



# Richmond Valley Development Control Plan 2021

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

[Amendment 1 Endorsed by Richmond Valley Council](#)

[Commenced xxxx](#)





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# Richmond Valley Development Control Plan 2021



## Introduction

### 1. Name of Plan

This plan is known as the *Richmond Valley Development Control Plan 2021-20xx* (**the DCP**).

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

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

### 2. Commencement

This DCP was prepared pursuant to Section 3.43 of the *Environmental Planning and Assessment Act 1979* (**the EP&A Act**), and Part 3 of the *Environmental Planning and Assessment Regulation 2000* (**the Regulation**).

~~This DCP was approved by Richmond Valley Council on 22 June 2021 and becomes effective from 1 August 2021. This amendment to the DCP was approved by Richmond Valley Council on 22 June 202x and becomes effective from xxxdate 1 August 202x.~~

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

### 3. Aims of this DCP

The aims of this DCP are to:

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

### 4. Land to which this Plan applies

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

## 5. Relationship to other Plans

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

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

- *Environmental Planning and Assessment Act 1979*;
- *Environmental Planning and Assessment Regulation ~~2000~~ 2021*;
- Relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs;
- *Local Government Act 1993*;
- National Construction Code (NCC) is the Building Code of Australia (BCA);
- National Construction Code (NCC) is the Plumbing Code of Australia (PCA);
- —
- Relevant Australian Standards as identified throughout this DCP;
- Land and Environment Court Planning Principles; and
- Any other policy or document identified for consideration throughout this DCP.

Note. It is advised to check [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) for the most current list and version of applicable Acts, Regulations, SEPPs and the LEP.

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

## 6. Repeal of DCPs

Upon the commencement of this DCP the *Richmond Valley Development Control Plan ~~2015~~ 2021* shall be repealed and ceases to operate.

## 7. Savings

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

## 8. Structure of this plan

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

### **Administration**

~~Introduction~~

### **Development Controls Grouped by Land Use Type**

~~Part A — Residential Development~~

~~Part B — Commercial Development~~

~~Part C — Industrial Development~~

~~Part D — Rural Land Uses~~

~~Part E — Tourist and Visitor Accommodation~~

### **Subject Based Development Controls**

~~Part F — Signage~~

~~Part G — Subdivision~~

~~Part H — Natural Resources and Hazards~~

~~Part I — Other Considerations~~

Introduction contains preliminary and administrative information relating to all forms of development, including an introduction to the DCP, aims of the DCP, the DCP's relationship with other plans and legislations and definitions of key terms. All development must refer to this Part.

Parts A – E sets out provisions relating to residential, commercial, industrial, rural and tourist and visitor accommodation land uses. Development must refer to these Parts when it is any of these land use types.

Part F sets out provisions relating to signage. Development for the purpose of a signage must refer to this Part.

Part G sets out provisions relating to subdivision planning in the local government area. Development for the purpose of subdivision must refer to this Part.

Parts H & I contain provisions relating to hazards, natural resources, environmental heritage, landscaping, development in public road, lane widening, sex service premises among others. Development must refer to these parts when affected by these constraints/issues.

The provisions as contained within this DCP are structured to ensure that objectives of the LEP are achieved. As such, the structure of each Part and Chapter of this DCP includes:

Objectives, which clearly state what Council is seeking to achieve and the desired outcomes, and

Controls, which prescribe the requirements for achieving an outcome consistent with the corresponding objectives.

## (2) How Parts and Chapters within this DCP Operate

Each Part, and to a limited extent the Chapters within the Parts, can be read in isolation from the remainder of this DCP. Notwithstanding, each Part and Chapter

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remains a component of the DCP so it should not be construed that they are separate documents or DCPs.

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

## 9. Amendments to this plan

This development control plan has been amended as follows:

	Nil		
	<u>1</u>		

## 10. Definitions

This development control plan uses terms that are defined in the Standard Instrument – Principal Local Environmental Plan [and the Building Code of Australia \(BCA\)](#).

Commonly used terms are defined below.

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

**Acid Sulfate Soils (ASS)** means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation). ~~means a soil type typically found under low lying coastal areas that, when oxidised (exposed to air), produce sulfuric acid.~~ See Part H-2 of this DCP for further details.

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

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

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

**Building Lines** – see setbacks

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

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

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

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

**Farming** means—

- (a) Cultivating, propagating and harvesting plants or fungi or their products or parts, including seeds, spores, bulbs or the like, but does not include forestry:  
or
- (b) Maintaining animals in any physical environment for the purposes of –
  - I. Breeding them; or
  - II. Selling them; or
  - III. acquiring and selling their bodily produce such as milk, wool, eggs, or the like; or
- (c) a combination of (a) and (b),  
but does not include forestry or maintaining animals for sport or recreational purposes.

**Farm Building** means a Class 7 or 8 building located on land primarily used for *farming*—

- (a) that is –
  - I. used in connection with *farming*; or
  - II. used primarily to store one or more farm vehicles; or
  - III. a combination of (I) and (II); and
    - (a) in which the total number of persons accommodated at any time does not exceed one person per 200m<sup>2</sup> of floor area or part thereof, up to a maximum of 8 persons; and
    - (b) with a total floor area of not more than 3500m<sup>2</sup>.

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

**FSA** mean Floor Space Area.

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

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
  - (i) storage, and

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- (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

**Habitable Room** means a room used for normal domestic activities, and –

- a) Includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre and sunroom; but
- b) Excludes bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

**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.

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

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

**Outermost Projection** means the outermost projection of any part of a building or structure including, in the case of a roof, the outside face of the fascia, or the roof structure where there is no fascia, or attached sunhoods or the like, but does not include retractable blinds, fixed screens, rainwater fittings, or ornamental attachments.

**Parent Lot** in relation to subdivision, means the lot that is being subdivided ~~when used in this DCP means the land before it has/was subdivided.~~

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

**Regulation ~~2000~~2021** means the *Environmental Planning and Assessment Regulation ~~2000~~2021*.

**Setback** (or building line) is the horizontal distance between the property boundary and the outermost projection of a building or structure –

- (a) the external wall of a building, or
- (b) the outside face of any balcony, deck or the like, or

- (c) the outside face of any supporting posts of a carport or verandah roof whichever distance is the shortest.

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

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

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

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