development in the R1 General Residential and RU5 Village Zones

Objectives	Design Criteria
	3. Design
	(a) The maximum height of the structure is 3.3m above the ground level (existing) at any point, or the ground floor gutter line of the dwelling, whichever is the lesser. (b) The minimum length of the carport is 5.5m and the maximum length is 6.0m. (c) The maximum width is 6 metres, or 33% of width of the street frontage of the lot, whichever is the lesser. (d) The frontage facing the street shall remain open and shall not be fitted with a door, gate or enclosing device of any kind; (e) All carport sides shall remain completely open. (f) The carport shall not visually dominate the streetscape (flat or low pitched roofs are preferred, darker recessive colours are preferred, avoid bulky facades and support columns). (g) The roof of any carport located forward of the building line shall not form part of the roof of the dwelling. (h) Stormwater shall be connected into the existing stormwater system and shall not cause a nuisance to adjoining properties. (i) Parking spaces under the carport shall have a grade no greater than 1:20.
	4. Amenity
	(a) Landscape planting shall be provided in the street setback, to soften the visual impact. (b) There shall be no impact on mid winter solar access to habitable rooms or private open space of the dwelling on the site and adjoining dwellings. (c) There shall be no impact on views or observation of the street from living areas and private open space of adjoining dwellings.

A-6.2.2 Shade Structures Within the Street Building Line in the R1 and RU5 Zones

Objectives	Design Criteria
(a) To allow small scale open shade structures forward of the building line to a road, to provide shade where the primary open space of a dwelling is located in the street setback. **(b) To minimise the impact of such structures on the streetscape and amenity of the property and adjoining properties.**	***1. Siting and Design***
	(a) In circumstances where the principal area of private open space for that dwelling is located within a street setback, a shade structure such as a roofed pergola or terrace roof may be constructed to provide shelter to a portion of that private open space. (b) The shade structure shall have a maximum height of 3.3m above the ground level (existing). (c) The shade structure shall have a maximum area of $12m^2$. (d) The structure shall be set back from the side boundary by 900mm and from the street boundary by a minimum of 1m. (e) There shall only be one shade structure located within a street setback per lot. (f) The shade structure shall not be enclosed by walls or screens. (g) The shade structure shall not visually dominate the streetscape (flat or low pitched roofs are preferred, darker recessive colours are preferred, avoid bulky facades and support columns). (h) The shade structure shall not form part of the roof of the dwelling. (i) Stormwater shall be connected into the existing stormwater system does not cause a nuisance to adjoining properties.

Objectives	Design Criteria
	2. Amenity
	(a) Landscape planting shall be provided in the street setback, to soften the visual impact. (b) There shall be no impact on mid winter solar access to habitable rooms or private open space of the dwelling on the site and adjoining dwellings. (c) There shall be no impact on views or observation of the street from living areas and private open space of adjoining dwellings.

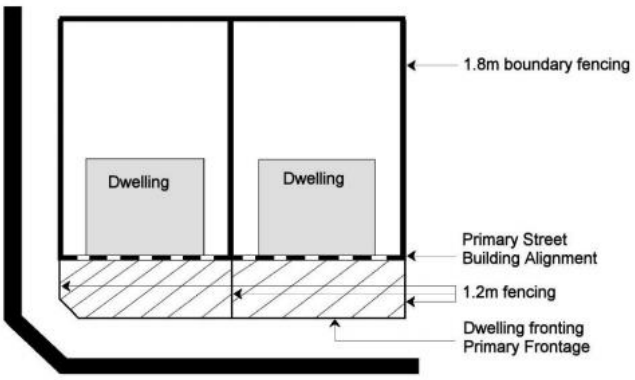
A-6.2.3 Fencing in the R1 and RU5 Zones

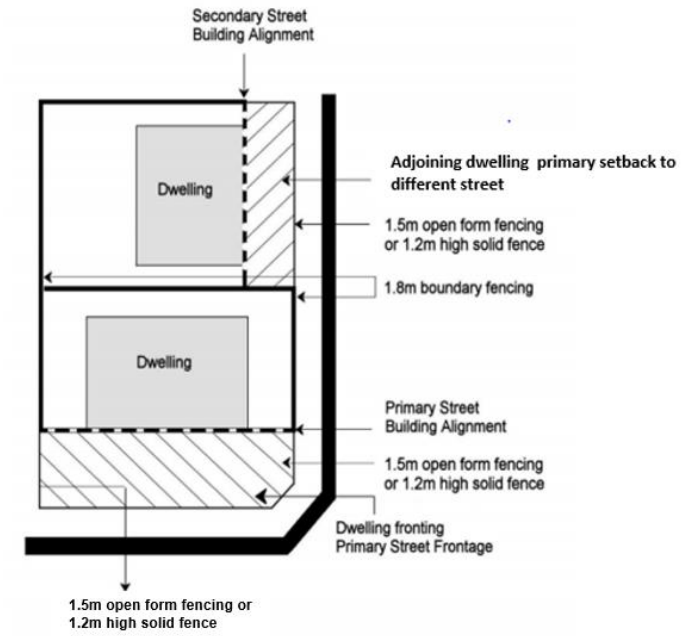
Preamble

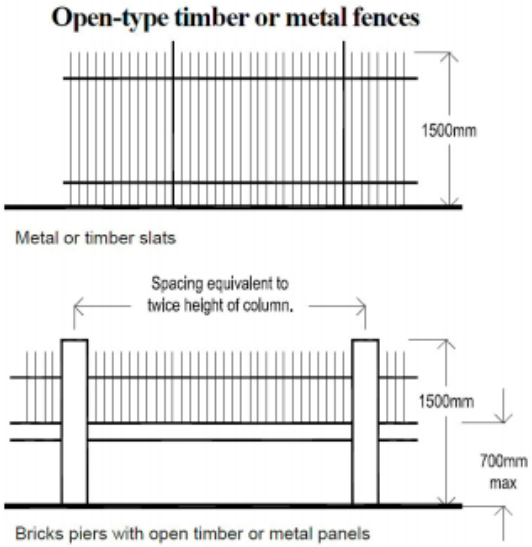
Appropriately designed, located and constructed fences can improve residential amenity with the provision of privacy, safety for residents and pets, potential noise reduction, and delineation of public and private space.

The majority of fences in all zones can be constructed as Exempt Development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP) subject to criteria. These provisions are aimed at providing guidance for fencing that is not permissible as Exempt Development.

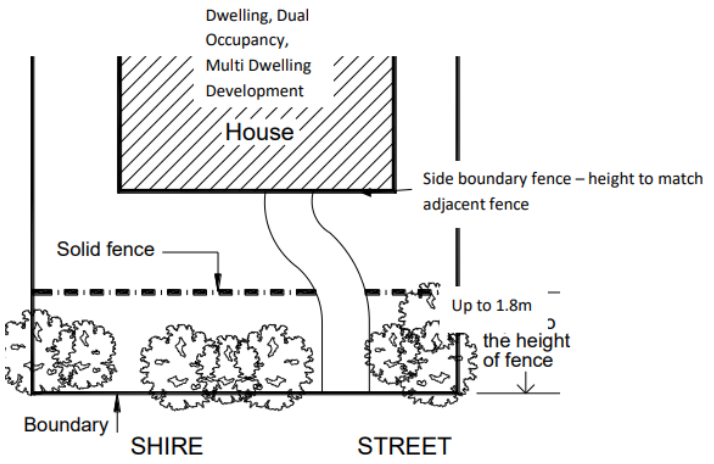
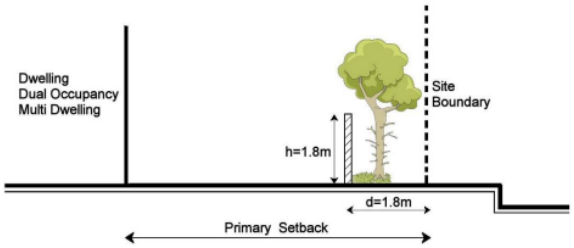
The Codes SEPP should be read in conjunction with the following controls.

Objectives	Design Criteria
(a) To ensure that fences and courtyard walls: • **Do not become a dominant built element in the streetscape;** • **Provide a sense of territory, privacy, noise reduction and safety for residents;** • **Retain the sense of safety in the street that pedestrians gain from the casual observation by residents;** • **Do not impact on the safe movement of vehicles and pedestrians; and** • **Retain opportunities for casual social interaction in the community.**	***1. Boundary fences - side and rear*** (a) The maximum height permitted at any point for a side or rear fence shall be 1.8 m from natural ground level in accordance with Diagram 1. **Diagram 1**  (b) Where a portion of the fence is a retaining wall, 1.8m is the total maximum height permitted. Such fences shall not extend beyond the front building alignment. (c) Dwellings fronting a secondary road shall comply with street frontage fencing requirements in accordance with Diagram 2 and controls below.

Objectives	Design Criteria
	Diagram 2  ***2. Boundary fences – front*** (a) A front fence is any fence or like barrier erected within the street setback, whether it is erected on the boundary or not. **Solid form front fences –** (b) Solid form front fences shall have a maximum height of 1.2m from natural ground level at any point. Solid form fencing includes: block, masonry, paling, lapped and capped and sheet or panelled fences. **Open form front fences –** (c) Open form fencing shall be permitted, up to a maximum height at any point of 1.5m from natural ground level in accordance with Diagram 3. Any solid or masonry portion is to be no greater than 700mm. Privacy is to be obtained through advanced screen planting. i. Clearance between all members of open-form timber or metal front fences shall be equal to or greater than the width of the member, with a minimum spacing of 50mm. ii. Columns and piers for open-form timber or metal front fences must be spaced at twice the finished fence height. iii. Open form sections should be incorporated into fences, particularly on corner blocks to increase visibility for security purposes.

Objectives	Design Criteria
	Diagram 3  **Higher fences- street frontages –** (d) These controls apply for primary and secondary street frontage fencing greater than 1.2m in height (solid) or greater than 1.5m in height (open form). (e) Higher front fences, such as those used to shield dwellings from the noise of classified road, where they are not part of the character of the streetscape, will only be considered on merit. (f) Where such fencing is warranted, fences shall be a maximum of 1.8m from natural ground level at any point and set back from the property boundary by a distance equivalent to the height of the fence. Landscape planting is to be provided between the fence and the boundary, with a mature height of at least 1.5m (as shown in Diagram 5 and 6 below). (g) Open form sections should be incorporated into such fences, particularly on corner blocks, to increase visibility for security purposes. (h) Brick or similar solid fences are generally unacceptable across drainage easements. (i) Fencing must provide adequate sight distance for the safety of pedestrians using the footpath area.

Part A-6 Ancillary Residential Development in the R1 General Residential and RU5 Village Zones

Objectives	Design Criteria
	Diagram 5  **Diagram 6:** Higher front fences Dwellings, Dual occupancy and Multi Dwelling Development 

Part A-7
Ancillary Residential Development in the RU1 Primary Production, R5 Large Lot Residential and E3 Environmental Management Zones

Preamble

Ancillary residential developments are types of minor development that would ordinarily be associated with the occupation and use of a dwelling and that generally have minimal environmental impact.

Many of these forms of development can be undertaken as Exempt Development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP). These controls are intended to apply in those circumstances where a development does not utilise the State provisions.

This Chapter addresses ancillary residential development in the RU1 Primary Production, E3 Environmental Protection and R5 Large Lot Residential zones.

Ancillary residential development can only be approved on a lot if there is an existing approved residential development located on that land. For example, the controls in this Chapter do not apply to a development application for a shed on a lot of land where there is no dwelling house.

Overall Objectives for Ancillary Development

(1) Balance the ability of the individual residents to erect ancillary residential structures which contribute to their enjoyment of their dwelling, while protecting the amenity and acoustic and visual privacy of neighbours.

(2) Ensure that ancillary structures are compatible with the established character, scale and setting of the locality.

(3) Minimise the potential environmental impacts of ancillary development.

(4) Manage the cumulative impact of ancillary development, particularly the visual impact when viewed from the public domain and neighbouring properties.

(5) Ensure new ancillary development minimises overshadowing and view loss for neighbouring properties.

A-7.1 Hazards and Constraints

Objectives	Design Criteria
(a) To alert applicants to the range of potential site constraints including natural hazards constraints, that may apply to a lot. (b) These constraints may impact on the siting and form of the development and require preparation of additional planning reports as part of the development applications.	1. The development design must take into account any hazards or constraints applying to the land, which may include the following: (a) Flood – Habitable floors to be above Flood Planning Level (FPL). – see Council for flood levels and Part H of the DCP. (b) Bushfire – comply with Planning for Bushfire Protection 2019. A Bushfire Report is required. (c) Acid Sulfate Soils (ASS) see clause 6.1 of RVLEP & Part H-2 of this DCP. (d) Coastal Development – A statement addressing the matters in SEPP (Coastal Management) 2018 is required. (e) Contaminated Lands – Land to be of a standard compatible with residential development. Contaminated Land should be based upon consideration of current and historic land uses, the likely presence of asbestos and lead paints, and the land uses identified in SEPP 55. (f) Natural Resource Sensitivity – confirm whether any one or more overlays applies – See clauses 6.6 to 6.10 of RVLEP: • 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 (g) Clearing of native vegetation - A report is provided addressing the *Biodiversity Conservation Act 2019* and a map showing the vegetation to be removed is provided. (h) Heritage – on or adjoining the site. See Part I-1 & RVLEP (i) Easements, Clear Zones, Zone of Influence for Services – see Council for locations and zone of influence and clear zone requirements. (j) Aircraft Noise - Any development within the 20 ANEF contour is to be constructed to comply with AS 2021:2015 Acoustics – Aircraft Noise Intrusion (k) Dwellings that are within 100 m of a classified road or 80m from a rail corridor need to comply with relevant noise control treatment for sleeping areas and other habitable rooms in Appendix C of *RMS Development Near Rail Corridors and Busy Roads* - Interim Guideline.

Note. Information regarding the constraints and hazards applying can be found from:

- A Section 10.7 Planning Certificate
- The Department of Planning, Industry and Environment's eSpatial viewer
- The Biodiversity Values Map
- By contacting Councils development concierge for assistance.

A-7.2 Height Controls

Objectives	Design Criteria
(a) The building height is consistent with the desired scale and character of the locality and provides an acceptable impact on the amenity of adjoining properties.	1. The maximum height is as specified in the Height of Buildings Map in *Richmond Valley Local Environmental Plan 2012* is 8.5m. 2. The structure shall be designed to ensure that its height does not result in any unreasonable impact on adjoining properties or the character and scenic quality of the locality.

A-7.3 Street, Rear and Side Boundary Setbacks for Ancillary Development

Attached Ancillary Development	***Street, Rear and Side Boundary Setbacks***
Objectives	**Design Criteria**
(a) Provide setbacks from roads and adjoining properties which reflect the rural character of the locality. (b) To achieve the general objectives for ancillary development.	1. The following setback controls apply in all zones to any road frontage: • 15 metres from a local sealed road • 50 metres from a local unsealed road • 20 metres from a classified road 2. **In the RU1 and E3 zones**, the following side and rear boundary setback requirements apply: (a) Minimum Side Boundary Setback: 10 m (b) Minimum Rear Boundary Setback: 10 m 3. **In the R5 Zone,** the following side and rear boundary setback requirements apply: (a) Minimum Side Boundary Setback: 5 m (b) Minimum Rear Boundary Setback: 5 m

A-7.4 Local Character and Context

Objectives	Design Criteria
(a) Building design, materials and location are compatible with the existing characteristics of the site and locality.	1. Ancillary buildings and structures associated with the dwelling must be designed, located and landscaped to reduce visual impacts on adjoining properties and public places. 2. The design of the ancillary buildings should be in keeping with the rural character of the locality. Traditional construction materials (i.e. timber, corrugated roofing or similar) and natural colours (grey, greens and browns) are encouraged. 3. Extensive use of highly reflective materials and/or colours is not acceptable for roof or wall cladding.

A-7.5 Retention of Existing Landscape Features

Objective	Design Criteria
(a) Existing natural features of the site that contribute to the environment and character of the area retained, and visual and privacy impacts on existing neighbouring dwellings are reduced.	1. Ancillary development should be located to retain existing landscape features including trees and rock outcrops, where they contribute to the environmental and scenic qualities of the locality.

A-7.6 Earthworks and Retaining Walls

All Developments Involving Earthworks and Retaining Walls	
Objective	**Design Criteria**
(a) To ensure that earthworks and retaining walls will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	1. All 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 outside the Clear Zone of and have footings outside which extend below the Zone of Influence for any 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: • 900mm or higher in height, or • 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*.

Part A-8
Multi Dwelling Housing and Residential Flat Buildings

Preamble

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. However:

- multi dwelling housing is limited to the M1 – Medium Density, M2 – Medium-High Density and H – High Density areas.
- Residential flat buildings are limited to the M2 – Medium-High Density and H – 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 A-4 – Shop Top Housing.

Part A-8.1 Controls Common to Multi Dwelling Housing and Residential Flat Buildings

A-8.1.1 Hazards and Constraints

Objectives	Design Criteria
(a) To alert applicants to the range of potential site constraints including natural hazards constraints, that may apply to a lot. **These constraints may impact on the siting and form of the development and require preparation of additional planning reports as part of the development applications.**	1. The development design must take into account any hazards or constraints applying to the land, which may include the following: (a) Flood – Habitable floors to be above Flood Planning Level (FPL). – see Council for flood levels and Part H of the DCP. (b) Bushfire – comply with Planning for Bushfire Protection 2019. A Bushfire Report is required. (c) Acid Sulfate Soils (ASS) see clause 6.1 of RVLEP & Part H-2 of this DCP. (d) Coastal Development – A statement addressing the matters in SEPP (Coastal Management) 2018 is required. (e) Contaminated Lands – Land to be of a standard compatible with residential development. Contaminated Land should be based upon consideration of current and historic land uses, the likely presence of asbestos and lead paints, and the land uses identified in SEPP 55. (f) Natural Resource Sensitivity – confirm whether any one or more overlays applies – See clauses 6.6 to 6.10 of RVLEP: • 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 (g) Clearing of native vegetation - A report is provided addressing the *Biodiversity Conservation Act 2019* and a map showing the vegetation to be removed is provided. (h) Heritage – on or adjoining the site. See Part I-1 & RVLEP (i) Easements, Clear Zones, Zone of Influence for Services – see Council for locations and zone of influence and clear zone requirements. (j) Aircraft Noise - Any development within the 20 ANEF contour is to be constructed to comply with AS 2021:2015 Acoustics – Aircraft Noise Intrusion (k) Dwellings that are within 100 m of a classified road or 80m from a rail corridor need to comply with relevant noise control treatment for sleeping areas and other habitable rooms in Appendix C of *RMS Development Near Rail Corridors and Busy Roads* - Interim Guideline.
Note. Information regarding the constraints and hazards applying can be found from: • A Section 10.7 Planning Certificate • The Department of Planning, Industry and Environment's eSpatial viewer • The Biodiversity Values Map • By contacting Councils development concierge for assistance.	

A-8.1.2 Water, Stormwater and Sewage

Objective	Design Criteria
(a) To ensure all development is adequately serviced by water, sewer and stormwater infrastructure. **(b) To ensure that development is located and designed so that it will not impact upon existing infrastructure.**	***Stormwater*** 1. All dwellings must connect to Council's stormwater infrastructure. 2. A Stormwater Management Plan must be prepared as part of the development application. It is recommended to contact Council early in the design progress regarding stormwater requirements, which may vary depending on site characteristics and the form of development. ***Sewage*** 3. Multi dwelling and residential flat building development is only permitted on sites serviced by reticulated town sewer. 4. The proposal must comply with Councils sewage management requirements. These requirements vary depending on the site and scale of the development. It is recommended that consultation with Council occur early in the design process. ***Water Supply*** 5. Multi dwelling and residential flat development is only permitted on sites serviced by reticulated town water. 6. It is recommended that early consultation with Council occurs to ensure that the reticulated water system in the locality can adequately service the proposed development. 7. In bushfire prone areas additional firefighting water supply may be required where the development cannot be serviced by a fire hydrant.

A-8.1.3 Earthworks and Retaining Walls

Objective	Design Criteria
(a) To ensure cut and fill required for any development is designed to minimise any safety, environmental and amenity impacts on the site and adjoining properties.	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 outside the Clear Zone of and have footings outside which extend below the Zone of Influence for any 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: • 900mm or higher in height, or • 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*.

Part A-8.2 Multi Dwelling Housing

A-8.2.1 Adoption of *Low Rise Housing Diversity Guide for Development Applications* for Multi Dwelling Housing Development Applications

Richmond Valley Council adopts the objectives and design criteria established for Multi Dwelling Housing contained in the Department of Planning, Industry and Environment's *Low Rise Housing Diversity Design Guide for Development Applications* (July 2020), (section 2.4 Multi Dwelling Housing) except as modified by the local provisions outlined below.

A-8.2.2 Minimum Lot Size and Width Design Criteria

<table>
<tr><th>Objectives</th><th>Design Criteria</th></tr>
<tr><td>(a) To require sufficient allotment widths and depth to enable some variations in design for development.

(b) To ensure sites have adequate widths and depth for the arrangement of sufficient side boundary setbacks, efficient driveways, sufficient landscaped areas and satisfactory building form that takes into account the uses made of adjoining properties and provide for an attractive streetscape.</td><td>1. The minimum lot dimensions are as indicated in the following table:

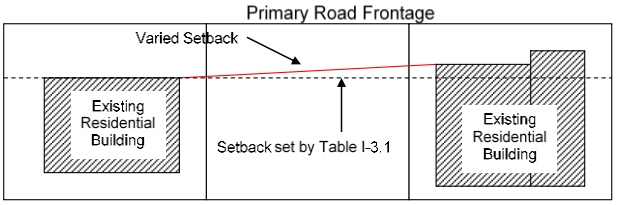
<table><tr><th>Minimum Dimensions</th><th></th></tr><tr><td>Minimum Lot Size</td><td>1000m^2</td></tr><tr><td>Minimum Lot Width</td><td>20m</td></tr></table>
2. Where a variation is proposed to minimum lot size or width, Council must be satisfied that:
(a) The development provides safe and efficient vehicle and pedestrian access and allows vehicles to leave the site in a forward direction; and
(b) The development provides adequate vehicular parking, storage space and waste storage areas; and
(c) The development achieves a high standard of resident amenity and would have no greater impact on adjoining development that would otherwise be the case; and
(d) The development is compatible with the streetscape and the landscape setting of the locality and complies with the minimum landscaped area requirement.

Note. A smaller or narrower site width may not allow for the full gross floor area to be realised.</td></tr>
</table>

A-8.2.3 Maximum Building Height

As established by the *Richmond Valley LEP 2012*

A-8.2.4 Setbacks to Streets

Setbacks to Streets	
Objectives	**Design Criteria**
(a) The development provides a setback from the front boundary or public space that: **i. defines the street edge;** **ii. creates a clear threshold and transition from public to private space;** **iii. assists in achieving visual privacy to ground floor dwellings from the street;** **iv. contributes to the streetscape character and landscape; and** **v. relates to the existing streetscape and setback pattern or the desired future streetscape pattern if different to the existing.**	***Primary Road Frontages*** 1. The setback of the dwelling from the street is the lesser of the following: **(a) the distance defined below**: i. 6 metres, and ii. Garages, carports with enclosure or part enclosure on any side, and sheds must be 1.0 metre behind the building line. **OR** **(b) the established street setback provisions below:** i. The average distance of the setbacks of the nearest dwelling houses or dual occupancies located within 40m of the development and having the same primary road boundary, measured as follows:  2. A calculation based on the established street setback excludes any part of a structure erected within an articulation zone on adjoining properties, and any garages, carports, and ancillary development on the adjoining properties. 3. Where relying on the established street setback controls to set the front building line, a garage, carport with enclosure or part enclosure on any side, or shed must be set back either: • One metre behind the dwelling or • 5.5m from the primary road boundary; whichever is the greater.
	Secondary and Parallel Road Frontages, including Setbacks to Lanes 4. Where the development is located on land having frontage to more than 1 road alignment whether those roads are formed or unformed or lanes, the following setback applies to any secondary or parallel road frontage: Zone | Minimum Setback Zone R1 – General Residential Zone | 3 metres Zone RU5 – Village | 3 metres
	Setbacks from Public Reserves 5. Setback from public reserve: 3 m
	Roads subject to Widening 6. The Front Building Line Setback to a road subject to widening shall be increased by width of land to be resumed by the widening as follows: (a) Lane Widening proposed in Chapter I-15 of this DCP—the setback shall be increased by 3 metres to accommodate the proposed widening,

Setbacks to Streets	
Objectives	**Design Criteria**
	(b) land identified as Classified Road (SP2) on the *Richmond Valley LEP 2012* Land Reservation Acquisition Map—the setback shall increase by the width of identified resumption.
	Foreshore Building Line
	7. Notwithstanding any other setback provision, development on a lot containing a foreshore building line shall be behind that foreshore building line.

A-8.2.5 Gross Floor Area

Objectives	**Design Criteria**
(a) To ensure that the bulk and scale is appropriate for the context, minimises impacts on surrounding properties and allows for articulation of the built form.	1. The following maximum gross floor area applies for all development on the site: (a) M1 Density Areas – 50% of lot area (b) M2 Density Areas– 80% of lot area (c) H1 High density Areas – 80% of lot area

A-8.2.6 Landscaped Area

Objectives	**Design Criteria**
(a) To provide adequate opportunities for the retention of existing and provision of new vegetation that: **i. contributes to biodiversity;** **ii. enhances tree canopy; and** **iii. minimises urban runoff**	1. The following minimum landscaped area applies for all development on the site: (a) M1 Density Areas – 30% of lot area (b) M2 Density Areas – 20% of lot area (c) H1 High Density Areas – 20% of lot area

A-8.2.7 Principal Private Open Space

Objective	**Design Criteria**
(a) Dwellings provide appropriately sized private open space to enhance residential amenity.	1. The area of principal private open space provided for each dwelling is: (a) At least 16m^2 with a minimum length and width of 3m for a 1 or 2 bedroom dwelling; (b) at least 25m^2 with a minimum length and width of 3m for a dwelling containing 3 or more bedrooms (or 2 bedrooms and a study).
(b) Principal private open space is appropriately located to enhance livability for residents	2. The principal private open space is located behind the front building line. 3. The principal private open space is located adjacent to the living room, dining room or kitchen to extend the living space. 4. A minimum of 8m^2 of the private open space should be paved and covered to provide shade and protection from rain.

A-8.2.8 Car Parking

Objective	Design Criteria
(a) Car parking is provided appropriate for the scale of the development.	1. Minimum parking requirements are: (a) 1 per dwelling (<150 m^2 GFA), plus (b) 1.5 per dwelling (>= 150 m^2 GFA), plus (c) 1 visitor space per 4 dwellings.

A-8.2.9 View Sharing

Objective	Design Criteria
(a) To allow for the reasonable sharing of views with adjoining and/or nearby properties.	1. Where views from other dwellings or public spaces are likely to be impacted, the applicant may be required to submit a view loss assessment. 2. View loss and opportunities for view sharing is to be considered in accordance with the Land and Environment Court Planning Principals.

Part A-8.3 Residential Flat Buildings

A-8.3.1. Application of *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* and Apartment Design Guides

1. *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* applies if:
   (a) the development consists of any of the following:
   - the erection of a new building,
   - the substantial redevelopment or the substantial refurbishment of an existing building,
   - 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.
3. A 2 storey residential flat building is to comply with the provisions of the *Apartment Design Guide* - Part 4 Designing the building.

A-8.3.2 Maximum Building Height

As established by the *Richmond Valley LEP 2012*.

A-8.3.4 Building Setbacks

Setbacks to Streets	
Objectives	**Design Criteria**
(a) The development provides a setback from the front boundary or public space that: **i. defines the street edge;** **ii. creates a clear threshold and transition from public to private space;** **iii. assists in achieving visual privacy to ground floor dwellings from the street;** **iv. contributes to the streetscape character and landscape;** **v. relates to the existing streetscape and setback pattern or the desired future streetscape pattern if different to the existing; and** **vi. parking for the residential flat building is not the visually**	***Primary Road Frontages*** 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. ***Secondary and Parallel Road Frontages, including Setbacks to Lanes*** 2. Where the development is located on land having frontage to more than 1 road alignment whether those roads are formed or unformed or lanes, the following setback applies to any secondary or parallel road frontage for the lower two storeys: (a) 3 metres if the residential flat building has a maximum height of two storeys. (b) 6 metres if the residential flat building has a height of 3 or more storeys. (c) for that part of any development above 3 storeys a minimum of 10 metres.

Setbacks to Streets	
Objectives	**Design Criteria**
dominant streetscape element	***Roads subject to Widening***
	7. The Front Building Line Setback to a road subject to widening shall be increased by width of land to be resumed by the widening as follows: (a) Lane Widening proposed in Chapter I-15 of this DCP—the setback shall be increased by 3 metres to accommodate the proposed widening, (b) land identified as Classified Road (SP2) on the *Richmond Valley LEP 2012* Land Reservation Acquisition Map—the setback shall increase by the width of identified resumption.
	Parking Spaces Setback
	8. Parking spaces, whether covered or otherwise are required to be set back an additional 1 metre behind the building setback required to any street.

A-8.3.5 Side and Rear Setbacks

Objectives	Design Criteria
(a) Provide sufficient separation between the residential flat development and surrounding properties to minimise the amenity impacts on the adjoining properties. (b) Provide deep soil planting zones for landscaping of a sufficient scale and density to minimise the visual impact on adjoining development. (c) Provide for private open space of residents without impacting on the privacy of adjoining properties.	1. The first and second storey of a development must be setback a minimum of the following: (a) 2.5m to any side boundary, and (b) 3.0m to any rear boundary. 2. That part of any development above 2 storeys shall be setback a minimum of 6m. 3. Notwithstanding any other setback provision, development on a lot containing a foreshore building line shall be set back behind that line and the area within the foreshore building line setback shall be landscaped.

A-8.3.6 Setbacks from Public Reserves

Objectives	Design Criteria
(a) Minimises the visual impact on foreshore areas and public reserves. (b) Provides for a landscaped transition to foreshore areas to preserve and enhance the natural qualities of these areas.	1. Setback from a boundary with an adjoining foreshore reserve: 15 metres 2. Setbacks from the boundary with other public reserves: (a) 3 metres if the residential flat building has a maximum height of two storeys. (b) 6 metres if the residential flat building has a height of 3 or more storeys. (c) for that part of any development above 3 storeys a minimum of 10 metres.

A-8.3.7 Minimum Lot Dimensions

Objectives	Design Criteria
(a) to require sufficient allotment widths and depth to enable some variations in design for development. (b) to ensure sites have adequate widths and depth for the arrangement of sufficient side boundary setbacks, efficient driveways, sufficient landscaped areas and satisfactory building form that takes into account the uses made of adjoining properties.	1. The minimum lot dimensions are as indicated in the following Table: | | 2 storey | ≥3 storey | | Lot Size | 1000m^2 | 1200m^2 | | Lot Width | 20m | 25m |

A-8.3.8 Floor Space Ratio

Floor Space Ratio (FSR)	
Objectives	**Design Criteria**
(a) To ensure that buildings are compatible with the bulk, scale and character of the locality. (b) Minimise adverse impacts on existing or future amenity of adjoining properties.	1. The following maximum gross floor area applies for all development on the site in the M2 and H density zones: | DCP Area | Floor space Ratio (FSR) | | | | | 2 storey | 3 storey | > 3 Storey | | M2 | 0:8:1 | 1:1 | N/A | | H | 0.8:1 | 1:1 | 1.2:1 |

A-8.3.9 Landscaped Area

Landscaped Area	
Objectives	**Design Criteria**
(a) To provide adequate opportunities for the retention of existing and provision of new vegetation that: i. contributes to biodiversity; ii. enhances tree canopy; and iii. minimises urban runoff. (b) Maximise the livability and amenity of residential development. (c) Ensure that landscaped areas are an integral component of residential development.	1. The minimum landscaped area in the M2 and H density zones is 20% of the site area. On a battle axe lot, the area of any access handle is to be excluded from the lot area used to calculate the minimum landscaped area requirements. 2. The minimum dimension of any area included in the landscaped area calculation is 1.5m. 3. At least 50% of the area forward of the building line is to be landscaped area. 4. On a lot containing a foreshore building line setback, the setback shall be landscaped area. 5. 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. Gravel or similar surfaced areas that allow infiltration can contribute to the achievement of the minimum landscaped area, where they form part of the overall landscape design, but not where the gravel comprises a vehicular accessway or parking area or any other use which is not landscaping.

Landscaped Area	
Objectives	**Design Criteria**
	6. The landscaping requirements contained in the Apartment Design Guide are adopted for all residential flat buildings, including any 2 storey buildings. 7. A landscape design plan shall form part of any development application.

A-8.3.10 Carparking

Objectives	**Design Criteria**
(a) To ensure adequate parking to service the development is provided.	(1) Minimum parking requirements are: • 1 per dwelling (<150 m^2 GFA), plus • 1.5 per dwelling (>= 150 m^2 GFA), plus • 1 visitor space per 4 dwellings.

Part A-9
Shop Top Housing

Preamble

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

The *Richmond Valley Local Environmental Plan 2012* provides the definition:

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

The Chapter relates to Shop Top Housing undertaken in Zones B1 Neighbourhood, B2 Local Centre and B3 Commercial Core.

Design of Shop Top Housing

Shop Top Housing is best designed 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 as outlined below.

A-9.1 Height of Buildings

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.

A-9.2 Building Setbacks, Footprint & Floor Space Area

(1) Density on the Ground Floor Commercial component 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 atop Commercial density.

(5) Setbacks for residential development shall have regard to the existing and desired character of the locality and the amenity of residents of the building and nearby residential properties, and the setbacks of the ground floor commercial development. Guidance can be found in Part I-3 of this DCP.

(6) The residential component should also comply with the provisions of the *Apartment Design Guide* – Part 4 designing the building.

Developments exceeding Three Storeys

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

The Density provisions apply to residential flat buildings will be applied to development 3 storeys or greater. Setbacks and apartment design will need to be designed to comply with the requirements of the *Apartment Design Guide*.

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-9.3 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:

- Overall Scale and Height
- Roof Forms and Pitch
- Materials of External Front Walls
- Street Set-backs and Spacings between Buildings

Character

(3) The proposed development should be consistent with the prevailing character of the neighbourhood, the following elements are to be considered:

- Overall architectural Style (i.e. 'Victorian', 'Federation', 'Bungalow', 'Brick & Tile' etc.).
- Maintaining or Continuing existing Horizontal Lines or any 'Stepping'.
- Finishes and Decorative Detailing (and to a lesser extent colour) (i.e Collar Ties, Finials, Verandah Brackets, Balustrades, etc.).
- Architectural Elements (i.e. Verandahs, Awnings, etc).
- 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.

Amenity

(5) The design of the shop top housing development is to have regard amenity controls in Part B – Development in Commercial Centres to ensure that the impact of commercial development on the residential component is minimised and the development as a whole does not unreasonably impact on the amenity of any nearby sensitive land uses such as residential accommodation.

A-9.4 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:

- Layback, Dish or Pipe guttering.
- Kerb and Driveway light or heavy duty aprons dependent on whether for domestic or commercial/industrial/units use.
- Any road damaged as a result of works undertaken.
- 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-9.5 Car Parking

Car Parking Requirements

(1) Residential Element - 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) Commercial Element – parking must be provided at the rates required for commercial development in Part B of this DCP.

(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-9.6 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 outside the Clear Zone of and have footings outside which extend below the Zone of Influence for any 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:

- 900mm or higher in height, or
- 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-9.7 Overshadowing, Solar Access and Orientation

Overshadowing

(1) The proposed development must maintain adequate solar access to adjoining residential accommodation, in accordance with the provisions of this DCP for the relevant form of adjoining development.

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

Solar Access

(3) 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:

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.

Sunlight Infusion - Important daytime living areas within a dwelling should be orientated toward the northernmost areas of the design to provide warmth and light.

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

(4) 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-9.8 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-9.9 Additional Notes and Provisions

Lane Widening and Access

(1) 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

(2) 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*.

Part A-10
Seniors Housing and Affordable Housing

A-10.1 General Objectives

The general objectives of this Chapter are:

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

(2) Establish the setback requirements for seniors housing and affordable housing.

(3) Establish the design and amenity requirements for seniors housing and affordable housing.

A-10.2 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.

A-10.3 Setbacks

The proposed development shall comply with the setback requirements for residential accommodation in the zone in which the development is proposed. See Part I-3 of this DCP for details.

A-10.4 Urban Design Controls

The proposed development (both seniors living or affordable housing) shall be designed in accordance with the *Seniors Living Policy – Urban Design Guidelines for Infill Development* (2004) prepared by the Urban Design Advisory Service.

Part A-11
DCP Explanatory Notes

Preamble

Explanatory notes are provided to assist in interpretation of the commonly used design criteria in the DCP. It provides definitions and examples to assist applicants understand and apply the controls.

The explanatory notes primarily address design criteria used in Part A – Residential Development, but other parts also adopt some of the design criteria explained in this section.

Table of Contents

A-11.1 Building Height

There are two measures used to determine building height:

- height in storeys; and
- height in distance above ground level.

Height in storeys is useful to guide the character of an area, whereas height in distance can more effectively guide impacts such as solar access.

Building height is an important component of the building envelope. It helps shape the desired future character of a place relative to its setting and topography. It defines the proportion and scale of streets and public spaces, and has a relationship to the physical and visual amenity of the public and private spaces.

A-11.1.1 Calculating building height - distance

Building height is defined by the *Richmond Valley LEP 2012*(RVLEP 2012) as, the vertical distance measured from existing ground level to the highest part of the building immediately above that point. It includes plant and lift overruns, but excludes flues, communication devices and the like. As the existing ground level can change across a site, the maximum height will also vary with this change in ground level.

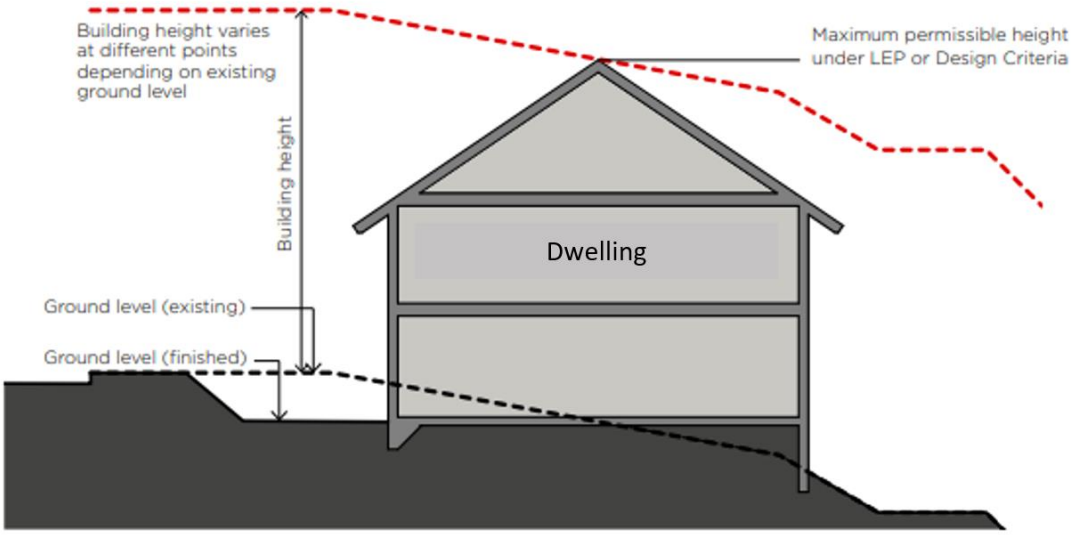


Figure 1 – Maximum Building Height

A-11.1.2 Determining existing ground level

Ground level (existing) is the existing level of a site at any point. When the site is covered by existing structures a survey plan should be prepared by a registered surveyor.

A-11.1.3 Calculating the number of storeys

Storey is defined under the SI LEP as the space in a building that is situated between one floor level and the floor level above, or if there is no level above, the ceiling or roof above but does not include a lift shaft, stairway, meter room, mezzanine or attic.

On a sloping site, a house may have a building form that is "stepped", with separate storeys stepping up with the slope of the land. This is acceptable provided the development does not exceed two storeys at any point along the slope.

In calculating the number of storeys permitted for the development types in this Design Guide, a basement is a storey unless it does not contain habitable rooms and contains only car parking and storage.

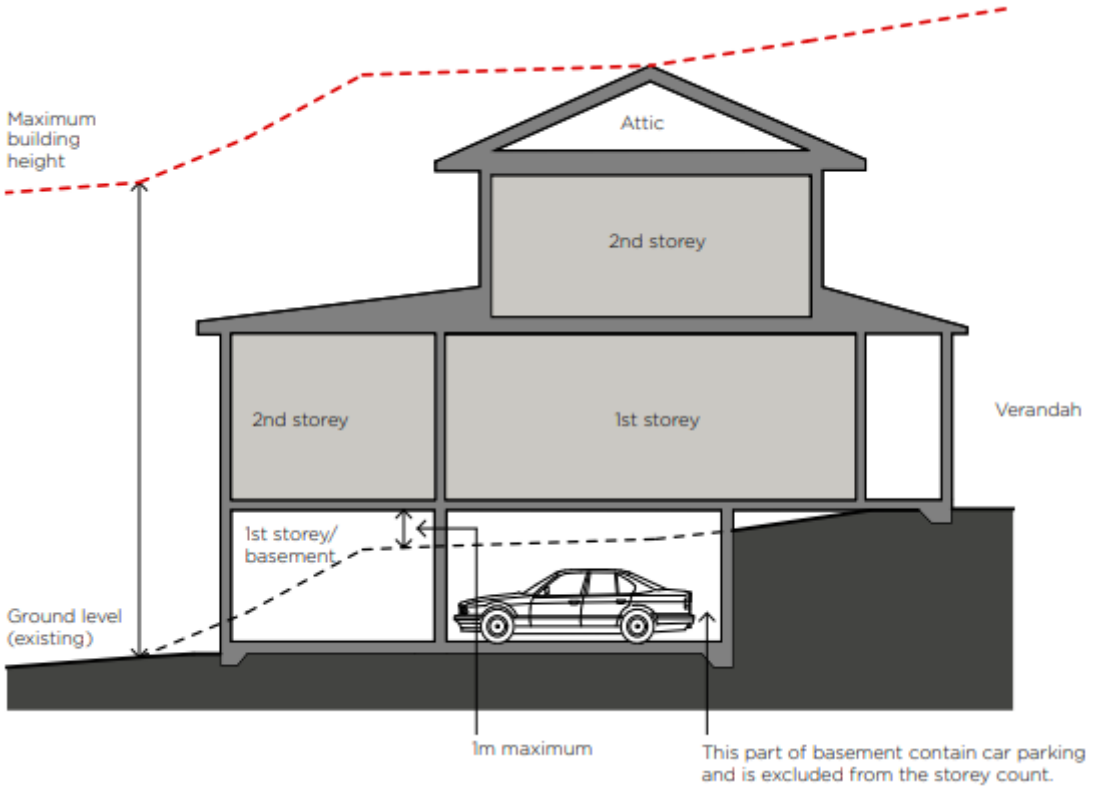


Figure 2 – Number of Storeys

A-11.2 Building Setbacks

Setbacks govern the space between buildings and other elements in the environment. Usually setbacks are expressed as the distance of a building from property boundaries. However, setbacks can also refer to the separation between buildings on a site. This is known as building separation.

Setbacks provide scale and character to streetscapes. Setbacks can also reduce a building's envelope and form through good articulation and building design. Setbacks are also important to ensure good amenity and reduce overshadowing and privacy concerns to adjoining lots. Side and rear setbacks can also be used to create usable landscape space, preserving part of the site for tree planting, landscaping or outdoor recreation.

A-11.2.1 Measuring Setbacks

1. A ***setback*** (or building line) is the horizontal distance between the property boundary and—
   (a) the external wall of a building*, or
   (b) he 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.
2. The building line or setback is measured at 90 degrees from the property boundary.
3. *In 1(a) above, the setback is measured to the external face of the external wall of a building.
4. The following are not included when measuring a setback:
   (a) Eaves less than 1 metre from the building wall or support post of an open structure
   (b) Building articulation zones.
   (c) **Ancillary development such as car ports, sheds, fences or minor development when located between a building and the street.

A-11.2.2 Setbacks and Building Lines

In the Richmond Valley DCP and the *Richmond Valley Local Environmental Plan 2012*, the term setback and building line have the same meaning.

A-11.2.3 Street Setbacks

Street setbacks establish the alignment of buildings along a street frontage, spatially defining the width of the street. Combined with building height and road reservation, street setbacks define the proportion and scale of the street and contribute to the character of the public domain. Street setbacks provide space for building entries, ground floor dwelling courtyards and entries, landscape areas and deep soil zones.

The size of the street setback required varies depending on the type of development and the land use zone. See individual DCP chapters or the summary table in Part I to determine the size of the street setback required for a particular development.

A-11.2.4 Types of Street Setbacks

1. Primary Road Setback – is the road to which the front of a dwelling house on the lot faces.
2. A secondary road frontage where the property is a corner lot; and
3. A parallel road frontage where the front and rear boundaries of the lot are roads and/or laneways.

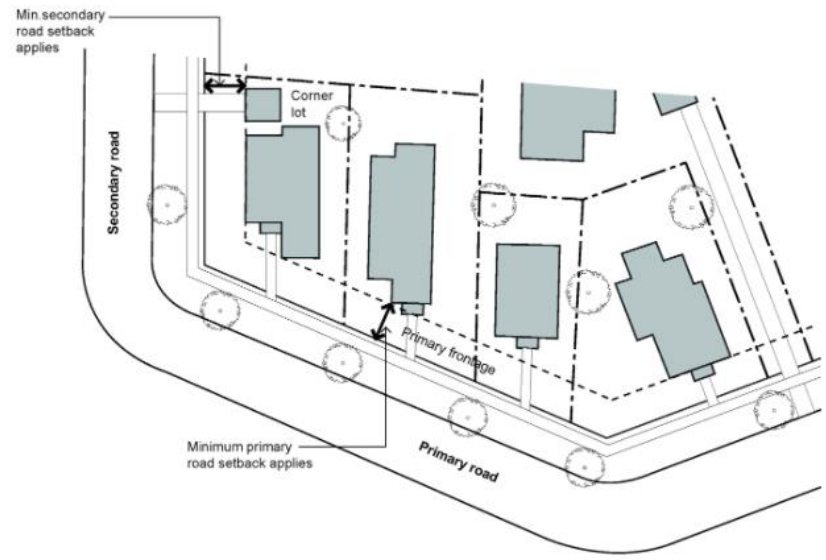


Figure 3: Primary and Secondary Road Frontages

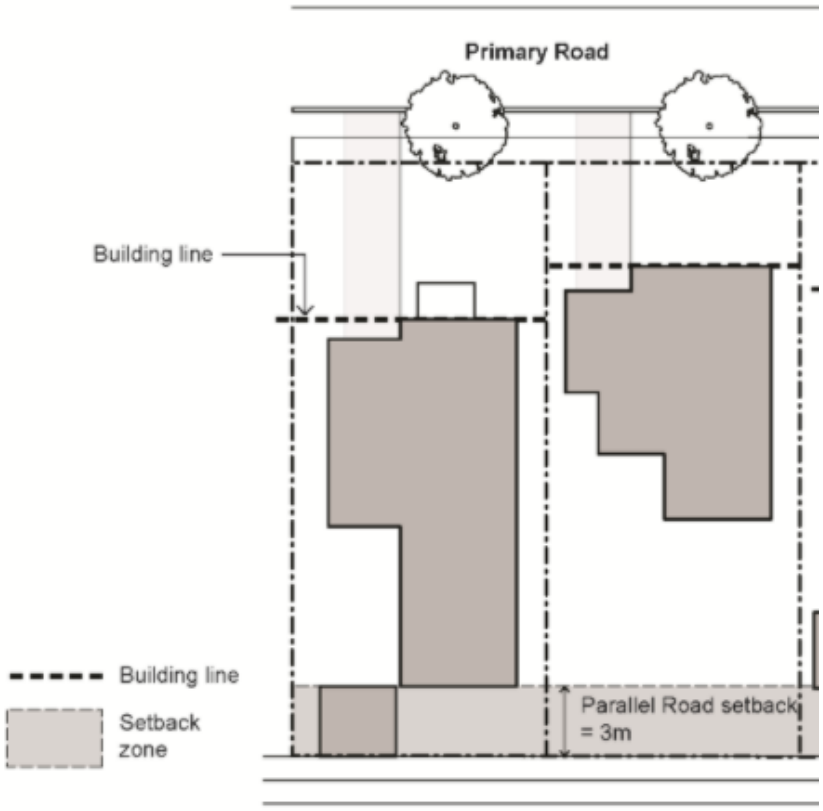


Figure 4: Parallel Road Setback

Council will determine on merits whether a frontage is primary or secondary have consideration of such things as:

(a) width of road reserves—Narrow roads and laneways are preferred as secondary frontages.

(b) orientation of development (existing and new)—Development orientated towards a road alignment will generally be considered the Primary Frontage, and

(c) the relative length of the frontages—Generally the shortest frontage is the Primary Frontage.

A-11.2.5 Battleaxe Lot – Front Setback

Some lots do not have direct access to the street, with the property reached by an access handle or right of carriageway. These lots are called battle-axe lots.

Instead of having a street setback, these lots have a front setback. The setback provides separation, privacy and amenity between dwellings on battleaxe lots.

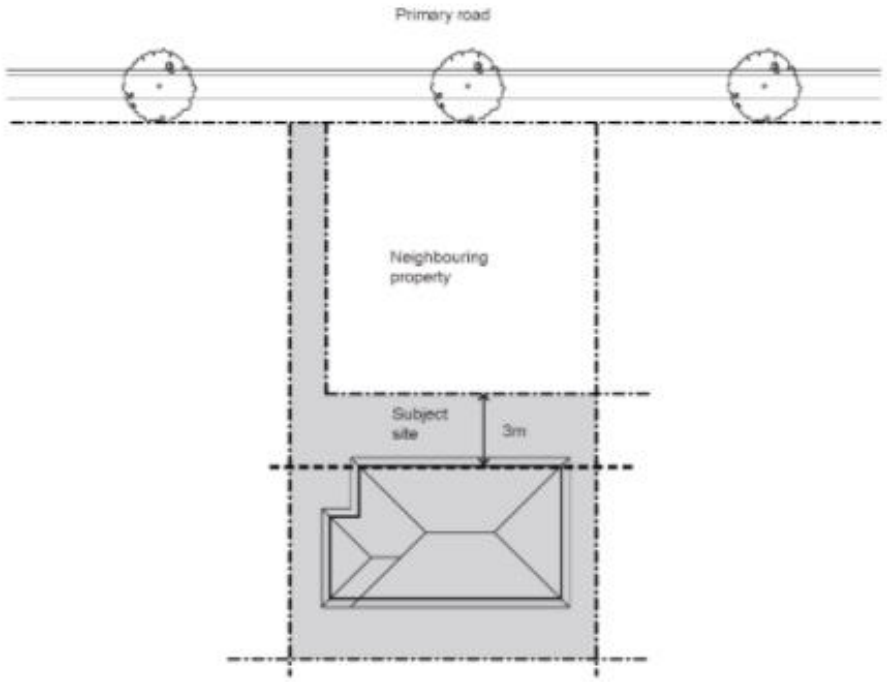


Figure 5: Battleaxe Lot and Front Setback

A-11.2.6 Side Boundary Setbacks

Side boundary setbacks affect the spatial continuity and the degree of openness in the street. Separation between buildings is required to minimise adverse amenity impacts by providing opportunities for private open space, landscaping, access, privacy, solar access and private and shared open spaces.

The size of the side setback See individual DCP chapters to determine the size of the street setback required for a particular development.

A-11.2.7 Calculating Side Boundary Setbacks Urban Areas and Rural Villages (R1 and RU5 Zones)

Side boundary setback requirements vary depending on the zone and type of development. See Part I-3 and the Chapters applicable to the particular development type proposed.

When calculating the side setback in the urban zones and rural villages, this DCP generally requires the dwelling to be incrementally set back from the side boundary as the building height increases.

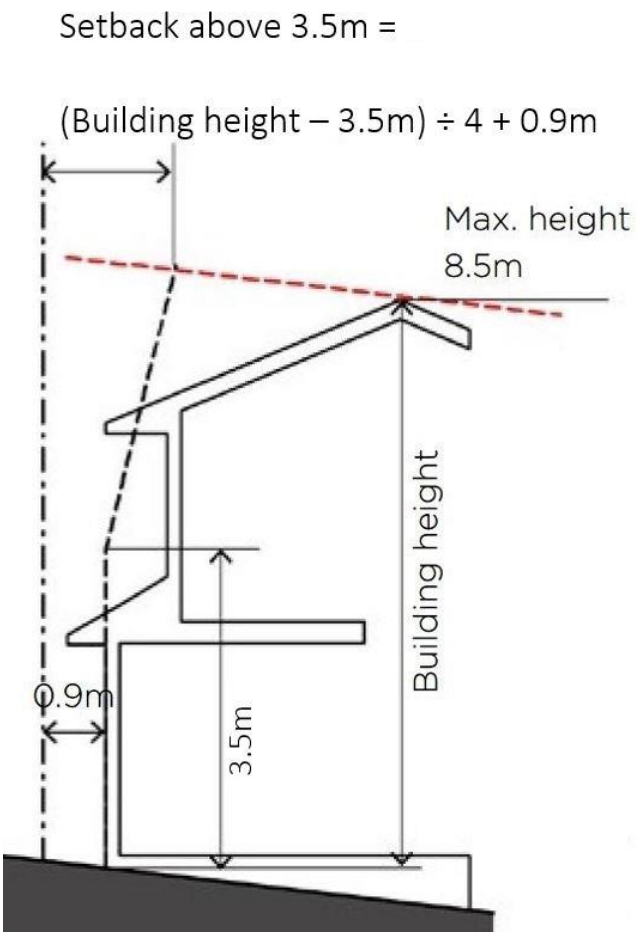


Figure 8: Side Boundary Setback Calculation

Example above:

- Ground floor setback is 0.9 metres.
- As the maximum building height proposed is 8.5m the second storey setback is:

$$\frac{(\boldsymbol{Building\ Height - 3.5})}{\boldsymbol{4}} + \boldsymbol{0.9 = 2.15\ m}$$

A-11.2.8 Rear Boundary Setbacks

Rear boundary setbacks for various development types are summarised in Part I-3 of this DCP and detailed in the relevant Chapter for that development type.

Rear setbacks in residential zones are traditionally larger to allow for private open space, landscaping, and tree planting.

A-11.2.9 Foreshore Building Line Setbacks

Foreshore Building Lines are a form of setback designed to ensure that development is set back from rivers, creeks, streams, waterways and estuaries, so as to ensure that development does not impact on riparian zones, habitat, wildlife corridors, and amenity.

A Foreshore Building Line Setback shall apply to all land fronting rivers, creeks, streams, waterways, or estuaries that are zoned either:

- W1 Natural Waterways, or
- W2 Recreational Waterways,

under the *Richmond Valley LEP 2012*.

The foreshore building line setback is measured from:

- the mean high water mark—where the waterway is tidal, or
- the shoreline—where the waterway is non-tidal.

Where there is difficulty defining the shoreline it will be taken as the bottom of the waterway's embankment.

The minimum foreshore building line setback distance varies between zones as follows.

Zone	Foreshore Building Line
R1 General Residential RU5 Village IN1 General Industry	15 metres
All other zones	40 metres

Development is not permitted within the foreshore building line setback, except for a small number of structures associated with the use of the waterfront such as boat sheds, boat ramps, moorings, jetties or the like, and then only where the development meets the criteria established in Part I-3 of this DCP.

A-11.3 Gross Floor Area

Gross Floor area (**GFA**) provides a limit to the floor space on a site, indicating the intended physical floor space density and way of managing the development potential of a site.

GFA is not a measure of the maximum capacity of the site. It may not be possible to reach the maximum allowable floor space due to other development controls or constraints specific to the site such as individual lot size or shape, existing landscape features, setback and landscaped area requirements, neighbouring properties or heritage considerations. Vehicle circulation and parking have a significant influence on the GFA achievable on a site.

A-11.3.1 Calculating gross floor area

The information below provides a general guide to gross floor area. For further details on calculating gross floor area - see the definition of gross floor area in the *Richmond Valley LEP 2012*.

> ***Gross floor area*** means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor.

All enclosed buildings on the site are counted when calculating the maximum gross floor area, including all dwellings and all other buildings on the site such as sheds, workshops, additional garage spaces, and the like.

Gross floor area excludes garages provided to meet the minimum parking numbers required by DCP for that form of development. As a general rule of thumb:

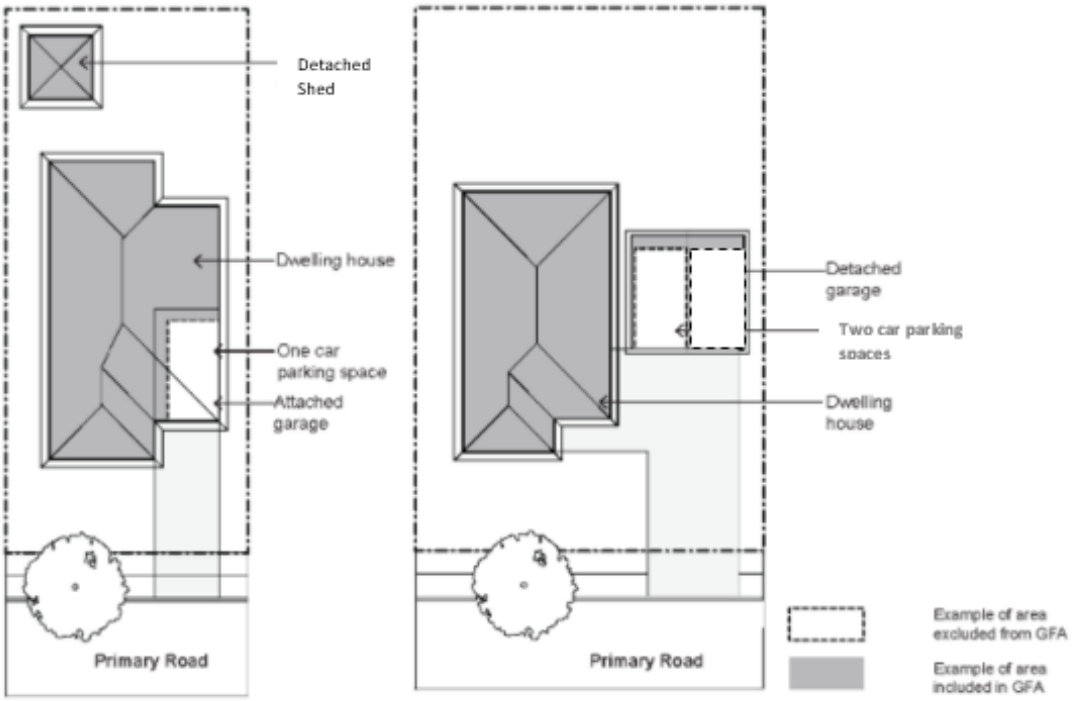
- If one car space is required for that type of development and a single garage is provided, the floor area of that garage (about 20m^2) is not counted as gross floor area.
- If two car spaces are required and a double garage is provided, the floor area of that garage (about 40m^2) is not counted as gross floor area.

Additional garages beyond those required to meet the parking space requirements of the DCP are counted in the gross floor area calculation.

Open carports are not counted as gross floor areas.

Common vertical circulation servicing more than one dwelling, including stairs and lifts are excluded from the gross floor area. Private vertical circulation used by only one tenant is included in the gross floor area calculation.

Dwelling House Gross Floor Area Calculation



Dual Occupancy and Multi Dwelling Housing Gross Floor Area Calculation Example

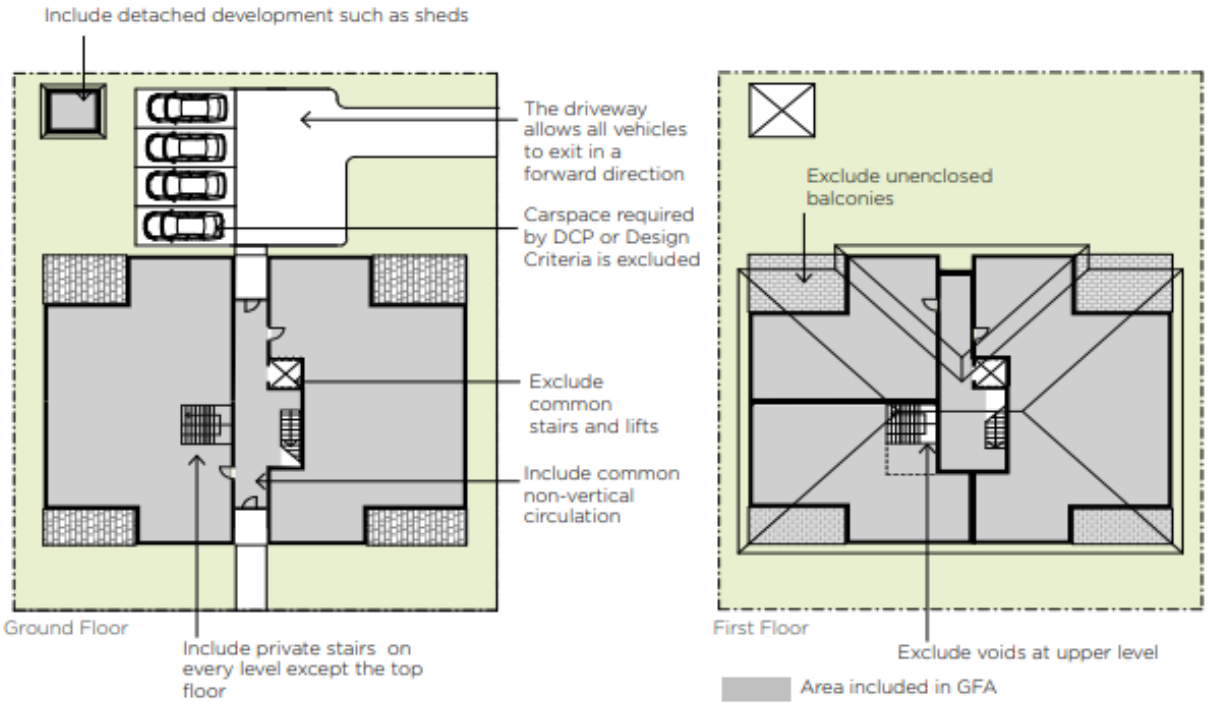


Figure 9: Gross Floor Area Calculation

A-11.3.2 Gross Floor Area (GFA) Calculation Examples – Dwelling Houses and Dual Occupancy

GFA Formula for Dwelling Houses and Dual Occupancy-
Maximum Gross Floor Area is: 25% of lot area* + 300m^2

Worked Example:

A dwelling house is proposed on a site that has an area of 840m^2.

The maximum gross floor area of all enclosed buildings including the house, sheds and the like is:

Formula - **25% of lot area + 300m^2 = (25% of 840 = 210) + 300 = 510m^2.**

If the proposal also included a 40m^2 double garage, an additional 40m^2 gross floor area is also available for garages to meet the 2 parking spaces required for a dwelling. However, any extra garages beyond these 2 garages desired by the owners, for a caravan or boat etc would need to fit within the 510m^2 available.

A-11.3.3 Dwelling Houses and Dual Occupancy Development – Gross Floor Area Ready Reckoner

The following table provides the gross floor area for dual occupancy and dwelling houses for a number of different lot sizes, to help with a quick estimation of gross floor area.

Table 1: Gross Floor Area Examples for Dwelling Houses and Dual Occupancy Developments on Various Lot Sizes

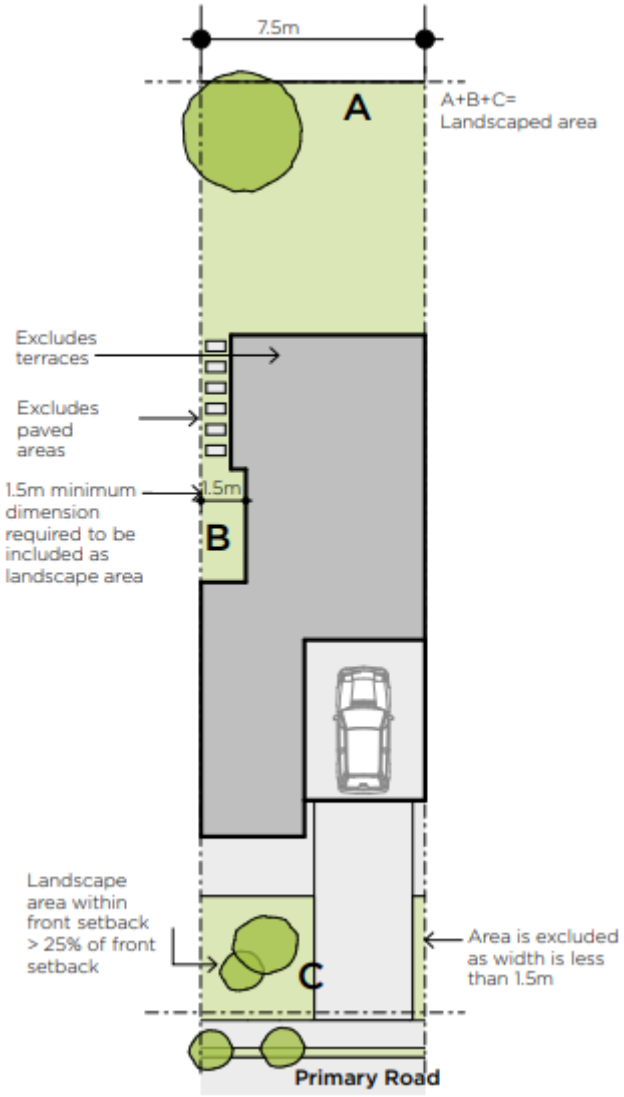
Lot Size*	Gross Floor Area	Lot Size*	Gross Floor Area
600	450 m^2	950	537.5 m^2
625	456.25 m^2	975	543.75 m^2
650	462.5 m^2	1000	550 m^2
675	468.75 m^2	1100	575 m^2
700	475 m^2	1200	600 m^2
725	481.25 m^2	1100	643.75 m^2
750	487.5 m^2	1300	625 m^2
775	493.75 m^2	1400	650 m^2
800	500 m^2	1500	675 m^2
825	506.25 m^2	1600	700 m^2
850	512.5 m^2	1700	725 m^2
875	518.75 m^2	1800	750 m^2
900	525 m^2	1900	775 m^2
925	531.25 m^2	≥2000	800 m^2

***** The area of a battle axe driveway is not counted when calculating lot area

A-11.4 Landscaped Area

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.

Gravel or similar surfaced areas that allow infiltration can contribute to the achievement of the minimum landscaped area, where they form part of the overall landscape design, but not where the gravel comprises a vehicular accessway or parking area or any other use which is not landscaping.



Landscaping, in particular tree planting, helps to clean the air, reduces urban heat, offers shade, provides habitat for wildlife and adds aesthetic appeal to the urban landscape. It can also assist the infiltration of rain water to the water table and reduce storm-water runoff. Landscaped areas can retain existing significant vegetation and enhance vegetation corridors. In larger developments, landscaped areas can provide shade and amenity for residents in communal open spaces.

A-11.5 Sewer Zones of Influence and Clear Zones

The various Parts of the DCP contain reference to Sewer Zones of Influence and Clear Zones. The following diagrams illustrate these:

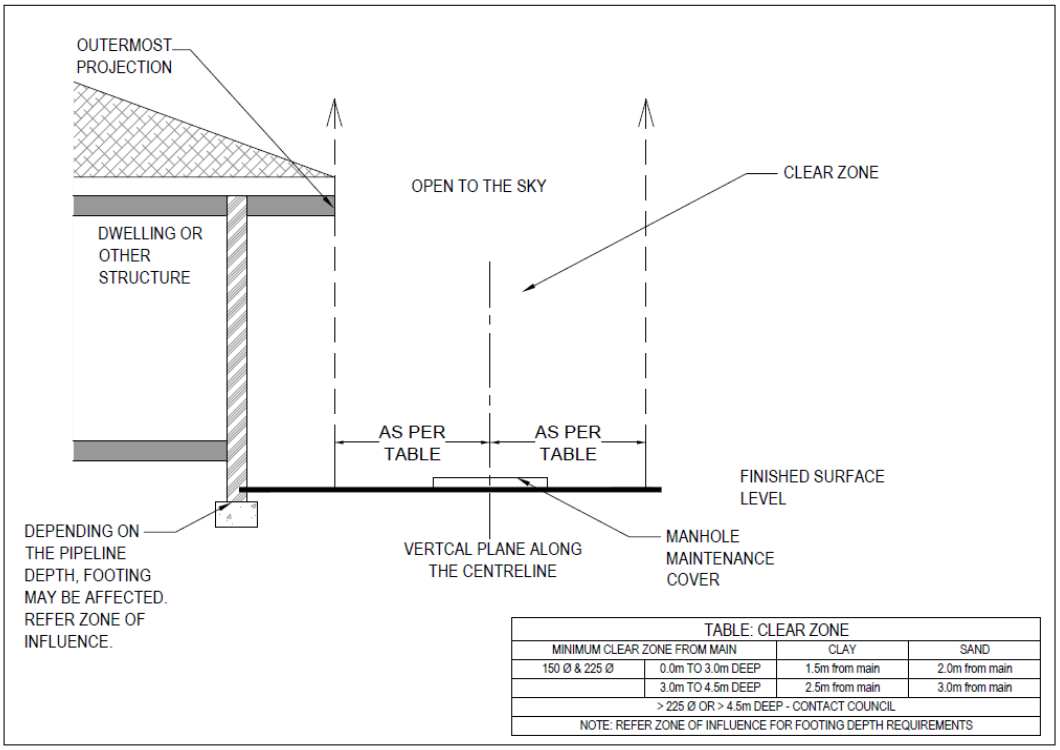
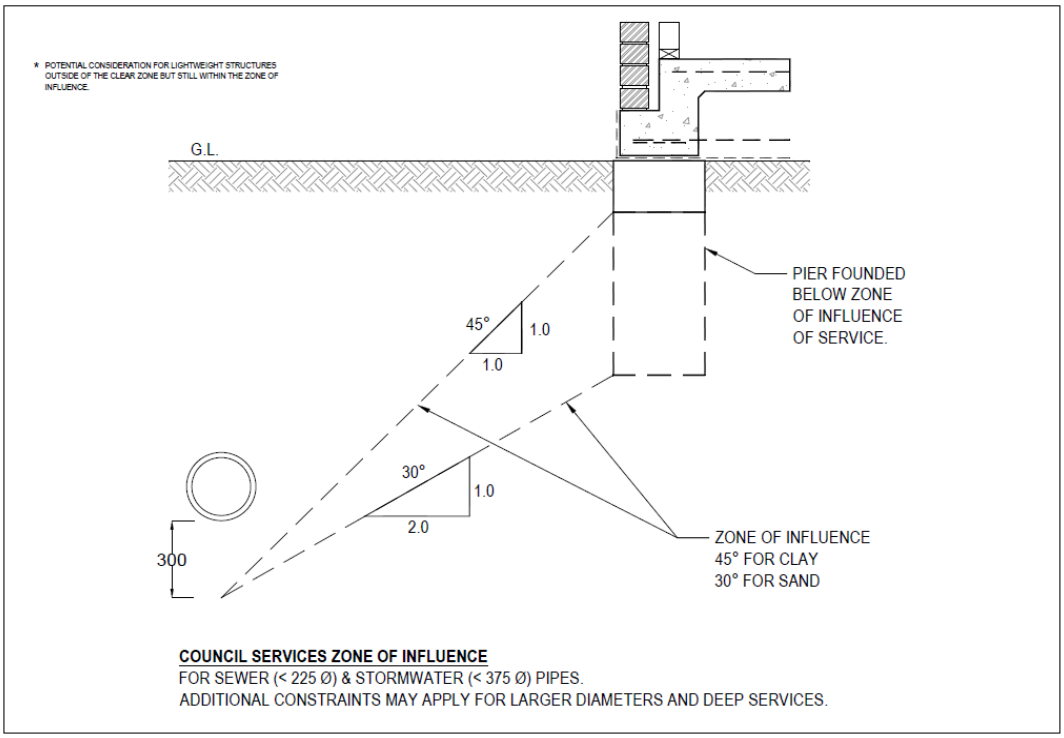


TABLE: CLEAR ZONE			
MINIMUM CLEAR ZONE FROM MAIN		CLAY	SAND
150 Ø & 225 Ø	0.0m TO 3.0m DEEP	1.5m from main	2.0m from main
	3.0m TO 4.5m DEEP	2.5m from main	3.0m from main
> 225 Ø OR > 4.5m DEEP - CONTACT COUNCIL			
NOTE: REFER ZONE OF INFLUENCE FOR FOOTING DEPTH REQUIREMENTS			



COUNCIL SERVICES ZONE OF INFLUENCE
FOR SEWER (< 225 Ø) & STORMWATER (< 375 Ø) PIPES.
ADDITIONAL CONSTRAINTS MAY APPLY FOR LARGER DIAMETERS AND DEEP SERVICES.