



**DRAFT**

**PRISTINE WATERS DEVELOPMENT  
CONTROL PLAN DCP NO. 8 - CORINDI  
BEACH LOCALITY**

**July 2003**

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# **1. Introduction**

## **1.1 What is The Plan Called?**

The name of the Plan is Pristine Waters Council Development Control Plan No. 8 – Corindi Beach Locality.

## **1.2 Where Does the Development Control Plan (the Plan) Apply**

The Plan applies to:

- i) Land described in the Corindi Beach Locality Plan adopted by Council on 19 June 2002.
- ii) Land in the vicinity of Corindi Beach and Red Rock zoned 1(a) General Rural under Ulmarra LEP 1992 to which clause 12 of Ulmarra LEP 1992 applies.

The boundary of the Corindi Beach Locality is depicted in Map 1.

## **1.3 What is the Purpose of this Plan**

The purpose of the Plan is to encourage new development and building within the Corindi Beach locality to be sensitive to the coastal setting and environment and to respect the overall vision and locality/character statement adopted by the Corindi Beach Locality Plan.

## **1.4 What are the Objectives for this Plan?**

The objectives of the Plan are to:

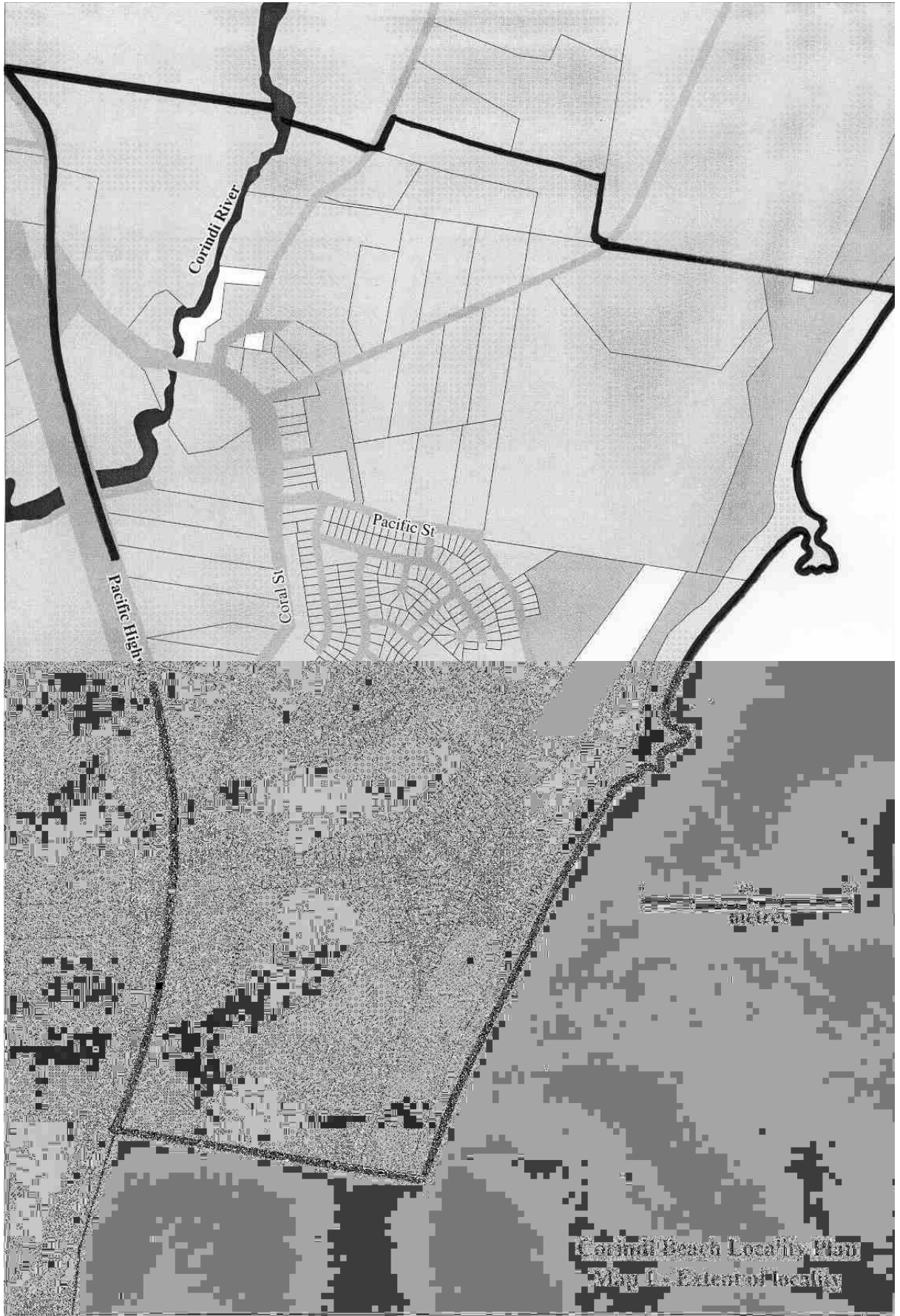
- i) Encourage high quality urban design and built form in the village zone at Corindi Beach
- ii) To ensure that the environment and character of the Corindi Beach locality (urban and rural components) is retained as a predominately low density built form.
- iii) Ensure that development in other parts of the locality and areas to which the Plan applies is sensitive to the natural and cultural environment.

## **1.5 What Type of Development Does this Plan Cover?**

The Plan covers a wide range of development permissible under Ulmarra LEP 1992 and is consistent with the zone objectives for the zones that apply to the Corindi Beach locality.

The range of development covered by this Plan includes but is not limited to the following:

- i) dwelling houses (single detached dwellings), duplexes and residential flat buildings;
- ii) tourist facilities providing tourist and holiday accommodation and associated tourist and recreational facilities/services;
- iii) rural housing/rural dwellings;
- iv) commercial and retail development.



## 1.6 How does the Plan Relate to Other Plans and Policies?

### 1.6.1 Environmental Planning Instruments

Section 72 of the Environmental Planning and Assessment Act 1979 and the accompanying Regulation requires the Plan to be consistent with State Environmental Planning Policies (SEPPs), Regional Environmental Plans (North Coast REP 1988); and

### 1.6.2 Development Control Plans

The Plan supersedes the following Development Control Plans of Pristine Waters Council as it apply to the area to which this Plan applies:

- i) Ulmarra DCP No. 10 – Building Lines

The following Development Control Plans of Council will remain relevant and applicable to the area to which this Plan applies:

- ii) Pristine Waters DCP No. 1 – Engineering Standards for Subdivisions and Development.
- iii) Pristine Waters DCP No. 2 – Notification of Development Applications.
- iv) Pristine Waters DCP No. 3 – Exempt and Complying Development.
- v) Pristine Waters DCP No. 7 – Erosion and Sediment Control.
- vi) Pristine Waters DCP No. 4 – Guide to Building Over or Near Sewers.
- vii) Ulmarra DCP No. 12 – Bed and Breakfast Establishments.

## 1.7 Terms Used/Definitions

A glossary of terms used in this Plan is at Appendix 1.

## 2. How The Plan Works

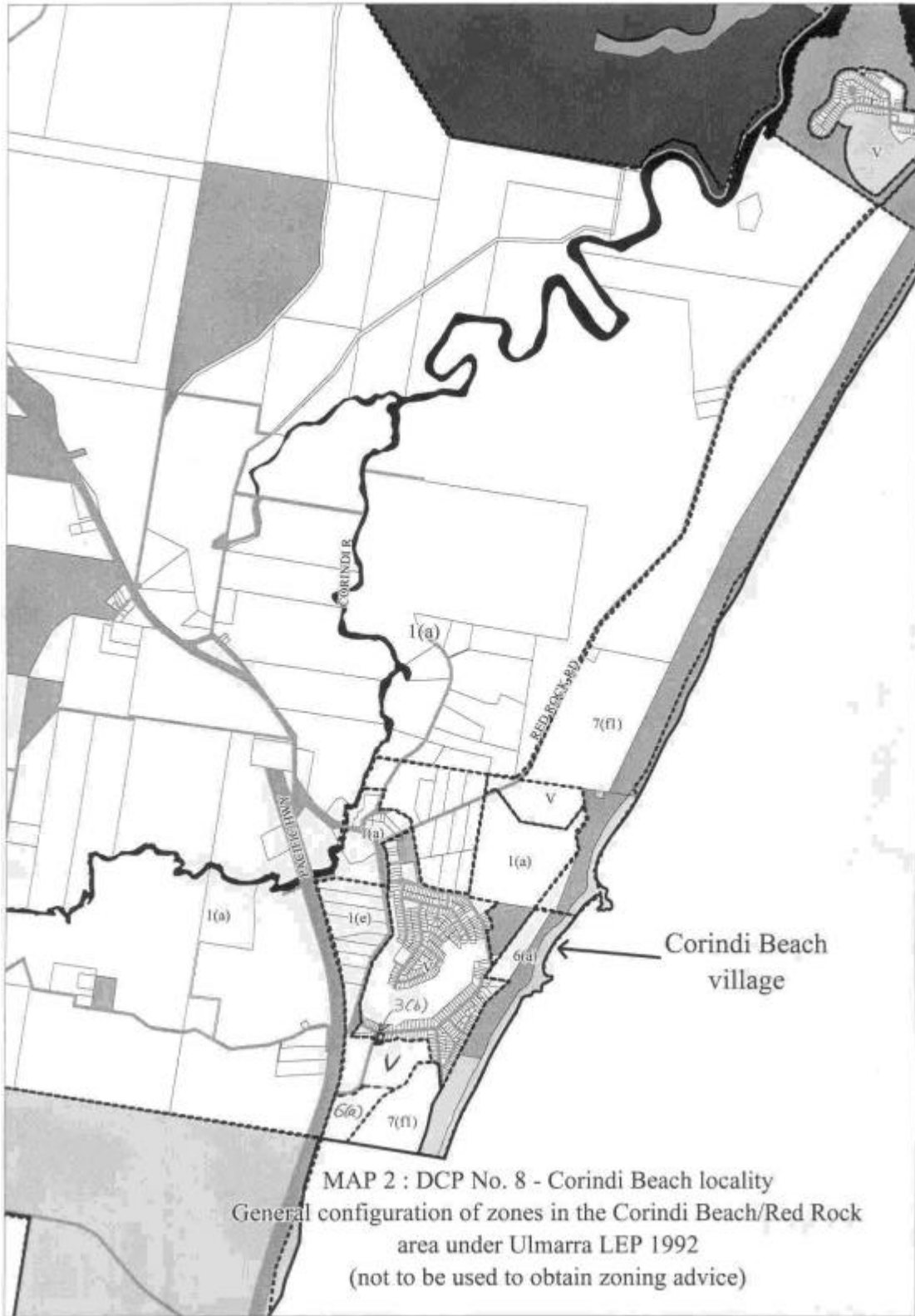
2.1 The Plan works by outlining general performance objectives and criteria and development standards and guidelines for the various LEP zones that apply to the Corindi Beach locality and the Plan area.

2.2 The Plans main emphasis will be primarily on land zoned “2 Village” under Ulmarra LEP 1992. However general guidance will be provided for development, building and other land uses proposed to be undertaken in the other zones within the locality and the Plan area. These other zones are:

- 1(e) Rural E (Urban Investigation)
- 1(a) General Rural
- 3(b) Business
- 6(a) Open Space
- 7(f1) Environmental Protection (Coastal Lands Protection)

Map 2 generally indicates the zones that apply to the Plan. However this map should not be relied upon to obtain definitive zoning information. For more accurate zoning information refer to the LEP map accompanying the Ulmarra LEP 1992.

- 2.3 The Plan is to be used for guidance for all development within the Corindi Beach locality Plan area that require development consent within the respective zones under Ulmarra LEP 1992. The Plan will be used by Council officers to assess development applications. It should also be used by applicants and intended applicants for development consent and development designers in formulating development proposals for the Corindi Beach locality.
- 2.4 All applications for development that require development consent will be assessed against general performance referred to in Section 3. In addition to this it will also be necessary for all development the subject of this Plan to comply with the development standards and guidelines identified in the Plan.
- 2.5 All applications for development consent must include the matters specified in Appendix 2 - Requirements for Development Applications.
- 2.6 All applications for urban housing are to be made following the “Guide to Making Applications for Urban Housing” referred to in Appendix 3.
- 2.7 All development application for subdivision will be required to adequately address the “General Requirements for Subdivision in all Zones” referred to in Appendix 4.



### **3. General Performance Objectives**

The following performance objectives apply to all proposals for development.

#### **3.1 Lot size and orientation**

Where subdivision is proposed, lots are to have appropriate area and dimensions to enable the siting and construction of a dwelling or dwellings and ancillary outbuildings, whilst providing for:

- ? useable private outdoor space;
- ? convenient vehicle access and parking;
- ? adequate solar access to cooling breezes; and
- ? other relevant siting and design considerations

#### **3.2 Building Siting and Design**

Buildings are to be sited and designed to permit optimum privacy and daylight by ensuring that:

- ? the privacy of dwelling and outdoor spaces for both residents and neighbours is protected as much as possible;
- ? habitable rooms are capable of receiving adequate daylight appropriate to local seasons.

The scale, height and length of a building and walls is to be appropriate to the local residential character, ensuring no significant loss of amenity to adjacent dwellings and land.

Buildings are to be sited and designed to accommodate the natural slope and orientation of the site and immediately adjacent lands, ensuring that:

- ? cut and fill necessitated by the design is kept to a minimum;
- ? the visual impact of the building is minimised and sympathetic to the character of the local neighbourhood through the choice of building materials, the bulk, height, length and scale and siting of the building;
- ? soil stability and erosion control measures are adequate;
- ? site drainage will not detrimentally affect adjoining lands.

#### **3.3 Private Open Space**

Private open space areas to be of dimensions sufficient to provide for outdoor recreation functions.

Location of private open space is to take account of outlook, natural features of the site and neighbouring buildings or adjoining open space.

Orientation of private open space is to provide for maximum year round solar access.

#### **3.4 Vehicle Parking**

Sufficient and convenient onsite parking for resident, visitor and service vehicles is to be provided, taking into account:

- ? the effect of sloping land, access, sight distances, manoeuvrability;



- ? the safety of pedestrians, and other road users;
- ? the need to meet mean peak parking requirements such that parked vehicles will not obstruct the passage of vehicles on any carriageway or create traffic hazards;
- ? the street hierarchy in the locality.

### 3.5 Streetscape

Building siting and design is to enhance establishment of an attractive streetscape and is to provide opportunity for effective landscaping of area visible from the street.

Subdivision for residential development is to be so designed as to provide opportunities for retention of mature or important vegetation and to encourage establishment of an attractive streetscape.

### 3.6 Landscaping

The appearance, amenity and energy efficiency of new development for users and the general community should be enhanced by new development. Integration of building and landscape elements should be encouraged.

Landscaping should enhance developments for acoustic and visual privacy and shade. Landscaping should blend new development into an established streetscape and neighbourhood. The use of water efficient landscape systems should be encouraged.

### 3.7 Infrastructure and Services

Any development proposal is to take into consideration and be so designed as to:

- ? ensure that the demands generated by the development are not beyond the capacity of the site or any related infrastructure or services;
- ? minimise the cost of extensions or connection of infrastructure and services to the development;
- ? ensure that the cumulative impact of the development is not one as to generate the need for significant upgrading or augmentation of any system in the locality including sewerage, reticulated water supply or drainage work.

(Note: infrastructure and services includes, but is not limited to, sewerage systems, reticulated water supplies, drainage networks and road networks).

## 4. Other Legislation and Policies having major Impact upon Development Control

### 4.1 State Environmental Planning Policy No.71–Coastal Protection (SEPP 71)

- 4.1.1 The SEPP No. 71 applies to land within coastal zones. Much of the locality is within the mapped coastal zone and is therefore subject to the SEPP.

- 4.1.2 The SEPP identifies sensitive coastal locations which means any of the following:
- a. a coastal lake (a list of coastal lakes appear in Schedule 1 of the SEPP);
  - b. land within 100m above mean high water mark of the sea, a bay or an estuary;
  - c. land within 100m of the water's edge of a coastal lake, a declared Ramsar wetland, a World Heritage property, an aquatic reserve, a marine park, a national park, a nature reserve, or a SEPP 14-Coastal Wetland;
  - d. residential land within 100m of land identified under SEPP26-Littoral Rainforest.
- 4.1.3 Master plans are now required for:
- a. Subdivisions in a residential zone or rural residential zone, if part or all of the land is within a sensitive coastal location;
  - b. Subdivisions on land that is zoned residential into 25 lots or rural residential into 5 lots, where that land is not within a sensitive coastal location.
- Under the SEPP Council cannot grant consent for certain types of land subdivision unless the Minister has adopted a master plan for land to which the development applies.
- 4.1.4 Generally Council must refer applications on or partly on land in a sensitive coastal location to planningNSW/Department of Infrastructure Planning and Natural resources before determining such applications.
- 4.1.5 Certain kinds of development however are required to be submitted to and determined by the Minister for Infrastructure Planning and Natural Resources. These developments are specified in Schedule 2 of SEPP No. 71.
- 4.1.6 Information summarising the major requirements of the SEPP is at Appendix 5.

## 4.2 Control of New Developments in Bushfire Prone Areas

- 4.2.1 *The Rural Fires and Environmental Assessment Legislation Amendment Act 2002* provides for the control of new developments in bush fire prone areas. Section 79BA of the Environmental Planning and Assessment Act 1979 requires Councils to be satisfied that developments (including dwelling houses) in bushfire prone areas (other than those dealt with under section 100B of the RFA) comply with Planning for Bushfire Protection 2001 before granting development consent. However, where the development cannot comply, then the Council must consult with the NSW Rural Fire Service ("RFS").
- 4.2.2 Under section 100B of the *Rural Fires Act 1997*, the commissioner may issue a bush fire safety authority for a proposal to subdivide land for a residential or rural residential purpose or where a special fire protection purpose is to be developed. A development application that is referred to the RFS for assessment and issue of a bushfire safety authority is considered to be integrated development under the *Environmental Planning and Assessment Act*.

- 4.2.3 Special fire protection purposes include:
- ? schools
  - ? child care centres
  - ? hospitals
  - ? hotels, motels and tourist accommodation
  - ? housing for mentally incapacitated persons
  - ? group homes (SEPP No. 9)
  - ? housing for older people or people with disabilities
  - ? retirement villages
  - ? any purposes prescribed by the Regulations
- 4.2.4 A development application for subdivision or a special fire protection purpose must incorporate the information specified in Item 4 of Appendix 2 of the NSW Rural Fire Services “Service Standard 4.1.1 Development Control Version 1.0”.
- 4.2.5 Subdivision for residential and rural residential purposes of for special fire protection purposed shall be considered in accordance with the principles of Planning for Bushfire Protection (2001).

#### 4.3 **NSW Coastal Design Guidelines**

All development applications will, where relevant, be assessed against the NSW Coastal design Guidelines.

### 5. **Development Standards –Development and Subdivision in 2(V) Village Zone**

This section of the development control plan focuses on standards and controls for all development proposed on land within the locality plan area that is zoned 2 (v) Village under Ulmarra LEP 1992. In particular the standards focus principally (but not exclusively) on residential development or urban housing (dwellings, duplexes and residential flat buildings) and subdivision.

All applications for urban housing are to be made following the “Guide to making applications for urban housing” referred to in Appendix 3.

Table 1 provides at a quick glance the minimum standards that apply to or are to be achieved for key identified design or development elements.

**Table 1 – Summary of Principle Development Standards for Development and Subdivision in the 2(v) Village Zone**

<b>Development Control Elements</b>	<b>Standard Specified</b>	<b>Comment/Additional Requirements</b>
Density: minimum site area/dwelling	= 400m <sup>2</sup> /dwelling or / 200m <sup>2</sup> /small (1br) dwelling;300m <sup>2</sup> /medium (2br) dwelling; 400m <sup>2</sup> /large (3br +) dwelling	Refer to section 5.2
Setbacks – front building line	Single frontage ~ 6 metres; corner lot – 3 metres to secondary frontage	Refer to section 5.3
Setbacks – side and rear	Single dwelling house ~ 900mm to wall	Refer to section 5.3
	~ zero - subject to conditions specified in section	Refer to section 5.3
	Duplexes and residential flat buildings ~ single storey – 1 metre	Refer to section 5.3
	~ two storey – 3 metres	Refer to section 5.3
Building Height	Two storey ~ but not to exceed 8.5 metres	Refer to section 5.4
Landscaping	1 bedroom dwelling ~ 70m <sup>2</sup> per dwelling	Refer to section 5.5
	2 bedroom dwelling ~ 95m <sup>2</sup> per dwelling	Refer to section 5.5
	3 bedroom plus dwelling ~ 130m <sup>2</sup> per dwelling	Refer to section 5.5
On-site Carparking	Single dwelling house ~ 1 car space behind the building line	Provided behind the building line
	Duplex or residential flat building with two (2) dwellings ~ 2 car parking spaces behind building line	Provided behind the building line
	3 or more dwellings ~ 1.5 car spaces per dwelling	Provided behind the building line

## 5.1 Density

Dwelling density will be applied to dwellings of different sizes i.e. small (1 bedroom), medium (2 bedrooms) and large (3 bedrooms). The table below indicates the site area required for each dwelling on lots in the 2 Village zone at Corindi Beach.

Dwelling Size/Type	Site Density
1 bedroom (small)	200m <sup>2</sup>
2 bedroom (medium)	300m <sup>2</sup>
3 bedroom (large)	400m <sup>2</sup>

## 5.2 Setbacks

### 5.2.1 Building Lines (Front Boundary Setback)

- a. Buildings are to be generally setback a minimum of 6 metres from the front boundary.
- b. On corner allotments, buildings can be set back 3 metres from the secondary or minor street frontage.
- c. On a corner allotment, where a setback on the major street frontage has been reduced, the setback on the secondary or minor street frontage is to be increased by the same amount of the reduction allowed. For example: primary/major boundary – 5 metres allowed; secondary/minor boundary – 4 metres to be achieved.

### 5.2.2 Side and Rear Setbacks

#### Single dwelling houses

- a. The side and rear boundary setback for single dwelling houses is generally to be a minimum of 900mm to the wall.
- b. A zero setback to side and rear boundary may be permitted subject to the following conditions:
  - i. the building has a boundary wall height not exceeding 3.5 metres unless matching an existing or simultaneously constructed wall;
  - ii. satisfactory legal arrangements for maintenance of boundary walls are put in place, e.g. easements, materials;
  - iii. there is no adverse impact upon the amenity of the adjoining properties;
  - iv. there is no interruption to overland drainage paths;
  - v. generally should only occur on the south boundary;
  - vi. there are no openings in the boundary wall;
  - vii. the wall is satisfactorily fire/noise rated.

#### Residential flat buildings, duplexes and buildings used for other purpose

- c. the minimum side and rear boundary setback for a single storey building is generally to be not less than one (1) metre to the wall
- d. the minimum side and rear boundary setback for a two storey building is generally to be not less than three (3) metres to the wall.

### 5.3 Building Height

- 5.3.1 Generally a two storey height limit applies to all buildings used for residential, tourist and commercial purposes in the 2 (v) Village zone at Corindi Beach.
- 5.3.2 Buildings are generally not to exceed 8.5 metres in heights, measured vertically from the topmost point of the building to natural ground level.

### 5.4 Landscaping and Private Open Space Requirements

- 5.4.1 Minimum requirements for both landscaped area and private open space will be applied for each dwelling or building used for residential or tourist accommodation purposes.
- 5.4.2 The table below indicates the minimum area of landscaped area required for each dwelling on lots in the 2 (v) Village zone at Corindi Beach.

Dwelling Size/Type	Minimum Landscaped Area (m <sup>2</sup> )
1 bedroom (small)	70m <sup>2</sup>
2 bedroom (medium)	95m <sup>2</sup>
3 bedroom (large)	130m <sup>2</sup>

#### Private Open Space

- 5.4.3 This area should act as an extension of the living areas of each dwelling as well as providing space for service facilities (garbage, clothes drying and storage). Private open space should be sited and oriented for maximum year round use.
- 5.4.4 A minimum area of 35m<sup>2</sup> of private open space is to be provided per dwelling (residential and tourist accommodation) with such minimum area to be provided in one continuous area featuring a minimum length and width of 4 metres.

### 5.5 Vehicle Access and Car Parking

#### Car Parking

- a. Single dwelling houses – 1 covered car parking space is to be provided behind the building line.
- b. Duplex or residential flat building containing two dwellings – 1 covered car parking space per dwelling, both provided behind the building line.
- c. Residential flat buildings containing 3 dwellings or more – 1.5 car spaces per dwelling with fractional car parking results to be rounded upward to the next whole number e.g. 4.5 spaces rounded up to 5 car spaces.
- d. All car parking spaces, whether covered or open are to have a minimum dimension of 5.5m (length) by 2.5m (width).

#### Vehicular access and manoeuvring

- e. Except for single dwelling houses at least 50% of the vehicles utilising the site are to have provision made on site to enable exit from the site in a forward direction at 90° to front boundary and driveway crossing.

- f. Where the site is steep or fronts a busy road (such as Pacific Street, Coral Street, Tasman Street) or a highly pedestrianised area or where vehicles would have to reverse more than 25 metres, a turning area should be provided on site to enable vehicles to enter and leave the site in a forward direction. **This requirement applies to all developments.**
- g. The minimum dimension of an entranceway is 3 metres with the driveway itself not being less than 2.5 metres wide with adequate turning areas provided in accordance with sections 5.6 (e) to (g).

## 5.6 Energy Conservation and solar access

- 5.6.1 Dwellings should be sited to comply with the ventilation requirements of the Building Code of Australia by locating windows not less than a horizontal distance of 1.8m from any facing building.
- 5.6.2 The windows of living areas facing north should receive not less than three hours of sunlight between 9.00 am and 3.00 pm on 21st June. Buildings should not reduce the sunlight available to the windows of living areas that face north in existing adjacent dwellings to less than the above specification.
- 5.6.3 At least one living area within the dwelling is to face north.
- 5.6.4 Sunlight to the principal area of ground-level private open space of adjacent properties should not be reduced to less than 2 hours between 9.00 am and 3.00 pm on 21 June. Where existing overshadowing by buildings and fences is greater than this, sunlight should not be reduced by more than 20%.
- 5.6.5 For designers proposing development where lot size, orientation, degree of slope, scale and/or setbacks of buildings create a potential for loss of solar access of adjacent properties, Council will require an applicant to prepare shadow diagrams.

The following measures may be required to reduce overshadowing:

- ? The building re-sited or setbacks increased;
- ? Heights reduced;
- ? The roof design amended.

## 5.7 Views and privacy

- 5.7.1 Visual privacy
  - i) Direct views between living area windows of adjacent dwellings should be screened or obscured where:
    - ? Ground and first floor windows are within an area described by taking a 9m radius from any part of the window of the adjacent dwelling. An area so defined is described as a privacy sensitive zone';
    - ? Other floor windows are within a privacy sensitive zone described by a 12m radius.
  - ii) Direct views from living rooms of dwellings into the principal area of private open space of other dwellings should be screened or obscured within a privacy sensitive zone described by a 12m radius.

- iii) Direct views described in 1 and 2 may be obscured by one of the following measures:
  - ? 1.8m high solid fences or walls between ground-floor level windows or between a dwelling and open space where the slope is below 10%;
  - ? screening that has a maximum area of 25% openings is permanently fixed and is made of durable materials; or
  - ? landscape screening either by existing dense vegetation or new planting that can achieve a 75% screening effectiveness within three years.

#### 5.7.2 Acoustic privacy

- i) Site layouts should ensure parking areas, streets and shared driveways have a sight screen ensuring bedroom windows are protected.
- ii) Openings of adjacent dwellings should be staggered.
- iii) Shared walls and floors between dwellings should be constructed to limit noise transmission.
- iv) Dwellings adjacent to high levels of uncontrollable external noise should be designed to minimise the entry of that noise.
- v) Site layout should separate active recreational areas, parking areas, vehicle accessways, and service equipment areas from bedroom areas of dwellings.
- vi) Mechanical plant or equipment should be designed and located to minimise noise nuisance.

### 5.8 Subdivision

- 5.8.1 The minimum lot size in a subdivision for residential purposes is 450m<sup>2</sup> with lots of such sizes generally catering for single dwelling houses.
- 5.8.2 Lots created with an area of 450m<sup>2</sup> or more shall be capable of containing a rectangle (building envelope) suitable for building purposes measuring 8 metres x 20 metres or 10 metres x 16 metres behind the building line and a private open space area of 35m<sup>2</sup> with a minimum dimension of 4 metres.
- 5.8.3 Allotments less than 450m<sup>2</sup> in area will only be permitted where those allotments are created via subdivision of an approved existing duplex or residential flat building development.
- 5.8.4 All development applications for subdivision in the 2(v) Village will be required to adequately assess site hazards and constraints as outlined in general requirements for subdivision in all zones in Appendix 4 of this DCP.

## 6. Development Standards–Development Within the 3(B) Business Zone

- 6.1 This section of the Plan focuses on providing simple controls on land at Corindi Beach zoned 3(b) Business under Ulmarra LEP 1992.
- 6.2 The 3(b) zone at Corindi Beach is confined to a small area of land on the corner of Pacific and Tasman Streets as shown in Amendment No. 3 to



Ulmarra LEP 1992. The land is described as Lots 1 and 2 D.P. 730305 and Part Lot 1 D.P. 872357.

- 6.3 Council will only grant consent to development on land within the 3(b) zone that is consistent with the objectives of the zone. Principally, this includes development for the purposes of:  
shops, general stores, refreshment rooms and residential flat buildings that contain commercial premises or shops.
- 6.4 **Building Height**  
Buildings are not to exceed 8.5 metres in height measured vertically from the topmost point of the building to natural ground level.
- 6.5 **Setbacks**
  - 6.5.1 Zero front building lines and setbacks will be permitted for ground floor development for the purposes of commercial premises, shops professional consulting rooms and other developments permissible with Council consent in the 3(b) zone. Zero side boundary setbacks will also be permitted at ground floor level for such development where no window openings are provided and where the side boundary wall is fire-rated. For the purpose of this section of the Plan the front boundary is assumed to be the boundaries fronting Pacific Street and Tasman Street.
  - 6.5.2 Side boundary setbacks above ground floor level.  
The side boundary setback above ground floor level is generally to be not less than 3 metres.
- 6.6 **Residential Flat Buildings**
  - 6.6.1 Residential flat buildings will only be permitted at first floor level above ground floor level development that is for the purposes of commercial premises, shops and professional consulting rooms.
  - 6.6.2 Dwelling houses and duplexes are not permitted in the 3(b) zone.
  - 6.6.3 Development for the purposes of residential flat buildings above ground level shall provide for adequate private open space for each dwelling by means of a balcony or balconies having a minimum area of 20m<sup>2</sup> with a minimum width of 2.5m<sup>2</sup>.
- 6.7 **Carparking**
  - 6.7.1 A minimum of 1 carparking space is to be provided on site for each dwelling in a residential flat building.
  - 6.7.2 On site car parking is to be provide at the following rate for other forms of development in the 3(b) zone:
    - Shops/commercial premises (retail) - 1 car parking space per 25m<sup>2</sup> of floor area of the shop/commercial premises.
    - Refreshment rooms – 1 car parking space per 5m<sup>2</sup> of dining floor area.
    - Takeaway food premises – 1 car parking space per 8m<sup>2</sup> of floor area.

## **7. Development Standards–Development within 1(A) Rural (General Rural)Zone**

- 7.1 This section of the Plan provides for controls on development of land within the locality that is zoned 1(a) Rural (General Rural) under Ulmarra LEP 1992, as well as to apply controls to that land zoned 1(a) in the vicinity of Corindi Beach and Red Rock to which clause 12 (Subdivision for

rural/residential purposes) of Ulmarra LEP 1992 applies. A copy of clause 12 is at Appendix 6A

- 7.2 Dwelling houses are permitted with consent on land within the 1(a) zone provided that they are permissible under clause 17 of the Ulmarra LEP 1992. A copy of clause 17 is at Appendix 6B.
- 7.3 The minimum front boundary setback for all buildings is 20 metres, whilst the minimum side and rear boundary setback is 900 mm.

**7.4 Subdivision**

- 7.4.1 Subdivision for rural residential purposes shall be carried out in accordance with clause 12 and Schedule 3 and 4 of the Ulmarra LEP 1992. The minimum lot size for subdivision in the 1(a) zone is 40 hectares.
- 7.4.2 Development applications for clause 12 subdivision shall also provide additional adequate documentation and consideration of the following issues and matters:
- i) an assessment of the impact of the development on threatened species inclusive of an assessment of those matters specified in section 5A of the Environmental Planning and Assessment Act
  - ii) bushfire hazard assessment conforming with the guideline entitled “Planning for Bushfire Protection” published by the NSW Rural Fire Service (December, 2001) and with the NSW Rural Fire Services Development Control protocol.
  - iii) Assessment of the impact of the development upon any archaeological relics, items or sites that occur or are likely to occur on the land. Such an assessment is to demonstrate that adequate consultation has occurred with the relevant Local Aboriginal Land Council and NSW National Parks and Wildlife Service in respect of this issue.
  - iv) The occurrence of any acid sulphate soils or contaminated sites and the impact of the development on such soils and sites and vice versa.

**8. Development Standard for Development Within 1(E) Rural (Urban Investigation) Zone**

- 8.1 This section of the Plan provides for controls on development of land that is zoned 1(e) Rural “E” (Urban Investigation) under Ulmarra LEP 1992.
- 8.2 Dwelling houses are permitted with Council consent on land within the 1(e) zone provided that they are permissible under clause 17 of the Ulmarra LEP 1992. A copy of clause 17 is at Appendix 6B.
- 8.3 The minimum front boundary setback for all buildings is 20 metres, whilst the minimum side and rear boundary setback is 900 mm.
- 8.4 Subdivision**
- 8.4.1 The minimum area for lots created in a subdivision in a 1(e) zone is 20 hectares – clause 14(2) of the Ulmarra LEP 1992. Council must be satisfied that subdivision will complement future urban development.

## **9. Development Standards For Development Within The 6(A) Open Space Zone**

- 9.1 This section of the Plan provides for controls on development of land that is zoned 6(a) Open Space under the Ulmarra LEP 1992. Generally, the only land that is zoned 6(a) Open Space is Crown land either directly under the control of the Department of Infrastructure, Natural Resources and Planning or vested under the control of Pristine Waters Council.
- 9.2 Development that is permissible with consent in the 6(a) zone is to be consistent with the objectives of the 6(a) zone.
- 9.3 Development that is not consistent with the objectives of the 6(a) zone is prohibited.
- 9.4 Development that is permissible with Council consent within the 6(a) zone includes caravan parks and camping grounds, public utility undertakings and development that is consistent with one or more of the objectives of the 6(a) zone.

## **10. Development Standards For Development Within The 7(F1) Environmental Protection (Coastal Lands Protection) Zone**

- 10.1 This section of the Plan provides for controls on development of land within the locality that is zoned 7(f1) Environmental Protection (Coastal Lands Protection) under Ulmarra LEP 1992
- 10.2 Dwelling houses are permitted with consent on land within the 7(f1) zone provided that they are permissible under clause 20 of the Ulmarra LEP 1992. A copy of clause 20 is at Appendix 6B.
- 10.3 The minimum front boundary setback for all buildings is 20 metres, whilst the minimum side and rear boundary setback is 900 mm.
- 10.4 **Subdivision**
  - 10.4.1 The minimum area for lots created in a subdivision in 7(f1) zone is 40 hectares – clause 16(3) (a) of the Ulmarra LEP 1992.
  - 10.4.2 Clause 16 contains the controls for the subdivision of land in the 7(f1) zone.
  - 10.4.3 Council cannot grant consent to the subdivision of land in 7(f1) zone without the concurrence of the Director General of planningNSW.

### GLOSSARY OF TERMS

- “allotment” or “lot”** means an area shown on an approved plan of subdivision.
- “dual occupancy”**, in relation to an allotment or portion of land, means:
- a. if no dwelling or dwelling-house exists on the allotment or portion – the erection of 2 attached dwellings on that allotment or portion; or
  - b. if a dwelling-house exists on an allotment or portion – the carrying out of alterations or additions to the existing dwelling-house so as to create 2 attached dwellings on that allotment or portion.
- “duplex”** means a building containing 2, but not more than 2, attached dwellings.
- “dwelling”** means a room or suite or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.
- “dwelling-house”** means a building containing 1 but not more than 1 dwelling.
- “frontage”** means a boundary of a lot which abuts a road.
- “gross floor area”** means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1400 millimetres above each floor level excluding:
- i) columns, fin walls, sun control devices and any elements, projections or works outside the general line of the outer face of the external wall;
  - ii) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts;
  - iii) car-parking needed to meet any requirements of the council and any internal access thereto;
  - iv) space for the loading and unloading of goods.
- “height”/ “building height”** means the distance measured vertically from any point on the ridge of the building to the existing natural ground level.
- “parking space”** includes any garage or carport available for use by vehicles.
- “private open space”** means an area of land suitable for private outdoor living activities by occupants of a specific dwelling. Open space is to be provided in a single area of rectangular configuration, the width of which is not to be less than 4 metres.
- “residential flat building”** means a building containing 2 or more dwellings.
- “setback” / “building setback”** means the minimum distance from any boundary to which a structure may be built.
- “storey”** means a space within a building which is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but not –
- a. a space that contains only:
    - i) a lift shaft, stairway or meter room; or
    - ii) a bathroom, shower room, laundry, water closet, or other sanitary compartment; or
    - iii) accommodation intended for not more than 3 vehicles; or
    - iv) a combination of the above; or
  - b. a mezzanine.

**“urban housing”** is a general term referred to in this development control plan to include dwelling houses, duplexes, dual occupancies and residential flat building whether used for permanent residential or holiday tourist accommodation.

## APPENDIX 2

### Requirements for All Development Applications

A Development Application must include:

1. A completed Development Application form;
2. The written authority of all registered owners of the land, where the applicant is not the owner;
3. An application fee in accordance with the Environmental Planning and Assessment Regulation 2000 (Details are obtainable from Council); and
4. Four (4) copies of all plans. Further copies may be required where referrals are required to Authorities.

A description of the land to be developed can be given in the form of a map which contains details of the lot number, DP/MPS, vol/fol etc.

A plan of the land must indicate:

- a. location, boundary dimensions, site area and north point of the land;
- b. existing vegetation and trees on the land (for urban areas i.e. Village zone);
- c. location and uses of existing buildings on the land;
- d. existing levels of the land in relation to buildings and roads; and
- e. location and uses of buildings on sites adjoining the land.

Plans or drawings describing the proposed development must indicate (where relevant):

- a. proposed parking arrangements, entry and exit points for vehicles, and provision for movement of vehicles within the site (including dimensions where appropriate);
- b. proposed landscaping and treatment of the land (indicating plant types and their height and maturity); and
- c. proposed methods of draining the land;
- d. shadow diagram (see Section 4.7)

Other information must indicate (where relevant):

- a. In the case of subdivision:
  - ? details of the existing and proposed subdivision pattern (including the number of lots and location of roads);
  - ? details of consultation with public authorities responsible for provision or amplification of utility services required by the proposed subdivision;
  - ? preliminary engineering drawings indicating proposed infrastructure including roads, water, sewerage, and earthworks; and
  - ? existing and finished ground levels.
- b. In the case of demolition:
  - ? details of age and condition of buildings or works to be demolished.

- c. In the case of development relating to an existing use:
  - ? details of the existing use.

Where a proposed development is not designated development, the application must be accompanied by a statement of environmental effects unless the proposed development is considered to have negligible effect (eg minor interior alterations) which must:

- a. demonstrate that the environmental impact of the development has been considered; and
- b. set out steps to be taken to protect the environment or to mitigate the harm.

The consent authority may, after receiving the development application, ask for additional information on the development if that information is necessary for the determination of the application.

The application may be supported with additional material (eg photographs, slides, models, etc) illustrating the proposed development and its context. In the case of Crown land within the meaning of the *Crown Lands Act 1989*, the owner's consent must be signed by the relevant officer of the Department of Lands.

### GUIDE TO MAKING APPLICATIONS FOR URBAN HOUSING

#### What are the requirements for making an application?

##### *Consultation*

Before any application is made to Pristine Waters Council for its consent to build urban housing, the proposal should be discussed with the relevant Council personnel. Council has staff responsible for the assessment of development (including subdivision) applications made under the Environmental Planning & Assessment Act, 1979.

Applicants are encouraged to use the services of architects, town planners, engineers, landscape architects and professional designers to design their development and prepare necessary support documentation. Applicants are urged to consult with adjoining landowners likely to be affected by their proposal, prior to lodging an application with Council. Such consultation will allow the concerns of affected parties to be taken into account in the design process and may thereby minimise the delays in the processing of the application.

##### *The Application Form*

- ? Applicants are advised to contact Council to determine the type of application (separate or joint development application/construction certificate application) that meets the requirements of Council and best suits the needs of the applicant.
- ? The completed form must be either signed by the owner of the land or accompanied by written authority of the owner to lodge the application, including where appropriate, the company seal or seal of the body corporate.

##### *Plans*

Plans are the most important means of communicating the applicant's intent to the Council and the community. Poorly drafted and ambiguous plans will frustrate the assessment process and lead to costly delays for the applicant. Applicants will be told Council's specific requirements at the consultation stage. They shall include:

- ? *Architectural or design plans* showing:
  - dimensions and reduced levels of all floors and ridgelines;
  - detailed floor plans (scale not less than 1:100);
  - site plan (scale not less than 1:200), including the north point;
  - all elevations and relevant sections (scale not less than 1:100).
- ? A *survey plan* showing:
  - changes of levels on the site;
  - the position of the building on the site and adjoining sites, and the ridgelines and eaves levels of those buildings;
  - the levels of the road fronting the site.

All levels are to be related to AHD.

- ? A notification *plan* showing the height and external configuration of the proposed development on the site. This is to be provided on A3 or A4 sheets.



- ? A landscape **concept plan** showing the design principles and to include:
  - the location, height and species of all existing vegetation;
  - the location, height (at maturity) and species of proposed vegetation;
  - cross-sections through the site showing level changes and proposed landscape works;
  - areas proposed for the retention of stormwater;
  - ground levels such as spot levels or contours; and
  - methods employed to minimise soil erosion.
- ? A **drainage plan** showing the proposed method of draining the land and any stormwater detention areas (the applicant is advised to consult with Council engineers).
- ? A **subdivision plan** (where applicable) showing existing and proposed subdivision patterns (including the number of lots and location of roads), including an indicative 'footprint' for future buildings.
- ? Details of consultation with public authorities responsible for the provision or amplification of utility services.
- ? **Shadow Diagrams and Models** - Where there is likely to be an overshadowing of adjoining properties, shadow diagrams, showing the effect of 9.00 am, 12 noon and 3.00 pm shadows during the winter solstice, should be lodged with the development application.

Such diagrams should be prepared by a qualified person and be based on a survey of the relevant site and adjoining development. The diagrams should show solar access to proposed dwellings and private open space and the impact of the proposal on adjoining residential buildings and private open space. Existing shadows should be identified.

#### ***Other Information***

- ? Perspective sketches, Photomontages and Models.
- ? Council may also require diagrams showing likely impact on views and/or privacy. For larger developments, models may also be required.
- ? Details of consultation with public authorities responsible for the provision or amplification of utility services.
- ? Details of the age and condition of the buildings or proposed works to be demolished.

#### ***Statement of Environmental Effects***

- ? This Statement (a requirement of the EP&A Act, 1979) must demonstrate that consideration has been given to the environmental impact of the development and set out any measures that have been taken to mitigate any likely adverse environmental impact. Where any criteria within this Plan have not been satisfied, the applicant must demonstrate that the intent of the criteria has been satisfied by reference to relevant objectives.

#### **What applications need to be advertised?**

All applications for urban housing development will be advertised and notified in accordance with Pristine Waters DCP No. 2 – Notification of Development Applications. Notice shall be given to:

- a. Such persons as appear to own or occupy land adjoining the site of the development;
- b. Such persons as may be adversely affected by the development; and
- c. Such public authorities which may have an interest in the development.

**Can an application or approval be changed or modified?**

An application can be changed prior to its determination by Council but if the changes are considered significant, it may be re-advertised and additional fees payable.

An approval can be modified but only if the Council accepts the development remains substantially the same. Consult the Council when changes are contemplated.

# GENERAL REQUIREMENTS FOR SUBDIVISION IN ALL ZONES

### 1. Description

This section provides controls and design principles for proposed subdivisions in all zones

### 2. Site Considerations

Good subdivision design goes beyond the application of the controls outlined below. Careful appraisal and systematic analysis of the site with consideration of all the natural and man-made constraints is required to ensure that its best qualities are used most effectively to suit the proposed development.

#### *Design principles*

The matters that may be taken into account when determining the suitability or otherwise of a site for subdivision include, but are not necessarily limited to, the following:

- ✍ Slope and orientation of land;
- ✍ Hazards such as soil stability, Acid Sulphate Soils, flooding, erosion and bushfires;
- ✍ Opportunities for solar and daylight access to future development;
- ✍ Design of roads, access ways and individual site access;
- ✍ Retention of special qualities or features such as trees and views;
- ✍ Protection of dominant ridge lines and hilltop;
- ✍ Protection of character of existing waterways;
- ✍ Availability of utilities;
- ✍ Provision of adequate site drainage;
- ✍ Provision of public open space;
- ✍ Possible need to retain existing subdivision character;
- ✍ Heritage and archaeological conservation;
- ✍ Adequacy of each site considering the proposed use and relevant development standards such as set backs, car parking, landscaping etc;
- ✍ The proposed method of effluent disposal and its likely impact upon the environment;
- ✍ The likely impact of the proposal upon threatened species or their habitat;
- ✍ The relationship of the subdivision layout to adjacent land suitable for subdivision;
- ✍ Enhancement of existing or future subdivision and village character; and
- ✍ Energy efficiency of the proposed lot layout.

### 3. Site Hazards and Constraints

#### 3.1 Objectives

- ? To ensure adequate assessment of subdivision proposals, including the suitability of the site for such proposals.

- ? To ensure that any risks to the environment are identified and responded to at the Development Application stage.
- ? To minimise the risk of periodic inundation or flooding to development.
- ? To ensure that low lying land should not be filled until other options have been investigated;
- ? To minimise the risk of coastal hazards including transmigration or coastal erosion.
- ? To minimise adverse impacts of development such as soil erosion.
- ? To minimise the exposure of development to bush fire.
- ? To maximise the energy efficiency of the development.

### **3.2 Controls and Design Principles**

Proposed allotments in urban areas (excluding corner allotments) will not be permitted to have frontages to more than one public road.

**Council may require the submission of specialist reports prepared by suitably qualified persons where it considers there may be a risk to future development for any reason.**

#### ***Effluent disposal***

Subdivision in unsewered areas may be permitted only where allotment sizes and layouts are adequate to allow on site disposal of effluent. A report from a suitably qualified geotechnical engineer will be required to verify that the land (and proposed allotment sizes and topography) is suitable for the on-site disposal of effluent.

#### ***Threatened species***

In order to determine whether the subdivision will be likely to have an impact on any rare, endangered or threatened flora or fauna species, an eight part test carried out under the provisions of Part 5A of the *Environmental Planning and Assessment Act 1979* (as amended) must accompany any Development Application. Where an eight-part test reveals that a subdivision is likely to have a significant impact upon threatened species, a Species Impact Statement must accompany the Development Application.

#### ***Flooding and inundation***

The design and extent of development is to take into account the likelihood of flooding in the locality. Where information is unavailable in relation to flooding, the applicant may have to undertake a Flood Study, at their own expense. Subdivision layouts shall be based on a strategy for surface water drainage that minimises the incidence of nuisance flooding.

#### ***Unstable ground conditions***

In areas suspected of being subject to subsidence, landslide or any other potentially hazardous ground conditions, Council may require the completion of a geotechnical assessment prior to considering an application to subdivide. Where a Geotechnical Engineering Report confirms that land may be subject to unstable ground conditions, the Development Application may not be supported.

### ***Coastal hazards***

Subdivision design shall take into account the likelihood of short and long term coastal recession, and dune transmigration. Council may require the carrying out of a Coastal Hazards Risk Assessment, by a suitably qualified person.

Where the Coastal Hazards Risk Assessment confirms the land may be subject to unstable ground conditions, the Development Application may not be supported.

### ***Erosion and sediment control***

Appropriate measures are required to avoid soil erosion and sedimentation in accordance with Pristine Waters DCP No. 7 – Erosion and Sediment Control. In this regard, subdivision layouts that minimise the need for cut and fill are preferred.

### ***Bushfire***

In areas subject to significant bushfire risk subdivision will need to take into account the guidelines entitled “Planning for Bushfire Protection” and otherwise be accompanied by a bushfire risk assessment. The provision of fire radiation zones and construction of bushfire trails may be required.

### ***Site contamination***

In areas suspected to contain contaminated soil Council may require the completion of hazards assessment prior to considering an application to subdivide for any purpose.

### ***Acid sulphate soils***

Should Council suspect the presence of actual or potential acid sulphate conditions, details of testing will be required to be submitted with the development application. Testing procedures are contained within the *Acid Sulphate Soil Manual*, produced by the Acid Sulphate Soils Management Advisory Committee (NSW Agriculture).

Amelioration measures, formalised via the preparation of an acid sulphate soils management plan, will be required if the presence of actual or potential acid sulphate soils is detected.

## **4. Road Design and Construction**

Road design and construction will need to meet the requirements set out in the “Northern Rivers Local Government: Development and design Manual” and the “Northern Rivers Local Government” Construction Manual” which have been adopted by Pristine Waters DCP No. 1 – Engineering Standards for Subdivision and Development”.

If an application fails to meet the requirements of Council’s the Northern Rivers Local Government: Development and Design Manual and Northern Rivers Local Government: Construction Manual but does, in Council’s opinion, meet the objectives stated in Section 2.4.1 of these guidelines (below), it may be considered for approval.

#### **4.1 Objectives**

- ? To provide roads consistent with their function within the road network, having regard to their safety and visual impact.
- ? To provide sufficient road reserve, carriageway and verge widths to allow roads to perform their designated functions within the road network.
- ? To allow all users of the road - motorists, pedestrians and cyclists - to proceed safely, conveniently and with minimal delay.
- ? To provide access for emergency and service vehicles to all dwellings, particularly larger vehicles including garbage trucks and fire engines.
- ? To accommodate sufficient on-street parking.

## APPENDIX 5

### State Environmental Planning Policy No. 71 – Coastal Protection

As defined by the Act, the NSW coastal zone:

- ✍ is generally one kilometre landward of the western boundary of the coastal waters of the State;
- ✍ is generally one kilometre landward around any bay, estuary, coastal lake or lagoon;
- ✍ follows the length of any coastal river inland generally at a distance of one kilometre from each bank of the river:
  - i) to one kilometre beyond the limit of any recognised mangroves on or associated with the river, or
  - ii) if there are no such recognised mangroves to one kilometre beyond the tidal limit of the river.
- ✍ is shown to the nearest cadastral boundary or easily recognisable physical boundary.

State Environmental Planning Policy No. 71 – Coastal protection (SEPP71) commenced in November 2002 and demonstrates the NSW Government's commitment to ensuring that there is a consistent and strategic approach to coastal planning and management. It is a key element of the Government's \$11.7 million Coastal protection Package announced by the Premier and Deputy premier on 26 June 2001.

The Policy has been made under the Environmental Planning and Assessment Act 1979 and will ensure that the coastal zone is protected in accordance with the principles of ecologically sustainable development. It will ensure that development is appropriate and suitably located and that there is a clear and consistent development assessment framework for the coastal zone. The Policy will not stop development along the coast. Rather, the Policy will give legal force to certain elements of the NSW Coastal Policy 1997 and introduce additional matters for consideration for councils when preparing local environmental plans – and for consent authorities when determining development applications in the coastal zone.

The Policy is an interim measure until equivalent provisions in Regional Strategies prepared under PlanFIRST are implemented in the coastal zone and the Comprehensive Coastal Assessment is completed, thus enabling better data and tools to be available for improved decision-making on coastal planning and management.

#### **Matters for Consideration**

The Policy provides for the following matters of consideration for councils when preparing a local environmental plan, and for consent authorities when determining Das in the coastal zone:

- ? the aims of the SEPP
- ? scenic qualities
- ? visual amenity and overshadowing of the coastal foreshore
- ? public access
- ? wildlife corridors
- ? conflict between land and water-based activities

- ? animal and plant habitats
- ? water quality
- ? items of heritage, archaeological, or historic significance
- ? cumulative impact
- ? marine habitat
- ? coastal processes and hazards
- ? Aboriginal heritage
- ? Water and energy efficiency
- ? Suitability of the development

There are also other development controls relating to public access to the coastal foreshore, on site effluent disposal and the discharge of untreated stormwater. Flexible zone provisions within the coastal zone no longer have any effect.

### **The NSW Coastal Zone**

The Policy applies to land within the 'coastal zone' as defined in section 4A of the Coastal Protection Act 1979 (CP Act). This does not include any development under SEPP62-Sustainable Aquaculture, development on Lord Howe Island, or where the concurrence or consent of the Director-general of PlanningNSW or the NSW Minister for Planning is required under another environmental planning instrument under the Environmental Planning and Assessment Act 1979.

There is a series of maps outlining the landward boundary of the 'coastal zone' for the purposes of section 4 of the CP Act titled 'Department of Urban Affairs and Planning-Coastal Zone Maps' (local councils and PlanningNSW offices have copies). These maps will soon be available electronically through iPlan (PlanningNSW's electronic land use planning information system) at [www.planning.nsw.gov.au/plan](http://www.planning.nsw.gov.au/plan).

A recent amendment to the CP Act redefined the land that comprises the coastal zone (refer to section 4A[e]). The local government areas extending from Newcastle in the north to Shellharbour in the south are now included in the coastal zone.

### **State Significant Development**

The Policy (Schedule 2) makes the NSW Minister for Planning the consent authority for the following development:

- ? mining, extractive industry, industry, landfill, recreational establishments, marinas, tourist facilities (except bed and breakfast establishments and farm stays as defined in the SEPP).
- ? structures greater than 13m in height.
- ? subdivision of land within a residential zone into more than 25 lots.
- ? subdivision of land within a rural residential zone into more than 5 lots.
- ? subdivision of land within any zone into any number of lots if effluent will be disposed of by a non-reticulated system.

### **Significant Coastal Development**

Significant coastal development (see clause 3 of the SEPP) is any development on, or partly on, land within a sensitive coastal location (defined below), within 100m below mean high water mark of the sea, a bay or an estuary or on land described in Schedule 3 of the Policy. At the time of the Policy's gazettal, no land was identified in Schedule



3. It will be added to when sites are identified through the Comprehensive Coastal assessment (refer to the PlanningNSW Fact Sheet titled ‘Comprehensive Coastal Assessment’).

A copy of all development applications for development in a sensitive coastal location must be referred to the Director-General of PlanningNSW for review and comment. The Director-General has 28 days to review the application and provide the relevant local council with additional matters for consideration.

Significant coastal development also includes the following development identified under clause 10 of SEPP4-Development Without Consent and Miscellaneous Complying Development:

- ? development for the purpose of parking, loading facilities, drainage, workers’ amenities, pollution control, security or for other similar purposes, or
- ? development which consists of the erection of fences, garages, fuel sheds, tool houses, milking bails, haysheds, stables, fowl houses, pig sties, barns or the like.

Where the NSW Minister for Planning is of the opinion that a development application is of State or regional significance, the Minister can make a determination to become the consent authority for that application.

### **Sensitive Coastal Location**

A sensitive coastal location is:

- ? a coastal lake (a list of coastal lakes appear in Schedule 1 of the SEPP).
- ? land within 100m above mean high water mark of the sea, a bay or an estuary.
- ? land within 100m of the water’s edge of a coastal lake, a declared Ramsar wetland, a World Heritage property, an aquatic reserve, a marine park, a national park, a nature reserve, or a SEPP14-Coastal Wetland.
- ? residential land within 100m of land identified under SEPP26-Littoral Rainforest.

### **Master Plans**

The Policy requires that a consent authority must not grant consent for certain types of land subdivision unless the Minister has adopted a master plan for land to which the development applies. The Coastal council of NSW, the relevant local council, and other relevant agencies will have the opportunity to make comment on a draft master plan. The Minister may also waive the need for a master plan to be adopted given the nature of the development, the adequacy of other planning controls, or other such reasons.

Master plans are now required for:

- ? subdivision in a residential zone or rural residential zone, if part or all of the land is within a sensitive coastal location
- ? subdivisions on land that is zoned residential into 25 lots or rural residential into 5 lots, where that land is not within a sensitive coastal location.

## APPENDIX 6A

1. **12 Subdivision of land for rural/residential purposes**
  - 1.1 This clause applies to land within Zone No 1 (a) not being prime crop or pasture land or flood prone land.
  - 1.2 Despite clause 11 (1), the Council may consent to the subdivision of land within Zone No 1 (a) but only if:
    - a. the land to be subdivided has an area of not less than 30 hectares,
    - b. the total number of allotments to be created is not less than 7,
    - c. the average size if the allotments to be created is not less than:
      - i) in respect of land to which a reticulated water supply will be available - 6,000 square metres with a lot density of 1 lot per hectare, or
      - ii) in respect of land to which a reticulated water supply will not be available - 4 hectares with a lot density of 1 lot per 5 hectares,
    - d. the Council is satisfied that the development will be carried out in accordance with the development standards and other requirements specified in Schedule 3, and
    - e. the Council has considered an environmental impact report prepared by the applicant and containing the matters specified in Schedule 4.
  - 1.3 The Council shall take into consideration the following matters in deciding whether to grant consent as referred to in subclause (2):
    - a. the area and quality of the land and its potential agricultural productivity,
    - b. the likely effects, both economic and otherwise, that the proposed subdivision will have on agricultural industries in the area and the resources employed by or in connection with those industries,
    - c. the likely effects, both economic and otherwise, that the proposed subdivision will have on the use and development of other land and resources in the area,
    - d. whether there are any reasonable alternatives to the proposed subdivision in the circumstances,
    - e. the effects of the existence of, or potential to erect, dwelling-houses on proposed allotments,
    - f. the cumulative effect of similar proposals if consent is granted as allowed by this clause,
    - g. the likelihood of proposed allotments remaining available for efficient agricultural use.
  - 1.4 In preparing an environmental impact report referred to in subclause (2), the applicant shall consult with the Council and shall, in

completing the preparation of the report, have regard to any requirements notified in writing by the Council in respect of the form and content of the report.

- 1.5 The Council shall not consent to the subdivision of land as allowed by this clause unless the land is within 2 kilometres of the boundary of land within Zone No 2.
- 1.6 The Council shall not consent to the subdivision of land as allowed by this clause if the total number of allotments created pursuant to subdivisions allowed by this clause in a 5 year period exceeds the number specified in writing by the Council with the approval of the Director General of planningNSW.
- 1.7 For the purposes of sub-clause (6), **5 year period** means:
  - a. the period of 5 years commencing on the appointed day;
  - b. each succeeding period of 5 years which the Council and the Director General of planningNSW agree as being a 5 year period for the purposes of sub-clause (6); or
  - c. if a 5 year period is not immediately followed by another such period because agreement is not reached under paragraph (b), the period of 5 consecutive years immediately following the last 5 year period.

**2. Schedule 3 Development standards etc in respect of rural residential development (Clause 12)**

- 2.1 Adequate facilities shall exist on the land for the disposal of sewage and domestic waste and for the supply of water for domestic and fire fighting purposes.
- 2.2 Adequate electricity, telephone and postal services shall be available to the land.
- 2.3 The carrying out of the development shall not create a demand for the unreasonable or uneconomic provision or extension of public amenities or public services, whether by the Council or by another public authority.
- 2.4 The carrying out of the development shall not generate traffic volumes which are excessive in relation to the engineering standards of roads leading to urban and service centres.
- 2.5 The carrying out of the development shall not create or increase ribbon development or adversely affect road safety.
- 2.6 The risk of bushfire damage to dwellings and surrounding land shall be minimised.
- 2.7 The carrying out of the development shall not detract from the existing rural or scenic character of the locality.
- 2.8 Dwellings shall not be erected on land which is, or is likely to be, adversely affected by flooding, soil erosion or landslip.
- 2.9 Drainage works carried out on the land shall not have a detrimental impact on adjoining land.
- 2.10 Site features of major historical, cultural, scenic or ecological significance shall be retained within the development.
- 2.11 Road and access ways within the development site shall be sited and designed to be efficient and practical having regard to anticipated traffic volumes while maintaining a rural character and

- minimising environmental impact.
- 2.12 Development shall be carried out so as to maintain and extend, where possible, the existing amount, diversity and form of native vegetation and natural habitat areas.
  - 2.13 Development shall not have the effect of significantly reducing the long term agricultural production potential of the subject or adjoining land.
  - 2.14 The carrying out of the development shall not prejudice future expansion of urban areas in the locality.
  - 2.15 The carrying out of the development shall not have an adverse effect on sources of extractive material or create or tend to create conflict between the development and existing or potential extractive industry development.

**3. Schedule 4 Rural residential subdivision—matters for environmental impact report (Clause 12)**

The report shall contain the following:

- a. a full description of the development proposed by the development application;
- b. a statement of the objectives of the proposed development, and how it relates to the objectives of the zone;
- c. a full description of the existing environment likely to be affected by the proposed development, if carried out;
- d. identification and analysis of the likely environmental interactions between the proposed development and the environment;
- e. analysis of the likely environmental impact and consequences of carrying out the proposed development;
- f. justification of the proposed development in terms of environmental, economic and social considerations;
- g. measures to be taken in conjunction with the proposed development to protect the environment and an assessment of the likely effectiveness of those measures;
- h. any feasible alternatives to the carrying out of the proposed development and reasons for choosing the latter; and
- i. consequences of not carrying out the proposed development.

## APPENDIX 6B

### 1. 17 Erection of dwelling-houses and duplexes in rural zones

- 1.1 A dwelling-house or duplex shall not be erected on an allotment of land within Zone No 1 (a), 1 (d) or 1 (e) unless:
- a. the allotment has an area of at least 40 hectares;
  - b. the allotment is an existing holding and:
    - i) has an area of less than 40 hectares, and
    - ii) does not have a dwelling-house or duplex situated on it;
  - c. the allotment has been created by subdivision in accordance with clause 12, 13 or 14 and the Council is satisfied that adequate arrangements have been made for the provision of vehicular access to the site of the proposed dwelling-house or duplex; or
  - d. the allotment is an allotment that was lawfully created before the appointed day and on which a dwelling-house could lawfully have been erected immediately prior to the appointed day, and the Council is satisfied that adequate arrangements have been made for the provision of vehicular access to the site of the proposed dwelling-house or duplex.
- 1.2 A dwelling-house or duplex may, with the consent of the Council, be erected on an allotment of land within Zone No 1 (a), 1 (d), 1 (e) or 1 (h) on which another dwelling-house or duplex is situated if the first-mentioned dwelling-house or duplex is intended to wholly replace the second-mentioned dwelling-house or duplex. Where the Council grants consent under this sub-clause, the second-mentioned dwelling-house or duplex must be demolished within 6 months of occupation of the first-mentioned dwelling-house or duplex.

### 2. 16 Subdivision of land within Zone No 7 (f1)

- 2.1 This clause applies to land within Zone No 7 (f1).
- 2.2 Land to which this clause applies shall not be subdivided without the consent of the Council and the concurrence of the Director of Planning in accordance with clause 19.
- 2.3 The Council may consent to an application to subdivide the land to which this clause applies only if each separate allotment of land to be created by the subdivision has:
- a. an area of not less than 40 hectares; and
  - b. a ratio of depth to frontage satisfactory to the Council, having regard to the purposes for which the lot is or is intended to be used.
- 2.4 The Council may grant consent in respect of an application to subdivide land to which this clause applies so as to create one allotment, but not more than one, of less than 40 hectares if the Council is satisfied that:
- a. the allotment to be excised is intended to be used for a purpose (other than agriculture, forestry or a dwelling-house or dual occupancy) for which it may be used without or only with the consent of the Council; and
  - b. where the allotment has a frontage to an arterial road, the frontage is not less than 200 metres.

**3. 19 Development of land within Zone No 7 (f1)**

- 3.1 No development (other than for the purposes of agriculture) shall be carried out on or with respect to land within Zone No 7 (f1) except with the concurrence of the Director General of planningNSW.
- 3.2 For the purposes of subclause (1), the Director General (in deciding whether concurrence should be granted to a development application) shall take into consideration the likelihood of the proposed development:
- a. adversely affecting, or being adversely affected by, the sea or any bay, inlet, lagoon or lake;
  - b. adversely affecting any beach or dune or the bed, bank, shoreline, foreshore, margin or flood plain of the sea or of an arm of the sea or of any bay, inlet, lagoon, lake, body of water, river, stream or watercourse; and
  - c. adversely affecting the landscape or scenic quality of the locality.

**4. 20 Dwelling-houses in Zone No 7 (f1)**

- 4.1 A person shall not erect a dwelling-house on an allotment of land within Zone No 7 (f1) unless the allotment:
- a. has an area of not less than 40 hectares;
  - b. is an existing holding; or
  - c. is an allotment created pursuant to clause 16.

**5. 21 Tree felling in Zone No 7 (f1)**

A person shall not carry out development involving the cutting down, topping or lopping of trees having a height of 3 metres or more on land within Zone No 7 (f1) without the consent of the Council.

**6. 22 Fencing within Zone No 7 (f1)**

Nothing in this plan prevents a person from erecting a fence within Zone No 7 (f1) without the consent of Council or the concurrence of the Director General of planningNSW.