KEMPSEY DEVELOPMENT CONTROL PLAN 2013

Adopted: ***19 November 2013***
Commenced: ***3 February 2014***

Document History and Status

REVISION NO.	DATE AMENDED	DETAILS, COMMENTS EG RESOLUTION NO.
1	11.11.2016	Added Chapters B9 Landscaping & B13 Heritage Areas/Development
2	09.01.2017	Added Chapter B12 Aboriginal Heritage
3	2.10.2020	Amended Chapter F2 Hat Head
4	17.11.2020	Added Chapter D5 Crescent Head Urban Investigation Area
5	20.07.2021	Amended Chapter B7 Flood Hazard Area Management
6	1.12.2021	Added Disclaimer regarding change of Environment zones to Conservation zones
7	17.12.2024	Added Chapter E4 Yarrahapinni Land Release Area

As of 1 December 2021, a reference to an Environment Protection zone E1, E2, E3 or E4 in KDCP 2013 should be taken to be a reference to a Conservation zone C1, C2, C3 or C4. For further information please see Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 (nsw.gov.au)

Current name	New name
Zone E1 – National Parks and Nature Reserves	Zone C1 – National Parks and Nature Reserves
Zone E2 – Environmental Conservation	Zone C2 – Environmental Conservation
Zone E3 – Environmental Management	Zone C3 – Environmental Management
Zone E4 – Environmental Living	Zone C4 – Environmental Living

KEMPSEY DEVELOPMENT CONTROL PLAN 2013

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Chapter A1: Introduction

1.0 Introduction

1.1 Name of this Plan

This Plan is called the ***Kempsey Development Control Plan 2013*** (KDCP2013).

It has been prepared pursuant to the provisions of Section 74C of the ***Environmental Planning and Assessment Act 1979*** (the EPAA1979) and Clauses 16-24 of the ***Environmental Planning and Assessment Regulation 2000*** (the EPAR2000).

Council and any other relevant consent authority is required, under Section 79C of the Act, to take into consideration the relevant provisions of the KDCP2013 in determining development applications on land to which the Plan applies.

1.2 Scope of this DCP

DCP2013 applies to the whole of the Kempsey Local Government Area, with the exception of land identified in Appendix H1.

DCP2013 applies to all development that requires the submission of a development application under Part 4 of the EPAA1979.

DCP2013 does not apply to Exempt and Complying Development. Provisions relating to exempt and complying development are contained primarily in the SEPP (Exempt and Complying Development Codes) 2008, with some additional provisions in KLEP 2013. All SEPPs and REPs should be reviewed to determine whether they contain provisions relating to exempt and complying development.

1.3 Commencement

This Development Control Plan is effective upon making of the Kempsey Local Environmental Plan 2013.

This DCP repeals any other DCP made before this DCP, with the exception of those listed in Appendix H1.

1.4 The Consent Authority

Kempsey Shire Council is the Consent Authority for the purposes of this DCP, subject to the exceptions authorised under the ***Environmental Planning and Assessment Act 1979***. Such exceptions include:

(i) The Minister is the Consent Authority for projects identified under Part 3A of the ***Environmental Planning and Assessment Act 1979***.

(ii) The Joint Regional Planning Panel (JRPP) may be the consent authority role under the ***State Environmental Planning Policy (Major Developments) 2005***.

Council will use this DCP in the assessment of development applications.

1.5 Dictionary

This plan adopts the terms and definitions of the ***Kempsey Local Environment Plan 2013***, ***State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*** and the ***Environmental Planning and Assessment Act 1979*****.**

Additional terms used in this DCP are defined in the Glossary located towards the end of this DCP. Where there is an inconsistency, the higher order instrument/legislation prevails.

2.0 How this DCP Works

2.1 About this DCP

Kempsey Local Environmental Plan 2013 (KLEP2013) provides the statutory framework for land use management in the Kempsey Shire local government area, subject to overriding planning controls in State Environmental Planning Policies and other State legislation.

This DCP:

- Supports and expands upon the aims, objectives and other provisions of the KLEP2013;
- Provides a clear and concise set of development objectives; and
- Provides detailed development provisions for development in the Kempsey Local Government Area.

2.2 How this DCP works

2.2.1 Structure of this DCP

This DCP is divided into the following parts:

- Part A – Administration and Introduction;
- Part B – General Controls;
- Part C – Use Specific Controls;
- Part D – Precinct/Area Controls: Urban Areas;
- Part E – Precinct/Area Controls: Rural and Environmental Areas;
- Part F – Precinct/Area Controls: Villages;
- Part G – Glossary; and
- Part H – Appendices.

Part A of this DCP contains the preliminary information associated with this DCP, including an explanation of how it should be used.

Part B includes development requirements of a general nature that may apply to all development. These development requirements relate to issues such as subdivision, parking and access, landscaping, advertising signs and waste minimisation. This part also includes general provisions for items that may not apply in all instances such as development in heritage areas.

Part C contains development specific requirements for specific uses. This part includes provisions for residential development, caravan parks, bed and breakfast accommodation and tourist facilities.

Part D comprises development requirements that apply to urban areas only. It is divided into chapters that will each focus on a particular area. For example, the South West Rocks Town Centre.

Part E comprises development requirements that apply to rural and environmental areas only. For example, Dulconghi Heights.

Part F comprises development requirements for villages only. For example, Stuarts Point.

Part G comprises the glossary for most terms used throughout the DCP.

Part H includes the appendices. The appendices include supporting material that is referred to throughout the DCP.

Each part is divided into chapters that address a particular issue, use or area.

Development applications must address all the relevant chapters applicable to the proposed development.

When addressing the development requirements of each relevant chapter, it may not be necessary for an application to address all development provisions within the chapter. Only those provisions that apply need to be addressed.

In general, where an area based provision is inconsistent with a general provision or a development specific provision, the area based provision shall prevail to the extent of any inconsistency.

2.2.2 Structure of the Chapters

The chapters of the DCP, in Parts B to F, are generally structured as follows:

- 1.0 – Introduction;
- 2.0 – Objectives of this Chapter;
- 3.0 – Guidelines; and
- 4.0 – Controls.

Section 1.0 includes a sub-section "1.1 – Scope of this Chapter', which specifies what development and where in the local government area the chapter will apply. Section 1.0 may also include a sub-section specifying how the provisions of the chapter will prevail over the provisions of other chapters.

Section 2.0 defines the objectives of the chapter.

Section 3.0 may provide guidelines for development, by reference to previously prepared Master Plans or general principles for development.

Section 4.0 and later sections generally refer to the development requirements.

2.2.3 Desired Outcomes and Development Requirements

Desired Outcomes express the purpose or objective the relevant Development Requirements are seeking to achieve.

Development Requirements are specified to ensure that various aspects of a development will not result in any unacceptable adverse impacts on neighbouring properties or the environment or costs to the community.

2.3 Variation to DCP Development Requirements

Where a proposed development does not comply with a Development Requirement, the development application must be supported by a written justification demonstrating how the alternative solution will achieve the Desired Outcome.

Development Requirements will be deemed to have been met where the applicant has demonstrated, in Council's opinion, that the Desired Outcome will be achieved.

This provision enables the development of innovative solutions that meet the particular characteristics of an individual site.

2.4 Relationship of this DCP to State Planning Policies, Local Environmental Plans and Council Policies.

2.4.1 Acts and Regulations

Planning and development is carried out under the ***Environmental Planning and Assessment Act* 1979** and ***Environmental Planning and Assessment Regulation 2000,*** the objectives and provisions of which prevail over any inconsistency with any subordinate State Environmental Planning Policies, Regional Environmental Plans, Local Environmental Plans, Development Control Plans and development related Council policies.

2.4.2 State Environmental Planning Policies (SEPP)

A number of State Environmental Planning Policies (SEPPs) are applicable to the Kempsey Shire local government area. The provisions of SEPPs override the provisions of this DCP and Kempsey LEP 2013, to the extent of any inconsistency.

A list of SEPPs can be found on the Planning NSW website (www.planning.nsw.gov.au).

Applicants are advised to review the provisions of any relevant SEPPs when preparing their development applications.

2.4.3 Regional Environmental Plans

North Coast Regional Environmental Plan 1998 (deemed SEPP) contains provisions relating to plan making and development control which prevail to the extent of any inconsistency with Kempsey Local Environmental Plan 2013 and this DCP.

2.4.4 Local Environmental Plans

DCP2013 shall be read in conjunction with ***Kempsey Local Environment Plan 2013***.

Kempsey Local Environmental Plan 2013 (KLEP2013) applies to the whole of the Kempsey Local Government Area. KLEP2013 was prepared in response to the State Government requirements for all NSW Councils to prepare a consolidated LEP, which conforms to the ***Standard Instrument (Local Environmental Plans) Order 2006***, known as the 'standard LEP template'. KLEP2013 shall prevail to the extent of any inconsistency with this DCP.

2.4.5 Development Control Plans

Kempsey Development Control Plan 2013 supersedes and revokes all previously made DCPs applying to the Kempsey local government area, with the exception of those listed in Schedule 1 of Appendix H1.

2.4.6 Council Policies

Kempsey Development Control Plan 2013 is to be considered in conjunction with all current Council Policies and associated Procedures. This DCP shall prevail to the extent of any inconsistency with any Council policy or procedure adopted before this DCP came into effect.

Any related Council policy or procedure adopted after this DCP came into effect shall prevail to the extent of any inconsistency with this DCP.

A list of current Council Policies may be found on Council's website (www.kempsey.nsw.gov.au).

2.5 Developer Contributions

Development Contributions are levied as a means of to fund local infrastructure and services that are required as a result of new development. The contributions are levied under the provisions of Development Contributions Plans prepared pursuant to the ***Environmental Planning and Assessment Act 1979*** and under Development Servicing Plans prepared pursuant to the ***Water Management Act*** **2000.**

Council has adopted Development Contributions Plans to seek contributions for:

- Road Works;
- Open Space;
- Community Services;
- Stormwater;
- Public Domain improvements;
- Car Parking; and
- Footpaths.

The contribution required to the above items is dependent on the location of the development and the type/scale of development proposed. Council's Development Contributions Plans are available on Council's website.

Council has also adopted Development Servicing Plans for Water Supply and Sewerage Services. These documents are available on Council's website.

Contributions are determined in conjunction with a Development Application or Complying Development Application and are imposed by a condition of development consent in accordance with the development contributions plans in force at that time.

Contribution rates are adjusted quarterly in line with the CPI.

Generally development applications for subdivision, dual occupancy, residential flat buildings, rural dwellings and commercial or industrial development will be subject development contributions.

Contributions are normally satisfied by payment of monetary contributions. However, subject to Council approval, contributions can also be satisfied by dedication of land, and material public benefit (works in kind) or a combination of these.

The EPAA1979 also provides for negotiation of development contributions via Voluntary Planning Agreements between Council and a developer.

2.6 Reference to External Standards and Documents

Throughout this DCP there are references to external documents and standards. These include, but are not limited to Australian and New Zealand Standards, AUSPEC specifications and standard drawings. In all circumstances, the reference is taken to mean the current version of that standard or specification.

3.0 Objectives of this DCP

3.1 LEP Objectives

This DCP has been compiled to provide further support to the aims of the ***Kempsey Local Environmental Plan 2013*** (KLEP2013). The general aims of the KLEP2013 are reproduced as follows:

(a) To promote and co-ordinate the orderly and economic use and development of land, and to minimise conflict between adjacent land uses,

(b) To provide for development within the local government area on an ecological sustainable manner,

(c) To protect agricultural activities of the area and to promote the agricultural potential of the local government area of Kempsey,

(d) To provide opportunities for a range of housing types to accommodate the needs of the community,

(e) To protect and enhance areas of environmental and/or cultural value,

(f) To ensure that development does not detract from Kempsey's high landscape or scenic values and

(g) To conserve and enhance the built and cultural heritage of the local government area of Kempsey.

KLEP2013 provides Objectives for each zone.

3.2 Objectives of this DCP

The objectives of this Development Control Plan are:

General

- To provide a common set of development controls to ensure consistency, transparency and fairness in the assessment of development applications.
- To provide a degree of certainty to developers and the residents as to the density, type and character of development.
- To encourage development that minimises the impacts on the existing natural and man-made environment.
- To ensure that development responds appropriately to environmental constraints such as flooding, bushfire risk and coastal hazards.

Strategic

- To ensure that lands identified for higher density development are not unnecessarily developed for low density development.
- To optimise dwelling yields within the capacity of the land, while achieving the character desired for the precinct/village/urban centre/local area (ie sub-areas).
- To accommodate a wide range of residential choices, appropriate to the individual site constraints and desired character of the neighbourhood.
- To encourage the economic development of a hierarchy of commercial centres, thereby contributing to the orderly economic growth of Kempsey Shire.
- To foster development that meets the needs of the expanding population that also protects and enhances existing activities and facilities.
- To ensure all future development is undertaken in an environmentally, socially and economically responsive manner.

Infrastructure

- To ensure development does not exceed the capacity of existing and proposed infrastructure.
- To ensure public utilities are provided in a timely, cost-efficient, equitable and effective manner.
- To ensure that the existing community is not burdened by the provision of public utilities and facilities required as a result of future development.

- To ensure key environmental resources are protected.

- To limit development in the Kempsey local government area to development that complies with the provisions of Council's ***Flood Plain Management Strategy Policy.***

- To ensure that the traffic and transport needs of the community are catered for safely and effectively now and into the future.

- To ensure the provision of safe, attractive and direct pedestrian and bicycle connections and facilities throughout various areas, as appropriate to the particular local area.

- To provide an improved and connected public domain network.

- To ensure that development incorporates best practice urban water management practices and techniques for controlling stormwater quality and quantity (above and below ground), water conservation and reuse and ecosystem health.

Urban Form and Design

- To encourage a higher quality of urban design.

- To encourage innovative building design and site usage, by providing flexibility in development controls.

- To maintain and improve the streetscape.

- To preserve and enhance the positive aspects of individual areas.

- To ensure that development does not have an adverse impact on the amenity of its neighbourhood.

- To encourage the design of energy efficient buildings.

- To promote the implementation of Crime Prevention Through Environmental Design (CPTED) principles into master plan and built form design.

Heritage

- To ensure Aboriginal and European Heritage is identified and appropriately considered.

The Natural Environment

- To maintain the natural setting of the Kempsey Shire local government area.

- To ensure that development protects and maintains high value vegetation, natural bushland and native habitats.

3.3 Specific DCP Chapter Objectives

Further specific Objectives for each matter/sub-area included in this plan are provided in the chapter relating to that matter/sub-area.

4.0 Development Applications

4.1 When is a Development Application not required?

A development application is not required for any development specified in any SEPP, REP or KLEP2013 as being permissible without development consent.

4.2 When is a Development Application required?

A development application is required for all development specified in any SEPP, REP or KLEP2013 as being permissible with development consent.

4.3 When is an Environmental Impact Statement (EIS) required?

The ***Environmental Planning and Assessment Regulation 2000*** classifies certain developments which have the potential to cause significant environmental impact, as ***Designated Development***.

Designated development requires the preparation and assessment of an Environmental Impact Statement (EIS) as part of a Development Application. Proponents of designated development are required to consult with the Department of Planning for guidelines for the preparation of the EIS.

An EIS may also be required for activities regulated by Part 5 of the ***Environmental Planning and Assessment Act 1979***, as determined in accordance with clauses 112-115.

4.4 Public Notification of Development Applications

Development will be notified in accordance with Council's ***Public Notification Policy*** *(CPOL-57,* or any superseding policy, a copy of which may be obtained from Councils website (www.kempsey.nsw.gov.au).

4.5 Consideration of Public Submissions

Where proposals are required to be notified in accordance with Council's adopted procedure, Council will have regard to any public submissions to the extent that the matters raised relate to relevant planning issues.

Applications that vary from the Development Requirements of this DCP, which demonstrate compliance with the specified Desired Outcomes, will be deemed to comply with the Development Requirements of this DCP.

In accordance with Council's adopted delegations, applications that comply with KLEP 2013, this DCP and any relevant policies or procedures may be approved under delegated authority, whether or not objections are received.

4.6 How does Council consider a Development Application?

In assessing development proposals, Council must have regard to Section 79C of the ***Environmental Planning and Assessment Act 1979***, which, amongst a range of considerations, requires the consent authority to have regard to the requirements of any relevant SEPPs, REPs, KLEP 2013 and this DCP.

4.5 What information is required to be submitted with a Development Application?

See the ***Environmental Planning and Assessment Regulation 2000*** – Schedule1.

Chapter B1 – Subdivision

1.0 Introduction

1.1 Scope of this Chapter

This Chapter applies principally to the design and construction of new subdivision of all land to which the Kempsey Local Environmental Plan 2013 applies.

1.2 Relationship to Other Chapters of this DCP

The provisions of this Chapter provide general controls for subdivision. The provisions of Chapters included in Parts C, D, E and F of this DCP override the provisions of this Chapter to the extent of any inconsistency.

This Chapter provides general controls for subdivision only.

Site-specific subdivision controls may be found in the Chapters contained in Parts C, D, E and F and these chapters should be reviewed during the preparation of a development application for subdivision.

2.0 Chapter Objectives

The objectives of this Chapter are:

a) To provide greater detail to subdivision requirements contained in Kempsey Local Environmental Plan 2013 and other Chapters of this DCP.

b) To provide greater certainty to developers of the subdivision requirements to be applied in Kempsey.

c) To ensure that the potential impacts of all subdivisions and subsequent development take into account of the principles of environmental sustainability.

d) To encourage efficient site usage in subdivision design.

e) To minimize the construction and servicing costs of infrastructure in a manner that maintains equal access to public infrastructure, given the physical limitations of any one site.

f) To ensure that subdivision development employs ameliorating measures sufficient to reduce the impact of development on the existing natural and man-made environments.

g) To ensure that rural subdivision reinforces the rural character.

h) To ensure that subdivision development is designed to respond to natural hazards and physical constraints, such as bush fire, flooding, landslip, etc.

i) To ensure adequate vehicular access from the public road system to each new lot.

j) To limit development in the Kempsey Shire to development that complies with the provisions of councils' *Flood Plain Management Strategy Policy.*

k) To facilitate different subdivision forms and the use of different land title systems which may assist in minimising and managing environmental problems (eg the use of community title to manage areas requiring environmental repair or common drainage or effluent systems).

l) To provide a degree of certainty to developers, their agents, consultant Surveyors/Engineers and Civil Contractor as to Council's minimum requirements for design and construction of civil works.

m) To provide guidelines for the preparation of development applications for subdivision.

3.0 Guidelines – General

3.1 Relationship to Other Documents

Kempsey Local Environmental Plan 2013 contains certain requirements for subdivision, including minimum lot size based on maps, rather than zones. The development requirements of this Chapter should be addressed in conjunction with the subdivision requirements of KLEP. A copy of KLEP2013 is available on Council's website.

Some issues associated with the design and construction of subdivision developments are addressed by Council Policies. References to Council Policies will be made throughout this Chapter. A copy of Council Policies is available on Council's website. The Council Policies applicable to subdivision design are:

- Management Policy No. MPOL-53: Access to Rural Subdivisions;
- Council Policy No. CPOL-29: Provision of Access Roads to Rural Residential Areas Zone 1C in the Kempsey Local Environmental Plan 1987;
- Policy No 1.1: Development Control Policy;
    - Procedure No.1.1.5: Subdivision – Building Approvals;
    - Procedure No. 1.1.6: Subdivision – Building Alignments;
    - Procedure No. 1.1.11: Flood Risk Management;
- Policy No. 3.1: Roads Policy; and
- Policy No. 3.3: Water Supply Policy.

Development Contributions will be triggered by subdivision applications, through:

- Current Section 94 Contribution Plans; and
- Current Section 64 Development Service Plans.

A copy of Council's Contributions Plans are available on Council's website and will need to reviewed to determine their applicability to each development application. Current fees and charges may be calculated by applying annual CPI to the listed contribution rate, or by contacting Council.

Detailed engineering design and construction requirements for subdivision are contained in Council's Engineering Guidelines for Subdivision and Development (copy of which is available on Council's website). The components of Council's Engineering Guidelines for Subdivision and Development applicable to subdivision design are:

- DQS: Quality Assurance Requirements for Design;
- D1: Geometric Road Design (Urban and Rural);
- D2: Pavement Design;
- D5: Stormwater Drainage Design;
- D6: Site Regrading;
- D7: Erosion Control and Stormwater Management;
- D9: Cycleway and Pathway Design;
- D11: Water Reticulation;
- D12: Sewerage System; and
- D13: Land and Street Scape Design.

Standard drawings for driveways and other details are available on Council's website. Reference to these standard drawings will be made throughout this and other Chapters.

3.2 Title Systems for Subdivision

There are three main types of title systems used in New South Wales. These are:

a) Deposited Plans (or Torrens Title);

- These are the most commonly used type of title used for subdivision.
- They apply to the traditional or single lot form of subdivision.
- Any buildings or structures erected on the land effectively become part of the land by definition.
- The creation and registration of these parcels is regulated by the *Real Property Act 1900.*

b) Strata Plans; and

- Refer to a subdivision of a parcel of land to allow multiple occupancy and separate ownership of individual units.
- Communal open space areas, common driveways and other common facilities may be included in the common property owned and managed by the "Owners Corporation".
- Regulated by the *Strata Schemes (Freehold Development) Act 1973* or *Strata Schemes (Leasehold Development) Act 1986.*

c) Community Plans

- Depict the development of planning communities of any type where the use of some land is shared.
- Provides for individual ownership of lots and a share of "association property"
    - Association property is a lot in the scheme on which community facilities may be erected.
    - Association property can include land for roads and driveways, swimming pools and other common facilities.

- A multi-tiered structure is possible through Community, Precinct and Neighbourhood Associations.
- Facilitate development being undertaken in stages.
- All Community Title development applications must include a Management Statement, which sets out the rules and responsibilities for running of the scheme.
- Regulated under the *Community Development Act 1989* and the *Community Land Development Act 1989.*

The most appropriate form of title system should be used depending on the nature of the subdivision.

3.3 The Development Process

Figure B1-1 shown below outlines how the development process works.

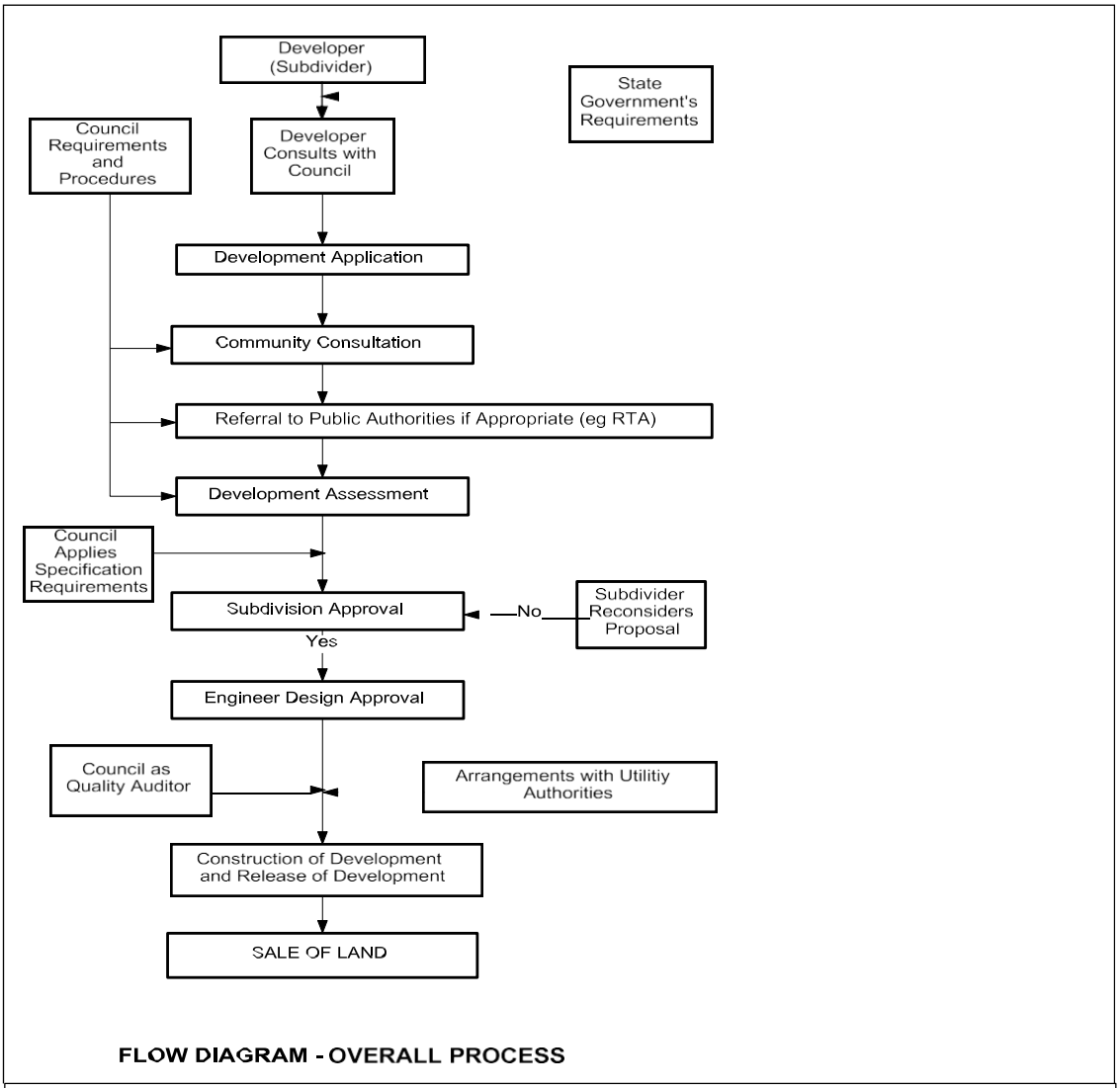


Figure B1-1: Flow Diagram – Overall Application Process for Subdivisions

3.4 Types of Development

There are three broad types of development as follows: -

(a) Development that does not require consent.

This category generally applies to developments where Part 5 of the *Environmental Planning and Assessment Act 1979* is applicable and/or where the development is defined as exempt pursuant to the provisions contained in any environmental planning instrument.

Kempsey Local Environmental Plan 2013 does not contain any exempt development provisions in relation to subdivision.

The following table summarises the exempt development provisions for subdivision contained in:

- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;*
- *State Environmental Planning Policy (Infrastructure) 2008*; and
- *State Environmental Planning Policy No 4 – Development Without Consent and Miscellaneous Exempt and Complying Development.*

The following summary is correct as at February 2013. Please refer to current versions of the SEPPs to determine if any amendments supersede the advice provided in the following table.

Table B1-1: Exempt Development Requirements for Subdivision

Specified Development
Widening a public road.
A minor realignment of boundaries: • That will not create additional lots; and • That will not create the opportunity for additional dwellings; and • That will not result in one or more lots that are smaller than the minimum size specified in an environmental planning instrument in relation to the land concerned (unless the original lot or lots are already smaller than the minimum size); and • That will not change the area of any lot by more than 10%; and • That will not adversely affect the provision of existing services on a lot; and • That will not result in creation of a lot that depends of use of services provided to, or utilities of, another lot; and • That will not result in increased bushfire risk to existing buildings. • Rectifying an encroachment on a lot - for example, rectifying an encroachment under the Building Code of Australia, provided it does not contravene any development standards in KLEP2013. • Creating a public reserve.
Excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.
Consolidation of lots.

Despite the fact that development may be exempt under the *Environmental Planning and Assessment Act 1979,* approvals under other Acts, such as the *Roads Act 1993*, may still be required.

(b) Development that requires consent

This type of development category deals with either Local Development or State Significant Development and is categorized as either of the following classes pursuant to the provisions of Part 4 of the *Environmental Planning and Assessment Act 1979*: -

- Complying Development
- Integrated Development
- Designated Development
- Advertised Development

The following excerpt from *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (current as at February 2013) relates to the only form of complying development in relation to subdivisions.

> ***"6.1 Specified complying development***
> *The strata subdivision of a building, other than a dual occupancy, for which development consent or a complying development certificate was granted or issued is, for 5 years from the date the consent or certificate was granted or issued, development specified for this code.*
>
> ***6.2 Development standards***
> *The standards specified for that development are:*
> *(a) that any development consent or complying development certificate relating to the building, the subject of the subdivision, and granted or issued before 1 January 2011 must require the allocation of parking spaces for each individual dwelling, and*
> *(b) that the subdivision must not contravene any condition of any development consent or complying development certificate applying to the development.*
>
> ***Note.*** *Registered interests on the land, the subject of the strata subdivision, the Strata Schemes Management Act 1996 and the Strata Schemes (Freehold Development) Act 1973 apply".*

Integrated development is identifies in Section 91 of the *Environmental Planning and Assessment Act 1979.*In the case of a development application that indicates on its face that such an approval is required, the application must be forwarded to the relevant approval body within 2 days after the application is lodged.

(c) Prohibited Development

Prohibited development is listed in the zone assessment tables of KLEP and in various other environmental planning instruments.

4.0 Guidelines - Applications for Subdivision

4.1 Pre-lodgement Meeting

Before lodging any application proposal to subdivide land in the Kempsey Shire local government area it is recommended that the applicant approach Council to arrange for a ***pre lodgment meeting***. The main aim of this consultation is to make the applicant aware of the following: -

- Legislative requirements both Local and State;
- Application Fees and Charges applicable;
- Whether changes to the sketch plan are required prior to lodging it in final form with the application;
- What supporting documentation is required to be lodged with the application for subdivision;
- Whether Public Utility main extensions to serve each lot in the proposal are required and the likely extent;
- Current rates for Section 94 and Water Management Act 2000 contributions.;
- Fees associated with Council issuing Certificates; and
- Any other relevant matter.

4.2 Application Form

In a circumstance where there is a proposal to subdivide land in the Kempsey Shire local government area and development consent is required, the applicant is to ***make application*** on the prescribed form, lodge the specified fee and submit all related details, pursuant to Section 78A of the *Environmental Planning and assessment Act 1979*. A copy of the Application for Development standard form can be found on Council's website and is available at the front counter of the Council Civic Centre.

4.3 Information to Accompany a Development Application

The following information should accompany any application for subdivision of land; -

a) Completed application form and prescribed fee.

b) A Fauna and Flora Assessment prepared by an appropriately qualified Ecological Consultant, where relevant.

c) An On-site Sewage Management Assessment Report in respect to R5 – Large Lot Residential zoned land, land located in the villages of Stuarts Point and Hat Head and other lots as required - to determine whether effluent can be accommodated onsite in accordance with AS1547-2000.

d) A flood Statement prepared by a registered surveyor and or consultant Engineer may need to accompany an application if the subject land is affected by the assessed 1 in 100 year flood event.

e) Evidence of an assessment/examination of whether the site contains Aboriginal Objects or Places and other matters as required by Chapter B12 – Aboriginal Heritage, where required.

f) Archaeological Assessments will only be required in areas identified on Council's database where there is likely to be items of Aboriginal and or European cultural significance.

g) In circumstances where traffic management issues are likely to be significant, a Traffic Impact Assessment prepared by a recognised Traffic Engineer will be required.

Note: *State Environmental Planning Policy (Infrastructure) 2008* requires that where the application proposes:
a) to create 50 or more lots on a site with access to, or within 90m of, a classified road; or
b) to create 200 or more lots on a site that has access to any other type of road, plus it creates a new public road;
the development application is to be referred to the Department of Roads and Maritime Services (RMS) for comment.

h) Three copies of the Plan of Application showing the following:

(i) Drawn to an appropriate scale, with boundary dimensions, site area, and north point, title description, existing easements, natural drainage lines, vegetation cover (including trees), covenants and restrictions.
(ii) Contours, at intervals to suit the topography of the site and extending into adjoining property. Where the proposal has frontage to an existing council road, level of the road are to be provided.
(iii) A locality map.
(iv) If the land is subject to flooding, the 1 in 100 year flood level is to be clearly marked on the plan.
(v) The subdivision layout giving the dimensions and area of each allotment, location of roads, footpaths, cycle ways, public reserves, stormwater management.
(vi) Display all existing buildings onsite and on adjoining property, stating use.
(vii) Location of any dams, filled dams, filled areas, contaminated soils onsite or on adjoining property and extent of any acid sulfate soils including depth.
(viii) Proximity to airports, sewage treatment works, main roads, industry both light and heavy. Depending on the proximity, additional information may be required.
(ix) Any other details considered relevant to the proposal.

i) Council being the consent authority may request additional information following initial assessment of the development application, in accordance with Section 54 of the *Environmental Planning and Assessment Regulation 2000*.

j) A Statement of Environmental Effects.

(i) A minor subdivision, with minor environmental impacts, may utilise the Statement of Environmental Effects template attached to Council's Development Application form.

(ii) Applications for subdivision that are more complex (eg a 20 lot subdivision) than that indicated in the previous point will need to be accompanied by a more comprehensive Statement of Environmental Effects than that provided on Council's Development Application form.

(iii) A Statement of Environmental Effects must indicate the following matters:

- The environmental impacts of the development;
- How the environmental impacts of the development have been identified;
- The steps to be taken to protect the environment or to lessen the expected harm to the environment;
- Any matter required to be indicated in any guidelines issued by the Department of Planning and Infrastructure;
- A summary of how the proposal complies with any relevant development standards and requirements along with suitable forms of justification for any variations.

4.4 Determination of Development Applications

Council can determine an application by: -

a) Issuing an approval subject to conditions;
b) Issuing a refusal; or
c) Issuing a deferred commencement approval.

A conditional approval may require the issue of a Subdivision Construction Certificate.

4.5 Subdivision Construction Certificate

Section 81A(4)of the Environmental Planning and Assessment Act states:

> *Subdivision work in accordance with a development consent must not commence until:*
>
> *(a) a construction certificate for the subdivision work has been issued by the consent authority, the council (if the council is not the consent authority) or an accredited certifier, and*
>
> *(b) the person having the benefit of the development consent has appointed a principal certifying authority for the subdivision work, and*
>
> *(c) the principal certifying authority has, no later than 2 days before the subdivision work commences:*
>
> *(i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and*

(ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the subdivision work, and

(d) the person having the benefit of the development consent has given at least 2 days' notice to the council, and the principal certifying authority if that is not the council, of the person's intention to commence the subdivision work.

Council cannot append additional conditions to the issue of the Construction Certificate. Therefore the engineering plans must have adequate detail to enable a Certifier to be satisfied with the extent and standard of the works based upon the plans and Council's Engineering Guidelines for Subdivision and Development.

The following information is required to be lodged with any application for Construction Certificate, in accordance with Part 3 of Schedule 1 of the EPAR; -

a) The name and address of the applicant.
b) A description of the building work or subdivision work to be carried out.
c) The address, and formal particulars of title, of the land on which the building work or subdivision work is to be carried out.
d) In the case of building work, the class of the building under the Building Code of Australia.
e) The registered number and date of issue of the relevant development consent, if consent has already been granted for the proposed development.
f) The estimated cost of the development...

a) Details of the existing and proposed subdivision pattern (including the number of lots and the location of roads),
b) Details as to which public authorities have been consulted with as to the provision of utility services to the land concerned,
c) Detailed engineering plans as to the following matters:

(i) Earthworks,
(ii) Roadworks,
(iii) Road pavement,
(iv) Road furnishings,
(v) Stormwater drainage,
(vi) Water supply works,
(vii) Sewerage works,
(viii) Landscaping works,
(ix) Erosion control works,

d) Copies of any compliance certificates to be relied on.

Note - If the applicant is not the owner of the land and the owner of the land has not previously consented to the making of the application, a statement signed by the owner of the land to the effect that the owner consents to the making of the application.

Note – In addition, a list of the documents accompanying the application should be submitted. An application for a construction certificate for subdivision work must be accompanied by:

- appropriate subdivision work plans; and

- subdivision specifications; and
- the prescribed fee.

Note – Council allows self-certification of construction certificates. For more details, refer to Council Policy No. CPOL-60: Guide for Certification of Civil Engineering Design Work (or current equivalent)

If Council is appointed as the Principal Certifying Authority, the Subdivision Officer shall assess the plans and specifications in association with the development consent conditions issued and Council's policies. Where plans are to be amended, a schedule will be returned to the designer specifying the nature of the amendments. Once all the requirements and amendments have been complied with, the officer will issue the Subdivision Construction Certificate

In the circumstance that a PCA other than Council is appointed, then separate approval in writing shall be obtained from Council for the design of water and sewer systems.

Once all the conditions specified in the development consent have been met, the applicant will apply for a Subdivision Certificate.

4.6 During Construction

During construction, some of the actions and documents that will be required include:

- Inspections;
- Testings;
- Works-as-Executed Plans;
- Compliance with construction standards.

These matters are addressed in more detail in Chapter B3 – Engineering Requirements for Subdivision and Development.

4.7 Subdivision Certificate

Part 4A Section 109C (1)(d) of the *Environmental Planning and Assessment Act 1979* defines a "subdivision certificate", being a certificate that authorises the registration of a plan of subdivision under Division 3 of Part 23 of the *Conveyancing Act 1919*.

A subdivision certificate must not be issued for a subdivision involving subdivision work except by the principal certifying authority appointed for the carrying out of the subdivision.

A subdivision certificate may be issued:

a) In the case of subdivision the subject of development consent, by the consent authority (or by Council, if Council is not the consent authority, if authorised).
b) In the case of subdivision that is not the subject of development consent, by the council.
c) In the case of subdivision carried out by or on behalf of the Crown or a prescribed person, by the Crown or prescribed person or by any person acting on behalf of the Crown or prescribed person.

d) in the case of subdivision of a kind identified by an environmental planning instrument as one in respect of which an accredited certifier may be a certifying authority, by an accredited certifier.

Council requires an application for Subdivision Certificate to be lodged.

4.8 Registration of New Titles

The Council endorsed subdivision certificate will need to be lodged with the NSW Land and Property Information Service to create separate title to each allotment.

5.0 Development Requirements – Site Analysis

Desired Outcome

DO1 - Site attributes and constraints are carefully considered during the design phase.

Development Requirements

a) A site analysis is required for all development and shall illustrate:

(i) microclimate including the movement of the sun and prevailing winds;
(ii) lot dimensions;
(iii) north point;
(iv) existing contours and levels to AHD;
(v) flood affected areas;
(vi) overland flow patterns, drainage and services;
(vii) any contaminated soils or filled areas, or areas of unstable land;
(viii) easements and/or connections for drainage and utility services;
(ix) identification of any existing trees and other significant vegetation;
(x) any existing buildings and other structures, including their setback distances;
(xi) heritage and archaeological features;
(xii) fences, boundaries and easements;
(xiii) existing and proposed road network, including connectivity and access for all adjoining land parcels;
(xiv) pedestrian and vehicle access;
(xv) views to and from the site;
(xvi) overshadowing by neighbouring structures; and
(xvii) any other notable features or characteristics of the site.

b) Subdivision layout and design responds to the site analysis

6.0 Development Requirements – Subdivision Design – Urban Residential Areas (Zones R1,R3 and RU5)

6.1 Scope of this Section

This section applies principally to the design and construction of new subdivision of all land within the following zones:

- R1 – General Residential;
- R3 – Medium Density Residential; and
- RU5 – Village Zone.

6.2 Roads

Desired Outcomes

DO1 - The road layout for subdivisions:

- provides for flow of through traffic with least disruption;
- establishes a hierarchy of roads in accordance with function and usage;
- provides a variation in alignment to allow for existing natural features and to create interest in the streetscape; and
- provides a network of safe pedestrian and cycle paths.

DO2 - Roads are designed and constructed generally in accordance with Council's Engineering Guidelines for Subdivision and Development.

Development Requirements

a) Applicants will be required to provide fully serviced subdivisions including the provision of a sealed road system with drainage, and kerb and gutter to adequately and safely provide both vehicular and pedestrian access to each allotment.

b) The applicant will be required to meet the full cost of kerb and guttering across all road frontages of any subdivision in urban areas except where direct vehicular access is restricted.

c) Roads adjoining a reserve are to be provided with kerb and gutter.

d) Roads are designed and constructed in accordance with Council's Engineering Guidelines for Subdivision and Development.

e) Road layout is to avoid downhill cul-de-sacs.

6.3 Lot Dimensions and Layout

Desired Outcomes

DO1 - Lots fronting a cul-de-sac have sufficient width at the probable building line to accommodate a residential dwelling.

DO2 - Lots fronting a cul-de-sac have sufficient width at the probable building line to accommodate a typical residential dwelling.

DO3 - Battle-axe lots have an access handle width sufficient to allow the minimum driveway width and to accommodate landscaping along the driveway.

DO4 - Lots are oriented and arranged to:

- maximise solar access to lots and future development;
- reflect reasonable consideration of the impact of topography and aspect to maximise solar access;
- allow flexibility in the siting of future buildings, to allow the location of a dwelling and associated private open space with suitable solar access; and
- minimise potential overshadowing impacts to existing and future development.

DO5 - Lot layouts minimise adverse impacts on views and vistas from public areas and from private properties.

DO6 - No rights-of-carriageway are to be utilised in Greenfield subdivision.

DO7 - Rights-of-carriageway (ROW) are only used in infill subdivision only where:

- there are no adverse environmental or social impacts associated with the ROW; and
- the use of ROW's is better than alternative access options.

DO8 - Lot size and dimensions accommodate future development (refer to Section 5.1 of Chapter C1 – Residential Development)

Development Requirements

a) Allotments facing a cul-de-sac are to have a minimum frontage width of 10m per allotment/dwelling.

Note – Any variation below this requirement will need to be supported by a plan showing how the dwelling will fit on the lot.

b) The access handle for battle-axe shaped lots is to have a minimum width of:

(i) 4m if the side boundary adjoins a reserve; or
(ii) 5m on any other circumstance.

c) Battle-axe allotments are discouraged in greenfield development.

d) Accessways (handles) shall be sited away from noise and visually sensitive components of existing and future dwelling-houses.

e) Right of ways (ROW) are to comply with the following:

(i) Be located to minimise impacts on the front dwelling; and
(ii) Suitable arrangements are to be provided for the maintenance of the ROW (eg which party will maintain it). These arrangements will be included in the terms of Section 88B instruments applying to the land.

f) The design of residential subdivisions incorporates the following principles to maximise solar access:

(i) Street Layout:

- Align streets east-west and north-south wherever possible;
- Aim for north-south streets within 20 degrees west and 30 degrees east of true north; and
- Aim for east-west streets within 30 degrees south and 20 degrees north of true east.

(ii) Land Use and Densities:

- Concentrate smaller lots on north facing slopes with gradients of less than 15% or adjacent to lightly treed open space;
- Locate larger lots, non-residential uses or public open space where solar access is poor, such as south facing slopes;
- Sloping sites are generally suitable for medium to large lots only; and
- Where significant vegetation is to be retained on the site, the size of the lot may need to be increased to allow solar access.

(iii) Laying out the Lots:

Lot shape and orientation

- Where streets are within the acceptable orientation range, use rectangular lots;
- Locate as many long lot boundaries as possible within the permissible orientation range;
- Where the street is not within the orientation range, use skewed lots.

Use the Solar Width Guidelines.

- For east/west oriented lots (ie bearing of one long side within 250 degrees and 300 degrees, street on east or west side) – minimum lot width of 16m;
- For north oriented lots (ie bearing of one long side within 340 and 30 degrees, street on southern side) – minimum lot width of 13.5m; and
- For south oriented lots (ie bearing of one long side with 340 and 30 degrees, street on northern side, note that greater lot widths are to allow for car access to the north) – minimum lot width of 15.5m.

Street orientation, lot width and rating.

- Locate the narrowest lots on the north side of east-west streets;
- Lots on the south side of east-west streets need to be wider to accommodate car access;
- East-west lots need to be wider unless two storey construction is to be restricted;
- East-west lots can be narrowed if there is a road or open space to the north (eg a corner lot);
- Lots less and 300m^2 are to be approximately square in shape;

- Lots less than 350m^2 are to be located on land with less than 10% (1:6) slope across the frontage;
- Lots greater than 450m^2 are to be capable of containing a building platform rectangle measuring 10m x 15m;
- Lots of 300m^2-450m^2 are to be capable of holding a building platform of 9m x 15m, where the major axis of the block is between 30 degrees east and 20 degrees west of true solar north.

Slope

- Lots on south facing slopes need more open space to the north to protect solar access while lots on north facing slopes need less open space.

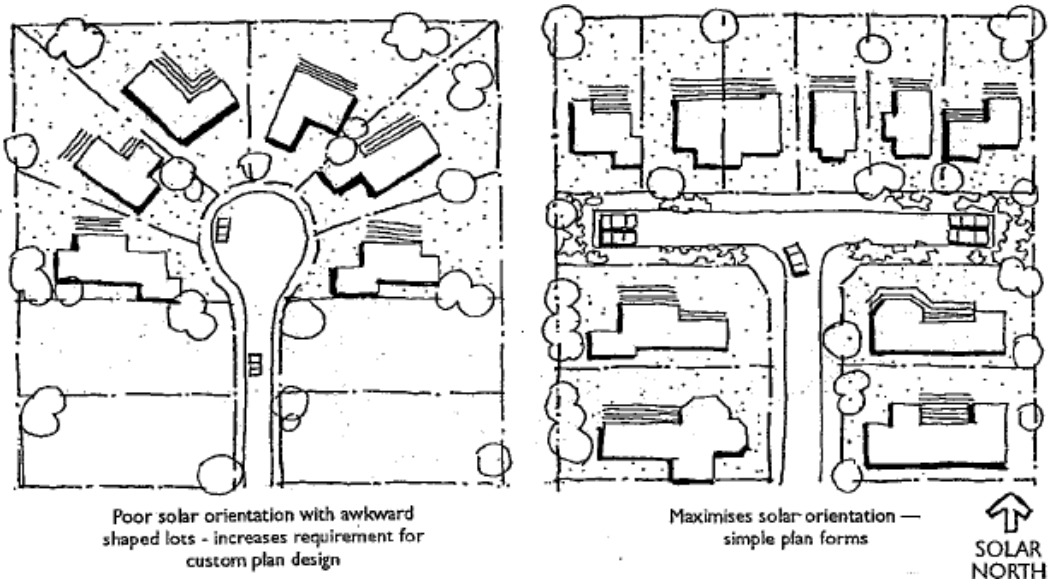
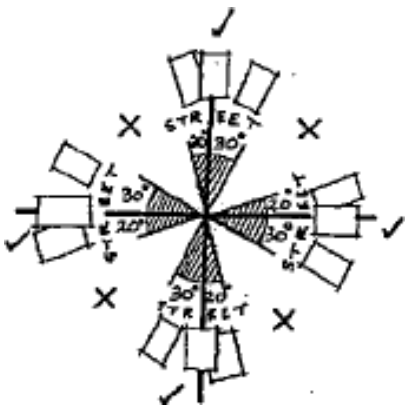
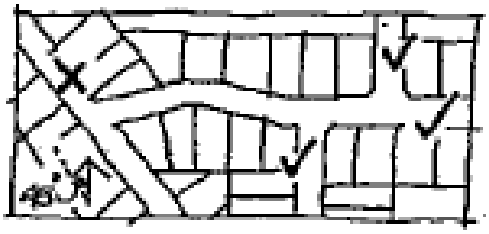


Figure B1-2: Orientation of lots to improve solar access





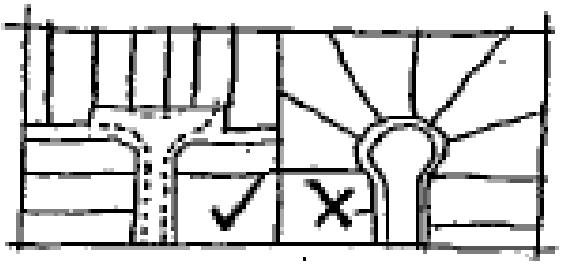


Figure B1-3: Measures to Achieve Good Solar Orientation of Lots

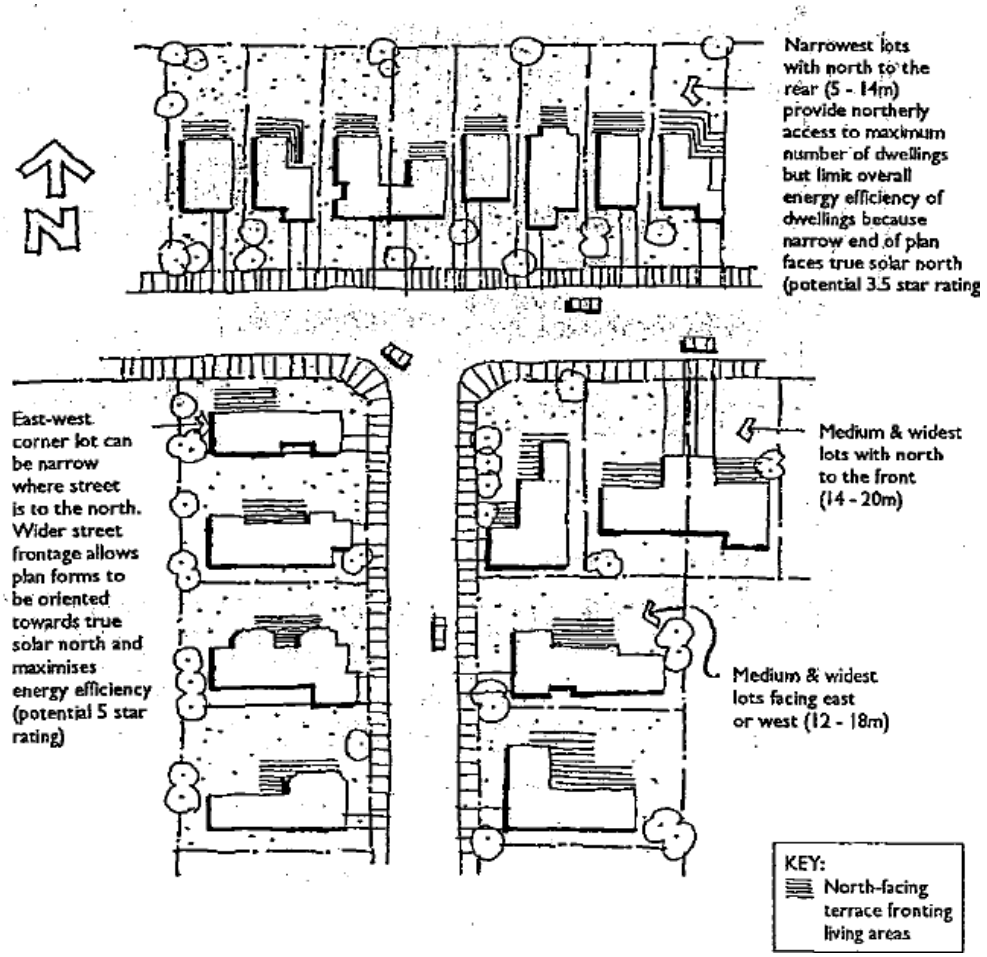


Figure B1-4: Lot width, orientation and street frontage

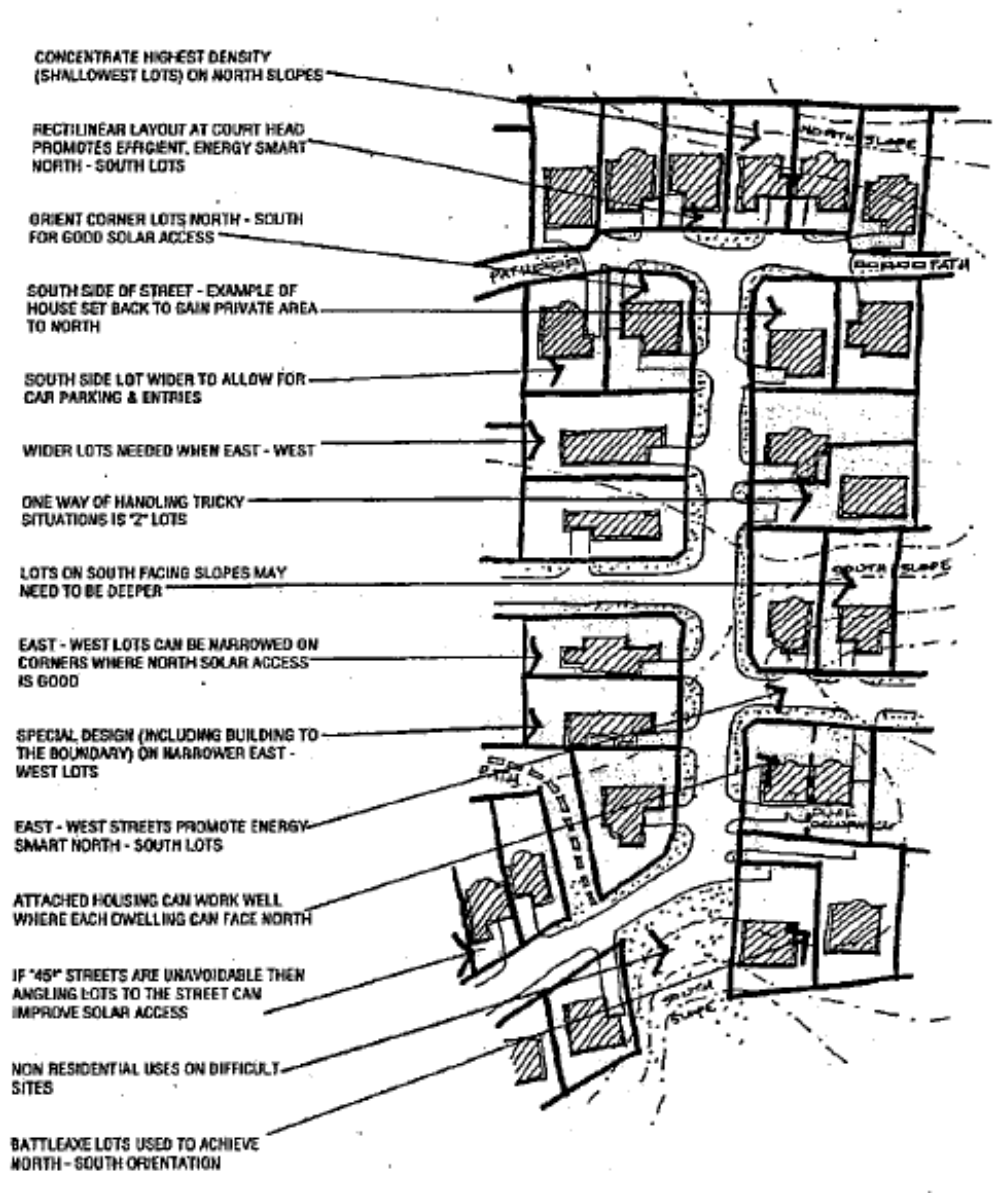


Figure B1-5: Putting all the solar access principles together

6.4 Services and Easements

Desired Outcomes

DO1 - Legal easements of width as determined by the Council Code are to be provided over stormwater drains, watercourses, embankments, cutting that extend into the lots, water supply, sewerage infrastructure and other items as required.

DO2 - Satisfactory arrangements are made for the extension and meeting the costs of providing water and sewer services to and within the subdivision.

DO3- Satisfactory arrangements are to be made for the provision of electricity and telecommunication services, with these services minimising the impact on the environment and visual amenity of the area, while reducing the cost of provision and maintenance.

DO4 - Services and easements are to be provided generally in accordance with the relevant provisions of Chapter B3 – Engineering Requirements.

DO5 - Sufficient areas are provided within the development for accommodating National Broadband Network (NBN) infrastructure, where relevant.

Development Requirements

a) Applicants meet the full cost of water and sewer reticulations within subdivisions plus the cost of connecting to the existing services.

b) Electricity services are to be extended to the subdivision in accordance with requirements of the relevant authority and at the full cost of the developer.

c) Electricity services are to be provided underground.

d) Underground telephone cables, where underground electricity is used, is to be provided by the applicant.

e) Telecommunication services are to be provided to each lot.

f) Applicants provide a letter from NBN Co (or current equivalent), stating that satisfactory arrangements have been made, prior to the issue of a Subdivision Certificate.

6.5 Stormwater

Desired Outcomes

DO1 - Legal easements of width as determined by the Council Code are to be provided over stormwater drains, lines and related infrastructure.

DO2 - Stormwater management systems are to meet the relevant provisions of:

- Chapter B5 – Stormwater Management;
- Chapter B3 – Engineering Requirements; and
- Council's Engineering Guidelines for Subdivision and Development.

Development Requirements

a) Urban stormwater runoff will need to be assessed in terms of satisfactory performance both within the development and external to the development.

b) Downhill cul-de-sacs are not be used in subdivisions. Should a situation arise where a downhill cul-de-sac may be possible, a through road intersecting with the next road downhill, or other road layout arrangement that does not result in increased overland stormwater flow through properties, is to be used instead.

7.0 Development Requirements – Subdivision Design – Rural Residential Areas (Zone R5)

7.1 Scope of this Section

This Chapter applies principally to the design and construction of new subdivision of all land within the following zones:

- R5 – Large Lot Residential

7.2 Roads and Access

Desired Outcomes

DO1 - Roads are to be generally designed and constructed in accordance with the relevant Council's Engineering Guidelines for Subdivision and Development.

DO2 - Access into properties is to be designed and constructed generally in accordance with the relevant parts of Council's Engineering Guidelines for Subdivision and Development and Standard Drawings.

DO3 - Battle-axe lots have an access handle width sufficient to:
- Accommodate the minimum driveway width;
- Accommodate provision of services; and
- to have no adverse effect on the rural character of the area.

Note - Council Policy No. CPOL-29: Provision of Access Roads to Rural Residential Areas Zone 1C in the Kempsey Local Environmental Plan 1987 includes additional requirements for road access to land within Zone R5.

Development Requirements

a) All roads to be provided in accordance with Council minimum requirements as detailed in the relevant design specifications of Council's Engineering Guidelines for Subdivision and Development.

b) Vehicular access to each allotment is to be designed and constructed to comply with ASNZS 2890.1 and Standard Drawing – Standard for Private Vehicle Access from Rural Roads (Plan No. KEMP/R/15/A1).

c) All weather 2-wheel drive vehicle access is to be provided from the road to a nominated dwelling site.

d) Any access handles used in rural residential lots are to:

(i) Have a minimum width of 10m; and
(ii) Meet the relevant requirements of *Planning for Bushfire Protection 2006*.

7.3 Natural Constraints

Desired Outcomes

DO1 - The configuration of the subdivision has consideration for natural features such as rivers, creeks, topography of the land, tree groupings and prominent natural features.

DO2 - Subdivision minimizes impacts on sensitive natural environments.

DO3 - Lot layouts minimise adverse impacts on views and vistas from public areas and from private properties.

Development Requirements

a) Subdivision avoids areas considered to be environmentally sensitive, such as estuarine wetlands, rainforests, dunal areas and steep slopes.

b) Development for subdivision complies with the relevant provisions of Chapter B10 – Tree Preservation and Vegetation Management.

Note: A Tree Preservation Order applies to all properties.

c) An example of how natural constraints may be overcome to the advantage of the development is illustrated below:

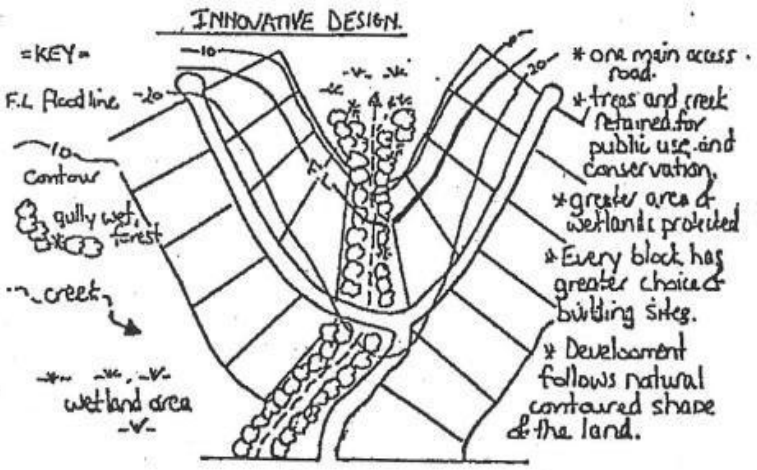


Figure B1-6: Example of overcoming ecological constraint

7.4 Minimum Lot Size and Shape

Desired Outcomes

DO1 – A variety of lot sizes is provided in subdivision developments and within neighbourhoods with the minimum lot size complying with the relevant provisions of KLEP2013.

Development Requirements

a) For the purpose of land subdivision in this locality the minimum allotment size permissible is generally one (1) hectare. However, it should be stated, that this does not automatically mean every present allotment or land parcel can be subdivided to the minimum size allowable.

Note – Minimum lot sizes are dictated by the Minimum Lot Size maps forming part of KLEP2013.

b) Allotments are to be sized and configured to accommodate the following front boundary setbacks for intended future development of allotments:

(i) For rural tourist facilities – 45m; and
(ii) For any other building – 18m.

7.5 Frontage to Depth Ratio

Desired Outcomes

DO1 - Lots are designed with a suitable frontage to depth ratio to:
- Accommodate buffers to constraints such as bushfire; and
- To facilitate the use of the allotments for appropriate rural purposes.

Development Requirements

a) The ratio of depth to frontage is to be no more than 2 to 1, as illustrated in the following diagram, with the exception of corner lots which may have a depth to frontage ratio of 1 to 1.

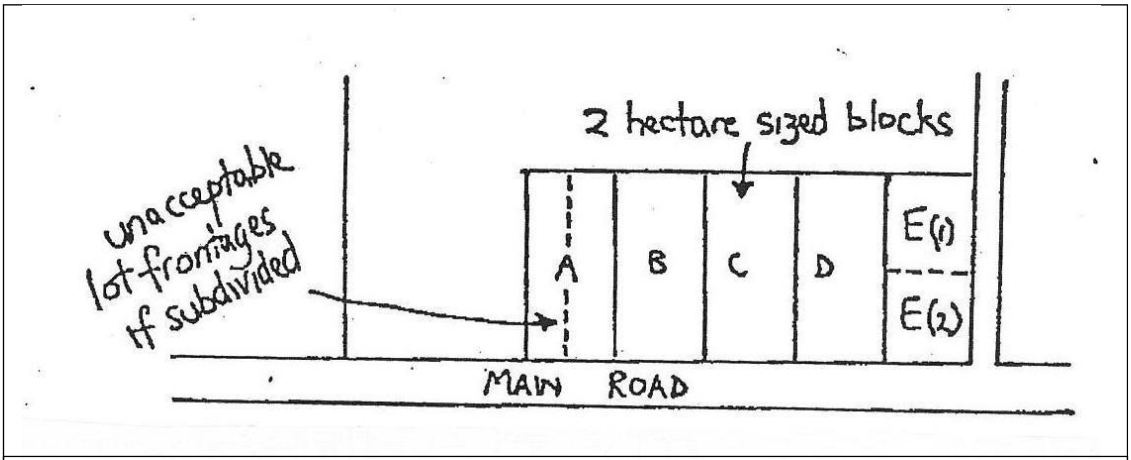


Figure B1-7: Acceptable ratio of lot frontage to lot depth
Allotments 'A' to 'D' inclusive although 2 hectares in size would have unacceptable lot frontages to lot depth ratios as shown on Lot 'A'. However allotment 'E' due to availability of access road off main road could be subdivided with acceptable ratio into one (1) hectare lots 'E' (1) and 'E'(2).

7.6 Services

Desired Outcomes

DO1 - Connection to the sewerage network or the provision of an on-site sewerage management system complies with the relevant provisions of:
- Chapter B3 – Engineering Requirements; and
- Chapter B8 – On-site Sewerage Management.

DO2 - Suitable easements are provided over sewerage infrastructure within properties.

Development Requirements

a) Effluent disposal is normally to be by way of appropriate on-site disposal designed in accordance with AS/NZS 1547-2000: On-site Domestic Wastewater Management.

b) However, where the development is in near proximity to an existing sewered area or where in the opinion of the Department of Health or Council's Environmental Services Department, the land is unsuitable for

onsite disposal of effluent, connection to the existing sewerage system will be required.

c) An On-site Sewage Management Assessment Report to support sewage treatment proposals is to accompany an application for this type of development.

d) Lots are to be designed so that an area remote from any watercourse and downhill of potential home sites is available for effluent disposal.

7.7 Stormwater Management

Desired Outcomes

DO1 - Stormwater management systems are to meet the relevant provisions of:
- Chapter B5 – Stormwater Management; and
- Chapter B3 – Engineering Requirements.

DO2 - Suitable easements are provided over stormwater infrastructure within properties.

Development Requirements

Nil.

8.0 Development Requirements – Subdivision Design – Rural Areas (Zones RU1, RU2, RU3 and RU4)

Rural land is defined as that land other than urban and rural residential. Rural land generally comprises larger holdings zoned rural.

8.1 Scope of this Section

This Section applies principally to the design and construction of new subdivision of all land within the following zones:

- RU1 – Primary Production Zone;
- RU2 – Rural Landscape Zone;
- RU3 - Forestry Zone; and
- RU4 – Rural Small Holdings Zone.

8.2 Frontage to Arterial Road

Desired Outcomes

DO1 - Adequate frontages to main or arterial roads are provided to reduce the number of accesses and potential traffic impacts and the rural character of the area.

Development Requirements

a) Where a lot proposed to be created by subdivision has frontage to a main or arterial road, that frontage is not less than 400m.

8.3 Roads and Access

Desired Outcomes

DO1 - An all-weather road system to provide a legal, functional and safe vehicular access to each allotment is provided.

DO2 - Battle-axe lots have an access handle width sufficient to:
- Accommodate the minimum driveway width;
- Accommodate any necessary services; and
- to have no adverse effect on the rural character of the area.

DO3 - A right of carriageway is only used:
- sparingly;
- where they minimise points of conflict on public roads; and
- where the size of the subdivision does not justify establishing a new public road.

DO4 - Access to rural subdivisions are designed/planned to:
- minimise future conflicts over maintenance and access;
- make the burden on the community (eg maintenance) commensurate with the number of potential new rate payers; and
- avoid reliance on non-dedicated public roads (eg Crown and Forestry roads etc).

Development Requirements

a) Sealing of the road pavement is required:

(i) For any new road to be provided in conjunction with the proposed subdivision; and
(ii) For the extension of any road which will be an extension of an existing sealed road.

on all new roads and existing roads which will be an extension of existing sealed roads.

b) Minor subdivision in isolated rural areas require all-weather 2 wheel drive access roads suitable for all year round access for essential services (eg school bus, ambulance etc). Each proposal will be assessment on its merits and the following guidelines:

(i) The status of the road;
(ii) Existing road surface conditions;
(iii) Flooding frequency and hazards of creek or river crossings; and
(iv) Potential population catchment.

c) All lots to be created are to have legal access to a dedicated public road.

Note – Crown Roads and Forestry Roads are not "dedicated public roads". Contact Council for advice should any proposed lots require sole access from a Crown Road or Forestry Road.

d) The following requirements apply to a right-of-way (ROW):

(i) The use of ROWs in rural areas is to be avoided, unless mitigating circumstances require their use.

(ii) The situations where ROWs may be considered are:
- Where an ROW would be used to minimise the number of access points to a main or arterial road, compared to alternative access arrangements.

(iii) Where ROWs are provided, they must be in accordance with the following requirements:
- Must serve no more than three (3) allotments not having dedicated road access;
- Must link directly to an existing or proposed dedicated road;
- Comply with the relevant provisions of *Planning for Bushfire Protection 2006;*
- The road within the ROW is to be constructed to the standards and requirements of the Rural Fire Service and Council's Engineering Guidelines for Subdivision and Development;
- Stormwater drainage must not increase overland flows to affected and adjacent properties;
- Be constructed in accordance with the minimum design requirements of Table D1.8 of Development Design Specification D1 – Geometric Road Design of Council's Engineering Guidelines for Subdivision and Development; and
- Are to be in the form of a "Right of Access", as defined by the *Conveyancing Act 1919*, where the conveyance of animals is unlikely but maintenance rights need to be provided or a "right of Carriageway", where the conveyance of animals is likely to be required.

Note – Council has no obligation or rights for ongoing maintenance of any ROW's Any ongoing maintenance issues are to be resolved between affects land owners.

e) Vehicular access is to be provided to each lot in the subdivision in accordance with Council Standard – Standard for Private Vehicle Access from Rural Roads (Plan No. KEMP/R/15/A1).

8.4 Rural Development Considerations

Desired Outcomes

DO1 - Rural subdivisions are designed to appropriately respond to:
- Satisfactory road access;
- bush fire risk;
- flooding;
- slope and stability of the land;
- adjoining land usage;
- mineral resources; and

- suitabiliity of the land for agriculture.

DO2 - Lot layouts minimise adverse impacts on views and vistas from public areas and from private properties.

Development Requirements

Nil

8.5 Telephone and Electricity

Desired Outcomes

DO1 - Satisfactory arrangements are made for the extension of electricity and telecommunication services to all lots in the subdivision with the relevant authorities.

DO2 - Sufficient areas are provided within the development to accommodate National Broadband Network (NBN) infrastructure, where relevant.

Development Requirements

Nil

9.0 Development Requirements – Subdivision Design – Industrial/Commercial Areas (Zones IN1, IN2, B1, B2, B3 and B6)

9.1 Scope of this Section

This Chapter applies principally to the design and construction of new subdivision of all land within the following zones:

- IN1 – General Industrial Zone;
- IN2 – Light Industrial Zone;
- B1 – Neighbourhood Centre;
- B2 – Local Centre;
- B3 – Commercial Centre; and
- B6 – Enterprise Corridor.

9.2 Roads and Access

Desired Outcomes

DO1 - Road design and pavement design caters for heavy traffic conditions.

DO2 - Roads are to be generally designed and constructed in accordance with the relevant Council's Engineering Guidelines for Subdivision and Development.

Development Requirements

a) Vehicular access to each allotment is to be designed and constructed to comply with Council Standard – Standard for Private Vehicle Access from Rural Roads (Plan No. KEMP/R/15/A1).

9.3 Lot Sizes

Desired Outcomes

DO1 - A range of lot sizes catering for the needs of large as well as small developers is provided.

DO2 - Any lot should be large enough for parking and landscaping as well as the specific industrial or commercial use.

DO3 - Commercial and industrial subdivisions comply with the provisions of any relevant area specific chapters of this DCP (refer to Part D).

DO4 - Allotments in commercial and industrial zones are designed to accommodate development that meets the requirements of:

- Chapter C5 – Industrial Development; and
- Chapter C6 – Commercial Development.

Development Requirements

Nil

9.4 Water, Sewerage, Electricity, Telecommunications and Associated Easements

Desired Outcomes

DO1 - Legal easements of width as determined by the Council Code are to be provided over stormwater drains, water supply infrastructure, sewerage infrastructure, watercourses and embankments or cutting that extend into the lots.

DO2 - Satisfactory arrangements are made for the extension and meeting the costs of providing water and sewer services to and within the subdivision.

DO3- Satisfactory arrangements are to be made for the provision of electricity and telecommunication services, with these services minimising the impact on the environment and visual amenity of the area, while reducing the cost of provision and maintenance.

DO4 - Services and easements are to be provided generally in accordance with the relevant provisions of Chapter B3 – Engineering Requirements.

DO5 - Sufficient areas are provided within the development to accommodate National Broadband Network (NBN) infrastructure, where relevant.

Development Requirements

a) Applicants meet the full cost of water and sewer reticulations within subdivisions plus the cost of connecting to the existing services.

b) Electricity services are to be extended to the subdivision in accordance with requirements of the relevant authority and at the full cost of the developer.

c) Electricity services are to be provided underground, servicing each allotment.

d) Underground telecommunication cables, where underground electricity is used, is to be provided by the applicant.

e) Telecommunication services are to be provided to each lot.

10.0 Development Requirements – Subdivision Design – Natural Hazard Areas

Subdivisions of land susceptible to tidal inundation or coastal erosion are considered Designated Developments and require Environmental Impact Statements in accordance with the Director of the Department of Planning requirements.

10.1 Flood Prone Lands

Desired Outcomes

DO1 - The subdivision of flood prone land complies with the requirements of Council's Floodplain Management Strategy Policy (2003) and the New South Wales Government's Floodplain Development Manual, 2005.

DO2 - Subdivision of residential land (ie Zones R1, R3, R5 and RU5) provides flood free building pads for residential dwellings strictly in accordance with Council's Flood Risk Management Policy.

DO3 - Subdivision on rural land (ie Zones RU1, RU2, RU3 and RU4) provides suitable building pads for a dwelling and suitable stock holding areas strictly in accordance with Council's Flood Risk Management Policy.

Development Requirements

a) Development will not be allowed to significantly alter flooding patterns.

b) Development of internal roads etc will not be permitted to form significant embankments.

c) Subdivision complies with the relevant requirements of Council's Flood Risk Management Policy.

10.2 Bushfire Protection

Desired Outcomes

DO1 - In bushfire prone land, suitable protection zones and access for fire fighting vehicles and maintenance vehicles so as to minimise the risk of bushfire damage is provided.

Development Requirements

a) Subdivision complies with *Planning for Bushfire Protection 2006*, or the current equivalent.

10.3 Steep and/or Unstable Land

Desired Outcomes

DO1 - The subdivision design responds appropriately to slope stability problems and low strength soils.

DO2 - Appropriate measures are adopted during the construction of subdivisions to avoid soil stability problems.

Development Requirements

a) Slope stability issues are given due consideration in the preparation of subdivision layout and design.

b) In areas suspected of containing low strength soils which may require special foundation design for future building construction, geotechnical investigation will be required to identify lots so affected.

c) Where in the opinion of Council, it is considered that the proposed construction of the subdivision requires further investigation of a geotechnical nature, the developer will be required to submit a geotechnical report prior to the consideration of the subdivision. This report is to be prepared by persons suitably qualified and experienced in the field of Geotechnical investigations.

d) A geotechnical report, prepared by a suitably qualified and experienced person, may be submitted with any development application involving natural ground slopes of an excessively steep nature. The geotechnical investigation should address the proposed subdivision works and the proposed building to be erected on the land.

Note – This requirement will not apply where intended future development is not to be located on that part of the site containing excessively steep slopes.

e) Any geotechnical report is to take into consideration the implications of site regrading in relation to the existing natural environment.

f) Site regrading shall be minimised.

10.4 Acid Sulfate Soils

Desired Outcomes

DO1 - Appropriate management measures are adopted for any acid sulfate soils identified on the land to be subdivided.

Development Requirements

a) Acid Sulfate Soil Management Plans are submitted with development applications addressing the relevant requirements of clause 7.1 of KLEP2013.

10.5 Contaminated Land

Desired Outcomes

DO1 - Appropriate investigations are taken for any potentially contaminated land to be subdivided.

DO2 - The subdivision design responds appropriately to any identified contaminated land identified on the site.

DO3 - Appropriate remediation measures are undertaken for any identified contaminated land.

Development Requirements

a) Contaminated land investigations are undertaken for sites that have previously been used for any of the activities identified in Table B1-2 below, or that are otherwise identified as being contaminated land.

Table B1-2: Activities that may cause contamination
Acid/alkali plant and formulation
Agricultural/horticultural activities
Airports
Asbestos production and disposal
Banana plantations
Chemicals manufacture and formulation
Defence works
Drum re-conditioning works
Dry cleaning establishments
Electrical manufacturing (transformers)
Electroplating and heat treatment premises
Engine works
Explosives industry
Gas works
Iron and steel works
Landfill sites
Metal treatment
Mining and extractive industries
Oil production and storage
Paint formulation and manufacture

Pesticide manufacture and formulation
Power stations
Railway yards
Scrap yards
Service stations and fuel depots
Sheep and cattle dips
Smelting and refining
Tanning and associated trades
Waste storage and treatment
Wood preservation

b) In relation to contaminated land issues, Preliminary Investigations, Detailed Investigations, Remedial Action Plans and Measures for Validation and Monitoring are undertaken in accordance with the following, as relevant:

(i) State Environmental Planning Policy No.55 – Remediation of Land;
(ii) *Contaminated Land Management Act 1997*; and
(iii) Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land (Department of Urban Affairs and Planning, Environment Protection Authority, 1998).

11.0 Development Requirements –Developer Contributions

Introduction

Council's authority to levy contributions is derived from Section 94 of the *Environmental Planning and Assessment Act 1979* (Development Contributions Plans) and Developer Servicing Plans prepared pursuant to the *Water Management Act 2000*. Accordingly Council's contribution requirements will be in accordance with a "Section 94 Contributions Plan" or a Developer Servicing Plan.

Desired Outcomes

DO1 - Applicants/developers contribute towards the augmentation of local and arterial road works, open space, community, cultural and emergency services and centralized parking where upgrading requirements can be attributed to the development, in accordance with the relevant Section 94 Plans.

DO2 - Applicants/developers contribute to water supply and sewerage head works in accordance with relevant Development Servicing Plans.

DO3 - Where relevant, satisfactory alternatives to paying contributions, in whole or part, are agreed between Council and the applicant/developer. These alternative arrangements include:
- Voluntary Planning Agreements;
- Works in kind; and/or
- Dedication of land.

Development Requirements

Nil

12.0 Development Requirements – Crown Roads

Desired Outcomes

DO1 - Suitable arrangements are made for developing Crown Roads and handing the Crown Road over to Council.

Development Requirements

a) Prior to any development of a Crown Road, the developer is to liaise with the Department of Trade and Investment (Crown Land).

b) Where the Department concurs with the construction of a road within the Crown Reserve, and Council is nominated as the future Road Authority, the road is to be constructed to the standards as outlined in Council's Engineering Guidelines for Subdivision and Development. Plans and specifications are to be submitted for approval with the development application.

c) All fees and costs involved in such construction shall be met by the developer.

13.0 Development Requirements – Provision of Local Parks

13.1 General

Desired Outcomes

DO1 - Local parks are provided at a size, location and quality commensurate with the size and nature of the development.

DO2 - An Open Space Management Strategy is submitted with the development application and approved by Council for any proposed local parks.

DO3 - Local parks and Open Space are provided in accordance with any approved Master Plan prepared in accordance with SEPP No 71 – Coastal Protection (Note – there are various triggers for when a Master Plan is required, including where part of a site is within a sensitive coastal location and subdivision of residentially zoned land into more than 25 lots).

Development Requirements

a) Where a proposed subdivision is for less than 50 lots, Council prefers payment of contributions, where relevant.

b) Where a proposed subdivision is for more than 50 lots, Council will consider dedication of a local park, subject to the following requirements:

(i) The submission of an Open Space Management Strategy to be approved by Council, including the following:

- A maintenance strategy;
- Identification of the point in the development process that the local park will be handed over to Council; and
- Whether the local park will be developed in stages.

c) Where a proposal is for a large scale subdivision (eg 300 lots), an Open Space Management Strategy is to be submitted with the development application and approved by Council.

(i) For large scale subdivisions, the applicant is to have a pre-lodgement meeting with Council to come to an agreement in relation to the content and details to be included in the Open Space Management Strategy.

APPENDICES:

Appendix A: Summary of Planning Controls

Table B1.3 shown below contains planning controls, which are contained in Councils *Kempsey Local Development Plan 1987* and the Flood Plain Management Strategy Policy:

Note: Lot sizes do not correspond directly with the Zone. Minimum lot sizes are determined from the lot size maps included with Kempsey LEP2013.

Table B1.3 – Summary of Planning Controls

Development	**Standard**				
Land-use Zone	***Typical Minimum Lot Area (check LEP Lot Size Map)***	***Reticulated Water Supply***	***Sewerage System***	***Flooding***	***Other***
R1, R3, RU5	500 m^2	To each lot	To each lot	500m^2 Outside limit 1 in 100year flood	
R3	800m^2	To each lot	To each lot	500m^2 Outside limit 1 in 100year flood	
IN2	No lot size correlating to zone – Check LEP	To each lot	To each lot	500m^2 Outside limit 1 in 100year flood	
R5	1 ha	To each lot	AS 1547-2000 onsite disposal	1,000m^2 Outside limit 1 in 100year flood	
R5 - Arakoon	1ha	Not Required	AS 1547 – 2000 onsite disposal	1,000m^2 Outside limit 1 in 100 year flood	
RU4	8ha	Not Required	AS 1547-2000 onsite disposal		
E2, E3	40 Ha	Not Required	Not required	Clause 6.26 of Flood Strategy	
RU1, RU2	40Ha	Not Required	Not Required	Clause 6.26 of Flood Strategy	Minimum frontage to main or arterial road of 400 metres.

Note: This Table does not contain details of other planning instruments such as State Environmental Planning Policies, Regional Environmental Plans and or related Acts that affect development in the Kempsey Shire local government area. Therefore it is very important that any applicant arrange to meet with council before submitting an application to obtain information as to how these state policies, plans and Acts may affect the development proposal.

Chapter B2 – Parking, Access and Traffic Management

1.0 Introduction

1.1 Scope of this Chapter

This chapter applies to development on all land within the Kempsey Local Government Area.

This chapter provides general development requirements in relation to:

- On-site parking and manoeuvring;
- Temporary road works;
- Parking modules, circulating roadways and ramps;
- Domestic driveways;
- Access driveways and queuing areas;
- Loading and unloading parking spaces;
- Pedestrian service, bicycle parking, parcel pickup, shopping trolley provisions, lighting and speed controls; and
- Landscaping (incorporating WSUD).

1.2 Relationship to Other Chapters of this DCP

The provisions contained in Chapters included in Parts C, D, E and F of this DCP override the provisions of this Chapter to the extent of any inconsistency.

2.0 Chapter Objectives

The objectives of this Chapter are:

a) To ensure that adequate provision is made for off-street parking commensurate with the volume and turnover of traffic generated by the particular development.

b) To ensure that parking areas and access ways are designed to facilitate ready access by the aged, disabled and general public.

c) To regulate access points so as to protect road capacity and efficiency to carry through traffic by minimising congestion on public roads.

d) To ensure that adequate manoeuvring space is provided for parking areas, loading bays and access points/corridors within and near any proposed development.

e) To ensure that off street parking is provided in manner that enhances the aesthetics of the area.

3.0 Relationship to other Documents, Policies, Guidelines and Authorities.

3.1 Australian Standards

This Chapter may reference relevant Australian Standards and adopt their requirements. Relevant Australian Standards include, but are not limited to:

- AS 1742.1 - 2003: Manual of Uniform Traffic Control Devices – General Introduction and index of Signs;
- AS 1742.2 – 2009: Manual of Uniform Traffic Control Devices – Traffic Control Devices for General Use;
- AS 1742.3 – 2009: Manual of Uniform Traffic Control Devices – Traffic Control Devices for Works on Roads;
- AS 1742.4 – 2008: Manual of Uniform Traffic Control Devices – Speed Controls;
- AS 1742.5 – 1997: Manual of Uniform Traffic Control Devices – Street Name and Community Facility Name Signs;
- AS 1742.6 – 2004: Manual of Uniform Traffic Control Devices – Tourist and Service Signs;
- AS 1742.7 – 2007: Manual of Uniform Traffic Control Devices – Railways Crossings;
- AS 1742.9 – 2000: Manual of Uniform Traffic Control Devices – Bicycle Facilities;
- AS 1742.10 – 2009: Manual of Uniform Traffic Control Devices – Pedestrian Control Protection;
- AS 1742.11 – 1999: Manual of Uniform Traffic Control Devices – Parking Controls;
- AS 1742.12 – 2000: Manual of Uniform Traffic Control Devices – Bus, Transit, Tram and Truck Lanes;
- AS 1742.13 – 2009: Manual of Uniform Traffic Control Devices – Local Area Traffic Management;
- AS 1742.14 – 1996: Manual of Uniform Traffic Control Devices – Traffic Signals;
- AS 1742.15 – 2007: Manual of Uniform Traffic Control Devices – Direction Signs, Information Signs and Route Numbering;
- AS 2890.1-2004: Parking Facilities – Off-street Parking;
- AS 2890.2-2002: Parking Facilities – Off-street Commercial Vehicle Facilities;
- AS 2890.3-1993: Bicycle Parking Facilities;
- AS 2890.5-1993: On-street Parking; and
- AS/NZS 2890.6-2009: Parking Facilities – Off-street parking for people with disabilities.

3.2 State Environmental Planning Policies

Proposed developments on or fronting classified roads may be subject to the provisions of SEPP (Infrastructure). Applicants should discuss such proposals with Council prior to lodging a development application.

SEPP (Infrastructure) requires nominated Traffic Generating Developments to be referred to the NSW Department of Roads and Maritime Services for comment.

3.3 Council Policies

Some issues associated with road design and parking areas are addressed by Council Policies. A copy of Council Policies is available on Council's website. At the

time of initial adoption of this DCP, the Council Policies applicable to road and parking area design and construction include:

- Council Policy No. CPOL-28: Contribution to Works for Kerbing and Guttering;
- Council Policy No. CPOL-29: Provision of Access Roads to Rural Residential Areas – Zone 1(c) in the KLEP19878;
- Council Policy No. CPOL-33: Initial Sealing of Roads;
- Council Policy No. CPOL-47: Parking Code;
- Management Policy No. MPOL-7: Footpath/Cycleway Risk Management;
- Management Policy No. MPOL-29: Public Gates and Public Grids;
- Management Policy No. MPOL-34: Signs as Remote Supervision;
- Management Policy No. MPOL-53: Access to Rural Subdivisions;
- Policy No 3.1: Roads Policy;
- Procedure 3.1.1: Road Naming;
- Procedure 3.1.2: Street Lighting;
- Procedure 3.1.5: Road Naming Application;
- Procedure 3.1.6: Public Gates and Grids;
- Procedure 3.1.7: Pedestrian Access and Mobility Plan;
- Procedure 3.4.1: Asset Damage Restoration Charge;
- Policy No 3.6: Private Works Policy;
- Procedure 3.6.1: Sundry Debtor Pricing for External Works; and
- Procedure 3.6.2: Contributions towards Works for Footpaths and Kerbing and Guttering.

Council Policies and Procedures are subject to periodic review. Consequently, it is advised to regularly check Council's website for updated Policies and Procedures.

This Chapter supersedes Council Policy No. CPOL-47: Parking Code.

3.4 Council's Engineering Guidelines for Subdivision and Development

Detailed engineering design and construction requirements for development are contained in Council's Engineering Guidelines for Subdivision and Development, a copy of which is available on Council's website. Council's Engineering Guidelines for Subdivision and Development include detailed requirements for:

- Road design and construction;
- Pavement design and construction;
- Cycle-way and Pathway design;
- Structure and bridge design;
- Surfacing details;
- Incorporating utilities and services into the street reserve;
- Pavement markings;
- Signposting;
- Guideposts; and
- Landscape and streetscape design.

Standard drawings for driveways and other details are available on Council's website. Reference to these standard drawings will be made throughout this and other Chapters.

3.5 Section 138 of the Roads Act 1993

For works within Council's road reserve, a separate approval in accordance with Section 138 of the *Roads Act 1993* may be required, in addition to any development consent.

3.6 Other Documents

Council will also use the following documents in assessing parking, access and transport aspects of development applications:

- "Traffic Control at Works Sites" (NSW Roads and Maritime Services);
- Australian Road Guides, complete Road Design Series; and
- "Traffic Generating Developments" (NSW Roads and Maritime Services).

4.0 Development Requirements - Road Design and Layout

4.1 General

Desired Outcomes

DO1 - Road design is responsive to the characteristics of the locality, the site and road function.

DO2 - The road hierarchy and priorities for these roads is reinforced.

DO3 - People and goods move efficiently and safely through the traffic network.

Development Requirements

a) In new areas (as distinct from established areas with a pre-existing road pattern) each class of route should reflect its role in the road hierarchy by its visual appearance and related physical design standards, including varying levels of vehicle and pedestrian access.

b) Routes should differ in alignment and design standard according to the volume and type of traffic they are intended to carry, the desirable traffic speed, and other factors.

c) All new roads are designed in accordance with Council's Engineering Guidelines for Subdivision and Development.

d) Services, utilities and infrastructure associated with the design and construction of roads is designed and constructed in accordance with the relevant components of Council's Engineering Guidelines for Subdivision and Development. Such associated services, utilities and infrastructure includes, but is not limited to:

(i) Pedestrian paths;
(ii) Street lighting;
(iii) Street tree planting;
(iv) Guide posts; and
(v) Traffic signs.

5.0 Development Requirements – Temporary Road Works

Desired Outcomes

DO1 - Where a developer constructs road works which form a stage in a larger scope of works, temporary turning circles are to be constructed where directed by Council.

Development Requirements

a) For urban areas, temporary turning circles are to be provided with a two coat bitumen seal.

6.0 Development Requirements – Property Access

6.1 General

Desired Outcomes

DO1 - Incompatible land uses and inappropriate access points do not negatively impact on the circulation and safety of the traffic network.

DO2 - The impact of driveway crossovers on pedestrian safety and streetscape amenity is minimised.

DO3 - Stormwater runoff from driveways is minimized.

DO4 – Traffic does not congest near the access points into properties.

DO5 – The hard stand area visible from the street, associated with driveways, is minimized.

Development Requirements

a) Access to property complies with the requirements of:

(i) the relevant components of Council's Engineering Guidelines for Subdivision and Development; and

(ii) In urban areas:

- Standard Drawing No R13 – Concrete Residential Driveways; and
- The relevant requirements of AS/NZS 2890.1-2004: Parking Facilities, Part 1: Off-street Car Parking.

(iii) In rural areas:

- Standard Drawing No R15 – Standard for Private Vehicle Access from Rural Roads.

b) All development shall be designed so as to provide for the exit and entry of vehicles from the site in a forward direction.

(i) Council may consider dispensing of this requirement in situations where low traffic volumes and speed reduce the potential for conflict.

c) Site access is not to be located:

(i) Close to traffic signals, intersection or roundabouts with inadequate sight distances;
(ii) Opposite other large developments without a median island;
(iii) Where there is heavy and constant pedestrian movement on the footpath;
(iv) Where right turning traffic entering the site may obstruct through traffic; and
(v) On to a Main Road where alternative access to the site is available.

d) The number of access points to a property complies with the following requirements:

(i) All allotments/properties are to have at least one direct access to a public road;

- Variation to this requirement may be granted where the development is small scale and involves limited traffic generation and has an alternative legal access to a public road, such as a right-of-way;

(ii) The number of access points from a site to any one street frontage is generally limited to a maximum of 1 ingress and 1 egress; and

(iii) The minimum number of driveways is to be provided to service the needs of the development.

e) Driveways are positioned:

(i) To avoid driveways near intersections and road bends;
(ii) To minimise streetscapes dominated by driveways and garage doors;
(iii) To maximise on-street parking;
(iv) To access the lesser order road in preference to accessing a higher order road (eg. access is to be provided from a secondary road in preference to a primary road);
(v) So as to maximise sight lines to the access point from the road;
(vi) To avoid any services within the road reserve, such as power poles, drainage inlet pits and existing street trees; and
(vii) To minimise noise and other amenity impacts to adjacent residential properties.

f) Each individual driveway is designed and constructed in accordance with the following requirements:

(i) Driveways must be provided in accordance with AS 2890.1 - Parking Facilities; and
(ii) The width of the driveway reflects the nature and needs of the particular land use.

6.2 Fire Service and Emergency Vehicle Access

Desired Outcomes

DO1 - Driveways accommodate emergency vehicles, as appropriate.

Development Requirements

a) For developments where a fire brigade vehicle is required to enter the site, vehicular access, egress and manoeuvring must be provided to, from and on the site in accordance with the NSW Fire Brigades Policy No.4 – Guidelines for Emergency Vehicle Access.

b) Generally, if a Fire Brigade vehicle must enter a site to access a hydrant, provision must be made for NSW Fire Brigade vehicles to enter and leave the site in a forward direction.

c) For development on Bushfire Prone Land, development is to comply with the access requirements contained in Planning for Bushfire Protection 2006.

6.3 Driveway Grades

Desired Outcome

DO1- Driveway grades are to be designed to achieve a safe transition from the car park to the road and road to the car park.

DO2 - To ensure the underside of vehicles do not scrape where driveways change grade.

Development Requirements

a) In urban areas, driveway grades comply with Section 2.6 – Design of Domestic Driveways of AS/NSZ 2890.1-2004: Parking Facilities, Part 1 – Off-street Car Parking.

b) In rural areas, driveway grades comply with Standard Drawing No R15 – Standard for Private Vehicle Access from Rural Roads.

7.0 Development Requirements – On-site Parking and Manoeuvring Areas

7.1 General

Desired Outcomes

DO1 - Sufficient details regarding car parking areas is provided with any development application.

DO2 - Car parking areas are designed and constructed to satisfy relevant standards and guidelines.

Development Requirements

a) The concept design of the car parking area shall be submitted to Council for approval with the development application.

b) All car parking, movement aisles and driveways shall be consistent with the relevant requirements of:

(i) The following Australian Standards:

- AS/NSZ 2890.1-2004: Parking Facilities – Off-street Car Parking;
- AS 2890.2-2002: Parking Facilities – Off-street Commercial Vehicle Facilities;
- AS 2890.3-1993: Parking Facilities – Bicycle parking facilities;
- AS 2890.5-1993: Parking Facilities – On-street Parking; and
- AS/NZS 2890.6-2009: Parking Facilities – Off-street Parking for People with Disabilities.

(ii) the RTA Guide to Traffic Generating Developments; and
(iii) the relevant components of Council's Engineering Guidelines for Subdivision and Development.

7.2 On-site Parking Rate

Desired Outcomes

DO1 – A sufficient number of car parking spaces is provided on site to satisfy the needs of the development.

DO2 - Adequate space for parking of vehicles is provided on site.

DO3 - The redevelopment of an existing building for a new use responds to the new use in terms of parking and access.

DO4 - Aged and disabled persons and persons wheeling prams or trolleys are provided with suitable access.

Development Requirements

7.2.1 General

a) Parking shall be provided at the rate relating to the corresponding land use identified on the Schedule contained in Appendix A of this Chapter.

(i) Where calculation of parking spaces required results in a fraction of a space, the total required number of spaces will be the next highest whole number.

(ii) Where a use falls into more than one category, the total parking provision for each category will be used to determine the amount of parking spaces.

(iii) Where a development is comprised of a number of uses, Council will give consideration to reducing the total amount of parking required where it can be demonstrated that the peak demands

generated by each use will not coincide. In this case, a parking demand analysis will need to be submitted with the application.

b) Where a use does not strictly conform to any of the listed uses, car parking will be assessed on the basis of the general nature of the development in relation to its traffic generating potential.

(i) In this case, a parking demand study will need to be submitted with the development application.

(ii) Parking and traffic requirements will be based on consideration of:

- likely peak usage times;
- the availability of public transport;
- likely demand for off street parking generated by the development;
- existing traffic volumes on the surrounding street network; and
- efficiency of existing parking provision in the location.

(iii) Where existing premises are being redeveloped or their use changed, the following method of calculation shall apply:-

- Determine the parking requirements of the previous or existing premises in accordance with Appendix A;
- Determine the parking requirement of the proposed development in accordance with Appendix A;
- Subtract the number of spaces determined in (a) from the number of spaces calculated in (b);
- The difference calculated in (c) represents the total number of parking spaces to be provided either in addition to the existing on-site car parking or as a cash-in-lieu contribution to Council, where applicable.

c) All parking generated by a development shall be provided on site, where appropriate.

d) For commercial, business and industrial development, Council will give consideration to a variation of the requirements listed in the schedule (Appendix A) where the applicant can provide specific expected employee and customer numbers.

e) Where a proposal involves extension, demolition or change of use of an existing building, Council will require parking to be provided at the current rate for the net increase in floor space only.

f) Where Council requires the provision of floor area for flood storage, that area will not be included in the calculation for the provision of parking.

g) A development proposal to alter, enlarge, convert or redevelop an existing building, whether or not demolition is involved, shall provide the total number of parking spaces calculated from the schedule (Appendix A) for the proposed use, subject to a credit for any existing deficiency, including any contributions previously accepted in lieu of parking provision.

h) Stack or tandem parking spaces will not be included in assessment of parking provision except where:

- the spaces are surplus to that required;
- in motor showrooms;
- for home business;
- for exhibition homes;
- in car repair stations; and
- staff parking spaces are separately identified and delineated.

7.2.2 Visitor Parking

i) Visitor/overflow car parking is to be provided within the development site, and is to be freely accessible at all times. Visitor car parking is to be provided according to the rates specified in Appendix A of this Chapter.

j) Visitor and customer parking shall be located so that it is easily accessible from the street.

Note - In the case of residential development, Council may give consideration to allowing visitor parking at the kerbside between the prolongation of the side boundaries where the road formation is sufficiently wide and potential for traffic conflict is low.

Note - Council may give consideration to stacked car parking in conjunction with single dwelling houses and dual occupancies where potential for traffic conflict associated with vehicles reversing onto the street is low.

7.2.3 Bicycle and Motorcycle Parking

k) Bicycle and motorcycle parking shall be considered for all developments.

l) Bicycle parking areas shall be designed generally in accordance with the principles of AS2890.3.

m) Motorcycle parking areas shall be 1.2 m (wide) x 2.5 m (long).

7.2.4 Heritage Incentives

n) Council will consider discounting (i.e. exclude from calculations) the floor space of the heritage building/item when determining the total number of parking spaces to be provided on site.

o) This will be considered in line with clause 5.10 of KLEP 2013, which requires the variation to be considered in the context of a heritage conservation management plan. This will only apply if Council is satisfied that the conservation of the heritage item is dependent upon Council making that exclusion.

p) If applicants intend to seek such consideration, a detailed parking analysis of the site is to be submitted with the development application.

7.2.5 Disabled Access Parking Spaces

q) Disabled access parking is to be provided in accordance with the relevant requirements of Australian Standard AS/NZS 2890.6-2009: Parking Facilities – Off-street Parking for People with Disabilities.

7.2.6 Contributions in lieu of Parking

r) Where parking cannot be provided onsite, Council may accept payment of a cash contribution in lieu of the required spaces, for commercial development only, in accordance with Council's relevant Section 94 Contributions Plans.

7.3 Manoeuvring Areas

Desired Outcomes

DO1 - Adequate space for manoeuvring of all vehicles expected to access the development is provided on site.

DO2 - Parking areas and access-ways are easy and safe to use by vehicles and pedestrians without conflict.

DO3 – Pedestrian access within developments must be designed to optimize pedestrian movement and access, facilitate all-weather access and cater for people with access disabilities.

Development Requirements

7.3.1 General

a) Parking areas shall be designed to achieve a rational circulation of vehicles and avoid potential for internal conflict.

b) Vehicle ramps, driveways, turning circles and parking spaces shall be concrete and line marked.

c) Driveway grades, vehicle circulation, vehicular ramp width/ grades and passing bays must be in accordance with AS 2890.1 and the relevant components of Council's Engineering Guidelines of Subdivision and Development.

7.3.2 Pedestrians

d) Parking areas shall be designed so as to minimise potential conflict between vehicles and pedestrians.

e) External pedestrian access between units and other facilities provided as part of the development, including car parking spaces, must consist of appropriate connecting pathways or access balconies with an all-weather surface, and must form part of, and be integrated with, the overall landscape plan for the development.

f) Pedestrian paths are to accommodate access by disabled persons by complying with the relevant requirements of:

(i) The "Disability (Access to Premises – Buildings) Standards 2010; and
(ii) The Building Code of Australia.

g) The provision of new footpaths or upgrades to new footpaths will be at the discretion of Council. Any footpath construction is to comply with the

relevant components of Council's Engineering Guidelines for Subdivision and Development.

7.3.3 Signage and Linemarking

h) Signposting and pavement markings are provided with accordance with relevant requirements of:

(i) Section 4.3 – Signposting of AS/NSZ 2890.1-2004: Parking Facilities – Off-street Car Parking; and
(ii) Section 4.4 – Pavement Markings of AS/NSZ 2890.1-2004: Parking Facilities – Off-street Car Parking.

7.4 Requirements for Disabled Access Parking Spaces

Desired Outcomes

DO1 – Disabled parking spaces are provided in accordance with the requirements of relevant standards and specifications.

Development Requirements

a) Accessible car parking spaces are to be provided in accordance with:

(i) the Disability (Access to Premises - Buildings) Standards 2010; and
(ii) AS/NZS 2890.6-2009: Parking Facilities – Off-street parking for people with disabilities

b) The accessible car parking spaces are to be located as close as possible to the main pedestrian entrance and should have regard to the use and function of the building.

c) Where access for disabled persons is required to be provided, such spaces shall be clearly sign posted, including appropriate pavement markings and be connected to any building by a paved pathway of suitable gradient.

d) Paths of travel throughout the development, catering for people with disabilities, are to be provided in accordance with:

(i) The "Disability (Access to Premises – Buildings) Standards 2010; and
(ii) The Building Code of Australia.

7.5 Loading Bays

Desired Outcomes

DO1- Loading bays are provided to accommodate the maximum design vehicle likely to service the proposed development.

DO2 - Traffic flow and parking on and off site is maintained.

Development Requirements

a) Off street commercial vehicle facilities are to be provided in accordance with AS2890.2.

b) Where required, loading bays will be provided in accordance with the following requirements:

(i) Dimensions in accordance with the relevant Australian Standards to accommodate the largest delivery vehicle expected to access the site;
(ii) Located such that vehicles using the loading area do not interfere with the use of carparking areas or safe pedestrian and vehicular manoeuvrability;
(iii) A limited number of 'employee only' car parking spaces may be combined with loading facilities;
(iv) Vehicles are to be capable of manoeuvring in and out of docks without causing conflict with other street or on-site traffic;
(v) designed to allow service vehicles to enter and exit the site in a forward direction;
(vi) Vehicles are to stand wholly within the site during such operations; and
(vii) Sited to avoid unintended use for other purposes such as customer parking or materials storage.

c) Industrial development shall provide adequate heavy vehicle access to building entries, or alternatively, external bays located appropriately for goods distribution.

d) Loading bays are to be linemarked and signposted and designated for the sole purpose of loading/unloading.

e) Loading areas should be located and screened so as not to be visible from any public place, public road or adjacent property. Screening may be achieved by:

(i) locating loading docks and service areas at the side or rear of building(s);
(ii) the use of fencing;
(iii) implementation of screen landscaping;
(iv) construction of earth mound(s); or
(v) a combination of these measures

7.6 Stormwater and Drainage

Desired Outcomes

DO1 - Stormwater volumes and peak flows are minimised from impervious car park surfaces.

DO2 - Landscaping is to incorporate water sensitive urban design and where practical be integrated into the water management of the site.

Development Requirements

a) Stormwater drainage complies with the relevant provisions of:

(i) the relevant the components of Council's Engineering Guidelines for Subdivision and Development;
(ii) the relevant requirements of Chapter B5 – Stormwater Management; and
(iii) the relevant requirements of Chapter B6 – Water Sensitive Urban Design.

b) All parking and manoeuvring spaces shall be designed to avoid concentrations of water runoff.

c) Any required or proposed vehicle washing facilities are to be provided for developments on permeable surfaces or grassed areas. Where there is a risk of polluted runoff, a roofed and bunded wash bay must be provided with appropriate treatment mechanisms to meet applicable standards.

Note - Separate approval under Section 68 of the *Local Government Act 1993* may be required for the disposal of liquid trade waste into Council's sewerage system.

d) Council will not permit the discharge of stormwater directly into kerbing and guttering or table drains for any development.

7.7 Surface Finishes

Desired Outcome

DO1 - Car parking and manoeuvring areas are designed and constructed to minimise the generation of dust, erosion or contaminated runoff.

Development Requirements

Nil.

Note – Council will specify the required surface treatment of car parking spaces and manoeuvring areas during the assessment of the development application.

8.0 Development Requirements – Landscaping

Desired Outcomes

DO1 - Landscaping is provided throughout car parking areas and along the perimeter of vehicle manoeuvring areas in accordance with the relevant requirements of Chapter B9 – Landscaping.

DO2 - Landscaping shall be designed and constructed in accordance with the relevant requirements of Council's Engineering Guidelines for Subdivision and Development.

Development Requirements

a) Refer to Chapter B9 – Landscaping.

APPENDICES

Appendix A: Schedule of On-site Car Parking Rates

Table B2-1: Schedule of On-site Car Parking Rates

Use	Minimum parking spaces required (m^2 refers to GFA of premises)
Rural/Agricultural	
Animal boarding or training establishments	1 per dwelling + 1 per 10 animals
Stock and Sale Yard	Minimum 20
Commercial	
Car Wash (single unit)	Holding area for 5 cars with finishing area for 3 cars
Car wash (automatic)	Holding area for 10 cars with finishing area for 5 cars
Commercial Premises	1 per $35m^2$
Home Business or Home Occupation	Dwelling requirement + 1 per 2 non-resident employees = 1 visitor space
Office premises	1 per $35m^2$
Sex service premises	1 per 2 employees + 1 per bedroom
Educational	
Primary	1 per 2 employees + 1 per 5 students
Secondary	1 per 2 employees + 1 per 10 students
Tertiary (eg. TAFE)	1 per 2 employess + 1 per 12 students
Health	
Health services facilties/ medical centres	3 spaces per practitioner + 1 space per employee
Hospitals	Merit assessment
Veterinary clinics and veterinary hospitals	3 per surgery + 1 per 2 employees
Community	
Child care centres	1 per 4 children + provision of set down and pick up area adjacent to the entrance of the centre
Community facilities	1 per $30m^2$
Places of public worship	1 per 10 seats
Recreation	
Bowling alleys	3 spaces per alley
Bowling greens	30 spaces per green
Gymnasiums	1 per $25m^2$
Squash courts	3 per court
Tennis courts	3 per court
Tourist	
Backpacker Accommodation	1 per 5 beds
Bed and Breakfast Accommodation	1 space per accommodation room + 1 space for the dwelling
Caravan parks	1 per site + 1 visitor space per 10 sites
Farmstay Accommodation/ Eco-tourist Facility	1 per dwelling/guest bedroom + 1 for resident/ manager/ caretaker
Hotel or Motel Accommodation	1 per unit + one for manager + 1 per 2 employees + 1 per 3 seats of any associated restaurants or function rooms
Holiday Cabins	1 per cabin

Retail	
Bulky goods premises	-
• < 500m2 GFA	1 per 85m^2
• > 500m2 GFA	1 per 2 employees + 1 per 100m^2
Car tyre retail outlets	3 per 100m^2 or 3 per work bay (whichever is the greater)
Drive In Liquor stores	Merit assessment
Industry Retail Outlets	Industry + retail premises requirement
Markets	2.5 spaces per stall or 1 per 30m^2 GFA (if within a building.
Neighbourhood shops	1 per employee + 1 per 30m^2
Restaurants or cafes	1 per 7.5m^2 gross floor area of 1 per 3 seats, whichever is the greater
Service stations	1 per employee + 4 per workbay + a minimum of 1 articulated vehicle parking space
Service Stations with Convenience Store	6 spaces per working bay + 1 space per 30m^2
Shops	1 per 35m^2
Shopping centres	4.4 per 100m^2 GLFA (Department stores) + 1 per 35m^2 (shops)
Supermarkets	1 per 3 employees + 1 per 25m^2
Eating and drinking	
Clubs, including Registered Clubs	See Pubs
Drive-in Take Away Food Outlet	Requirements for "Takeaway food and drink premises" + queuing area for a minimum of 6 cars
Food and drink premises	For new buildings: 1 per 7m^2 For change of use of existing premises: 1 per 25m^2
Pubs	-
• Bar areas	1 per 4m^2 serviced floor space
• Lounge areas	1 per 5m$_2$ serviced floor space
• Dining areas	1 per 5m^2
• Function rooms	1 per 5m^2
• Accommodation	1 per unit
• Employees	1 per 3 employees
Takeaway food and drink premises	12 per 100m^2 + 1 per 5 seats
Residential	
Attached dwellings	1 per 1 or 2 bedroom unit + 1 visitor's space per 4 units, or part thereof. 1.5 per 3+ bedroom unit + 1 visitor space per 4 units, or part thereof.
Boarding houses (in Kempsey)	1 per 3 guest rooms
Boarding houses (elsewhere)	as per `Motels'
Dual occupancies	1 covered space per unit + 1 visitor space per unit (which may be stacked in the driveway in front of the garage/carport)
Dwelling houses	1 covered space per dwelling + 1 visitor space per dwelling (which may be stacked in the driveway in front of the garage/carport)
Group Homes	See SEPP (Affordable Rental Housing) 2009
Hostels	1 per 5 beds

Manufactured Home Estates	1 space per site + visitor parking at rates indicated in Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
Moveable Dwelling	1 per dwelling
Multi-dwelling housing	1 covered space per 1 or 2 bedroom unit + 1 visitor space per 4 units, or part thereof. 2 covered spaces per 3+ bedroom unit + 1 visitor space per 4 units, or part thereof.
Residential Care Facilities	See SEPP (Housing for Seniors or People with a Disability) 2004
Residential Flat Buildings	1 covered space per 1 or 2 bedroom unit + 1 visitor space per 4 units, or part thereof. 2 covered spaces per 3+ bedroom unit + 1 visitor space per 4 units, or part thereof.
Rural Worker's Dwellings	1 per dwelling
Secondary dwellings	1 per secondary dwelling
Semi-detached Dwellings	1 covered space per unit + 1 visitor space per unit (which may be stacked in the driveway in front of the garage/carport)
Seniors Housing	See SEPP (Housing for Seniors or People with a Disability) 2004
Shop Top Housing	1 per dwelling + rate required for Shop
State Environment Planning Policy (Housing for Seniors or People with a Disability) 2004	
Hostels/ residential care facilities	1 per 10 dwellings/ units
Self contained dwellings	1 per 10 dwellings/units
Industrial	
Industries (excluding light industries), factories	1 per 100m^2
Light Industries	1 space per 75m^2 up to 7500m^2, 1 space per 200m^2 thereafter, and 1 space per 35m^2 of office/commercial component.
Marinas	1 per 2 employees + 0.6 per wet berth + 0.2 per dry storage berth + 0.2 per swing mooring.
Road Transport Facilities	1 truck space per vehicle in fleet
Self storage units	1 per 2 employees + 1 per 10 units
Transport/ Truck/ Container depots	1 per 3 employees + 1 per company vehicle associated with the development
Truck stops with overnight accommodation and facilities	1 truck space per motel unit + 1 service space per 3 seats of capacity of which 50% are to be truck spaces
Vehicle body repair workshops	1 per work bay with a minimum of 8
Vehicle repair stations	Minimum 5 or 1 per work bay + 1 per employee, whichever is the greater
Vehicle sales or hire premises	1 space per 200m^2 of display area
Warehouses or distribution centres	1 per 100m^2

Other	
Boat Shed/ Boat Repair Facility/ Boat Launching Ramp	1 per 30m^2 of total use area + space for trailer parking
Cinema/Theatre/ Place of Public Entertainment	1 per 6 seats
Function Centre	1 per 2 employees + 1 per 10m^2
Funeral Chapels/ Funeral Home	1 per 5 seats, or 2 + 1 per 35m^2, whichever is the greater
Mortuaries	See Funeral Chapel
Nursing homes	1 space per 4 beds + 1 space per 2 employees
Places of Assembly	One per 15m^2 entertainment area or 1 per 10 seats
Roadside stalls	Minimum 3 off-street parking spaces
Theatres	1 per 10m^2 or 1 per 10 seats, whichever is the greater
Vegetable/Fruit Markets	1 per 20m^2
Waste disposal facilities	1 per 100m^2 of site area
Other developments not specified	**Merit Assessment or as per requirements of separate chapters contained in Parts C, D, E and F of this DCP.**

Chapter B3 – Engineering Requirements for Subdivision and Development

1.0 Introduction

1.1 Scope of this Chapter

This chapter applies to all land in the Kempsey Shire local government area.

This chapter applies to all subdivision and development where engineering/civil work is to be undertaken in conjunction with the proposed development.

1.2 Relationship to Other Chapters of this DCP

The provisions contained in Chapters included in Parts C, D, E and F of this DCP override the provisions of this Chapter to the extent of any inconsistency.

2.0 Chapter Objectives

The objectives of this Chapter are:

a) To adopt a Design and Construction Development Specification series prepared in consultation Council's Infrastructure Services Department.

b) To provide developers, their agents, consulting Surveyors/Engineers and Civil Contractors with Council's minimum requirements for the design and construction of all civil works to be undertaken in the Kempsey Shire local government area.

c) To provide a degree of certainty to developers, their agents, consultant Surveyors/Engineers and Civil Contractor as to Council's minimum requirements for design and construction of civil works.

d) To encourage more innovative subdivision design, efficient site usage, and minimize the cost of urban infrastructure and servicing in a manner that maintains equal access to public infrastructure, given the physical limitations of any one site and the provisions of Kempsey Local Environmental Plan 2013 and other Chapters of this DCP.

e) To minimize Council's costs associated with maintenance of future public infrastructure.

f) To employ ameliorating measures sufficient to reduce the impact of development on the existing natural and man-made environments.

g) To limit development in the Kempsey Shire to development that complies with the provisions of Council's *Flood Risk Management Policy* and plans.

h) To streamline the existing approvals process under the *Environmental Planning and Assessment Act 1979* (issue Construction Certificates by Council), the *Local Government Act 1993* (Section 68 approvals by

Council) and the *Roads Act 1993* (Section 138 approvals by Council) for civil engineering work associated with subdivision and development in accordance with Council Policy No.60 – Guide for Certification of Civil Engineering Design Work.

3.0 Relationship to Other Documents

Kempsey Local Environmental Plan 2013 contains certain requirements for acid sulphate soils, earthworks, flood planning, essential services and other matters that this chapter addresses. The development requirements of KLEP 2013 override the development requirements of this chapter, to the extent of any inconsistency. A copy of KLEP 2013 is available on Council's website.

Some issues associated with the engineering requirements are addressed by Council Policies. References to Council Policies will be made throughout this Chapter. A copy of Council Policies is available on Council's website. The Council Policies applicable to engineering requirements, at the time of adoption of this DCP, are:

- Management Policy No. MPOL-9: Receipts, issue of;
- Management Policy No. MPOL-34: Signs as Remote Supervision;
- Management Policy No. MPOL-53: Access to Rural Subdivisions;
- Management Policy No. MPOL-54: Maintenance of Subdivisions, Security Deposits, Bonds and Bank Guarantees;
- Management Policy No. MPOL-29: Public Gates and Public Grids;
- Council Policy No. CPOL-02: Accounts: Plant Hire and Private Works;
- Council Policy No. CPOL-28: Contribution to Works for Kerbing and Guttering;
- Council Policy No. CPOL-57: Public Notification Policy;
- Council Policy No. CPOL-43: Flood Risk Management Policy;
- Council Policy No. CPOL-47: Parking Code;
- Council Policy No. CPOL-60: Guide for Certification of Civil Engineering Design Work;
- Policy No 1.2: Lands under Kempsey Shire Council Jurisdiction;
    - Procedure 1.2.6: Management of Leases and Licenses;
- Policy No. 3.1: Roads Policy;
    - Procedure No 3.1.1: Road Naming;
    - Procedure No 3.1.2: Street Lighting;
- Policy No. 3.3: Water Supply Policy; and
    - Procedure No 3.1.6: Water Restrictions.

Development Contributions will be triggered by development applications, through

- Current Section 94 Contribution Plans; and
- Current Section 64 Development Service Plans.

A copy of Council's Contributions Plans are available on Council's website and will need to reviewed to determine their applicability to each development application.

Detailed engineering design and construction requirements for development are contained in Council's Engineering Guidelines for Subdivision and Development, a

copy of which is available on Council's website. Council's Engineering Guidelines for Subdivision and Development are broken down into the following components:

a) Design

This section contains the minimum design requirements for the following works:

(i) Geometric road Design for Rural and Urban areas
(ii) Pavement Design
(iii) Structures/ Bridge design
(iv) Subsurface Drainage Design
(v) Stormwater Drainage Design
(vi) Site Re-grading
(vii) Erosion Control and Stormwater Management
(viii) Waterfront development
(ix) Cycle-way and Pathway Design
(x) Bushfire protection
(xi) Water Reticulation
(xii) Sewerage System
(xiii) Landscaping

b) Construction

This section contains the minimum construction requirements for the following works:

(i) General
(ii) Control of Traffic
(iii) Control of Erosion and Sedimentation
(iv) Clearing and grubbing
(v) Earthworks
(vi) Stormwater Drainage – General
(vii) Pipe Drainage
(viii) Pre-cast Box Culverts
(ix) Drainage Structures
(x) Open Drains including kerb and gutter
(xi) Subsurface Drainage – General
(xii) Subsoil and foundation Drains
(xiii) Pavement Drains
(xiv) Drainage Mats
(xv) Stabilization
(xvi) Flexible pavements
(xvii) Spayed Bituminous Surfacing
(xviii) Asphaltic Concrete
(xix) Mass Concrete Sub Base
(xx) Plain or reinforced Concrete Base
(xxi) Segmental Paving
(xxii) Bituminous Micro Surfacing
(xxiii) Pavement Markings
(xxiv) Signposting
(xxv) Guide Posts
(xxvi) Guard Fence
(xxvii) Boundary Fencing
(xxviii) Minor Concrete Works
(xxix) Landscaping

(xxx) Water Reticulation
(xxxi) Sewerage System
(xxxii) Bush Fire Protection

Standard drawings for driveways and other details are available on Council's website. Reference to these standard drawings will be made throughout this and other Chapters.

4.0 Development Requirements – Administration, Certification and Drawings

4.1 Engineering Plans and Specifications

Desired Outcomes

DO1 - Engineering plans are prepared by appropriately qualified designers and in accordance with Council's requirements for referencing standards and material presented.

Development Requirements

Qualification of Designers

a) All plans for earthworks (site regrading), roadworks, drainage works, water supply, sewerage works, and foreshore works are to be certified by a Civil Engineer or Registered Surveyor.

b) All plans for bridgeworks, retaining walls, other major structures and pumping stations are to be certified by a Civil Engineer.

Council's Specifications

c) All plans for engineering/civil works must demonstrate compliance with Council's Engineering Guidelines for Subdivision and Development.

ISG Coordinates

d) The engineering survey shall be carried out using the ISG coordinate reference system and accurately show the landform to facilitate the best possible design and construction of roadworks and drainage consistent with minimum interference to the existing amenity of the area.

Datum

e) All levels should be to Australian Height Datum (AHD). The origin of levels, Permanent Marks (PM), State Survey Marks (SSM) and other Benchmarks are to be shown.

Survey Investigation

f) All surveys, investigations, excavations and inspections necessary to obtain the required information shall be undertaken by the developer as part of the design cost. Any such excavations must be restored to its previous condition to the satisfaction of Council.

Accuracy

g) All lengths and level measurements are to be shown to the nearest 10 mm or 0.01 m, with the exception of Bench Mark levels which are to be expressed to the third decimal place.

Requirements for Design Plans

h) Design plans are to comply with the design requirements contained in the relevant component of Council's Engineering Guidelines for Subdivision and Development in relation to:

(i) Earthworks (site regrading);
(ii) Roadworks;
(iii) Road Pavement;
(iv) Road Furnishings;
(v) Stormwater Drainage;
(vi) Foreshore Works;
(vii) Water Supply Works;
(viii) Sewerage Works;
(ix) Landscaping Works; and
(x) Erosion Control Works.

4.2 Commencement of Works

Desired Outcomes

DO1 - Works are undertaken generally in accordance with Council's specifications for Quality Assurance.

Development Requirements

Necessary Conditions

a) Notwithstanding approval of the Construction Certificate, no engineering works are to be undertaken until the design plans and specifications are formally approved by the Principal Certifier. The contractor/s and their quality testing organisation will be nominated and will also require approval by the Council or accredited certifier.

Notice of Commencement

b) The supervisor shall advise the Principal Certifier in writing a minimum of seven days in advance of the anticipated date of commencement of construction. Prior to that date it will be necessary that:

(i) All engineering plans and specifications have been approved and endorsed by the Principal Certifier; and
(ii) The contractor proposed to be engaged has been approved by the Principal Certifier for the type and nature of the works.

Quality Assurance

c) Approval of the subdivision will stipulate whether the subdivision is to be constructed as a "Quality Assured Contract" in which case a Quality Plan will need to be submitted to cover all construction works in accordance with Council's Contract Quality System Requirements Specification. Acceptance of the submitted Quality Plan will be required prior to commencement of works.

d) Where a Quality Assurance contract is not a requirement and a Quality Plan is not therefore provided, it will be necessary as a minimum requirement that the Principal's Superintendent or Superintendent's Representative under the Contract be nominated and approved as suitably qualified and experienced.

Approval of Contractor

e) Contractors or any person who undertakes development construction works shall be reliable, competent and suitably experienced with demonstrated expertise in performing the type of works proposed. Where a proposed contractor is unknown to the Principal Certifier details shall be submitted of recent works of a similar nature performed by the contractor and names of referees supplied. The Principal Certifier is to be satisfied that appropriate Public Risk and WorkCover Insurance has been obtained for the project.

4.3 Inspections and Testing

Desired Outcomes

DO1 - Works are inspected at regular intervals during construction and completion and generally in accordance with the following development requirements.

Development Requirements

Cost of Quality Testing

a) Whether the development proceeds under Quality Assurance Contract or not, the full cost of all testing is to be met by the Subdivider/ Developer. Test results will be required to ensure that the material supplied and the work carried out conforms with the approved specification.

Inspections

b) Joint inspections at key stages of construction will be required to be carried out by representatives of both the Principal Certifier and the Developer.

c) The whole of the work is to be carried out to the satisfaction of the Principal Certifier. Uninterrupted access is to be available at all times. The Principal Certifier's role should be regarded as "overseeing supervision" which is secondary to that required by the supervisor.

Inspections during Construction

d) The supervisor, or their nominated representative as approved by the Principal Certifier, is to give not less than twenty four (24) hours notice to the Principal Certifier prior to inspection of each of the following work stages and in accordance with the following detailed requirements:

Traffic Management -

(i) Once the Traffic Control Plan arrangements and pedestrian controls are in place but prior to work commencing on site.

Site Regrading and Clearing –

(ii) When the site is to be regraded and cleared.
(iii) When erosion control measures have been completed.
(iv) Prior to the commencement of earth works in order to determine the removal of trees and vegetation.

Stormwater Drainage and Utility Service Conduits -

(v) When trenches are opened and pipes are laid and jointed. Trenches are not to be backfilled until approval has been obtained.
(vi) For major gully pits and all concrete structures – when they are formed up, reinforcement is in place and prior to pouring.
(vii) Prior to placement of filter material when subsoil drainage is laid. Filter material testing may be required if it varies from the specification.

Sewer Mains –

(viii) When trenches are to be opened and when pipes are laid and jointed. Trenches are not to be backfilled until approval has been obtained.
(ix) Prior to the pouring of all concrete for sewer manholes and pumping stations.
(x) Final testing of sewerage reticulation:

- after all civil works are completed;
- prior to practical completion; and
- at final completion.

Sub-grade-

(xi) When sub-grade is ready for inspection and conduits have been laid.
(xii) Pavement construction must not commence until the sub-grade has been tested and accepted.

Kerb and Gutter-

(xiii) When base course pavement material has been brought to the correct state of level and compaction, an inspection is required prior to the laying of kerb and gutter.

Pavement Construction –

(xiv) When each pavement course is ready for inspection and compaction test results have been lodged with council.
(xv) Each subsequent course is not to be commenced until the previous layer is tested and inspected.

Pavement Surfacing –

(xvi) Prior to sealing of pavement a Benkelman Beam test is to be undertaken.

(xvii) If weather conditions necessitate any alteration, Council shall be notified as soon as possible.

Overland Flow Paths –

(xviii) After shaping and prior to topsoiling, turfing, landscaping or paving of overland flow paths.

Concrete Pathways –

(xix) Prior to pouring of concrete pathway.

Out of Hours Inspections

e) The developer will be required to meet the full cost of any inspections required outside normal Council working hours and will be required to agree in writing to meet those costs prior to any such work being authorised.

Practical Completion Inspection

f) When all works are completed in accordance with the approved plans and specifications, and all utility services installed. All lots must be pegged at the time of this inspection.

Final Inspection

g) At end of maintenance period a final inspection will be conducted.

Inspection Record and Testing of Inspections

h) Council will insist on uninterrupted access at all times for the Principal Certifier or their representative so as to enable audit inspections or testing. Records of all test results required by Council will be made available to the Principal Certifier promptly when requested and tests will be undertaken strictly to prescribed test procedures by testing organisations approved by the Principal Certifier prior to work commencement.

4.4 Insurances

Desired Outcomes

DO1 - Appropriate third party and public risk insurance is secured prior to commencement of construction.

Development Requirements

Third Party Insurance Public Risk

a) The Supervising Consultant shall take out professional indemnity insurance indemnifying themselves and Council. The Supervising Consultant will also provide the Principal Certifier with evidence that all contractors have obtained appropriate third party and public risk insurance for a minimum value of $20 million. A copy of the policy documents are to be submitted to the Principal Certifier prior to commencement of construction.

4.5 Work-as-Executed (WAE) Plans

4.5.1 General

Desired Outcomes

DO1 - Work-as-Executed Plans, prepared in accordance with best industry practice, are submitted at the completion of works.

Development Requirements

Format Requirements of Submission

a) Following completion of the work, one full set of work-as-executed plans on transparent film and electronic format (MGA Zone 56 Projection) suitable for reproduction is to be submitted and retained by Council.

b) Works as executed figures (where there is a variation from the design) are to be shown boxed on plan and longitudinal sections.

c) Works as Executed Plans must be lodged prior to practical completion inspection by the Principal Certifier.

d) The Subdivision Certificate will not be processed until the Works as Executed Plans have been received and verified.

Certification

e) The Works as Executed Plans must be certified by a Registered Surveyor or Chartered Professional Civil Engineer responsible for the preparation of the Works as Executed Plan.

f) The Registered Surveyor responsible for the preparation of the Subdivision Certificate of survey covering the subdivision is to supply a signed certificate stating that all pipes and associated pits and manholes and services are located wholly within the respective easements.

g) The following certificate is to be appended to the plans and signed by the supervising surveyor or engineer:

"I hereby certify that engineering works shown on this plan have been constructed generally in accordance with the plans and specifications approved by the Principal Certifier".
Name:
Signature: .....
Capacity: .....
Date: .....
Development Application Reference: .....

Figure B2-1: Certificate to be Appended to Plans

4.5.2 Information to be Shown on WAE Drawings

Desired Outcomes

DO1 - An appropriate level of detail is depicted on Work-as-Executed Drawings.

Development Requirements

Work-as-Executed Drawings are to depict the following detailed requirements, as relevant:

Roadwork

a) Footpath widths are to be shown to face of kerb at:

   (i) all TP's;
   (ii) centre of curves;
   (iii) beginning and end of construction; and
   (iv) intermediate points on long straights no more than 100 m intervals, where variation exceed +10% from the approved width.

b) Gutter invert levels to be shown at:

   (i) All TP's;
   (ii) Crests;
   (iii) Sags;
   (iv) End of straight grades; and
   (v) As required on flat grades.

Stormwater Drainage

c) Invert levels of all pipelines at entrance and exit of all pits and headwalls.

d) Pipe sizes at entrance and exit of all pits and headwalls.

e) Actual locations, levels and junction positions of inter-allotment drainage lines.

f) The location of all pits and pipes within lot boundaries are to be shown by dimensions to nearest boundaries.

g) The location of conduits, subsoil lines and stubs for further extensions.

h) Details of overland flow provision.

i) All other details which have a bearing on the extent of works and their acceptance by the Principal Certifier.

Site Regrading

j) Compaction certificates, lot filling and lot classification which have been prepared by a NATA laboratory. A lot fill diagram shall be provided where lots have been filled. Such diagram shall apply to all lots that have been filled in excess of 300 mm.

k) Finished surface levels are to be recorded by spot levels of the regraded area and the natural surface area adjacent.

l) Spot levels are to taken and recorded on plans at:

   (i) allotment corners;
   (ii) centre of front and rear boundaries; and
   (iii) 12 metres from front alignment on side boundaries and centre of lot.

m) Major site regrading (ie cut or fill over 0.5 m in depth) is to be recorded by new contours.

n) Depths of fill to be indicated by shading or crosshatching to intervals of 0.5 metres.

Flood Prone Areas

o) Spot levels are required on all lots within flood prone areas.

4.5.3 Information to be submitted with WAE Plans

Desired Outcomes

DO1 - Appropriate supporting documentation is submitted with Work-as-Executed Plans.

Development Requirements

The following supporting documentation is to be submitted with Work-as-Executed Drawings, as relevant:

a) Compaction Certifications (from NATA registered laboratory) for all roadwork pavement construction, for the:

(i) Sub-grade level;
(ii) Sub-base level; and
(iii) Base level.

b) Material Compliance Certificates for all road pavement for:

(i) Sub-base material; and
(ii) Base material.

c) Bitumen spraying records.

d) In order to add to Council's asset management register, it is required that the consultant complete Form 14.1 – Road Construction Details (See Appendix A) for all roads in the development. This form is to be lodged with the Works as Executed plans.

e) The actual contract values of all assets (roads, stormwater drainage, open space, etc) dedicated to the public shall be submitted.

4.6 Completion of Works and Certification

Desired Outcomes

DO1 - Appropriate procedures are followed to commence the maintenance period and to endorse the final survey.

Development Requirements

Maintenance Period

a) On practical completion of construction works the Supervising Consultant is to advise the Principal Certifier to that effect in writing and certify that the whole of the works have been carried out in accordance with the approved plans and specification. If the whole of the works are considered satisfactory the Principal Certifier will agree to a date (the date of practical completion) on which the whole of the works are considered to have

entered into the maintenance period. Unless otherwise approved, this date will be the date of release of subdivision.

Final Survey

b) At this stage, the Subdivider's Surveyor completes the final property survey and prepares the final plan of subdivision which is known as the "Subdivision Certificate". The final plan of subdivision plan shall be submitted for endorsement by Council as an original transparency and seven (7) copies. This plan will later be lodged by the Developer with the Registrar General who will prepare title deeds and advise Council of a deposited plan (DP) number so that sale of allotments of land may proceed.

4.7 Early Release of Allotments by Application of Engineering Bonds

Desired Outcomes

DO1 - Appropriate guarantee bonds and minor works bonds are lodged prior to the early release of allotments.

Development Requirements

Guarantee Bonds

a) Council may give consideration to the acceptance of a bond for outstanding engineering works to enable the early release of allotments.

b) Bonds shall be either a cash security deposit or Bank Guarantee and generally limited to a period of twelve months. All bonds will be calculated at the rate of 1.5 times the contract sum for carrying out the outstanding works.

c) A bond to guarantee satisfactory completion of bitumen sealing of roadways is to be submitted, where applicable.

d) Asphaltic concrete surfaces may be bonded provided a temporary seal is placed over the pavement and suitable provision for drainage (eg gutter slots) is provided.

Minor Works

e) Minor associated work such as street signs, medians, line-marking etc may be bonded.

f) Before Council will consider accepting a bond guarantee, the following engineering works within the subdivision must be completed.

(i) All sewer and water supply works required are complete and have been tested.
(ii) A work-as-executed plan for the sewer works and water supply are to be submitted to Council.
(iii) All major engineering problems have been overcome to the satisfaction of the Principal Certifier.
(iv) All works that involve the safety of the public (eg road junctions, flood control structures) are completed.
(v) Any geotechnical reports regarding the suitability of land for development as required by the Development Consent and Construction Certificate are to be submitted.

(vi) Payment of all fees and contributions required as conditions of development consent are complete.

4.8 Maintenance Bond

Desired Outcomes

DO1 - Works are maintained to the satisfaction of Council.

DO2 - Maintenance bonds, to the satisfaction of Council, are in place during the maintenance period.

Development Requirements

Maintenance of Works

a) Following practical completion of all construction works required as a condition of development approval, the developer shall maintain the works to the satisfaction of Council for a period of six (6) months.

b) The developer shall rectify any omissions, defects or other faults in the works which become apparent during the maintenance period under normal use of the works and which are due to any cause, including design, workmanship or materials.

Maintenance Bond

c) To ensure that the contractor satisfactorily carries out all maintenance and repairs required during this period the contractor must deposit with Council (or lodge a Bank Guarantee) for a period of six months from the date of practical completion a sum equal to that amount specified in Council's fees and charges prior to release of the Subdivision Certificate.

Release of Bond

d) Upon final inspection and satisfactory completion of the maintenance period, the bond shall be released or refunded by Council.

e) It is the responsibility of the developer to contact Council to arrange for the final inspection and release of the bond.

4.9 Deferred Payment of Contributions

In respect to subdivisions, Council may give consideration to deferring the payment of a contribution upon receiving a request in writing, from the developer and or his agent.

Desired Outcomes

DO1 - The developer enters into a Deed of Agreement with Council with a caveat to be registered over the title of the land when both parties agree to defer the payment of developer contributions.

Development Requirements

a) When deferring payment the developer will be required to enter into a Deed of Agreement with Council, at the applicant's expense. The agreement will require a caveat to be endorsed on the existing allotment

title and will make provision for Council to be paid the contribution when the allotment is sold and or transferred and be in a form which is a bar to transfer. The amount of contribution to be paid will be the rate prevailing at the time of sale and or when transfer takes place. The plan of subdivision will be released once the deed and the caveat have been registered.

5.0 Development Requirements – General Services and Easements

5.1 General

Desired Outcomes

DO1 - Adequate provision is made within developments for the installation of all services in consultation with the relevant authorities.

DO2 - The developer bears the cost of all fees and charges associated with the provision of these services.

DO3 - Services are provided generally in accordance with the requirements stipulated in the relevant components of Council's Engineering Guidelines for Subdivision and Development.

DO4 - Services, utilities and infrastructure are designed, located and constructed to:

- Avoid areas of ecological or scenic value;
- Minimise the impact on areas of native vegetation;
- Be suitably screened from public places or streets;
- Be co-located in shared underground trenching where compatible; and
- Ensure transportation, treatment and disposal of sewage wastes minimise environmental impacts; and
- Be protected from building over the services by way of easements with terms that prevent building over the easement and allowing adequate maintenance access, where necessary.

Development Requirements

Provision of Services

a) Services are to be provided for all developments as outlined in the following Table:

Table B3-1: Required Provision of Services

Service	Urban Lots	Rural Residential	Rural or Other Non Urban (40 ha or less)
Electricity	Yes	Yes	Yes
Street Lighting	Yes	At specific location	No
Sealed Road	Yes	Yes	Depending on road class (refer to Table D1.8 – a copy of which is included in

			Appendix B of this Chapter)
Kerb & Gutter	Yes	Edge scour protection where necessary	No
Footpath Paving	Yes*	No	No
Water	Yes	Yes (except Arakoon)	Yes (where in close proximity)
Sewer	Yes	Yes (where required)	No
Stormwater Easements Piped	Yes	As appropriate	No
*An overall footpath strategy will be worked out for each new release area			

b) The design, location and construction of all utilities, services and infrastructure are to comply with the relevant provisions of Council's Engineering Guidelines of Subdivision and Development.

Street Lighting

c) The developer will be responsible for installation of street lighting in subdivision proposals where new roads are to be opened. Such lighting shall be installed and connected to the supply complete with all control equipment but not commissioned. The latter will be arranged by Council when it is considered appropriate.

Location of Services

d) The location of services in residential footpaths shall be in accordance with the following space allocations (as for a 3.5 metre wide footpath).

Table B3-2: Location of Services in Residential Footpaths

Distance from Kerb Line	Usage
0 - 0.8	
0.8 - 1.4	Water
1.4 - 2.0	Telephone
2.0 - 2.6	Sewerage
2.6 - 3.5	Street Lighting and electricity

Conduits

e) Conduits must be laid under road pavements to provide for future provision of water, electricity and telecommunication services (including National Broadband Network) to the requirements of the relevant authorities.

Drainage

f) Sub soil drainage lines are to be provided behind all pavements and below the invert of any service crossing.

Restoration

g) The developer shall be responsible for the restoration of footpaths and roadways after the installation of services till the end of the maintenance period.

h) Under road pavements, fine crushed rock or other approved granular material shall be used to backfill trenches from the top of the sand or metal fines layer surrounding the conduits to the underside of the road

pavement. Such backfill shall be compacted by approved means to a density 95% of standard compaction density.

Easements

i) The developer will be required to provide legal easements or drainage reserves of widths as determined by Council over all stormwater drains, water courses, sewerage mains and services.

The following standards shall generally be adopted.

Table B3-3: Required Easement Widths

System Type		Easement Width (rounded up to nearest 0.5 m)
Drainage	Single pipe	3.0 m (minimum)
	Multiple pipes	Overall outside width of pipe group +2 m
	Box culverts	Overall width of box + 2 m
	Open channels	Width including free board +2 m (generally restricted to drainage reserves)
	Surcharge paths	Width including free board + 2 m
	Interallotment Drainage	1.5 m (minimum)
Sewerage	Minor mains	3.0 m (minimum)
	Carrier mains	3.0 m (minimum)
Other services		Liaise with appropriate authority

Easements over inter-allotment drainage

j) Easements over inter-allotment drainage are to be created in favour of the lots being serviced, not in favour of Council.

Easement for Support

k) The developer shall make provision for the necessary easements for support to cover all embankments or cuttings that extend into the development.

l) Building over drainage easements is generally prohibited.

Footings close to an Easement

m) Where it is proposed to construct footings or foundations in the vicinity of a drainage easement, Council may impose such conditions as it considers necessary to protect the structural integrity of the existing or proposed drainage structure.

5.2 Warning Signs for New Roads

Desired Outcomes

DO1 - Appropriate warning signs are erected to warn motorists of the construction of new roads.

Development Requirements

a) Warning signs including the words "Roads under Construction - Not Open to the Public" are to be erected and maintained during the construction of new roads at each road junction of proposed new road with existing roads.

b) These signs are to be:

(i) located so as to be clearly visible in daytime and at night to approaching motorists;
(ii) properly sign written with 150 mm minimum height lettering on a contrasting coloured background; and
(iii) maintained until the roadwork and all openings in the new roads have been restored or made safe.

5.3 Damage to Access Road Caused by Development

Desired Outcomes

DO1 - Roads are maintained and repaired to remain at a safe and trafficable standard.

Development Requirements

a) Where any damage is caused to any road used for access during construction of the development, such damage shall be restored prior to release of Subdivision Certificate.

b) All roads used for access shall be maintained in a trafficable condition during construction of such works.

5.4 Supervision

Desired Outcomes

DO1 - Works are undertaken in accordance with the conditions of any relevant development consent.

DO2 - Works are:
- supervised by an appropriately qualified and experienced person;
- inspected regularly to ensure compliance with any relevant development consents and specifications; and
- managed to minimize impacts on the amenity and environment.

DO3 - Works are undertaken in compliance with:
- the *Work Health and Safety Act 2011* (WHS Act) and its regulation; and
- the current and relevant Codes of Practice prepared in approved in accordance with the WHS Act.

Note – current Codes of Practice may be obtained from the WorkCover Authority NSW website.

Development Requirements

The applicant

a) Council will hold the applicant to whom the development approval is issued, responsible to complete or to cause the completion of all development works in accordance with the terms of the development approval and the approved plans and specifications.

Approved Plans and Specifications

b) "Approved" means that the plans and specifications meet Council's requirements but does not release the developer of the responsibility of rectifying any errors or omissions in the plans and specifications which may become evident during construction.

The Supervisor

c) Where the development involves construction of civil engineering works, the developer shall nominate a supervisor who shall be responsible for the execution of the works. No work shall commence until the developer has advised Council in writing the name of the supervisor.

Qualifications

d) The supervisor shall be a qualified civil engineer or registered surveyor as appropriate and have had suitable experience in the supervision of such works and shall not be engaged by or have any financial interest in the contractor undertaking the works.

Frequency of Inspection

e) The supervisor must properly supervise the works and inspect them with sufficient frequency to ensure that the materials and workmanship conform to the requirements of the approved plans and specifications.

Haulage Routes

f) The Superintendent must nominate haul routes to be used during construction. These routes must be approved by Council. During construction, any damage to road pavements, services or street furniture along the route identified as being caused by the contractor must be repaired to the satisfaction of Council. Where safety is compromised Council may expect the work to be made safe immediately or carry out any necessary work at the contractor's expense.

Survey Marks

g) Disturbance of survey marks (permanent marks) will be the liability of the developer and/or contractor.

h) The Supervisor shall ensure that compliance with the requirements of the *Occupational Health and Safety Act 2000*, as amended.

6.0 Development Requirements – Water Supply

6.1 Water Supply

Desired Outcomes

DO1 - A supply of potable water, with sufficient capacity for peak usage, fire fighting and development is provided in accordance with clause 7.8 of KLEP2013.

Development Requirements

a) A reticulated water supply will be required for all subdivisions except:

(i) land zoned R5 – Large Lot Residential in the vicinity of Arakoon and South West Rocks; or
(ii) where deemed financially unviable by the Director of Infrastructure; or
(iii) where satisfactory arrangements have been made for the future provision of reticulated water supply to each lot.

b) All water supply systems shall be designed to meet Council's Engineering Guidelines for Subdivision and Development, incorporating the Water Supply Code of Australia.

6.2 Supply of Recycled Water

Desired Outcomes

DO1 - A recycled water supply is designed and installed for all new residential subdivisions at South West Rocks where it is available, in accordance with:
- Council's Engineering Guidelines for Subdivision and Development;
- WSA – Water Supply Code of Australia; and
- Any relevant Australian Standards.

Development Requirements

a) Where a recycled water reticulation system is available to the site, connection to that system and a recycled water reticulation system within the site shall be provided.

b) Parks created by the subdivision are to be connected to a recycled water reticulation system.

c) Where a recycled water reticulation system is available or planned to be available to the site, recycled water shall be used for:

(i) Hot water systems;
(ii) Washing machine cold water tap; and
(iii) Other non potable uses as permitted.

d) Where a recycled water reticulation system is available or planned to be available to the site, potable water shall be used for:

(i) Kitchen, bathroom and laundry tub cold water taps;
(ii) Pool filling; and
(iii) Fire fighting.

e) Ensure infrastructure is designed to minimise the risk of cross-connection of potable and non-potable systems, for both public and private infrastructure.

7.0 Development Requirements – Sewerage

7.1 General

Desired Outcomes

DO1 - Connection to a sewerage system is provided in accordance with clause 7.8 of Kempsey Local Environmental Plan 2013.

Development Requirements

a) Sewerage systems shall be designed in accordance with Council's Engineering Guidelines for Subdivision and Development and the Sewerage Code of Australia.

APPENDICES

Appendix A: Form 14.1 – New Assets

Form 14.1

SUBDIVISION

NEW ASSETS

GENERAL

Estate Description/Location: .....

Supervisor ..... Phone: .....

Fax: .....

Appointed Contractor: ..... Phone: .....

Fax: .....

Developer: ..... Phone: .....

Fax: .....

File No/LA: .....

Construction Certificate No: ..... Date issued: .....

Work as Executed Plans Electronic DXF Format: ☐ Operational Services ☐ Environmental Services ☐ Computer Services ☐ To file

Issue Practical Completion Certificate: .....(Date) Inspection date: .....
(Commencement Maintenance)

Maintenance Inspection (End): .....

.....

..... ☐ Work completed

Issue Completion Certificate: .....(Date)

Total Value of Assets: $.....

ROADWORKS

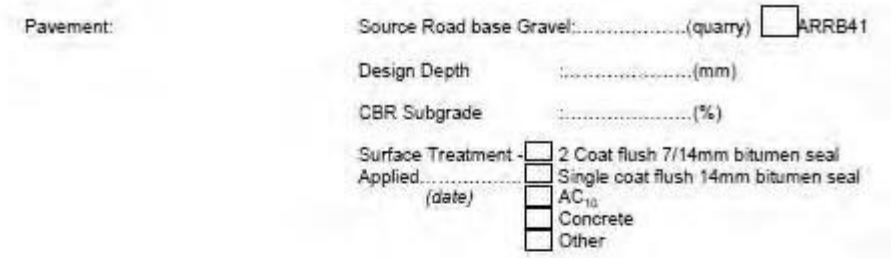
Length of New Road (Urban/Rural): ..... m

Length of kerb and gutter: ..... m

Value of Asset (Construction Cost): $.....

34

Figure B3-1: Copy of Form 14.1



Pavement:

Source Road base Gravel:.....(quarry) ☐ ARRB41

Design Depth :.....(mm)

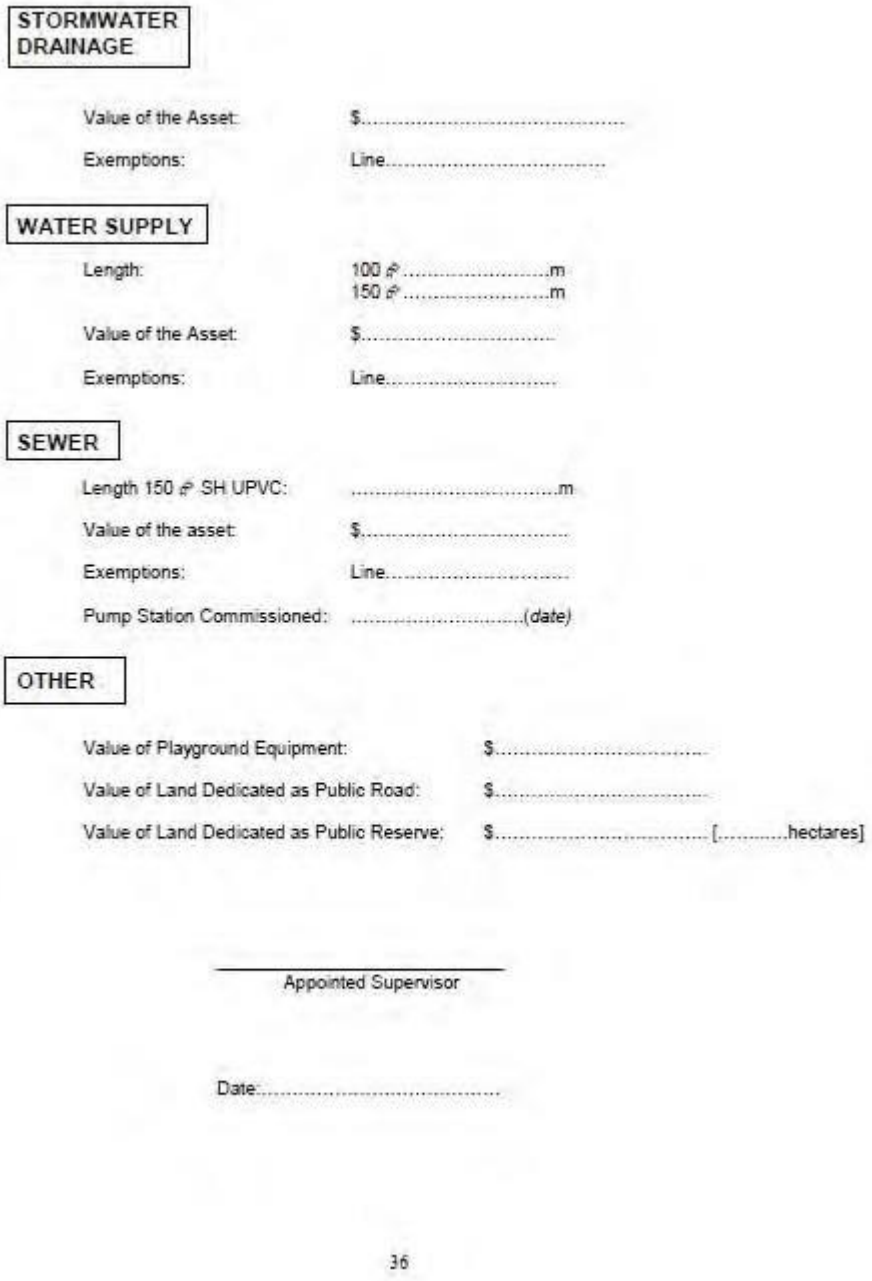
CBR Subgrade :.....(%)

Surface Treatment - Applied..... *(date)*

- ☐ 2 Coat flush 7/14mm bitumen seal
- ☐ Single coat flush 14mm bitumen seal
- ☐ AC_{10}
- ☐ Concrete
- ☐ Other

35

Figure B3-1: Copy of Form 14.1



STORMWATER DRAINAGE

Value of the Asset: $.....

Exemptions: Line.....

WATER SUPPLY

Length: 100 ⌀ .....m
150 ⌀ .....m

Value of the Asset: $.....

Exemptions: Line.....

SEWER

Length 150 ⌀ SH UPVC: .....m

Value of the asset: $.....

Exemptions: Line.....

Pump Station Commissioned: .....(*date*)

OTHER

Value of Playground Equipment: $.....

Value of Land Dedicated as Public Road: $.....

Value of Land Dedicated as Public Reserve: $..... [.....hectares]

_____
Appointed Supervisor

Date:.....

36

Figure B3-1: Copy of Form 14.1

Chapter B4 – Earthworks and Sediment Erosion Control

1.0 Introduction

1.1 Scope of this Chapter

This chapter applies to all development involving earthworks in the Kempsey Shire local government area.

1.2 Relationship to Other Chapters of this DCP

The provisions contained in Chapters included in Parts C, D, E and F of this DCP override the provisions of this Chapter to the extent of any inconsistency.

2.0 Chapter Objectives

The objectives of this Chapter are:

a) To identify the standards and development requirements for earthworks and sediment erosion control.

b) To ensure that building and construction activities do not have a negative impact on waterways.

c) To ensure that sediment and waste materials derived from construction sites do not cause blocked stormwater pipes, silted streams, poor water quality, or degraded aquatic communities.

3.0 Relationship to Council Policies and Other Documents

This chapter may reference relevant Australian Standards and adopt their requirements.

There are no Council Policies specifically focussing on earthworks or sediment erosion controls.

The requirements of the following components of Council's Engineering Guidelines for Subdivision and Development will apply to earthworks and sediment erosion control:

- D6 – Site Regrading
- D7 – Erosion Control and Stormwater Management
- C211 – Control of Erosion and Sedimentation
- C213 – Earthworks

4.0 Development Requirements

4.1 Geotechnical Investigations

Desired Outcomes

DO1 - Geotechnical matters are appropriately investigated and documented prior to lodgement of a development application.

DO2 - Measures to avoid the risk to life and property posed by slope instability are identified and undertaken.

Development Requirements

a) Development applications for site disturbance, excavation or filling (other than for minor building modifications or flood mounds for holding stock during flood events) including, demolition, excavation, trenching and building are to include details of geotechnical conditions at the site and any proposed measures to ensure the site is suitable for the development proposed.

b) Development applications involving a site with potential slope instability issues must include a slope stability geotechnical assessment, prepared by a suitably qualified person, to confirm the site is suitable for the development proposed.

c) Prior to the commencement of construction, detailed drawings shall be prepared and certified by a qualified structural engineer to demonstrate that any improvements, services and/or civil works will be safe, serviceable and repairable, taking into account the geotechnical conditions at the site.

4.2 Earthworks

Desired Outcomes

DO1 - Site regrading and earthworks are undertaken in a manner that:

- Does not detrimentally effect the environmental character of the site;
- Maintains the natural features of the site;
- Provides safe conditions for construction; and
- Minimises the impacts on adjoining properties and developments.

DO2 - Importation of fill material is minimised.

DO3 - Earthworks are undertaken in a manner that prevents damage to stormwater devices installed prior to site works, including swales, infiltration devices, filtration and bio-retention devices.

DO4 - Earthworks comply with the requirements of clause 7.2 of KLEP2013 and AS3798 – 2007: Guidelines on Earthworks for Residential and Commercial Developments.

Development Requirements

a) Site regrading and earthworks are undertaken in accordance with the relevant requirements of Development Design Specification D6 – Site Regrading of Council's Engineering Guidelines for Subdivision and Development.

b) Earthworks are undertaken in accordance with the relevant requirements of Development Construction Specification C213 – Earthworks of Council's Engineering Guidelines for Subdivision and Development.

c) Earthworks are carried out in accordance with the approved Specification submitted by the applicant's Geotechnical Engineer, where relevant.

4.3 Sediment and Erosion Control

Desired Outcomes

DO1 - Erosion and sediment loss before, during and after construction is managed in accordance with either:
- the approved Erosion and Sediment Control Plan; and/or
- the approved Soil and Water Management Plan.

DO2 - Surface and ground water pollution due to erosion, siltation and sedimentation is managed in accordance with either:
- the approved Erosion and Sediment Control Plan; and/or
- the approved Soil and Water Management Plan.

DO3 - Air pollution due to soil loss is managed in accordance with either:
- the approved Erosion and Sediment Control Plan; and/or
- the approved Soil and Water Management Plan.

DO4 - Development on land identified on the acid sulphate soils map complies with the development requirements of clause 7.1 of the KLEP2013.

Development Requirements

a) An erosion and sediment control plan is to be submitted and approved with a development application for development involving site disturbance generally less than 2000m^2 in accordance with:

(i) Council's Engineering Guidelines for Subdivision and Development; and
(ii) Managing Urban Water Soils and Construction NSW (ie the "blue" book).

b) Where developments involve large areas of site disturbance, a Soil and Water Management Plan demonstrating compliance with the relevant requirements of the following is to be submitted and approved by the consent authority:

(i) Development Design Specification D7 – Erosion Control and Stormwater Management of Council's Engineering Guidelines for Subdivision and Development; and
(ii) Managing Urban Water Soils and Construction NSW (ie the "blue" book).

c) Saving and re-using top soil and the incorporation of additives to improve existing soils is preferred to the importation of soils for landscaping.

d) Sediment and erosion controls measures complying with the relevant requirements of the following are to be undertaken during construction works:

(i) Construction Specification C211 – Control of Erosion and Sedimentation of Council's Engineering Guidelines for Subdivision and Development; and
(ii) The approved Erosion and Sediment Control Plan, where relevant; and
(iii) The approved Soil and Water Management Plan, where relevant.

e) The site must be fully stabilised before erosion and sediment controls are removed.

Chapter B5 – Stormwater Management (Drainage System Design)

1.0 Introduction

1.1 Scope of this Chapter

This chapter applies to all development in the Kempsey Shire local government area where establishment of sustainable stormwater management and infrastructure is required.

1.2 Relationship to Other Chapters of this DCP

The provisions contained in Chapters included in Parts C, D, E and F of this DCP override the provisions of this Chapter to the extent of any inconsistency.

This chapter should be read in conjunction with Chapter B6 – Water Sensitive Urban Design.

2.0 Chapter Objectives

The objectives of this Chapter are:

a) To preserve and improve water quality of both surface and ground water within the development, comparative to the pre-development state.

b) To preserve the total water cycle balance within the development comparative to the pre-development state.

c) To maximise stormwater reuse in areas outside the water recycling network to conserve water.

d) To preserve natural drainage systems and ecosystem health.

e) To minimise the risk to the community.

f) To reduce the initial and ongoing operating and maintenance cost of stormwater management systems.

g) To protect the built environment from flooding and water-logging.

h) To adopt best practice stormwater management incorporating the principles of Ecologically Sustainable Development (ESD).

i) To maintain social, cultural and aesthetic values.

3.0 Guidelines

3.1 Sustainable Stormwater Management

Sustainable Stormwater Management involves treating, intercepting and delaying the discharge of rainfall from a parcel of land before it flows off the site to an adjacent natural waterway.

There are generally three strategies for on-site stormwater management:

a) Techniques that encourage the infiltration of stormwater into soils;

b) Techniques that encourage the temporary storage of stormwater on-site, instead of transporting it off-site for centralized detention within a development project; and

c) Techniques, such as the construction of artificial wetlands, which also allow some degree of longer-term retention and treatment of the stormwater by natural processes before it is discharged.

3.2 Integrated Water Cycle Management

Integrated Water Cycle Management (IWCM) assists local water utilities manage urban water services collectively, not as individual components, saving resources and improving services. The three components of urban water – potable water, sewage and stormwater – share common issues, as well as individual problems. Cost effective and efficient water management needs to consider the entire water cycle – from catchment to the tap.

3.3 Relationship to Council Policies and Other Documents

This chapter may reference relevant Australian Standards and adopt their requirements.

The following Council Policies and procedures, or their current equivalent, are relevant to the issues addressed in this chapter:

- Council Policy No. CPOL-28: Contributions to Works for Kerbing and Guttering;
- Council Policy No. CPOL-43: Flood Risk Management Policy;
- Council Policy No. CPOL-60: Guide for Certification of Civil Engineering Design Work;
- Procedure No 1.1.2: Developer Servicing Plans;
- Procedure No 1.1.7: Development Contribution Plans; and
- Procedure No 1.1.11: Flood Risk Management.

The requirements of the following design and construction specifications from Council's Engineering Guidelines for Subdivision and Development, or their current equivalent, will apply to stormwater management:

- DQS – Quality Assurance Requirements for Design;
- D4 – Subsurface Drainage System;
- D5 – Stormwater Drainage Design;
- D7 – Erosion Control and Stormwater Management;
- D13 – Land and Street Scape Design;

- C101 – General;
- C220 – Stormwater Drainage – General;
- C221 – Pipe Drainage;
- C222 – Precast Box Culverts;
- C223 – Drainage Structures;
- C224 – Open Drainage including Kerb and Gutter;
- C230 – Subsurface Drainage – General;
- C231 – Subsoil and Foundation Drains;
- C232 – Pavement Drains; and
- C233 – Drainage Mats.

The following documents are also applicable to the matters addressed in this chapter:

- Kempsey Shire Ecological Sustainable Development Strategy;
- Kempsey Shire Council Integrated Water Cycle Management Strategy; and
- Any relevant Estuary Management Plans;
- Any relevant Flood Management Plans including associated studies;
- Any relevant Coastal Management Plans including coastal hazard assessments; and
- Kempsey Stormwater Management Plan.

3.4 Other Approvals

Stormwater drainage work requires a separate approval under section 68 of the *Local Government Act 1993.*

A separate approval may be required for any stormwater management works within the road reserve under section 138 of the *Roads Act 1993.*

If stormwater works are to be undertaken on or near water front land then a Controlled Activity Approval pursuant to the provisions of the *Water Management Act 2000* and its Regulation must be obtained from NSW Office of Water.

Note - NSW Office of Water's website provides further information on what is a controlled activity.

4.0 Development Requirements

4.1 General

Desired Outcomes

DO1 - All stormwater generated within the development is controlled and managed to an appropriate degree.

DO2 - All stormwater passing through the development from the surrounding catchment is controlled and managed to an appropriate degree.

DO3 - An effective legal point of discharge for all collected stormwater is provided, from the development to a natural watercourse, Council drainage system or approved outfall.

DO4 - Safety and convenience for pedestrians and traffic in frequent stormwater flows is provided by controlling these flows within prescribed limits.

DO5 - Stormwater systems minimise erosion.

DO6 - Each component of the stormwater management system is designed and constructed in accordance with the relevant requirements of Council's Engineering Guidelines for Subdivision and Development.

Note – As a guide, development is to either:
- Maintain pre-development flows; or
- Upgrade the downstream system to cater for the increase.

Development Requirements

4.1.1 General

a) An application for subdivision or development involving significant impervious area must be accompanied by a Stormwater Management Plan, incorporating WSUD, prepared by a certified practicing Engineer.

b) The Designer shall adopt the 'major/minor' approach to urban drainage systems as outlined in the current version of Australian Rainfall and Runoff.

c) The storm water drainage system is to be designed in accordance with:

(i) Council's Engineering Guidelines for Subdivision and Development;
(ii) The current version of Australian Rainfall and Runoff;
(iii) Any relevant Australian Guidelines; and
(iv) Any relevant industry guidelines.

d) Flows through the major system shall follow a designated overland flow path, which shall:

(i) Follow a road if the catchment area is small; and/or
(ii) Follow a natural water course or, as a last resort, a drainage reserve, if it is impractical or unsafe for a road to carry the excess flows; and
(iii) Not increase risk to public safety; and
(iv) Not exceed the capacity to safely transport design flows including minor system blockages and storm flows from events greater than the design event without property damage.

e) Detention and retention basins are to be integrated into public open space such that there is no loss of function, where appropriate.

4.1.2 Site Drainage

f) The drainage system has the capacity to control site specific design surface flows and additional flows entering the site from upstream property to stop stormwater entering dwellings during the design event.

g) Development of the site is situated and designed to eliminate water inundation.

h) The drainage system shall be designed to minimise ponding for protracted periods of time.

i) Various source control measures to minimise the quantity of stormwater runoff shall be deployed where site conditions allow.

4.2 Water Quality

Desired Outcomes

DO1 - Stormwater within subdivisions and development does not detrimentally affect:

- the environment;
- surface and subsurface water quality;
- groundwater infiltration characteristics;
- adjoining and neighbouring properties downstream of the drainage outlet by damage or nuisance flows; and
- watercourses, either upstream or downstream of the subdivision or development.

DO2 - Stormwater runoff meets specified quality objectives during all phases of a development.

Development Requirements

a) On development sites where the existing groundwater level is close to the surface, Council may require submission of a Hydrogeological Report including the interaction between surface and groundwater flows.

b) The current version of *Australian Runoff Quality* (Institute Engineers) design guideline is to be used to estimate urban stormwater contaminants, quality management practices and procedures for estimating performance.

c) Proposed Water Sensitive Urban Design stormwater quality treatment train options are to be assessed using the MUSIC model. In areas where there is an existing and or proposed recycled water system water tanks cannot be used to treat or store water for reuse.

d) Urban Stormwater drainage systems are to be designed and constructed to effectively capture and remove gross pollutants using a combination of at source and inline systems only.

e) The quality of the water retained and or leaving the urban development is to meet the current *Guidelines for Managing Risks in Recreational Water* and *ANZECC Guidelines*.

f) Both temporary and permanent stormwater drainage systems are to be designed to retain sediment generated by development in accordance with Councils *Engineering Guidelines for Subdivision and Development* and the current Landcom publication *Managing Urban Stormwater- Soils and Construction*.

g) Where groundwater recharge is deemed appropriate, the quality of the water collected from the site for this purpose is to meet current *Guidelines for Managing Risks in Recreational Water* and *ANZECC Guidelines.*

4.3 Water Cycle Balance

Desired Outcomes

DO1 - Hydrological processes are managed so that:

- Peak flows do not exceed the natural conditions of the site;
- Environmental flows in relation to surface and groundwater are maintained;
- Flow duration and velocity is managed to maintain downstream waterway morphology; and
- Continuing filtration maintains downstream ground water systems at pre-development levels.

Development Requirements

a) A Water Balance Assessment is to be provided for developments where the water balance will be disturbed.

(i) Where the development drains into a designated wetland, a *Wetlands Water Balance Report* is to be prepared by an appropriately qualified and experienced person having regard to, but not limited to, precipitation, surface water, groundwater etc.

b) No direct drainage to designated Wetlands or associated buffers and or habitat protection zones will be permitted.

c) The development is not to alter the natural water balance of downstream wetlands.

d) All stormwater passing through the development from the surrounding catchment is to be controlled and managed.

e) Identify stormwater quantity management practices and procedures for estimating the performance of these practices in accordance with Council's Engineering Guidelines for Subdivision and Development.

f) Stormwater systems are to minimise erosion.

g) A stormwater system does not adversely detract from the principal function of open space areas where they are utilised for infiltration of runoff and stormwater retention.

4.4 Stormwater Reuse (Harvesting)

Desired Outcomes

DO1 - Proposed urban stormwater harvesting and reuse option planning and design has regard for the current version of the NSW Government publication *Managing Urban Stormwater Harvesting and Reuse*.

DO2 - In developments where it is suitable to install rainwater tanks, the tanks are sized having regard for the area of the roof, soils, rainfall, anticipated usage, the *Rainwater Tank Design and Installation* Guide (Australian Water Commission) and the NSW Department Health requirements.

Development Requirements

a) Stormwater harvesting options will generally not be permitted where the development has or will have access to a Council recycled water supply system.

b) Urban stormwater harvesting and reuse is not to be used as a source of raw water for use in large scale potable water schemes.

c) In developments where it is suitable to install Porous Pavement the area is isolated from sources of sediment during construction and post construction and is not a high or heavily trafficked area.

d) In developments where suitable site conditions allow the installation of infiltration devices are permitted. Design and construction is to be consistent with Councils Engineering Guidelines for Subdivision and Development, the inlet is fitted with a silt trap and overflow pipe connected to the stormwater drainage system.

e) Council will require any proposal to store rainwater in an underground aquifer for later non-potable reuse will require a detailed Design and Management Plan prepared by an experienced and qualified person which addresses elements such as hydrology, hydrogeology, soils, pollutants, public health and any other related matters.

f) In developments where it is suitable to install rainwater tanks the source of the rainwater is to be limited to rooves, the collection system is to have a first flush device for removing pollutants, the water from the tank is to be used in the main for toilet flushing irrigation and laundry, the overflow is connected to an infiltration device (where soils allow) or the stormwater drainage system, noise from pressure pumps do not exceed 5dB(A) above ambient background noise measured at the lot boundary.

g) In developments where it is suitable to install rainwater tanks and the source of the rainwater is other than roof water (driveways, paved areas or grassed surfaces) then there will be no interconnection with the potable water supply network at the site, the collection system has integrated into it first flush pit or oil/grit separator and the fixtures are to be marked "Not Suitable for Drinking".

4.5 Natural Drainage Systems

Desired Outcomes

DO1 - The impact of stormwater on natural watercourses, aquatic habitat and riparian vegetation mimics the pre-development natural drainage system.

Development Requirements

a) Incorporate natural water courses within the development as part of the drainage network and integrate into public open space to minimise use of artificial drainage systems.

b) Retain and restore riparian vegetation (Controlled Activity refer NSW Office Water) to improve water quality through bio-filtration.

c) Identify and address future management strategies affecting development having regard for any relevant plans, including but not limited to, Estuary Management Plans, Flood Management Plans and Stormwater Management Plans.

d) Minimise the use of artificial drainage systems and convert drains into natural streams.

4.6 Public Health

Desired Outcomes

DO1 - The stormwater management system is designed and constructed to minimise adverse impacts on public health.

Development Requirements

a) Identify the health effects of the urban development proposal and measures to mitigate those effects having regard to the NSW Government publication *Healthy Urban Development Checklist* guidelines.

b) Safety and convenience for pedestrians and traffic in frequent stormwater flows is provided by controlling these flows within prescribed limits.

4.7 Protection of the Built Environment

Desired Outcomes

DO1 - The built environment is suitably protected from the impacts of flooding and water-logging.

DO2 - The design of the stormwater management system will result in the prevention of stormwater damage to property and the natural environment.

Development Requirements

a) Store and detain excess runoff from large rainfall events in parks and multiple use corridors.

b) Convey excess groundwater to the nearest watercourse.

4.8 Best Practice and ESD

Desired Outcomes

DO1 - Best practice stormwater management incorporating the principles of Ecological Sustainable Development are adopted in the design of stormwater management systems.

Development Requirements

a) Best practice should ensure decisions in relation to development have regard for stormwater impacts on receiving waters and corrective measures are deployed in a cost effective, integrated and organized way. The current *Australian Guidelines for Urban Stormwater Management* represent current best practice in stormwater planning and management in Australia.

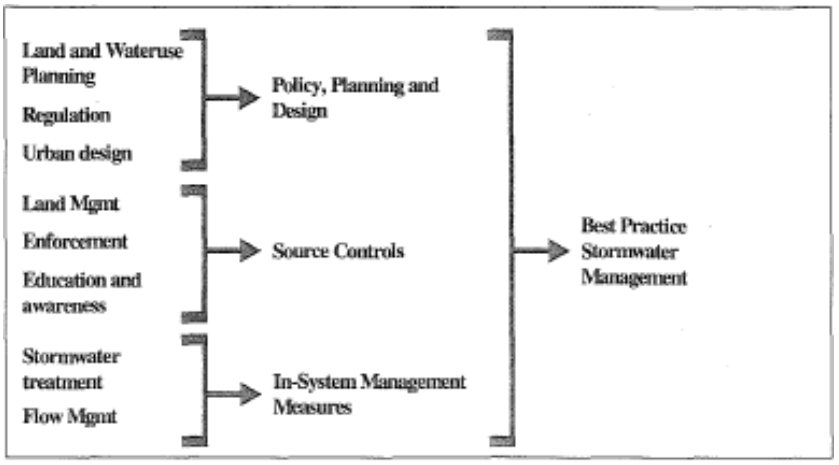


Figure 4 - Best practice environmental management of stormwater requires integration of a range of measures (Adapted from Victorian Stormwater Committee (1999))

Figure B5-1: Integration of Range of Measures for Best Practice Stormwater Management.

b) Ecologically Sustainable Development meets the community needs whilst conserving and improving ecosystems for the benefit of future generations.

4.9 Economic Maintenance

Desired Outcomes

DO1 – The stormwater system will be economical to maintain.

DO2 - Stormwater management is efficient and reduces potable water demand.

Development Requirements

a) Determine the economic viability of the proposed stormwater management practices to be deployed having regard for not only the capital cost but the ongoing operation and maintenance costs over the life cycle of these practices.

b) Stormwater management devices which are not affordable on an ongoing basis and compromise the effectiveness of the device will not be accepted.

4.10 Social, Cultural and Aesthetic Values

Desired Outcomes

DO1 - Sites of cultural or heritage significance are identified and maintained.

DO2 - The stormwater management system does not have a significant adverse impact on social, cultural and aesthetic values.

Development Requirements

a) The stormwater management system complies with the relevant Desired Outcomes and Development Requirements of:

(i) Chapter B12 - Aboriginal Heritage; and
(ii) Chapter B13 – Heritage Areas/Developments.

Chapter B6 – Water Sensitive Urban Design

Pending

Chapter B7 – Flood Hazard Area Management

1.0 Introduction

1.1. Scope of this Chapter

This Chapter applies to all land within the Kempsey Shire local government area, which is identified on the Flood Planning maps on Council's website and other land at or below the Flood Planning Level.

1.2. Relationship to Other Chapters of this DCP

The provisions contained in Chapters included in Parts C, D, E and F of this DCP override the provisions of this Chapter to the extent of any inconsistency.

This chapter of the DCP is to be read in conjunction with those sections of this DCP which specify flood related development requirements for individual land uses and specific areas.

1.3. Flood Mapping

Flood mapping defines flood levels, flood extents, flood velocities and floodways, and where available is used to determine flood behaviour within Kempsey Shire. This mapping is generally limited to urban areas and mainstream flooding areas on the Macleay River Floodplain below Aldavilla. These maps are updated from time to time to reflect the latest data and understanding of flood behaviour.

1.4. How to use this Chapter

Where a development is proposed in respect of land to which this Chapter applies, Council will take the provisions of this Chapter in consideration in determining the application.

Compliance with the provisions of this Chapter does not imply that Council will grant consent to an application. Council must, in relation to development applications, also take into consideration those matters listed under Section 4.15 of the *Environmental Planning and Assessment Act 1979.*

2.0 Chapter Objectives

The objectives of this Chapter are:

a) To ensure that development on flood prone land is consistent with:

(i) Kempsey Local Environmental Plan 2013;
(ii) Council's adopted Floodplain Risk Management Plans;
(iii) NSW Government's Floodprone Lands Policy; and
(iv) NSW Government's Floodplain Development Manual.

b) To ensure that new development on flood prone land is compatible with the degree of flood hazard and that adequate flood risk management measures are incorporated in the design of the development thereby minimising the possibility of loss of life and damage to property.

c) To encourage the re-development of existing flood prone lands in a manner that will minimise the chance of loss of life and damage to property by future flooding.

d) To prevent the creation of any 'new area' of urban development on flood prone lands.

e) To prevent any extension of existing urban zoned areas into flood prone lands.

f) To seek the eventual clearance of the Kempsey CBD Floodway Number 1 and its re-development for recreational, agricultural and limited commercial uses which will only have a minimal effect on the free flow of floodwaters and minimal risk of causing loss of life or damage to property, e.g. sporting fields, picnic grounds, nurseries, recreation facilities with minimal permanent buildings and no residential facilities.

3.0 Guidelines

3.1 Floodplain Risk Management Plans

At the time of adoption of this DCP, related detail in relation to development on flood affected land are contained in Council adopted Floodplain Risk Management Plans.

3.2 Determining flood prone land

Land impacted by flooding can be identified in the Flood Planning maps on Council's website. The provisions of this chapter will apply to development on or within the Flood Planning Area.

3.3 Determining the Flood Planning Level for a site

The Flood Planning Level for any locality on the Macleay River Floodplain is determined by identifying the 1% AEP Flood level (on Australian Height Datum) from the Council adopted flood record then adding a freeboard of 0.5 metres .

This level is used to set the minimum habitable floor level for residential buildings in the Kempsey Shire.

3.4 Definitions

For the purposes of this Section:

"1% AEP" (1 in 100 Flood) – Flood probabilities are expressed in terms of the chances of an event occurring or being exceeded in any given year. For example, a "1 in 100" or "1%" AEP flood has 1 chance in 100 of occurring, or being exceeded, in any one year.

"Annual Exceedance Probability (AEP)" means the chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage.

"Australian Height Datum (AHD)" means the common national plan of level corresponding approximately to mean sea level.

"Average Recurrence Interval (ARI)" is the long-term average number of years between the occurrence of a flood as big as, or larger than, the selected event.

"BCA" means Building Code of Australia.

"Critical Infrastructure" as per Floodplain Development Manual, Appendix K3.1.

"Critical Services" means emergency services facilities and hospitals as defined in KLEP 2013.

"Development" in relation to land, means:

a) the erection of a building on that land;
b) the carrying out of work, in on, over or under that land;
c) the use of that land or of a building or work on the land;
d) the subdivision of that land.

"Essential Community Facilities" means community facility as defined in KLEP 2013.

"Flood Fringe" are areas that do not play a significant role in either storing or conveying water.

"Flood Planning Area (FPA)" is the area of land below the flood planning level (FPL) and may also extend to include other areas of land where the majority flood related controls apply. FPA is as shown on the Flood Planning maps on Council's website.

"Flood Planning Levels (FPL)" are the combination of the 1% AEP flood levels and 0.5m freeboard.

"Flood Planning maps" are the maps on Council's website.

"Flood Prone Land" is land which is inundated by a 1% AEP flood.

"Flood Response Assessment Plan" provides a means by which a developer can assess and nominate the most applicable flood emergency response option for a habitable development, whether it be avoidance or evacuation, and for Council officers to consider during assessment of the development application.

NB. This plan is not intended to be a document that provides details for site specific management of flood preparation and response for a habitable development. Such private flood plans should be developed and implemented by owners and occupants following completion of the development. Information available on the NSW State Emergency Services (SES) website www.ses.nsw.gov.au may assist in the preparation of private flood plans.

"Flood Statement" is a written assessment of the nature of flooding at the site of the proposed development. It should contain details of flooding in relation to the development and details of how the information contained in the statement was obtained and any other relevant matters. The statement is to show that due regard has been given to the effects that development will have on the environment, including adjoining properties and land.

"Flood Storage Area" is an area that stores a significant volume of water.

"Floodway" is an area:

a) which is a main flow path for floodwaters once the river or stream has overflowed;
b) transmits large quantities of water;
c) in which developments may adversely affect the behaviour or discharge of floodwaters;
d) in which development may be adversely affected by the discharge of floodwaters, otherwise than by immersion;
e) in which human life could be at risk from the discharge of floodwaters.

Floodways are identified on plans annexed to this Chapter.

"Habitable Room" includes any living rooms and any rooms intended or adaptable for sleeping, eating or cooking but not including laundry and toilet.

"High island" means an area above the PMF that is surrounded during a PMF event. A high island can either be a natural landform such as a high ridge or can be created by raised dwellings, fill pads and upper storey refuges.

"KLEP" refers to the Kempsey Local Environmental Plan in force at the time.

"Natural Surface" is the average level of an area of at least 1,000m^2 surrounding and inclusive of the proposed development in rural areas and likewise the average level of an area of at least 500m^2 in urban areas and in all instances the average level of specified areas shall be exclusive of fill.

"Probable Maximum Flood (PMF)" means the largest flood that could conceivably occur at a particular location. PMF extents and levels are shown for some areas of the Kempsey Shire on the Flood Planning maps on Council's website. For all other localities, PMF levels will be determined on a case by case basis and may require a separate flood study. Contact Council for further advice.

"PMF refuge" means a habitable area, being an upper storey, mezzanine level or other refuge located above PMF level, designed to cater for the number of people reasonably expected on the development site and are provided with emergency lighting. PMF refuges must be of a construction type able to withstand the effects of flooding. PMF refuges are a form of high island, isolated from external essential services.

"Reduced Level (RL)" means the level of a point above a surveying datum.

4.0 Floodways – Identified Areas

The following floodway's have been identified and maps depicting the broad boundaries of these floodway's are attached as Annexures to this Chapter. These maps will be subject to review.

4.1 Kempsey CBD Floodways

A large area of the floodplain is considered floodway. The Kempsey CBD Floodway comprises of the following:

- Kempsey CBD Floodway No. 1, and
- Kempsey CBD Floodway

Refer to Annexure No. 1 and Annexure No. 2 to this Chapter.

Bellimbopinni/Seven Oaks Floodway

Annexure No. 6 to this Chapter, "Kempsey Shire Floodway Plans – Sheet No. 2".

Note: The area between the Macleay River and South West Rocks Creek at New Entrance comprising former Lots 850 and 851 DP790816 exhibits floodway characteristics. Any development proposal for this land will require the submission of a detailed flood study.

5.0 Flood Precincts – Identified Areas

The following flood precincts have been identified and maps depicting the broad boundaries of these flood precincts are attached as Annexures to this Chapter. These maps are subject to review.

- Kempsey CBD Flood Storage (Annexure 3);

- Kempsey CBD Flood Fringe (Annexure 4);
- Kempsey CBD Backwater Area (Annexure 5).

6.0 Development Requirements

Desired Outcomes

DO1 – Development appropriately addresses the constraints of flood prone land.

DO2 - Development is undertaken in accordance with the requirements of the relevant Council Policies, guidelines and Floodplain Risk Management Plans addressing development in flood prone areas.

DO3 - Development complies with the recommendations contained in any Council Floodplain Risk Management Plan.

DO4 - On-site Sewerage Management Systems are sited and designed to withstand flooding conditions (including consideration of structural adequacy, avoidance of inundation, and flushing/leaking into flowing flood waters) to a reasonable degree.

DO5 - The habitable floor levels of residences are located at the appropriate residential Flood Planning Level for the site.

DO6 - Development does not have a significant impact on the natural conveyance of floodwaters through Floodways.

DO7 - Development controls for vulnerable types of developments (eg aged care, schools etc) located in the low flood risk (above 1% AEP Flood) parts of the Macleay River Floodplain ensure the safety of people and ensure an Evacuation Plan is in place, appropriate emergency response provisions are provided and a Flood Response Assessment Plan is prepared.

DO8 – Development controls for any critical emergency response and recovery facilities developments located in a low risk flood prone area (above the 1% AEP Flood) on the Macleay River Floodplain ensure continued operation during and after flood events up to and including the PMF.

6.1 On-site Sewage Management Systems

(i) All components of on-site sewage management systems, including vents, openings and electrical components are to be located above the 1% AEP probability flood contour; except

(ii) Land application/disposal areas for treated effluent may be below the 1% AEP probability flood contour but must be above the 5% AEP probability flood contour.

***Note*:** The figures used in this requirement are taken from the "Environment and Health Protection Guidelines – On-site Sewerage Management for Single Households (NSW Government, January 1998)" and AS/NZS 1547:2012 – Onsite domestic wastewater management.

6.2 Evacuation Planning

New developments must demonstrate that the development will not place additional strain on emergency services.

6.3 Emergency Response Provisions

(a) Essential Community Facilities and Critical Services

Critical infrastructure and emergency services facilities in all locations shall comply with the following:

New Development:
All new critical infrastructure and facilities to be located above PMF level, unless exceptional circumstances can be justified, such as servicing existing flood prone communities where no practical alternative exists. In such cases, and where the development is a habitable land use, adequate PMF refuge must be provided.

Existing Development:
Minor expansion of existing facilities permitted without consideration of PMF. Major expansion below PMF subject to provision of adequate PMF refuge, where the development is a habitable land use.

Note: The PMF refuge must meet the following requirements:

- Refuge must be above the PMF level. PMF levels can be determined from the Flood Planning maps. (NB. If no PMF identified, contact Council for further advice).
- Minimum floor level to be PMF level. No freeboard required.
- For extensions to new facilities, minimum floor area of refuge to be no less than 50% of the incremental increase in total floor area located below the PMF due to the extension, or an equivalent area that would comfortably accommodate and service the needs of occupants for a period of not less than one week.
- Refuge must comply with BCA requirements, with external components rated appropriately for storm, wind and moisture.
- Permanent internal access via permanent staircase, minimum 1.2m wide.
- External access to the refuge must also be provided. Access must remain unobstructed for emergency access during flooding (i.e., clear of trees, services).
- Refuge must have natural lighting and ventilation.
- Support structures below PMF level must be capable of withstanding flood forces (water flow, debris impact, and buoyancy) and continuous submergence for up to one week, requiring an engineering certification.
- Refuge must meet all planning and building controls applicable to the site.
- All services provided as part of normal operations are to be continued undiminished during all flood events. This includes food, water, shelter, power via back-up

generators, medical services and hygiene of residents and facilities. All excess sewage, food and medical waste is to be collected and stored until such time as normal disposal can be undertaken. Facility management must make provision for staff to be rostered on and accommodated for the flood period. All such measures must be detailed in the development's Flood Response Assessment Plan.

(b) Habitable Development

New habitable development in all localities shall comply with the following development controls:

i. Sensitive Development, such as residential care facilities, group homes, accommodation for people with a disability.

New Development:

All new sensitive development to have permanent high-level road evacuation route(s) to land above PMF level and/or adequate PMF refuge, subject to the recommendations of an acceptable Flood Response Assessment Plan.

Note: Evacuation of occupants is the preferred risk management approach for sensitive developments proposed below PMF level. Adoption of evacuation as the risk management response for a development requires a Flood Response Assessment Plan that specifically addresses the following evacuation requirements:

- Typical demographics of evacuees (age, gender, etc.).
- Typical medical conditions and/or disabilities of evacuees.
- Mode of transportation.
- Intended evacuation destination.
- Level of service provided by evacuation centre.
- Required staffing for evacuation centre to cater for evacuees.
- Special supply measures for evacuation centre to cater for evacuees (food, water, medical supplies, etc.).

If the above requirements are not able to be met for all future occupants of the development, a PMF refuge shall be provided in accordance with design criteria for existing sensitive development.

Existing Development:

Minor expansion of existing facilities permitted without consideration of PMF. Major expansion below PMF level subject to provision of adequate PMF refuge.

Note: The PMF refuge must meet the following requirements:

- Refuge must be above the PMF level. PMF levels can be determined from the Flood Planning maps. (NB. If no PMF identified, contact Council for further advice).
- Minimum floor level to be PMF level. No freeboard required.
- For new facilities, minimum floor area of refuge to be no less than 50% of the incremental increase in total floor area located below the PMF due to the extension, or an equivalent area that would comfortably accommodate and service the needs of occupants for a period of not less than one week. For extensions to new facilities, minimum floor area of refuge to be no less than 50% of the incremental increase in total floor area located below the PMF due to the extension.
- Refuge must comply with BCA requirements, with external components rated appropriately for storm, wind and moisture.
- Permanent internal access via permanent staircase, minimum 1.2m wide.
- External access to the refuge must also be provided. Access must remain unobstructed for emergency access during flooding (i.e., clear of trees, services).

- Refuge must have natural lighting and ventilation.
- Support structures below PMF level must be capable of withstanding flood forces (water flow, debris impact, and buoyancy) and continuous submergence for up to one week, requiring an engineering certification.
- Refuge must meet all planning and building controls applicable to the site.
- All services provided as part of normal operations are to be continued undiminished during all flood events. This includes food, water, shelter, power via back-up generators, medical services and hygiene of residents and facilities. All excess sewage, food and medical waste is to be collected and stored until such time as normal disposal can be undertaken. Facility management must make provision for staff to be rostered on and accommodated for the flood period. All such measures must be detailed in the development's Flood Response Assessment Plan.

ii. Residential Development

New Development (except caravan parks and moveable dwellings):

All new development to have permanent high-level road/pedestrian evacuation route(s) to land above PMF level and/or adequate PMF refuge, subject to the recommendations of an acceptable Flood Response Assessment Plan.

Note: Evacuation of occupants is the preferred risk management approach for residential developments below PMF level. Adoption of evacuation as the risk management response for a development requires a Flood Response Assessment Plan that specifically addresses the following evacuation requirements:

- Expected number of occupants/evacuees
- Typical demographics of evacuees
- Mode of transportation
- Intended evacuation destination
- Level of service provided by evacuation centre
- Any special requirements for evacuation centre to cater for evacuees.

If the above requirements are not able to be met for all future occupants of the development, a PMF refuge shall be provided in accordance with existing residential development.

Existing Development (except caravan parks and moveable dwellings):

Minor expansion of existing facilities without consideration of PMF. Major expansion below PMF level must meet new development criteria.

Note: Where PMF refuge is required, the refuge must meet the following minimum requirements:

- Refuge may be an additional second storey, mezzanine level or other raised refuge area above the PMF level. Minimum floor level to be PMF level. No freeboard required. PMF levels can be determined from the Flood Planning maps. (NB. If no PMF identified, contact Council for further advice).

- Minimum floor area for a refuge is 9m^2 based on a single bedroom occupancy. Add 4m^2 for each additional bedroom.
- For unit developments, may provide separate refuges within each unit, size in accordance with the above bedroom ratio. Alternately provide a communal refuge, accessible internally by all units, floor area no less than 50% of total floor area located below PMF level, or an equivalent area that would comfortably accommodate and service the needs of the occupants for a period not less than one week.
- Refuge must comply with BCA requirements, with external components rated appropriately for storm, wind and moisture.
- Minimum floor to ceiling/roof frame height in accordance with BCA.
- Refuge must be provided with permanent internal and external access.
- The external access must be unobstructed (by trees, chimneys, aerials, etc.) for emergency boat access during flooding.
- Refuge must have natural lighting and ventilation.
- Support structures below PMF level must be capable of withstanding flood forces (water flow, debris impact and buoyancy) and continuous submergence for up to one week, requiring an engineering certification.
- Refuge must meet all planning and building controls applicable to the site.
- Refuge must have cupboard storage area for flood emergency kit to service all residents with provisions for isolation for up to one week. All such measures must be detailed in the development's Flood Response Assessment Plan.

New caravan park development:

All new caravan parks and moveable dwelling sites are to have permanent high level road evacuation route(s) to land above PMF level.

Development of existing caravan parks:

No expansion of existing facilities by the addition of moveable dwelling sites permitted, unless permanent high level road evacuation route to high land external to the site is available, or high land internal to the site can be accessed by the additional sites via road and/or pedestrian routes. Expansion of caravan park amenities and other non-habitable facilities permitted without consideration of PMF.

iii. <u>Residential Subdivisions</u>

New subdivisions:

All new subdivision to have high level road evacuation route(s) to land above PMF level, accessible to all allotments via (as a minimum) pedestrian access at or above design flood level not exceeding 100m in length.

6.4 Floodways

6.4.1 Kempsey CBD Floodway No. 1

Council's aim is to seek the eventual clearance of Kempsey CBD Floodway No. 1 (Annexure 1), but it is recognised there may be circumstances where it is appropriate for Council to consider repairs or renovations to existing buildings. In such cases the following will apply:

a) Repairs and renovations must not alter the basic structure of the buildings.

b) Existing dwellings must not be converted into multi-residential land uses i.e. dual occupancy, secondary dwelling, multi-dwelling housing, etc

c) In the case of undeveloped land, no approval for any development of a residential nature will be granted.

d) In the case of undeveloped land, approval will only be granted to development which comprises mainly open space with minimal obstructions to the flow of floodwater, and incorporate design features to minimise the chance of loss of life and damage to property, eg. recreation facilities.

6.4.2 Kempsey CBD Floodway (except as described in 6.4.1)

The following provisions apply to development within the Kempsey CBD Floodway (Annexure 2).

6.4.2.1 Existing Development

a) Approval may be given to repairs and renovations to existing development within the floodway provided they do not alter the basic structure of the buildings.

6.4.2.2 New Development (Residential)

In the case of new development proposed to be used for residential purposes, the following criteria must be fulfilled:

a) Submission of an acceptable Structural Engineer's Certificate with the development application, or when a condition is applied to a consent prior to issuing of a Construction Certificate, certifying that the building has been designed to withstand the forces created by floodwater and debris loadings anticipated for that area, and indicate any impacts on adjoining buildings and land.

b) Habitable rooms are to have a floor level 500mm above the 1% AEP flood level, i.e., the flood planning level.

6.4.2.3 New Development (Commercial)

In the case of new development proposed to be used for commercial purposes:

a) Council will seek the provision of part of the floor level of the building to be 500mm above the 1% AEP flood level to facilitate the storage of goods during time of flood. The amount of space above flood level will be one fifth of the floor area (or a greater area if required by Council) to be a minimum of 500mm above the 1% AEP flood level and specifically set aside for storage goods in time of flood.

This requirement may be reduced if an alternative acceptable flood proofing procedure can be demonstrated for the development.

b) Submission of an acceptable Structural Engineer's Certificate to be submitted prior to the issuing of a Construction Certificate certifying that the building has been designed to withstand the forces created by floodwaters and debris loadings anticipated for that area and indicate any impacts on adjoining buildings and land.

In respect to existing caravan parks, Council will need to be satisfied in respect of the following matters:

c) A contingency plan to evacuate people and store caravans in time of flood, satisfactory to Council.

d) All caravans located on the site are maintained in a mobile condition, annexes and associated structures are not to be of a rigid construction.

e) Relocatable homes, Cabins and the like will not be permitted in Caravan Parks on areas that are subject to flooding. In any other area the floor level is to be at or above the flood planning level and meet other relevant provisions of this Chapter.

6.4.3 Other Floodways (Rural Floodways)

In the case of existing development within these floodways the following will apply:

a) Approval will be given to repairs and renovations provided they do not alter the basic structure of the buildings concerned.

b) Extensions will be permitted where they do not increase the floor area more than 10% of the existing ground floor area as at 25 February 1980.

c) Encouragement will be given to owners of existing dwellings to move to more suitable areas, preferably above the 1% AEP flood level, or to lift the dwelling 500mm above the 1% AEP flood level.

e) Existing dwellings must not be converted into multi-residential land uses i.e. dual occupancy, secondary dwelling, multi-dwelling housing, etc.

In the case of new dwellings, construction will not be permitted unless it can be shown that the product of the depth and velocity of flow of water during a 1% AEP flood is equal to, or less than, on (1).

A Structural Engineer's Certificate advising that the structure can withstand the force of flowing floodwaters, including debris and buoyancy forces as appropriate will be required, prior to the issuing of a Construction Certificate.

Council will need to be satisfied that there will be no undue risk of loss of life or damage to property during such a flood. The depth of flow is to be related to the "natural surface". The habitable floor levels of any dwelling approved under this Clause must be at least 500mm above the 1% AEP flood level for the site.

Council may make an exception in the case of replacement of an existing dwelling house used in conjunction with a legitimate agricultural use of the land. In many instances it would be appropriate to provide a mound for such a replacement dwelling.

Barns, diaries and other substantial rural buildings are not to be located in floodways.

Former Lots 5 and 6, DP 1022342 and Lot 851 DP790816 at New Entrance, South West Rocks, are considered to be within a probable floodway. Any development proposal for this land will require a detailed flood study to be undertaken.

6.4.4 Subdivision in Floodways

The subdivision of land will not be permitted, other than for boundary adjustments and development which must be located in close proximity to waterways. Such development might include oyster depuration plants and water-based tourist facilities.

6.5 Flood Precincts

6.5.1 Kempsey CBD Flood Storage, Flood Fringe and Backwater Area

The following provisions apply to development within the Kempsey CBD Flood Storage Area (Annexure 3), Flood Fringe Area (Annexure 4) and Backwater Area (Annexure 5).

6.5.1.1 Existing Development (Residential Extensions less than 10%)

a) Approval will be given to repairs and renovations provided they do not alter the basic structure of the buildings. No increase in occupancy is permitted in the Kempsey CBD Flood Storage area.

b) However, extensions will be permitted where they do not increase the floor area more than 10% of the existing ground floor area of the development as 25 February 1980. Open verandahs, patios and the like will not be included in the 10% calculations.

6.5.1.2 New Development (Residential and Residential Extensions greater than 10%)

In the case of new development (or extensions to existing development greater than 10% of the ground floor area as of 25th February 1980), proposed to be used for residential purposes the following criterion applies:

a) Submission of an acceptable Structural Engineer's Certificate with the development application, or when a condition is applied to a consent prior to issuing of a Construction Certificate, certifying that the building has been designed to withstand the forces created by floodwater and debris loadings anticipated for that area, and indicate any impacts on adjoining buildings and land.

b) Habitable rooms are to have a floor level 500mm above the 1% AEP flood level, i.e., the flood planning level.

6.5.1.3 New Development (Commercial and Commercial Extensions greater than 10%)

a) In the case of new development proposed to be used for commercial purposes or extensions to existing development greater than 10% of ground floor area, Council will seek the provision of part of the floor level of the building to be 500mm above the 1% AEP flood level to facilitate the storage of goods during time of flood. The amount of space above flood level will be determined having regard to the size of the extension. In the case of new buildings Council will require one fifth of the floor area (or a greater area if required by Council) to be a minimum of 500mm above the 1 % AEP flood level and specifically set aside for storage of goods in time of flood.

b) This requirement may be reduced if an alternative acceptable flood proofing procedure can be demonstrated for the development.

c) Commercial development comprising of residential uses within the Flood Fringe must demonstrate that the development will not place additional strain on emergency services within a Flood Response Assessment Plan outlining evacuation of residents.

In respect to existing caravan parks, Council will need to be satisfied in respect of the following matters:

d) Submission of an acceptable Structural Engineer's Certificate prior to the issuing of a Construction Certificate, certifying that the building has been designed to withstand the forces created by floodwaters and debris loadings anticipated for that area, and indicate any impacts on adjoining buildings and land.

e) A contingency plan to evacuate people and store caravans in time of flood, satisfactory to Council.

f) All caravans located on the site are maintained in a mobile condition, annexes and associated structures are not of a rigid construction.

g) Relocatable homes, Cabins and the like will not be permitted in Caravan Parks on areas that are subject to flooding. In any other area the floor level is to be at or above the flood planning level and meet other relevant provisions of this Chapter.

6.6 Flood Prone Lands (Except as described in 6.4 and 6.5)

6.6.1 Urban Development (Residential)

a) The difference between the 1% AEP flood level and natural ground level should not be more than 2.5m.

b) The floor level of habitable rooms are in accordance with the Council's adopted floor levels.

c) Filling or raising the site levels will require Council consent and will be restricted to locations where the effect on flood patterns is considered minimal and there is likely to be no adverse effect on nearby land.

d) A Structural Engineer's Certificate advising that the structure can withstand the force of flowing floodwaters, including debris and buoyancy forces as appropriate will be required.

e) Where the land is part of a Council approved subdivision, the building is to be located on the flood free area as indicated on the plan of subdivision. No additional filling will be permitted.

f) Where a building is of two (2) storeys and the ground floor is below the FPL, only rooms not designed for or capable of being used or adapted as habitable rooms will be permitted in the lower floor area.

6.6.2 Rural Development (Residential)

Council's aim is to restrict rural dwellings in flood prone areas to a minimum by only approving of:

a) Dwellings on land where the product of the depth and velocity of flow of water during a 1% AEP flood, is equal to or less than 1.

b) Managers or employees' dwellings approved in accordance with KLEP 1987.

Council will need to be satisfied:

c) That a Structural Engineers Certificate advising that the structure can withstand the force of flowing floodwaters, including debris and buoyancy forces as appropriate has been provided.

d) That the dwelling is to be erected on the highest practical area within the parcel or lot.

e) That the difference between the 1% AEP flood level and natural ground level is not more than 2.5m. A survey certificate may be required to demonstrate compliance with this clause.

f) That the floor level of habitable rooms shall be as specified in Section 7 or in accordance with the latest available flood modelling for the area.

g) That if the dwelling is proposed to be sited on an earth mound, the mound will extend 4m outside the extremities of the dwelling, contain storage area for at least one vehicle and be constructed of material compacted and battered to slopes of 1 in 5 to withstand flood damage.

h) That suitable access from a building to a public road is provided.

i) Where a building is of two (2) storeys and the ground floor is below the FPL, only rooms not designed for or capable of being used or adapted as habitable rooms will be permitted in the lower floor area.

j) That the building is to be erected on the 1000m^2 of land identified in the plan of subdivision, which is above the 1% AEP flood level.

6.6.3 Other Development

Each application will be treated on its merits, and Council will consider the development providing such development incorporates mainly open space and adequate flood-proofing measures.

In respect to existing caravan parks, Council will need to be satisfied in respect of the following:

a) A suitable Flood Response Assessment Plan exists to evacuate people and store caravans in time of flood.

b) The caravans located on the site are maintained in a mobile condition. Annexes and associated structures are not to be of a rigid construction.

c) Relocatable homes, Cabins and the like are not permitted on caravan parks on areas that are subject to flooding. In any other area the floor level is to be at or above the flood planning level and meet other relevant provisions of this Chapter.

6.6.4 Renovations to Existing Buildings

a) Where any building in flood prone areas within Kempsey Shire is proposed to be raised, the minimum floor level of habitable rooms shall be as specified in Section 7 or in accordance with the latest available flood modelling for the area.

b) Additions to existing buildings require a Structural Engineer's Certificate indicating that the structure can withstand the force of flowing floodwaters restricted to a floor area not exceeding 10% of the ground floor area of the existing building or 20m^2, whichever is the greater. Open verandahs, patios and the like are not to be included in the calculation. First floor additions will be unrestricted in area provided that this floor level is at a minimum level as specified in Section 7 or in accordance with the latest available flood modelling for the area. A Structural Engineer's Certificate being provided which indicates that the structure can withstand the force of flowing floodwaters including debris and buoyancy forces as appropriate.

c) Renovations such as re-cladding, brick veneering or re-roofing, may be carried out subject to council's approval where necessary.

6.6.5 Urban Subdivisions

a) When land is within the Flood Planning Area, subdivisions will not be approved unless contour surveys of land by a Registered Surveyor or qualified Engineer show that at least 500m^2 of each proposed lot will be above the 1% AEP or highest flood level.

b) The 500m^2 identified in the subdivision is to be utilised for the erection of buildings on the site.

c) In respect to the villages, subdivisions may be permitted provided that it can be shown that the product of the depth and velocity of flow waters during a 1% AEP flood is equal to, or less than one (1) and suitable and adequate arrangements can be made for evacuation).

If filling is to be considered, the maximum depth of filling is not to exceed 1 metre.

6.6.6 Rural Subdivisions

Subdivision to create additional rural lots will not be allowed unless it can be shown:

a) That the subdivision is located in the highest practical area of the land to be subdivided.

b) That there is an area of at least 1,000m^2 in the created and residual lots that is not more than 2.5 metres below the assessed 1% AEP flood or the highest flood level for that area and it can be shown that the product of the depth and velocity of flow of waters during a 1% AEP flood is equal to, or less than, one (1).

c) The 1000m^2 identified in the subdivision plan is to be suitable and utilised for the erection of buildings on the site.

d) The subdivision of lots in excess of 40 ha will be permitted, but approval to erect a dwelling on any lot so created will not be given unless it can be shown that the product of the depth and velocity of flow of water during a 1% AEP flood is equal to, or less than, one (1).

e) Excavations, drainage areas and the like are not to adversely impact on the flood levels on adjoining properties.

f) Subdivisions will not be permitted within defined floodways except for boundary adjustments and consolidations where no new dwelling entitlement would occur.

7 Minimum Floor Levels – Flood Planning Levels (FPL)

The minimum habitable floor levels must be as per Council's adopted Flood Planning Levels. These levels may be varied from time to time on information obtained from studies undertaken by or on behalf of Council.

To determine the minimum habitable floor level, a Flood Search is required to be applied for with Council.

All levels are in metres to Australian Height Datum.

Note: Council has adopted interim levels pending completion of the Lower Macleay Flood Risk Management Plan for the Lower Macleay Floodplain and coastal estuaries. Refer Annexure 7.

7.1 Rural Flood Prone Land

The minimum habitable floor levels of dwellings erected on such land shall be 500mm above the 1% AEP flood level as determined by the Director of Operations and Planning and shown on plans available at Council offices.

8 Floodproofing

8.1 Earth Mounds

When the method of flood proofing a building is to elevate the structure on an earth mound it shall have a minimum crest level equal to the 1% AEP flood applicable and extending a minimum of 4m beyond the dwelling or structure. The habitable floor level to be at a minimum level of 500mm above the 1% AEP flood level.

The mound is to be constructed of compacted earth material able to withstand flooding, with side batters a maximum of 1 in 5.

In rural areas where development may be subject to isolation in times of flood it is desirable that flood free storage areas are available for such items as motor vehicles, plant and equipment. Under exceptional circumstances Council may in rural areas, permit alternative methods of flood proofing such as that specified below.

8.2 Elevated Buildings

Where earth mounds are not appropriate, for example, where they adversely affect the behaviour of flood flows by concentrating and diverting floodwaters to adjacent development, the building shall be supported on piers, columns or piles to enable floodwater to pass beneath. Enclosed stairways and laundries may be acceptable at ground level provided they do not exceed 10m^2 in area. The structure shall be designed by a practising Structural Engineer to ensure that all structural members will withstand the forces created by floodwater and debris.

8.3 Electrical Installations

Electrical switchboards and fixed electrical installations should be located at a minimum level of 500mm above the 1% AEP flood level; electrical circuits to areas below flood level should be separated from circuits serving areas above flood level. In the case of dairies located in flood prone lands, refrigeration and milk storage facilities should be located at a minimum level of 500mm above the 1% AEP flood event.

8.4 Building Materials

All building materials used at or below Council's FPL should be constructed of flood compatible materials. All materials used below Council's FPL must not be susceptible to water damage. Refer to Annexure 8 for flood compatible materials.

9 Development Applications

9.1 Flood Statements

Flood Statements may be required in respect of developments where Council determines that it does not have sufficient flooding information.

Flood Statements are to be prepared by a Registered Surveyor and based on measured data will generally be acceptable to Council.

Contact Council to determine if a flood statement is required.

9.2 Site Plans

If the contour plan submitted in conjunction with the plans of the proposed building indicates:

a) That the building is on flood prone land and that the finished floor level is likely to be within 300mm of the minimum set by this plan, Council shall require a Surveyor's Certificate certifying the level of the finished floor when the building reaches floor level.

b) That the building is proposed to be located in an identified floodway Council shall ask for Structural Engineer's Certificate certifying that the building has been designed to withstand the forces created by floodwaters and debris loading anticipated for that area and indicate any impacts on adjoining buildings and land.

10 Miscellaneous

10.1 Structural Engineer's Certificate

Where an application is for a new building on land within the Flood Planning Area and where the depth of inundation is greater than 0.8m, Council will require a Certificate from a Structural Engineer advising that the building has been designed to withstand the forces created by floodwaters and debris loading anticipated for that area.

10.2 Raising of Existing Building in Floodway

Where the application is for the raising of an existing building located in a floodway, as defined in Section 6.4, a Structural Engineer's Certificate will be required.

11 Section 10.7 Certificates

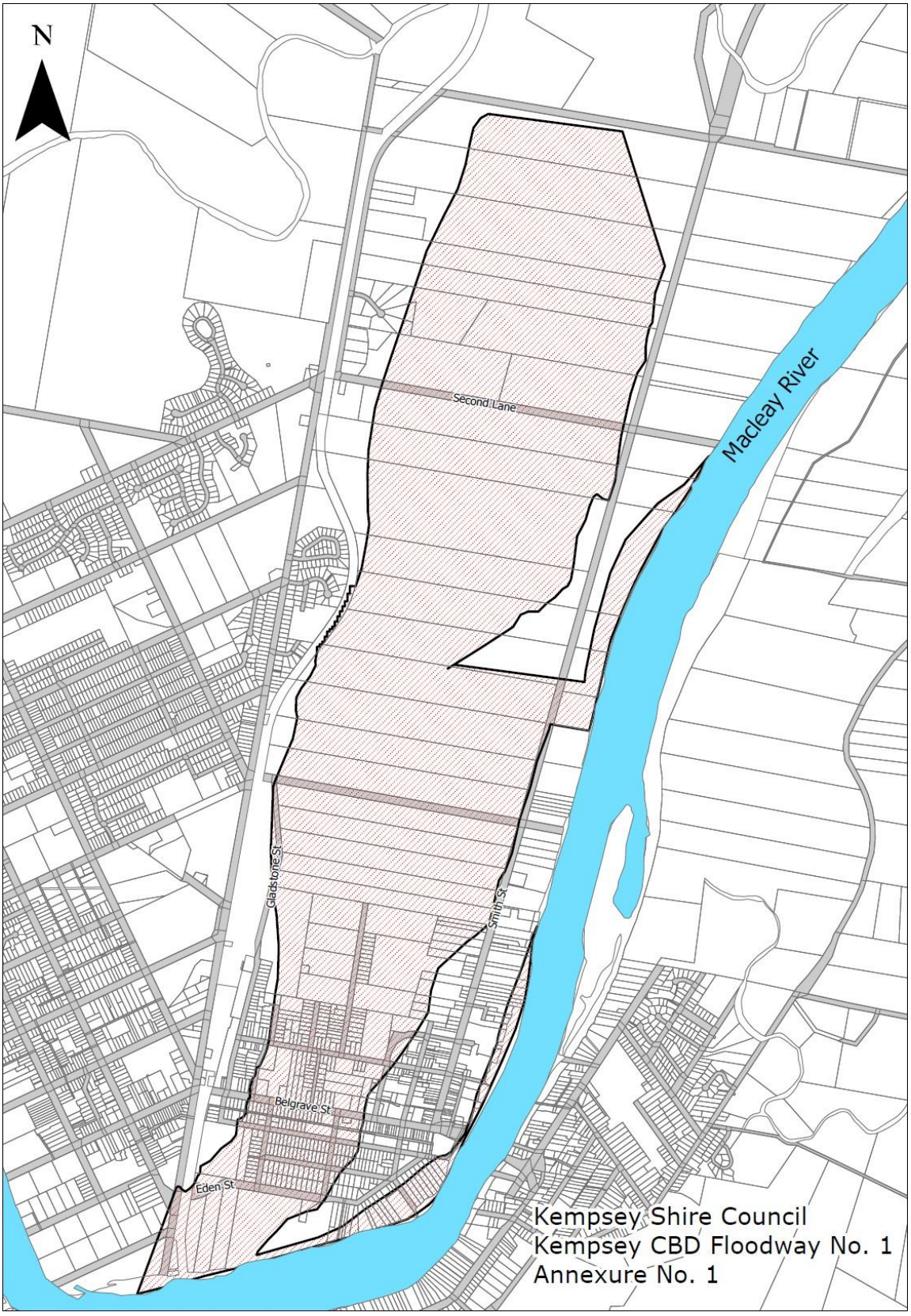
Section 10.7(2) Certificates will indicate whether the land may be impacted by flooding and subject to flood related development controls. The Certificate will suggest that contact should be made with Council in respect to possible flooding matters.

Variation

Council reserves the right to review, vary or revoke this Chapter which will be reviewed periodically to ensure it is relevant and appropriate.

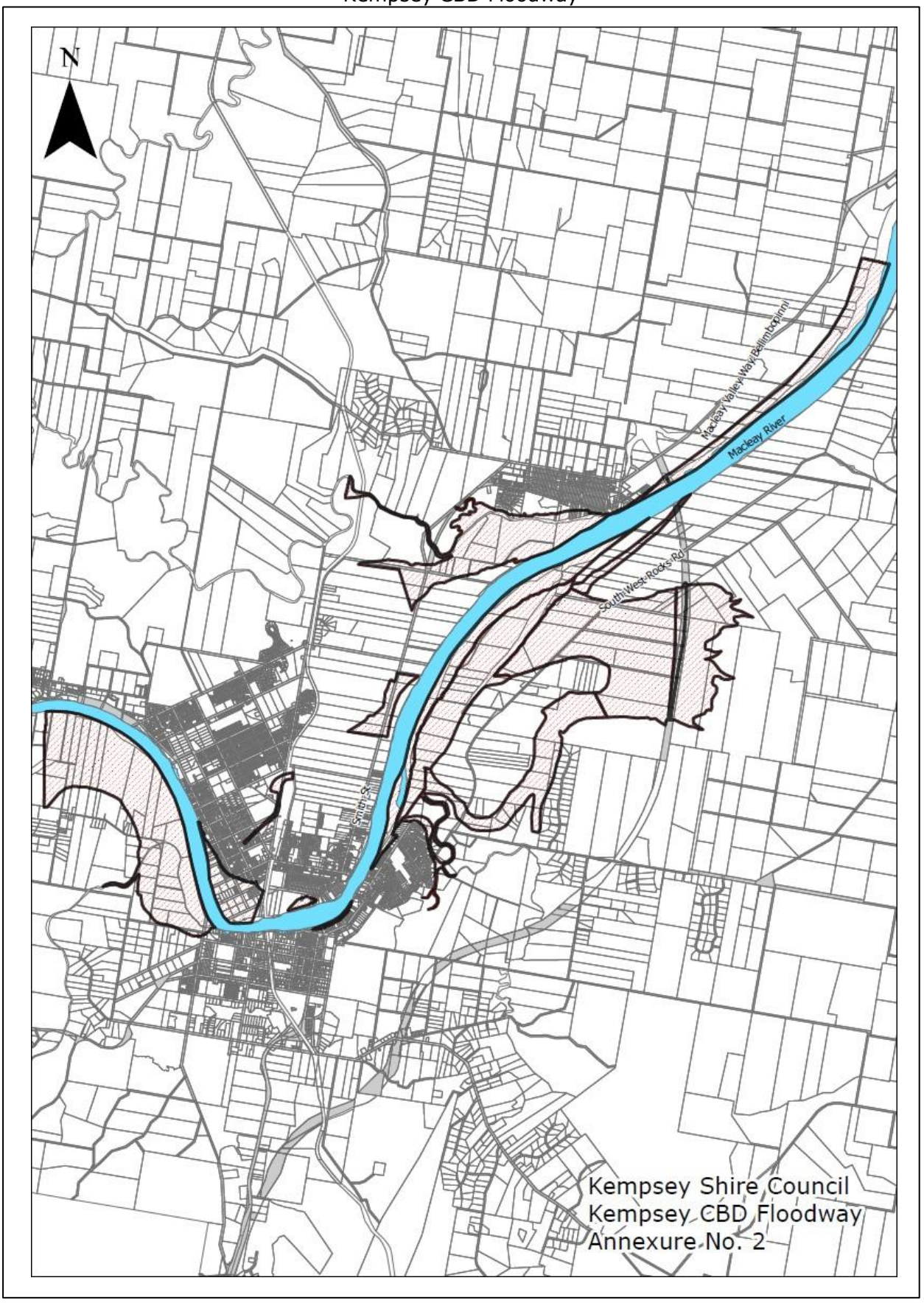
ANNEXURE NO. 1

Kempsey CBD Floodway No. 1



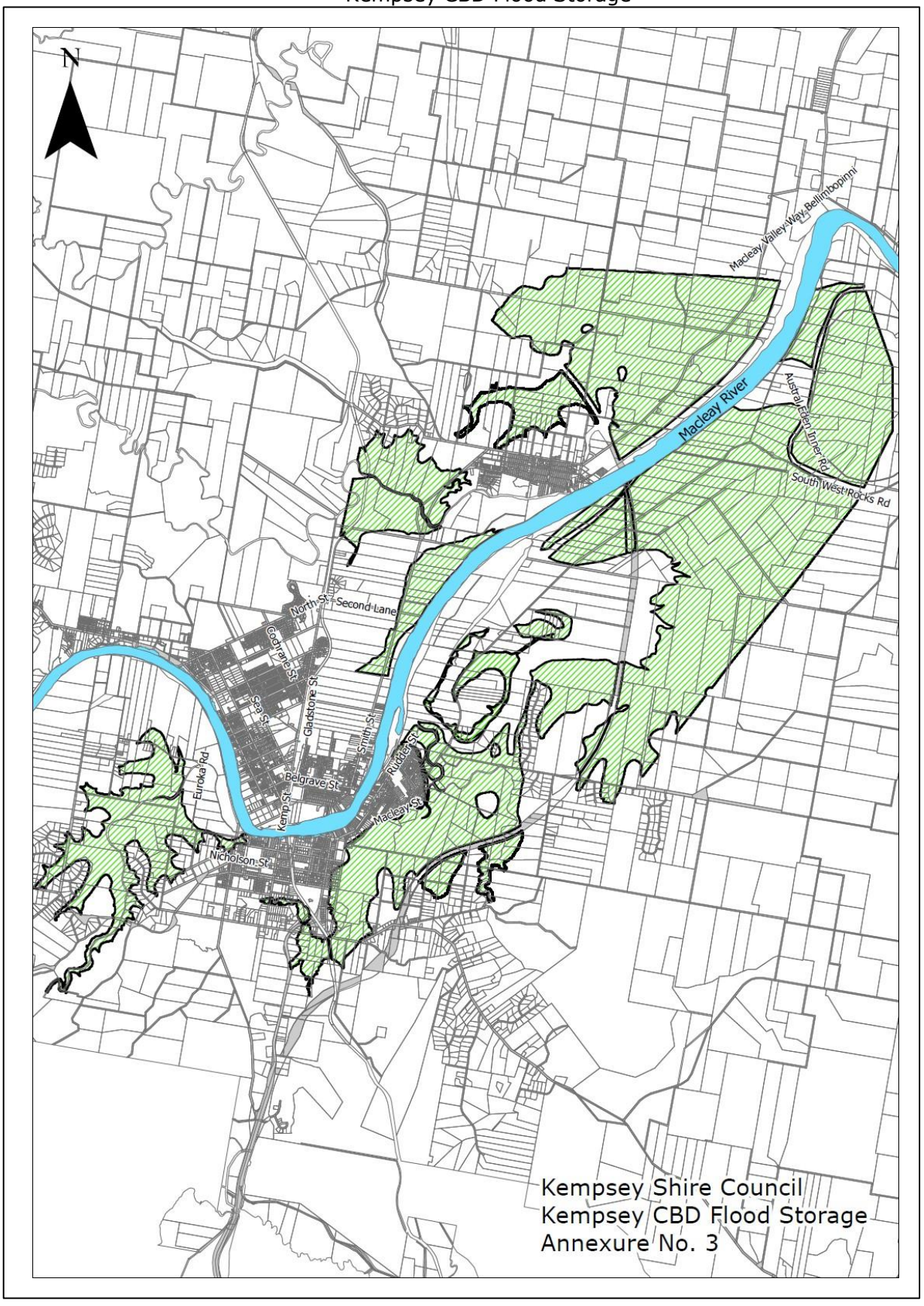
ANNEXURE NO. 2

Kempsey CBD Floodway



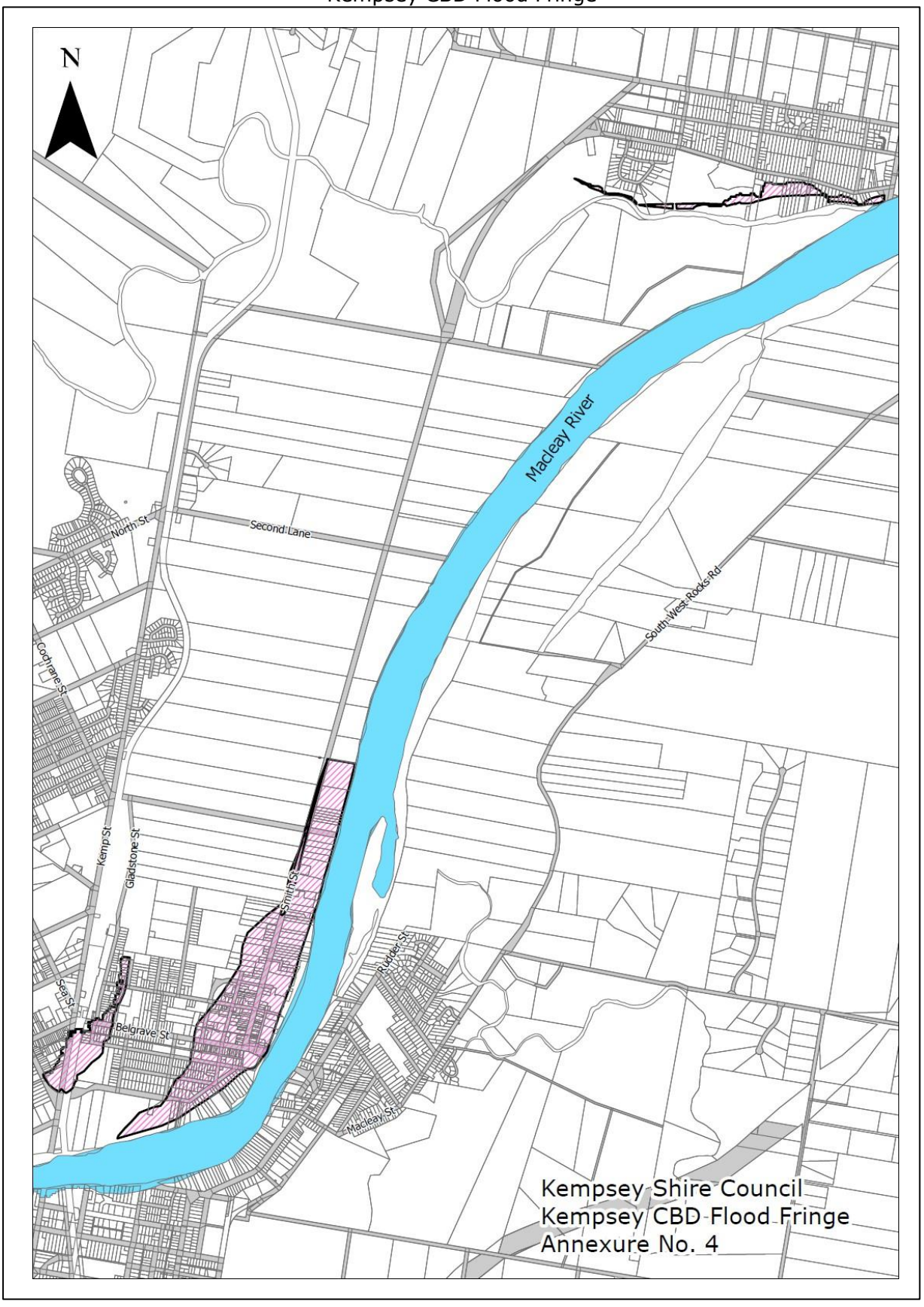
ANNEXURE NO. 3

Kempsey CBD Flood Storage



ANNEXURE NO. 4

Kempsey CBD Flood Fringe

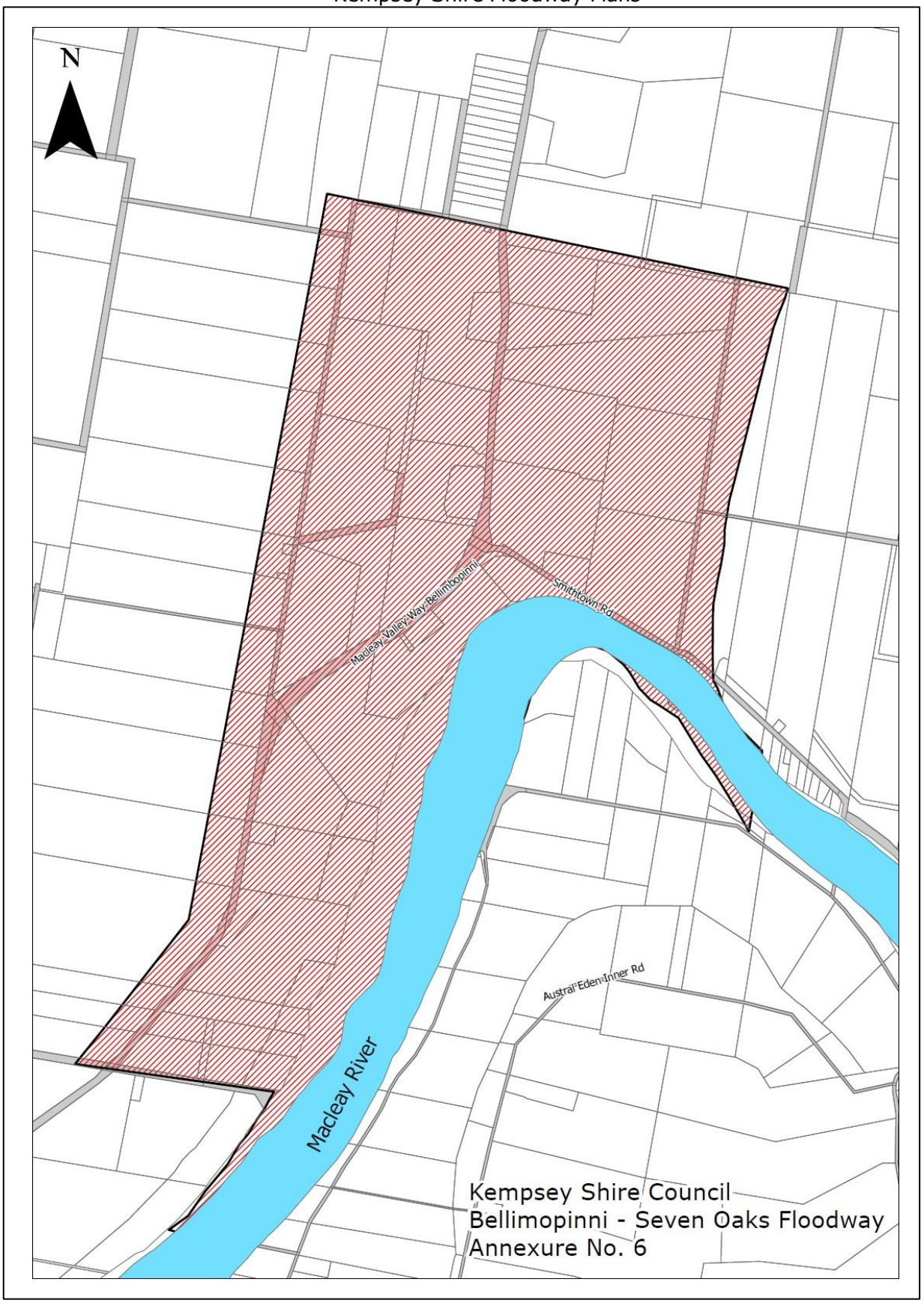


ANNEXURE NO. 5

Kempsey CBD Backwater Area

ANNEXURE NO. 6

Kempsey Shire Floodway Plans



ANNEXURE NO. 7
Adopted Flood Levels

Council has adopted these revised flood levels for the Lower Macleay Floodplain and coastal estuaries as interim levels pending completion of the Lower Macleay Flood Risk Management Plan, as detailed below.

LOCATION	EXISTING 1% AEP FLOOD LEVEL (2004) m AHD	1% AEP INCORPORATING 0.91m SEA LEVEL RISE m AHD
MACLEAY RIVER		
Riverbank between Street No's. 481-515 Austral Eden Outer Road	5.13	5.13
North west corner of Smithtown village	5.03	5.04
Belmore River Junction	4.75	4.79
North east corner of Smithtown village	4.52	4.60
Fattorinni Island	4.37	4.48
Gladstone Drain Junction	4.25	4.41
Kinchela Creek Junction	4.16	4.33
Jerseyville Bridge	3.56	3.8
Spencerville	3.55	3.79
New Entrance Matty's Flat	2.52	3.08
Macleay Arm Fishermans Reach	2.53	3.14
Shark Island	2.30	3.18
HAT HEAD		
200m North of Traffic Bridge	2.10	2.97
Hat Head Village	2.10	2.97
Ocean	2.60	3.47
CRESCENT HEAD		
Village East	2.3	2.46
Village West Side	3.75	4.21 (assume rise of 1.46m based upon updated flood modelling undertaken for Killick Creek but at Ocean Boundary Level of 2.6m AHD)

The variation in the Macleay River at the Belmore River Junction is +40mm, Kinchela Creek junction +170mm, Jerseyville Bridge +240mm, New Entrance +560mm and ocean boundary +880mm.

ANNEXURE NO. 8

Flood Compatible Building Materials & Construction Methods

The following is to be used as a guide for flood compatible building materials and construction methods. Use of these materials or methods does not guarantee compliance with the relevant provisions of the BCA relating to the construction of buildings on flood prone land.

Building Component	Acceptable Material / Construction Method
Flooring and sub-floor structure	Pier and beam constriction, or Suspended reinforced concrete slabs
External wall structures	Solid brickwork, blockwork, reinforced concrete or mass concrete
Equipment	All equipment installed below or partially below the FPL should be capable of disconnection by a single plug and socket assembly.
Fuel	Heating systems using gas or oil as a fuel should have a manually operated valve located in the fuel supply line to enable fuel cut-off.
Installation	Heating equipment and fuel storage tanks should be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks should be vented to an elevation of 500mm above the FPL.
Services	All sewer connections to buildings on land at or below the FPL are to be fitted with reflux valves to prevent backflow of sewage in a flood event. Sewer surcharge gullies must be located above the FPL.
Floor covering	Clay tiles; Concrete, precast or in situ; Concrete tiles; Epoxy, formed-in-place; Mastic flooring, formed-in-place; Rubber sheets or tiles with chemical set adhesives; Silicone floors foremer-in-place; Vinyl sheets or tiles with chemical set adhesives; Ceramic tiles, fixed with mortar or chemical set adhesive; Asphalt tiles, fixed with water resistant adhesives; or Removable rubber-backed carpet
Windows	Aluminium frame
Doors	Solid panel with water proof adhesives; Flush doors with marine ply filled with close cell foam;

	Painted material construction; Aluminium or galvanised steel frame.
Wall and ceiling linings	Brick, face or glazed; Clay tile glaxed in waterproof mortar; Concrete; Concrete block; Steel with waterproof applications; Stone (natural solid or veneer), waterproof grout; Glass blocks; Glass; or Plastic sheeting or wall with waterprrof adhesive.

Chapter B8 – On-Site Sewage and Wastewater Management

1.0 Introduction

1.1 Scope of this Chapter

This chapter applies to all land within Kempsey local government area that is not capable of being connected to a reticulated sewerage system and development that generates the need for a sewage management system.

This chapter applies to applications for development involving building works and development applications for subdivision.

1.2 Relationship to Other Chapters of this DCP

The provisions contained in Chapters included in Parts C, D, E and F of this DCP override the provisions of this Chapter to the extent of any inconsistency.

1.3 Relationship to other Documents, Policies, Guidelines and Legislation.

This Chapter relates to the ***Kempsey On-site Sewage Management Strategy*** (OSMS Strategy) contained in Appendix H2 of this DCP. Details regarding the installation and operation of a sewage management system are outlined in the OSMS Strategy.

The OSMS Strategy refers to the following:

a) Australian Standards:
   - AS/NZS 1547:2012 - On-site Domestic Wastewater Management; and
   - AS/NZS 3500.5:2000 - National Plumbing and Drainage Domestic Installations.

b) Guidelines:
   - Environmental & Health Protection Guidelines 1998 – On-site Sewage Management for Single Households;
   - NSW Plumbing and Drainage Code of Practice 2006; and
   - NSW Health – Greywater Reuse in Sewered Single Domestic Premises (April 2000)

c) State Environmental Planning Policies:
   - The State Environmental Planning Policy 62 (SEPP62).

d) Legislation:
   - *Local Government Act 1993*;
   - *Local Government (General) Regulation 2005*; and
   - *Protection of the Environmental Operations Act 1997*.

The following Council Policies, or their current equivalent, are relevant to this chapter:
- Policy No 1.8: On-site Sewerage Management;
- Policy No 3.2: Sewer Services Policy; and
- Procedure 3.2.6: Developer Service Charges for Water and Sewer where Allotments are Vacant and park of an Existing Assessment.

A ***separate approval*** issued in accordance with the *Local Government Act 1993* is required for any of the following:

- Installation of an OSMS system;
- Operation of an OSMS system;
- A Commercial Sewage Management Facility or a Package Wastewater Treatment Plant; or a
- Greywater treatment system.

Such approvals are required in addition to any development consents issued for development.

2.0 Chapter Objectives

The objectives of this chapter are:

a) To ensure developments are provided with suitable provision to dispose of effluent.
b) To dispose of effluent in an environmentally safe manner.
c) To protect surface water, stormwater, waterways, land, vegetation, public health and community amenity from the impacts associated with OSMS systems.
d) To encourage the re-use of resources (including nutrients, organic matter and water).
e) To ensure that appropriate measures are adopted should OSMS's be constructed in flood affected areas.

3.0 Development Requirements

It is recognised that not all sites have natural characteristics suitable for on-site disposal of effluent. Excessive slope, flood potential, high ground water and other features may be considered as site limitations when undertaking a site report. In these cases, the site may need to be improved, or an alternative system employed.

3.1 General

Desired Outcomes

DO1 - On-site wastewater disposal is designed and located to have no negative effect on the community and natural environment.

DO2 - Effluent disposal meets the provisions of the Kempsey OSMS Strategy (refer to Appendix H2 of this DCP).

DO3 - All development applications demonstrate that appropriate connection to Council's sewer system or alternative on-site disposal system may be provided to service the development.

DO4 - On-site sewage management systems:

- prevent the spread of disease;
- prevent the spread of foul odours;

- prevent the contamination of water;
- prevent degradation of soil and vegetation;
- discourage insects and vermin;
- ensure that persons do not come into contact with untreated sewage or effluent (whether partially treated or not) in their ordinary activities on the premises;
- facilitate the re-use of resources;
- minimise any adverse impacts on the amenity of the land on which it is installed or constructed and other land in the vicinity of that land; and
- are sized to accommodate the expected loads.

Development Requirements

a) The onsite wastewater disposal system is designed to meet the relevant requirements to secure an approval to be issued under Section 68 of the *Local Government Act 1993*.

b) Where available, new lots created by subdivision and any new development are to be connected to Council's reticulated sewer network. Where connection to the sewer system is not available, suitable on-site effluent disposal provisions are to be provided.

c) For a development application for a new building or other application for a whole new system install, an On-site Sewage Management Assessment Report is to be submitted with the application that:

(i) Is prepared by a suitably qualified consultant;
(ii) Complies with the relevant requirements of:

- AS/NSZ 1547:2012 – On-site Domestic Wastewater Management; and
- Environmental Health and Protection Guidelines 1998.

(iii) Includes a drainage concept plan showing the disposal area; and
(iv) Includes a site and soil analysis to inform the design of the disposal area.

d) For applications involving upgrades to existing OSMS's (eg. increase in the number of people or due to failure), consult with Council for the need for an On-site Sewage Management Assessment Report or other requirements.

e) The development proposal demonstrates that the site is suitable for an on-site wastewater disposal system that:

(i) Is located away from flood areas, waterways and water supply;
(ii) Prevents pollution from microbial, organic or nutrient sources to soils or receiving waters (including groundwater);
(iii) Is supported by an On-site Sewage Management Assessment Report indicating appropriate soils and water table depth for the system;
(iv) Causes no spread of disease or risk to public health by micro-organisms;
(v) Does not spread foul odours;
(vi) Provides a reserve irrigation area;
(vii) Minimises cumulative impacts;

(viii) Does not encourage insects/vermin;
(ix) Ensures persons do not come into contact with untreated sewage or effluent (whether treated or not) during ordinary activities on the premises;
(x) Minimises adverse impacts on the amenity of the premises and surrounding lands; and
(xi) Locating the effluent disposal area downhill from potential/existing home sites.

f) On-site wastewater treatment systems are not to be located:

(i) Within 100 metres of a waterbody, waterway or wetland;
(ii) Within 250 metres of a water supply well or bore;
(iii) Within 40m of a dam or intermittent watercourse;
(iv) On slopes steeper than 1 in 8 (12%);
(v) Where the treatment facility (ie septic tank) is below the 1 in 100 year flood level;
(vi) Where the disposal area is below the 1 in 20 year flood level;
(vii) On soils with permeability greater than 3.5m per day;
(viii) Within 1 metre of the seasonally high water table or bedrock; and
(ix) Where a reserve irrigation area is not available for emergency use.

Note – Pump-out systems are not acceptable for sewage disposal.

g) Any proposed greywater diversion systems or greywater treatment systems are to demonstrate that the greywater diversion system and the proposed application and use of diverted greywater, meet the relevant requirements referred to in the Kempsey OSMS Strategy.

h) The maximum loading on individual treatment system is 2,000 litres per day (equivalent to usage by 10 persons) and the system includes:

(i) Primary treatment (size according to approved manufacturer's specification);
(ii) Sand filtration or equivalent porous material;
(iii) A pressurised distribution network;
(iv) Sub-surface irrigation;
(v) Has a wet weather storage capacity; and
(vi) Soils underlying irrigation areas have a permeability rate of less than 3.5m/per day.

i) A sewerage disposal system must be in accordance with the relevant provisions of the *Local Government (Approvals) Regulation 1999*.

Note – Soils comprising mainly of sand, gravel, fractured rock or heavy clay are not generally acceptable.

3.2 On-site Disposal Area

Desired Outcomes

DO1 - A sufficient area is available for the on-site system and soil conditions are suitable for the system.

Development Requirements

Nil.

Note – The area required will depend on a variety of site specific conditions, such as soil types and slope, among others. The area is designed so it is non-trafficable by vehicles to prevent soil compaction.

3.3 Strata and Community Title Subdivision

Desired Outcomes

DO1 - In the instance of Strata and Community Title Subdivision, an area is available for a communal on-site system and site conditions are suitable for such a system.

Development Requirements

Nil

Note – Will depend on a variety of site specific conditions, such as soil types and slope, among others.

Chapter B9 – Landscaping

1.0 Introduction

1.1 Scope of this Chapter

This Chapter is applicable to the following types of development within the Kempsey Local Government Area:

- industrial development;
- commercial development (where the placement of landscaping is possible);
- tourist development;
- multi-dwelling housing;
- residential flat building developments (i.e. three or more dwelling units);
- subdivision, particularly those involving the opening of a new road; and
- any development adjacent to or impacting on public recreation areas.

Note - Council will exercise discretion in relation to whether a landscape plan is required or not.

1.2 Relationship to Other Chapters of this DCP

The provisions contained in Chapters included in Parts C, D, E and F of this DCP override the provisions of this Chapter to the extent of any inconsistency.

Chapters in Parts C – F of this DCP will include more detailed requirements, such as:

- minimum landscaped area;
- specific Master Plans or themes to be compatible with; and
- specific height and other requirements for plantings.

2.0 Chapter Objectives

The objectives of this Chapter are:

a) To provide the guidelines for landscaping associated with the development of land in the Kempsey Shire local government area.

b) To protect, enhance and maintain key features of the natural environment.

c) To encourage plant selection that is sensitive to local climate, soils, topography, natural features, local environmental conditions and its intended function.

d) To facilitate landscaping as an integral component of urban design.

3.0 Guidelines

3.1 Types of Landscape Plans

There are two types of Landscape Plans used in development assessment, being:

a) Landscape Concept Plans; and
b) Detailed Landscape Plans.

Landscape Concept Plans graphically outline the strategy, objectives, significant site features and give a broad overview of the landscaping concept to be provided in the development. This plan should give an indication of earthworks, surface treatments (eg paving), the general nature of vegetation (ie groundcover, shrubs, trees) to be retained and provided on site and the plant's general location.

A Detailed Landscape Plan comprises a detailed plan, drawn to scale, a plant schedule and maintenance schedule. The Detailed Landscape Plan should clearly define the species of all vegetation to be retained/provided, pot sizes, surface treatments, irrigation measures and clearly define the maintenance regime.

4.0 Development Requirements – General

4.1 Landscape Plans

Desired Outcomes

DO1 – A Landscape Concept Plan is submitted to Council in conjunction with the application for development consent, for appropriate scales of development.

DO2 - A Detailed Landscape Plan is submitted and approved prior to issue of a Construction Certificate where required as a condition of development consent, or where otherwise required by Council.

DO3 - Landscape plans provide a design that will satisfy the General Principles of Good Landscaping described in Section 3.2 of this Chapter.

Development Requirements

4.1.1 Triggers for Submission of Type of Landscape Plan

a) Landscape Concept Plans are required to accompany Development Applications (DAs) for:

- industrial development;
- commercial development (where the placement of landscaping is possible);
- tourist development;
- multi-dwelling housing;
- residential flat building developments (i.e. three or more dwelling units); and
- subdivision;
- any subdivision involving the opening of a new road;

- any development adjacent to or impacting on public recreation areas; and
- any other development as determined by Council.

Note - Council will exercise discretion in whether a landscape plan will be required or not.

b) Detailed Landscape Plans are required prior to issue of a Construction Certificate, or with the development application, if determined by Council.

c) Landscaping will need to be installed prior to the issue of an Occupation Certificate or Subdivision Certificate. In the case of larger scale development, Council may ask for a Works-as-Executed drawing prior to the issue of the relevant certificate or following a reasonable maintenance period.

4.1.2 Requirements for Landscape Concept Plans

a) The information to be included in a Landscape Concept Plan must include the following as a minimum:

- property boundaries, any related DA number, adjoining land uses, details of any protection and/or conservation orders relating to the site;
- North point and scale (eg 1:100);
- contours and topographical features;
- layout and area calculations of proposed planting areas;
- any proposed excavation (cut/fill) associated with development;
- proposed buildings, surface and edging treatments including paving, roads, car parks, driveways, crossovers;
- fencing and retaining walls including style (type) and height;
- any existing trees that are to be retained as well as any existing trees that are to be removed and the reasons for removal;
- an indication of the type and location of any required tree protection measures;
- proposed tree species and proposed plant species palette;
- overland flow paths, drainage, and detention basins;
- open space within and adjoining the development, including access and links to open space;
- service connections;
- street tree placement including species; and
- landscape design principles.

b) Landscape Concept Plans are to demonstrate how the relevant requirements of this chapter and other relevant chapters are to be satisfied.

4.1.3 Requirements for Detailed Landscape Plans

a) The information to be shown on a Detailed Landscape Plan and accompanying documentation must include the following as a minimum:

i) The drawings:

- All the information required for a Landscape Concept Plan;
- proposed finished surface levels and falls;

- existing trees to be retained and details of protection strategies during construction;
- detailed design of all landscape features: retaining walls, masonry walls, fences, surface finishes;
- proposed vehicle and pedestrian access circulation patterns;
- details of soil preparation of proposed planting and turf areas;
- identify proposed turf and provide cultivation notes for installation;
- planting detail;
- tree planting details, including details of staking/cages;
- site drainage including subsurface (AG) drainage and surface preparation, overland flow paths, field gullies and detention basins;
- water tanks to meet Council requirements;
- any drying courts;
- taps: minimum one per outdoor space;
- street tree placement;
- position of all services and utilities;
- position of rubbish bins; and
- proposed irrigation system.

ii) The Specification:

- Details of all trees, shrubs and groundcovers to be provided and retained, with details identifying the following:
  - Common name, botanical name, pot size/height of plant upon installation, the expected mature height and canopy spread of the plant at maturity and quantity – for all plants to be used;
  - Cultivation notes for installation;
  - Minimum planting standards for each plant/plant group; and
- tree protection measures for:
  - protection of existing trees/vegetation to be retained; and
  - any new planting, if necessary.

b) Detailed Landscape Plans are to demonstrate how the relevant requirements of this chapter and other relevant chapters are to be satisfied.

4.2 Retention of Existing Trees and Established Vegetation

Note - This section should be read in conjunction with Chapter B10 – Tree Preservation and Vegetation Management.

Desired Outcomes

DO1 - Existing significant vegetation and ecological values are retained and protected, as far as practical.

DO2 - Trees and vegetation selected and maintained for retention are chosen taking into account the General Principals of Good Landscaping described in Section 3.2 of this Chapter.

Development Requirements

a) Species selected for retention are to be suitable for the site conditions.

b) Mature vegetation that has habitat, civic or heritage values shall be conserved.

c) All works around existing trees are to comply with Australian Standards AS 4970-2009: Protection of Trees on Development Sites. A Certificate of Compliance from a certified or registered arborist may be required to be submitted to the Consent Authority upon completion of works.

d) Tree protection fencing shall be erected prior to the commencement of any construction works. Materials and equipment are not to be stored within the fenced tree protection zone.

e) Tree protection measures are to be installed and maintained around trees to be retained in accordance with the relevant Australian Standard AS 4970-2009: Protection of Trees on Development Sites.

f) Any pruning or trimming of vegetation is to be in accordance with AS4373: Pruning of Amenity Trees. Damage to any trees as a result of pruning is to be rectified where possible. A Certificate of Compliance from a certified or registered arborist may be required to be submitted to the Consent Authority upon completion of works.

g) Plants that are known to drop large limbs should generally be removed, or kept away from carparking and development areas to minimise damage.

4.3 Landscaping Near Utility Services

Desired Outcome

DO1 - The location and habit of tree planting must not interfere with the function and accessibility of any adjacent utility services.

DO2 - Maintenance access points must be considered and accommodated for in the site planning and design process.

DO3 - Landscaping near utility services is undertaken in a manner consistent with the General Principles of Good Landscaping described in Section 3.2 of this Chapter.

Development Requirements

a) Species mature height and root spread must not interfere with or compromise overhead and underground utility assets, including stormwater inlet pits.

b) Tree planting must be a minimum of 2m from any trunk water easements and offset 4m from any sewer main or inspection chamber.

c) Landscaping near electric lines or substations, is designed and developed to achieve the following:

(i) On land beneath, or within 5m of land beneath, an electric line , or within 5m of a substation boundary, any vegetation at maturity or landscaping structures or works do not exceed 4m in height;
(ii) Otherwise, vegetation is planted in a position that is further from the nearest edge of the land beneath electric line or substation boundary than the expected maximum height at maturity of the vegetation; and
(iii) On land adjoining an electricity substation boundary, the vegetation foliage at maturity is not within 3m of the substation boundary. However, where a substation has a solid wall along any part of its boundary, foliage may extend to, but not above or beyond, that solid wall, provided there is personnel and vehicular access available to the electricity works.

d) Plant species should be carefully selected to meet service authority requirements within easements (Refer to Appendix E for a list of plants that are unsuitable to be planted near sewer lines).

4.4 Consideration of On-site Stormwater

Desired Outcomes

DO1 - Landscaping provides an infiltration area for some of the stormwater runoff from a site.

DO2 – Appropriate sediment erosion controls are employed, where required.

DO3 - Landscaping is provided in accordance with any Stormwater Management Strategy and/or Water Sensitive Urban Design Strategy applicable to the site.

DO4 - Landscaping takes into consideration on-site stormwater management in a manner consistent with the General Principles of Good Landscaping described in Section 3.2 of this Chapter.

Development Requirements

a) Landscape design takes into account and does not adversely disrupt the flow of water along overland flow paths.

b) Landscaping maximises opportunities for on-site infiltration by:

(i) Minimising impervious surfaces and incorporating semi-permeable paving products;
(ii) Falling hard surfaces towards surfaces such as turf or mulched areas;
(iii) Maximising opportunities for turf and planting areas; and
(iv) Aligning planting areas parallel to contours to slow the flow of surface water.

c) Provision for drainage is incorporated through treatments such as sub-surface drains, swales, ponds and infiltration cells.

Note – If waterbodies are being constructed, they should be designed to have shallow edges, or include other safety measures, for community safety reasons.

d) Sediment and erosion control measures are undertaken in accordance with the relevant requirements of Chapter B4 – Earthworks and Sediment Erosion Control.

e) Planter boxes on podiums and building forecourts are plumbed to the stormwater system, in such a manner to mitigate any issues associated with erosion and contamination.

4.5 Crime Prevention Through Environmental Design

Desired Outcome

DO1 - Risks to personal safety and the potential for crime, vandalism and fear are reduced through design that has been informed by Crime Prevention Through Environmental Design (CPTED) principles in relation to:

- Surveillance;
- Access control;
- Territorial reinforcement; and
- Space management.

Development Requirements

Refer to Chapter B15 – Crime Prevention Through Environmental Design (CPTED) for development requirements.

4.6 Development Design Specifications

Desired Outcome

DO1 - Landscape and streetscape design generally conforms to the Development Design Specification D13 – Land and Street Scape Design of Council's Engineering Guidelines for Subdivision and Development.

DO2 - Landscaping generally conforms to the Development Construction Specification C273 – Landscaping of Council's Engineering Guidelines for Subdivision and Development.

Development Requirements

a) Landscape and streetscape design complies with the provisions of Development Design Specification D13 – Land and Street Scape Design.

b) Vegetation on slopes and drains complies with the provisions of Development Construction Specification C273 – Landscaping.

c) Landscape planting complies with the provisions of Development Construction Specification C273 – Landscaping.

5.0 Development Requirements – Street Reserve

5.1 Street Trees and Street Landscaping

Desired Outcomes

DO1 - Landscaping within the road reserve, particularly street trees, is provided to:

- Enhance the scale and density of the existing urban landscape;
- Compatible with the hierarchy and function of the street;
- Contribute to the overall amenity of the street and the region;

DO2 - Landscaping within the street reserve, particularly street trees, are low maintenance in terms of:

- not requiring significant supplementation by water or nutrients; and
- minimising adverse impacts on pavements, infrastructure and services.

DO3 - Street trees are provided at an appropriate rate taking into consideration:

- the size of trees being planted;
- the size of lots within the locality/subdivision; and
- the general character of the area (eg rural residential, industrial, commercial or residential).

DO4 - Street trees and street landscaping are provided in a manner consistent with the General Principles of Good Landscaping described in Section 3.2 of this Chapter.

Development Requirements

Master Plan

a) A street tree masterplan will be required for residential (including large lot residential) subdivisions (more than 10 lots) on green-field sites where a public road is proposed.

Species Selection

b) Species are encouraged to be selected from the Kempsey Indigenous Street Tree and Open Space Species Lists, and in consultation with Council.

c) Street tree species selections are to be compatible with the theme established by existing street trees, where relevant.

d) Species and materials are used that minimise the use of water.

e) Trees are to be used that have minimal branches on the lower and mid tree trunk (to protect pedestrian and driver visibility).

Location

f) Street trees shall be provided along all road frontages at a minimum rate of 1 per 20m interval.

g) The development must ensure that all street tree plantings at their mature growth height and form will not affect solar access, this is to be demonstrated by providing Council with shadow diagrams.

h) Street trees are to be planted a sufficient distance from driveway crossovers so as to not have an adverse impact on driver visibility or required sight distances.

i) Street trees are to be planted:

(i) A minimum of 1.5m from the back of kerb;
(ii) A minimum of 4m from any domestic sewer or water service; and
(iii) A minimum of 10m from any street light;
(iv) Where these distances cannot be achieved, alternative plantings as approved by Council may be installed;
(v) Where a lesser distance is required, root barriers may be required to be installed to protect roads, pathways, driveways and other infrastructure.

APPENDICES:

Appendix A: Planting Diagrams

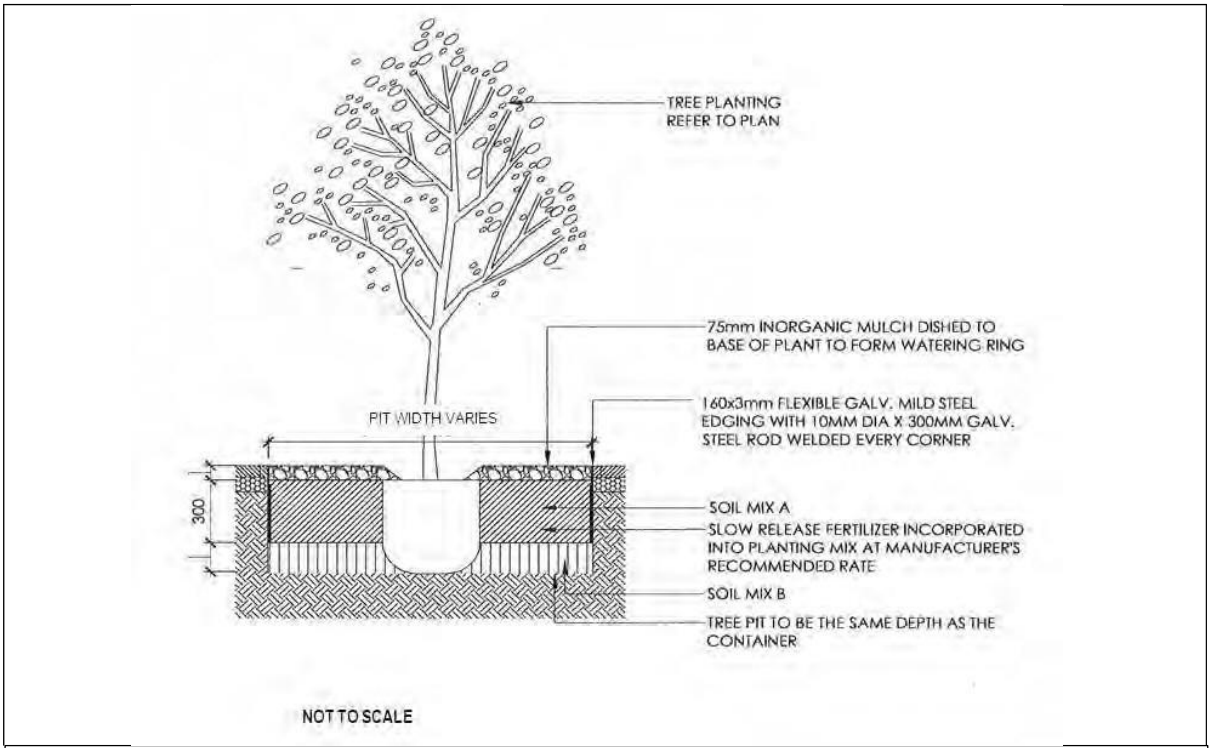


Figure B9-3: Semi-mature Tree in Tree Pit Detail

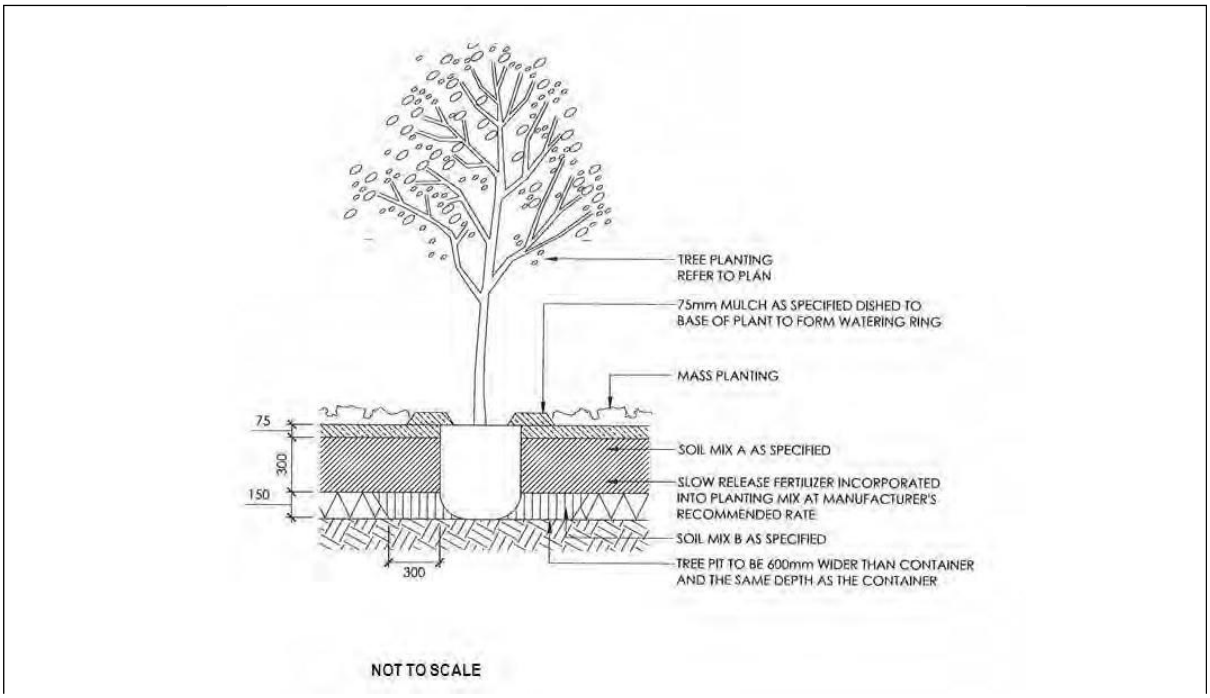


Figure B9-4: Semi-mature Tree in Tree in Mass Planting or Turf

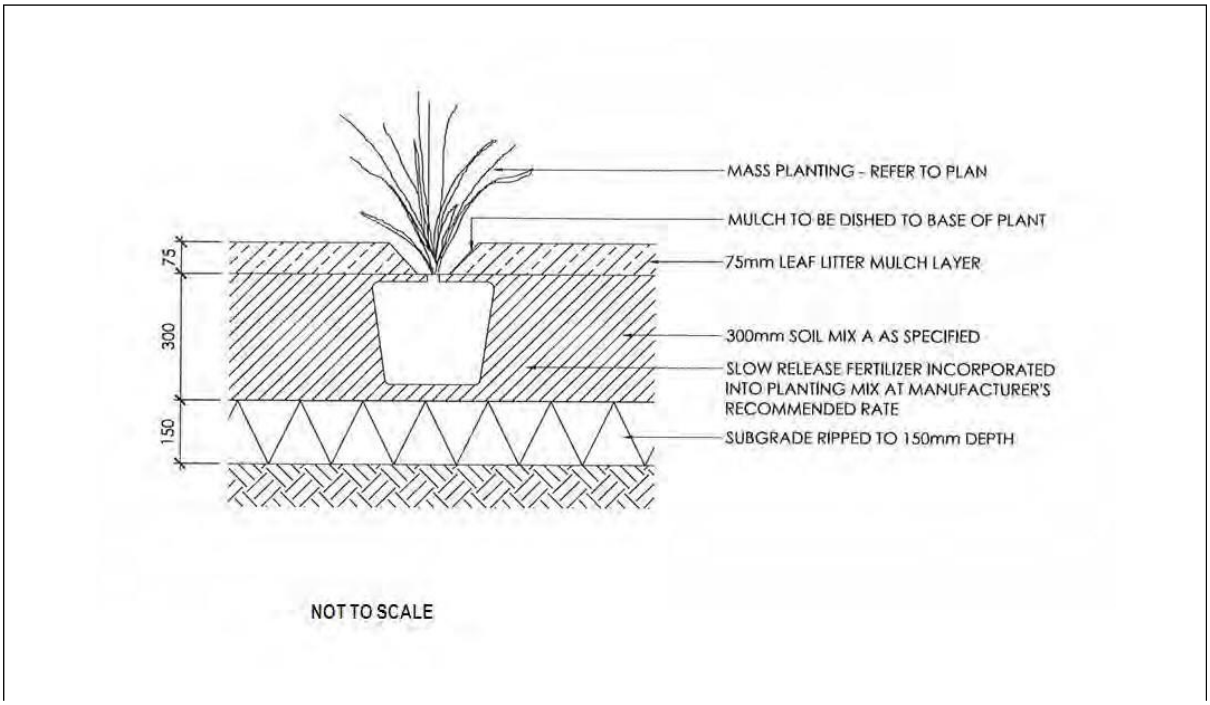


Figure B9-5: Mass Planting Detail (5 litre)

Appendix B: Tree Protection Measures

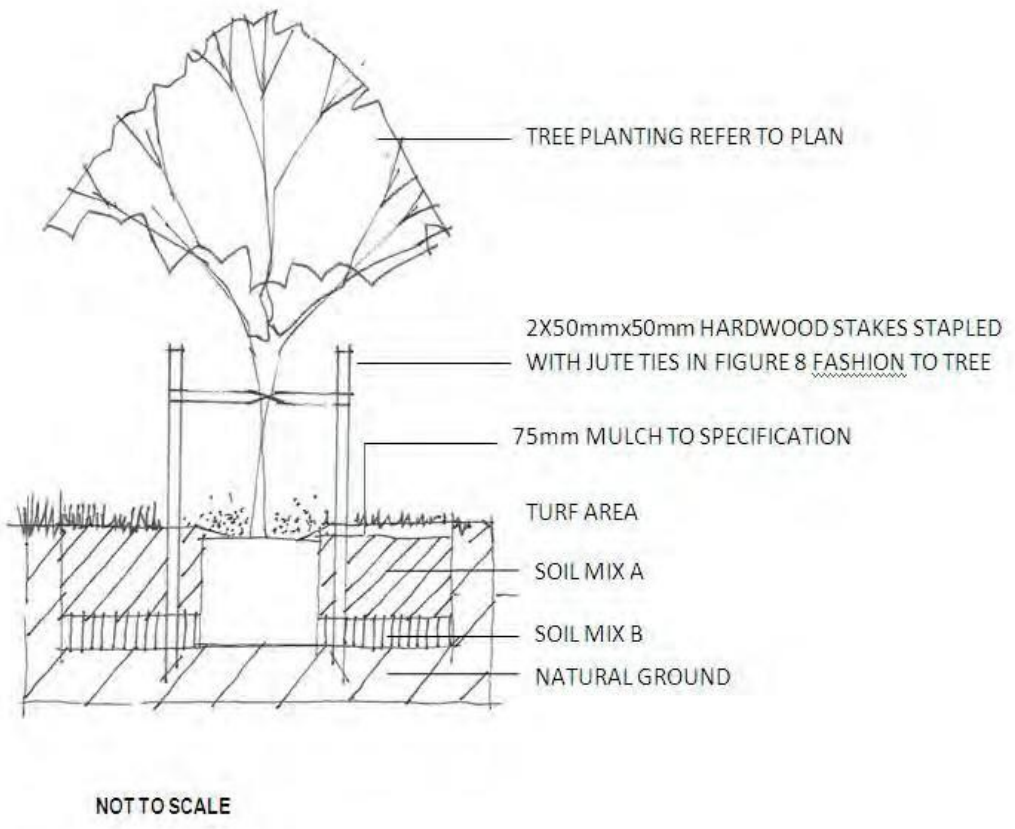


Figure B9-6: Tree Staking Details for Street Trees for Temporary Protection

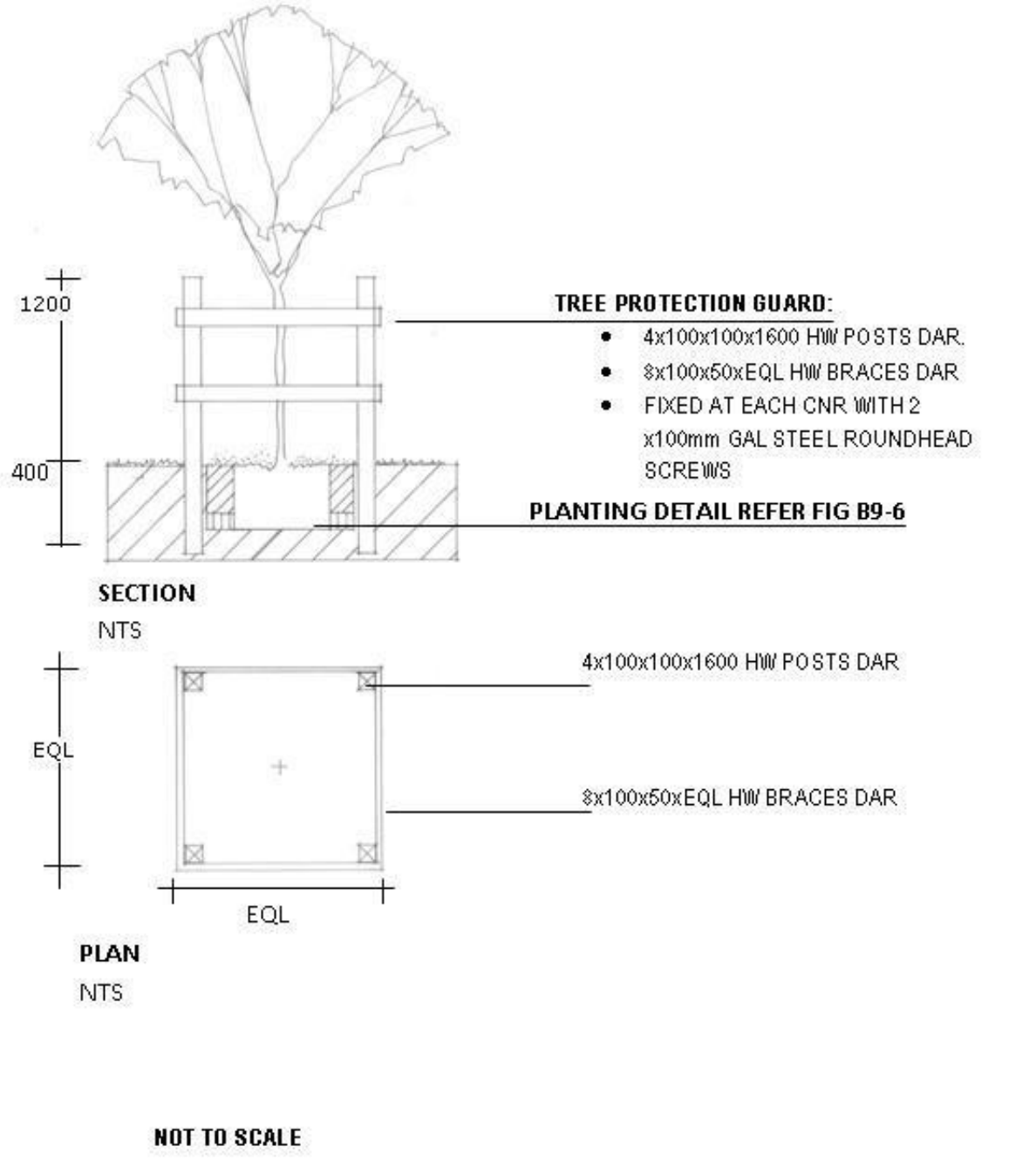


Figure B9-7: Tree Protection Guard Detail for Permanent Protection

Appendix C: Indigenous Species List for Street Trees

1.0 Introduction

According to the National Botanic Gardens, across Australia, the origin of the largest proportion of environmental weeds are from horticulture (Fagg 2007). Of these, those that are the most threat to biodiversity 65% are of horticultural origin (Weeds CRC 2007). The economic costs of weeds exceeds $4 billion per annum (Australian Weeds Strategy 2006). In recognition of the significant impacts across all land tenures the Department of Industry and Investment has developed the Invasive Species Plan. Scientific appraisal of the risk posed by individual weeds and their current extent have been conducted through a weed risk analysis algorithm. Based on this best data, the analysis results lead to the following hierarchical response:

a) prevention of new incursions;
b) early detection leading to eradication and containment of new incursions; or
c) reduction of the impacts of widespread infestations (at two levels):

(i) defence of key agricultural, biodiversity and amenity assets whilst biological controls are sought for more effective integrated landscape-scale control of widespread weeds.

(ii) Continued importation of 'sterile varieties' that still none-the-less contribute genetic material to the wider weed meta-population undermines these efforts.

Within the Kempsey (KSC) Local Government Area (LGA), whole landscapes are completely overrun by environmental and noxious weeds. For example Privet on in the Upper and Lower Macleay, Camphor Laurels in the floodplain and Bitou along our coasts. To date despite all of the resources available to the Council, no noxious or environmental weed has been completely eradicated. In the meantime, new species are introduced by the horticultural and nursery industry as well as by gardeners which results in multiple new infestations and new exotic species incursions being recorded across the LGA each year. Of the ten new weeds recorded in Australia annually two thirds are garden species (http://www.weeds.gov.au/weeds/where/index.html). The continuation of the status quo is clearly economically, environmentally and socially unsustainable.

For several reasons, the publicly landscaped estate has a disproportionate role to play in weed incursions and the spread of new weed species across the LGA. Because of the amenity, beauty and high visibility of past plantings by the various bodies, public landscaping has a strong influence on what people do in their own back yards. Particular arrangements and species compositions are closely watched by gardeners and rapidly emulated. In addition, the location of much of the plantings along roadways and in parks (often near to streams or along coasts) means that introduced species have a short distance to travel before they

move out of the intensively managed landscape and begin their destructive invasive role in the wider countryside. This along with the favoured use of species with delectable fruits has meant that many horticultural species are spreading rapidly into the hinterland from our publicly landscaped areas, urban gardens, rural residential and permaculture sites. In recognition of our legislative and regulatory responsibilities (see below), Council's adoption of the use of indigenous native species for landscaping in public areas under Development Control Plan 2013 is a key response to this ongoing economic, environmental and social problem. The following list of indigenous species that are suitable for street trees that are also available as NatSpec plants has been developed by council from the species that occur naturally across the Local Government Area.

2.0 How to Use this List

a) Determine the site's past vegetation community:

- Broadscale vegetation mapping of the Shire has been carried out;
- If unsure of the site's past vegetation community, contact Council for advice on the site's vegetation community that has been determined on the mapping.

b) The vegetation community (in the list below) is matched to the tree species that are best suited to planting sites.

3.0 When to Use this List

Wherever street trees are required for urban plantings and other public lands (parks, playgrounds, pedestrian thoroughfares etc.).

If the planting sites are hospitable (i.e. soils are largely intact) use only those species from the vegetation community that once used to occupy your site.

If the site is highly modified and 'plant-hostile' where soils are scalped, poor, compacted, droughty or subject to poor drainage as a result of development (such as commercial/industrial sites, paved/concreted carparks and 'intra-road plantings such as medians, street blisters and roundabouts) then any species from the list below may be included irrespective of the site's original vegetation community. This expands the palette of local species that may be 'fit for purpose' and thereby ensure successful plantings on these plant-hostile sites.

4.0 Legislation, Regulations, Policies

4.1 Federal

a) Environmental and Biodiversity Conservation Act (1999):

- Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants (2010).

b) National Strategy for Conservation of Australia's Biological Diversity (1996):

- Objective 3.3:
  - Control the introduction and spread of alien species and genetically modified organisms and manage the deliberate spread of native species outside their historically natural range";
- 3.3.4 Translocated species:
  - Promote the use of local indigenous species in rehabilitation;
  - discourage the use of non-local native species in revegetation schemes, large-scale landscaping schemes and rehabilitation programs.
  - Exercise caution in the commercial use of any new non-local native species.
  - Develop procedures to ensure that their establishment and propagation will not threaten the integrity of existing ecological systems.

c) Weeds of National Significance (WoNS) listed in 1999 :

- at least 7 of the 20 thus far nominated are of horticultural origin. Currently under review.

d) Australian Weeds Strategy (2007)

4.2 New South Wales

a) Noxious Weeds Act (1993).

- Currently under review with a proposal to restrict horticulture and nursery industry to a 'White List' of species not known to be invasive, all others being prohibited.

b) Threatened Species Conservation Act (1999):

- Key Threatening Processes:
  - Invasion and establishment of exotic vines and scramblers;
  - Invasion and establishment of Scotch Broom (Cytisus scoparius);
  - Invasion of native plant communities by bitou bush & boneseed Weed;
  - Invasion of native plant communities by exotic perennial grasses;
  - Invasion of Native Plant Communities by African Olive Olea europaea L. subsp. cuspidata; Invasion, establishment and spread of Lantana (Lantana camara L. sens. Lat).

c) New South Wales Invasive Species Strategy 2008-2015.

4.3 Regional

a) Northern Rivers Biodiversity Management Plan (2009).

b) Draft Mid North Coast Regional Conservation Plan (2010)

4.4 Local Government Area

a) Development Control Plan 2013

5.0 Key Principals

a) ***Precautionary Principle***: in the absence of complete information, do no further harm by applying a precautionary approach to minimise unintended consequences from the action under consideration:

- Planting only indigenous species minimises the risk of new exotic weed incursions.

b) ***'Fit for purpose'***: widest choice of species for harsh or inhospitable sites with substantially altered site characteristics.

6.0 Protocols

a) Soils and landform intact:

- Landscaping species selection where original soils remain should always utilise the palette from the site's original vegetation community;

- Where original soils and site characteristics remain (drainage, landform etc,) all species should be based on vegetation community. This is usual for street trees selection but is compromised in areas associated with road works and some forms of urban or commercial development.

b) Soils and landform not intact:

- Where soils have been imported or deposited on the site, the EC from the soil's source along with its new landform provide the basis for the planting palette to improve the likelihood of success these plants are 'fit for purpose'.

  For example if dredge spoil from the Macleay is used and reformed for the canal developments would use the following logic train to allow the EC to be determined and thereby the planting palette that now best suits the modified site:

  - Where the sands and silts are less than 0.3m in elevation (public amenity not-with-standing), mangroves would be the choice;
  - Between 0.3 and 0.5m species should be selected from Swamp Oak Forest (saline version);
  - Between 0.5-1.0m Littoral Rainforest (silt and sand) provides the planting palette; and
  - Above 1.0m elevation, Subtropical Floodplain Forest is the EC from which to choose plants for landscaping.

c) Significantly altered and harsh environments:

- In harsh or altered environments (road medians, blisters, roundabouts, car parks, exposed sites and/or poorly prepared landscape beds, that have gravel/clay/concrete bases) any species from the lists below can be used based on the principle of 'fit for purpose' (irrespective of EC) to ensure successful landscape results.

KEMPSEY NATSPEC-AVAILABLE INDIGENOUS SPECIES LIST FOR STREET TREES								
Common name	**Latin name**	**Vegetation community**	**Height (m)**	**Canopy features**	**Flowers**	**Flowering time**	**Advanced stock available 100-200 litre**	**Notes**
Forest Oak	*Allocasuarina torulosa*	● Dry Sclerophyll Forest	10	open canopy			No	• Black cockatoo feed on small cones produced by the tree. • No suitable in areas of high pedestrian traffic – problems with 'needle' leaf fall and cones. • Suitable in 'rural/large lot' spaces.
Lemon Myrtle	*Backhousia citriodora*	● Subtropical Coastal Forest	8	low branching habit	white	Spring	•	Strongly aromatic foliage
Coast Banksia	*Banksia integrifolia*	● Coast Banksia Woodland ● Littoral Rainforest (clays) ● Littoral Rainforest (sands and silts) ● Subtropical Coastal Floodplain Forest (alluviums) ● Subtropical Coastal Floodplain Forest (sands) ● Wet Sclerophyll Forest ● Dry Sclerophyll Forest (sand) ● Coast Banksia Woodland	8	dense-rounded	pale yellow	Summer	•	Woody Fruit ,trunk clearance to be specified
Illawarra Flame Tree	*Brachychiton acerifolius*	● Littoral Rainforest (clays) ● Littoral Rainforest (sands) ● Subtropical Rainforest (lowlands and foothills) ● Subtropical Rainforest ● Subtropical Coastal Floodplain Forest (sand) ● Wet Sclerophyll Forest ● Gallery Rainforest	15	medium-domed	red	Spring	•	Opened fruit may shed silica hairs. Semi deciduous during flowering. A tree for larger sites, may be subject to the pest Kurrajon leaf tier
Crimson Bottlebrush	*Callistemon citrinus*	● Dry Rainforest ● Littoral Rainforest (clays) ● Subtropical Rainforest (lowlands and foothills) ● Subtropical Coastal Floodplain Forest (alluviums) ● Subtropical Coastal Floodplain Forest (sands) ● Swamp Sclerophyll Forest ● Swamp Oak Forest (brackish) ● Wet Sclerophyll Forest ● Lowland Forest	4	conical-erect	Red	Spring	•	Can tolerate very wet conditions

KEMPSEY NATSPEC-AVAILABLE INDIGENOUS SPECIES LIST FOR STREET TREES								
Common name	**Latin name**	**Vegetation community**	**Height (m)**	**Canopy features**	**Flowers**	**Flowering time**	**Advanced stock available 100-200 litre**	**Notes**
Willow Bottlebrush	*Callistemon salignus*	● Dry Rainforest ● Littoral Rainforest (clays) ● Subtropical Rainforest (lowlands and foothills) ● Subtropical Coastal Floodplain Forest (alluviums) ● Subtropical Coastal Floodplain Forest (sands) ● Swamp Sclerophyll Forest ● Swamp Oak Forest (brackish) ● Wet Sclerophyll Forest ● Lowland Forest	8	conical-erect	cream	Spring / Summer	•	Basal pruning to maintain visual clearance may be required
Bottlebrush	*Callistemon viminalis*	● Dry Rainforest ● Littoral Rainforest (clays) ● Subtropical Rainforest (lowlands and foothills) ● Subtropical Coastal Floodplain Forest (alluviums) ● Subtropical Coastal Floodplain Forest (sands) ● Swamp Sclerophyll Forest ● Swamp Oak Forest (brackish) ● Wet Sclerophyll Forest ● Lowland Forest	8	conical weeping	red	Spring	•	Extremely adaptable in cultivation, weeping form
Tuckeroo	*Cupaniopsis ancardioides*	● Dry Rainforest ● Littoral Rainforest (clays) ● Littoral Rainforest (sands) ● Subtropical Rainforest (lowland and foothills) ● Subtropical Coastal Floodplain Forest (alluviums) ● Subtropical Coastal Floodplain Forest (sands) ● Wet Sclerophyll Forest ● Swamp Sclerophyll Forest ● Swamp Oak Forest (brackish) ● Swamp Oak Forest (saline) ● Coast Banksia Woodland	10	dense-rounded	greenish/ white	Spring	•	Inclusions must comply NATSPEC Specifying Trees

KEMPSEY NATSPEC-AVAILABLE INDIGENOUS SPECIES LIST FOR STREET TREES								
Common name	**Latin name**	**Vegetation community**	**Height (m)**	**Canopy features**	**Flowers**	**Flowering time**	**Advanced stock available 100-200 litre**	**Notes**
Smooth Quandong	*Elaeocarpus obovatus*	● Dry Rainforest ● Gallery Rainforest ● Littoral Rainforest (clays) ● Littoral Rainforest (sands) ● Subtropical Rainforest (lowlands and foothills) ● Subtropical Rainforest ● Subtropical Coastal Floodplain Forest (alluviums) ● Wet Sclerophyll Forest ● Lowland Forest ● Swamp Oak Forest (saline)		dense-rounded				Buttress when mature
Blueberry Ash	*Eleocarpus reticulatus*	● Littoral Rainforest (clays) ● Littoral Rainforest (sands) ● Subtropical Coastal Floodplain Forest (alluviums) ● Subtropical Coastal Floodplain Forest (sands) ● Wet Sclerophyll Forest ● Subtropical Coastal Floodplain Forest ● Heathy Woodland ● Dry Sclerophyll Forest (on sand) ● Coast Banksia Woodland ● Lowland Forest	8	medium-dome	white	Summer		
Tallowwood	*Eucalytpus microcorys*	● Subtropical Coastal Floodplain Forest (sands) ● Wet Sclerophyll Forest ● Dry Sclerophyll Forest (clay) ● Lowland Forest		open canopy-spreading	white	Winter	•	• Large tree suited to open space planting only. • Koala food tree • Not suitable for residential or town centre street planting.
Small Fruited Grey Gum	*Eucalytpus propinqua*	● Subtropical Coastal Floodplain Forest (alluviums) ● Wet Sclerophyll Forest ● Dry Sclerophyll Forest (clays)	15	dense-rounded	white			• Large tree suited to open space planting only. • Koala food tree. • Not suitable for residential or town centre street planting.
Swamp Mahogany	*Eucalytpus robusta*	● Swamp Sclerophyll Forest	20	open canopy-spreading	white	Summer	•	• Large tree suited to open space planting only. • Koala food tree. • Not suitable for residential or town centre street planting.

KEMPSEY NATSPEC-AVAILABLE INDIGENOUS SPECIES LIST FOR STREET TREES								
Common name	**Latin name**	**Vegetation community**	**Height (m)**	**Canopy features**	**Flowers**	**Flowering time**	**Advanced stock available 100-200 litre**	**Notes**
Forest Red Gum	*Eucalytpus tereticornis*	● Wet Sclerophyll Forest ● Subtropical Coastal Floodplain Forest (alluviums) ● Swamp Sclerophyll Forest ● Dry Sclerophyll Forest (clays) ● Lowland Forest	20	open canopy-spreading	white	Spring / Summer	•	• Large tree suited to open space planting only. • Koala food tree. • Not suitable for street planting in town centre.
Cudgerie	*Flindersia schottiana*	● Dry Rainforest	25	open canopy-spreading	white	Spring / Summer	•	
Native Frangipani	*Hymenosporum flavum*	● Gallery Rainforest ● Subtropical Rainforest (lowlands and foothills) ● Subtropical Rainforest	8	dense-rounded	yellow	Spring		
Cabbage Fan Palm	*Livistona australis*	● Littoral Rainforest (clays) ● Subtropical Rainforest (lowlands and foothills) ● Subtropical Coastal Floodplain Forest (sands) ● Wet Sclerophyll Forest ● Swamp Sclerophyll Forest ● Swamp Oak Forest (brackish)	25	palm	cream	Summer	•	Serrated leaf base advanced planting only
Brushbox	*Lophostemon confertus*	● Littoral Rainforest (clays) ● Littoral Rainforest (sands) ● Subtropical Rainforest (lowlands and foothills) ● Subtropical Rainforest (Comboyne Plateua) ● Subtropical Coastal Floodplain Forest (alluviums) ● Subtropical Coastal Floodplain Forest (sands) ● Wet Sclerophyll Forest ● Lowland Forest	15	medium to broad-domed	white	Spring	•	Cup Moth
Flax-leaved Paperbark	*Melaleuca linarifolia*	● Subtropical Floodplain Forest (sands) ● Swamp Sclerophyll Forest ● Lowland Forest	8	dense/rounded	white	Summer		
Broad Leaved Paperbark	*Melaleuca quinquenervia*	● Littoral Rainforest (clays) ● Littoral Rainforest (sands) ● Subtropical Coastal Floodplain Forest (alluviums) ● Subtropical Coastal Floodplain Forest (sands) ● Swamp Sclerophyll Forest ● Swamp Oak Forest (brackish) ● Lowland Forest	15	medium to broad-domed	white	Summer	•	Large tree planting

KEMPSEY NATSPEC-AVAILABLE INDIGENOUS SPECIES LIST FOR STREET TREES								
Common name	**Latin name**	**Vegetation community**	**Height (m)**	**Canopy features**	**Flowers**	**Flowering time**	**Advanced stock available 100-200 litre**	**Notes**
Screw Pine	*Pandanus tectorius* var. *australianus*	● Coast Banksia Woodland ● Themeda Headland		dense/spreading				
Turpentine	*Syncarpia glomulifera*	● Subtropical Coastal Floodplain Forest (sand) ● Wet Sclerophyll Forest ● Lowland Forest	15	medium to broad-domed	cream	Spring		Large tree planting
Brush Cherry	*Syzigium australe*	● Gallery Rainforest ● Littoral Rainforest (sands) ● Subtropical Rainforest	12	broad-domed	white	Spring		• Large tree planting • Not suitable for street planting.
Weeping Lilly Pilly	*Syzigium floribundum (syn. Waterhousia floribunda)*	● Gallery Rainforest (lowlands and foothills) ● Subtropical Rainforest (lowlands and foothills) ● Wet Sclerophyll Forest	15	medium-domed	cream	Summer	•	Large tree suited to open space planting only
Lilly Pilly	*Syzygium leuhmanii*	● Littoral Rainforest (clays) ● Littoral Rainforest (sands) ● Subtropical Rainforest (lowlands and foothills) ● Subtropical Rainforest ● Subtropical Coastal Floodplain Forest (sands) ● Dry Sclerophyll Forest (sands) ● Lowland Forest	10	medium domed	white	Spring		
Lilly Pilly	*Syzygium smithii*	● Gallery Rainforest (lowlands and foothills) ● Gallery Rainforest ● Littoral Rainforest (clays) ● Littoral Rainforest (sands) ● Subtropical Rainforest (lowlands and foothills) ● Subtropical Rainforest ● Wet Sclerophyll Forest ● Swamp Oak Forest (brackish) ● Dry Sclerophyll Forest (sands) ● Lowland Forest	15	dense-rounded	cream	Spring	•	Trunk clearance to be specified
Water Gum	*Tristaniopsis laurina*	● Gallery Rainforest (lowlands and foothills) ● Gallery Rainforest ● Littoral Rainforest (clays) ● Subtropical Rainforest (lowlands and foothills) ● Wet Sclerophyll Forest	8	medium-domed	yellow	Summer	•	

KEMPSEY NATSPEC-AVAILABLE INDIGENOUS SPECIES LIST FOR STREET TREES								
Common name	**Latin name**	**Vegetation community**	**Height (m)**	**Canopy features**	**Flowers**	**Flowering time**	**Advanced stock available 100-200 litre**	**Notes**
Spotted Gum	*Corymbia maculata*	● Relatively limited distribution in Shire but common in following communities: ● Hunter Macleay Dry Sclerophyll Forest ● Coastal Grassy Woodlands	15	medium domed	white/cream		Y	• Spectacular bark
Brown Kurrajong	*Commersonia bartramia*	● Main locations are: ● Subtropical Coastal Flood Plain Forest ● Subtropical Rainforest (Hills) ● Lowland Rainforest on Floodplain ● Littoral Rainforest ● Wet Sclerophyll Forests	10	medium dense	white	Spring / Summer	N	• Attractive mottled bark and clusters of white flowers
Foambark	*Jagera pseudorhus*	● Wide distribution across a variety of soils and communities but commonly found in the following communities: ● Subtropical Coastal Flood Plain Forest ● Subtropical Rainforest (Hills) ● Lowland Rainforest on Floodplain ● Littoral Rainforest ● Wet Sclerophyll Forests	10	broad medium	white/cream	Spring	N	• Striking red fruit follows flowering • New bronze coloured foliage in spring
Jackwood	*Cryptocaria glaucescens*	● Littoral Rainforest ● Wet Sclerophyll Forests	10	medium	pale green/white	Late Spring-Summer	N	• Small blue/black fruits • Good browse/forage species for fruit eating birds
Red Ash	*Alphitonia excela*	● Wide distribution across various soil types and communities including: ● Subtropical Rainforest (Hills) ● Lowland Rainforest on Floodplain ● Littoral Rainforest ● Wet Sclerophyll Forests	10-15	open-broad	insignificant	Spring to Summer	Y	• Attractive dark green foliage with white underside of leaf • Pale mottled bark • Clear trunk
Small Leaf Fig	*Ficus obliqua*	● Variable distribution across various soil types and communities including: ● Subtropical Rainforest (Hills) ● Lowland Rainforest on Floodplain ● Littoral Rainforest ● Wet Sclerophyll Forests	10	broad	insignificant		Y	• Small yellow gold fruits • Good browse/forage species for fruit eating birds
Red Cedar	*Toona ciliata var australis*	● Subtropical Rainforest (Hills) ● Lowland Rainforest on Floodplain	15	broad	insignificant	Spring	Y	• Winter deciduous species

Appendix D: Indigenous Species List for Open Space Landscaping

1.0 Introduction

According to the National Botanic Gardens, across Australia, the origin of the largest proportion of environmental weeds are from horticulture (Fagg 2007). Of these, those that are the most threat to biodiversity 65% are of horticultural origin (Weeds CRC 2007). The economic costs of weeds exceeds $4 billion per annum (Australian Weeds Strategy 2006). In recognition of the significant impacts across all land tenures the Department of Industry and Investment has developed the Invasive Species Plan. Scientific appraisal of the risk posed by individual weeds and their current extent have been conducted through a weed risk analysis algorithm. Based on this best data, the analysis results lead to the following hierarchical response:

a) prevention of new incursions;

b) early detection leading to eradication and containment of new incursions; or

c) reduction of the impacts of widespread infestations (at two levels):

   (i) Defence of key agricultural, biodiversity and amenity assets whilst biological controls are sought for more effective integrated landscape-scale control of widespread weeds.

   (ii) Continued importation of 'sterile varieties' that still none-the-less contribute genetic material to the wider weed meta-population undermines these efforts.

Within the Kempsey (KSC) Local Government Area (LGA), whole landscapes are completely overrun by environmental and noxious weeds. For example Privet on in the Upper and Lower Macleay, Camphor Laurels in the floodplain and Bitou along our coasts. To date despite all of the resources available to the Council, no noxious or environmental weed has been completely eradicated. In the meantime, new species are introduced by the horticultural and nursery industry as well as by gardeners which results in multiple new infestations and new exotic species incursions being recorded across the LGA each year. Of the ten new weeds recorded in Australia annually two thirds are garden species (http://www.weeds.gov.au/weeds/where/index.html). The continuation of the status quo is clearly economically, environmentally and socially unsustainable.

For several reasons, the publicly landscaped estate has a disproportionate role to play in weed incursions and the spread of new weed species across the LGA. Because of the amenity, beauty and high visibility of past plantings by the various organisations, public landscaping has a strong influence on what people do in their own back yards. Particular arrangements and species compositions are closely watched by gardeners and rapidly emulated. In addition, the location of much of the plantings along roadways and in parks (often near to streams or along coasts) means that introduced species have a short distance to travel before they move out of the intensively managed landscape and begin their destructive invasive role in the wider countryside. This along with the favoured use of species with delectible fruits has meant that many horticultural species are spreading rapidly into the hinterland from our publicly landscaped areas, urban gardens, rural residential and permaculture sites. In recognition of our legislative and regulatory responsibilities (see below), Council's adoption of the use of indigenous native

species for landscaping in public areas under Development Control Plan 2013 is a key response to this ongoing economic, environmental and social problem.

2.0 When to Use this List

Wherever landscape plants are required for urban plantings and other public lands (parks, playgrounds, pedestrian thoroughfares etc.)

If the planting sites are inhospitable (i.e. soils are highly modified and the landscaping environment is also 'plant-hostile'), then any species from the list below may be included irrespective of the site's original vegetation community. Examples of landscaping environments that may be plant hostile include:

- where soils are scalped, poor, compacted, droughty or subject to poor drainage as a result of development (such as commercial/industrial sites, paved/concreted carparks; and

- 'intra-road plantings such as medians, street blisters and roundabouts).

This expands the palette of local species that may be 'fit for purpose' and thereby ensure successful plantings on these plant-hostile sites.

3.0 Legislation, Regulations, Policies

3.1 Federal

a) Environmental and Biodiversity Conservation Act (1999):
- Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants (2010).

b) National Strategy for Conservation of Australia's Biological Diversity (1996):
- Objective 3.3:
    - Control the introduction and spread of alien species and genetically modified organisms and manage the deliberate spread of native species outside their historically natural range";
- 3.3.4 Translocated species:
    - Promote the use of local indigenous species in rehabilitation;
    - discourage the use of non-local native species in revegetation schemes, large-scale landscaping schemes and rehabilitation programs.
    - Exercise caution in the commercial use of any new non-local native species.
    - Develop procedures to ensure that their establishment and propagation will not threaten the integrity of existing ecological systems.

c) Weeds of National Significance (WoNS) listed in 1999 :
- at least 7 of the 20 thus far nominated are of horticultural origin (Currently under review).

d) Australian Weeds Strategy (2007)

3.2 New South Wales

a) Noxious Weeds Act (1993).

- Currently under review with a proposal to restrict horticulture and nursery industry to a 'White List' of species not known to be invasive, all others being prohibited.

b) Threatened Species Conservation Act (1999):

- Key Threatening Processes:
  - Invasion and establishment of exotic vines and scramblers;
  - Invasion and establishment of Scotch Broom (Cytisus scoparius);
  - Invasion of native plant communities by bitou bush & boneseed Weed;
  - Invasion of native plant communities by exotic perennial grasses;
  - Invasion of Native Plant Communities by African Olive Olea europaea L. subsp. cuspidata; Invasion, establishment and spread of Lantana (Lantana camara L. sens. Lat).

c) New South Wales Invasive Species Strategy 2008-2015.

3.3 Regional

a) Northern Rivers Biodiversity Management Plan (2009).

b) Draft Mid North Coast Regional Conservation Plan (2010)

3.4 Local Government Area

a) Development Control Plan 2013

4.0 Key Principles

a) ***Precautionary Principle***: in the absence of complete information, do no further harm by applying a precautionary approach to minimise unintended consequences from the action under consideration.
- Planting only indigenous species minimises the risk of new exotic weed incursions.

b) ***'Fit for purpose'***: widest choice of species for harsh or inhospitable sites with substantially altered site characteristics.

5.0 Protocols

a) Soils and landform intact:

- Landscaping species selection where original soils remain should always utilise the palette from the site's original vegetation community;
- Where original soils and site characteristics remain (drainage, landform etc,) all species should be based on vegetation community. This is usual for street trees selection but is compromised in areas associated with road works and some forms of urban or commercial development.

b) Soils and landform not intact:

- Where soils have been imported or deposited on the site, the EC from the soil's source along with its new landform provide the basis for the planting palette to improve the likelihood of success these plants are 'fit for purpose'.

  For example the dredge spoil from the Macleay if been used and reformed for the canal developments would use the following logic train to allow the EC to be determined and thereby the planting palette that now best suits the modified site:

  - Where the sands and silts are less than 0.3m in elevation (public amenity not withstanding), mangroves would be the choice;
  - Between 0.3 and 0.5m - species should be selected from Swamp Oak Forest (saline version);
  - Between 0.5-1.0m - Littoral Rainforest (silt and sand) provides the planting palette; and
  - Above 1.0m elevation - Subtropical Floodplain Forest is the EC from which to choose plants for landscaping.

c) Significantly altered and harsh environments:

- In harsh or altered environments (road medians, blisters, roundabouts, car parks, exposed sites and/or poorly prepared landscape beds, that have gravel/clay/concrete bases) any species from the lists below can be used based on the principle of: 'fit for purpose' (irrespective of vegetation community) to ensure successful landscape results.

KEMPSEY - INDIGENOUS SPECIES LIST FOR OPEN SPACE LANDSCAPING									
Common name	**Latin name**	**Dimensions (h x w in metres)**	**Features**	**Uses**	**CONTEXT**				**Substitute for previously used species CAUTIONS**
					Park planting	**L/scape planting**	**Blisters/ medians**	**R/abouts**	
TREES									
Bonewood	*Acradenia euodiiformis*	5-30 x3-10	Foliage, form	Light shade tree, bark					
Yellowwood	*Acronychia oblongifolia*	10-25 x 3-7	Foliage, flowers, trunk	Specimen tree, forms copses useful for screening					
Black Booyong	*Agyrodendron actinophyllum*	50 x 20	Red new foliage, canopy, foliage, trunk	Shade, amenity					
Turnipwood	*Akania bidwellii*	10-15 x 3-7	Foliage, perfumed flowers, fruit	Medium sized tree					
Beach Birds-eye	*Alectryon coriaceus*	4-8 x 2-4	Foliage, frontline species	Dense foliage plant for exposed position					Mirror-bush, Norlfolk Island Hibiscus
Black Sheoak	*Allocasuarina littoralis*	4-8 x 2-4	Foliage, wind harp	Light shade, screen, host for mistletoe					Pines
Forest Oak	*Allocasuarina torulosa*	8-25 x 5-10	Foliage, wind harp	Light shade, screen, host for mistletoe and epiphytes					Pines
Red Ash	*Alphitonia excels*	7-25 x 5-10	Foliage, form, bark	Light shade, host for mistletoe					
Pink Laceflower	*Archidendron grandiflorum*	15 x 5-7	Foliage, perfumed flowers, fruit	Small feature tree					
Bangalow Palm	*Archontophoenix cunninghamiana*	20-25 x 5	Form, foliage, fruit	Feature tree or clump planting			both		Cocos (Queen) Palm
Coogera (Rose-leaf Tamarind)	*Arytera divaricate*	5-10 x 3-5	Stunning new foliage, fruit	Feature and shade tree (alternative to or with Tuckeroo)					*Viburnum odorantissimum*
Grey Myrtle	*Backhousia myrtifolia*	10-30 x 2-4	Foliage, flowers	Hedging, shade			blisters		Murraya, Lilly Pillys
Wallum Banksia	*Bankisa aemula*	3-5 x 3	Form, foliage, flowers, cones	Small feature tree					
Mountain Banksia	*Banksia integrifolia* ssp. *A*	10-20 x 5-10	Form, foliage, flowers, cones	Medium sized tree					
Coast Banksia	*Banksia integrifolia* ssp. *Integrifolia*	10-20 x 5-11	Form, foliage, flowers, cones	Medium sized tree, frontline species					Norfolk Island Hibiscus
Saw-tooth Banksia	*Banksia serrata*	10-20 x 5-12	Form, foliage, flowers, cones	Medium sized tree					
Grey Walnut	*Beilschmiedia elliptica*	10-30 x 5-15	Form, foliage	Large shade tree					
Illawarra Flame Tree	*Brachychiton acerifolius*	10-40 x 10-15	Form, foliage (deciduous), flowers	Feature and street tree					
Black Wattle	*Callicoma serratifolia*	3-10 x 4-6	Form, trunk, foliage, flowers	Rapid growing, tolerates wetter (well-drained) sites					
Willow Bottlebrush	*Callistemon salignus*	5-15 x 3-5	Foliage, flowers	Street, park and landscape feature tree					
Weeping Bottlebrush	*Callistemon viminalis*	5-12 x 3-5	Form, flowers	Street, park and landscape feature tree					
Port Macquarie Pine	*Callitris macleayana*	10-18 x 5-10	Foliage, form	Specimen tree					Pencil Pines, cypress
Oyster Bay Pine	*Callitris rhomboidea*	3-10 x 2-3	Foliage, form	Specimen tree					Pencil Pines, cypress
Brush Caper Berry	*Capparis arborea*	2-5 x 1-5	Foliage, flowers (but spiny)	Specimen tree, barrier planting					
River Oak	*Casuarina cunninghamiana*	10-30 x 10-12	Foliage, wind harp	Specimen tree for large parks					Pines
Horsetail Sheoak	*Casuarina equisetifolia*	5-20 x 5-10	Foliage, wind harp	Frontline species, parks, beaches, dunes					Pines
Swamp Oak	*Casuarina glacua*	8-30 x 5-12	Foliage, wind harp, salt tolerant, frontline	Suckers: parks, salt and inundation tolerant					Pines
Native Celtis	*Celtis paniculata*	3-10 x 3-5	Foliage	Shade					*Celtis australis, Celtis chinensis*
Coachwood	*Ceratopetalum apetalum*	10-20 x 5-8	Form, bark, foliage, flowers	Specimen tree, requires well-drained clay soils					
Christmas Bush	*Ceratopetalum gummiferum*	3-10 x 2-6	Foliage, flowers	Specimen tree, landscaping, screening, hedging					*Photinia, Viburnum odorantissimum*

KEMPSEY - INDIGENOUS SPECIES LIST FOR OPEN SPACE LANDSCAPING									
Common name	**Latin name**	**Dimensions (h x w in metres)**	**Features**	**Uses**	**CONTEXT**				**Substitute for previously used species CAUTIONS**
					Park planting	**L/scape planting**	**Blisters/ medians**	**R/abouts**	
TREES									
Brown Myrtle	*Choriocarpa leptopetala*	5-12 x 3-5	Foliage, flowers	Specimen tree, landscaping, screening, hedging	■	■			
Olivers Sassafras	*Cinnamomum oliveri*	15-30 x 10-15	Foliage, form, shade	Specimen tree, shade	■	■			
Brush Kurrajong	*Commersonia fraseri*	2-6 x 1-3	Form, flowers	Arbors, screening (suckers freely)	■	■			Clumping Bamboos
Pink Bloodwood	*Corymbia intermedia*	10-30 x 10-20	Form, flowers, nectar	Parks, street trees, specimen trees	■	■			Flowering gums
Jackwood	*Cryptocarya glaucescens*	10-30 x 5-15	Form, foliage	Shade, specimen tree biodiversity (birds)	■	■			
Murrogun	*Cryptocarya microneura*	10-25 x 5-12	Form, foliage, wetter soils	Shade, specimen tree biodiversity (birds)	■	■			
Pepperberry	*Cryptocarya obovate*	20-40 x 10-15	Form, foliage	Shade, specimen tree biodiversity (birds)	■	■			
Rose Maple	*Cryptocarya rigida*	10-30 x 5-15	Form, foliage	Shade, specimen tree biodiversity (birds)	■	■			
Tuckeroo	*Cupaniopsis anacardioides*	8-15 x 6-15	Form, bark, trunk, foliage, fruits	Specimen and amenity tree, frontline (including sand)	■	■			Norfolk Island Hibiscus
Small-leaved Tuckeroo	*Cupaniopsis parvifolia*	10-20 x 5-8	Form, bark, trunk, foliage, fruits	Specimen and amenity tree, ?hedging		■			*Viburnum odorantissimum*
Rough Tree Fern	*Cyathea australis*	5-10 x 3-5	Single trunked, foliage, form	Specimen tree, group plantings, screening, feature planting		■		■	Golden Cane Palm, Dwarf Date Palm
Straw Tree Fern	*Cyathea cooperi*	5-10 x 3-6	Single trunked, foliage, form	Specimen tree, group plantings, screening, feature planting	■	■			
Yellow Persimmon	*Diospyros australis*	4-10 x 1-3	Foliage	Bushy small tree		■			
Native Tamarind	*Diploglottis australis*	10-20 x 3-8	Rusty distinctive foliage, habit	Specimen tree	■	■			
Sassafras	*Doryphora sassafras*	20-30 x 5-10	Foliage, fragrant flowers	Specimen tree	■	■			
Rosewood	*Dysoxylon fraserianum*	12-25 x 3-8	Form, foliage, fragrant flowers, fruits	Elegant, specimen tree	■	■			Kaffir Plum
Koda	*Ehretia acuminate*	10-25 x 5-12	Foliage (deciduous), fragrant flowers, fruit	Mixed plantings		■			
Smooth Quandong	*Elaeocarpus obovatus*	15-25 x 5-12	Form, foliage, flowers, fruit	Specimen and amenity tree, screening, brackish tolerant	■	■			
Blueberry Ash	*Elaeocarpus reticulatus*	8-15 x 3-5	Form, foliage, fragrant flowers, fruit	Specimen and amenity tree		■			
Red Olive Plum	*Elaeodendron austral*	5-10 x 3-5	Form, foliage, fruit	Specimen tree, salt-hardy	■	■			
Rose Walnut	*Endiandra discolour*	10-25 x 5-12	Fragrant flowers	Specimen tree	■	■			
Green-leaved Rose Walnut	*Endiandra muelleri*	15-20 x 5-12	Foliage	Specimen tree	■	■			
Corkwood	*Endiandra sieberi*	10-25 x 5-10	Form, bark, foliage	Specimen tree (on sand and clay)	■	■			
Large Fruited Grey Gum	*Eucalyptus biturbinata*		Bark in summer	Specimen tree (koala food tree)	■				
Flooded Gum	*Eucalyptus grandis*		Form, bark	Specimen tree	■	■			
Tallowwood	*Eucalyptus microcorys*	10-45 x 10-20	Form, foliage, flowers	Specimen tree (koala food tree)	■	■			
Blackbutt	*Eucalyptus pilularis*	25-40 x10-20	Form	Specimen tree	■				
Grey Ironbark	*Eucalyptus placita*	25 x 15	Form	Specimen tree	■				
Small-fruited Grey Gum	*Eucalyptus propinqua*	20-30 x 10-25	Bark in summer	Specimen tree (koala food tree)	■				
Red Mahogany	*Eucalyptus resinifera*	20-35 x 10-15		Specimen tree (koala food tree)	■				
Swamp Mahogany	*Eucalyptus robusta*	20-25 x 10-25	Flowers (nectar)	Specimen tree	■				
Sydney Blue Gum	*Eucalyptus saligna*	20-45 x 10-25	Form, bark	Specimen tree	■	■			

KEMPSEY - INDIGENOUS SPECIES LIST FOR OPEN SPACE LANDSCAPING									
Common name	**Latin name**	**Dimensions (h x w in metres)**	**Features**	**Uses**	**CONTEXT**				**Substitute for previously used species CAUTIONS**
					Park planting	**L/scape planting**	**Blisters/ medians**	**R/abouts**	
TREES									
Scribbly Gum	*Eucalyptus signata*	10-15 x 10-15	Form, bark	Specimen tree					
Forest Red Gum	*Eucalyptus tereticornis*	20-30 x 10-25	Form, bark, flowers (nectar)	Specimen tree (koala food tree)					
Bolwarra	*Eupomatia laurina*	4-10 x 1-5	Glossy foliage, fragrant flowers	Specimen tree, group plantings, screening, ?hedging					Murraya
Port Macquarie Beech	*Euroschinus falcatus*	20-30 x 10-25	Form, foliage, fruit	Specimen tree, shade					
Watery Fig	*Ficus fraseri*	10-15 x 3-20	Leaves, fruit, habit, deciduous	Smallest fig specimen tree, summer shade, winter sun					
Moreton Bay Fig	*Ficus macrophylla*	15-35 x 30-60	Leaves, fruit, habit, grandeur	Iconic specimen tree for very large spaces (60m+diameter)					*Ficus hillii*
Small-leaved Fig	*Ficus obliqua*	15-30 x 25-60	Foliage, habit, buttressing	Specimen tree for very large spaces (60m+diameter)					Local equivalent of *Ficus hillii* etc.
Deciduous Fig	*Ficus superba* var. *henneana*	6-25 x 10-40	Foliage, fruit, habit	Specimen tree for very large spaces (40m+diameter)					*Ficus hillii*
Nipple Fig	*Ficus watkinsiana*	25-35 x 25-60	Foliage, habit, buttressing	Specimen tree for very large spaces (60m+diameter)					*Ficus hillii*
Cheese Tree	*Glochidion ferdinandii*	6-10 x 5-10	Foliage, biodiversity	Shade (deciduous), disturbed roots are likely to sucker					
White Beech	*Gmelina leichhardtii*	8-15 x 15-20	Form, foliage (deciduous), flowers, fruit	Shade or specimen tree **POISONOUS FRUIT**					**Poisonous, not for high traffic areas**
Scrub Ironwood	*Gossia acmenoides*	15-18 x 5-10	Bark	Feature tree (probably slow-growing)					
Python Tree	*Gossia bidwillii*	10-25 x 5-8	Form, bark, foliage, fragrant flowers	Feature tree for deep shade (slow growing)					
Guioa	*Guioa semiglauca*	10-15 x 5-10	Form, bark	Shade or street, mistletoe host (biodiversity)					
Oblong-leaved Tulip	*Harpullia hillii*	6-15 x 5-8	Form, fruits	Shade, street or landscape, dense crown					
Leather Oak	*Helicia glabriflora*	6-15 x 3-8	Bark, flowers, fruit	Crown diffuse, feature tree for flowers and fruit					
Coast Hibiscus	*Hibiscus tilaceus*	6-9 x 6-14	Frontline, flowers	Flowers, foliage, shade					
Golden Ash	*Hodgkinsoniana ovatiflora*	6-25 x 3-8	Crown, trunk	Light-green dense crown, specimen tree					
Native Frangipani	*Hymenospermum flavum*	4-20 x 3-7	Habit, fragrant flowers	Sculptural plant (pagodiform), showy fragrant flowers					
Jacksonia	*Jacksonia scoparia*	3-5 x 1.3-3	Silver foliage, bark, sprays of gold flowers	Clumping, feature plantings, foliage contrast, salt-tolerant			both		Coastal Rosemary
Foambark	*Jaegera pseudorhus*	6-10 x 5-15	Form, foliage, trunk, fruits	Deciduous, elegant tree					
Brown Bolly Gum	*Litsea australis*	10-20 x 5-12	Form, foliage	Shade tree, specimen tree					
Bolly Gum	*Litsea reticulatus*	15-30 x 10-18	Form, foliage	Shade tree, specimen tree, tolerates poor soils					
Cabbage Fan Palm	*Livistona australis*	20-30 x 5	Form, foliage	Specimen tree, clumped planting					*Livistona decora,* Cotton Palm
Brush Box	*Lophostemon confertus*	10-15 x 5-10	Form, bark foliage	Specimen tree					
Red Kamala	*Mallotus philippensis*	8-12 x 4-8	Foliage, fruit	Screening plant, clump plantings					
Flax-leaved Paperbark	*Melaleuca linearifolia*	6-10 x 3-8	Foliage, flowers	Specimen and shade tree, feature tree					
Prickly Paperbark	*Melaleuca nodosa*	4-6 x 2-4	Foliage, flowers	Barrier planting, screening, clump planting					
Broad-leaved Paperbark	*Melaleuca quinquinervia*	8-20 x 5-10	Form, bark, flowers (nectar)	Specimen and shade tree, feature tree					

KEMPSEY - INDIGENOUS SPECIES LIST FOR OPEN SPACE LANDSCAPING									
Common name	**Latin name**	**Dimensions (h x w in metres)**	**Features**	**Uses**	**CONTEXT**				**Substitute for previously used species CAUTIONS**
					Park planting	**L/scape planting**	**Blisters/ medians**	**R/abouts**	
TREES									
Prickly-leaved Paperbark	*Melaleuca styphelioides*	8-20 x 5-10	Form, bark, flowers, epiphyte/mistletoe host	Specimen and shade tree, feature tree					
White Cedar	*Melia adzaderach*	6-25 x 5-15	Form, trunk, foliage, fragrant flowers, fruit	Specimen tree, clumped planting **POISONOUS FRUIT**					**All parts poisonous**
Hairy-leaved Doughwood	*Melicope micrococca*	12-20 x 8-15	Form, bark	Diffuse shade, specimen planting					
Mangrove Boobialla	*Myoporum acuminatum*	2-8 x 2-10	Form, bark, fruit	Frontline species, parks, beaches, dunes, hedging					
Brush Muttonwood	*Myrsine howittiana*	6-15 x 3-6	Form, trunk, foliage, fruit	Specimen tree, forms copses useful for screening					
Green Bolly Gum	*Neolitsea australiensis*	12-30 x 10-18	Fragrant flowers, foliage	Clump planting					
White Bolly Gum	*Neolitsea dealbata*	8-20 x 5-10	Fragrant flowers, foliage	Specimen tree, clump planting					
Native Olive	*Olea paniculata*	15-25 x 5-12	Trunk, bark	Diffuse screen, specimen tree					
Bleeding Heart	*Omalanthus populifolius*	2-5 x 2-5	Form, foliage	Small hardy quick-growing full sun tree					Chinese Tallow (in form, but not longevity)
Tree Oxylobium	*Oxylobium robustum*	1.5-3.5 x 1-2.5	Form, foliage, flowers	Small hardy tree					
Screw Pine	*Pandanus tectorius* var. *australianus*	2-4 x 8-12	Frontline, highly sculptural form, foliage	Spreading, hardy, quick growing full sun					Horse-tail Palm
Snowwood	*Pararchidendron pruniosum*	6-12 x 2-5	Deciduous, foliage, flowers, fruit	Small feature tree, summer shade, winter sun					
Narrow-leaved Geebung	*Persoonia linearis*	2.5-5 x 1.5-3.5	Habit, bark, foliage	Feature plants			blisters		
Geebung	*Persoonia stradbrokensis*	4-8 x 2-5	Form, bark, foliage, flowers	Specimen tree, clump plantings, grows on sand, screening					
Satinwood	*Phebalium squameum*	3-12 x 2-4.5	Form, trunk, flowers	Specimen tree, clump plantings, grows on sand, screening					
Plum Myrtle	*Pilidostigma glabrum*	3.5-5 x 2.5-4	Trunk, foliage	Screening plant, ?hedging			blisters		Murraya
Birdlime Tree	*Pisonia umbellifera*	10-15 x 5-8	Foliage	Screening plant					
Sweet Pittosporum	*Pittosporum undulatum*	5-12 x 4-7	Shade, fragrant flowers	Park and amenity planting					Murraya
Brown Pine	*Podocarpus elatus*	5-15 x 3.5-8	Form, bark, foliage, fruit	Specimen tree					
Celerywood	*Polyscias elegans*	6-20 x 3-5	Form, foliage, fruit	Specimen tree					
Black Plum	*Pouteria australis*	10-25 x 10-15	Form, foliage, fruit	Specimen tree, dense screen					
Brush Turpentine	*Rhodamnia rubescens*	6-25 x 4-10	Foliage, flowers, fruit	Screening plant, clump plantings					
Native Guava	*Rhodomyrtus psidioides*	3-12 x 2-8	Flowers	Screening plant (suckers)					**Fruit poisonous (in large quantities)**
Maidens Blush	*Sloanea australis*	8-20 x 5-8	New foliage, flowers, habit	Specimen or shade tree					
Scrub Beefwood	*Stenocarpus salignus*	4-15 x 3-8	Form, foliage, flowers	Specimen tree					
Turpentine	*Syncarpia glomulifera*	8-25 x 5-12	Form, bark, foliage, flowers, fruit	Specimen tree, shade					
Scentless Rosewood	*Synoum glandulosum*	6-8 x 1-4	Glossy pinnate foliage, fruit, scented flowers	Hedging, screening					Murraya
Brush Cherry	*Syzygium australe*	8-12 x 3-6	Form, foliage, flowers, fruit	Specimen tree, hedging, screening			blisters		Murraya
Purple Cherry	*Syzygium crebrinerve*	8-15 x 5-8	Form, foliage, flowers, fruit	Specimen tree, hedging, screening			blisters		Murraya
Weeping Lilly Pilly	*Syzygium floribunda*	10-16 x 5-10	Form, foliage, flowers	Specimen tree					
Rose Satinash	*Syzygium francisii*	8-15 x 5-10	Form, bark, flowers	Specimen tree					
Blue Cherry	*Syzygium oleosum*	12-15 x 6-8	Form, foliage, flowers, fruit	Specimen tree, hedging, screening			blisters		Murraya

KEMPSEY - INDIGENOUS SPECIES LIST FOR OPEN SPACE LANDSCAPING									
Common name	**Latin name**	**Dimensions (h x w in metres)**	**Features**	**Uses**	**CONTEXT**				**Substitute for previously used species CAUTIONS**
					Park planting	**L/scape planting**	**Blisters/ medians**	**R/abouts**	
TREES									
Lilly Pilly	*Syzygium smithii*	10-20 x 5-10	Foliage, flowers, fruit	Specimen tree, hedging, screening			blisters		Murraya
Red Cedar	*Toona ciliata*	20-35 x 10-25	Foliage, fragrant flowers	Specimen tree, deciduous, epiphyte host					Deciduous Ash
Hill Water Gum	*Tristaniopsis collina*	3-25 x 3-8	Form, trunk, foliage, flowers	Specimen tree, screening					
Water Gum	*Tristaniopsis laurina*	8-20 x 5-15	Form, trunk, foliage, flowers	Specimen tree, screening					
Tree Heath	*Trochocarpa laurina*	4-12 x 2-5	Foliage	Specimen tree, clump planting, screening			blisters		Photinia, Viburnum odorantisimum
Veiny Wilkea	*Wilkea huegliana*	4-6 x 1-4	Butterfly plant	Background planting, screening					
Grey Grass Tree	*Xanthorrhoea glauca*	2-6 x 1.5-3	Single trunked, foliage, form	Specimen tree					Horse-tail Palm
Green-leaved Grass Tree	*Xanthorrhoea malacophylla*	3.5-8.5 x 2-3	Single trunked, foliage, form	Specimen tree					Horse-tail Palm

Appendix E: Plants to Avoid Near Sewer Mains

Table B9-1: Plants to Avoid Near Sewer Mains		
Botanical Name	**Common Name**	**Damage Rating**
Cinnamomum camphora	Camphor Laurel	Extreme
Ficus species	Fig Trees & Rubber Plants	Extreme
Populus Species	Poplars	Extreme
Salix species	Willows	Extreme
Erythrina species	Coral Trees	Very High
Eucalyptus species	Large Gum Trees	Very High
Jacaranda mimosifolia	Jacaranda	Very High
Liquidamber styraciflua	Liquidamber	Very High
Araucaria species	Norfolk Island & Bunya Pines	Very High
Brachychiton acerifolium	Illawarra Flame Tree	Very High
Casuarina species	Casuarinas	Very High
Melia azedarach	Australian White Cedar	Very High
Pinus species	Pine Trees	Very High
Platanus acerifolia	Plane Tree	Very High
Schinus molle	Pepper Tree	Very High
Ulmus species	Elms	Very High
Bougainvillea species	Bougainvilleas	High
Cortaderia selloana	Pampas Grass	High
Grevillea robusta	Silky Oak	High
Ilex species	Hollies	High
Lagunaria patersonii	Norfolk Island Hibiscus	High
Ligustrum species	Privets	High
Magnolia species	Magnolias	High
Nerium oleander	Oleander	High
Phoenix canariensis	Canary Island Date Palm	High
Phyllostachus species	Bamboos	High
Toxicodendron species	Rhus Trees	High
Lophostemon confetus	Brush Box, Tristania	High
Wisteria species	Wisteria	High

Chapter B10 – Tree Preservation and Vegetation Management

1.0 Introduction

1.1 Scope of this Chapter

This chapter of the DCP applies to all land within the following zones under the Kempsey Local Environmental Plan 2013:

- Zone R1 - General Residential
- Zone R3 - Medium Density Residential
- Zone R5 - Large Lot Residential
- Zone RU5 - Rural Village
- Zone B1 - Neighbourhood Centre
- Zone B2 - Local Centre
- Zone B3 - Commercial Core
- Zone B6 - Enterprise Corridor
- Zone IN1 - General Industrial
- Zone IN2 - Light Industrial
- Zone SP2 - Infrastructure
- Zone E2 - Environmental Conservation
- Zone E3 - Environmental Management
- Zone E4 - Environmental Living

This chapter applies to trees and vegetation listed in Appendix A of this chapter.

This chapter applies to the actions of ring barking, cutting down, topping, pruning, removing, injuring or wilfully destroying any tree or vegetation.

1.2 Exclusions to the Scope of this Chapter

Trees, vegetation and actions listed in Appendix B are excluded from the scope of this chapter.

Council will ideally require written verification from an appropriately qualified person/s (such as an Arborist, Registered Builder or Emergency Services Organisation) to be satisfied as to whether the tree or vegetation to be removed constitutes an excluded item. Persons acting upon these exclusions/exemptions without prior consultation with Council and without adequate proof as to the condition of the vegetation removed may face subsequent legal action should it be determined that prior consent was required.

Trees and vegetation included in the following zones are excluded from the scope of this Chapter:

- Zone RE1 - Public Recreation
- Zone RE2 - Private Recreation

1.3 Relationship to Other Chapters of this DCP

This chapter overrides the provisions contained in any other chapter of this DCP.

2.0 Chapter Objectives

The objectives of this chapter are:

a) To prevent unnecessary removal or damage to trees or other vegetation within the Kempsey Shire local government area, whilst maintaining reasonable opportunity for the removal of vegetation that is undesirable given its species, location or other attributes that would warrant its removal.

b) To preserve the amenity of Kempsey Shire, including biodiversity values, through the preservation of trees and other vegetation.

c) To specify, pursuant to Clause 5.9(2) of KLEP2013, when development consent will be required to ringbark, cut down, top, lop, remove, injure or willfully destroy certain species or kinds of trees and vegetation.

d) To ensure that proper consideration is given to trees and native vegetation in designing, planning and constructing development.

e) To minimise injury to or destruction of trees and native vegetation.

f) To retain healthy individual trees of local amenity and aesthetic value.

g) To facilitate the removal of undesirable exotics, noxious weeds, dangerous trees and any other inappropriate plantings, and to replace these with suitable local indigenous species which will positively contribute to visual and environmental amenity and ecological sustainability.

h) To retain viable representative samples of native vegetation, which have an intact structure and complete floristics, wherever practicable.

i) To facilitate limited tree removal associated with a Complying Development Certificate.

3.0 Background

3.1 Relationship to other Documents, Policies, Guidelines and Authorities.

3.1.1 Native Vegetation Act 2003

The *Native Vegetation Act 2003* will apply to tree removal and vegetation removal in Zones RU1, RU2, RU3, RU4, E2, E3, E4, RE1 and RE2.

3.1.2 National Parks and Wildlife Act 1974

The provisions of this chapter do not apply to trees of Aboriginal heritage, to which the *National Parks and Wildlife Act 1974* applies.

3.1.3 State Environmental Planning Policies

State Environment Planning Policies prevail over this chapter in respect of land affected by:

- State Environmental Planning Policy No. 14 – Coastal Wetlands;
- State Environmental Planning Policy No. 26 – Littoral Rainforests;
- State Environmental Planning Policy No. 44 – Koala Habitat Protection; and
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Development is not exempt or complying development in accordance with the SEPP (Exempt and Complying Development Codes) 2008 where the development involves the removal or pruning of a tree or other vegetation that would otherwise require a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent. Consequently, development consent must be obtained for any damage to vegetation that will occur in the undertaking of exempt or complying development, unless that damage would be otherwise permissible without consent pursuant to other provisions of this chapter, prior to undertaking the exempt development or the issue of a complying development certificate.

SEPP (Exempt and Complying Development Codes) 2008 includes provisions that allow the removal of a tree associated with CDC where, it is not a heritage item or on a significant tree register, and has a height of less than 6m and located within 3m of the proposed development (within the subject lot).

3.1.4 Tree Preservation Order 2002

The tree management provisions contained within this chapter replace Council's Tree Preservation Order 2002 (TPO). Consequently, where a permit was previously issued under the TPO, a development consent will now be issued under clause 5.9 of KLEP2013.

3.2 Council Approval for the Removal of Trees and Other Vegetation

Clause 5.9 of KLEP2013 requires development consent for:

a) Ring barking, cutting down, topping, pruning, removing, injuring or willfully destroying any trees and other vegetation listed in Table B10.1 in Appendix A.

b) But approval is not required in accordance with clause 5.9 of KLEP2013 for the removal of trees or other vegetation referred to in Appendix B.

All applications for tree removal will need to be submitted to Council using Council's **Development Application Form** (note – the former Tree Preservation Order Permit application process is superseded by the adoption of Kempsey Local Environmental Plan 2013).

Any development application made under clause 5.9 of KLEP 2013 is to be accompanied by the landowner's written consent.

The application is to be assessed against section 79C of the *Environmental Planning and Assessment Act 1979.*

Council may decide to approve an application in its entirety, allow for selective pruning or to refuse the application.

All approvals for the removal of prescribed trees and vegetation will be issued as a **Development Consent Notice**. That is, permits to remove trees and vegetation will no longer be issued.

3.3 Classes of Tree/Vegetation Actions and Application Fees

Table B10.1 of Appendix A of this Chapter splits the prescribed trees and vegetation into two classes: Class A and Class B.

As stated in the previous section, permits have been superseded. Consequently, a development application will be required for the removal and other relevant actions to any trees/vegetation identified as Class A or Class B.

Fees based on Council's Schedule of Fees and Charges 2013-2014 will be applied to development applications for the tree and vegetation actions in accordance with the following table (at the time of adoption of this DCP).

Table B10-1 – Application Fees for Different Classes of Vegetation Removal

Class	Fee Amount*	Relevant Section of Fees and Charges Schedule
Class A	$285	11(v). Fee for development not involving the erection of a building, the carrying out of work or the subdivision of land.
Class B	$47	39. Tree Preservation Order

Note – *The sections and amounts may be amended in subsequent versions of Council's Schedule of Fees and Charges.

3.4 Public Notification

Council must publicly exhibit any applications for removal of trees or other vegetation, identified as "Class A" in Table B10.1 of Appendix A of this chapter, for a minimum of (14) days prior to determination.

Trees and vegetation identified as "Class B" in Table B10.1 of Appendix A do not need to be placed on public notification.

3.5 Penalty

Any person who contravenes this chapter, or causes this chapter to be contravened would be guilty of an offence under the *Environmental Planning and Assessment Act 1979* and may be liable to prosecution and may incur a maximum penalty of $1.1 million through the Land and Environment Court.

4.0 Guidelines for Preparing an Arborist Report for Tree Removal

4.1 Introduction

An Arborist report, prepared by an appropriately qualified consultant, is a useful tool in assessing applications for tree removal.

An appropriately qualified consultant would be a consulting arborist, otherwise referred to as an independent arboricultural consultant or an interdependent consulting arborist. Such consultants:

- derive their income primarily from reporting on urban trees, and have no commercial interest in pruning or removing trees;
- hold the Australian Qualifications Framework Diploma in Horticulture (Arboriculture) or other qualification to the satisfaction of Council;
- have specialised training in tree diagnostics; and
- have specialised training in the preparation of written technical reports on trees.

On the other hand, a tree worker (otherwise known as a tree surgeon, lopper, arborist, tree doctor, tree feller etc) is someone whose primary income is derived from pruning and removing trees. Tree workers are not considered to be appropriately qualified for the preparation of Arborists reports, as they have not had the necessary training for tree diagnostics and report preparation.

In NSW **arborists** and **tree workers** are not regulated, licensed or certified by any authority.

When seeking to have an Arborist Report prepared, it is recommended that:

- a consulting arborist prepare the report;
- the consulting arborist has sufficient qualifications and experience for the task; and
- the consulting arborist has sufficient professional indemnity insurance.

4.2 Contents of an Arborist Consultant's Report

The following matters should be addressed in an arborist consultant's report submitted to Council. Council may reject a report that does not adequately address these matters:

a) The full name, business address, telephone number(s), evidence of technical qualification(s) and the experience of the arborist carrying out the tree inspection, diagnosis and reporting.
b) The full address of the site containing the trees.
c) The full name of the person or company for whom the report is prepared.
d) The methods and techniques used in the site and tree inspection.
e) A suitably scaled plan of the site showing:

   (i) the location of all trees on the site and any trees on adjoining land which overhang or under grow;
   (ii) the subject land;
   (iii) the lot boundaries; and
   (iv) the location of above and below ground services/utilities in proximity to the trees shown.

f) A table showing for each tree surveyed:

   (i) the common and full scientific name;
   (ii) the age class;
   (iii) the estimated height;
   (iv) the trunk diameter at 1.0 metres;
   (v) the canopy spread to the four cardinal points;
   (vi) a summary of the trees' health and structural condition; and

(vii) an estimation of the trees useful life expectancy (refer to literature on SULE assessments)

g) A summary and/or discussion of other relevant tree and site information such as soil and drainage characteristics, wildlife habitation, root structure and distribution, pests and diseases, and tree hazard assessment details.

h) Tree hazard assessments should be conducted and recorded in accordance with industry best practice.

i) Supporting evidence such as annotated photographs and laboratory results, if relevant, to the proposed works or to assist in describing tree or site conditions.

j) A discussion of ALL options available, including why they are recommended or not recommended, e.g. can a built structure be relocated, repaired and tree(s) retained?

k) A review of the implications of the proposed development on the health and structural condition of trees to be retained.

l) A description of the recommended protection measures to be put in place to ensure the protection of trees to be retained, and a description of any proposed method of tree removal.

m) A list of recommendations and the reasons for their adoption.

n) The sources of technical information referred to in the report. References not used in the report should not be included.

o) Present information as objectively as possible without attempting to support a specific development outcome.

p) Provide the scientific and common names of all tree species proposed for planting, including recommendations on the size and quality characteristics of trees to be planted.

q) Any other relevant matters.

5.0 Development Requirements

5.1 Tree and Vegetation Removal and Other Actions

Desired Outcomes

DO1 - Approvals to remove trees are only given where the negative amenity and environmental impacts of retaining the tree outweigh the positive impacts of removing the tree.

DO2 - Proper consideration is given to trees and native vegetation in designing, planning and constructing development.

DO3 - Injury to or destruction of trees and native vegetation is minimised.

DO4 - Healthy individual trees of local amenity and aesthetic value are retained, where practicable.

DO5 - Undesirable exotics, noxious weeds, dangerous trees and any other inappropriate plantings are removed.

DO6 - Replacement plantings of local indigenous species are provided, where requested by Council.

DO7 - Viable representative samples of native vegetation, which have an intact structure and complete floristics, are retained, wherever practicable.

Development Requirements

a) Adequate justification is required for the removal of the tree/vegetation. For example:

(i) Whether the tree is dying or dead;
(ii) Whether the tree is structurally unsound;
(iii) Whether the tree is diseased;
(iv) Whether remedial pruning would improve any of the above conditions to a satisfactory state;
(v) Whether the tree is likely to substantially interfere with private property and/or public infrastructure and/or services;
(vi) Whether the tree is likely to substantially interfere with the efficiency of a solar heating appliance; and
(vii) Whether the tree is a substantial threat to property or life.

Note – it may be necessary to submit an Arborist consultant's report to assist in the assessment of the application. Seek advice as to whether an Aborist Consultant's report is required from Council prior to lodging an application.

Note – the following arguments will not normally be sufficient justification:
- Falling leaves, flowers, fruit or twigs; and
- View creation or preservation.

b) Where potential risk can be mitigated by the relocation of items (eg: seating, play equipment, parking areas), or restrictions on use, then these mitigation measures are to be pursued in preference to removal of the tree.

c) Any consent issued under this chapter is only valid for a period of twelve (12) months from the date of the application.

d) Any actions on trees and other vegetation must be carried out in accordance with:

(i) the *Australian Standards 4373-1996: Pruning of Amenity Trees;* and
(ii) the *Electricity Supply Act 1995.*

e) Where a permit has been issued and is subject to conditions, the person to whom the permit has been issued is responsible to ensure that all

conditions are met.

f) Replacement planting of trees endemic to the area will be required at Council's discretion.

g) The minimum number of trees and/or the minimum amount of vegetation is to be removed from the site.

h) Vegetation in the vicinity of the trees/vegetation on which actions are proposed to be undertaken are to be protected in accordance with any reasonable and relevant requirements of Australian Standard *AS 4970-2009: Protection of Trees on Development Sites*.

i) The removal of vegetation is not to have a negative impact on any threatened species of flora and fauna.

Note – A report, prepared by a suitably qualified ecological consultant, may be required to support the application and assist assessment against this Development Requirement.

j) The relevant development requirements of Chapter B11 – Koala Habitat Management, are appropriately addressed, where relevant.

k) Vegetation forming part of an Endangered Ecological Community (EEC) is to be preserved, wherever possible and practicable.

(i) EEC vegetation is to be removed only in the most limited of circumstances where no other alternative exists to mitigate an immediate hazard to human life.

5.2 Additional Requirements Specific to Trees and Vegetation on Council Controlled Land

Desired Outcomes

DO1 - The relevant Desired Outcomes of Section 5.1 are achieved.

Development Requirements

a) The relevant Development Requirements of Section 5.1 are satisfied.

b) Trees on Council controlled land are only pruned or removed where:

(i) Written consent is provided by Council; and
(ii) They are dead, dying, diseased or dangerous, or
(iii) They are causing damage to infrastructure on public land, or
(iv) They are impacting on pedestrian or traffic conditions; or
(v) They are interfering with services on private property; or
(vi) They impact on the outlook from historic sites or significant public viewing areas; or
(vii) The growth habit or mature size of the tree is undesirable in a particular situation, as determined by the General Manager or his delegates; or

(viii) The trees require removal to fulfil the requirements of s100C of the *Rural Fires Act*, as determined by the General Manager or his delegates.

c) Where a tree removal on Council land is approved, the removal is to be supervised by the Director of Infrastructure Services or their delegate.

d) A tree removed on Council land is to be replaced by an approved species in a suitable location as determined by the Director of Infrastructure Services or his delegate.

e) Pruning or removal of trees with the intent of enhancing the views to or from private property is not to be undertaken.

f) Adhoc planting of trees or other vegetation within the road reserve (including public footpaths) is not to occur. Any planting that occurs in this manner will be removed and the road reserve restored at no cost to the Council.

g) Council may consider permitting planting on public land by an Incorporated Community Group where accompanied by a detailed report.

h) Council has no statuary obligation or onus to treat termites, however where a tree on public land is affected by termites, Council may grant permission for adjoining landowners to enter upon public land to treat termites where treatment does not include the destroying, pruning or removal of trees on public land.

APPENDICES

Appendix A: Prescribed Trees and Other Vegetation for the purpose of clause 5.9 of Kempsey Local Environmental Plan 2013

Table B10-2: Prescribed Trees and Other Vegetation for the purpose of clause 5.9 of Kempsey Local Environmental Plan 2013 (subject to exclusions of Appendix B)	
Description of Species	**Location of Species**
Class A	
English Plane Tree	Smithtown Public School
Magnolia Grandifloria	15 Lord Street, Kempsey
Norfolk Pines	Lots 54 and 60, DP1167380 on the north-west corner of Great North Road and Macleay Valley Way, Frederickton.
Camphor Laurels	Old Ferry Road, East Frederickton
Camphor Laurels	Macleay Street, Frederickton
Any threatened species, population or ecological communities (potential endangered ecological communities have been mapped and are available from Council).	Kempsey shire
Any Preferred Koala Food Tree, with a diameter at breast height over bark, greater than or equal to 250mm. Preferred Koala Food Trees include the following: (a) primary food tree species; and • Tallowwood (*E.microcorys*); • Forest Red Gum (*E. Tereticornis*); and • Swamp Mahogany (*E. Robusta*). (b) secondary/supplementary food tree species • Grey Gum (*E. Propinqua*); • White Stringybark (*E. globoidea*); and • Stringybark (*E. Tinaliae*).	Kempsey Shire
Any tree or vegetation that: a) Is 3m or more in height; and b) Has a trunk diameter of 150mm, or greater, at 1.0m above ground level.	Kempsey Shire
Is a threatened species, irrespective of size	Kempsey Shire
Is identified as providing habitat for any threatened species (ie containing hollows, nests, roosts, sap incisions, faecal pellets etc)	Kempsey Shire
Any tree or other vegetation that is or forms part of a heritage item or that is	Kempsey Shire

within a heritage conservation area. (Note: Clause 5.10(3) of KLEP 2013 allows exemptions in certain circumstances, subject to written request being made to and provided by Council.)	
Any tree or other vegetation that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance.	Kempsey Shire
Any vegetation that is within: a) 10 metres of a 1st order watercourse; b) 20 metres of a 2nd order watercourse; c) 30m of a 3rd order watercourse; and d) 40m of a 4th order watercourse and greater (includes estuaries, wetlands and any parts of rivers influenced by tidal waters). The above watercourse types are based on the Strahler System. Note – refer to the Department of Primary Industries, Office of Water, Guidelines for Riparian Corridors on Waterfront Land for guidance on whether a controlled activity approval under the *Water Management Act 2000* will be required.	Kempsey Shire
Trees of Aboriginal Heritage or Aboriginal Culturally Modified Trees (refer to Chapter B12 – Aboriginal Heritage).	Kempsey Shire
Any significant tree identified in Chapter E1 – Dulconghi Heights.	Crescent Head
Class B	
All Camphor Laurel trees with a trunk diameter, at 1.0m above ground level, of 1.2m or more.	Kempsey Shire
Any tree or vegetation that: a) Is 3m or more in height; and b) Has a trunk diameter of 150mm, or greater, at 1.0m above ground level; and c) Where the property is vacant. That is, there are no legal/approved habitable buildings on the site.	Kempsey Shire
All mangroves	Kempsey Shire

Appendix B: Exclusions to the Prescribed Trees and Other Vegetation List

The following trees and other vegetation are excluded from the scope of this chapter. In this regard, the following tree/vegetation removal and actions may be undertaken without the need for a development consent.

a) Trees or other vegetation that the Council is satisfied is dead or dying and is not required as the habitat of native fauna.

b) Trees or other vegetation that Council is satisfied is a risk to human life or property.

c) Any tree within 10m of an existing habitable dwelling (including manufactured home), except for trees comprising a threatened species, population, ecological communities or their habitats. Potential Endangered Ecological Communities have been mapped and are available from Council.

d) Any tree harbouring Queensland Fruit Fly or grown for edible fruit.

e) Trees and other vegetation identified as noxious weeds under the *Noxious Weeds Act 1993,* or listed as environmental weeds by the North Coast Weeds Advisory Committee and/or the Department of Agriculture.

f) Trees for which an order or certificate has been granted under the *Rural Fires Act, 1997.*

g) Trees and vegetation required to be removed to create a bushfire APZ around existing dwellings located on bushfire prone land.

h) Trees required to be removed, pruned, lopped or topped in accordance with the *Electricity Supply Act 1995*.

i) Trees within an approved plantation meeting the criteria of the *Timber Plantations (Harvest Guarantee) Act 1995.*

j) Plantations established by State Forests on purchased lands, or on private lands under the joint venture or Farm Forestry Schemes.

k) Trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916.*

l) Trees required to be removed by Council as part of the management and maintenance of any public reserve and/or road.

m) Any trees in which consent to remove has been granted in accordance with a valid development consent and/or construction certificate in accordance with the *Environmental Planning and Assessment Act 1979* or an approval issued in accordance with the *Local Government Act 1993* or the *Roads Act 1993.*

n) The clearing of Native Vegetation that is authorized by a development consent or property vegetation plan under the *Native Vegetation Act 2003.*

o) Any tree or vegetation less than 3m in height.

p) Any tree that has a trunk diameter of less than 150mm at 1.0m above ground level.

q) The clearing of native vegetation:

(i) That is authorised by a development consent issued under the *Environmental Planning and Assessment Act 1979* or property vegetation plan under the *Native Vegetation Act 2003*; or

(ii) That is otherwise permitted under Division 2 or 3 of Part 3 of that Act, unless land is in Zone R5 large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

r) The clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause.

s) Action required or authorised to be done by or under the *Electricity Supply Act 1995,* the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002.*

t) Removal of a maximum of 10% of the canopy of a tree where the work is necessary for the health of the tree and is designed and carried out in accordance with *AS 4373-2007: Pruning of Amenity Trees*.

u) Removal of dead branches including palm fronts and the selective removal of branches up to and including a diameter of 50mm may be undertaken without a permit or development consent where the removal:

(i) Does not alter the canopy of the tree, and
(ii) Does not destroy the aesthetic appearance of the tree canopy; and
(iii) Does not alter the growth structure of the tree, and
(iv) Is carried out in accordance with Australian Standard *AS4373-2007: Pruning Amenity Trees*.

v) The pruning of large garden shrubs in excess of 3 metres in height for the purpose of ornamental shaping is permitted without a permit or development consent.

w) Removal or willful destruction of non-native or non-indigenous native tree from public bushland reserves, where undertaken by Council, or contractors working on behalf of Council.

x) Any trees located in:

(i) Zone RE1 – Public Recreation; and
(ii) Zone RE2 – Private Recreation.

y) Any trees/vegetation required to be removed in accordance with a current Order of the Court issued in accordance with the *Trees (Disputes Between Neighbours) Act 2006.*

z) Any trees or vegetation listed in the following table:

Table B10-3: Trees and Vegetation Exempt from Chapter B10		
Common Name	**Botanical Names**	**Reason**
Privet	*Ligustrum species*	Environmental weed
Umbrella Tree	*Brassia Actinophylia*	Vigorous root system
Rubber Tree	*Ficuss Elastica*	Vigorous root system
Camphor Laurel ***see note**	*Cinnamomum camphora*	Environmental weed
Poplar Tree	*Populus species*	Vigorous root system
Rhus Tree	*Toxicodendron Succedaneum*	Poisonous plant
False Acacia	*Robinia Pseudoacacia*	Environmental weed
Tree of Heaven	*Ailonthus altissimin*	Invasive Environmental Weed
Coral Tree	*Erythrina species*	Environmental weed
Cocks Comb Coral Tree	*Erythrina crista-galli*	Environmental weed
Chinese Tallow	*Triadica sebifera*	Environmental weed
Chinese Raintree	*Koelreuteria elegans ssp. Formosna*	Environmental weed
Yellow Bells	*Tecoma stans*	Environmental weed
Willow	*Salix babylonica*	Environmental weed
Bamboo	*Phyllostachys spp and Bambusa spp*	Environmental weed
Cocus Palm	*Arecastrum romanzoffianum*	Undesirable species
Honey Locust	*Gleditsia triacanthos*	Dangerous spines
Angels Trumpet	*Datura candita*	Toxic, poisonous
Paulownia	*Paulownia tomentosa*	Vigorous root system
Cotoneaster	*Cotoneaster species*	Invasive Environmental Weed
Ochna	*Ochna serrulata*	Invasive Environmental Weed
Cadaghi	*Eucalyptus torellia*	Environmental weed
Tobacco Bush	*Solamium maurtianum*	Environmental weed
Broad Leaf Pepper	*Schinus terebinthifolus*	Environmental weed
Celtis	*Celtis sinensis*	Environmental weed
***Note:** *The removal of camphor Laurel trees up to a trunk diameter of 1.2m can be carried out without the consent of Council. Removal of Camphor laurel trees with a trunk diameter greater than 1.2m will require the consent of Council.*		

Note 1 - Any Vegetation removal not requiring consent under this DCP may require approval from the Department of Environment and Heritage under the *Threatened Species Conservation Act 1995,* the Catchment Management Authority under the *Native Vegetation Act 2003* or the Department of Primary Industries under the *Fisheries Management Act 1994.*

Chapter B11 – Koala Habitat Management

1.0 Introduction

1.1 Scope of this Chapter

This Plan applies to all land in the Kempsey Shire local government area where development requires the removal of native vegetation and/or Koala Feed Trees.

1.2 Relationship to Other Chapters of this DCP

The provisions of this Chapter override the provisions of any other Chapter of this DCP, to the extent of any inconsistency.

2.0 Chapter Objectives

The objectives of this Chapter are:

a) To identify the process and documents that are used in the assessment of applications impacting on koala habitat.

3.0 Background

Koalas are currently listed as a threatened species under state and federal legislation.

3.1 Kempsey Comprehensive Koala Plan of Management

A copy of Volume 1 (Working Provisions) of the *Comprehensive Koala Plan of Management for the Eastern Portion of Kempsey Shire LGA* (CKPoM) is available on Council's website.

The CKPoM outlines of the procedures and requirements for managing Koalas in the eastern portion of Kempsey Shire LGA.

3.2 State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP44)

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP44) applies to the state of NSW and requires Council to identify whether the site contains koala habitat and to consider the impacts of proposed development on any identified koala habitat.

A copy of SEPP 44 can be found in "Planning NSW" website.

4.0 Development Requirements

Desired Outcome

DO1 – To ensure that adequate consideration has been given to the impact on development on koala habitat.

Development Requirements

a) Development applications identify whether there is any koala habitat on site, including any koala feed trees (refer to Appendix A of this Chapter).

b) Development applications address the relevant procedures and requirements of Volume 1 (Working Provisions) of the *Comprehensive Koala Plan of Management for the Eastern Portion of Kempsey Shire LGA* (CKPoM).

c) Development applications address the relevant requirements of *State Environmental Planning Policy No. 44 – Koala Habitat Protection* (SEPP44).

Appendices

Appendix A: List of Koala Feed Tree Species

Table B11.1 – List of Koala Feed Tree Species	
Primary food tree species	
Tallowwood	*E. microcorys*
Forest Red Gum	*E. tereticornis**
Swamp Mahagony	*E. robusta*
*Includes the naturally occurring *E. terreticornis x E. robusta* hybrid, referred to as *E.'patentinervis'* by Bale (1992)	
Secondary/supplementary food tree species	
Grey Gum	*E. propinqua*
White Stringybark	*E. globoidea*
Stringybark	*E. tindaliae*

Appendix B: Flow Chart – The Development & Rezoning Assessment Pathway

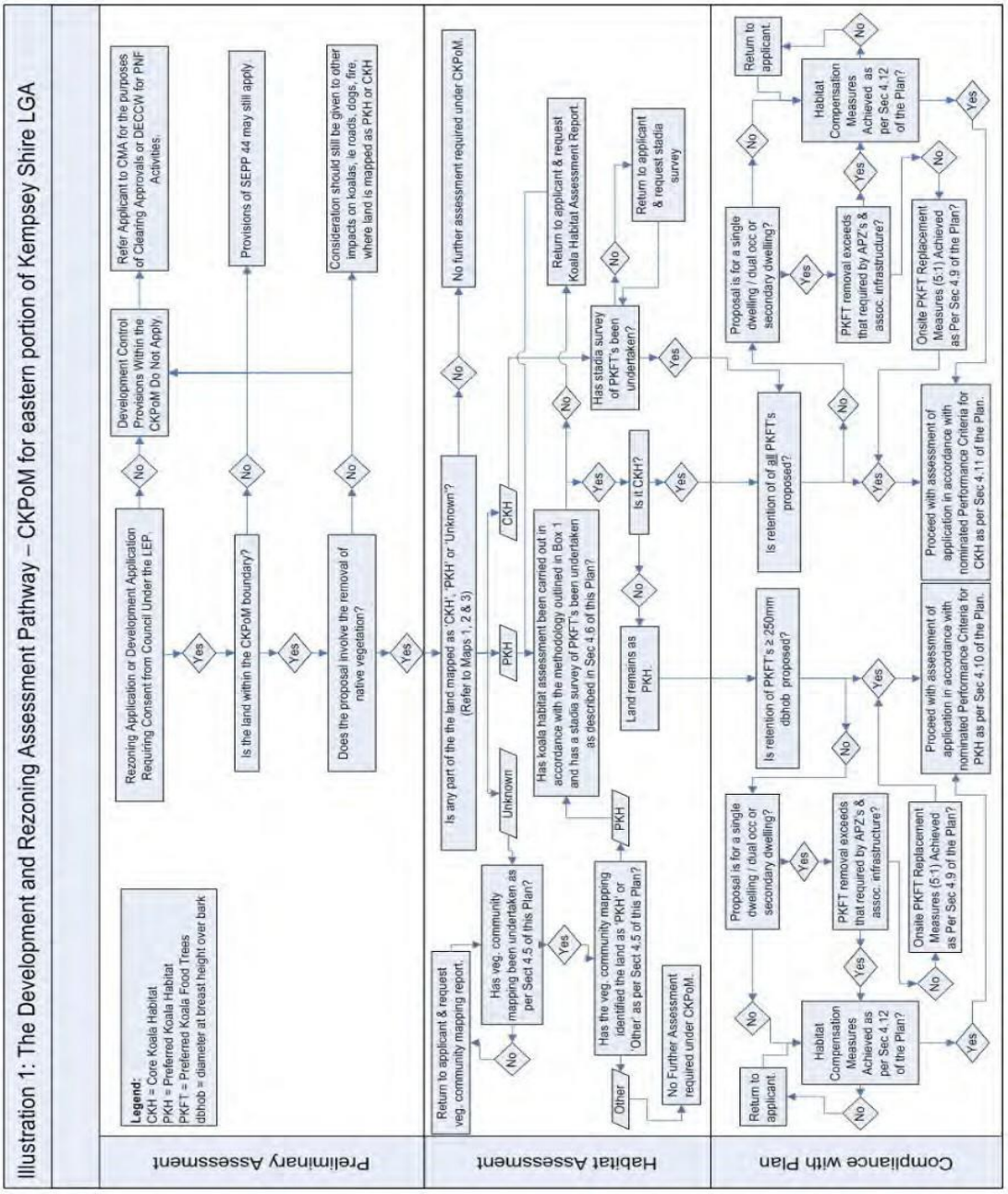


Figure B11-1: Flow Chart – the Development and Rezoning Assessment Pathway

Chapter B12 – Aboriginal Heritage

1.0 Introduction

1.1 Scope of this Chapter

This Chapter applies to all development in the Kempsey Shire local government area that requires development consent pursuant to Clause 5.10 of KLEP 2013.

1.2 Relationship to Other Chapters of this DCP

The provisions of this Chapter override the provisions of any other Chapter in this DCP to the extent of any inconsistency.

1.3 Definitions use in this Chapter

Definitions of terms used in this chapter are contained in the Glossary of this DCP.

2.0 Chapter Objectives

The objectives of this Chapter are:

a) To ensure that Aboriginal objects are identified and protected.

b) To ensure that proposed development does not compromise or deleteriously effect Aboriginal objects or an Aboriginal place of heritage significance.

3.0 Background

3.1 Relationship to other Documents

These provisions should be read in conjunction with:

a) "Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales", (Department of Environment, Climate Change and Water NSW, 2010).

The Due Diligence Code assists individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects.

b) "Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010", (Department of Environment, Climate Change and Water NSW, 2010).

The Heritage Consultation Requirements provides guidelines for consulting with the Aboriginal community.

c) "Code of practice for archaeological investigation of Aboriginal objects in NSW". (Department of Environment, Climate Change and Water NSW, 2010).

d) "Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW", (NSW Office of Environment & Heritage, 2011)

e) "Applying for an Aboriginal heritage impact permit: guide for applicants 2010", (NSW Office of Environment & Heritage, 2011)

The above documents are available on the NSW Office of Environment & Heritage website.

3.2 Legislation

3.2.1 National Parks and Wildlife Act 1974.

The *National Parks and Wildlife Act 1974* (NPW Act) is administered by the Office of Environmental & Heritage (OEH) and is the primary legislation for the protection of Aboriginal cultural heritage in New South Wales. The NPW Act provides statutory protection for all Aboriginal places and objects. The provisions of the NPW Act in relation to Aboriginal cultural heritage will apply even in the event no development consent from Council is required.

3.2.2 Environmental Planning and Assessment Act 1979

Development Applications

All development applications are required to be considered against the provisions of any environmental planning instrument and development control plan, in accordance with section 79C of the *Environmental Planning and Assessment Act 1979* (EPA Act). Both Kempsey LEP2013 and this DCP require consideration of the potential impacts of development on Aboriginal heritage.

Integrated Development under the EPA Act

An Aboriginal Heritage Impact Permit (AHIP), issued by the Office of Environment & Heritage, will be required for development that will have an impact on Aboriginal objects or places. Further information is available on the OEH website at www.environment.nsw.gov.au. If an AHIP is required, then the development will constitute Integrated Development in accordance with Section 91 of the EPA Act.

The implications of triggering Integrated Development are that the development application will need to be placed on public exhibition and additional development application fees will need to be paid at the time of lodgement.

3.3 Kempsey Local Environmental Plan 2013

Clause 5.10(2) of Kempsey LEP 2013 requires development consent for any of the following:

- Demolishing, removing or altering the exterior of an Aboriginal object;
- Knowingly, disturbing an archaeological site;
- Erecting a building on land on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance; and
- Subdividing land on which an Aboriginal object is located or within an Aboriginal place of heritage significance.

Clause 5.10(8)(a) requires the consent authority to consider the effect of development on Aboriginal places of heritage significance. To be defined as an Aboriginal place of heritage significance in accordance with KLEP2013, it is necessary for the site to be listed in an Aboriginal heritage study that is publicly exhibited and adopted by Council. At the time of adoption of this DCP, no such study has been adopted by Council.

Clause 5.10(8)(b) requires the consent authority to notify the local Aboriginal community in writing where the development application involves development on or in an Aboriginal place of heritage significance. The notification will have a 28 day response period.

Clause 5.10(10) provides conservation incentives in relation to any Aboriginal place of heritage significance

The above summary is current at the time of adoption of this DCP. Please refer directly to the KLEP2013 for detail of what's contained in the clauses and to ensure the most current version is referred to.

4.0 Guidelines

4.1 Step by Step Process for Determining Impact on Aboriginal Objects and Places

Step 1 - Will the activity disturb the ground surface or any culturally modified trees?

(i) If no – proceed with caution.
(ii) If yes – proceed to Step 2.

Step 2 - Are there any:

a) Relevant confirmed site records or other associated landscape feature information on AHIMS? And/or

b) Landscape features that are likely to indicate presence of Aboriginal objects?

Aboriginal objects are often associated with particular landscape features as a result of Aboriginal people's use of those features in their everyday lives and for traditional cultural activities. Therefore it is essential to determine whether the site contains landscape features that indicate the likely existence of Aboriginal objects.

Landscape features that are likely to indicate the existence of Aboriginal objects or places include:

- Within 20m of or in a cave, rock shelter or cave mouth;
- Within a sand dune area;
- Immediately adjacent to coastal waterways, waterholes and wetlands;
- Located on a prominent ridge top, ridge line or headland;
- Located immediately below or above a cliff face; and
- Within the vicinity of where the coastline used to be in the past.

Examples of Aboriginal objects include:

- Human skeletal remains;
- Aboriginal culturally modified tree (eg scarred trees and canoe trees);
- Middens;
- Rock art (painting and engravings);
- Stone artefacts/tools;
- Raised earth rings;
- Grinding grooves;
- Rock shelters;
- Earth mounds;
- Hearths; and
- Stone arrangements.

Refer to Appendix 1 of the Due Diligence Code for examples of these objects.

(i) If no – proceed with caution;
(ii) If yes to any or all – go to Steps 3a and 3b.

Step 3a - Can harm to Aboriginal Objects listed on AHIMS or identified by other sources or information be avoided?

Step 3b – Can the carrying out of the activity at the relevant landscape features be avoided?

Avoiding harm to Aboriginal objects and places basically involves avoiding development on those parts of the site likely to contain objects.

(i) If no – proceed to Step 4.
(ii) If yes – proceed with caution.

Step 4 – Does a desktop assessment and visual inspection confirm that there are Aboriginal objects or that they are likely?

Desktop assessment and visual inspection applies to "not disturbed land" and where there are no known Aboriginal objects. The actions required are to:

- Check any previous archaeological/heritage studies; and
- Visual inspection by a person with expertise in identifying Aboriginal objects.

(i) If no – proceed with caution.
(ii) If yes – consider modifying the application

Step 5 - Further investigation and impact assessment.

(i) If harm to Aboriginal Object will occur an AHIP will be required with referral to OEH as Integrated Development.
(ii) If no harm – no Aboriginal object, or harm can be avoided if present, proceed with caution.

Proceed with caution (during works)
- If you find an Aboriginal object – stop work and notify OEH (may need AHIP).
- If you find human skeletal remains – stop work, secure area, contact police and OEH.

5.0 Development Requirements

5.1 Due Diligence Check

Desired Outcomes

DO1 - Reasonable actions are undertaken to identify the potential for Aboriginal objects and Aboriginal places of heritage significance on development sites.

Development Requirements

a) For developments that are located within landscape features that are likely to indicate presence of Aboriginal objects, a due diligence check in accordance with the Due Diligence Code is required to be submitted in support of the application.

5.2 Where Potential Impact is Discovered During Due Diligence

Desired Outcomes

DO1 - An adequate assessment is made to determine the likely impact on any Aboriginal object or place has been made, including measures required to manage any potential impacts.

Development Requirements

a) The requirements of the Office of Environment & Heritage must be considered and reflected in a development application affecting land being of cultural significance to the local Aboriginal community.

b) An Aboriginal Heritage Assessment Report is submitted with development applications.

(i) All development applications must be accompanied by an assessment of the cultural value of the affected land;

(ii) Each assessment must reflect the particular interests of traditional/tribal owners as well as the generic interest of Aboriginal people;

(ii) Include appropriate management and security measures for ongoing protection of sites; and

(iii) Comply with the methodology and requirements of the "Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW".

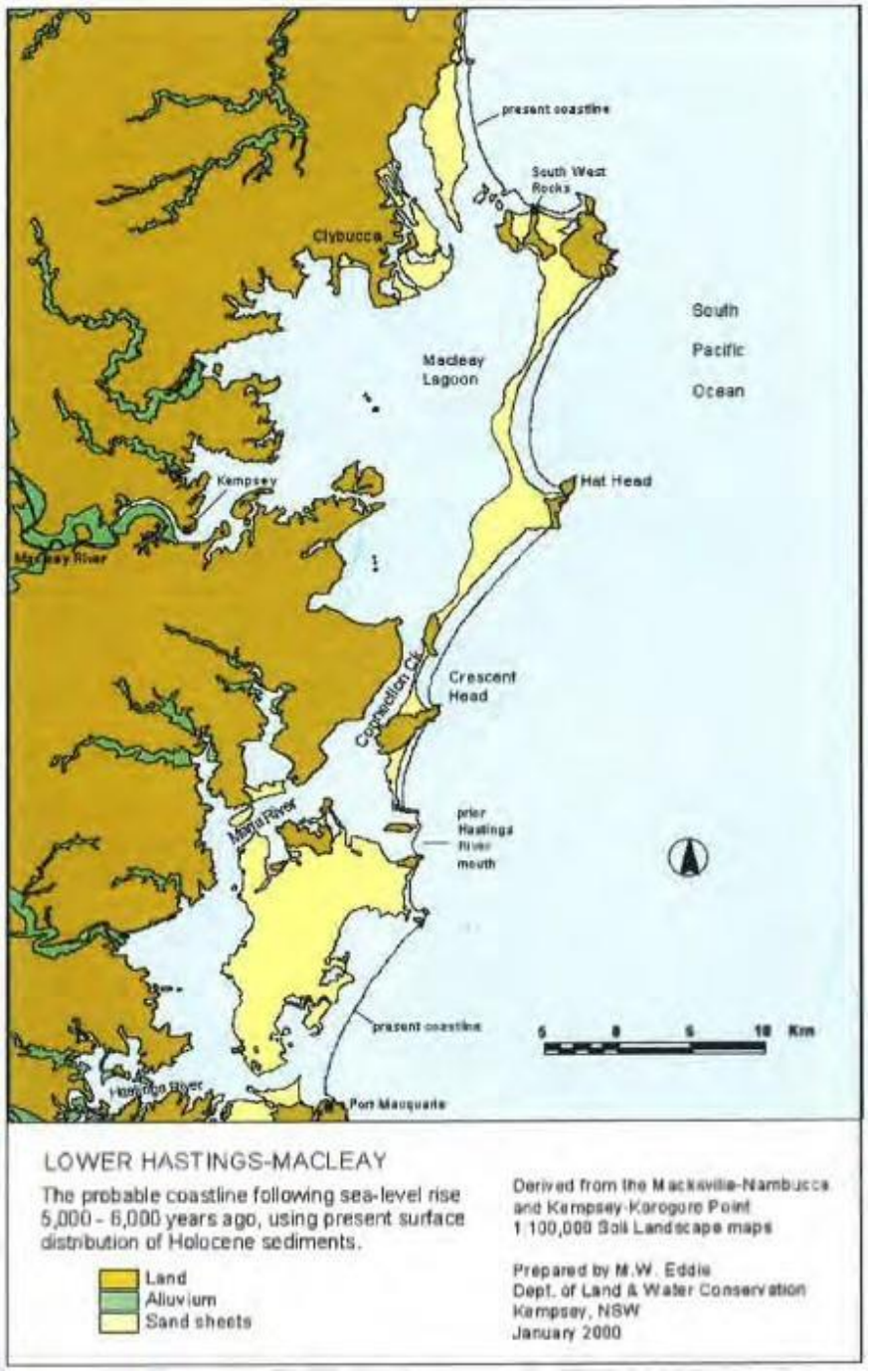
Appendix A: Aboriginal objects and potential places of Aboriginal significance identified in other Chapters of this DCP

The following table provides a summary of all references to Aboriginal objects or places contained in this Development Control Plan.

Chapter	Page	Copy
D4	6	3.5.1 (a) – refers to Aboriginal Midden located on north-eastern corner of the site. 3.5.2 (b) – possible Aboriginal scar tree 6.5m to the south of the site. 3.5.3 (b) – indicates that the Old School Building is of significance to the local Aboriginal community.

Appendix B: Indication of coastline within Macleay Valley 5000-6000 years ago.

When reviewing whether any landscape features may indicate the potential for Aboriginal objects on the land, it is useful to consider that the coastline in the Macleay has moved over time. Objects, such as shell middens, may be located a considerable distance from the current coastline.



Chapter B13: Heritage Areas/Development

1.0 Introduction

1.1 Scope of this Chapter

This chapter applies to all development on or in the vicinity of Heritage Listed Items and within Heritage Conservation Areas/Heritage Precincts within the Kempsey local government area.

More specifically, this chapter applies to:

a) European heritage only. Aboriginal Heritage is addressed in Chapter B12;

b) Items of Environmental Heritage listed in Schedule 5 - Part 1 – Heritage Items of Kempsey Local Environmental Plan 2013 (KLEP 2013);

c) Heritage Conservation Areas as identified in Schedule 5 – Part 2 – Heritage Conservation Area of KLEP 2013. Heritage Conservation Areas are found in:

- Bellbrook; and
- Gladstone.

d) The following Heritage Precincts identified in this Chapter:

- Frederickton;
- Smithtown;
- East Kempsey;
- South West Rocks;
- Kempsey; and
- West Kempsey.

e) Heritage Items and Conservation Areas within the Kempsey local government area that may be listed in other planning instruments and legislation.

1.2 Relationship to Other Chapters of this DCP

The provisions contained in Chapters included in Parts C, D, E and F of this DCP override the provisions of this Chapter to the extent of any inconsistency.

2.0 Chapter Objectives

The objectives of this chapter are:

a) To promote the conservation of heritage within Kempsey Shire.

b) To conserve and enhance the heritage character and streetscape values of Heritage Conservation Areas and Heritage Precincts, by providing development guidelines that ensure that development is sympathetic and complementary to Heritage Conservation Areas and Heritage Precincts.

3.0 Guidelines

3.1 Do I need a specialist Heritage Consultant?

A heritage conservation management plan or similar heritage management document, prepared by a suitably qualified heritage consultant, may be required for development on land that is within a heritage conservation areas or on land on which a heritage item is located to identify likely impacts and how these impacts are minimised or mitigated.

3.2 Required Documents for Development Applications

The following information may be required to be submitted with development applications. Pre-lodgement advice from Council will be required to identify which of the following items will be required for the specific development proposal.

a) Application form and the prescribed fee;

b) Drawings (existing plan, proposed new work, elevations and sections) to scale, preferably 1:100;

c) Statement of Environmental Effects;

d) Schedule of finishes and samples and/or colour board;

e) Archival or photographic record;

f) Statement of Heritage Impact, prepared by a suitably qualified heritage consultant (the NSW Heritage Manual contains more detailed information regarding Statements and their preparation);

g) Character Assessment;

h) Engineering Assessment;

i) Conservation Policy;

j) Conservation Management Plan (a combination of a Statement of Heritage Significance, Conservation Policy and Management Guidelines. More information is available in the NSW Heritage Manual and online at www.heritage.nsw.gov.au);

k) An Archaeological Assessment may be required if the site contains archaeological relics or has known archaeological potential.

3.3 Heritage Incentives

Under clause 5.10(10) – Conservation Incentives of KLEP 2013, Council may allow a building listed as a heritage item or within a Conservation Area to be used for a purpose which would not normally be allowed within the Zone, only where Council is satisfied that the retention of the building depends on the granting of the consent. The applicant must also meet a number of other tests, including showing that the amenity of the area will not be negatively affected.

If the original use of a place becomes redundant, finding another similar use may help in retaining the place's significance. The conservation incentive relating to heritage items in the KLEP 2013 allows for other uses in heritage listed buildings which may not be otherwise allowable within the zone. Contact Council staff for further information.

4.0 Development Requirements – General

4.1 Desired Outcomes

DO1 - New buildings do not take the form of architectural replicas of Heritage Items and heritage character buildings.

DO2 - Alterations and additions:

- Respect the architectural character and style of the building and area concerned;
- Provide an appropriate visual setting for heritage items and other elements within heritage conservation areas; and

Development Requirements

Nil.

4.2 Accessibility

Desired Outcomes

DO1- Disabled access is provided to buildings:

- In accordance with the Disability Discrimination Act, Building Code of Australian and the Premises Standards; and
- In a manner that does not impact on their heritage significance.

Development Requirements

<u>New development, alterations and additions</u>

- Do not obscure the appearance or prominence of existing Heritage Items or buildings that contribute to the character of Heritage Conservation Areas/Precincts when viewed from adjoining streets or public areas.
- Do not obscure important vistas to significant landscape elements that contribute to the setting of the heritage item/conservation area/heritage precinct, such as vistas of rivers, heritage buildings or associated heritage places.
- Do not involve the destruction of important elements such as chimneys, windows and gables, or the rendering of face brick walls.

4.3 Change of Use and Adaptive Re-use

When a purpose built building is no longer fit for that purpose, new uses need to be established. It is expected that some changes will be necessary to facilitate that new use.

Desired Outcomes

DO1 - The adaptive re-use of a building does not adversely affect the heritage significance of the building, conservation area or heritage precinct and character of a place.

Development Requirements

Nil.

5.0 Development Requirements – Form

5.1 Size and Scale

Desired Outcomes

DO1 - Alterations and additions respect the character of the building (eg heritage item) and surrounding area.

DO2 - New uses:
- suit the size and arrangement of the building; and
- do not require substantial changes to the building that negatively impact on its heritage significance.

DO3 - The development is of a suitable scale, taking into consideration the following design aspects:
- Compatibility with the main ridge line heights of original surrounding buildings;
- Compatibility with natural ground or street levels;
- Ensuring different parts of the building are in scale and proportion with the whole;
- Ensuring the scale and form of new verandahs relate to the scale and form of those existing in adjacent buildings; and
- The scale of a new house should be related to the size of the allotments laid out in the historical subdivision pattern of the area. New buildings should be in scale with surrounding dwellings (as illustrated in figure B13-4).

Development Requirements

Building Forms

a) Additions to and new buildings do not take the following forms (as illustrated in Figure B13-1):

(i) Rear additions/new buildings that are higher than the existing roof ridge;
(ii) Mansard roofs;
(iii) Incorporate dormer windows visible from the street;
(iv) Incorporation of gable ends into existing hipped roof forms;
(v) Forms that dominate the existing structure; and
(vi) Large unbroken roof spans, particularly in flat areas of low scale buildings.

b) Additions, alterations and new buildings adopt the following forms (as illustrated in the Figures B13-1 and B13-2), where appropriate:

(i) Additions of pavilions to the rear of the existing building, which are of lower height than existing buildings and may be connected to the existing building by a lower connecting roof form;
(ii) Integrated extensions of hipped or gable roof forms, subject to adequate articulations (eg stepping) in long roof lines; and
(iii) Skillion addition extensions that are lower than the existing roof that it is attached to.

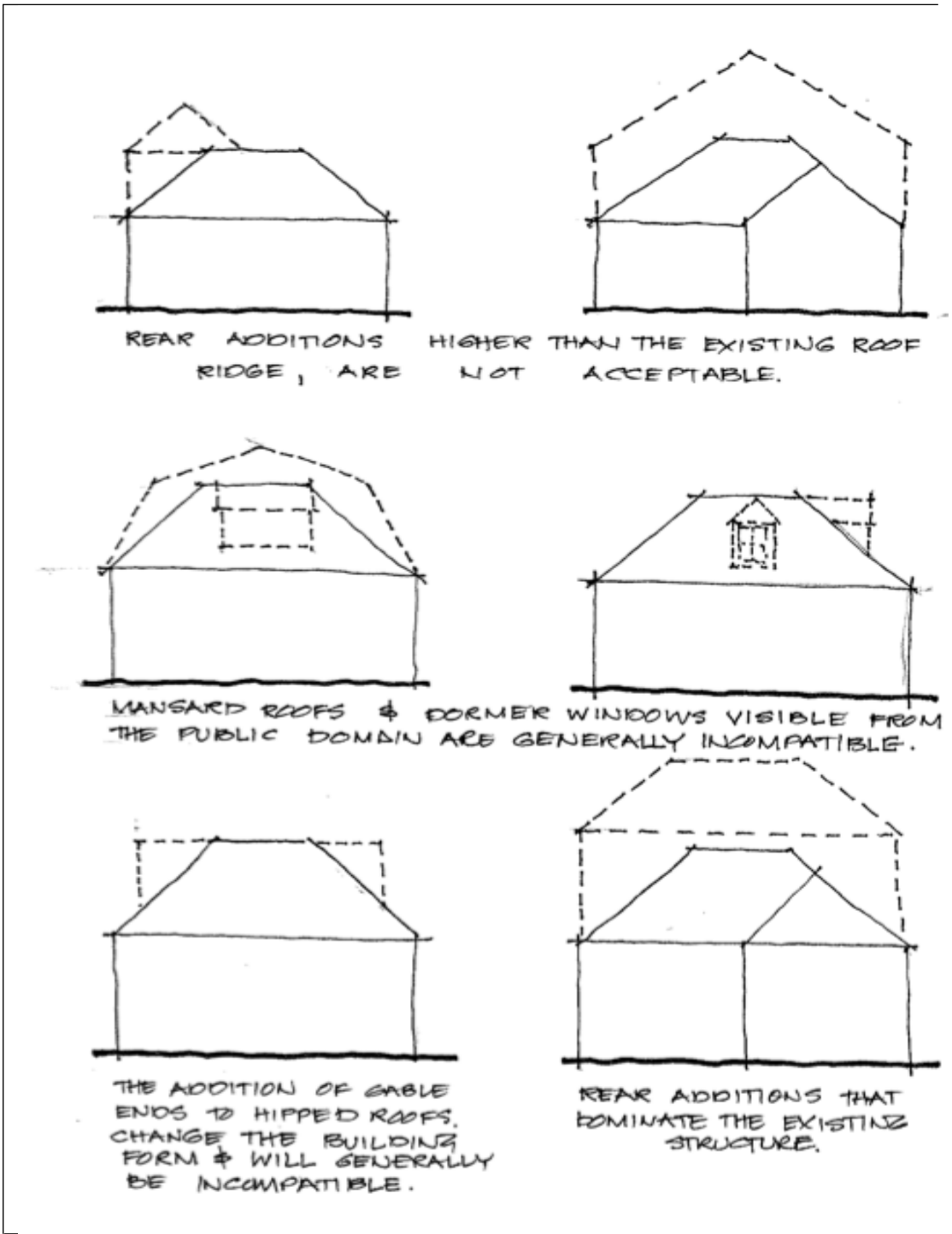


Figure B13-1: Unsuitable Forms of Building Additions

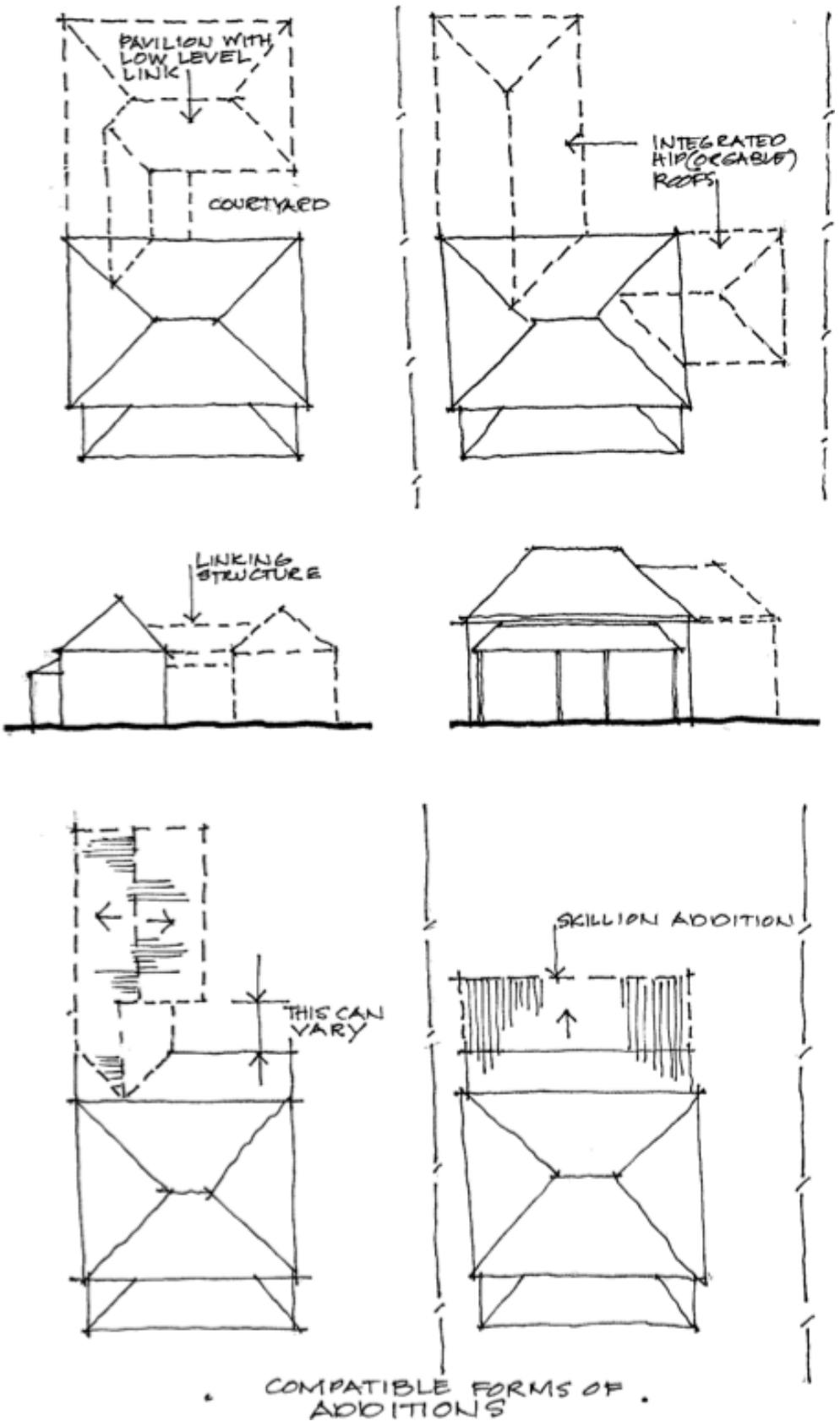


Figure B13-2: Suitable Forms of Dwelling Additions

5.2 Setbacks

Desired Outcomes

DO1 - The setbacks of new buildings and building additions are compatible with the existing buildings and the streetscape and do not adversely affect the heritage values of any building, heritage conservation area or heritage precinct.

Development Requirements

a) Where there is a uniform historically based setback, this setback ~~is~~ shall be maintained in ~~a~~ new development.

b) Where a building has been demolished to make way for new development, the former building's set back should be adhered to in the new development.

c) Setbacks from side boundaries are to be consistent and/or compatible with the setbacks to typical buildings in the immediate vicinity.

5.3 Proportions – Facades and Elevations

Desired Outcomes

DO1 - The shape, proportion and placement of openings in visible elevations are similar to that established by the original or older buildings, where appropriate, and contribute to the pattern or rhythm of building facades established along the streetscape.

Development Requirements

a) New buildings incorporate the typical proportions of surrounding development, even when using modern materials.

b) New buildings establish a neighbourly connection with nearby buildings by way of reference to proportion, material selection and important design elements such as verandahs, chimneys or patterns of openings.

c) The façade skyline is castellated to match existing adjoining skylines of original façades, where appropriate. This is particularly relevant in shopping and commercial areas.

d) Facades incorporate embellishments and pediments, either consistent with adjoining buildings that are consistent with the historic period, or incorporate appropriate treatment.

e) New buildings and additions shall not replicate facade treatments ~~in~~ of the existing and neighbouring buildings.

5.4 Roof Forms/Shapes

Desired Outcomes

DO1 - The characteristic scale, form and massing of roofs within Conservation Areas, Heritage Precincts and on Heritage Items is maintained.

DO2 - Roofs of extensions are designed so that they relate to and integrated with the existing roof through pitch, eaves and ridge height.

DO3 - Commercial development/redevelopment adopts height, roof form, parapet and silhouettes from neighbouring buildings in order to maintain compatibility with the heritage character of the streetscape/street edge.

Development Requirements

Form/Shape

a) The footprint and form of the existing roofs should not be changed.

b) Roof forms of additions to heritage buildings are to be carefully integrated into the existing heritage building (as illustrated in the Figures B13-1 and B13-3).

c) If it is important that the roof form remains unaltered, additional rooms are to be added in a detached pavilion form placed at the rear or possibly the side of the existing building. This does not preclude loft space development where there is sufficient head room without altering the roof.

d) New roof elements such as dormer windows and skylights should generally not be used where they are visually prominent. "Pop top" additions to roofs are generally discouraged.

e) Chimneys are to remain intact as a prominent feature of the built form.

Residential Buildings

f) A pitched roof of 35^{o} or greater is preferred with a minimum of 25^{o} pitch. The combinations tend to be one of the following:

(i) Steep pitched hip roof and skillion verandah;
(ii) Hip roof and bullnose verandah;
(iii) Dutch gable;
(iv) Double and triple gable with bullnose verandah;
(v) Steep pitched gable with skillion verandah; and
(vi) Hipped roof and skillion verandah.

Commercial Buildings

g) New roof forms are to be compatible with the shape, pitch, and materials of adjacent buildings.

h) Parapet heights and articulation are to be compatible with surrounding buildings.

i) New verandas and awnings are to be based on design principles of traditional verandas of the appropriate era which may be sloping roofs of galvanised steel and regularly spaced columns.

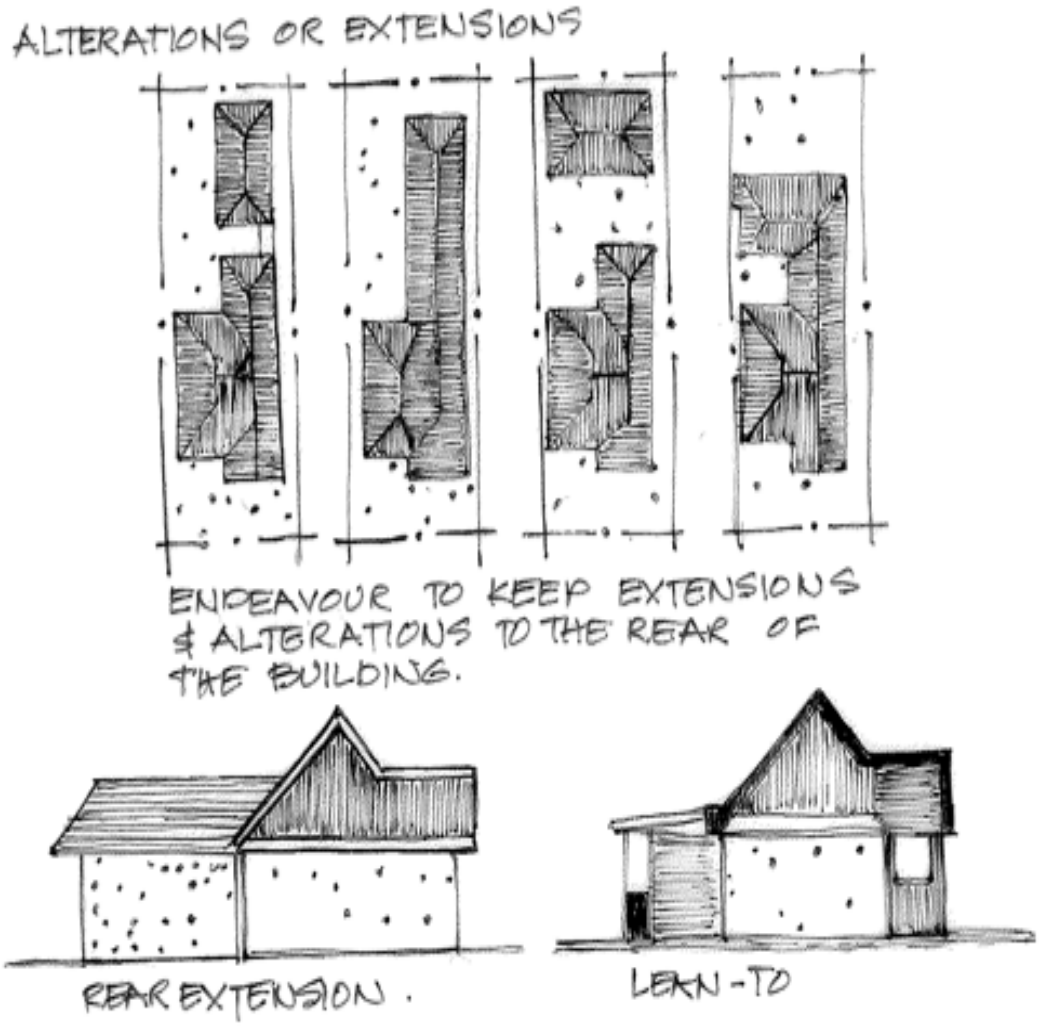


Figure B13-3: Appropriate Roof and Plan Forms for Alterations and Additions to Buildings

6.0 Development Requirements – Building and Site Elements

6.1 General

Desired Outcomes

DO1 - New infill residential development incorporates the following important elements:

- Repeat the same size of driveways;
- Repeat the same pattern of openings;
- Avoid large paved areas;
- Incorporate appropriate landscaping;
- Avoid overlooking and over shadowing;
- Do not copy a heritage item;
- Garages and driveways shall not dominate the building elevation and street frontage;

- The siting of new buildings is compatible with the significance and character of the surrounding area; and
- New development has regard to the established patterns of subdivision of the locality with regard to the typical location and orientation of buildings on an allotment.

DO2 - New building elements do not replicate existing building elements, as this will make it hard to distinguish between the old and the new.

DO3 - The impact on the existing fabric and elements of the building are minimised.

Development Requirements

Nil. Refer below.

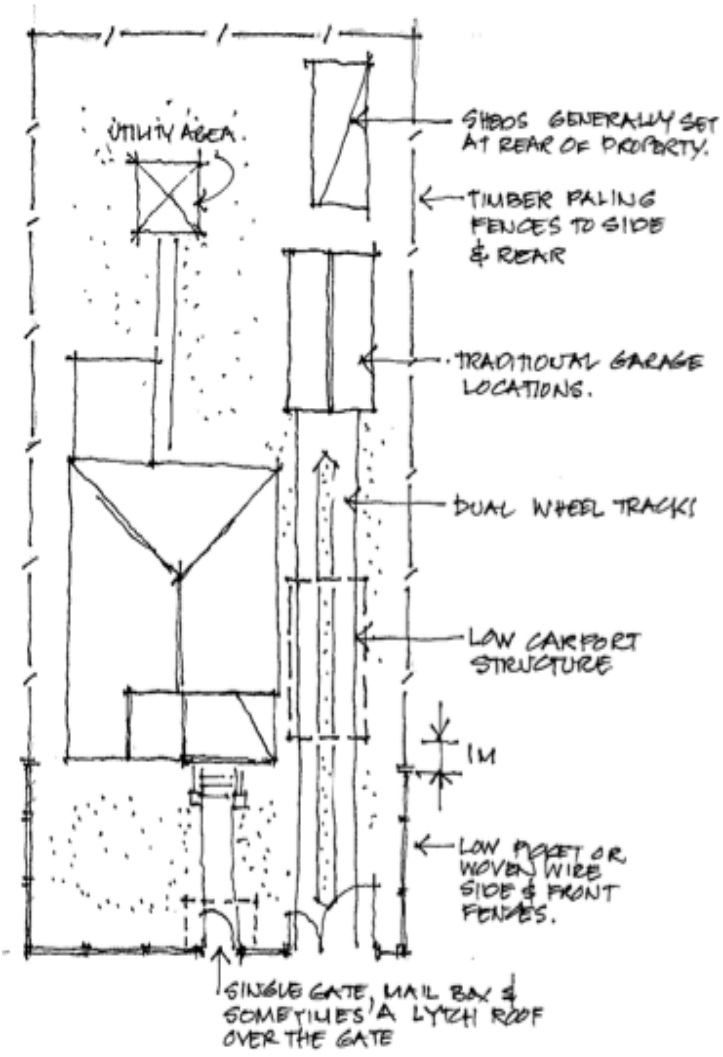


Figure B13-4: Typical Site Layout Details for Residential Development

6.2 Building Materials, Colours and Detailing

Desired Outcomes

DO1 - Materials and colours of the building:

- are appropriate to the significance and character of the building and surrounding area; and
- are compatible with colours used in the building and streetscape.
- repainting of heritage items shall be based on known former colour schemes where possible determined by paint scrapings and analysis of paint layers.

Note - there are many variances of a heritage colour palette and variations or additional colours will be assessed on their merits, as long as justification is provided and considered in any DA lodged.

Development Requirements

a) Additions to heritage buildings shall incorporate traditional combinations of materials that are compatible with the original/existing building. Original materials and details on older buildings need not be copied, but can be used as a reference for new elements.

b) It may not be appropriate or necessary to replicate the original combination of materials used. For instance, timber weatherboard extensions to brick houses was a common practice which is still appropriate today, as was the use of corrugated iron roofs at the rear of houses behind main roofs constructed with tile or slate. The use of fibre cement planks in view of weatherboard is to be avoided.

c) The use of highly reflective materials is to be avoided.

d) The use of faux finishes and detailing to replicated heritage buildings and their design is to be avoided. These tend to give an impression of superficial historic detail and are often incorrect in form and proportion.

e) Changes to the fabric of a building which is a heritage item shall be:

(i) Minor; and
(ii) Reversible.

Note - The choice of colour and materials available for heritage buildings are vast. It is suggested that sample panels and/or materials boards be submitted to Council with the DA and be approved in principle through earlier consultation with Council Officers/Heritage Advisor.

6.3 Roof Materials and Details

Desired Outcomes

DO1 - Roofing materials and colour used in redevelopment shall be compatible with the roofing materials used in original Heritage Item and within the streetscape of Conservation Areas/Heritage Precincts.

Development Requirements

a) The original roof material of a heritage building (slate, tiles or corrugated iron) should not be altered. Where replacement is necessary, materials shall be equal to that being replaced where possible. Alternatively an appropriate substitute can be considered subject to Council's approval.

b) Roofing materials should be the same as materials on the existing heritage buildings and those typically used in the Conservation Area /Heritage Precinct.

c) Repair of roofs is preferred to complete replacement. Any necessary repairs should match the original cladding material - tiles with tiles, iron with iron and slate with slate. If an old roof is of slate or flat asbestos tiles or shingles, repairs should be made so that the original materials are ~~put~~ installed on the visible parts of the roof a substitute material used where the roof cannot be seen from the street. Note that repair of a roof can be effected generally without the whole of the cladding being replaced. Such substitution shall be subject to development approval.

d) If it is necessary to replace the whole roof and a substitute material is sought, a new roof cladding of corrugated iron may be appropriate subject to the consent authority approval. The use of Colorbond in Heritage Conservation Areas and on Heritage Items is not generally supported.

e) Chimneys and roof ventilators and other embellishments of the building should not be removed, it is likely to form an essential part of the aesthetic value of a building.

f) Some buildings may need special profiled gutters according to existing detail. These profiles are able to be supplied by metal fabricators and should be used in preference to "continuous" guttering of a differing profile and material. Ogee profile guttering is preferable to modern quad profile on period/traditional buildings.

g) Corrugated galvanized steel (or zincalume finish) is a most appropriate roofing material for new buildings in historic areas. Pre finished steel in grey or other shades in some circumstances may also be suitable. The use of Colorbond in Heritage Conservation Areas and on Heritage Items is not generally supported.

h) Tiles may be appropriate in areas with buildings dating ~~to~~ from the 1900's – 1930's. Unglazed terracotta tiles are the most appropriate.

i) UPVC downpipes should be avoided in prominent positions.

6.4 Walls

Desired Outcomes

DO1 - Wall cladding materials and colour used in redevelopment shall be compatible with the wall materials used in the Heritage Item and the streetscape and character of Conservation Areas/Heritage Precincts.

Development Requirements

a) Cladding materials which set out to imitate materials such as brick, stone, and weatherboard should be avoided as they tend to detract from the authentic character of the surrounding authentic buildings of heritage value.

b) New Buildings are to adopt the following cladding materials, where the context and character of the surrounding development dictates:

(i) 150mm weatherboards splayed or rusticated profile are generally appropriate for Heritage Conservation Areas or Heritage Precincts areas. Replacing weatherboards with Colorbond siding will not be supported (or is not an acceptable alternative);
(ii) Bricks should be plain, coloured bricks are preferable with natural coloured mortar struck flush with the brickwork; and
(iii) Bricks of mixed colours (mottled) should be avoided, as should textured 'sandstock' bricks, unless they complement the surrounding building's material.

c) Lightweight materials such as ribbed coloured metals should be avoided on vertical wall or parapet surfaces.

d) New face brickwork should match the existing brick in colour and texture, and type of mortar jointing and colour.

e) Existing facebrick or stone on heritage items or heritage buildings in a Conservation Area should remain unpainted and unrendered.

f) Timber board imitations are not acceptable for additions to heritage items and are not appropriate where visible from the street in Conservation Areas/ Heritage Precincts.

6.5 Doors and Windows

Desired Outcomes

DO1 - Original doors and windows are retained and preserved, where practicable.

DO2 - New doors and windows are compatible with similar elements in the existing building, in order to preserve the character of the building.

Development Requirements

a) Timber windows and doors are to be retained in existing buildings.

b) New doors and windows are to be of materials characteristic to the existing building, locality or of an approved alternative.

c) New doors and windows should adopt consistent proportions and sill and head heights present in the existing/surrounding character buildings.

d) The proportion, pattern and style of new door and window openings in alterations or additions are compatible with those of the original buildings ~~and~~ in the area, particularly where they are visible from the street.

e) Alterations are to avoid arbitrary changes to openings or other features which do not fit in with the symmetry or character of the original design.

f) Two storey buildings shall provide window openings that are vertical (i.e. taller than their width).

g) Window openings are to be detailed through a variety of treatments including brick patterns, projections and pediments.

h) Standard windows often come in modules of 900mm wide. Their use should be limited to single or double format only. The most suitable windows are generally double hung, casement, awning or fixed type.

i) If a large area of glass is required, vertical mullions should be used to suggest vertical orientation. A large window could also be set out from the wall to form a simple square bay window making it a contributory design element rather than a void.

6.6 Awnings and Veranda Posts

Desired Outcomes

DO1 - Original awnings and veranda posts are retained and preserved, where practicable.

DO2 - Awnings and veranda posts used in redevelopment are compatible with the awnings and veranda posts used in the Heritage Item and within the streetscape and character of Conservation Areas/Heritage Precincts.

Development Requirements

a) Depending on the style and period of the building, awnings can incorporate veranda posts to the footpath subject to:

(i) Location of posts not posing an obstruction of view of any traffic lights or direction signs;
(ii) Veranda posts to be non-structural or where existing building fabric prevents cantilevered awnings, the post are to be designed to ensure that the awning will not collapse if any one post is damaged or fails (i.e. alternate load paths);
(iii) The owner of the property has public liability insurance that indemnifies Council in the event of any claims for damages that may result from the placement of the posts within Council's road reserve; and
(iv) Council approval being obtained under Section 138 of the Roads Act.

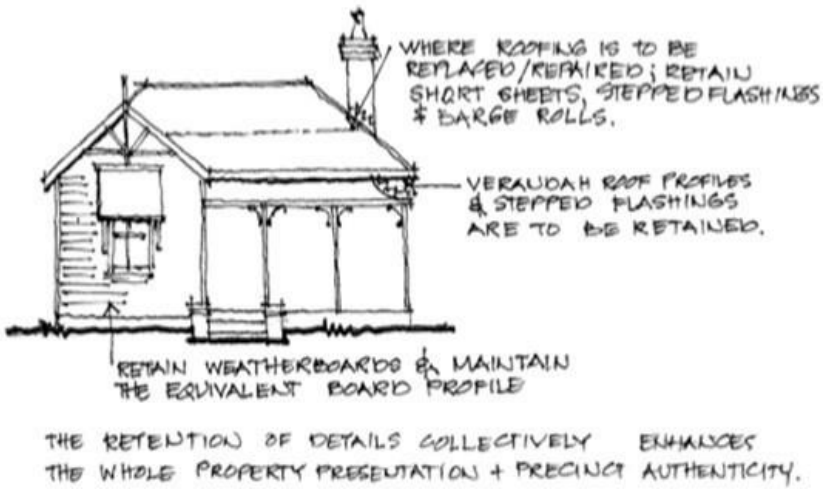


Figure B13-5: Retention of Building Details

6.7 Shopfronts

Desired Outcomes

DO1 - The design of original shopfronts is preserved or re-instated, where practicable. Early shopfronts shall be retained as well as recessed entry foyers.

DO2 - New shopfronts are compatible with the significance and character of the Heritage Item/ Conservation Area/ Heritage Precinct.

Development Requirements

Nil.

Note - The quality and style of shopfronts is of great importance as they reflect the quality and style of significant architectural buildings, and enhance the character and interest of the commercial streetscape and footways.

Early shopfronts not only provide a great sense of quality to the shop through their distinctiveness, they also enhance display areas for merchandise.

Retaining original shopfronts is particularly important as they are usually complimentary to the other architectural features of the building where pedestrian's appreciation of the street is primarily at eye level.

The reinstatement of shopfronts in keeping with original building design is encouraged. Modern shopfronts with broad area, uninterrupted glazing set in an aluminium frame may be intrusive to the architectural character of the street.

6.8 Services

Desired Outcomes

DO1 - Service and loading facilities do not detract from the heritage significance and character of the Heritage Item/ Conservation Area/ Heritage Precinct.

Development Requirements

a) Service structures, and plant and equipment within a site are to be an integral part of the development and should be suitably screened.

b) Any on-site loading, unloading, service vehicle access and circulation areas should be suitably screened from public view.

c) Service utilities such as water heaters, air conditioning units, antennae, satellite dishes, P.V. cells and the like should not be located on the principle elevations of buildings or where within view of the street, where practicable. They shall not be affixed to chimneys in any circumstance.

6.9 Paving and Driveways

Desired Outcomes

DO1 - Paving and driveways are to be compatible with the character of the Heritage Item/ Conservation Area/ Heritage Precinct.

Development Requirements

a) Preferred materials for driveways include wheel-strips and gravel. Stamped concrete should be avoided.

Driveways consisting of paired wheel-strips extending from a continuous footpath where existing with a broad concrete apron and gutter crossing are preferable to solid driveways (as illustrated in Figure B13-6).

b) The amount of hard driveway material is not to dominate the street front garden area.

Note - A section 138 application (the Roads Act) is required for new gutter crossings and footpath repairs in most instances, contact Council for further details.

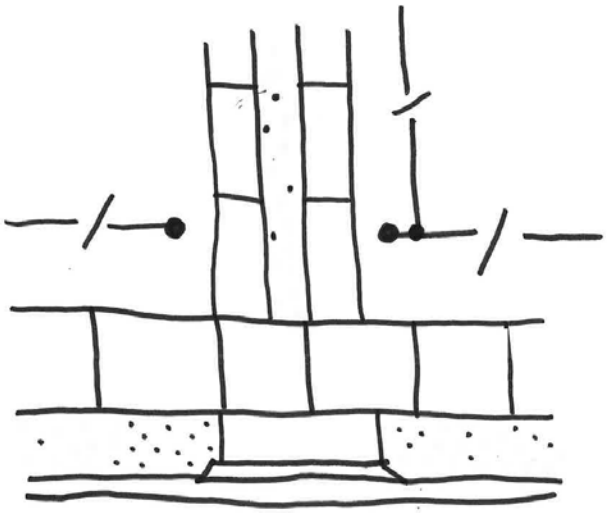


Figure B13-6: Preferred driveway design incorporating footpath.

6.10 Landscaping

Desired Outcomes

DO1 - Landscaping provided is to be compatible with the landscape character of the Heritage Item/ Conservation Area/ Heritage Precinct.

Development Requirements

a) Landscaping including shrubs, trees and other garden elements maintain the colour, texture, form and visual character of private gardens within the grounds of Heritage items and open spaces (streetscapes) within a Conservation Area.

b) When designing new gardens, reference is to be made to surviving plants which may indicate the earliest garden structure, which are to be worked into the new landscape design.

c) Important contributory and structural landscape characteristics such as tree canopy cover or boundary plantings should be retained in new development.

d) Trees are to be selected based on the following considerations:

(i) Utilise varieties that are existing in the area or are similar in form and colour to trees within the area;
(ii) The appropriateness of their mature height in the proposed location; and
(iii) The potential of the tree to interfere with retaining walls, services and other structures.

e) Hard impervious surfaces are to be kept to a minimum.

f) Garden structures should be appropriate to main buildings in terms of placement, scale, style and materials.

g) Original surfaces such as close jointed brick paving or stone flagging common to Victorian and Federation sites and pebble aggregate, quarry tile or vitrified mosaic tiled aprons common to later Californian Bungalow styles, are to be retained.

h) Generous "soft" landscaped areas should be provided in the front of new residential buildings wherever possible. This will almost always assist in maintaining the character of the streets within Conservation Areas.

i) New landscaping should not interfere with the appreciation of significant building aspects such as shopfronts or contributory building facades.

6.11 Fences

Desired Outcomes

DO1 - Original fences on Heritage Items or properties in Conservation Areas/ Heritage Precincts are retained and preserved, where practicable.

DO2 - New fences are compatible with the character (height, scale and form) of neighbouring fences and the character of the Heritage Item/ Conservation Area/ Heritage Precinct.

Development Requirements

a) Original fences should be retained where possible.

b) Fences are to be located on the property boundaries. Fences along the front property boundary are optional. Where there is a high proportion of front fences within a streetscape, a front fence is considered appropriate.

c) New fences are to comply with the following requirements:

(i) The height of new fences match~~es~~ that of sympathetic neighbouring fences and should generally be no higher than 1.2m;
(ii) The colour scheme of the fence is to match or be compatible with the colour scheme used in the building;
(iii) Fences should be simple with a level of detail compatible with the house;
(iv) Fences should not obscure views of the main building (eg house) on site;
(v) Fencing should generally be open or transparent, or backed with a hedge;
(vi) Fences should be of a scale compatible with the streetscape; and
(vii) Front fences should be of materials characteristic to the surrounding area, particular to the street and suitable to the era of the house. Examples include painted timber picket, low masonry and hedges.
- Galvanised welded mesh should be avoided; and
- Solid materials, such as Colorbond, rendered blockwork and brick should generally be avoided.

(viii) Street frontage courtyard walls are to be avoided.

d) Plain or colour treated metal fences are not considered to be appropriate for Conservation Areas, or Heritage Items on any street frontage or side boundary, and are to be avoided.

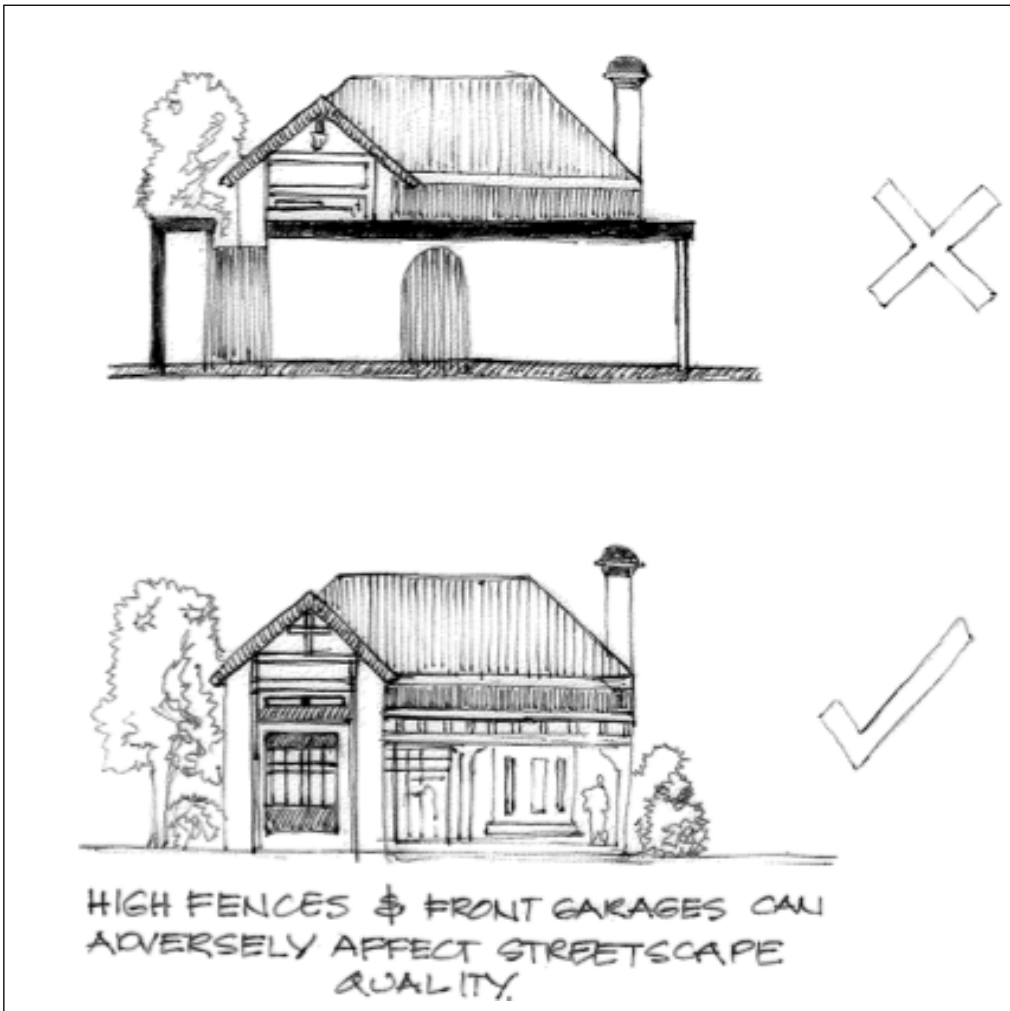


Figure B13-7: Suitable and Unsuitable Front Fences

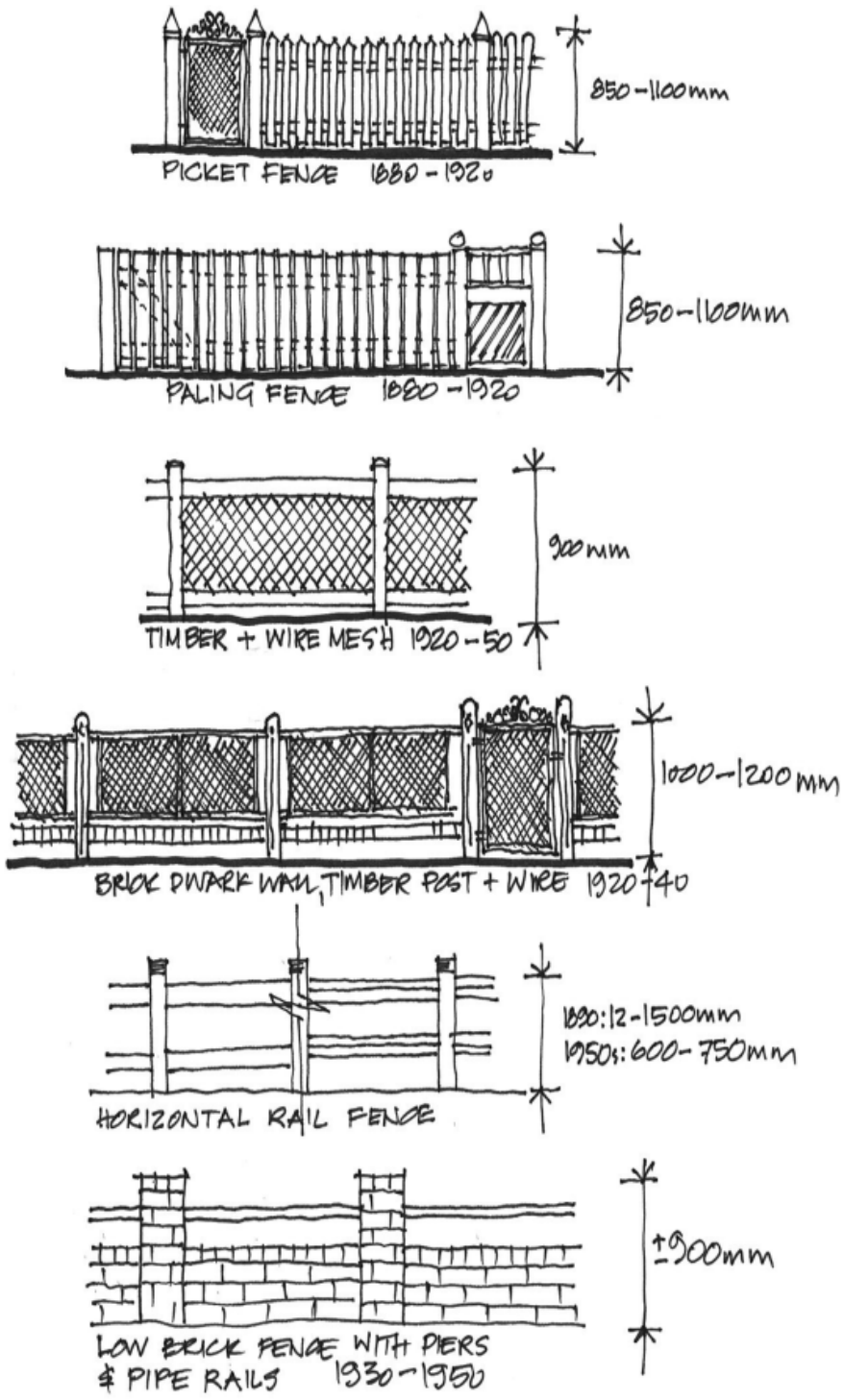


Figure B13-8: Suitable Fencing Styles

6.12 Ancillary Buildings such as Garages, Carports and Sheds

Desired Outcomes

DO1 - Garages, carports and sheds are compatible with the significance and character of the Heritage Item/ Conservation Area/ Heritage Precinct in terms of location, design and materials and located in accordance with Figure B13-9.

Development Requirements

a) Garages are preferably to be located at the rear or set well back at the side of a building behind the rear building line.
b) Garages and carports are to make reference to any established historic patterns in the street.
c) The height and width of the carport or garage is to be substantially less than the main building.
d) Double garages are to be detached buildings set behind the rear building line.
e) Colours and materials should blend into the surrounding landscape. Custom orb steel roof profile and timber board profile cladding wall are common materials used.
f) The materials should reflect the style and colours of the main building or dwelling on the land.
g) Reflection of the primary building's detailing and ornamentation in the design of the carport or garage is desirable.
h) Garages should have simple hipped, gable or skillion roofs or be comparable to the design of the existing main building or dwelling.
i) Existing outbuildings should be maintained and reused, wherever possible.
j) The pitch of a single garage roof should, in most cases, be comparable or slightly lower than that of the main building – generally 25 – 30°.
k) Prefabricated and Colorbond steel sheds are inappropriate in Conservation Areas and in association with Heritage Items and are to be avoided.

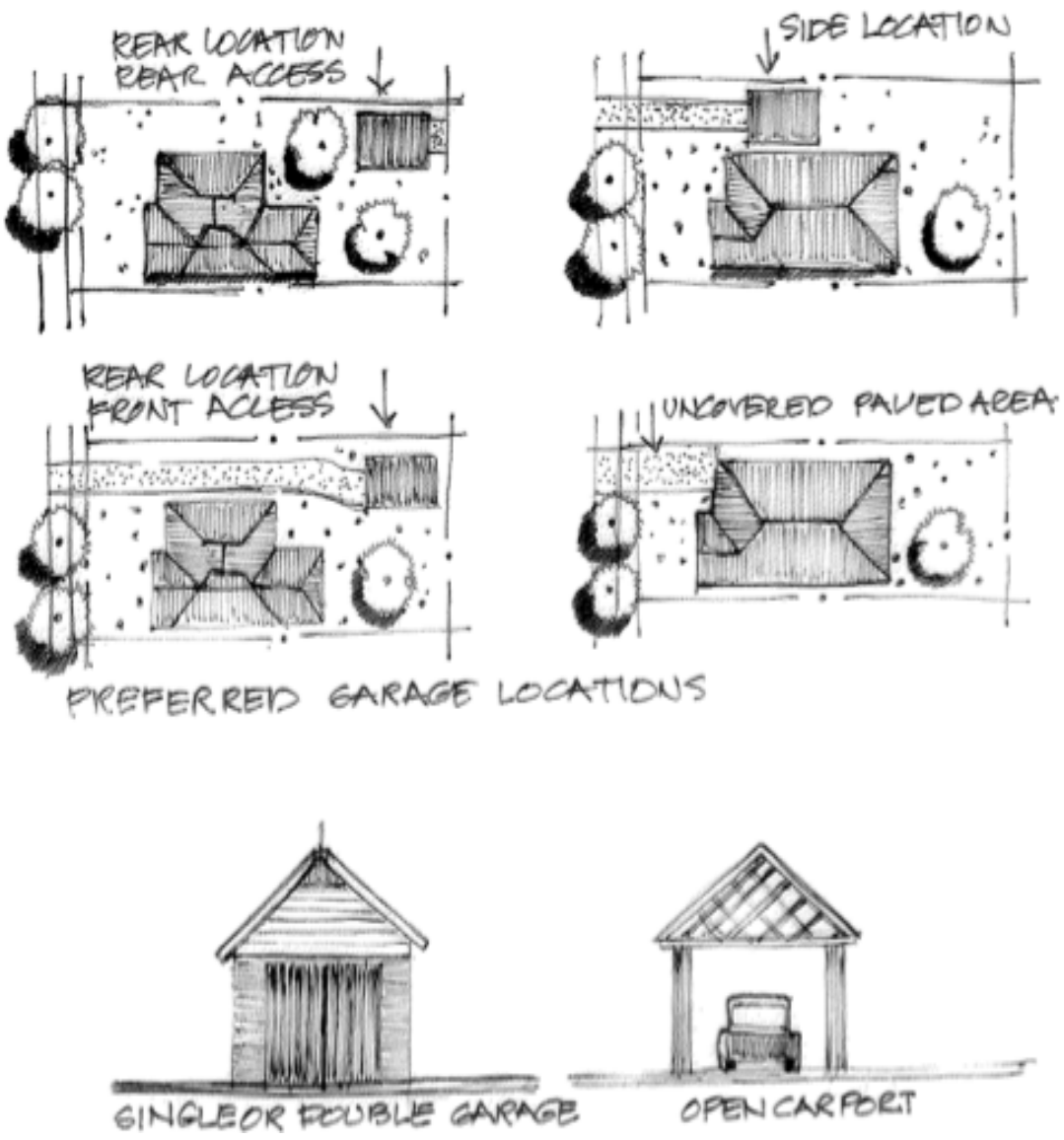


Figure B13-9: Preferred Garage Locations and Styles

6.13 Signage

Desired Outcomes

DO1 - The scale, type, design, location, materials, colour, style and illumination of any sign are compatible with the design and character of the buildings and do not intrude on the visual qualities of the townscape.

DO2 - The architectural characteristics of the building always dominate over signage.

Development Requirements

a) Signs should generally be located below awning level.

b) The number and size of signs located above awning level shall be minimised.

c) Materials and colours used in the advertising signage should complement the era of the particular building.

(i) Back-lit plastic signs are to be avoided;
(ii) Neon tube signs are to be avoided; and
(iii) Flashing neon tube signs are not appropriate.

d) Placement of advertising signs should avoid obscuring/detracting from important architectural details and ornamentation of the building. The preferred location for signage is on the building façade, awning fascia or below the awning. Signs which project beyond the building roof, parapet and walls should be avoided.

e) One or two well placed attractive smaller signs are more appropriate than multiple signs or large advertising signage.

(i) Large advertising signs are to be avoided.

f) Use of letter styles, colours and borders which reflect of the original building's era is encouraged. Given the Australian vernacular expressed in the architecture of many of the buildings in the Conservation Areas/ Heritage Precincts, the use of "Olde English", "American Showboat" and "American Wild West" type fonts are generally inappropriate. A study of old photographs may show the location and style of advertising used on premises of a similar age/era.

g) Signs above awning level may be considered where the architecture provides for a sign panel, and the colours used are appropriate.

h) Above Awning Signs are to:

(i) Be simple in design and avoid a proliferation of advertising which can be confusing and detract from the building, and conservation area;
(ii) Be located flush with the wall surface;
(iii) Not be fluorescent neon, multicoloured or internally illuminated where possible;
(iv) Signs adjacent to heritage items or older buildings in Conservation Areas should be designed and located sympathetically, so as not to dominate the building nor streetscape; and
(v) Signage should be located within architectural elements of the building using appropriate lettering style, size and colouring (e.g. lettering in glass in shopfronts).

i) Projecting wall signs are to be avoided.

j) Signs projecting above the line of the roof parapet and the edges of the facade are to be avoided.

7.0 Development Requirements for Conservation Areas and Heritage Precincts

Desired Outcomes

DO1 – Development within Conservation Areas and Heritage Precincts is compatible with the heritage significance and heritage character of the area as described in the relevant Conservation Area Significance Statements, Heritage Precinct Significance Statements and Character Analyses contained in Appendices B and C of this Chapter.

DO2 - Development achieves the relevant Desired Outcomes in the previous sections.

Development Requirements

a) Development satisfies the relevant Development Requirements in the previous sections.

b) The demolition or removal of any building within a Conservation Area/ Heritage Precinct may only be undertaken where the building:

(i) Does not contain any heritage qualities or contribute to the character of the Conservation Area/Heritage Precinct; or
(ii) Constitutes a danger to the users or occupiers of that building or the public.
(iii) A suitable replacement building design accompanies any Development Application for a demolition.
(iv) Full archival recording will be required in the case of Demolition of a structure or structures within a Heritage Conservation Area or precinct or at the site of a Heritage Item.

Appendix A: Conservation Area Significance Statements and Character Analyses

A.1 Introduction for Conservation Areas

The Shire has two existing Conservation Areas which are listed in both the Kempsey Local Environmental Plan 2013 (KLEP 2013) and the North Coast Regional Environmental Plan (NREP) These are Bellbrook (which is also National Trust listed) and Gladstone.

Council has defined additional Heritage Precincts for South West Rocks, Smithtown, Fredericktown, part of East Kempsey and the town centres of Kempsey and West Kempsey. The purpose of these areas is to provide an understanding of the history and diversity, to identify their unique qualities, and to provide a thematic and historic context within which individual buildings can be appreciated. This context or background is essential to the preparation and assessment of development applications in places that contain heritage sites, heritage items and groups of period buildings.

Factors in defining the sense of place may be the original subdivision pattern, a consistency in building form or building materials, the density of development or the mix of land uses which reflect a particular period or periods in the history and growth of the area. Loss of, or unsympathetic alteration to, any one of these areas or buildings can erode the significance of the place as a whole.

Conservation Areas are not intended to sterilise an area to further growth and development, but to protect and preserve the core values of the place and guide new development and growth in a manner consistent and complimentary with these depicted core values.

A.2 Bellbrook Conservation Area

Figure B13-9: Map – Bellbrook Conservation Area

1.0 Establishment and History of Development

The Bellbrook area was settled by timber cutters and graziers in the mid-1830s. Robert McKenzie, a sheep grazier is recorded as being the first squatter in 1837. By 1865 there were 25 squatting licences issued, covering 170,000 hectares of Thunghutti land.

Historic Themes

Identifying the thematic basis for the emergence and development of anyplace, is essential for determining:-

- the appropriate limits of Conservation Areas; and
- those items that determine the significance of the place.

The Australian, State and Local historic themes applicable to Bellbrook are:

AUSTRALIAN	STATE	LOCAL
Building settlements, towns and cities	Towns, suburbs and villages	The development of the rural villages of Kempsey.
Developing local Economies	Forestry	Cedar cutting in the Kempsey hinterland.

	Agriculture	Small crop farming in the Kempsey hinterland.
	Transport	The early mail stops between Kempsey to Armidale.
	Technology	The establishment of a Telegraph Station at Bellbrook.
	Commerce	The decline of Bellbrook in the automobile era.

2.0 Significance Statement

Bellbrook is culturally significant because:

i. It has historic significance as a record of early settlement of the upper Macleay Valley and because of its association with early pioneer families;
ii. It has aesthetic significance as a good example of an Australian "town in a landscape" and retains intact streetscapes and many individual buildings;
iii. It has social significance for its roles as a centre for administration, cultural activities including community support facilities and religious worship.
iv. It has technical/scientific significance because of its association with the development of inter-regional transport links and communication;

Bellbrook is assessed overall as being of local significance.

3.0 Character Analysis

Setting

Bellbrook's establishment as a village is a result of its location beside the Macleay River, its position between Kempsey and Armidale as a coach stop, and the area's natural resources and suitability for grazing. Its transformation from natural bush to pastoral and then semi-urban character is evident in the aesthetic entry to the village particularly from the east. The road is at grade on a gentle curve, in open landscape with the village announced by a group of early 20th century weatherboard buildings that include the Hotel.

The established trees located within the road reserve of Main Street, noted in and on all previous descriptions of the village remain clearly evident and are prominent features of the town gateway. The distant views from the more elevated, western portion of the village can still be appreciated.

In addition, the overall rural settlement pattern (as viewed from the town entry roads) has been retained, reflecting the historical homestead and clearing patterns.

Within the village the natural and introduced vegetation cocoons the buildings and structures masking the legibility of the subdivision pattern and provides an expansive feel to the village.

The original village is essentially contained within an east - west grid pattern of two sections on Main Street.

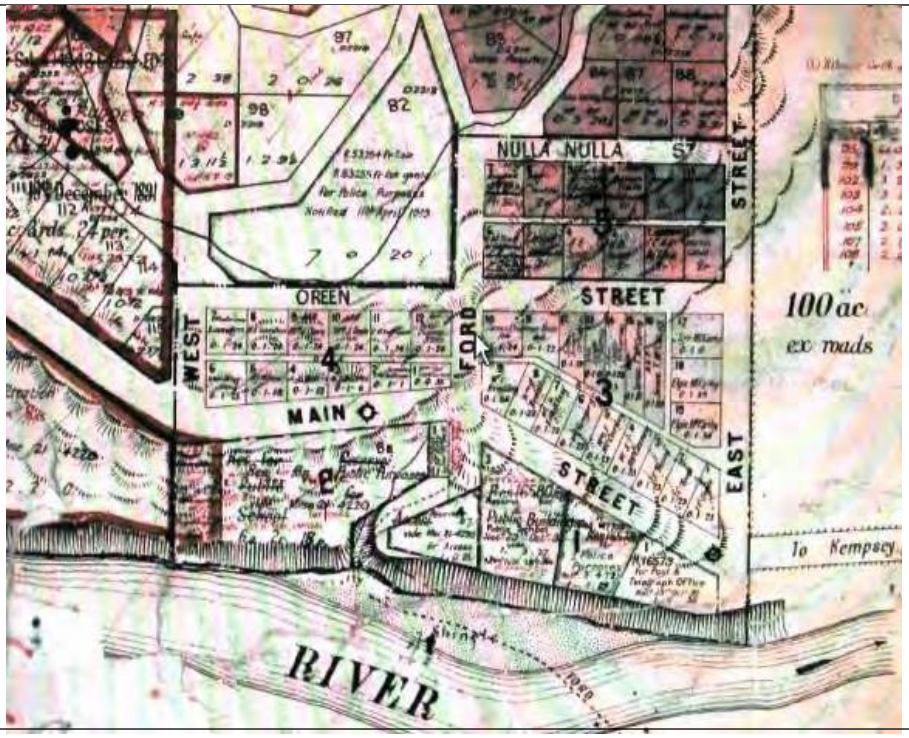


Figure B13-10: Map – Village of Bellbrook dated 1892, Edition 1, Sheet 1 (Sourced Lands Dept of NSDW ID10695401)

A group of weatherboard buildings defined by the General Store (Ford Street) and Community Hall (Main Street) are on elevated ground. Further west is the former Post Office. To the north on the lane and Oreen Street (off Ford Street) are the Roman Catholic and Anglican Churches.

Within the village core (on the north side of Main Street) are a group of late 19th century dwellings. While on the south side is the Police Station and a number of significant trees within the road reserve.

The buildings are predominantly small scale and sited on large allotments about 2000 sq m. Identification of individual dwellings is by picket, paling or rural style fencing. Buildings are separated by large gaps of 10m or more and surrounded by informal gardens containing extensive grassed areas with plantings of native and introduced trees and shrubs.

Landscape and Streetscape

The landscape is characterised by northwest to south east ridges and valleys undulating to alluvial flats to the east of Bellbrook. The ridge tops and steeper slopes are timbered while the flatter slopes and valley floor are cleared and sown to pasture. The village provides outlooks to the north, west and south of hilly vegetated terrain and to the east of valley floor and undulating landforms.

The road from the west runs along the ridge top to a spur then descending into the town via a tree lined avenue. The road from the east traverses the valley floor. The village is marked by established tree plantings arranged along the road alignments.

The Main Street streetscape is the core of the village containing the community services and commerce along with residential buildings. The width of the road reserve and the further set back of buildings from the street provides spaciousness to the village. The residential streetscape of the remaining streets and lanes has a similar quality but is less evocative of the village identity because there is less buildings and lesser cohesiveness of building form.

Bellbrook is a record of the type of urban area created to service farming and timber getting in the late 19th and early 20th centuries. The low intensity of development through-out the 20th century means that the streetscape presents as a cohesive suite of buildings and gardens reflecting that particular era of development.

The main elements of the streetscape are:
- predominance of a uniform set back of buildings to street;
- distance separating buildings;
- undeveloped road edges and site driveways;
- grassed verges;
- unsealed secondary roads;
- rural fencing;
- native and introduced trees in gardens;
- predominance of similar scale and form buildings (c1880's to 1930's);
- extensive use of weatherboard and corrugated galvanised iron; and
- lack of post 1960's buildings.

Buildings

Bellbrook's building stock reflects the socio-economic structure of a rural community. The architecture is comprised of three functional types – community, commercial and residential.

In the community group are the public service uses and the commercial (school, police, hotel, community hall, church and general store). These buildings are larger scale, with better appointments and architectural detailing but still reflect the qualities and design of the period. The residential buildings in contrast generally have little architectural detailing and have smaller footprints.

The character of Bellbrook is expressed in the traditional architectural forms of the original buildings that are typical of the period, and the consistent use of weatherboard timber and corrugated iron materials. The two functional types (community and residential) are interspersed throughout the village but there is a historic separation of public buildings (i.e. government) on the southern side of Main Street between East and West Streets.

The form is generally simple with horizontal and vertical dimensions loosely based on 3.66 x 3.66 x 3.66 m (12' x 12' x12') and roof pitches of 30 degrees or so. Roof forms utilise end gables or hips, or a combination depending on architectural origins of building (i.e. Georgian or Colonial etc).

Other elements of interest include the pattern of fenestration (window and door openings), symmetry or asymmetry, floor and eave level, use of materials, skillion additions, and simple architectural detailing.

All buildings are detached being centrally sited on their respectiveallotments. This creates a spacious feel to the village. There are few two storey fronted buildings and most retain their original footprints. Almost exclusively the buildings are timber framed with weatherboard cladding on the walls and corrugated iron roof cladding over pitched timber roof framing. Floors are close to the ground being

bearer and joist, while floor to eaves and ceiling heights are about 3.6m. Many of the buildings retain original out houses and small out buildings of matching construction. Most of the buildings have post supported front and side verandahs.

A.3 Gladstone Conservation Area

Figure B13-11: Map – Gladstone Conservation Area

1.0 Establishment and History of Development

Gladstone is one of two towns located opposite each other and separated by the Macleay River (the other is Smithtown). Gladstone township is a largely intact river town with close links to the development of the Macleay River.

Historic Themes

Identifying the thematic basis for the emergence and development of any place, is essential for determining:-

- the appropriate limits of Conservation Areas; and
- those items that determine the significance of the place.

The Australian State and Local themes applicable to Gladstone are:

AUSTRALIAN	STATE	LOCAL
Building settlements, towns and cites	Towns, suburbs and villages	The development of the rural villages of Kempsey and in particular a river port.
Developing local Economies	Agriculture	Dairying and crop farming in hinterland.
	Transport	Development of major river port and transhipping point
	Commerce	Major commerce and governance centre; with change in emphasis to road and rail became a dormitory suburb with heritage tourism

2.0 Significance Statement

Gladstone is culturally significant because:

i. It has historic significance as a record of early river settlement on the Macleay River and floodplain and because of its association with pioneering families;
ii. It has aesthetic significance as a good example of an Australian "town in a landscape" and retains intact streetscapes and many individual buildings;
iii. It has social significance for its roles as a centre for administration and commerce, and for cultural activities including community and religion; and
iv. It has technical/scientific significance because of its association with the development of intra-regional transport links and communication.

Gladstone is assessed overall as being of rare local significance.

3.0 Character Analysis

Setting

Gladstone's establishment as a village is a result of its location on the Macleay River, its position between Kempsey and South West Rocks and the areas suitability for cropping and grazing. The main street is not the through road of town and this is a distinctive feature. The views across the river and flood plain from the roads and village are back dropped by the distant hills.

The original village is essentially contained within a north - south grid pattern of two blocks wide and five blocks long. Kinchela Street and Darkwater Streets are the central core of the town with stronger developmental emphasis in the south than north, even though potentially the oldest developments are in the north.

Within the village core (on both sides of Kinchela Street, south of Memorial Avenue) is a highly interesting mix of 19th century and early 20th century dwellings, mixed with ecclesiastical, commercial and government (Police Station) buildings. Setting features are the water side reserve and the Memorial Avenue.

The buildings in the town are predominantly small scale and framed in the main by timber style fencing, punctuated by roads and side setbacks and complemented by groups of native and introduced trees and shrubs.

Figure B13-12: Parish of Kinchela, c1892, Edition 3, Sheet 1 (source NSW Lands Dept ID 13998801)

Landscape and Streetscape

The landscape is characterised by alluvial flats to the north, east and south of Gladstone and the river to the west. The location of Gladstone has outlooks to the west, south and east of flood plains in the foreground and distant hilly vegetated terrain and to the north is the high arch bridge. The entry roads are across the flood plain into the east edge by passing the town's main street.

Gladstone is a record of the type of river town created to service farming, timber and associated industry in the late 19th and early 20th centuries. The low intensity of development throughout the 20th century means that the streetscape presents as a cohesive suite of buildings and gardens reflecting a particular era of development. Intrusive elements are very recent and readily identifiable.

The Kinchela Street streetscape is the core of the village containing a number of community services and commerce along with residential buildings. The road is aligned with the bank of the river and with the town's vegetation, reserves and water glimpses is a most appealing environment. The width of the road reserve and the constant set back of buildings from the street suggests a prosperoustown of many eras. The homogenous urban fabric with the street trees on the road verge and within allotments reinforces the aesthetic appeal of the town and reinforces the town's period identity.

The residential streetscape of the remaining streets and lanes has a similar quality but is less evocative of the town's identity because there is less building complexity but there is still cohesiveness.

Low front fences, or none at all, are significant in setting the openness of the streetscape. In order to maintain the established character of the precinct, new fencing should conform to the following requirements:

a) Fencing in the precinct should maintain the openness of the existing streetscape and be consistent in height, materials and design to fences associated with the particular building's era. In some cases, no fencing can be the appropriate design response.

b) New fences are to be not more than 1.2 metres high. Material should be primarily painted timber pickets or palings, with good spacing between pickets/palings to achieve an open attractive entrance to the building.

c) Galvanised welded mesh, solid metal panels, tall, closely butted palings and solid concrete block or brick walls are not appropriate.

Existing landscape treatments in the precinct are characterized by:

(i) Wide road reserves;
(ii) wide grassy road verges with relatively narrow pavement;
(iii) lack of kerb and gutter;
(iv) expanses of lawn leading up to buildings on private properties, some without front fences;
(v) well spaced street trees with a mix of relatively young native species and long standing mature trees;
(vi) road verges tend to be an extension of the private garden in some cases with the gentle transition between public and private areas reinforced by lack of kerb and gutter and in some parts, no pedestrian footpath or front fence;
(vii) the Riverside Memorial Park provides a focal point in the landscape, linking the township with the river. The attractive stand of mature trees in the north of the park provides a significant contribution to the streetscape.

Dense planting of Australian natives and large areas of informal plantings are not usually associated with buildings of the mid-1850s to early 1900s. Traditionally, landscaping around older dwellings comprised formal garden layouts with flowering

shrubs, exotic trees and border plants. Bushing native screening species were not generally used at the front of the dwelling and it remained open and visible from the street.

The main elements of the streetscape are:
- predominance of uniform set back of buildings to street;
- uniform separation of buildings;
- undeveloped road edges and site driveways;
- grassed verges with trees and shrubs;
- timber post and rail fencing with pickets or palings and hedges;
- native and introduced trees in gardens;
- predominance of similar scale and form of buildings;
- post supported skillion, bull nosed and concave verandahs;
- triple hopper/casement and bay windows and 4 panel with or without sidelight doors and 3 panel French doors;
- extensive use of brick, weatherboard and corrugated galvanised iron; and
- lack of post 1960's buildings.

Buildings

Gladstone's architecture reflects the socio-economic structure of a community dependent on the river and the surrounding agriculture. The architecture is comprised of two functional types - community and residential.

In the community group are the public service uses and the commercial (school, police, hotel, community hall, church and general store). These buildings tend to be larger scale, with better appointments and architectural detailing but still reflect the qualities and design of the period. They tend to be of brick wall construction. The residential buildings in contrast, generally have no architectural detailing and have smaller footprints and mainly weatherboard wall construction.

The character of Gladstone is expressed in the traditional architectural forms of the original buildings that are typical of the period, and the consistent use of brick, weatherboard timber and corrugated iron materials.

The form is generally simple with horizontal and vertical dimensions loosely based on 3.66 x 3.66 x 3.66 m (12' x 12' x12') and roof pitches of 30 degrees or so. Roof forms utilise end gables or hips, or combinations depending on architectural origins of building (i.e. Georgian or Colonial etc). The overall emphasis of the form is vertical.

Other elements of interest include fenestration (window and door openings), symmetry or asymmetry, floor and eave level, use of materials, skillion additions, and lack of architectural detailing.

All buildings are detached being centrally sited on their respectiveallotments. This creates a unified rhythmic feel to the village and suggests a denser town population than actually is the case. There are several two storey fronted buildings and these along with the single storey buildings creates a more imposing town than other urban areas of the same period. Almost all retain their original footprints. The mix of buildings that are brick or timber framed with weatherboard cladding on the walls and corrugated iron roof cladding over hand pitched timber framing adds to the richness of textures in the town. Floors are close to the ground being bearer and joist, while eaves and ceilings are about 3.6m. Most of the buildings have post supported front and side verandahs.

Appendix B: Heritage Precinct Significance Statements and Character Analyses

B.1 Frederickton Heritage Precinct

Figure B13-13: Map – Frederickton Heritage Precinct

1.0 Establishment and History of Development

Europeans first settled the area around Frederickton in the late 1820s when cedar cutters moved into the district. The first recorded European settler was Captain A.C. Innes, who at the time was the commandant at Port Macquarie. He sent a cedar cutting party to the Macleay River in 1827.

Historic Themes

Identifying the thematic basis for the emergence and development of anyplace, is essential for determining:-

- the appropriate limits of Conservation Areas; and
- those items that determine the significance of the place.

The Australian, State and Local themes applicable to Frederickton are:

AUSTRALIAN	STATE	LOCAL
▪ Building settlements, towns and cites	Towns, suburbs and villages	The development of the rural villages of Kempsey.
▪ Developing local Economies	Forestry	Cedar cutting in the Kempsey hinterland.
	Agriculture	Dairying and crop farming..
	Transport	Development of river port and transport & early ship building
	Commerce	Adaptation from river to road and rise of the dormitory suburb

2.0 Significance Statement

Frederickton is culturally significant because:

i. It has historic significance as a record of early settlement of the Macleay Valley flood plain and because of its association with early pioneer families;
ii. It has aesthetic significance as containing good examples of intact late 19th and early 20th century streetscapes and individual buildings;
iii. It has social significance for its role as a centre for commerce for local agriculture;

Frederickton is assessed overall as being of representative local significance.

3.0 Character Analysis

Setting

Frederickton's establishment as a village is a result of its location on the Macleay River, and its surrounding fertile plain. Its location on a knoll and transformation from natural bush to pastoral and urban character is evident in the aesthetic entry to the town from both the south and north.

In addition, the rural settlement patterns as viewed from the village entry roads present a change in context with the change in elevation when approaching from the south or the sudden arrival at the village when approaching from the north. Both entries provide immediate evidence of earlier times; from the south the row of period dwellings on the northern side just past the sweeping bend and from the north the Public School on the hill to the west.

The town layout comprises an east - west grid pattern of streets bounded by the Great North Road and Macleay Street. Most of the town was sparsely developed in earlier times and is on higher ground than the core precinct in the south east (on the banks of the river). A small group of two storey buildings and a few of single storey define this core which reflects the association with the river. Macleay Street contains a large number of period dwellings. The greater number are on the north side from the southern arrival to the village in the west to village core and a more tightly grouped, smaller number are on the southern side from North Street to the core.

With the advent of the Pacific Highway and the establishment of its route along Macleay Street this street became the most developed street in thetown where as

the historic town entry road – Great North Road is almost forgotten. Further the Great North Road's separation from the town's commercial core suggests a different emphasis may have existed in the late 19th century particularly as the school is located on this road, as is the cemetery.

The buildings are predominantly small scale and framed in the main by post and rail fencing, border gardens in simple patterns and narrow width street frontages.

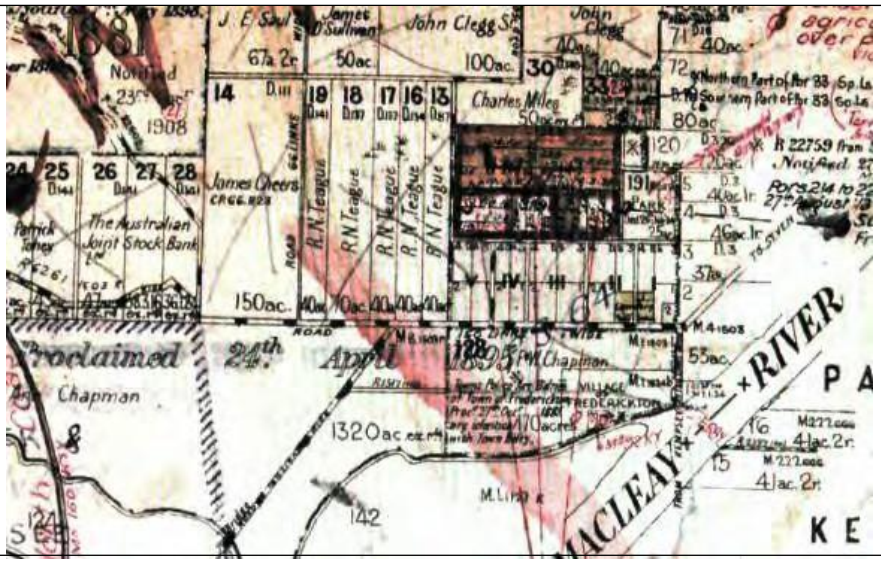


Figure B13-14: Parish of Yarrabandini, 3rd Edition, 1908 (source NSW Lands Dept ID10525501)

Landscape and Streetscape

Frederickton has developed along a ridgeline of a knoll in an otherwise flat landscape. It is characterised by an elevated central portion of the main street falling towards the east where the commercial area fronts the river.

The landscape is characterised by a west to east sloping ridge and surrounding alluvial flats. The ridge contains the town while the alluvial flats are cleared and sown to pasture and crop. Frederickton enjoys vistas to the north and west of hilly and undulating vegetated terrain and to the east and south of alluvial plains.

The Macleay Street streetscape is the showcase street of the town. It comprises a mixture of commercial and residential buildings, with period and contemporary buildings. At the western end is an enclave of new residential development and at the eastern end a commercial hub reflective of the late 19th century. Along the partly modernised highway is a ribbon of late 19th and early 20th century dwellings, interspersed with vacant blocks, contemporary dwellings and the occasional commercial use. Overall development along the street is of a similar bulk and scale but not homogenous in form.

The commercial core of the town is also contained within Macleay Street and spills over into the Pacific Highway. Late 19th and early 20th century dwellings or vacant land to the west and the Butter Factory to the east flanks the commercial core. The core is a mixture of buildings of one and two storey design generally dating from the late 19th and early 20th century. There is also the occasional modern dwelling. The width of the road reserve and the close set back of buildings to the

street suggests a compact precinct to the village. The overall effect is a homogenous urban form directly attributable to the towns development phase.

The residential streetscape of the remaining streets and lanes has a more spacious quality with a mixture of dwellings from early 20th century until current. The streetscape is not distinctive and is of a type readily found in many communities, except that this town has many opportunities for outward looking views. The dwellings from the early 20th century until World War 11 are in loose groupings and as a result the overall streetscape is less cohesive than Macleay Street and the commercial area.

Buildings

Frederickton's building stock reflects the socio-economic structure of a rural community. The architecture comprises of two functional types - community and residential.

In the community group are the public service uses and the commercial (school, police, hotel, community hall, church and general store). These buildings tend to be of larger scale, with better appointments and architectural detailing but still reflect the qualities and design of the period. Some are two storey or bulkier. The residential buildings in contrast generally have limited architectural detailing, are from a number of time periods and have a smaller footprint.

The character of Frederickton is expressed in the traditional architectural forms of its earliest surviving buildings. They use brick, weatherboard timber and corrugated iron as the base materials palette.

The residential form is generally simple with horizontal and vertical dimensions loosely based on 3.66 x 3.66 x 3.66 m (12' x 12' x12') and roof pitches of around 30 degrees. Roof forms utilise end gables or hips, or a combination depending on architectural origins of building (i.e. Victorian or Edwardian etc).

Other elements of interest include fenestration pattern (window and door openings), symmetry or asymmetry, floor and eave level, use of materials, skillion additions, and lack of rich architectural detailing.

There are also some two storey fronted buildings in the commercial area that add a degree of importance to the townscape and suggest prosperity and purpose no longer present. Most of the period development retains its original footprint.

The buildings are constructed of either:
1. timber frame with weatherboard cladding on the walls and corrugated iron roof cladding over pitched timber framing; or
2. full brick walls and corrugated iron roof cladding over pitched timber framing.

Floors are in close proximity to the ground being of bearer and joist construction, while eaves and ceilings are about 3.6m high. Foundations and skirting walls are mixture of brick and timber. Some of the buildings retain original out buildings of matching construction. Most of the buildings have post supported front and side verandahs.

B.2 Smithtown Heritage Precinct

Figure B13-15: Map – Smithtown Heritage Precinct

1.0 Establishment and History of Development

Smithtown is one of two towns located opposite each other and separated by the Macleay River (the other is Gladstone). Located on the west bank, Smithtown was known for some time as West Gladstone. When the member for Hastings-Macleay, Robert Burdett Smith, secured a Post Office for the township it was as a tribute to him that the name Smithtown was gazetted in 1877.

Historic Themes
Identifying the thematic basis for the emergence and development of anyplace, is essential for determining:-

- the appropriate limits of Conservation Areas; and
- those items that determine the significance of the place.

The Australian State and Local themes applicable to Smithtown are:

AUSTRALIAN	STATE	LOCAL
▪ Building settlements, towns and cites	Towns, suburbs and villages	The development of the rural villages of Kempsey And in particular a river port.
▪ Developing local Economies	Agriculture	Dairying and associated crop farming

	Transport	Development of river port and transport
	Technology	Creation of Milo
	Commerce	Adaptation from river to road and rise of the dormitory suburb

2.0 Significance Statement

Smithtown is culturally significant because:

i. It has historic significance as a record of early settlement of the Macleay Valley and flood plain and because of its association with early pioneer families and its association with Nestle and MICO;
ii. It has aesthetic significance as a good example of an Australian "town in a landscape" and retains intact streetscapes and many individual buildings;
iii. It has social significance for its roles as a centre for administration, cultural activities including community and religion; and
iv. It has technical/scientific significance because of its association with the development of inter-regional transport links and communication.

Smithtown is assessed overall as being of representative local significance.

3.0 Character Analysis

Setting

Smithtown's establishment as a town is a result of its location on the Macleay River, its position between Kempsey and South West Rocks, it being the on the opposite bank to Gladstone and the areas suitability for cropping and grazing. Its transformation from natural bush to pastoral and then urban character is evident in the defined edge between river/rural and urban. The main street has never been the through road of the town and this is a distinctive feature created by the punt crossing to and from Gladstone and the punts recent replacement with a high level bridge. The new bridge across the river has dramatically altered the entry aesthetic to the town from the north and east and also the way the main street is accessed. The views across the river and flood plain from the roads and village are back dropped by the distant hills.

The original village is essentially contained within a north - south grid pattern of three blocks wide and five blocks long a very similar footprint to Gladstone but with a higher density of development. The main commercial core is along Main Street and Fitzgerald Streets with stronger residential developmental emphasis in the south. The Nestle factory is located in the south west of the town.

A distinctive feature of the town is the extent that flood proofing of dwellings has occurred by raising the original cottages. Another feature are the water side reserves, the sports ground and landscape areas around the school and the factory.

Within the village core (on both sides of Main Street) is a mix of 19th century and twentieth century dwellings, mixed with ecclesiastical, commercial and government (Police Station) buildings.

The buildings in the town are predominantly small scale and framed in the main by timber style fencing, punctuated by roads and side setbacks and complemented by groups of native and introduced trees and shrubs and lack of concrete pathways or driveways.

There is a strong distinction between the character of Smithtown and Gladstone.

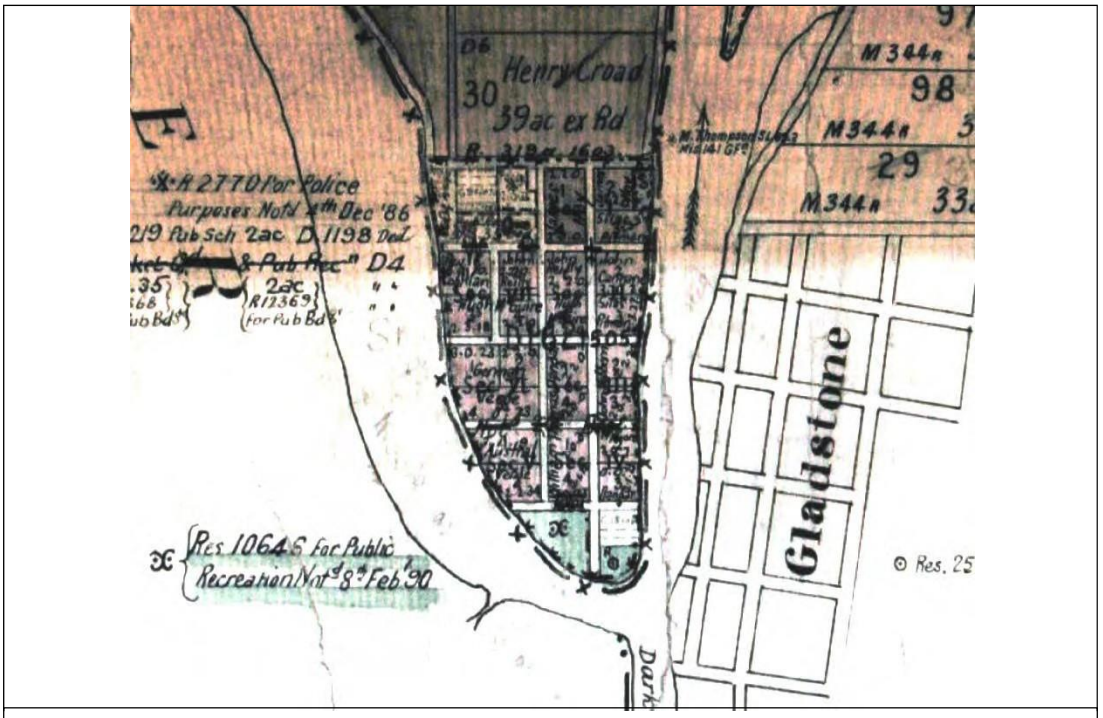


Figure B13-16: Parish of Coorooboongatti, c1885, Edition 1, Sheet 1 (source NSW Lands Dept ID 13948604)

Landscape and Streetscape

The landscape is characterised by alluvial flats to the north of Smithtown and the river to the west, south and east. The location of Smithtown has outlooks to the west, south and east of flood plains in the foreground and distant hilly vegetated terrain and to the north is the high arch bridge. The entry roads are across the flood plain into the west and east end of the northern extremity of the town by passing the town's main street. The entry into the town is via a recent extension of Rawson Street completely changing the entry aesthetic.

Main Street streetscape is the core of the village containing the community services and commerce along with residential. The road is aligned at 90 degrees to the bank of the river and has various levels of vegetation, but water views at each end. It is not the most appealing environment in town but there are some appealing elements. The width of the road reserve and the constant set back of buildings from the street provides some continuity.

Smithtown is a record of the type of river town created to service farming, timber and associated industry in the late 19th and early 20th centuries and a major factory since the 1920's. The intensity of development throughout the 20th century means that the streetscape does not present as well as other towns in having a cohesive suite of buildings and gardens reflecting a particular era of development. Intrusive elements are recent and readily identifiable.

The main elements of the streetscape are:

- predominance of uniform set back of buildings to street;
- uniform separation of buildings;
- undeveloped road edges and site driveways;
- grassed verges with trees and shrubs;
- timber fencing;
- native and introduced trees in gardens;
- predominance of similar scale and form buildings;
- verandahs;
- windows and doors;
- extensive use of brick, weatherboard and corrugated galvanised iron; and
- lack of introduced buildings but a large number of elevated period dwellings.

Buildings

Smithtown's architecture reflects the socio economic structure of a community initially dependent of the river and surrounding agriculture and subsequently a dominant factory. The architecture is comprises two functional types - community and residential.

In the community group are the public service uses and the commercial (school, police, hotel, community hall, church and general store). These buildings tend to be of larger scale, with better appointments and architectural detailing but still reflect the qualities and design of the period. The residential buildings in contrast generally have little or no architectural detailing and have smaller footprints except for the elevated ones.

The character of Smithtown is expressed in the traditional architectural forms of the original buildings that are typical of the period, and the consistent use of weatherboard timber and corrugated iron materials.

The form is generally simple with horizontal and vertical dimensions loosely based on 3.66 x 3.66 x 3.66 m (12' x 12' x12') and roof pitches of around 30 degrees. Roof forms utilise end gables or hips, or combinations depending on architectural origins of building (i.e. Georgian or Colonial etc). The overall emphasis of the form is vertical.

Other elements of interest include fenestration (window and door openings), symmetry or asymmetry, floor and eave level, use of materials, skillion additions and lack of architectural detailing.

Most buildings are detached being centrally sited on their respective allotments. This feature plus the smaller lot area creates a more compact feel in the residential parts of the town but overall the town is still quite spacious because of the surrounding water, well vegetated public reserves and the undeveloped land in the sports ground/school/bowling club locality. There are few storey fronted buildings and most buildings retain their original footprints. Almost exclusively the buildings are timber framed with weatherboard cladding on the walls and corrugated iron roof cladding over hand pitched timber framing. Floors are close to the ground

being bearer and joist, while eaves and ceilings are about 3.6m. Most of the buildings have post supported front and side verandahs.

B.3 South-West Rocks Heritage Precinct

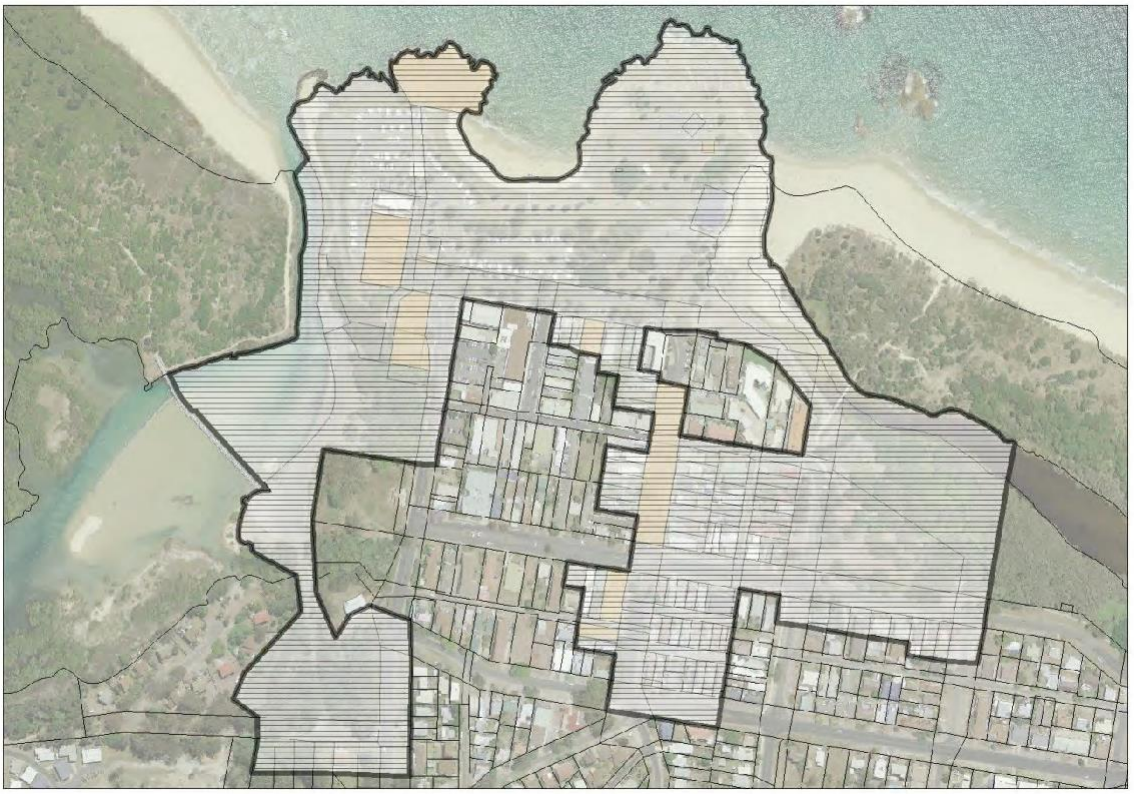


Figure B13-17: Map – South West Rocks Heritage Precinct

1.0 Establishment and History of Development

Historic Themes

Identifying the thematic basis for the emergence and development of anyplace, is essential for determining:-

- the appropriate limits of Conservation Areas; and
- those items that determine the significance of the place.

The Australian State and Local themes applicable to South West Rocks are:

AUSTRALIAN	STATE	LOCAL
Building settlements, towns and cites	Towns, suburbs and villages	The development of the rural villages of Kempsey and in particular a sea port.
Developing local Economies	Transport	Sea and River transport and entry port for Macleay River ports
	Technology	Establishment of Pilot Station and associated infrastructure.

	Commerce	Early example of holiday accommodation and later modern tourism and residential

2.0 Significance Statement

South West Rocks is culturally significant because:

i. It has historic significance as a record of early settlement of the Macleay Valley coastline and because of its association with Trial Bay and the Gaol;
ii. It has aesthetic significance as an example of an Australian "town in a landscape" and retains intact streetscapes and individual buildings;
iii. It has social significance for its roles as a centre for commerce and as a holiday destination; and
iv. It has technical/scientific significance because of its association with the development as a river/sea port.

3.0 Character Analysis

Setting

"South West Rocks has a spectacular setting. It is a compact village set in a surround of natural scenic beauty. It has strong physical and visual links to the ocean, creeks, relatively unspoilt coastline, Macleay Valley and mountains to the west.

The village is a destination (not en route to anywhere) offering a casual relaxed lifestyle based on opportunities offered by the natural coastal surrounds. This is generally reflected in its low-key residential, human-scale commercial and historic built forms, streetscapes as well as its parkland and natural foreshore areas." (Rupert Milne Home, South West Rocks Masterplan, 2001)

South West Rock's establishment as a village is a result of its location at the head of the Macleay River, its bay, its headland and the river delta hinterland. Its position as the gateway to the Macleay Valley and the hinterlands natural resources and suitability for grazing allowed it to develop as a transhipment point and holiday destination.

Within the village the natural and introduced vegetation on roads and in reserves along with the views to the ocean and bay provides an expansive feel to the village on the eastern and northern edge. The natural and introduced vegetation on roads and in reserves also acts as a positive aesthetic to those parts of the village which do not have an outlook to the ocean.

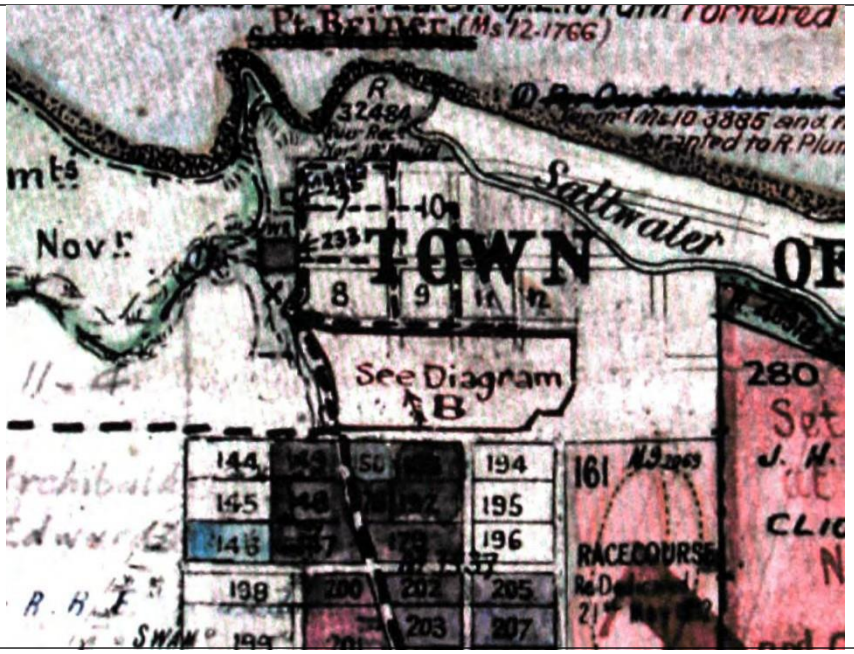


Figure B13-18: Parish of Arakoon, Edition 3 (source NSW Lands Dept ID 13931901)

The village site slopes downwards to the east and south, limiting ocean views once away from the former Pilot Station Bay area.

The original village is contained within a grid pattern orientated to the major compass points and consists of an east - west distance spanning six blocks and north – south distance spanning three blocks. A group of weatherboard buildings defined by the former Pilot Station and Community Hall are on elevated ground around Livingstone and Gregory Street with the business centre to the east extending south to Memorial Avenue and west to Paragon Avenue. Further west and south are the residential and holiday homes. Examples of period development increase in number from a few to many the further the distance travelled from the business centre.

The period residential buildings are predominantly small scale and framed in the main by picket or rail style fencing, punctuated by groups of native and introduced trees and having a mixture of street frontages depending on section.

Landscape and Streetscape

The landscape is characterised by a north - south ridge with in a delta plain to the west and the ocean to the east. In the distant north and west are hill scapes while in the near south is Laggers Point and hilly terrain in its hinterland. The local ridge has steep vegetated slopes to the ocean and river to the north and east and gentler vegetated slopes to the creek and delta plain to the south. South West Rocks has outlooks in all directions and has a mixture of native and introduced vegetation in surrounding reserves and on the delta plain.

The only entry road is from the west and is across the delta plain. It passes through a large area of recent urban development until it reaches Gordon Young Drive. At this point the road (Gregory Street) passes through a belt of trees which announces the historic part of the village, it then climbs a hill, passes residential development

on the right and a church and vegetation on the left. It finally terminates upon reaching the knoll where the ocean can be seen directly in front. It then turns the corner (right) into a tree lined avenue (Livingstone Street) which runs parallel to the ocean and foreshore reserve. This approach path to the village is sublime.

Livingstone Street may not ultimately be the main street of the village but at the moment it is one of the most impressive streetscapes to be found. It forms the historic core of the village as well as a substantial entry point to the business area. The juxtaposition of ocean, foreshore reserve, heritage sites and historic associations coupled with the landmark trees provides a most appealing streetscape. The other streetscapes in the business area are more typical of seaside villages undergoing redevelopment but still contain elements reminiscent of the earlier village. The small single storey cottages and accommodation houses are decreasing in numbers as they are replaced with mixed use two and three storey contemporary buildings. The width of the road reserves and the original set back of buildings from the street suggests spaciousness to the village now being lost. The homogenous urban fabric with the pockets of trees on the road verge and within allotments that used to reinforce the spacious feel of the village and define the village identity is also being altered.

The residential streetscape of the remaining streets and lanes retains the spaciousness and homogenous qualities of the period village and is still evocative of the traditional sea side village. This continues to occur because new development (either infill or replacement) has not reached a sufficient threshold to alter the existing identity.

South West Rocks is a record of the type of urban area created to service shipping and travel or holiday accommodation in the late 19th and through the 20th centuries. The low intensity of development until the second half of the 20th century means that streetscape still presents as a cohesive suite of buildings and gardens reflecting a particular era of development. Unfortunately, this cannot be said for the most picturesque part of the village (the knoll) which still happily has the positive aesthetic and historic influences of the Pilot Station group and its neighbours. Intrusive elements have increased rapidly in the later part of the 20th century as tourism and residential population has increased; examples are many and are readily identifiable.

The main elements of the streetscape are:

- predominance of uniform set back of buildings to street away from business area;
- small bulk and scale of traditional buildings away from business area;
- restrained bulk and scale of mid-20th century accommodation buildings away from business area;
- traditional form of buildings away from business area;
- grassed verges to some streets;
- no front fencing or where there is fencing post and rail fencing with or without pickets;
- native and introduced trees in gardens and reserves;
- use of memorial and landmark trees in certain streets;
- predominance of similar scale and form buildings;
- extensive use of weatherboard, fibro and corrugated galvanised iron; and
- lack of post 1960's buildings in streets away from the knoll and Gregory Street.

Buildings

South West Rock's architecture reflects the socio economic structure of an historic sea side holiday town over-lain by a commuter community and the onset of modern

tourism and leisure activities. The architecture comprises several functional types; Community, late 19th and early to mid-20th century Residential, late 19th and early to mid-20th century, accommodation/hospitality and modern contemporary.

In the community group are the public service uses and the commercial (school, pilot station, community hall, and church). These buildings tend to be of larger scale, with better appointments and architectural detailing but still reflect the qualities and design of the period.

The late 19th and early to mid-20th century residential buildings in contrast generally are devoid of ornamental detailing and have smaller footprints while the period accommodation are larger versions of the residences including the occasional purpose built 2 storey building. All the buildings are weatherboard or fibro clad, iron roofed with steep pitches.

In contrast, modern buildings and tend to have large foot prints, one, two or three storey and constructed of brick and tile and concrete. They have flatter roofs and on ground floors.

The traditional form is generally simple with horizontal and vertical dimensions loosely based on 3.66 x 3.66 x 3.66 m (12' x 12' x12') and roof pitches of 30 degrees or so. Roof forms utilise end gables or hips, or combinations depending on architectural origins of building (i.e. Victorian, Edwardian, inter war etc). The overall emphasis of the form is vertical.

Other elements of interest include fenestration (window and door openings), symmetry or asymmetry, floor and eave level, use of materials, skillion additions, and lack of architectural detailing.

All late 19th and early to mid-20th century buildings are detached being sited on their respective allotments to take advantage of either their location or the presentation of the street. There were a mixture of one two storey fronted buildings and many of those that survive retain their original footprints. Almost exclusively the buildings are timber framed with weatherboard cladding on the walls (up to the 1920's and 30's) or fibro clad (1930's to 1970's) and corrugated iron roof cladding over insitu pitched timber framing. Floors are close to the ground being bearer and joist, while eaves and ceilings are about 3.6m. Most of the buildings prior to 1930's have post supported front and side verandahs while post 1930's have verandahs integrated with the main roof.

B.4 East Kempsey Heritage Precinct

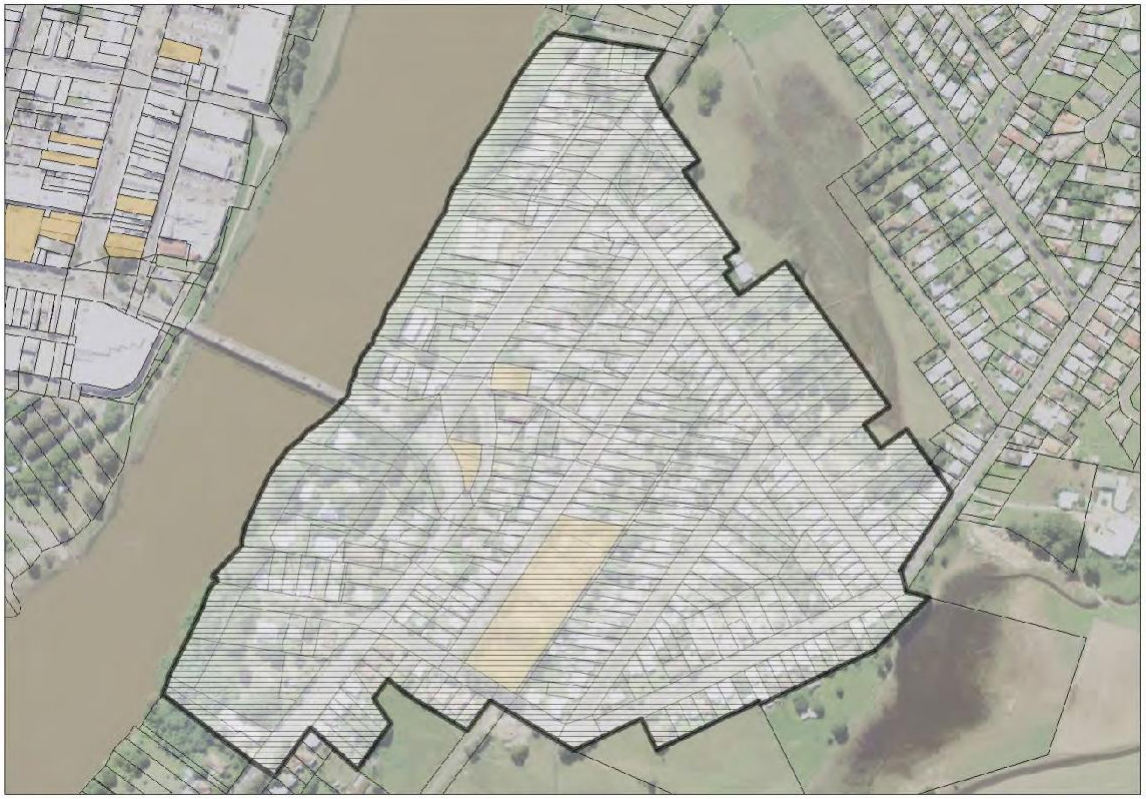


Figure B13-19: Map – East Kempsey Heritage Precinct

1.0 Historic Themes

Identifying the thematic basis for the emergence and development of anyplace, is essential for determining:-

- the appropriate limits of Conservation Areas and Precincts; and
- those items that determine the significance of the place.

The Australian, State and Local themes applicable to the East Kempsey Heritage Precinct are:

AUSTRALIAN	STATE	LOCAL
▪ Building settlements, towns and cities	Towns, suburbs and villages	The settlement of and development of the township of Kempsey.
▪ Developing local economies	Transport	Development of the Macleay River port and transport. Early ship building.
	Commerce	Adaptation from river to road

2.0 Significance Statement

East Kempsey is culturally significant because:

i. It has historic significance as being the first area of settlement of the town of Kempsey and its association with the early European pioneers of the area.
ii. It is a suburban area of the Macleay Valley containing a mix of the earlier forms and styles of buildings with the newer residential buildings. It is a well layered example of rural town development.
iii. It has aesthetic significance as an example of an Australian "town in a rural landscape" and retains relatively intact streetscapes and individual and groups of period buildings. Its wide spectrum of landscape surrounds include the town's business district, the river and the alluvial plains, all with a backdrop of the Great Dividing Range to the west,
iv. It has social significance for its roles as a residentail area supporting the commercial area; and
v. It has technical/scientific significance because of its association with the development as a river port and the site of the first formal river crossing.

East Kempsey is assessed overall as being of high local significance for its historical associations, aesthetic qualities and its social value as a residential support for the commercial centre of Kempsey.

3.0 Character Analysis

Setting

East Kempsey was the hub of initial settlement on the Macleay, the site of the formal river crossings via punt thence a timber and later a steel vehicular bridge.

The buildings are predominantly small scaled single storey with the allotments defined by a variety of fencing types, border gardens and brick dwarf walls. High courtyard walls have not been nor become an element in any of the streetscapes.

The road from Kempsey leading to Gladstone and South West Rocks runs along the south east side of the area (Macleay Street) however traffic flows through the area from the Macleay River Bridge along Rudder and Bisset Streets.

Landscape and Streetscape

East Kempsey has developed on the crest of a knoll in an otherwise low lying and flat landscape. It falls to the river in the west and the farmland/ floodplain in the north and east.

East Kempsey enjoys vistas to the north and west of hilly and undulating vegetated terrain and to the north and east of alluvial floodplain.

The residential streetscape has a spacious quality with a mixture of dwellings from early-late 19th century until the present. The streetscapes are not distinctive however this precinct has many opportunities for views to the expanse of surrounding pastoral land. The dwellings from the early 20th century until World War Two are in groups possibly reflecting the date of sale of the properties and phases in development. Due to the river and town outlook, the buildings on the east side of Rudder Street and highest on the knoll are the more expansive and have been constructed in brickwork, some with tiled roofs.

East Kempsey is an urban area developed to service Kempsey proper from the late 19th to the present day. Development has been limited by the extent of flood free land available. Any intrusive elements are recent and are highly visible amidst the housing stock.

Landscaping is highly variable in form, ranging from garden strips along boundaries, to specimen trees and grassed yards. Garden form is generally dependent on the building setback from the street frontage. The Pacific Highway, Rudder, Bissett and Innes Streets have the greater proportion of earliest buildings located within 2 to 5 metres from the street boundary, while some of the larger properties in Lord Street and Rudder Street and in the northern part of Betts Street have deep setbacks with developed gardens providing a foreground to the buildings from the public domain.

Buildings

East Kempsey's building stock reflects the social and economic cross section of the rural community. Buildings are primarily residential. There are some multi-unit residential developments from recent years

There are public use buildings including the school, Chaddies and the Antique Store in Rudder Street and on the west side of the Pacific Highway, Netherby House the guest house. These buildings tend to be of larger scale, with better appointments and architectural detailing but still reflect the qualities and design of the respective periods. Some are two storey or bulkier. The residential buildings in contrast generally have limited architectural detailing, are from a broader number of time periods and have smaller footprints.

The character of East Kempsey is expressed in the traditional architectural forms of its earliest surviving buildings. They use timber weatherboard and corrugated iron as the base materials palette. Brick is used in the more opulent dwellings, and in contemporary interventions.

Residential forms are simple with horizontal and vertical room dimensions loosely based on 3.66 x 3.66 x 3.66 m (12' x 12' x12') and roof pitches of around 30 degrees. Roof forms utilise end gables or hips, or a combination depending on architectural origins of building (i.e. Victorian or Edwardian etc).

Other elements of interest include fenestration pattern (window and door openings), symmetry or asymmetry, floor and eave level, extensive use of timber except in the grander residences along Rudder Street in particular, skillion additions, and lack of rich architectural detailing.

All buildings in the residential area are detached, single storey and are sited at the front of their respective allotments. Given the narrow frontage of allotments this creates a more continuous and compact feel to the village and suggests a larger village area than actually is the case (particularly on Macleay Street).

There are also some two storey buildings in the area such as Chaddies, that reflect prosperity and a self-sufficiency of the settlement prior to the construction of the bridge. Most of the period development retains its original footprint.

The buildings are constructed of either:
1. Timber frame with weatherboard cladding on the walls and corrugated iron roof cladding on pitched timber framing; or
2. Brick walls and corrugated iron roof cladding on pitched timber framing. Some of the more stately of residences and newer buildings have tiled roofs.

Floors are close to the ground being of bearer and joist construction, while eaves and ceilings are about 3.6m high. Foundations and dwarf/subfloor walls are generally of brick construction. Where timber stumps remain as supporting, they need to be preserved as an ever diminishing element remaining.

Some of the buildings retain original out buildings of matching construction.

Most of the buildings have timber framed and post supported front and side verandahs.

B.5 Kempsey/West Kempsey CBD Heritage Precincts

Figure B13-20: Map – Kempsey/West Kempsey CBD Heritage Precincts

1.0 Historic Themes

Identifying the thematic basis for the emergence and development of anyplace, is essential for determining:-

- the appropriate limits of Conservation Areas and Precincts; and
- those items that determine the significance of the place.

The Australian, State and Local themes applicable to the West Kempsey and Kempsey Heritage Precincts are:

AUSTRALIAN	STATE	LOCAL
▪ Building settlements, towns and cities	Towns, suburbs and villages	The settlement of and development of the township of Kempsey.
▪ Developing local economies	Transport	Development of the Macleay River port and transport. Early ship building.
	Commerce	Adaptation from river to road

2.0 Significance Statement

West Kempsey and the Kempsey CBD are culturally significant because:

i. They have historic significance as being one of the first areas of settlement of the town of Kempsey and its association with the early European pioneers of the area.
ii. It is an urban area of the Macleay Valley containing a mix of the earlier forms and styles of buildings with the newer residential buildings. It is a well layered example of rural town development.
iii. It has aesthetic significance as an example of an Australian "town in a rural landscape" and retains relatively intact streetscapes and individual and groups of period buildings. Its wide spectrum of landscape surrounds include the town's business district, the river and the alluvial plains, all with a backdrop of the Great Dividing Range to the west,
iv. It has social significance for its roles as a residentail area supporting the commercial area; and
v. It has technical/scientific significance because of its association with the development as a river port and the site of the first formal river crossing.

3.0 Character Analysis

Setting

The West Kempsey and Kempsey CBD Heritage Precincts form the commercial hub of the shire. One of the main features of these CBD areas is that the main street is the through-road of the CBD.

The views across the river from the Kempsey CBD are a significant feature.

The CBD areas contain a mix to two storey commercial and government buildings, constructed in the 19th and 20th centuries.

Landscape and Streetscape

The Kempsey CBD landscape is characterised by alluvial flats to the west, which are currently used as playing fields, and the Macleay River which runs along the eastern side of the CBD. The main entries to the CBD are from the bridge over the Macleay River to the south, from Belmore Street to the wet and from the Macleay Valley from the north.

The streetscape of the Kempsey CBD is characterised by a consistent two storey commercial building from to the footpath edge, relatively consistent awnings and a predominantly timber construction. Buildings consistently have glass windowed shopfronts facing the street. The buildings are a mixture of styles and ages.

West Kempsey is a smaller CBD centre and started growing as a centre after Kempsey CBD was established. Elbow Street is the main through road of West Kempsey. West Kempsey is set on higher ground than the CBD and the views to the mountains to the west are significant.

The streetscape is made up entirely of commercial government buildings, with a mixture of heights, building materials, and ages.

Buildings

Buildings that contribute to the character of the CBD areas are constructed of either: timber, corrugated iron, stone block or brickwork.

Large areas of glazing at ground level is a common feature in shopfronts.

Within the CBD's, the consistent two storey facade, capped with a parapet rather than a gutter line, is a common element. Facades typically include:

- Detailed embellishments of brick patterns;
- Projections;
- Raised pediments; and
- Vertical window proportions.

Some buildings have colonial central arched entrances.

Some of the buildings have timber framed and post supported awnings over the street.

Chapter B14 – Use of Public Areas for Outdoor Dining

1.0 Introduction

1.1 Scope of this Chapter

This Chapter applies to all publicly owned land in the Kempsey Shire local government area.

1.2 Relationship to Other Chapters of this DCP

The provisions contained in Chapters included in Parts C, D, E and F of this DCP override the provisions of this Chapter to the extent of any inconsistency.

2.0 Chapter Objectives

The objective of this Chapter is:

a) To facilitate outdoor dining associated with restaurants and cafes in a manner which does not adversely impact on other users of public land or place any undue financial burden on the community as a result of increased demand for public facilities and services.

3.0 Guidelines

3.1 Relationship to Other Documents

3.1.1 Council Policies

At the time of adoption of this DCP, the following Council Policy is related to the requirements of this chapter:

- Council Policy No. CPOL-46: Leasing of Public Areas for Restaurants and Cafes

Council Policies and Procedures are subject to periodic review. Consequently, it is advised to regularly check Council's website for updated Policies and Procedures.

After Development Consent has been obtained, Council Policy No. CPOL-46: Leasing of Public Areas for Restaurants and Cafes requires the proponent to enter into a lease agreement with Council, including payment of annual rental, prior to the use of the outdoor dining area.

3.1.2 Developer Contributions

Development Contributions will be triggered by applications for outdoor dining, through:

- Current Section 94 Contribution Plans; and
- Current Section 64 Development Service Plans.

A copy of Council's Contributions Plans are available on Council's website and will need to reviewed to determine their applicability to each development application. Current fees and charges may be calculated by applying annual CPI to the listed contribution rate, or by contacting Council.

When applying a condition of consent requiring contributions to be paid, Council may provide an option to make payments at a rate of 10% per annum.

3.2 Statutory Requirements

A Development Application is required to be submitted for the use of all footpaths, and public reserves for the purposes of Food and Drink Premises seating.

Applications can only be accepted for the use of a public road where approved Food and Drink Premises are permissible in the zone within which that portion of road is located.

A separate approval in accordance with Section 125 – Approval to Use Footway for Restaurant Purposes of the *Roads Act 1993* will be required in addition to any required development consent.

3.3 Information to be Submitted with a Development Application

All development applications must be accompanied by:

a) A written Statement of Environmental Effects (SEE) describing.

b) Four (4) copies of a site plan (to scale) detailing:

   i) The proposed location of tables and chairs;

   ii) The exact number of tables and chairs proposed;

   iii) The locations of any nearby street furniture, plantings, bus stops, garbage bins, etc, and any entrance or doorway of any adjoining building/s; and

   iv) All dimensions and distances, such as the width and breadth of the dining area, the distance from adjoining building and street curb, and the minimum trafficable space reserved for pedestrians.

c) Development application fees, in accordance with Council's current Schedule of Fees and Charges, including the following components:

   (i) The development application fee;
   (ii) Concurrence agency fees - Concurrence will be required from the NSW Government roads agency for such uses on any classified road;
   (iii) The *Roads Act 1993* application fee; and
   (iv) Additional/public notification fees, where required.

3.4 Public Notification

Where proposals have the potential to adversely impact on any adjoining premises, the Development Application will be advertised for public comment for a period of not less than fourteen (14) days. Such advertising will include written notification to likely affected neighbours and be advertised in a locally circulating newspaper.

4.0 Development Requirements

4.1 Maintain Use of Pedestrian Footpath and On-Street Car Parking.

Desired Outcomes

DO1 - A practical footway is maintained through the public area for outdoor dining.

DO2 - Seating is located so that it does not interfere with the rights of any member of the public to the use of public land.

Development Requirements

a) Seating must be located so as to maintain a practical footway area with a minimum effective width of 2.0 metres. Where the street is considered by Council to be a high pedestrian traffic area, the minimum effective width must be increased to 2.4 metres.

b) Carparking required as a result of increased seating capacity is to be provided at the rate specified by Chapter B2 – Parking, Access and Traffic Management.

(i) Where additional carparking cannot be provided on site, Council will consider allowing lesser numbers of car parking spaces where it can be demonstrated that the calculated carparking spaces are not required in the area. Demonstrating that a lesser number of carparking spaces is appropriate is entirely the responsibility of the applicant, and Council reserves the right to require the full number of carparking space to be provided.

4.2 Accessibility and General Safety

Desired Outcomes

DO1 - Seating must be located so as not to pose a risk to the health or safety of patrons.

Development Requirements

a) Seating is to be arranged to accommodate the circulation spaces around doorways required for disabled access as stipulated in Australian Standards and access legislation/guidelines relevant at the time.

b) Seating is to be located so as to provide adequate clearance around access points required for fire egress/ingress in accordance with the requirements of the Building Code of Australia.

4.3 Visual Impact

Desired Outcomes

DO1 - Seating and other furniture is not to have an adverse visual impact on the streetscape.

Development Requirements

a) All furniture must be located within the width of frontage of the premises.

b) Seating is to be of a reasonable quality and be maintained in a reasonable condition.

4.4 Use of Premises and Amenity

Desired Outcomes

DO1 - The use of public areas for outdoor dining does not have an adverse impact on the amenity of neighbouring land uses.

DO2 - The outdoor dining area directly adjoins the Food and Drink premises it is associated with.

Development Requirements

a) Noise generated from the outdoor dining area does not exceed the relevant noise control limits to the nearest sensitive receivers.

b) The hours of operation are limited, where required, to ensure that adverse noise impacts are not experienced by neighbouring land uses.

c) The amenity of neighbouring land uses is not adversely affected by inappropriate behaviour from patrons (eg. drunkenness).

Chapter B15 – Crime Prevention Through Environmental Design (CPTED)

1.0 Introduction

1.1 Scope of this Chapter

This DCP Chapter applies to all development on all land within the Kempsey Local Government Area.

1.2 Relationship to Other Chapters of this DCP

The provisions contained in Chapters included in Parts C, D, E and F of this DCP override the provisions of this Chapter to the extent of any inconsistency.

2.0 Chapter Objectives

The objectives of this Chapter are:

a) To promote design features within new developments and the redevelopment of existing areas, which will enhance the safety from crime for the community, including visitors.

b) To enhance public safety by reducing opportunities for crime.

c) To reduce the fear of crime through the provision of safe, well designed and maintained buildings, facilities and public spaces.

d) To optimise the community use of public spaces and facilities.

e) To encourage development on private land which promotes safety on neighbouring public and private land.

3.0 CPTED Design Concepts

Crime Prevention through Environmental Design (CPTED) promotes the idea that creative design can be an effective deterrent to criminal behaviour within the community.

Kempsey Shire Council is dedicated to the expansion and development of the Shire through increased infrastructure, education, training and community lifestyle enhancement.

CPTED is based on ***four design and usage concepts*** that can reduce the incidence and fear of crime, including:

a) ***Natural Surveillance*** – location and use of design features and activities that create a perception of increased risk of detection for intruders and of increased safety and security for legitimate uses.

b) ***Access Control*** – the use of design features that deny offenders access to targets, reduce escape opportunities and guide legitimate users through the environment.

c) ***Territorially*** – the use of physical features designed to express ownership and control the environment and delineate private and semi-private spaces.

d) ***Maintenance*** – ensuring adequate measures are taken to ensure the continued use of space for the intended purpose and increased feelings of safety for users.

4.0 Development Requirements

4.1 Car Parks

Analysis

Car parks are often the site of thefts from motor vehicles, damage to motor vehicles, theft of vehicles and, less frequently, assaults against people. In addition, people often express concern about returning to cars, which may be parked in dark and/or isolated parks.

Desired Outcomes

DO1 - A reduction in the opportunity for crimes to be committed against people and property in car parks.

Development Requirements

a) Landscaping/vegetation shall enhance safety by maximising the visibility of cars.

b) Paths between buildings and car parks should be well lit and obvious to ensure safe pedestrian access.

c) Lighting utilised in car parks should be in accordance with relevant Australian Standards.

d) Car parks should be sited to permit maximum opportunities for surveillance from both users of the current development and passers-by.

4.2 Natural Lines of Sight

Natural surveillance can have a significant impact on the likelihood of unlawful acts.

Desired Outcomes

DO1 - Clear sightlines within developments are maximized.

Development Requirements

a) Landscaping should:

(i) not block opportunities for surveillance or provide opportunities for concealment (e.g. ground covers and well maintained shrubs); or
(ii) afford shade and comfort without limiting observation opportunities (e.g. tall trees with low branches removed to a height of 1.8m).

b) Blind corners should be avoided (e.g. by installing mirrors, by building corners from clear materials or by designing curves or angles in place of 90 degree corners).

c) Conditions of consent may require an adequate lighting plan to ensure that surveillance of the site is also possible during the hours of darkness.

d) Where possible, sites should be planned to avoid the creation of remote and potentially unsafe areas e.g. isolated and obscured car parking at the rear of a site.

4.3 Toilet Facilities and Parent Rooms

Larger retail developments may be required to provide public toilet facilities, which are often subject to vandalism and other anti-social behaviour. Greater numbers of intended users will heighten perceptions of safety and reduce loitering behaviours within toilets.

Desired Outcomes

DO1 - A reduction in opportunities for assault, vandalism and other inappropriate behaviours by avoiding the planning of isolated toilet facilities, whether they be facilities for staff, or public toilet facilities.

Development Requirements

a) Toilet facilities should be sited in the most convenient and accessible location to increase use.

b) Entrances should be located so as to permit monitoring by intended users (eg, reception desk staff, passing motorists etc).

c) Internal and external lighting of toilets should be bright, vandal resistant and where toilets are open after hours, should illuminate in hours of darkness or be sensor/movement sensitive.

4.4 Residential Accommodation

Multi dwelling residential developments can pose additional challenges regarding security and safety.

Desired Outcomes

DO1 - Development is designed to ensure that safety is optimised for long and short-term occupants of multiple occupancy dwellings.

Development Requirements

a) Private spaces such as court yards, stairwells and parking bays should be clearly identified to reduce use by undesirable users.

(i) Strategies may include the use of pavers, varied textured paths, fencing, log barriers, landscaping and others.

(ii) Private spaces should be clearly distinguished from public areas.

b) Accommodation units should be designed to allow people within the units to observe and monitor communal areas within the development and the street area, eg. car parks, swimming pool areas, gardens etc.

c) Lighting should be provided within the site. Areas requiring lighting should include driveways, property entrances, parking areas, footpaths, communal service areas (eg. rubbish bin bays, letterboxes, clothes lines), lobbies and stairwells.

d) Lighting in communal areas and areas accessible by the public should be illuminated in hours of darkness or should be sensor/movement sensitive.

4.5 Walkways and Pathways (including Stairs and Stairwells)

Well designed walkways and pathways are a public convenience and will enhance use of a site. However, walkways, pathways, tunnels, stairways, bridges and other similar conveniences allow observers to predict the movement of the users of a site. Care must, therefore, be taken with design to enhance the actual and perceived safety of walkway users, by avoiding leading people into potentially dangerous situations or areas.

Desired Outcomes

DO1 - Development is designed and constructed so that movement corridors do not become, or lead to possible assault sites.

Development Requirements

a) Safe walkways & pathways be sufficiently well lit at all times to avoid use of unsafe routes (e.g. underpasses).

b) Good sightlines and signage to assist people along paths. Where possible pathways to be overlooked from residential properties.

c) Paths should be located near activity generators and areas with natural surveillance.

d) Walkways and pathways, including walkways provided between allotments and subdivisions, should be designed and located such that they do not become potential assault sites.

e) Walkways and pathways should be designed to have at least one clearly marked "exit" sign to an area of traffic (vehicular, pedestrian or residential) every 50 metres.

4.6 Vandal Proofing

Vandalism costs the community not only in depleting resources to fix / deter vandalism, but also in promoting a perception of threat (lack of safety) in an area. Ideal targets for vandals are interior surfaces that are open to the public but private enough for vandals to go undetected. There is a need to reduce or eliminate the likelihood and possibility for vandalism.

Desired Outcomes

DO1 - Development is designed and managed to reduce the impacts of vandalism by:

- Ensuring availability of surveillance by residents, local workers and passers-by;
- The provision of adequate lighting;
- Quickly removing/repaired vandalism;
- The use of materials or surface finishes that are less easily damaged; and
- Being maintained in a clean and tidy manner at all times.

Development Requirements

Developments which are accessible to the public shall incorporate the following:

a) Vandal resistant lights;

b) Securing all flammable and other materials which may be used in vandalism;

c) Graffiti resistant paint on external surfaces;

d) Materials which are hardy and not easily removable from the building. (Where materials are likely to be removed from a building, they should be easily replaceable);

e) Avoidance of solid fences and blank walls which attract graffiti. (Where solid, blank surfaces are provided, consideration should be given to the use of screen landscaping or creepers, murals, vandal resistant paint and other means to discourage graffiti);

f) Locating elements which may be vandalised, e.g. appropriately designed external seating, in areas of high natural surveillance or in inaccessible locations;

g) Toughened glass, screens and other measures in windows which are provided at ground floor level, to deter break and enters; and

4.7 Fencing

The physical environment can exert a direct influence on crime settings by delineating territories, reducing or increasing accessibility and by facilitating surveillance of an area.

Desired Outcomes

DO1 - Development incorporates appropriate and suitable fencing dependent

upon the type of site.

Development Requirements

a) The height of a fence should be a maximum of 2 metres. Areas adjacent to access ways to public lands may have semi-transparent fences up to 2 metres high.

b) Fencing should be designed to consider opportunities for surveillance and monitoring.

c) For commercial or industrial sites, when deciding on fencing type, consideration must be given to:-

(i) the desired role of the fence;
(ii) the use of neighbouring sites;
(iii) the need for definition or identification of a site versus screening a site;
(iv) likely after-hours activities on the current and neighbouring sites;
(v) existing or planned lighting for the site;
(vi) the need for gates to restrict after-hours access; and
(vii) the impact on streetscapes.

4.8 Entrances and Exits

Providing safe access to / from an area or building.

Desired Outcomes

DO1 - Developments incorporate safe and highly visible entry and exit points.

Development Requirements

a) Main entrances/exits should preferably be located in view of the street.

b) Developments should have a limited number of entrances and exits which should be obvious, well lit, sign posted, free from obscuring landscaping and signage, etc.

c) Where multiple entrances are required, less frequently used entrances should be secured at night with signs clearly indicating at what time these entrances will be closed (the above should not impact or restrict the number of fire exits required).

d) Recessed doorways which restrict opportunities for natural surveillance of building entrances and which may constitute a concealment opportunity should be avoided.

e) Where recessed doorways exist, they should be well lit, mirrored, have angled approaches or have gates to counteract the recess.

f) Entrances and exits should have a logical relationship to car parking.

Chapter B16 – Site Waste Minimisation and Prevention

1.0 Introduction

1.1 Scope of this Chapter

This chapter applies to development on all land and waters within the Kempsey local government area.

This chapter applies to the following types of development that may only be carried out with development consent or a complying development certificate:

- Demolition;
- Construction; and
- Changes in use.

This chapter does not apply to Development Application and Construction Certificate applications for the following development:

- Subdivisions not involving any works; and
- Low intensity rural uses.

Only the sections relating to demolition and construction apply to dwelling houses and other low-scale forms of residential development.

The Council or an accredited certifier must have regard to the provisions of this chapter in issuing a complying development certificate.

Preparation of a Site Waste Minimisation and Management Plan (SWMMP) is not required for exempt development (as defined by Council). However, persons carrying out exempt development are encouraged to minimise the generation of waste in the construction and operation of any such use or activity and deal with any waste generated in accordance with the objectives herein.

1.2 Relationship to Other Chapters

The provisions contained in Chapters included in Parts C, D, E and F of this DCP override the provisions of this Chapter to the extent of any inconsistency.

1.3 Background of this Chapter

Waste and resource consumption is a major environmental issue and a priority for all levels of government within Australia. This is particularly the case as landfill sites become scarce and the environmental and economic costs of waste generation and disposal rise. Government and society alike are exposed to the issue of managing the increasingly large volumes of waste generated by our society.

Sustainable resource management and waste minimisation has emerged as a priority action area and a key in the quest for Ecologically Sustainable Development (ESD). Critical actions in this regard include the following (moving from most desirable to least desirable):

- avoiding unnecessary resource consumption;
- recovering resources for reuse;

- recovering resources for recycling or reprocessing; and
- disposing of residual waste (as a last resort).

The building and construction industry in particular is a major contributor to waste, much of which is still deposited to landfill. The implementation of effective waste minimisation strategies has the potential to significantly reduce these volumes.

Effective waste planning and management can also benefit the builder/developer. Some of the benefits of good waste planning and management include:

- reduced costs;
- improved workplace safety;
- enhanced public image; and
- compliance with legislation such as the *Protection of the Environment Operation Act 1997* that requires waste to only be transported to a place that can lawfully accept it.

2.0 Chapter Objectives

The objectives of this Chapter are:

2.1 General

a) To facilitate sustainable waste management within the Kempsey local government area in a manner consistent with the principles of ecologically sustainable development (ESD).

2.2 Waste Minimisation

b) To minimise resource requirements and construction waste through reuse and recycling and the efficient selection and use of resources.
c) To minimise demolition waste by promoting adaptability in building design and focussing upon end of life deconstruction.
d) To encourage building designs, construction and demolition techniques in general which minimise waste generation.
e) To maximise reuse and recycling of household waste and industrial/commercial waste.

2.3 Waste Management

f) To assist applicants in planning for sustainable waste management, through the preparation of a site waste minimisation and management plan.
g) To assist applicants to develop systems for waste management that ensures waste is transported and disposed of in a lawful manner.
h) To provide guidance in regards to space, storage, amenity and management of waste management facilities.
i) To ensure waste management systems are compatible with collection services.
j) To minimise risks associated with waste management at all stages of development.

3.0 Submission Requirements

3.1 Documentation to be Submitted to Comply with the Requirements of this Chapter

All applications for development, including demolition, construction and the ongoing use of a site/premises, must be accompanied by a Statement of Environmental Effects (SEE). This Statement is to include a Site Waste Minimisation and Management Plan (SWMMP) as the central document of compliance with this Chapter's requirements.

In addition to submission of a SWMMP (as part of the SEE), the waste management facilities proposed as part of the development, shall be clearly illustrated on the plans of the proposed development, accompanying the development application (DA).

3.2 Site Waste Minimisation and Management Plans (SWMMP)

A Site Waste Minimisation and Management Plan (SWMMP) outlines measures to minimise and manage waste generated during:

- Demolition;
- Construction; and
- ongoing use of the site/premises.

In doing so, the SWMMP nominates:

- volume and type of waste and recyclables to be generated;
- storage and treatment of waste and recyclables on site;
- disposal of residual waste and recyclables; and
- operational procedures for ongoing waste management once the development is complete.

The SWMMP highlights the method of recycling or disposal and the waste management service provider.

Appendix A provides a template for the compilation of a SWMMP.

3.3 Submission of a SWMMP

3.3.1 Development Generally

A SWMMP must be submitted for all types of development including demolition, construction and ongoing use of the site/premises; including local development, integrated development and state significant/major project development (as defined by the *Environmental Planning and Assessment Act and Amendments*). More details are required in SWMMPs for larger and more complex developments. The amount of supporting information and diagrams also increases.

Where a DA is required, with or without the need for a Construction Certificate (CC), a SWMMP must be submitted at development application stage. Where only a CC is required, a SWMMP shall be submitted at the construction certificate stage. Maximum waste minimisation and management benefits are achieved when the

SWWP is considered from the earliest stages of the development.

It is for this reason that a SWMMP is required with the earliest approval application.

3.3.2 Complying Development

A Site Waste Minimisation and Management Plan (SWMMP) is required for development identified as Complying Development in accordance with *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Site waste minimisation and management must be carried out in accordance with an approved SWMMP, and dockets retained on site to show where any construction, demolition and ongoing waste has been transported.

3.3.3 Exempt Development

A SWMMP is not required in association with Exempt Development.

It is noted that *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* will make most demolition exempt development. However, a person carrying out exempt development should seek to minimise the generation of waste in the construction and operation of any such use or activity and deal with any waste generated in accordance with the objectives herein.

3.4 Waste/Recycling Generation Rates

In the absence of project specific calculations, the rates specified in **Appendix B Waste/Recycling Generation Rates** and Council's current rate of provision of services to residential properties can be used to inform the compilation of a SWMMP.

4.0 Development Requirements – All Development

4.1 Demolition of Buildings or Structures

4.1.1 General

The demolition stage provides great scope for waste minimisation. Proponents are actively encouraged to consider possible adaptive reuse opportunities of existing buildings/structures, reuse of materials or parts thereof.

4.1.2 Aim

The principal aim of managing this activity is to maximise resource recovery and minimise residual waste from demolition activities.

4.1.3 Desired Outcomes

DO1 - Adaptive reuse opportunities of existing building/structures are optimised.

DO2 - Reuse and recycling of materials is maximised.

DO3 - Waste generation is minimised.

DO4 - Storage and collection of waste is appropriate to the scale and nature of the use.

DO5 - The environmental impacts associated with waste management are minimised.

DO6 - Illegal dumping is avoided.

DO7 - Improved project management is promoted.

4.1.4 Development Requirements

a) A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the demolition application, addressing the following:

(i) Adaptive reuse opportunities of buildings/structures are to be pursued.
(ii) All waste likely to result from the demolition, and opportunities for reuse of materials is to be identified in the SWMMP. Refer to **Figure B16-1** below.
(iii) Facilitate reuse/recycling by using the process of 'deconstruction', where various materials are carefully dismantled and sorted.
(iv) Reuse or recycle salvaged materials onsite where possible.
(v) Allocate an area for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation, and access and handling requirements).
(vi) Provide separate collection bins or areas for the storage of residual waste.
(vii) Clearly 'signpost' the purpose and content of the bins and storage areas.
(viii) Implement measures to prevent damage by the elements, odour and health risks, and windborne litter.
(ix) Minimise site disturbance, limiting unnecessary excavation.

b) When implementing the SWMMP the applicant/developer must ensure:

(i) Footpaths, public reserves, street gutters are not used as places to store demolition waste or materials of any kind without Council approval.
(ii) Any material moved offsite is transported in accordance with the requirements of the *Protection of the Environment Operations Act (1997).*
(iii) Waste is only transported to a place that can lawfully be used as a waste facility.
(iv) Generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW.
(v) All **records** demonstrating lawful disposal of waste (ie weighbridge dockets and invoices for waste disposal or recycling services) are retained and made readily accessible for inspection by regulatory authorities such as Council, DECCW or WorkCover NSW.

Note: Materials that have an existing reuse or recycling market should not be disposed of in a landfill. **Figure B16-1** provides a list of some potential

reuse/recycling options. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams.

Table B16-1: Examples of demolition materials and potential reuse/recycling opportunities (based on the *Combined Sydney Regional Organisation of Councils Model DCP 1997*)

Material	Reuse/ recycling Potential
Concrete	Reused for filling, levelling or road base
Bricks and Pavers	Can be cleaned for reuse or rendered over or crushed for use in landscaping and driveways
Roof Tiles	Can be cleaned and reused or crushed for use in landscaping and driveways
Untreated Timber	Reused as floorboards, fencing, furniture, mulched or sent to second hand timber suppliers
Treated Timber	Reused as formwork, bridging, blocking and propping, or sent to second hand timber suppliers
Doors, Windows, Fittings	Sent to second hand suppliers
Glass	Reused as glazing or aggregate for concrete production
Metals (fittings, appliances and wiring)	Removal for recycling
Synthetic Rubber (carpet underlay)	Reprocessed for use in safety devices and speed humps
Significant Trees	Relocated either onsite or offsite
Overburden	Power screened and used as topsoil
Garden Waste	Mulched, composted
Carpet	Can be sent to recyclers or reused in landscaping
Plasterboard	Removal for recycling, return to supplier

4.2 Construction of Buildings or Structures

4.2.1 General

Attention to design, estimating of materials and waste sensitive construction techniques and management practices can achieve significant rewards in managing waste.

4.2.2 Aim

The principal aim of managing this activity is to maximise resource recovery and minimise residual waste from construction activities.

4.2.3 Desired Outcomes

DO1 - Reuse and recycling of materials is maximised.

DO2 - Waste generation is minimised.

DO3 - Appropriate collection and storage of waste will be undertaken.

DO4 - The environmental impacts associated with waste management are minimised.

DO5 - Illegal dumping will be avoided.

DO6 - Improved project management is promoted.

DO7 - Adaptive reuse opportunities of existing building/structures is optimised.

4.2.4 Development Requirements

a) A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the application, addressing the following:

   (i) Estimate volumes of materials to be used and incorporate these volumes into a purchasing policy so that the correct quantities are purchased. For small-scale building projects see the rates in **Appendix B Waste/Recycling Generation Rates** for a guide.
   (ii) Identify potential reuse/recycling opportunities of excess construction materials.
   (iii) Incorporate the use of prefabricated components and recycled materials.
   (iv) Arrange for the delivery of materials so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage.
   (v) Consider organising to return excess materials to the supplier or manufacturer.
   (vi) Allocate an area for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation).

b) During construction, the following measures are to be employed:

   (i) Comply with the details of the approved Waste Minimisation and Management Plan (SWMMP).
   (ii) Arrange contractors for the transport, processing and disposal of waste and recycling. Ensure that all contractors are aware of the legal requirements for disposing of waste.
   (iii) Promote separate collection bins or areas for the storage of residual waste.
   (iv) Clearly 'signpost' the purpose and content of the bins and storage areas.
   (v) Implement measures to prevent damage by the elements, odour and health risks, and windborne litter.
   (vi) Minimise site disturbance and limit unnecessary excavation.
   (vii) Ensure that all waste is transported to a place that can lawfully be used as a waste facility.
   (viii) All **records** demonstrating lawful disposal of waste (ie weighbridge dockets and invoices for waste disposal or recycling services) are retained and made readily accessible for inspection by regulatory authorities such as council, DECCW or WorkCover NSW.

Note - The type of construction determines whether a development application, construction certificate or complying development statement is required. In all cases a SWMMP must be completed. Maximum waste minimisation and management benefits are achieved when the SWMMP is considered from the earliest stages of the development.

5.0 Development Requirements – Development Specific

Note – No specific requirements for ongoing waste disposal arrangements for dwelling houses and other small scale residential developments are provided as it is considered that the yellow, red and green bin system satisfies the objectives of this chapter.

5.1 Higher Density Residential (Town Houses, Apartments and Villas)

5.1.1 General

The design of waste and recycling storage areas within the unit and property affects ease of use, amenity, movement and handling of waste for the life of the development. Multiple households within the property increase challenges with regard to waste volumes, ease of access and operation of waste sorting and removal systems. Resources such as the *Better Practice Guide for Waste Management in Multi-Unit Dwellings* should be used to inform design of multi-unit dwellings.

5.1.2 Aim

To encourage source separation of waste, reuse, and recycling by ensuring appropriate storage and collection facilities for waste, and quality design of waste facilities.

5.1.3 Desired Outcomes

DO1 - Appropriate waste storage and collection facilities are provided and maintained.

DO2 - Source separation and recovery of recyclables is maximised.

DO3 - Waste management systems are as intuitive for occupants as possible and are readily accessible.

DO4 - Resourcing of waste management systems, including servicing, is appropriate to the type and scale of the use.

DO5 - Risk to health and safety associated with handling and disposal of waste and recycled material is minimised, and optimum hygiene is provided for.

DO6 - Adverse environmental impacts associated with waste management will be minimised.

DO7 - Illegal dumping is discouraged by providing on site storage and removal services.

5.1.4 Development Requirements

a) A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the development application.

Plans

b) Plans submitted with a development application must show:

(i) For all multi dwelling housing and seniors housing:

- The location of individual waste/recycling storage areas (such as for townhouses and villas) or a communal waste/recycling storage room(s) able to accommodate Council's waste, recycling and garden waste bins;
- An identified location for individual compost containers or communal compost container;
- An identified collection point for the collection and emptying of Council's waste, recycling and garden waste bins;
- The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area); and
- The on-site path of travel for collection vehicles (if collection is to occur on-site), taking into account accessibility, width, height and grade.

(ii) For all residential flat buildings and serviced apartments with 3 or more storeys:

- All of the controls listed in item (i) above;
- The location of an indoor waste/recycling cupboard (or other appropriate storage space) for each dwelling;
- The location of any garbage chute(s) and interim storage facilities for recyclable materials;
- The location of any service rooms (for accessing a garbage chute) on each floor of the building; and
- The location of any waste compaction equipment.

c) Systems should be designed to maximise source separation and recovery of recyclables.

d) Waste management systems should be designed and operated to prevent the potential risk or injury or illness associated with the collection, storage and disposal of wastes.

Minimum Collection and Storage Facilities

e) The following minimum collection and storage facilities shall be provided:

(i) For all **multi dwelling housing** and **seniors housing**:

- Multi-unit housing in the form of townhouses and villas must include either individual waste/recycling storage areas for each dwelling or a communal facility in the form of a waste/recycling storage room (or rooms) designed in accordance with **Appendix D Waste Recycling/Storage Rooms in Multi-Unit Dwellings** and the *Better Practice Guide for Waste Management in Multi-Unit Dwellings*; and
- Space must be provided for an individual compost container for each dwelling (such as in townhouse and villa developments) or for a communal compost container; the siting of which will have regard to potential amenity impacts;
- The waste/recycling storage area(s) or room(s) must be of a size that can comfortably accommodate separate garbage, recycling and garden waste containers at the rate of Council provision.

(ii) For all **residential flat buildings** and **serviced apartments** with **3 or more storeys**:

- Each dwelling unit should be provided with an indoor waste/recycling cupboard (or other appropriate storage space) for the interim storage of a minimum one day's garbage and recycling generation;
- Residential flat buildings must include communal waste/recycling storage facilities in the form of a waste/recycling storage room (or rooms) designed in accordance with **Appendix D Waste Recycling/Storage Rooms in Multi-Unit Dwellings** and the *Better Practice Guide for Waste Management in Multi-Unit Dwellings;*
- The waste/recycling storage area(s) or room(s) must be of a size that can comfortably accommodate separate garbage, recycling and garden waste containers at the rate of Council provision; and
- For multi-storey developments that include ten or more dwellings, a dedicated room or caged area must be provided for the temporary storage of discarded bulky items which are awaiting removal. The storage area must be readily accessible to all residents and must be located close to the main waste storage room or area.

Location and Design Criteria for Collection and Storage facilities

f) The following location and design criteria shall apply to collection and storage facilities:

(i) In townhouse and villa developments with individual waste/recycling storage areas, such areas should be located and designed in a manner which reduces adverse impacts upon neighbouring properties and upon the appearance of the premises.

(ii) There must be an unobstructed and Continuous Accessible Path of Travel (as per *Australian Standard 1428 Design for Access and Mobility - 2001*) from the waste/recycling storage area(s) or room(s) to:

- the entry to any Adaptable Housing (as per *Australian Standard 4299 Adaptable Housing - 1995*);
- the principal entrance to each residential flat building; and
- the point at which bins are collected/emptied.

Note - In instances where a proposal does not comply with these requirements, Council will consider alternative proposals that seek to achieve a reasonable level of access to waste/recycling storage area(s) or room(s).

(iii) Communal waste storage areas should have adequate space to accommodate and manoeuvre Council's required number of waste and recycling containers.

(iv) Each service room and storage area must be located for convenient access by users and must be well ventilated and well lit.

(v) Where site characteristics, number of bins and length of street frontage allow, bins may be collected from a kerbside location. In instances where kerbside bin collection is not appropriate, bins must

be collected onsite. Bins that are collected onsite are to be collected either from their usual storage point or from an onsite temporary holding area located inside the property boundary and close to a property entrance.

(vi) Where bins cannot be collected from a kerbside location or from a temporary holding area located immediately inside the property boundary, the development must be designed to allow for on-site access by garbage collection vehicles (of dimensions detailed at **Appendix E Garbage Truck Dimensions for Residential Waste Collection**). In these instances, the site must be configured so as to allow collection vehicles to enter and exit the site in a forward direction and so that collection vehicles do not impede general access to, from or within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles.

Note - As a minimum requirement for collection vehicle access, Council will require indemnity against claims for loss or damage to the pavement or other driving surface. Council may also require indemnity against liabilities, losses, damages and any other demands arising from any on-site collection service. In all cases, a hazard assessment will need to be conducted prior to Council agreeing to undertake the service.

(vii) Should a collection vehicle be required to enter a property, access driveways and internal roads must be designed in accordance with *Australian Standard 2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities – 2002*.

(viii) If Council waste collectors and/or waste collection vehicles are required to enter a site for the purpose of emptying bins, then site specific arrangements must be in place.

(ix) If bins need to be moved from normal storage areas to a different location for collection purposes, it is the responsibility of agents of the owners' corporation to move the bins to the collection point no earlier than the evening before collection day and to then return the bins to their storage areas no later than the evening of collection day. Bins are to remain in their on-site storage areas at all other times.

(x) Residents should have access to a cold water supply for the cleaning of bins and the waste storage areas. Storage areas should be constructed and designed to be weather proof and easy to clean, with wastewater discharged to sewer.

(xi) The design and location of waste storage areas/facilities should be such that they compliment the design of both the development and the surrounding streetscape.

(xii) Developments containing four or more storeys should be provided with a suitable system for the transportation of waste and recyclables from each storey to waste storage/collection areas.

(xiii) Garbage chutes must be designed in accordance with **Appendix F Garbage Chutes**, the *Building Code of Australia* and *Better Practice Guide for Waste Management in Multi-Unit Dwellings*. Garbage

chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use. Alternative interim disposal facilities for recyclables should be provided at each point of access to the garbage chute system.

Management Responsibilities

g) The following management responsibilities shall be addressed:

(i) Agents of the owners' corporation must take responsibility for the management of waste and recyclable materials generated upon the site. Arrangements must be in place in regards to the management, maintenance and cleaning of all waste/recycling management facilities.

(ii) All **records** demonstrating lawful disposal of waste (ie contracts, weighbridge dockets and invoices for waste disposal or recycling services) are to be retained by the owners/owner's corporation. These **records** are to be made readily accessible for inspection by regulatory authorities such as council, DECCW or WorkCover NSW.

5.2 Commercial/Hospitality/Educational/Entertainment Type Uses

5.2.1 General

A range of non-residential uses present an array of unique waste minimisation opportunities and management requirements. Flexibility in size and layout is often required to cater for the different needs of multiple tenants as well as future changes in use.

Examples of uses covered in this section include: Shops, Offices, Food Premises, Hotels, Motels, Registered Clubs, Education Establishments, Entertainment Facilities and Hospitals.

Note - Storage and disposal of liquid waste, such as oils and chemicals, are not covered by this Site Waste Minimisation and Management chapter.

5.2.2 Aim

To ensure new developments and changes to existing developments are designed to maximise resource recovery (through waste avoidance, source separation and recycling); and to ensure appropriate well-designed storage and collection facilities are accessible to occupants and service providers.

5.2.3 Desired Outcomes

DO1 - Appropriate and adequate waste storage and collection facilities are provided.

DO2 - Source separation and recovery of recyclables is maximised.

DO3 - Waste management systems are as intuitive for occupants as possible and readily accessible to occupants and service providers.

DO4 - Resourcing of waste management systems, including servicing, is appropriate to the scale and nature of the use.

DO5 - Risk to health and safety associated with handling and disposal of waste and recycled material is minimised and optimum hygiene is provided for.

DO6 - Adverse environmental impacts associated with waste management are minimised.

DO7 - Illegal dumping is discouraged by providing on site storage and removal services.

5.2.4 Development Requirements

a) A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the application.

Note - The nature of the development or change in use will determine whether a development application or construction certificate is required. In all cases a SWMMP must be completed. Maximum waste minimisation and management benefits are achieved when the SWMMP is considered from the earliest stages of the development.

Plans

b) Plans submitted with the SWMMP must show:

(i) The location of the designated waste and recycling storage room(s) or areas, sized to meet the waste and recycling needs of all tenants.
(ii) The location of temporary waste and recycling storage areas within each tenancy. These are to be of sufficient size to store a minimum of one day's worth of waste.
(iii) An identified collection point for the collection and emptying of waste, recycling and garden waste bins.
(iv) The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area).
(v) The on-site path of travel for collection vehicles (if collection is to occur on-site).

c) There must be convenient access from each tenancy to the waste/recycling storage room(s) or area(s). There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage room(s) or area(s).

d) Every development must include a designated waste/recycling storage area or room(s) (designed in accordance with **Appendix G Commercial/Industrial Waste and Recycling Storage Areas**).

e) Depending upon the size and type of the development, it may be necessary to include a separate waste/recycling storage room/area for each tenancy.

f) All commercial tenants must keep **records** and/or written evidence on site of a valid contract with a licensed waste contractor for the regular collection and disposal of the waste and recyclables that are generated on site. These records are to demonstrate that separated waste streams are being disposed of to corresponding facilities (eg general waste goes to landfill, whereas recyclable waste is directed to an alternative waste

recycling centre). These **records** are to be made readily accessible for inspection by regulatory authorities such as Council, DECCW or WorkCover NSW.

g) Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s).

h) Arrangements must be in all parts of the development for the separation of recyclable materials from general waste. Arrangements must be in all parts of the development for the movement of recyclable materials and general waste to the main waste/recycling storage room/area. For multiple storey buildings, this might involve the use of a goods lift.

i) The waste/recycling storage room/area must be able to accommodate bins that are of sufficient volume to contain the quantity of waste generated (at the rate described in **Appendix B Waste/Recycling Generation Rates**) between collections.

j) The waste/recycling storage room/area must provide separate containers for the separation of recyclable materials from general waste. Standard and consistent signage on how to use the waste management facilities should be clearly displayed.

k) The type and volume of containers used to hold waste and recyclable materials must be compatible with the collection practices of the nominated waste contractor.

l) Waste management facilities must be suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system.

m) Where possible, waste/recycling containers should be collected from a rear lane access point. Consideration should be given to the time of day at which containers are collected so as to minimise adverse impacts upon residential amenity, pedestrian movements and vehicle movements.

n) The size and layout of the waste/recycling storage room/area must be capable of accommodating reasonable future changes in use of the development.

o) Premises that discharge trade wastewater must do so only in accordance with the conditions of a Liquid Trade Waste Approval issued in accordance with Section 68 of the *Local Government Act 1993*.

p) Premises which generate at least 50 litres per day of meat, seafood or poultry waste must have that waste collected on a daily basis or must store that waste in a dedicated and refrigerated waste storage area until collection.

q) Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities. Tenants and cleaners must be aware of their obligations in regards to these matters.

r) Any garbage chutes must be designed in accordance with the requirements of **Appendix F Garbage Chutes**, the *Building Code of*

Australia and *Better Practice Guide for Waste Management in Multi-Unit Dwellings*. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.

5.3 Mixed Use Developments (Residential/ Non-Residential)

5.3.1 General

Where residential and commercial land uses occur within the one building or development waste management will necessitate a balancing of variable demands, including preservation of residential amenity.

5.3.2 Aim

To ensure new developments and changes to existing development are designed to maximise resource recovery (through waste avoidance, source separation and recycling) and to ensure appropriate, well-designed storage and collection facilities are accessible to occupants and service providers.

5.3.3 Desired Outcomes

DO1 - Appropriate waste storage and collection facilities are provided.

DO2 - Source separation and recovery of recyclables is maximised.

DO3 - Waste management facilities are safely and easily accessible to occupants and service providers.

DO4 - Appropriate resourcing of waste management systems, including servicing, is undertaken.

DO5 - Risk to health and safety associated with handling and disposal of waste and recycled material is minimised and optimum hygiene is provided for.

DO6 - Adverse environmental impacts associated with waste management are minimised.

DO7 - Illegal dumping is discouraged by providing on site storage and removal services.

5.3.4 Development Requirements

a) A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the application.

b) The development requirements contained within Section 4.2.4 Multi-Unit Dwellings apply to the residential component of mixed-use development.

c) The development requirements contained within Section 4.3.4 Commercial Developments apply to the non-residential component of mixed-use development.

d) Mixed Use development must incorporate separate and self-contained waste management systems for the residential component and the non-residential component. In particular, the development must incorporate

separate waste/recycling storage rooms/areas for the residential and non-residential components. Commercial tenants must be prevented (via signage and other means), from using the residential waste/recycling bins and vice versa.

e) The residential waste management system and the non-residential waste management system must be designed so that they can efficiently operate without conflict. Conflict may potentially occur between residential and non-residential storage, collection and removal systems, and between these systems and the surrounding land uses. For example, collection vehicles disrupting peak residential and commercial traffic flows or causing noise issues when residents are sleeping.

f) All **records** demonstrating lawful disposal of waste (ie contracts, weighbridge dockets and invoices for waste disposal or recycling services) are to be retained by the owners/owner's corporation.

(i) Separate records are to be retained for the residential component of the development.
(ii) Separate records must be retained for the non-residential component.
(iii) These **records** are to be made readily accessible for inspection by regulatory authorities such as council, DECCW or WorkCover NSW.

5.4 Industrial

5.4.1 General

Industrial developments typically produce a diverse range of waste products. Some of these waste products may be hazardous and require compliance with established laws/protocols that are additional to this chapter. Other waste products are similar in nature to commercial and domestic waste streams. Mixing waste products limits potential reuse and recycling opportunities and may distribute toxic material through a larger volume of wastes.

5.4.2 Aim

To ensure new developments and changes to existing developments are designed to maximise resource recovery (through waste avoidance, source separation and recycling) and to ensure appropriate, well-designed storage and collection facilities are accessible to occupants and service providers.

5.4.3 Desired Outcomes

DO1 - Appropriate waste storage and collection facilities are provided.

DO2 - Source separation and recovery of recyclables is maximised.

DO3 - Waste management facilities are as intuitive for occupants as possible and readily accessible to occupants and service providers.

DO4 - Appropriate resourcing of waste management systems, including servicing, is provided.

DO5 - Risk to health and safety associated with handling and disposal of waste and recycled material is minimised and optimum hygiene is provided for.

DO6 - Adverse environmental impacts associated with waste management is minimised.

DO7 - Illegal dumping is discouraged by providing on site storage, and removal services.

5.4.4 Development Requirements

a) A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the application.

b) Plans submitted with the SWMMP must show:

(i) The location of designated waste and recycling storage room(s) or areas sized to meet the waste and recycling needs of all tenants. Waste should be separated into at least 4 streams, paper/cardboard, recyclables, general waste, industrial process type wastes.

(ii) The on-site path of travel for collection vehicles.

c) Evidence of compliance with any specific industrial waste laws/protocols must accompany the application. For example, those related to production, storage and disposal of industrial and hazardous wastes as defined by the *Protection of the Environment Operations Act 1997*.

d) There must be convenient access from each tenancy and/or larger waste producing area of the development to the waste/recycling storage room(s) or area(s). There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage room(s) or area(s).

e) Every development must include a designated general waste/recycling storage area or room(s) (designed in accordance with **Appendix G Commercial/Industrial Waste & Recycling Storage Areas**), as well as designated storage areas for industrial waste streams (designed in accordance with specific waste laws/protocols).

f) Depending upon the size and type of the development, it might need to include separate waste/recycling storage room/area for each tenancy and/or larger waste producing areas.

g) All tenants must keep written evidence on site of a valid contract with a licensed waste contractor for the regular collection and disposal of all the waste streams and recyclables which are generated on site.

(i) These records are to demonstrate that separated waste streams are being disposed of to corresponding facilities (eg general waste goes to landfill, whereas recyclable waste is directed to an alternative waste recycling centre).

(ii) The records must be made readily accessible for inspection by regulatory authorities such as Council, DECCW or WorkCover NSW.

h) Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitted lids so the contents are not able to leak or overflow. Bins must be stored in the designated

waste/recycling storage room(s) or area(s).

i) Arrangements must be in place in all parts of the development for the separation of recyclable materials from general waste. Arrangements must be in place in all parts of the development for the movement of recyclable materials and general waste to the main waste/recycling storage room/area.

j) The waste/recycling storage room/areas must be able to accommodate bins that are of sufficient volume to contain the quantity of waste generated between collections.

k) The type and volume of containers used to hold waste and recyclable materials must be compatible with the collection practices of the nominated waste contractor.

l) Waste management storage rooms/areas must be suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system.

m) Premises that discharge trade wastewater must do so only in accordance with a written agreement from the local sewer authority.

n) Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities. Tenants and cleaners must be aware of their obligations in regards to these matters.

o) Production, storage and disposal of hazardous wastes (such as contaminated or toxic material or products) require particular attention. The appropriate laws and protocols should be observed.

Chapter B16 – Waste Minimisation and Prevention

APPENDICES

Appendix A: Site Waste Minimisation and Management Plan Template

Applicant and Project Details (All Developments)	
Applicant Details	
Application No.	
Name	
Address	
Phone number(s)	
Email	
Project Details	
Address of development	
Existing buildings and other structures currently on the site	
Description of proposed development	
This development achieves the waste objectives set out in the DCP2013 Chapter B16. The details on this form are the provisions and intentions for minimising waste relating to this project. All records demonstrating lawful disposal of waste will be retained and kept readily accessible for inspection by regulatory authorities such as council, DECC or WorkCover NSW.	
Name	
Signature	
Date	

Demolition (All Types of Developments)

Address of development: _____

	Reuse	Recycling	Disposal	
Type of waste generated	**Estimate Volume (m^3) or Weight (t)**	**Estimate Volume (m^3) or Weight (t)**	**Estimate Volume (m^3) or Weight (t)**	**Specify method of on site reuse, contractor and recycling outlet and /or waste depot to be used**
Excavation material				
Timber (specify)				
Concrete				
Bricks/pavers				
Tiles				
Metal (specify)				
Glass				
Furniture				
Fixtures and fittings				
Floor coverings				
Packaging (used pallets, pallet wrap)				
Garden organics				
Containers (cans, plastic, glass)				
Paper/cardboard				
Residual waste				
Hazardous/special waste e.g. asbestos (specify)				
Other (specify)				

Construction (All Types of Developments)

Address of development:_____

	Reuse	Recycling	Disposal	
Type of waste generated	**Estimate Volume (m^3) or Weight (t)**	**Estimate Volume (m^3) or Weight (t)**	**Estimate Volume (m^3) or Weight (t)**	**Specify method of on site reuse, contractor and recycling outlet and/or waste depot to be used**
Excavation material				
Timber (specify)				
Concrete				
Bricks				
Tiles				
Metal (specify)				
Glass				
Plasterboard (offcuts)				
Fixtures and fittings				
Floor coverings				
Packaging (used pallets, pallet wrap)				
Garden organics				
Containers (cans, plastic, glass)				
Paper/cardboard				
Residual waste				
Hazardous/special waste (specify)				

Ongoing Operation (Residential, Multi Unit, Commercial, Mixed Use and Industrial)

Address of development:_____

Show the total volume of waste expected to be generated by the development and the associated waste storage requirements.

	Recyclables		Compostables	Residual waste*	Other
	Paper/ cardboard	Metals/ plastics/glass			
Amount generated (L per unit per day)					
Amount generated (L per development per week)					
Any reduction due to compacting equipment					
Frequency of collections (per week)					
Number and size of storage bins required					
Floor area required for storage bins (m^2)					
Floor area required for manoeuvrability (m^2)					
Height required for manoeuvrability (m)					

* Current "non-recyclables" waste generation rates typically include food waste that might be further separated for composting.

Construction Design (All Types of Developments)
Outline how measures for waste avoidance have been incorporated into the design, material purchasing and construction techniques of the development:
Materials
Lifecycle
Detail the arrangements that would be appropriate for the ongoing use of waste facilities as provided in the development. Identify each stage of waste transfer between residents' units/commercial tenancies and loading into the collection vehicle, detailing the responsibility for and location and frequency of, transfer and collection.

Plans and Drawings (All Developments)

The following checklists are designed to help ensure SWMMPs are accompanied by sufficient information to allow assessment of the application.

Drawings are to be submitted to scale, clearly indicating the location of and provisions for the storage and collection of waste and recyclables during:

- demolition
- construction
- ongoing operation.

Demolition

Do the site plans detail/indicate:

	Tick Yes
Size and location(s) of waste storage area(s)	
Access for waste collection vehicles	
Areas to be excavated	
Types and numbers of storage bins likely to be required	
Signage required to facilitate correct use of storage facilities	

Construction

Do the site plans detail/indicate:

	Tick Yes
Size and location(s) of waste storage area(s)	
Access for waste collection vehicles	
Areas to be excavated	
Types and numbers of storage bins likely to be required	
Signage required to facilitate correct use of storage facilities	

Ongoing Operation

Do the site plans detail/indicate:

	Tick Yes
Space	
Size and location(s) of waste storage areas	
Recycling bins placed next to residual waste bins	
Space provided for access to and the manoeuvring of bins/equipment	
Any additional facilities	
Access	
Access route(s) to deposit waste in storage room/area	
Access route(s) to collect waste from storage room/area	
Bin carting grade	
Location of final collection point	
Clearance, geometric design and strength of internal access driveways and roads	
Direction of traffic flow for internal access driveways and roads	
Amenity	
Aesthetic design of waste storage areas	
Signage – type and location	
Construction details of storage rooms/areas (including floor, walls, doors, ceiling design, sewer connection, lighting, ventilation, security, wash down provisions etc)	

Appendix B: Waste/Recycling Generation Rates

Construction Waste

'Rule of Thumb' for renovations and small home building

- Timber 5-7% of material ordered
- Plasterboard 5-20% of material ordered
- Concrete 3-5% of material ordered
- Bricks 5-10% of material ordered
- Tiles 2-5% of material ordered

Source*: Waste Planning Guide for Development Application, Inner Sydney Waste Board, 1998*

Ongoing Operation

Premises type	Waste generation	Recyclable material generation
Backpackers' Hostel	40L/occupant space/week	20L/occupant space/week
Boarding House, Guest House	60L/occupant space/week	20L/occupant space/week
Food premises: Butcher Delicatessen Fish Shop Greengrocer Restaurant, Café Supermarket Takeaway food shop	80L/100m^2 floor area/day 80L/100m^2 floor area/day 80L/100m^2 floor area/day 240L/100m^2 floor area/day 10L/1.5m^2 floor area/day 240L/100m^2 floor area/day 80L/100m^2 floor area/day	Variable Variable Variable 120L/100m^2 floor area/day 2L/1.5m^2 floor area/day 240L/100m^2 floor area/day Variable
Hairdresser, Beauty Salon	60L/100m^2 floor area/week	Variable
Hotel, Licensed Club, Motel	5L/bed space/day 50L/100m^2 bar area/day 10L/1.5m^2 dining area/day	1L/bed space/day 50L/100m^2 bar area/day 50L/100m^2 dining area/day
Offices	10L/100m^2 floor area/day	10L/100m^2 floor area/day
Shop less than 100m^2 floor area Shop greater than 100m^2 floor area	50L/100m^2 floor area/day 50L/100m^2 floor area/day	25L/100m^2 floor area/day 50L/100m^2 floor area/day
Showroom	40L/100m^2 floor area/day	10L/100m^2 floor area/day
Multi-Unit Dwellings[1]	80L/unit/week	40L/unit/week

Sources: Adapted from *Waverley Council Code for the Storage and Handling of Waste*.
[1] Appendix A, *Better Practice Guide For Waste Management In Multi-Unit Dwellings 2007*

Appendix C: Indicative Bin Sizes

Bin type	Height	Depth	Width
80 Litre Bin	870mm	530mm	450mm
120 Litre Bin	940mm	560mm	485mm
140 Litre Bin	1065mm	540mm	500mm
240 Litre Bin	1080mm	735mm	580mm

These dimensions are only a guide and differ slightly according to manufacturer, if bins have flat or dome lids and are used with different lifting devices.

Appendix D: Waste Recycling/Storage Rooms in Multi-Unit Dwellings

Building Code of Australia

Waste/recycling storage rooms must be constructed in accordance with the requirements of the *Building Code of Australia (BCA)*.

Location and Appearance

- Waste/recycling storage rooms must be integrated into the design of the overall development. It is preferable that such rooms be located behind the front building line. Wherever possible, the room should be in a basement location within the main building envelope (rather than a separate stand-alone structure). Materials and finishes visible from outside should be similar in style and quality to the external materials used in the rest of the development.
- Waste/recycling storage rooms must be located and designed in a manner that reduces adverse impacts upon the inhabitants of any dwellings on the site and upon neighbouring properties. The location and design of the room should minimise adverse impacts associated with:
  - the proximity of the room to any dwellings
  - the visibility of the room
  - noise generated by any equipment located within the room
  - noise generated by the movement of bins into and out of the room
  - noise generated by collection vehicles accessing the site; and
  - odours emanating from the room.

Size

- Waste/recycling storage rooms must be of adequate size to comfortably accommodate all waste and recycling bins associated with the development.

Layout

The gradient of waste/recycling storage room floors and the gradient of any associated access ramps must be sufficiently level so that access for the purpose of emptying containers can occur in accordance with WorkCover NSW Occupational Health and Safety requirements.

Within waste/recycling storage rooms, containers used for the storage of recyclable materials should be kept separate from (but close to) general waste containers — so that the potential for contamination of recyclable materials is minimised.

Appendix E: Garbage Truck Dimensions for Residential Waste Collection

This page includes information regarding the dimensions of garbage trucks that are typically used for the collection of residential waste. Developments that require Council garbage trucks to enter the site for the collection of residential waste must be designed to accommodate on-site truck movement.

Requirements regarding vehicle turning circles and driveway width/gradient are contained in *Australian Standard 2890.2 2002/Planning Facilities — Off Street Commercial Vehicles*.

It is recommended that an applicant speak with Council's Waste Services Coordinator in regards to the design of development proposals that involve garbage trucks entering the site. Services will not be provided where there are undue risks.

Typical Council Garbage Truck used for Domestic Waste Collection	
Length overall	8.0 metres
Width overall	2.5 metres
Operational height	4.3 metres
Travel height	4.3 metres
Weight (vehicle and load)	22.5 tonnes
Weight (vehicle only)	13 tonnes
Turning Circle	25.0 metres

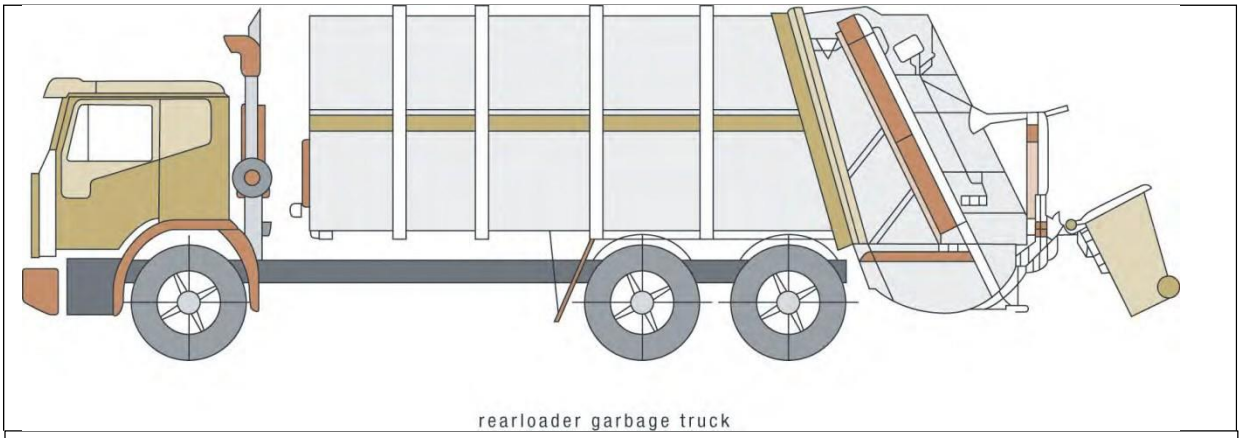


Figure B16-1: Example of a Garbage Truck

Appendix F: Garbage Chutes

Garbage chute design

- Garbage chutes must be constructed in accordance with the requirements of the *Building Code of Australia (BCA).*
- Garbage chutes must be located and insulated in a manner that reduces noise impacts.
- Chutes, service openings and charging devices must be constructed of material (such as metal) that is smooth, durable, impervious, non-corrosive and fire resistant.
- Chutes, service openings and charging devices must be capable of being easily cleaned.
- Chutes must be cylindrical and should have a diameter of at least 500mm.
- There must not be any bends (or sections of reduced diameter) in the main shaft of the chute.
- Internal overlaps in the chute must follow the direction of waste flow.
- Chutes must deposit rubbish directly into a bin or compactor located within a waste/recycling storage room.
- A cut-off device must be located at or near the base of the chute so that the bottom of the chute can be closed when the bin or compacting device at the bottom of the chute is withdrawn or being replaced.
- The upper end of a chute should extend above the roofline of the building.
- The upper end of a chute should be weather protected in a manner that doesn't impede the upward movement of air out of the chute.

Garbage chute service room design

- The service opening (for depositing rubbish into the main chute) on each floor of the building must be located in a dedicated service room.
- The charging device for each service opening must be self-closing and must not project into the main chute.
- Branches connecting service openings to the main chute are to be no more than 1m long.
- Each service room must include containers for the storage of recyclable materials. Signage regarding the materials that can be recycled should be displayed near these containers.
- Each service room must be located for convenient access by users and must be well ventilated and well lit.
- The floors, walls and ceilings of service rooms must be finished with smooth, durable materials that are capable of being easily cleaned.
- Service rooms must include signage that clearly describes the types of materials that can be deposited into the garbage chute and the types of materials which should be deposited into recycling bins.

Management

- Garbage chutes are not to be used for the disposal of recyclable materials. Signage to this effect should be displayed near service openings.
- Arrangements must be in place for the regular maintenance and cleaning of garbage chutes and any associated service rooms, service openings and charging devices.
- Arrangements must be in place for the regular transferral of recyclable materials (which are stored in service rooms) to the main waste/recycling storage room.

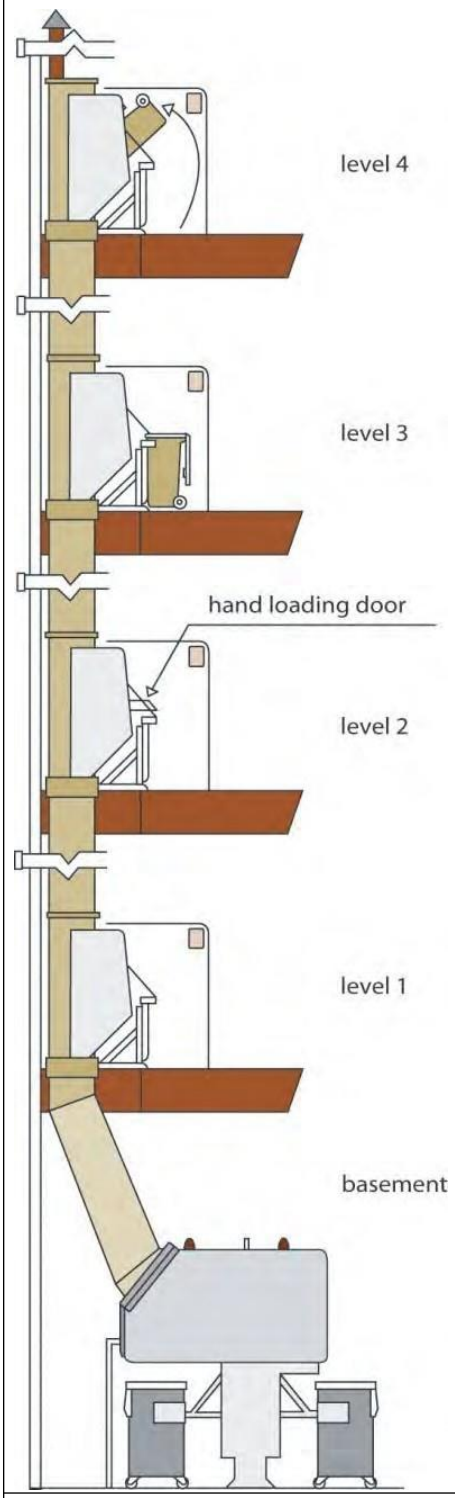


Figure B16-2: Example of a Garbage Chute System

Appendix G: Commercial/Industrial Waste and Recycling Storage Areas

Building Code of Australia

- Waste/recycling storage areas must be constructed in accordance with the requirements of the Building Code of Australia (BCA).

Location and appearance

- Waste/recycling storage areas must be integrated into the design of the overall development. Materials and finishes that are visible from outside should be similar in style and quality to the external materials used in the rest of the development.
- Waste/recycling storage areas must be located and designed in a manner that reduces adverse impacts upon neighbouring properties and the streetscape. The location and design of the areas should minimise adverse impacts associated with:
  - the proximity of the area to dwellings
  - the visibility of the area
  - noise generated by any equipment located within the area
  - noise generated by the movement of bins into and out of the area
  - noise generated by collection vehicles accessing the site; and
  - odours emanating from the area.

Size

- Waste/recycling storage areas must be of adequate size to comfortably accommodate all waste and recycling bins associated with the development.
- Waste/recycling storage areas must be able to accommodate separate general waste bins and recycling bins which are of sufficient volume to contain the quantity of waste generated (at the rate described in **Appendix B**) between collections.

Layout

- The gradient of waste/recycling storage area floors and the gradient of any associated access ramps must be sufficiently level so that access for the purpose of emptying containers can occur in accordance with WorkCover NSW Occupational Health and Safety requirements.
- Within waste/recycling storage areas, containers used for the storage of recyclable materials should be kept separate from (but close to) general waste containers — so that the potential for contamination of recyclable materials is minimised.

Access: waste/recycling collection

- The development must be designed to allow access by collection vehicles used by the nominated waste contractor. Wherever possible, the site must be configured to allow collection vehicles to enter and exit the site in a forward direction and so collection vehicles do not impede general access to, from and within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles.
- Servicing arrangements for the emptying of bins must be compatible with the operation of any other loading/unloading facilities on-site.
- Access for the purpose of emptying waste/recycling storage containers must be able to occur in accordance with WorkCover NSW Occupational Health and Safety requirements.

Access: general

- In commercial development, public buildings and industrial development, there must convenient access from each tenancy to the waste/recycling storage area(s). There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage area(s).
- Arrangements must be in place so that the waste/recycling storage area is not accessible to the general public.
- Vermin must be prevented from entering the waste/recycling storage area.

Surfaces

- Waste/recycling storage areas must have a smooth, durable floor and must be enclosed with durable walls/fences that extend to the height of any containers which are kept within.

Doors/gates

- Doors/gates to waste/recycling storage areas must be durable. There must be a sign adjacent to the door/gate that indicates that the door/gate is to remain closed when not in use. All doors/gates are to be openable from both inside and outside the storage area and must be wide enough to allow for the easy passage of waste/recycling containers.

Services

- Waste/recycling storage areas must be serviced by hot and cold water provided through a centralised mixing valve. The hose cock must be protected from the waste containers and must be located in a position that is easily accessible when the area is filled with waste containers.
- The floor must be graded so that any water is directed to a sewer authority approved drainage connection located upon the site. In the SMA this is Sydney Water.

Signage

- Waste/recycling storage areas must include signage that clearly describes the types of materials that can be deposited into recycling bins and general garbage bins.

Management

- Arrangements must be in place for the regular maintenance and cleaning of waste/recycling storage areas. Waste/recycling containers must only be washed in an area which drains to a sewer authority approved drainage connection. In the SMA this is Sydney Water.
- The *Better Practice Guide for Waste Management in Multi-Unit Dwellings* gives detailed information about waste recycling/storage rooms and facilities. The Guide was substantially reviewed in 2007 and is available on the Department of Environment and Climate Change NSW website (www.environment.nsw.gov.au). Further updates will be published as further information from social research and waste stream audits becomes available.

Chapter B17 – Conflicting Land Use Buffers

1.0 Introduction

1.1 Scope of this Chapter

This Chapter applies to sites located within the nominated buffer distance from the nominated sites listed in the following table. Map depicting the following sites and buffer areas are provided in the Appendices of this Chapter.

Table B17-1: Nominated Sites with Conflicting Land Use Buffers

Subject Site	Property Description	Average Buffer Width
Frederickton Abattoirs	Lot 1713, DP 717943 Parish Yarrabandinni 151 Great North Road, Frederickton	As per plan
Kempsey Timbers Sawmill	Lot 1 DP 878995 Parish Yarravel 116 Armidale Road, Greenhill	As per plan
North Street Sewerage Treatment Works	Lots 5/6, Sec 29A, DP758556 Parish Yarravel North Street, West Kempsey	400m
Stock and Saleyards & Tick Dip Site 1	Lot 1 DP 530690 Parish Yarravel 42 Saleyards Road, West Kempsey	200m
Central Garbage Depot	Lot 7008 DP96356 Parish Beranghi 638 Crescent Head Road, South Kempsey	750m
Churchill Quarry	Lots 186, 187 & 189 DP754400, Lot 1 DP914805 & Lots 14 & 16 DP1157615 Parish Beranghi Crescent Head Road, South Kempsey	250m
Tick Dip Site 2	Lot 18 DP 749161 Parish Yarravel 42 Turners Flat Road, Skillion Flat	200m
Tick Dip Site 3	Lot 29 DP 752419 Parish Kullatine 57 Maineys Road, Turners Flat	200m
Tick Dip Site 4	Lot 119 DP 752406 Parish Burragong Fischers Road, Corangula	200m

Not all offensive or hazardous sites in the Kempsey Shire local government area are mapped. Consequently, this chapter will also apply to any situation where there may be conflict between residences and land uses that are likely to have a negative impact on residences through the emission of noise, odour, dust and other nuisance or pollution conflicts.

1.2 Relationship to Other Chapters of this DCP

The provisions contained in this Chapter override the provisions of any other Chapter of this DCP, to the extent of any inconsistency.

1.3 Definitions

Protected land use is any land use that is likely to have a negative impact on residences through the emission of noise, odour, dust and other nuisance or pollution conflicts. Examples of these types of uses are abattoirs, large sawmills, quarries, stock dip sites and sewerage treatment works.

Nominated Buffers are those buffers identified in the Appendix of this chapter.

2.0 Chapter Objectives

The objectives of this Chapter are:

a) To minimize the potential for conflict between residences and existing protected land uses.

b) To protect the level of operation of existing protected land uses from inappropriate development that would lead to the need to reduce the level of operation of such protected land uses.

3.0 Development Requirements

3.1 Development within Nominated Buffers

Desired Outcomes

DO1 - Dwellings are not sited within nominated buffers unless:

- the dwelling is sited so as to minimise the potential impact of nuisance arising from the protected land use;
- the dwelling has no significant impact on the operation of the land use likely to produce noise, odour, dust, nuisance or pollution conflicts; and
- where required, appropriate measures to reduce any conflict are provided.

DO2 - Non-residential development within buffers is compatible with the operations of the protected land use.

DO3 - Any amendments to Kempsey Local Environmental Plan 2013 do not result in the ability to increase the residential density within nominated buffers.

DO4 - The removal of vegetation within buffer areas is minimized, in order to maximize visual screening of protected land uses.

Note - The use of minimum distances for the buffers means that nuisance emissions from a protected land use will likely occur outside of the buffer and persons residing outside of buffers should not expect nil nuisance from the protected land use.

Development Requirements

Nil.

3.2 Other Protected Land Uses not Specifically Nominated

Desired Outcomes

DO1 - The location and size of any buffers created for protected land uses are based on a reasonable assessment of the impacts of the protected land use on existing and potential residential development.

DO2 - New development within the vicinity of protected land uses, not specifically nominated in this chapter, do not have an adverse impact on the operations of the protected land use.

Development Requirements

a) The location and size of buffers created for an existing protected land use, that encroaches on adjoining lands in different ownership, are to be designed based on consideration of the following matters:

(i) the previous long term use of the site and the potential long term continuation of the land use, development or activity;

(ii) the likely nature of and potential for conflict if dwelling houses are permitted in close proximity to or within the sphere of influence of nuisance emissions from the subject site;

(iii) the burden any such buffer would place on the ability to develop adjoining lands. Particularly their ability to accommodate a single dwelling house outside of the buffer;

(iv) any history of complaints;

(v) the size, scale and nature of the activity;

(vi) whether the existing land use, activity or development is of local, shire, regional or state significance and the impact its closure or cessation might have on employment opportunities and the economy of the Shire or locality;

(vii) the identification of a reasonable buffer distance in terms of the particular nuisance being submitted, for example odour, fumes, noise, dust and so on;

(viii) the extent to which the owners, operators and or managers have endeavoured to reduce emissions from the site and proposed measures to further improve the facility to reduce the impact of nuisance emissions.

Note 1 - The establishment of a buffer will not be accepted as a substitute for proper management, maintenance and continued efforts to minimize any nuisance resulting from the land-use, activity or development.

Note 2 – Section 79C of the *Environmental Planning and Assessment Act 1979* requires consideration of the environmental impacts of development in the assessment of any development application. Environmental impacts include impacts associated with noise, dust, odour and pollutants generated from development.

APPENDICES

Appendix A – Map: Frederickton Abattoir, Great North Road, Frederickton

Figure B17-1: Map – Frederickton Abattoir

Appendix B – Map: Kempsey Timbers Sawmill, Armidale Road, Yarravel

Figure B17-2: Map – Kempsey Timbers Sawmill

Appendix C – Map: North Street Sewerage Treatment Works

Figure B17-3: Map – North Street Sewerage Treatment Works

Appendix D – Map: Stock Saleyards, Kemp Street

Figure B17-4: Map – Stock Saleyards

Appendix E – Map: Tick Dip Site No.1, Kemp Street

Figure B17-5: Map – Tick Dip Site No.1

Appendix F – Map: Central Garbage Depot, Crescent Head Road

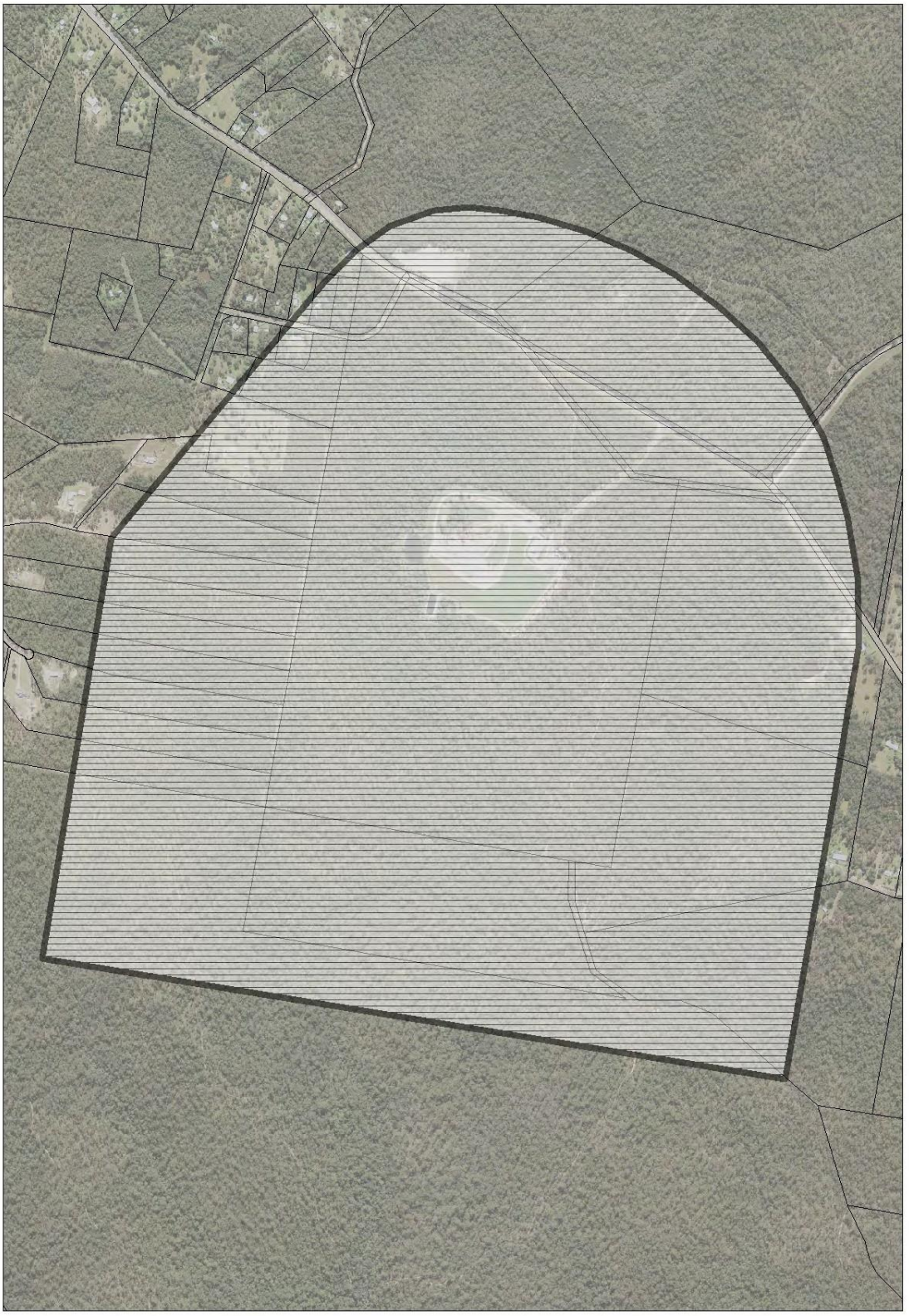


Figure B17-6: Map - Central Garbage Depot

Appendix G – Map: Churchill Quarry, Crescent Head Road

Figure B17-7: Map – Churchill Quarry

Appendix H – Map: Tick Dip Site 2

Figure B17-8: Map – Tick Dip Site No.2

Appendix I – Map: Tick Dip Site 3

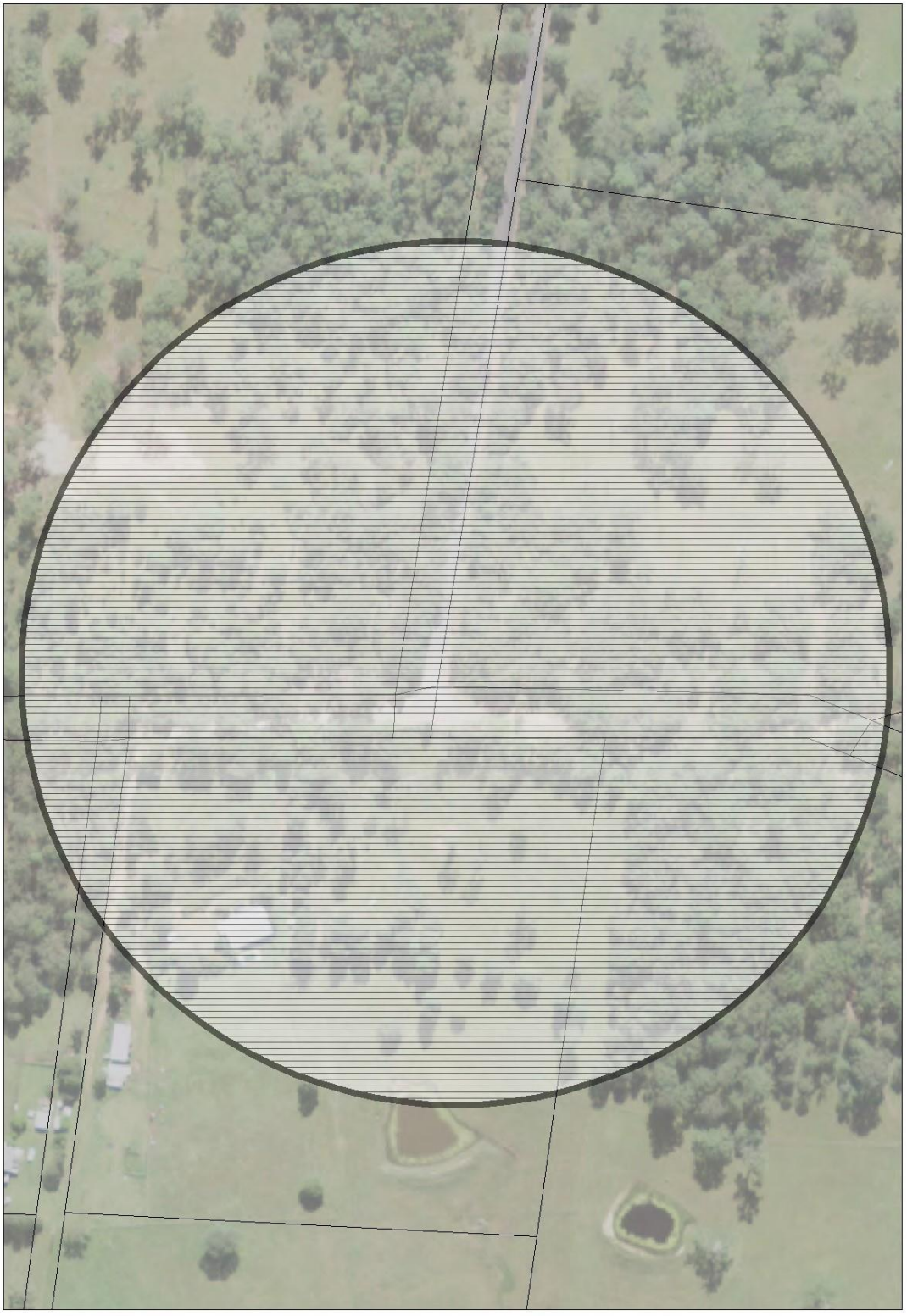


Figure B17-9: Map – Tick Dip Site No.3

Appendix J – Map: Tick Dip Site 4

Figure B17-10: Map – Tick Dip Site No.4

Chapter B18 – Advertising and Tourist Signs

1.0 Introduction

1.1 Scope of this Chapter

This DCP Chapter applies to Advertising and Tourist signs on all land and waters in the Kempsey local government area.

Environmental Planning Instruments provide the assessment level for Advertising Signs.

This chapter provides general requirements specifically for Advertising signs that are permissible with consent (Note - Signs must be visible from a public place to require consent).

1.2 Relationship to Other Chapters of this DCP

The provisions contained in Chapters included in Parts C, D, E and F of this DCP override the provisions of this Chapter to the extent of any inconsistency.

Further controls for signage are found in:

- Chapter B13 – Heritage;
- Chapter C3 – Bed and Breakfast Accommodation;
- Chapter C4 – Tourist Facilities – Rural Areas and Eco-tourist Facilities;
- Chapter D1 – South West Rocks Town Centre; and
- Chapter D3 – South Kempsey Industrial.

1.3 Relationship to Local Controls for Signs

1.3.1 Kempsey LEP 2013

This chapter must be read in conjunction with the *Kempsey Local Environmental Plan 2013* and other regional and state environmental planning instruments applying to the land. Environmental planning instruments (EPI's) prevail over this chapter in respect to any inconsistency.

Kempsey Local Environmental Plan 2013 has no controls for Advertising signs, except for identifying which Advertising signs are exempt development.

1.3.2 Roads Act 1993

Section 138 of the *Roads Act 1993* requires separate Council consent for the erection of a structure or carrying out of works in, on or over a public road. Consequently, where advertising signs are erected on or above a public road, an approval in accordance with s.138 of the *Roads Act 1993* will be required as well as any required development consent. In addition, the concurrence of the Roads and Maritime Services will be required where the structure is to be erected on a classified road.

1.3.3 Relationship to Council Policies

Some issues associated with the design and construction of Advertising and Tourist signs are addressed by Council Policies. A copy of Council Policies is

available on Council's website. The Council Policies applicable to advertising and tourist signs (applicable at the time this DCP was adopted) are:

- Policy No 3.10: Signs Policy; and
  - Procedure No.3.10.1: Tourism, Directional and Commercial Signage (*to be developed*).

1.4 Relationship to SEPP 64 – Advertising and Signage

1.4.1 SEPP 64 Requirements

In accordance with the provisions of State Environmental Planning Policy No. 64 – Advertising and Signage, consent may not be granted for the following types of signs unless a development control plan is in force that has been prepared on the basis of an advertising design analysis or a public art policy, for the relevant area or precinct:

- Advertisements on rural or non-urban land (Clause 15 of SEPP64) – there are alternative provisions in the case of where the DCP isn't prepared in accordance with an advertising design analysis.
- Signage incorporating a display area greater than 45m^2 (Clause 19 of SEPP64)
- Roof or sky advertisement (Clause 21 of SEPP64) – this means that roof and sky signs are effectively prohibited.
- Special promotional advertisement (Clause 25 of SEPP64)
- Building wrap advertisement (Clause 26 of SEPP64)

This Chapter has not been prepared in the basis of an advertising design analysis or a public art policy.

In addition to the requirements of this DCP, advertising signs are to be assessed against the requirements of SEPP 64.

1.4.2 Advertising Signs Prohibited by SEPP 64

SEPP 64 makes Advertising signs Advertised Development where the proposed sign:

- Has a display area greater than 20m^2; or
- Is higher than 8m above ground.

1.4.3 Concurrence requirements of SEPP 64

Clause 18 of SEPP 64 requires the concurrence of the Roads and Maritime Services for signs that:

- Have a display area greater than 20 m^2; or
- Are higher than 8m above ground; and
- Are located within 250m of a classified road; and
- Any part of the sign is visible from the classified road.

1.5 Relationship to SEPP (Exempt and Complying Development Codes) 2008

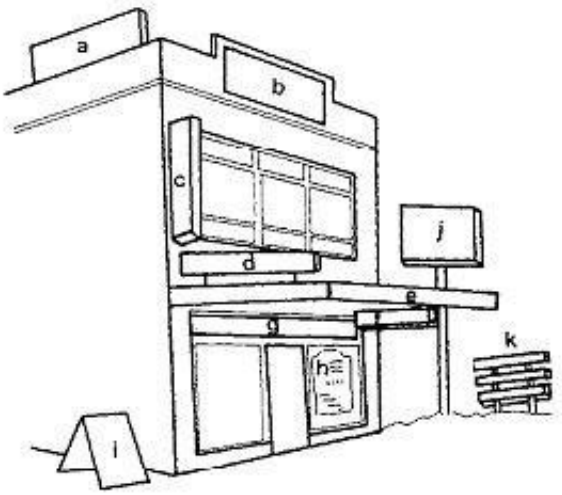
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 includes provisions that make some types of Advertising signs exempt development, subject to specific requirements.

1.6 Terms used in this Chapter

The definition of terms used this Chapter are contained in the Glossary located towards the end of this DCP.

The **advertising display area** of an advertising structure that contains advertising on two or more sides is to be calculated separately for each side and is not the sum of the display areas on all sides.

The following diagram summarises the various forms of signs common in commercial areas.



a) Roof Sign
b) Flush Mounted Wall Sign
c) Projecting Wall Sign
d) Above Awning Sign
e) Awning Fascia Sign
f) Under Awning Sign
g) Top Hamper Sign
h) Window Sign
i) "A" Frame Sign
j) Pole or Pylon Sign
k) Freestanding Sign

Figure B18-1: Types of Advertising Signs

2.0 Chapter Objectives

The objectives of this Chapter are:

a) To encourage Advertising signs that are thoughtfully designed, located and maintained so as to direct the public to available goods and services, tourist facilities and areas of natural, scientific, historical and scenic interest.

b) To facilitate the placement of Advertising signs which promote the Shire's commercial and industrial businesses in a manner appropriate to the scale and design of the existing built environment.

c) To promote the Shire's tourist facilities, scientific, historical and scenic attractions to the travelling public in a manner which does not adversely impact on the Shire's high scenic quality.

d) To promote a high standard of commercial and industrial advertising which will enhance the appearance of the Shire's commercial and industrial areas.

e) To facilitate the placement of Advertising signs in residential and rural areas in a manner which complements the residential and rural use of those areas.

f) To avoid the creation of visual clutter on buildings and streetscapes.

g) To ensure that Advertising signs do not adversely affect the safety of motorists and other road users.

3.0 Guidelines

3.1 State Roads

Requests for signage on state roads such as the Pacific Highway may be referred to Roads and Maritime Services (RMS), or where the request involves multiple locations including a state road and a local or regional road, the request may be referred to the Local Traffic Committee in the first instance.

3.2 Cost of Signage

All Advertising signs and directional signs to/for commercial tourist attractions or service businesses shall be paid for by the applicant, in accordance with Council's current Schedule of Fees and Charges. Fees are applicable for those Advertising signs that require a development application and those that apply to applications under other legislation.

4.0 Development Requirements – General

Desired Outcomes

DO1 - Advertisements are compatible with the desired amenity and visual character of the locality.

DO2 - Advertisements do not adversely impact on any heritage item or conservation area.

DO3 - Advertisements do not detract from the character of waterways and foreshores.

DO4 - Advertisements do not adversely affect the safety of pedestrians, vehicles and aircraft.

DO5 - Advertisements within navigable waters comply with the provisions of

State Environmental Planning Policy No 64 – Advertising and Signage.

Development Requirements

4.1 SEPP 64

a) Advertisements comply with the provisions of SEPP No.64 Advertising and Signage, where applicable.

4.2 Illuminated Signs

b) Illumination (including cabling) of signs is to be:

(i) Concealed; or
(ii) Integral with the sign;
(iii) Internally illuminated; or
(iv) Provided by means of carefully designed and located remote or spot baffled lamps.

c) Restricted hours shall be imposed on the operation of illuminated signs where continuous illumination is considered to impact adversely on the amenity of residential buildings, serviced apartments or other accommodation, or have other adverse environmental effects.

d) The design and lux of any internal or spot lighting shall be designed to avoid off-site or traffic safety impacts.

e) Signs must not be up-lighted. Any external lighting of signs is to be downward pointing and focused directly on the sign and is to prevent or minimise the escape of light beyond the sign.

f) Signs must not be illuminated at frequent intervals (ie flashing).

g) Any illuminated signage shall comply with Australian Standard *AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.*

4.3 Signage and Road Safety

h) Signs must not obscure or interfere with road traffic signs and signals or with the view of a road hazard, oncoming vehicles, or any other vehicle or person, or an obstruction which should be visible to drivers or other road users.

i) Signs must not give instructions to traffic by use of the word 'stop' or other directions, which could be confused with traffic signs.

j) Sign must not be of such a design or arrangement that any variable messages or intensity of lighting impairs drivers' vision or distracts drivers' attention.

k) Signs must not be situated at locations where the demands on drivers' concentration due to road conditions are high such as at major intersections or merging and diverging lanes.

l) Signs must not be in any form of moving or flashing signage or flashing lighting sign.

4.4 Generally Discouraged Signs

m) Signs must not be erected on or above the roof, canopy, or parapet of a building, where practicable.

n) Signs must not be attached to the upper side of an awning.

o) Signs attached to the wall of a building must not project outwards more than 300mm from that wall.

p) Signs must not be capable of movement by source of power or wind.

q) Signs must not incorporate bill/fly posters, bunting, and airborne signage, including hot air balloons, blimps and the like.

r) Signs must not be located on stationary motor vehicles that are parked for a period of more than 1 hour in a location away (ie not directly in front of) from the business premises.

s) Signs must not be located on stationary motor vehicles and other vehicles, including trailers, particularly where the vehicle is not located on the premises to which the sign relates.

4.5 Heritage Items and Conservation Areas

t) Signs comply with the controls for signage found within Chapter B13: Heritage Areas/Developments.

4.6 Signs within Navigable Waters

u) Advertisements are only to be displayed on a vessel and the advertisement must be ancillary to the dominant purpose of the vessel.

5.0 Development Requirements – Signs in Residential Areas

5.1 General

Desired Outcomes

DO1 - Advertisements do not adversely impact on any heritage item or conservation area.

DO2 - Advertisements do not result in visual clutter of the streetscape and landscape.

DO3 - Advertisements are of a high quality design and finish.

DO4 - Advertisements do not detract from the character of waterways and foreshores.

Development Requirements

a) Signs are restricted to not more than 1.5 square metres in area.

b) The highest point shall be not more than 3 metres above the natural ground surface.

c) The colours and design used are to be in keeping with the locality, so as not to be obtrusive.

d) The sign does not use luminous paints (ie glow in the dark paints).

e) Signs are to be free standing and located so as to preserve the residential character of any dwelling located on the land.

f) Signs are to be limited to one (1) only per premises.

g) Signs should not be illuminated.

6.0 Development Requirements – Signs in Commercial and Industrial Areas

Desired Outcomes

DO1 - Advertising signs are placed in commercial and industrial areas which provide adequate exposure for individual business's goods and services without impinging on the exposure rights of other businesses.

DO2 - Advertising signs in commercial areas are designed to enhance and complement the existing built environment.

DO3 - Advertisements do not adversely impact on any heritage item or conservation area.

DO4 - Advertisements do not result in visual clutter of the landscape or streetscape.

DO5 - Advertisements are of a high quality design and finish.

DO6 - Advertisements do not detract from the character of waterways and foreshores.

DO7 - Advertisements in industrial areas:

- Provide clear business identification and directions in the case of industrial estate signage;
- Is compatible with the development in terms of scale, quantity and overall design; and
- Does not adversely affect industrial areas in terms of appearance, size, illumination, overshadowing or visual clutter through a proliferation of signs.

DO8 - Advertising structures do not negatively affect driver and pedestrian safety.

Development Requirements

6.1 General

a) Signage must be integrated into the building facade and achieve a high degree of compatibility with the architectural design of the supporting building having regard to its composition, fenestration, materials, finishes and colours.

b) Architectural features of the building are not to be obscured.

c) The total area of all signs is not to exceed 1m^2 of advertising area per 1m width of shop frontage. This includes signs painted on blinds and windows.

d) Signs that contain additional advertising promoting products or services not related to the approved use of the premises or site (such as the logos of brands or products) are not to be displayed.

e) Signage is to relate to the use occurring on the respective property, and should identify the relevant business name.

Note - Depending on the size of the sign, Council will require submission of a Construction Certificate application with Engineer's details indicating that the structure is adequate to withstand expected wind loadings.

6.2 Above Awning Signs

a) Above awning signs in commercial areas are:

(i) To have a maximum area of 2.2 m^2;
(ii) not to project beyond the edge of the awning; and
(iii) not to exceed 0.9m in height.

b) Real estate signs and temporary signs are not to be displayed as above awning signs.

6.3 A-Frame Signs

Note - Proposed amendments to SEPP (Exempt and Complying Development Codes) 2008 may make A-frame signs exempt development.

a) Signs generally referred to as sandwich board signs or A-frame signs are required to comply with the following requirements:

(i) Only one (1) sign per premises/unit;
(ii) signs must not exceed 1.0m^2 in area;
(iii) maximum height of 900mm;
(iv) maximum width of 600mm;
(v) signs must not be fixed or secured to any Council property (street signs seating etc);
(vi) signs to be located within 1m of the front of the premises/unit;
(vii) placed so that pedestrian movement is not obstructed;
(viii) applications are required to be accompanied by proof that Public Liability Insurance cover has been taken out to the value of at least $5 million and providing for Council as co-insured in the event of any claims resulting from the placement of the sign.

(ix) Any requirements contained within a current Procedure relating to A-frame signs under Council's Policy No 3.10 – Signs Policy, or equivalent, shall superseded and override the above requirements.

Note – Under the provisions of Kempsey Local Environmental Plan 2013, signs generally referred to as "A-frame" or "Sandwich Board" signs located on the footpath in a commercial or industrial zone are exempt development. This is due to the intention that all A-frame signs will be subject to the application and approval requirements of Section 68 of the *Local Government Act 1993*.

6.4 Awning Fascia Signs

a) Fascia signs:

(i) Must not project above or below the fascia or return end of the awning;
(ii) Must not project within 600mm of the vertical projection of the kerb line; and
(iii) Must not exceed the width of the frontage of the premises/unit to which it relates.

6.5 Business Identification Signs

a) Business identification signage should be attached to the wall of the main building and be designed to complement the architectural style of the building. Free standing signs will only be permitted where signs are integrated with the landscaping and visual character of the site and surrounding area.

b) Signage is only to display corporate logos and company names and is not to occupy more than 10% of any façade or wall of a building, unless it can be demonstrated that characteristics of the site or the building require a larger area of signage.

6.6 Directional and Directory Signs

a) Directional signs for car parking areas, loading docks, delivery areas and the like should be located close to the main access of a development site. The design, colouring, type and scale of signage within individual properties should be consistent with signage across the zone as a whole.

b) In the case of multi-unit commercial and industrial developments, preference will be given to the erection of standardised directory signs over adhoc proposals for signs relating to individual businesses. Standardised directory signs:

(i) Are not to be located within the street reserve;
(ii) are to be placed near the principal entry to the overall site;
(iii) are to be sized commensurate with the size and scale of the estate;
(iv) the sign may indicate the general name of the estate/complex, the name of each business and a directional map, or any combination thereof; and
(v) Council may require applicants for individual signs to demonstrate that a unified approach is impractical or unjustified prior to consent being granted.

6.7 Pole or Pylon Signs

Note - Pole and pylon signs are a sub-group of Freestanding Signs.

a) Pole or pylon signs erected in commercial and industrial areas shall:

(i) Be restricted to not greater than 8 metres in height;
(ii) Not have an advertising area greater than 4.5m^2, per side;
(iii) The bottom of the display area of the sign is to be a minimum of 3m above ground level;
(iv) Not project beyond the boundary of the premises. In other words, the sign shall be contained wholly within the property boundaries;
(v) be the only pole or pylon sign on the premises;
(vi) be located on a premises with a site area greater than 1000m^2;
(vii) be double-sided or erected so that the back of the sign is not visible from a public place; and
(viii) Pylon signs are located as close to the centre of the site frontage as reasonably possible.

b) Where a site contains more than one business activity and only one pole or pylon sign is present on the site, the sign is to allow for all businesses to be displayed on the sign.

6.8 Roof Signs

a) Signs should not be painted on or applied to the roof.

b) Roof signs are generally discouraged unless it can be demonstrated that the sign will not be visibly obtrusive or detract from the appearance of the building.

Note - The requirements of SEPP64 state that roof signs are only permitted where they replace an existing roof sign or improve the visual amenity of the locality. Consequently, the only roof signs should be changing the message and content of existing roof signs only with no changes to advertising area, as all other changes to roof signs are effectively prohibited.

6.9 Top Hamper Signs

a) Top hamper signs shall:

(i) not extend beyond any building alignment or below the level of the head of the doorway or window within the building to which it is attached;
(ii) not exceed 600mm in height; and
(iii) not have an advertising area greater than 5 sqm.

6.10 Under Awning Signs

a) Under awning signs in commercial areas shall:

(i) be restricted to 2.5 metres in length and 0.5 metres in width/ height;
(ii) have a maximum thickness of 0.4 metres (where illuminated) and 0.08m (where unilluminated);

(iii) be erected to achieve a minimum clearance over the footpath of 2.6 metres;
(iv) Not project beyond the awning or within 600mm of the kerb;
(v) Signs are to be so placed as to not obstruct any other sign;
(vi) Only one under-awning sign should be provided for each shop or commercial premises;
(vii) be erected horizontal to the ground and at a right angle to the building to which it is attached; and
(viii) Be securely fixed by metal supports.

6.11 Wall Signs

a) Wall signs shall:

(i) Not cover any window or other openings;
(ii) Not obscure significant architectural elements;
(iii) Where illuminated, shall not be less than 2.6m above the ground;
(iv) Not project more than 100mm from the wall;
(v) Not protrude above the parapet or eaves or the sides of the wall;
(vi) Not comprise a building identification sign or a business identification sign;
(vii) Not more than one wall sign per building elevation;
(viii) Integrated into design of building;
(ix) Where the above ground elevation of the building is 200m^2 or more, the advertisement does not exceed 10% of the above ground elevation;
(x) Where the above ground elevation of the building is between 100m^2 and 200m^2, the advertisement does not exceed 20m^2; and
(xi) Where the above ground elevation of the building is 100m^2 or less, the advertisement does not exceed 20% of the above ground elevation.

b) Projected Wall signs shall:

(i) Be erected at right angles to the wall of the building to which it is attached.
(ii) Be a minimum of 2.6m and a maximum of 6m above ground.
(iii) Have a maximum area of 6m^2.
(iv) Not project beyond a point within 0.6m of the vertical projection of the kerb alignment.

6.12 Window Signs

a) Window Sign (painted or letters stuck onto the inside or outside of a display window) shall:

(i) Not cover the whole of the display area window so as to obstruct natural light; and
(ii) Only be permitted on ground floor windows.

6.13 Home Occupation/Business and Professional Consulting Rooms

a) Signs associated with Home occupation/business and professional consulting rooms shall:

(i) Not be greater than 0.75m^2 in area;
(ii) Not exceed one sign per premises;

(iii) Not be erected on a heritage item; and
(iv) Indicate the name and occupation of the business only.

6.15 Single Occupant Industrial Sites

a) Signage is to be generally limited to the following:

(i) One pole or pylon sign within the front boundary landscape area, with a maximum display area of 4.5m^2; and
(ii) One advertisement integrated with the façade of the building, but no higher than the building roof line.

6.14 Multiple Unit Industrial Sites

a) Signage is to be generally limited to the following:

(i) One standardised directory sign near the site entrance or within the front boundary landscape area with a maximum area of 4.5m^2; and
(ii) One advertisement integrated within the facade of each unit, but no higher than the building roof line.

7.0 Development Requirements – Signs in Rural and Environmental Areas

Signs on land zoned rural, open space or and Environmental Protection are generally restricted to tourist directional signs with the exception of those exempted from the need to obtain consent and those erected for the purposes of advertising goods and services provided or produced on that land.

7.1 General

Desired Outcomes

DO1 - Signs in rural areas are to be located so as not to detract from the Shire's high scenic amenity.

DO2 - Advertisements are compatible with the desired amenity and visual character of the rural area.

DO3 - Advertisements do not adversely impact on any heritage item or conservation area.

DO4 - Advertisements do not result in visual clutter of the landscape.

DO5 - Advertisements are of a high quality design and finish.

DO6 - Advertisements do not detract from the character of waterways and foreshores.

DO7 - Advertising signage does not cause a significant distraction to passing motorists.

Development Requirements

a) Signs are restricted to a maximum of 6 metres by 3 metres with a maximum height above ground of 6 metres.

b) Signs are to be located so as not to obscure any views of the landscape from any public road.

c) Signs are to be located so as to avoid the need for any tree removal.

d) Signs are to be located so as not to adversely impact on landscape in which they are to be located.

e) Signs erected in conjunction with roadside stalls are to be restricted to one sign only, not greater than $2m^2$ in area.

f) Signs are to be erected so as not to adversely impact on any adjoining dwelling.

g) Signage facing motorists using classified roads (eg billboard signs) are not to be erected closer than 1km from other similar signage. For the purposes of this DCP, the distance between signs relates to signs located on either side of the road.

8.0 Development Requirements – Signs on Council Land and Roads

Desired Outcomes

DO1 - Advertisements are compatible with the desired amenity and visual character of the locality.

DO2 - Advertisements do not adversely impact on any heritage item or conservation area.

DO3 - Advertisements do not result in visual clutter of the landscape.

DO4 - Advertisements are of a high quality design and finish.

DO5 - Advertisements do not detract from the character of waterways and foreshores.

DO6 - Directional signage is to have a coordinated appearance and help to establish Kempsey as a unique destination and place.

Development Requirements

8.1 Signs on Footpaths or Over the Road Alignment

a) Business identification signs on footpaths or over any road alignment are:

(i) Only to be erected/installed in commercial and industrial areas; and
(ii) Only immediately adjacent to business premises.

8.2 Commercial/ Industrial Area Directory Signs

b) The erection of one (1) only directory sign on arterial roads at the main turn off to industrial and commercial areas may be provided.

c) Such directory signage must:

(i) contain the name of the industrial/commercial area to which it relates; and
(ii) utilise standardised fingerboards to identify the name of each businesses to which the directory sign relates.

Note - The attachment of individual finger boards will require Council's written approval.

8.3 Signs Erected on Council Roads

d) The design, dimensions, layout and material standards of all signs erected on public roads (whether state or local) shall comply with the appropriate Australian Standards, as amended.

e) Logos are generally unsuitable for use on road signs because they cannot usually be clearly distinguished from a moving vehicle.

f) Banners installed across the road and flags installed along roads are to comply with the above Development Requirements and Desired Outcomes and the relevant requirements of SEPP64.

Note 1 – Council will need to provide landowner's consent for any development applications for signage on Council's road reserve.

Note 2 – Separate approval under Section 68 of the *Local Government Act 1993* is required for Advertising structures over the road reserve.

9.0 Development Requirements - Tourist Signs

9.1 General

Desired Outcomes

DO1 - Tourist signage is intended to be directional, not promotional (ie not for advertising purposes).

DO2 - There should be a seamless transition between tourist signposting on state roads (RMS) and shire and regional roads (Council).

Development Requirements

a) Council may allow the placement of directional signs to premises which provide a commercial service for travellers and tourists. Such signage is not to be used to advertise other commercial undertakings.

b) Generally one sign only at the last major road junction.

c) Not more than three (3) directional signs are permitted on any post, including the street name sign. In other words, no more than two tourist or services fingerboard signs should be attached to a road name sign (ie a maximum of three signs on one post).

d) Where more than three (3) signs are likely, a combined sign is to be erected for premises of a similar nature, i.e. accommodation.

e) No more than two (2) directional signs will be permitted for each establishment. Where a combined sign is used, up to three (3) directional signs, including the combined sign, may be considered. (**Note** - This would allow for signs to an establishment to be provided at intersections.)

f) Generally, direction signs should be generic and brief, not specific (eg "MOTEL" rather than "SHADY ACRES MOTEL").

g) Where it is not practical, or it could be confusing, to use generic or symbol signs on their own, specific names may be used. For example if there is more than one caravan park in a particular location, the name of the caravan park could be used on the sign. But rather than "SHADY ACRES CARAVAN PARK", the sign could read "SHADY ACRES" preceded by the approved symbol to denote a caravan park.

h) All costs associated with the supply and erection of all the signs are to be met by the applicants.

i) The fingerboard blade is not to have a depth greater than 150mm.

Chapter C1 – Residential Development – Urban Areas

1.0 Introduction

1.1 Scope of this Chapter

This Chapter applies to:

(a) The urban areas of Kempsey Shire, focussing on land included in the following zones under *Kempsey Local Environmental Plan 2013*.
- R1 – General Residential;
- R3 – Medium Density Residential;
- B2 – Local Centre; and
- RU5 – Village Zone.

(b) In particular, this Chapter applies to all proposals for:
- medium density development, (referred to as attached dwellings, dual occupancies, multiple dwellings, residential flat buildings, secondary dwellings and semi-detached dwellings);
- new dwelling houses, group homes, boarding houses and shop top housing; and
- subdivision

(c) Non-residential development within the above-mentioned residential zones. Where non-residential development adjoins residential development, relevant controls with respect to setbacks, overshadowing and other amenity considerations will be applied as required.

This Chapter does not apply to:

(a) Residential development in Zone B2 – Local Centre, with respect to:
- Density;
- Setbacks; and
- Landscaping.

Additional special provisions have been included for South West Rocks and Crescent Head.

1.2 Relationship to Other Chapters of this DCP

The provisions of this Chapter override the provisions of any Chapter within Part B of this DCP and any other Chapter within Part C, to the extent of any inconsistency.

The provisions of any Chapters contained in Parts D, E and F override the provisions of this Chapter to the extent of any inconsistency.

2.0 Chapter Objectives

The objectives of this Chapter are:

a) To achieve a balance between maximising lot and dwelling yields for more efficient and effective use of land, infrastructure and services, whilst making our residential areas desirable places to live.

b) To provide a degree of certainty to developers and existing residents with regard to the density of housing development throughout Council's urban areas.

c) To provide areas within Council's principle towns and villages for varying levels of residential density.

d) To ensure that development densities are not beyond the capacity of the infrastructure, services and topographical constraints of each area.

e) To ensure that lands identified for higher density development are not developed for low density developments.

f) To provide for wider housing choices in general residential zones where there are minimal development constraints.

g) To encourage innovative building design and site usage.

h) To encourage a more efficient and effective use of land and minimise the cost of providing urban infrastructure and servicing.

i) To encourage the design of energy efficient housing.

j) Where relevant, to encourage development that enhances and protects the unique character of Crescent Head and South West Rocks.

3.0 Guidelines

3.1 Relevant Design Guidelines

In particular locations and for particular types of development, Council is also required to have regard to a range of design guidelines including:

- Housing for Older People and People with a Disability in your Community;
- North Coast Design Guidelines;
- NSW Coastal Management Manual;
- NSW Coastal Policy;
- Coastal Design Guidelines for NSW;
- Tourism Development Near Natural Areas – Guidelines for the North Coast; and
- Residential Development Design Guidelines.

The development should also be designed to comply with the provisions of the Building Code of Australia.

3.2 Kempsey Local Environmental Plan 2013

The relevant provisions of Kempsey Local Environmental Plan 2013 (KLEP) as they apply to residential development are summarised as follows.

Table C1-1: Summary of Relevant Provisions for Residential Development in Kempsey Local Environmental Plan 2013

Clause	Summary Comments
2.3	Sets out the zone objectives and permissibility of various forms of residential development.
4.1	Sets minimum subdivision lot size requirements. It is noted that lot sizes are no longer solely determined by zone. It is necessary to refer to the Minimum Lot Size Maps (Code LSZ) to determine minimum lot size requirements for specific properties.
4.1A	Allows a single development application for a combined subdivision and residential development.
4.1AA	Sets minimum subdivision lot sizes for community title schemes.
4.1B	Sets requirements for minimum subdivision lot sizes for strata plan schemes.
4.3	Sets minimum standards for height of buildings. It is necessary to refer to the Height of Buildings Maps of the KLEP 2013 (Code HOB) to determine the maximum building height for your property.
5.4(9)	Provides some requirements for secondary dwellings.
5.6	Provides requirements that allow certain architectural roof features to exceed the maximum building height referred to in cl.4.3.
7.1 – 7.10	Various requirements relating to site-specific constraints such as acid sulphate soils, flood planning, airport operations, earthworks. To be referred to as relevant for the specific development proposal.

3.3 Other Environmental Planning Instruments

The following State Environmental Planning Policies (SEPP's) should also be reviewed when designing and assessing development applications involving residential development.

a) SEPP (Affordable Rental Housing) 2009;
b) SEPP (Exempt and Complying Development Codes) 2008;
c) SEPP (Infrastructure) 2007;
d) SEPP (Building Sustainability Index: BASIX) 2004;
e) SEPP (Housing for Seniors or People with a Disability) 2004;
f) SEPP No.71 – Coastal Protection;
g) SEPP No.65 – Design Quality of Residential Flat Development; and
h) SEPP No.32 – Urban Consolidation (Redevelopment of Urban Land).

Note – This list of applicable environmental planning instruments was correct at time of adoption of this DCP. Please refer to the Department of Planning's website for the most recent list.

3.4 Procedures Flow Chart

Step 1 – Undertake Site Analysis (and Character Analysis where applicable).

Step 2 – Consult Council staff on draft proposal, if necessary.

Step 3- Check proposal meets Development Requirements in this DCP Chapter.

Step 4 – Check provisions of other relevant Council Policies. For example, Council's Flood Risk Management Policy

Step 5 – Applicants are encouraged to consult adjoining owners and consider their opinions on the proposal.

Step 6 – Lodge development application with Council.

Step 7 – Provide any information Council requests during assessment of the application.

Step 8 - Receive development consent.

Step 9 - Commence in accordance with the conditions of the development consent.

3.5 Site Analysis and Character Analysis

3.5.1 Site Analysis

A site analysis is required to identify opportunities and constraints for building.

A site analysis plan (at scale 1:200) is to include:

- Site dimensions (length, width);
- Spot levels and contours to AHD;
- North point;
- Existing site drainage, including any piped drainage;
- Any contaminated soils or filled areas;
- Services (easements, utilities);
- Existing trees (height, spread, species);
- Views to and from site;
- Prevailing winds;
- Surrounding development; and
- Existing structures on the site.

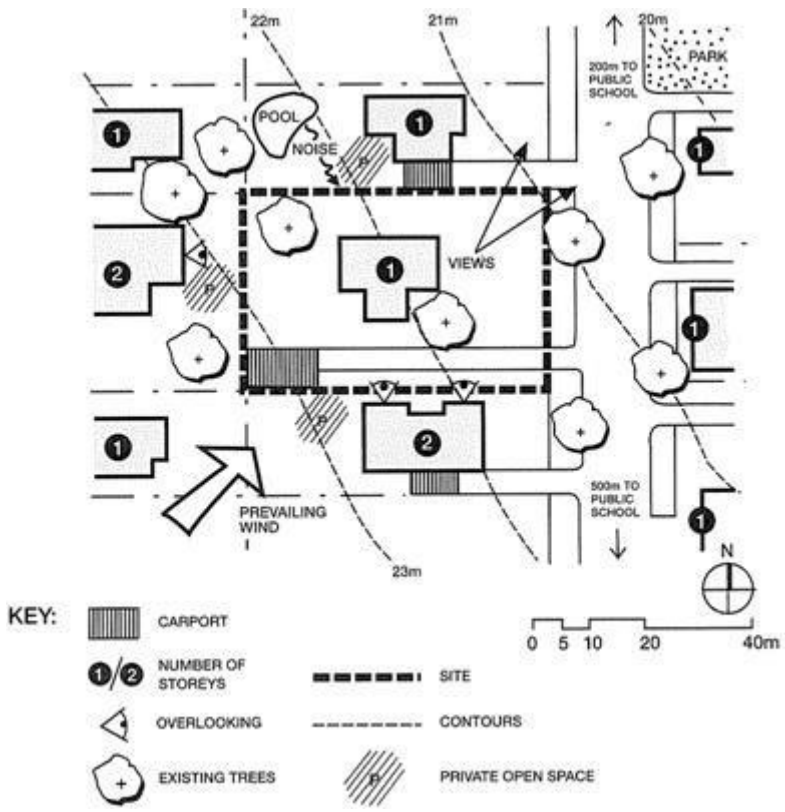


Figure C1-1: Example of Site Analysis Plan

3.5.2 Character Analysis

A character analysis plan aims to demonstrate that the design of the development has considered and responded to the contributing landscape, streetscape and building elements that contribute to the character of the area.

A Character Analysis may be required for development:

a) Located within Crescent Head, where the Character Analysis is to respond to the Crescent Head Character Statement (refer to Section 8.3 of this chapter); and
b) Any development within the vicinity of Heritage Items or located within Heritage Character Areas/Precincts.

3.6 Information to be submitted with Development Applications

Any application for development not consistent with this plan will need to provide the following information in addition to that normally required for a development application:

a) Site survey plan showing contours at 0.5 metre intervals.

b) Detail of proposed cut and fill and associated soil stability and drainage mechanisms to be applied.

c) Where necessary, shadow diagrams for 22 June applicable to the locality (See Section 5.2.5 Solar Access and Energy Conservation).

d) Proposed means of access and manoeuvring together with gradients involved.

e) Written justification for any variations from relevant Development Requirements, demonstrating how the proposal achieves the associated Desired Outcome, despite not achieving the Development Requirement.

f) Details addressing the capacity of local infrastructure (including sewer, water and drainage) to sustain the development.

3.7 Staged Development Applications

The intention to stage construction should be indicated on the development application. The request for a staged development consent should be made clear on the application form and by annotation on the plans submitted with the development application. This will enable Council to specify the extent of works required for each stage and any contributions payable at each stage.

4.0 Precincts within Residential Zones

4.1 Precincts Based on Desired Density

This chapter identifies the following precincts in the Shire's towns and villages:
- Low Density Precinct;
- Medium Density Precinct; and
- Medium to High Density Precinct.

Designation of these areas has occurred substantially on a constraints and performance criteria approach which includes the adequacy of existing services and infrastructure and slopes.

All residentially zoned areas are identified as being within a **Medium Density Precinct** unless the following table and maps identify any area as either Low Density or Medium to High Density.

Table C1-2: Villages identified as being located wholly within Low Density Precincts

Low Density Precinct – Villages	
Bellbrook	Kinchela
Willawarrin	Kundabung
Grassy Head	Smithtown
Fisherman's Reach	Gladstone
Jerseyville	Stuarts Point
Note - These villages are automatically low density areas due to the constraints on the capacity of the reticulated sewerage network, the constraints of the soils to accommodate on-site sewage management systems and the constraints of flooding. Consequently, Council is highly likely to REFUSE any development application that has a higher impact than a single dwelling on a lot in these low density areas.	

Figure C1-2: Map – Low Density Precinct, Arakoon

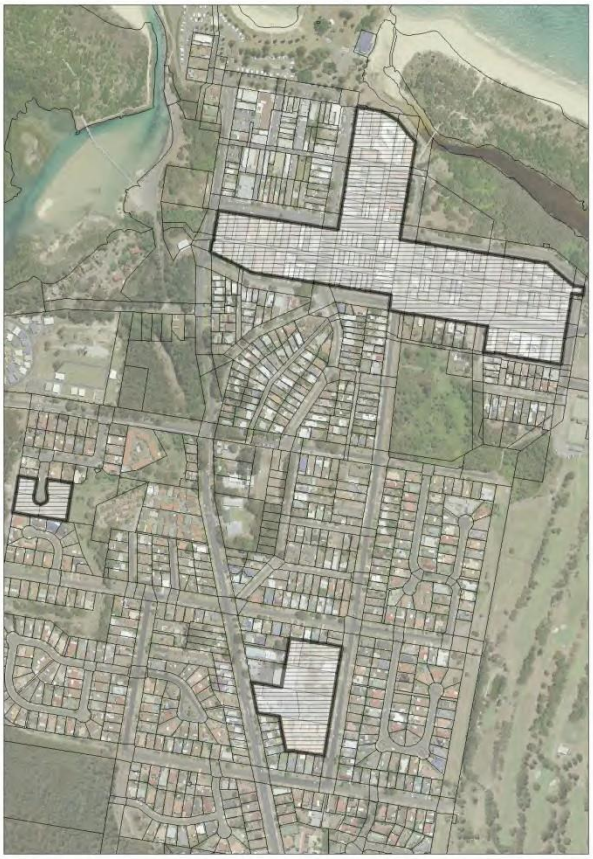


Figure C1-3: Map – Medium to High Density Precinct, South West Rocks

Figure C1-4: Map – Low Density Precinct, New Entrance, South West Rocks

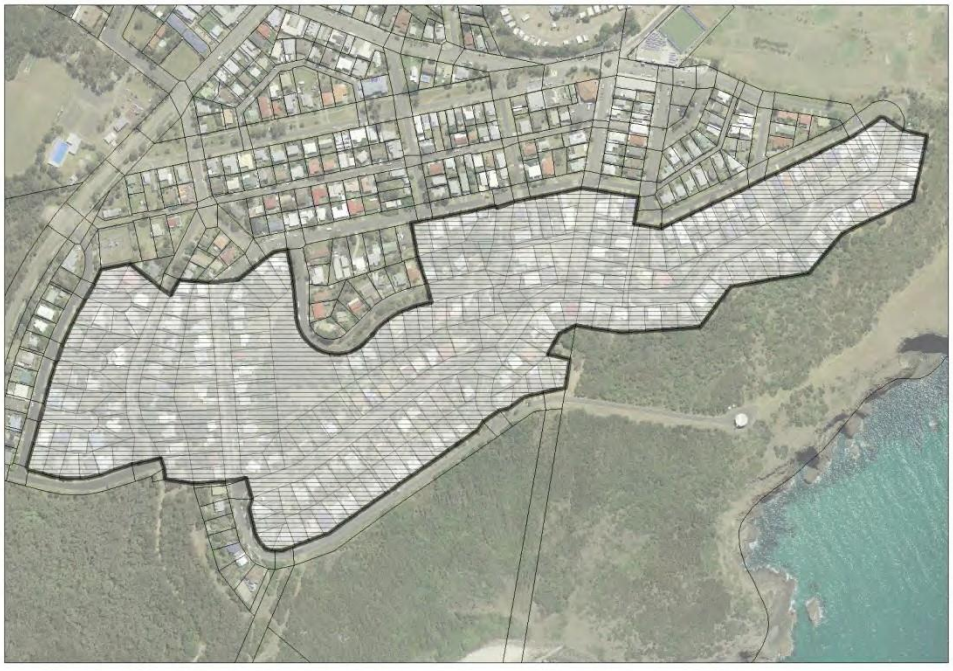


Figure C1-5: Map - Low Density Precinct, Crescent Head

Figure C1-6: Map – Medium Density Precinct, Crescent Head

Figure C1-7: Map – Medium to High Density Precinct, Crescent Head

5.0 Development Requirements

5.1 Lot Size and Density

Desired Outcomes

DO1 - Where subdivision is proposed for residential development, lots have appropriate area and dimensions to enable the siting and construction of a dwelling or other intended forms of residential development, whilst providing for:

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

DO2 – Residential development is developed at densities which:

- is compatible with the desired natural character of the neighbourhood and locality;
- meets the needs of residents for accommodation, services and open space on site; and
- facilitates a high level of residential amenity within the development.

Development Requirements

a) The **residential densities** specified below will be a fundamental determinant of dwelling yield or densities on individual sites within each density area or precinct. Land contained within each density category shall, for each 1, 2, 3 or 4 bedroom dwelling proposed, have a site area of not less than that indicated in Column 1 of the following table.

b) A common **landscaped area** of not less than that indicated in Column 2 of the following table is to be provided on each development site.

Note – The site area per dwelling must accommodate the minimum landscaped area.

Table C1.3: Residential Density and Landscaped Area Requirements

Residential Densities and Landscape Area Requirements			
Residential Density Precinct	**Dwelling Size**	**Column 1 – Minimum Site Area (m^2)**	**Column 2 – Minimum Landscaped Area (m^2)**
Low Density	1 bedroom	200	70
	2 bedroom	300	95
	3 bedroom	400	130
	4 bedroom	500	165
Medium Density	1 bedroom	170	60
	2 bedroom	240	85
	3 bedroom	330	115
	4 bedroom	420	145

Medium to High Density	1 bedroom	70	30
	2 bedroom	95	40
	3 bedroom	130	55
	4 bedroom	165	70

5.2 Building Siting and Design

Desired Outcomes

DO1 - Buildings are sited and designed to permit optimum privacy and daylight by ensuring that:

- the privacy of dwellings and outdoor spaces for both residents and neighbours is protected as much as possible;
- habitable rooms are capable of receiving adequate daylight; and
- dwellings comply with BASIX and BCA requirements.

DO2 - The scale, height and length of a building and walls are appropriate to the local residential character, ensuring that there is no significant loss of amenity to adjacent dwellings and land.

DO3 - Buildings are sited and designed to accommodate the natural slope and orientation of the site and immediately adjacent lands, ensuring that:

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

DO4 – Front, side and rear boundary setbacks are provided to development that:

- Contributes to the preservation of the character of the neighbourhood and the streetscape;
- Provides privacy to residents;
- Maintains important views;
- Minimises overshadowing;
- Allows flexibility in the siting of buildings;
- Minimises potential adverse effects on adjoining and adjacent properties;
- Ensures maintenance access to water, sewer and stormwater; and
- Accommodates passive surveillance of community spaces.

DO5 - Development is designed to:

- Ensure compliance with current energy efficiency legislation;
- Provide dwellings with adequate daylight to living areas, (i.e. living, dining or family rooms, kitchens) and adequate sunlight to private open space;
- Preserve solar access to north-facing solar collectors (e.g. windows, photovoltaic cells, solar hot water/air panels) and clothes drying facilities;
- Minimise overshadowing of neighbouring properties;
- Maximise the thermal performance, comfort and energy efficiency of new dwellings reducing the need for artificial heating and cooling;
- Optimise natural ventilation;
- Minimise the generation of greenhouse gases through the installation of energy efficient hot water systems, heating/cooling devices and appliances; and
- Utilising onsite renewable energy generation, where practicable.

DO6 - Development:

- Provides for the privacy of dwellings and their private outdoor areas;
- Minimises overlooking of living spaces of adjoining properties including private open space; and
- Minimises noise intrusion to occupants and adjoining residents.

Development Requirements

5.2.1 Street Setbacks

a) A minimum setback of 5.0 metres to the primary street frontage shall be provided to the front wall of the main dwelling, except that:

(i) A minimum setback of 6.0m shall be provided to any garage.

b) On a corner allotment, the setback to the secondary street frontage may be reduced to not less than 3 metres. Relevant matters in considering any reduction shall include, but not necessarily be restricted to:

i) maintaining traffic sight distances;
ii) maintaining views;
ii) consistency with the existing streetscape;
iii) consistency with majority of setbacks in the street and adjoining residences; and
iv) compliance with other requirements of this chapter.

c) Where adjoining properties contain buildings that are setback less than 5 metres, Council may allow a similar setback (subject to assessment).

d) On allotments with front and rear street frontages, Council may allow a reduction in the setback to the *secondary frontage* provided the reduced setback is consistent with the majority of setbacks in the street and with adjoining residences.

e) Council may allow an encroachment into the setback to the *primary street* frontage of up to 1.5 metres provided the encroachment relates to an unenclosed structure and will not impact on the existing streetscape or any adjoining property.

f) Any visitor parking required to be provided shall be setback not less than 5 metres unless it can be demonstrated that adequate provision has been made for landscaping in accordance with the requirements of this plan. (See Section 5.8 – Landscaping of this Chapter)

5.2.2 Side/Rear Setbacks

Single Storey Development

a) In respect to single storey dwellings up to 5 metres in height:

(i) minimum absolute setback of 900mm; and
(ii) provided that the average setback in the same horizontal plane/storey is not less than 1.8 metres.

For example,

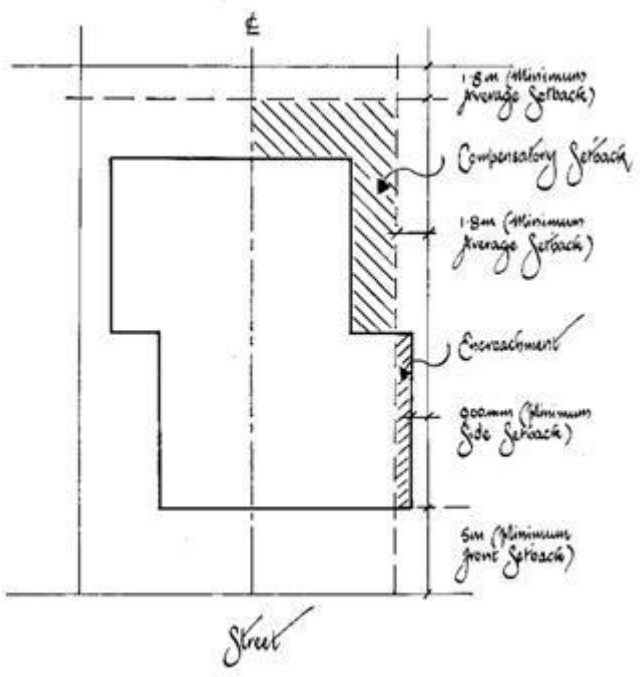


Figure C1-8: Compensatory Setback Diagram

In the above example the development complies as the *compensatory setback* in excess of 1.8 metres exceeds the area of encroachment which is less than 1.8 metres (but not less than 900mm).

Note - The setback referred to applies to the face of a wall, edge of any unenclosed balcony, verandah or the like but does not apply to the outermost edge of a roof which must be not less than 675mm to the boundary.

Two Storey and Single Storey Development over 5 metres in Height

b) A minimum setback of 1.5 metres shall apply to the second storey provided the average setback in the same horizontal plane is not less than 3.0 metres.

c) In respect to buildings containing two storeys, the minimum setback requirements for Single Storey Development may be applied to the ground floor with the requirements for the second storey component applied separately to the upper floor level.

Note - The setback referred to applies to the face of a wall, edge of any unenclosed balcony, verandah or the like but does not apply to the outermost edge of a roof which must be not less than 675mm to the boundary.

Three Storey Development

d) A minimum setback of 2.0 metres shall apply to the second and third storeys provided the average setback in the same horizontal plane is not less than 4.5m.

e) In respect to buildings containing three storeys, the minimum setback requirements for Single Storey Development, Two Storey Development and Three Storey Development may be applied separately to the ground floor, second storey and third storey respectively.

Note - The setback referred to applies to the face of a wall, edge of any unenclosed balcony, verandah or the like but does not apply to the outermost edge of a roof which must be not less than 675mm to the boundary.

Split Single/ Two/ Three Storey Development

f) In cases of development commonly referred to as split level development, the average respective requirements applying pursuant to Development Requirements a) to c) above shall be used to determine the minimum required setbacks.

For example:-

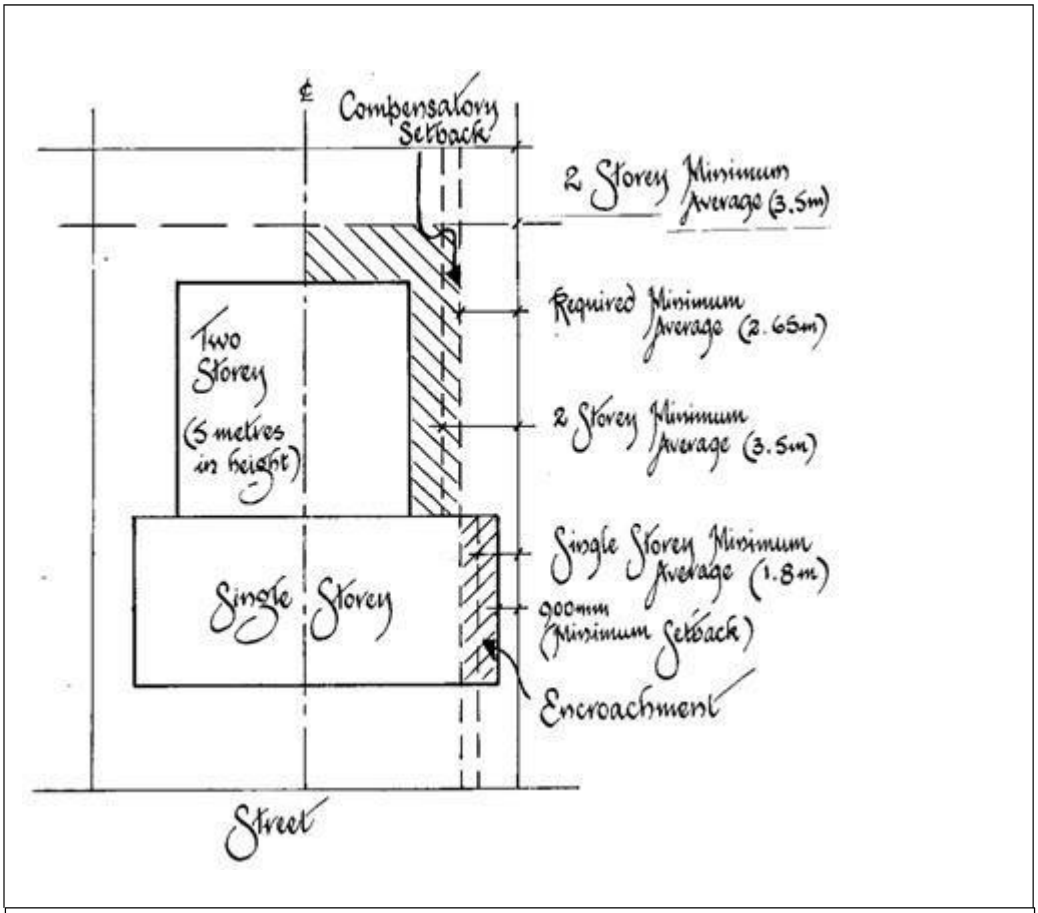


Figure C1-9: Compensatory Setbacks, Split Level Dwellings

In the above example the development complies as the *compensatory setback* in excess of the required minimum average of 2.65 metres exceeds the area of encroachment which is less than 2.65 metres but not less than 900mm (single storey component) or 1.5 metres (two storey component).

Note - The setback referred to applies to the face of a wall, edge of any unenclosed balcony, verandah or the like but does not apply to outermost edge of a roof which must be not less than 675mm to the boundary.

Justification for Variations

g) Any setback less than the minimum average shall justify the proposal having regard to impacts of overshadowing and privacy.

5.2.3 Long Walls

a) Long walls to side boundaries should be avoided. The continuous length of a building wall or retaining wall greater than 1.8m in height, in any one horizontal plane, shall be not more than 20 metres.
b) Where walls are longer than 20 metres, they must incorporate offsets throughout their length to break up the appearance of the wall.
c) Offsets shall generally be a minimum of 1 metre and for a length of not less than 1 metre.

For example:-

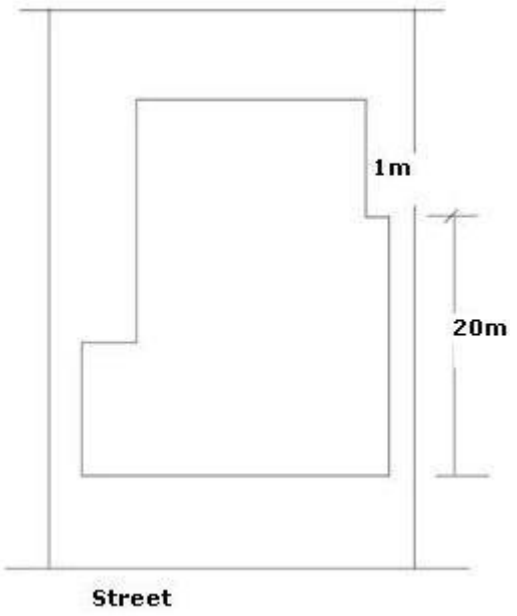


Figure C1.10: Offsetting Walls

In the above example of the development complies as an offset of at least 1 metre has been provided and no section of the wall in the same horizontal plane exceeds 20 metres.

5.2.4 Building Height

a) Building heights are to comply with the requirements of Clause 4.3 of Kempsey Local Environmental Plan 2013, which refers to the Height of Building Map Series (Code HOB).

Note - State Environmental Planning Policy No. 6 – Number of Storeys in a Building, provides that the number of storeys in a building is determined by the maximum number of storeys, floors or levels which may be intersected by the same vertical line, not being a line which passes through a wall and does not include an uncovered garden terrace or deck.

5.2.5 Solar Access and Energy Conservation

One and Two Storey Development

a) All buildings shall be designed to ensure that no part of the windows of any living areas of any adjoining residential buildings or primary ground level *private open space* or landscaped open space, are overshadowed for more than **two (2) hours** between 9.00 a.m. and 3.00 p.m. on 22 June.

Three Storey Development

b) All buildings shall be designed to ensure that no part of the windows of any living areas of any adjoining residential buildings or primary ground level *private open space*, are shaded for more than **three (3) hours** between 9.00 a.m. and 3.00 p.m. on 22 June.

Shadow Diagrams

c) Where there is likely to be an adverse impact as a result of overshadowing, Council may require an applicant to prepare shadow diagrams showing solar access to dwellings, private open space and solar panels on land to which the development application relates to an adjoining properties.

Note - Such diagrams should be prepared by an architect, surveyor, engineer, or town planner and be based on a survey of the relevant site and adjoining development.

d) Shadow diagrams are to be submitted to illustrate the shadows cast by the proposed building at 9.00am, 12.00 noon and 3.00pm on 22 June.

e) Shadow diagrams will be required to be submitted with development applications for two-storey development, particularly development on streets running north south.

Design for Energy Efficiency

f) Dwellings on east-west orientated lots are to be located close the southern boundary to maximise the area of north facing private open space.

g) Dwellings are to be set back at least 3m from the northern boundary, where practicable, to allow rooms, outdoor living areas and clothes drying areas to get northern sunlight.

h) New buildings must not reduce the sunlight available to the solar collectors, e.g. the windows of living areas that face north, on existing adjacent dwellings to less than four hours per day in midwinter.

i) Full access is to be maintained to solar panels (eg hot water panels and electricity generating panels) on adjacent dwellings at all times.

j) All buildings should be designed for energy efficiency by:

(i) keeping dwellings compact to minimise the overall surface area through which undesirable heat gains and losses can occur;
(ii) avoiding large expanses of glazing on south and west facing walls;
(iii) reducing energy consumed in cooling in summer by funnelling cooling breezes and using shading devices and deciduous planting;
(iv) providing for insulation of dwellings;
(v) locating bathrooms and laundries generally on the south side of dwellings;
(vi) Windows on the north side of dwellings are to be designed to minimise summer sun access and maximise winter sun access (refer to diagram below);

k) Dwellings should be designed and sited so that the living areas and major part of their private open space have a northern orientation and receive the maximum amount of sunlight in winter and provide the opportunity for planting deciduous trees for summer shading.

l) Regard should be given to the use of sun protection devices, (i.e.verandahs, pergolas, deciduous trees, etc.) along western-facing walls to produce a comfortable microclimate in and around dwellings.

m) A BASIX certificate is to be submitted for each dwelling within the development for BASIX affected development.

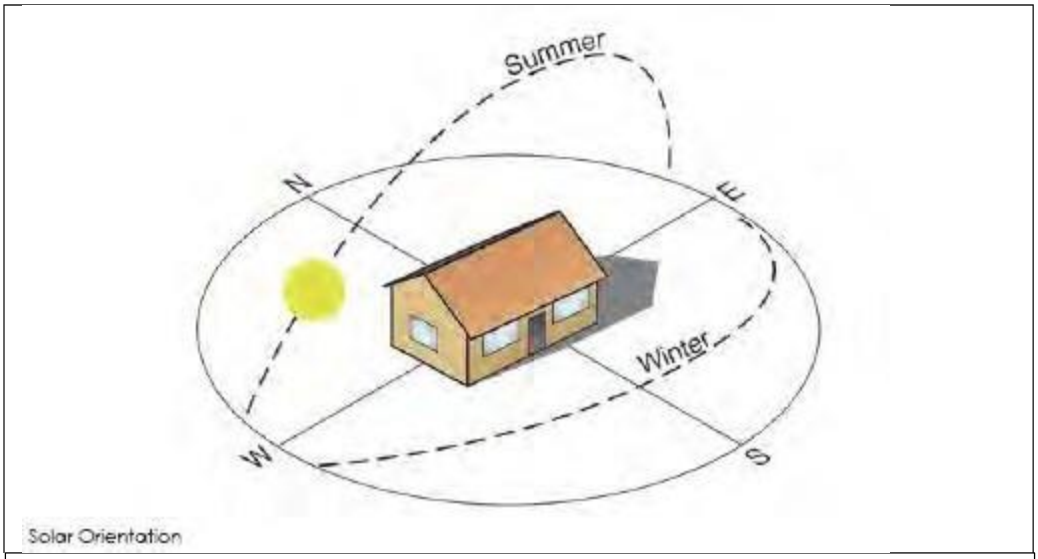


Figure C1-11: Solar Orientation

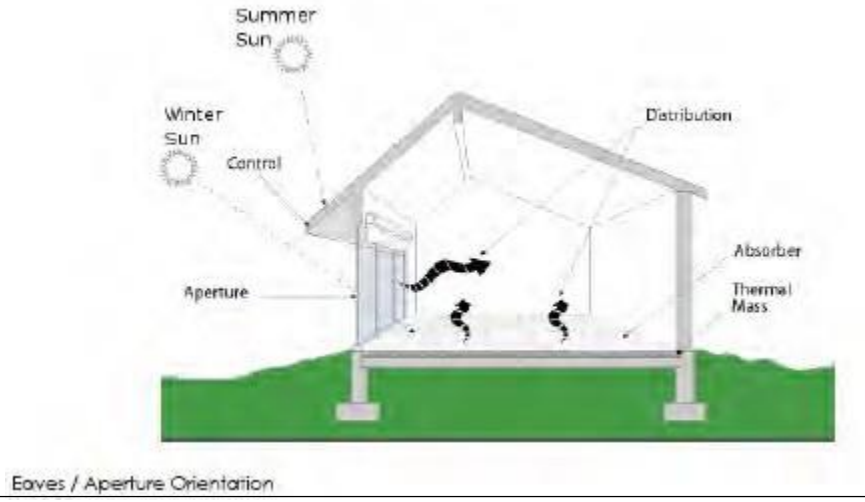


Figure C1-12: Eaves/Aperture Orientation

5.2.6 Visual and Acoustic Privacy and Amenity

a) Visual privacy between proposed and existing adjoining dwellings is to be ensured. Overlooking of living spaces in buildings and private open spaces is to be avoided.

b) Strategic use of the following, or alternative measures, are to be utilised to preserve the visual privacy between adjoining properties and between individual units within multi-unit developments:

(i) using windows which are narrow, have minimum sill heights of 1.5m (above floor level), or have translucent or distorting glass;
(ii) avoiding windows facing directly onto the windows, balconies or courtyards of adjoining dwellings;
(iii) screening opposing windows, balconies and courtyards using fencing, walls or planting; and
(iv) using landscape between development to provide visual privacy screening.

c) Strategic use of the following, or alternative measures, to preserve acoustic privacy between individual dwelling units both within and between properties, are to be utilised:

(i) Use of sound insulating wall material between attached units;
(ii) Use of sound insulating wall materials on the exterior walls of units; and
(iii) Increasing the minimum building setback to increase the distance between dwellings on adjoining properties.

d) Fences and screen walls are encouraged to designate private open space areas adjoining both the front and rear of dwellings.

e) Enclosing screen walls or fences shall be designed to ensure privacy, both from adjoining communal open space or accessways and from other dwellings and their courtyards.

f) Operational plant and equipment for swimming pools, spas and the like is to be adequately enclosed/ sited so that it does not disturb neighbours.

5.2.7 Cut and Fill and Retaining Walls

Cut and Fill

a) The maximum height/depth of any cut or fill is to be limited to 1.5 metres above or below the *natural ground level* where no slope destabilisation is likely to occur.

b) Areas of cut or fill are to be located such that no damage to any adjoining property will occur.

c) All areas containing cut or fill are to be drained, stabilised and landscaped to prevent erosion.

d) Cut or fill must be approved by Council in conjunction with a development application. Full details of all proposed earthworks must be clearly indicated on the plans and section drawings. Council may require that engineering drawings be certified by a suitably qualified structural engineer before any construction certificate can be issued.

Retaining Walls

e) Retaining walls are to be generally limited to 1.5 metres in height above finished ground level and are to be constructed of materials that are compatible with the existing streetscape and site landscaping and in a manner which will not adversely impact on any adjoining property.

f) Where the height of the retaining wall and fence exceeds 1.5 metres – the retaining wall is to be set back a minimum of 1m from the property boundary. The 1m setback is to be landscaped in a manner to contribute to screening/reducing the visual impact of the retaining wall.

g) Retaining walls may exceed 1.5m if:

(i) internal or under proposed house;
(ii) geotechnical report assesses site as able to maintain stability;
(iii) engineer to certify wall; and
(iv) volume of overburden to be subject to contributions to transport off-site.

h) Generally, a maximum length of 12 metres applies to retaining walls greater than 1.8m in height.

(i) Where walls are longer than 12 metres, they must incorporate offsets throughout their length to break up the appearance of the wall.
(ii) Offsets shall be generally a minimum of 1 metre and for a length of not less than 1 metre.

i) Any proposed retaining walls are to be indicated on the plans accompanying the required development application.

j) Structural details for retaining walls should be included with plans for required construction certificates. Council may require that the design be certified by a qualified Structural Engineer or accredited certifier.

k) Retaining walls must include suitable provisions for surface and sub- surface drainage.

Note - Approval for all retaining walls over 600mm in height is required.

5.2.8 Erosion and Sediment Control

a) Applicants are to demonstrate that any potential erosion, sedimentation and siltation can be controlled and that sediment and silt will not be washed from the site both during and after construction (refer to Chapter B4 for specific requirements).

b) Details of proposed erosion and sediment control measures are to be provided with plans for required construction certificates in accordance with Chapter B4 of this DCP.

5.3 Garages, Carports and Outbuildings

Desired Outcomes

DO1 - Garages and parked vehicles do not dominate the principle dwelling and do not have an adverse visual impact on the streetscape.

DO2 – Where garages and carports are attached to the main dwelling, they are an integral and unobtrusive part of the dwelling design.

DO3 - The main dwelling form is dominant in relation to ancillary outbuildings, garages and carports.

DO4 - Garages and carports do not cover the site to such a degree as to have an adverse impact on:

- private open space areas;
- the site's ability to allow sufficient infiltration of stormwater; and
- solar access to the living areas and private open space areas of the subject land and on adjoining properties.

DO5 - The scale and external materials of outbuildings is compatible with the existing and likely future residential development on the site.

Development Requirements

a) Any commercial vehicle, boats, trailers, caravans or repairs to vehicles must be screened from public view.

b) Garages and other outbuildings are not to be positioned forward of the front building line.

c) Garages must be set back a minimum of 6.0 metres from lot frontages or 1.0 metre behind the house façade (whichever is the greater).

d) Garages, carports and outbuildings are to comply with the following side and rear setback requirements;

(i) Where the garage, carport or outbuilding is attached to the main dwelling, the setbacks are to be in accordance with Sections 5.2.1 and 5.2.2;
(ii) Where the garage, carport or outbuilding is separate and has a floor area greater than 36m^2, the setbacks are to be in accordance with Sections 5.2.1 and 5.2.2 and the setback areas provided with screen landscaping; and
(iii) Where the garage, carport or outbuilding is separate from the main dwelling and has a floor area of 36m^2 or less, despite the requirements of Section 5.2.2, may be erected to the property boundaries subject to:
- Compliance with the fire rating requirements of the Building Code of Australia; and
- All parts of the garage, carport or outbuilding, including gutters and footings, being located wholly within the subject land so that no part of the building encroaches onto adjoining land.

e) The height of garages, carports and outbuilding is to be no greater than the height of the main dwelling on site.

f) Where the garage is integrated into the dwelling, the design and appearance of garage doors are to integrate with the dwelling design and are not to dominate the street frontage.

g) Each lot is to have provision for at least one car to be parked in the driveway without protruding onto the footpath.

h) Garages, carports and outbuildings are to be constructed with external cladding of colours and materials that are compatible with that of any existing or proposed dwelling(s) on the subject land.

5.4 Private Open Space

Desired Outcomes

DO1 - Private open space areas are of dimensions sufficient to provide for outdoor recreation functions of occupants of the dwelling, including placement of table and chairs, BBQ's and the like.

DO2 - The location of private open space:
- Takes account of outlook and natural features of the site;
- Does not adversely impact on neighbouring buildings or open space; and
- Minimises overlooking from neighbouring buildings and public open space.

DO3 - The orientation of private open space provides for maximum year round solar access with a northern or easterly aspect, where practicable.

Development Requirements

5.4.1 General

a) Private open space areas are to be designed so as to enable an extension of the function of the dwelling for relaxation, dining, entertainment, recreation and children's play.

b) The location and design of private open space is to take into account the outlook and natural features of the site and the features of adjoining buildings.

c) The orientation of private open space should provide for maximum year round use by receiving a minimum of three hours of sunlight between 9am and 3pm on 22 June.

d) Enclosing screen walls or fences shall be designed to ensure privacy, both from adjoining communal open space or accessways and from other dwellings and their courtyards.

e) Private open space may be located within the front setback provided:

(i) adequate provision is made for additional intensive landscaping within the property; and
(ii) a decorative fence or screen is provided which is setback an average of not less than one (1) metre from the front boundary.

f) Clothes drying areas must not be visible from the street.

5.4.2 Ground Level

a) Each ground floor dwelling is to be provided with a minimum private open space area of 25m^2, which shall be directly accessible from the living areas of dwellings.

b) Where the dwelling is at ground level, the private open space area is to contain a rectangle with minimum dimensions of 4m by 4m, which is not steeper than 1 in 8.

c) Any area within a side or rear setback less than 2 metres in width shall not be included when considering the area provided for private open space.

For example,

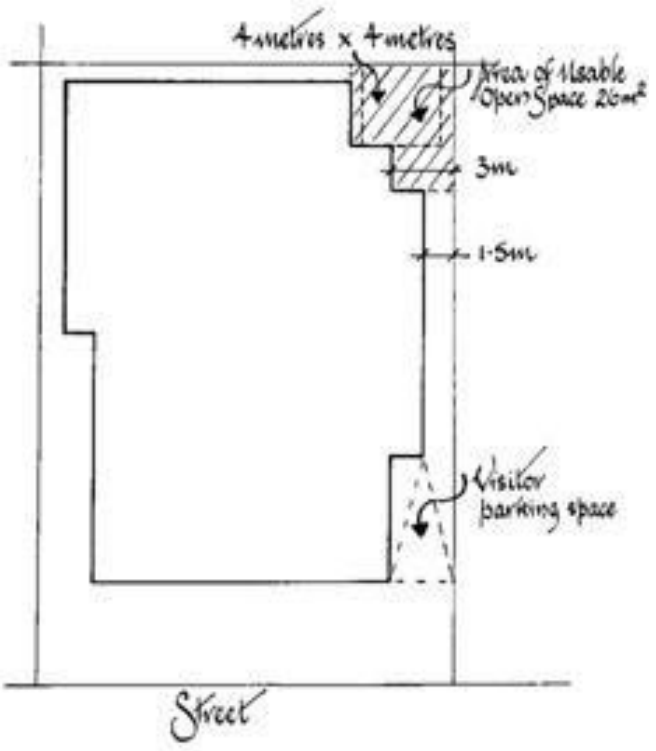


Figure C1-13: Private Open Space Near Boundaries

5.4.3 Above Ground Level

a) Where the dwelling is located wholly above ground level, roof decks, balconies and verandahs for each dwelling can contribute to private open space requirements provided:

(i) each roof deck or balcony is not less than $15m^2$ in area;
(ii) the minimum width of a roof deck or balcony is greater than 2 metres for more than 80% of its area; and
(iii) the roof deck or balcony immediately adjoins, and is directly accessible from, the living area of the unit at the same level.

5.5 Vehicle Parking and Access

Note – This section is to be read in conjunction with Chapter B2 – Parking, Access and Traffic Management.

Desired Outcomes

DO1 - Sufficient and convenient onsite parking for resident, visitor and service vehicles is to be provided, taking into account:

- the effect of sloping land on access, sight distances and 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; and
- the street hierarchy and traffic flows in the locality.

DO2 - Car parking and manoeuvring areas:

- reduce the impacts of stormwater runoff;
- minimise adverse visual impacts on the amenity of the area;
- maintain on-street car parking;
- minimise the number and width of vehicle crossings across the footpath; and
- minimise the area of pavement on site in order to maximise the area of site available for landscaping.

DO3 - Parking and access meets the relevant requirements of Chapter B2 – Parking, Access and Traffic Management.

DO4 - Visitor parking in multiple dwelling developments is provided where it can be accessed equitably for all users of the development.

Development Requirements

5.5.1 Parking Spaces

a) The number of car parking and visitor parking spaces are to comply with the rates identified in Appendix A of Chapter B2.

b) All parking spaces are to be provided within the property boundaries.

c) Basement car parking is permissible provided it does not protrude more than 1m above natural and finished ground levels.

d) Visitor spaces are to be accessible from a common area in multi-dwelling unit developments and residential flat buildings.

e) Visitor spaces for attached dwellings to be provided in an area not owned by any single property (for example, provided within an area that is an extension of the road reserve or protected by easements benefitting all lots).

5.5.2 Manoeuvring Areas

a) Council will consider allowing vehicles to reverse from the site in cases where local traffic circumstances permit, provided a short, easy, single reversing movement is possible and sight distances are adequate.

(i) Where circumstances are inappropriate, turning bays/manoeuvring areas shall be provided on site;
(ii) For Multi Dwelling Unit developments and Residential Flat Buildings, all vehicles must be able to enter and leave the site in a forward direction;
(iii) Development for Dual Occupancy or Attached Dwellings may provide for vehicles reversing out into the street, provided it is safe and practicable to do so;
(iv) Vehicle turning areas are to comply with the relevant provisions of *Australian Standard 2890.1:2004 - Off Street Car Parking Facilities*.

b) Where there is more than one dwelling per allotment, no stack parking is permitted except where behind a double garage, provided one resident space has unrestricted access.

5.5.3 Access Design

a) Access is to be designed in accordance with the relevant requirements of Section 4.0 of Chapter B2 – Parking, Access and Traffic Management.

b) In respect to steep sites, Council will require submission of long sections and representative cross sections prepared by a suitably qualified person indicating compliance with *Australian Standard 2890.1:2004 - Off Street Car Parking Facilities*.

c) Long straight driveways should be avoided whilst the use of decorative paving to break the visual mass of driveways, e.g. brick, pavers, stamped concrete and the like, is encouraged.

d) Where driveways are more than 30 metres in length, turning areas are to be provided to ensure vehicles can traverse in a forward direction.

e) The area of vehicle pavement needed to adequately serve any residential development should be minimised to reduce the volume of stormwater runoff and increase the area of site available for landscaping.

f) Minimum driveway widths are to generally comply with the relevant requirements of Appendix B of Chapter B2 – Parking, Access and Traffic Management.

g) A driveway, which services a maximum of three dwellings, is to have a minimum paved width of 2.4m and a maximum crossing width of 3m.

h) A shared driveway, which services more than 3 dwellings:

   (i) is to have a minimum paved width of 4.5 metres at the street boundary, continuing at this width for a length of not less than 6 metres; and
   (ii) is to include turning areas to ensure vehicles enter and leave the site in a forward direction.

i) Except on corner allotments and other lots with more than one street frontage, access shall be restricted to a single driveway crossing so as to maximise the availability of on-street parking.

j) Driveways should be set back 1 metre from side boundaries to allow effective screen planting along the boundary unless other effective means can be demonstrated.

k) Driveways should have gradients generally less than 20%, with a maximum of 25% allowed, if transition gradients are provided.

l) Drainage from driveways, manoeuvring areas and other hard stand areas is to avoid run-off onto neighbouring properties.

m) Crossings are to comply with Council requirements and require approval under section 138 of the *Roads Act 1993*.

5.6 Safety in Design

Desired Outcomes

DO1 - Development generally complies with the relevant Crime Prevention Through Environmental Design (CPTED) principles.

Development Requirements

a) Development is to comply with the relevant requirements of Chapter B15 - Crime Prevention Through Environmental Design (CPTED).

b) Buildings should allow for some outlook (ie from windows and doors) to streets, lanes or other public space areas to increase surveillance and thereby provide for a safer environment.

c) Landscaping within the front setback shall ensure retention of surveillance of the street from dwellings and to and from the street, and consider traffic safety on corner lots.

5.7 Streetscape

Desired Outcomes

DO1 - Building siting and design is to enhance establishment of an attractive streetscape and is to provide opportunities for effective landscaping of areas visible from the street.

DO2 - Subdivision for residential development is to be designed so as to provide opportunities for retention of mature or important vegetation and to encourage establishment of an attractive streetscape.

Development Requirements

Nil.

5.8 Landscaping

Desired Outcomes

DO1 - An integration of building and landscape elements.

DO2 - Landscaping enhances developments for acoustic and visual privacy as well as shade.

DO3 - Landscaping blends new development into an established streetscape and neighbourhood.

DO4 - Landscaping is water efficient.

DO5 - Landscaping utilises endemic species which are appropriate for the intended purpose.

DO6 - The relevant Desired Outcomes and Development Requirements contained in Chapter B5 – Landscaping are satisfied.

DO7 - The removal of trees and vegetation is undertaken in accordance with Chapter B10 – Tree Preservation and Vegetation Management.

Development Requirements

a) Landscaping shall be designed to enhance the natural features of the site and adjoining areas. Existing landscape elements such as rock formations, mature trees and other vegetation should, where possible, be preserved.

b) A landscape plan, complying with the requirements of Section 4.1 of Chapter B9 – Landscaping, is submitted with the development application.

c) All parts of the site not built upon or paved (i.e. the usable open space area) are to be landscaped with grass, groundcovers, shrubs and/or trees.

5.9 Protection of Views

Desired Outcomes

DO1 - Where existing development enjoys desired views (eg ocean views, views of hills and mountains etc), new development is designed and sited so that at least a part of the desired view is visible from the existing development, where practicable.

DO2 - Development provides for reasonably equitable sharing of views, between neighbouring properties, of hills/mountains and significant stands of vegetation.

Development Requirements

a) The impact of new development on desirable views enjoyed from existing development is to be assessed utilising the following hierarchy of considerations:

Table C1-4: Hierarchy of Considerations for Assessing Impact on Views from Adjoining Properties

View Assessment Hierarchy		
Highest (First Priority)	Where will views be affected?	Water views are more valuable than land views.
		Whole views are valued more highly than partial views.
Second Priority	Where are views obtained from?	Views across side boundaries cannot be protected by unreasonable requirements.
		Views from sitting positions cannot be protected by unreasonable requirements.

		Views across front or rear boundaries, from a standing position should be protected to a reasonable extent.
Third Priority	Where is the impact?	Will views be retained from other parts of the property?
		Views from living areas and kitchens are more important than from bedrooms and service areas.
		Assess view loss in qualitative terms: negligible, minor, moderate, severe or devastating.
Lowest (Fourth Priority)	Is the proposal reasonable?	Does the proposal comply with other controls in this chapter?
		If not, even a moderate impact on views may be considered unreasonable.
		If it does comply, would a more clever design provide the same development potential and amenity and reduce the impact on views? If not, impact probably considered acceptable and view sharing reasonable.

5.10 Infrastructure and Services

Desired Outcomes

DO1 - Development is designed to:

- ensure that the demands generated by the development are not beyond the capacity of the site or any related infrastructure or services, unless the required upgrades are reasonable and affordable; and
- minimise the cost of extensions or connection of infrastructure and services to the development.

Note - Infrastructure and services includes, but is not limited to, sewerage systems, reticulated water supplies, drainage networks, road networks, foot paving and kerb and guttering.

Development Requirements

a) As conditions of consent for any new development (excluding single dwelling houses on existing allotments), developers will be required to either provide or upgrade existing infrastructure or contribute monetarily to the provision of such services.

b) Any contributions required to be paid shall be determined in accordance with the requirements of Section 94 of the *Environmental Planning and Assessment 1979* and Section 64 of the *Local Government Act 1993*.

c) State Environmental Planning Policy No 71 – Coastal Protection requires that Council must not grant consent to development that will discharge untreated stormwater.

d) Generally, BASIX will require roof water harvesting (rain water tanks). Development should include water treatment devices for first flush and run-off from paved areas.

e) Development shall comply with the relevant requirements of Chapters B2, B3, B4, B5 and B6.

5.11 Mixed Development within Zone B2 – Local Centre

Desired Outcomes

DO1 – Residential development is only provided in the forms permissible in Kempsey LEP 2013 (ie. Boarding Houses and Shop Top Housing).

DO2 - Tourist and Visitor Accommodation (eg hotels, motels and serviced apartments) is accommodated in the Zone B2 – Local Centre.

DO3 - An adequate level of amenity is provided to the desired forms of residential accommodation and Tourist and Visitor Accommodation.

DO4 - Business and retail development is designed to reduce the amenity impacts to adjoining residential development or Tourist and Visitor Accommodation.

Development Requirements

Shop Top Housing

a) Residential development must only be in conjunction with retail or business premises.

b) Such developments must feature shops or commercial development at ground level with the residential component constructed above ground level (i.e. first storey and above).

c) The residential component of a development should not occupy the main street frontage.

d) Windows in residential development provides for casual surveillance of business areas, which reduces the potential for crime and improves public safety, where practicable.

e) Shop top housing must be provided with a balcony or some form of private open space. The following requirements should be met:

(i) A balcony with a minimum area of $12m^2$ and a minimum dimension of 2 metres; and
(ii) A balcony located with direct access to the living areas of the unit.

f) The location of balconies and living areas must have regard for likely future forms of development on adjoining allotments so as not to result in an unacceptable loss of development potential on adjoining allotments.

g) Balconies are not to overhang any street alignment.

h) Separate commercial service requirements, such as loading docks, are to be located so as not to interfere with any residential access, servicing needs and primary outlooks.

i) Clearly identified residential entries are to be provided directly from the publicly accessible area at the front of the site. Entries to residential uses are to be physically separated from the entry to the retail or business premises and to be highlighted to a lesser degree than the entry to the business/retail component of the development.

j) Provide security access controls to all entrances into private areas, including car parks and internal courtyards.

k) Provide safe pedestrian routes through the site, where required.

l) Where new business development (both new development and relevant alterations and extensions to existing development) adjoins existing/proposed residential uses:

   (i) The design is to incorporate methods to reduce visual privacy and acoustic impacts on the adjoining residential use. This may be achieved by using landscaping, mounding and/or screening, suitable location of delivery areas, appropriate delivery hours and/or limiting after hours deliveries.

   (ii) All noise generating equipment such as mechanical plant or equipment, air conditioning units, fixed vacuum systems, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar, as well as delivery areas, must be designed to protect the acoustic privacy of neighbouring residential uses.

   (iii) All such noise generating equipment must be acoustically screened.

   (iv) Noise levels at the property/unit boundary of residential development must not exceed a LAeq, 15 minute of 5dB above background noise.

   (v) No development is to result in obtrusive lighting impact to residential uses.

m) One lock-up garage per residential dwelling or unit is to be provided on site.

n) Clothes drying areas are not to be visible from the street.

o) The visual impact, as viewed from the street, of external plant such as air conditioners, drainpipes and antennae, shall be minimised by:

   (i) Roof top parapets;

(ii) Colour matching to background; and
(iii) Visually screening air conditioners attached to a wall.

5.12 Summary of Controls

The following table provides a summary of the principle numerical development requirements within this section. It is not possible to include all requirements. In addition, it is not possible to accurately indicate where all the requirements apply. The following table may be used as a quick reference, but it is necessary to familiarise yourself with the application of these and other requirements, by reviewing the remainder of this section.

Table C1-5: Summary of General Residential Numerical Development Requirements

Summary of General Residential Numerical Development Requirements		
Development Component	**Precinct/Storeys**	**Requirement**
Minimum Site area (density)	All	Refer to Table C1.3 (Section 5.1)
Minimum Landscaped Area	All	Refer to Table C1.3 (Section 5.1)
Street Setbacks	All	5m from primary street frontage
	All	3m to secondary street frontage
	All	Garages to be set back a minimum of 6.0m from the street.
Side/Rear Setbacks	Single Storey	Minimum 900mm Average 1.8m
	Two Storey	Minimum 1.5m Average 3.0m
	Three Storey	Minimum 2.0m Average 4.5m
Maximum length of wall without articulation	All	12m
Building Height	All	Refer to HOB maps of KLEP2013.
Solar access	One to two Storeys	2 hours to living areas and POS of adjoining development
	Three Storeys	3 hours to living areas and POS of adjoining development
Energy Efficiency	All	Compliance with BASIX
Maximum Cut and Fill	All	1.5m
Retaining walls	All	Max height 1.5m Max length 12m
Private Open Space	Ground level	Min $25m^2$

		One area of 4m x 4m Max slope of 1 in 8 No less than 2m wide at any point
	Above ground level	Min 15m^2 Min 2.0m for 80%
Parking and Access	All	Refer to Chapter B2

6.0 Development Requirements – Special Requirements for Low Density Precincts

This section applies to land in the Low Density Precincts.

6.1 Low Density Precincts

Desired Outcome

DO1 - Development is generally restricted to a single dwelling house per allotment, unless:

- There is sufficient capacity within infrastructure networks for water supply, the sewerage network, stormwater drainage and the local road system to service a higher density of development;
- The development complies with Council's Flood Plain Management Policy/Procedure;
- The proposal does not have an adverse impact in terms of visual amenity and soil stability through excessive use of cut, fill and retaining walls; and
- All relevant Desired Outcomes in Section 5.0 of this chapter are achieved.

Development Requirements

Nil.

7.0 Development Requirements - Special Requirements for South West Rocks

The following special provisions apply to South West Rocks. These provisions apply in addition to all the provisions contained in Section 5.0 of this chapter.

7.1 Site Coverage

Desired Outcome

DO1 - Development is designed and constructed to retain and contribute to the open, natural character of South West Rocks.

DO2 - Development provides sufficient deep soil landscape area on site to allow a reasonable amount of on-site infiltration of rainwater.

Development Requirements

a) Development complies with the Development Requirements contained in Section 5.1 of this chapter.

7.2 Protection of Trees and Important Vegetation

Desired Outcome

DO1 - Vegetation that positively contributes to the unspoilt natural character of South West Rocks is retained, where practicable.

DO2 - The relevant Desired Outcomes and Development Requirements of the following chapters are achieved:
a) B5 – Landscaping; and
b) B10 – Tree Preservation and Vegetation Management.

Development Requirements

a) Subdivision of land containing important vegetation shall be designed so as to maximise retention of all trees within road and public reserves, except where required to be removed to provide services and to construct roads.

b) Where it is proposed to subdivide land that contains important vegetation, Council will require all trees over three (3) metres in height to be identified by survey.

c) Details of the means of protecting trees nominated for retention during construction of the subdivision will be required to be submitted with the Development Application.

d) Where Council considers it necessary, appropriate title restrictions will be required to protect important vegetation from future removal.

7.3 Additional Controls for Dual Occupancy Development

Desired Outcomes

DO1 - The scale and form of Dual Occupancy development is designed and constructed to:
a) retain and contribute to the open, natural character of South West Rocks;
b) be compatible with the streetscape; and
c) have no significant adverse impacts on the amenity of the locality.

Development Requirements

a) Dual occupancy shall be restricted to corner allotments or allotments with a minimum primary street frontage of 20 metres.

8.0 Development Requirements – Special Requirements for Crescent Head

8.1 Scope of this Section

This Section applies to:

(a) Development for residential purposes, including single dwelling houses, multiple dwellings, dual occupancies and residential flat buildings; and

(b) Only land within Crescent Head as depicted in the following map; and

(c) Land zoned R1 – General Residential, R3 – Medium Density Residential and B2 – Local Centre.

Figure C1-14: Map - Land to which Section 8.0 applies.

8.2 Relationship to Other Sections of this Chapter

The provisions of this section must be addressed in addition to the provisions of the remainder of this Chapter in submitting and assessing any development application for development that is the subject of this Chapter.

8.3 Crescent Head Character Statement

Desired Outcomes

DO1 - Development proposals demonstrate achievement of the following contributor character statements and avoid the detracting features.

Table C1.7: Character Elements of Crescent Head		
	Features that Contribute	**Features that Detract**
Landscape Character	• Trees that dominate the hill • Consistent theme for tree planting • Rooflines below tree canopies across the ridgeline • Vegetation that softens views of dwellings (see CEPTED provisions)	• Dwellings intruding on the skyline • Overhead power lines • Protruding white roofs • Roof lines along contour connected to make an unbroken line • Cocos Palm Trees
Streetscape Character	• Use of shrubs for screening foreground (native vegetation preferred) • Unobtrusive fencing • Adequate setbacks to achieve desired landscape • Layback kerb and gutter with footpath adjoining, to maximise area for landscaping • Retention of vistas • Rock retaining walls	• No defined road edge/footpath • Adhoc home business advertising • Retaining walls with hard/straight edge • Intrusive letter boxes and fences • Poor street stormwater management resulting in poorly maintained systems and soil erosion • Encroachments within the road reserve
Building Character and Design	• Large building setbacks • Timber balconies, handrails etc • Wide eaves • Broken or varied rooflines • Timber gables • Recessed garages • Dormer windows • Use of verandas projecting from building, not enclosed • Not square to frontage • Pastel or earthy colours • High pitched roofs • Varied construction materials • Windows and openings in proportion to wall • Rock retaining walls	• Boxy heavy developments • Enclosed balconies • Over use of concrete, excessive width driveways • Intrusive retaining walls • Dominating brick walls and fencing • Viewing double garages from the street front • Square shape to frontage • Lack of landscaping • Featureless walls facing street • Bright colours for walls or roofs • Modern glass balustrades • Narrow verandahs

Development Requirements

Nil.

8.4 Rear Setbacks

Desired Outcomes

DO1- Buildings are to be sited and designed to ensure that the privacy, separation between dwelling units and landscape character within the Special Rear Setback Area is maintained.

Development Requirements

a) Rear setbacks within the area shown in the Figure below (Figure C1-15) shall be not less than 5 metres.

Figure C1-15: Map – Special Rear Setback Area of Crescent Head

Chapter C2 – Manufactured Home Estates and Caravan Parks.

1.0 Introduction

1.1 Scope of this Chapter

This chapter applies specifically to the following uses:

- Caravan Parks; and
- Manufactured Home Estates.

These terms are defined in Kempsey LEP 2013 and SEPP No.36 – Manufactured Home Estates.

1.2 Relationship to Other Chapters of this DCP

The provisions of this Chapter override the provisions of any other Chapter of this DCP, to the extent of any inconsistency.

2.0 Chapter Objectives

The objectives of this Chapter are:

(a) To provide guidelines for the acceptable siting and design of caravan parks intended for long-term occupation and Manufactured Home Estates, in order to ensure that amenity available to long-term residents is consistent with that of other residents within the Shire.

(b) To augment the requirements with respect to those of *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005,* in order to ensure that all local issues are taken into consideration.

(c) To ensure that parks are developed in consideration of the prevailing ecological and social conditions of the Shire.

(d) To recognize caravan parks and Manufacture Homes Estates as viable housing alternatives.

(e) To promote a high quality living environment through the implementation of physical design standards.

(f) To ensure that developments are adequately serviced with respect to community and recreational facilities.

(g) To maintain adequate public access to existing and future public open space.

(h) To ensure that sufficient and efficient vehicle access and car parking is provided to developments.

3.0 Relationship to other Environmental Planning Instruments and Local Government Regulation

This chapter has been prepared to be consistent with the aims, objectives and provisions of:

(a) State Environmental Planning Policy No. 21 – Caravan Parks;
(b) State Environmental Planning Policy No. 36 – Manufactured Home Estates; and
(c) Kempsey Local Environmental Plan 2013.

The provisions of any of the above Environmental Planning instruments shall prevail to the extent of any inconsistency with the provisions contained in this chapter.

In addition to development consent, caravan parks and manufactured home estates require separate approval to operate in accordance with Section 68 of the *Local Government Act 1993.* An application to operate will be assessed against the design and operational requirements as provided in *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.*

The Section 68 approval lapses after 5 years (or shorter or longer time as Council may set). Consequently, the Section 68 approval will require periodic renewal of extension to allow the caravan park or camping ground to continue operating.

Provisions for the development and operation of caravan parks and camping grounds are contained in the *Local Government Act 1993* and the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.* These provisions relate to licensing, period of residence, land and site requirements including setbacks, services, parking and roadways, amenities and other facilities, unregisterable movable dwellings and other matters. Relocatable Homes are regulated by SEPP36 – Manufactured Home Estates.

Both development consent and an approval to operate are still required for temporary caravan parks or camping grounds (ie for a period up to 6 weeks during an event), but they are not subject to the operating requirements of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.*

4.0 Development Requirements

4.1 Location Requirements

Desired Outcomes

DO1 - Caravan Parks and Manufactured Home Estates are located in areas that avoid visually and environmentally sensitive areas and physical constraints.

DO2 - Caravan Parks and Manufactured Home Estates are located in areas that:
- Are reasonably accessible to shops; and
- Generally comply with the location requirements of related legislation.

Development Requirements

a) Land used for the development of caravan parks and Manufactured Home Estates should avoid sites exhibiting the following characteristics:

(i) Visually or environmentally sensitive land which may include wetlands, littoral rainforests, foreshores, foredunes, headlands, or major ridgelines.
(ii) Land subject to flooding, tidal inundation, land slip or bushfires.
(iii) Steep land generally in excess of 10%.
(iv) Land exposed to high winds – (**see figure 1**).
(v) Caravan Parks or Manufactured Home Estates are to be located within easy walking distance of shops and public transport with distances generally not to exceed 800 metres.
(vi) Any location requirements contained in:
- State Environmental Planning Policy 21 – Caravan Parks; and/or
- State Environmental Planning Policy 36 – Manufactured Home Estates.

Note: SEPP21 and SEPP36 include exclusions to do with flooding, environmental protection zones and scenic protection zones.

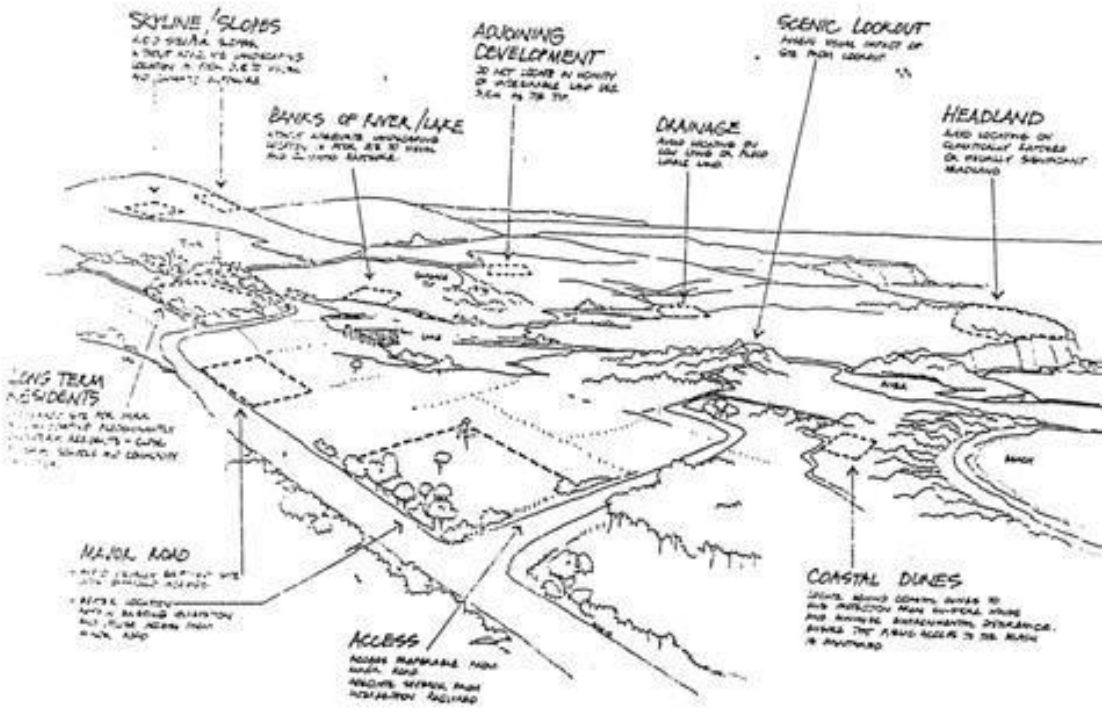


Figure C2-1: Location Considerations

4.2 Design for Social Considerations

Desired Outcomes

DO1 - Development has adequate regard to adjoining land uses.

Development Requirements

a) Development Applications are to demonstrate regard for the following social considerations:

(i) Caravan Parks or Manufactured Home Estates are to be designed so as to compliment and enhance the existing landscape character of the locality.
(ii) Caravan Parks or Manufactured Home Estates are to be compatible with adjoining land uses and avoid adjacent uses which may include industries or high density residential developments.
(iii) Development proposals are to clearly demonstrate reasonable regard for the amenity of adjoining residents.
(iv) Where developments adjoin existing and potential public open space or foreshore areas, provision is to be made for legal public access in a manner which ensures the privacy and amenity of future site occupants.

4.3 Utilities

Desired Outcomes

DO1 - Development is serviced with the necessary utilities.

Development Requirements

a) Caravan Parks or Manufactured Home Estates are to be fully serviced with town water, sewer, electricity and telephones at no cost to Council

4.4 Minimum Land Requirement

Desired Outcomes

DO1 - The development is located on a site with adequate area to accommodate all the components of the use, including vehicle parking, ablutions and recreation areas.

Development Requirements

a) Caravan Parks or Manufactured Home Estates are to have a minimum area of 1 hectare.

b) Of the total land area of the Caravan Park or Manufactured Home Estate, the following area must be reserved for recreation or other communal activities:

(i) At least 10 per cent; or
(ii) Such lesser proportion (but not less than 6 per cent) as determined appropriate by Council based on justification supplied by the applicant that the lesser amount of recreation area is sufficient to satisfy the needs of the occupants.

4.5 Minimum Site Requirements - Caravan Parks

Desired Outcomes

DO1 - Sufficient area is provided for each individual moveable dwelling site to accommodate the expected range of moveable dwellings.

DO2 - The individual site area of each moveable dwelling site is sufficient to mitigate amenity impacts between moveable dwelling sites.

Development Requirements

a) The minimum site requirements for a moveable dwelling shall be:

(i) $80m^2$ for a long-term site;
(ii) $65m^2$ for a short-term site;
(iii) $40m^2$ for a camp site where a separate car parking space is provided within 30m of the camp site; and
(iv) $50m^2$ for a camp site where a separate parking space is not provided within 30m of the camp site.

b) A range of site sizes for movable dwellings are to be provided in the caravan park.

c) A dwelling site must have vehicular access to an access road.

d) A building envelope is to be identified within each movable dwelling site. The building envelope is to accommodate a range of mobile home sizes from $15m^2$ to $90m^2$.

e) The following features are to be provided within each moveable dwelling site and outside of the nominated building envelope:

(i) A minimum of one (1) concrete car space with minimum dimensions of 3.0 metres x 5.4 metres to allow for the erection of a carport.
(ii) A concrete or paved entrance way with connecting pathway.
(iii) An outdoor living area not less than 3 metres x 3 metres with reasonable access to sunshine and privacy.

f) The separation between building envelopes of adjacent moveable dwelling sites is to be a minimum of:

(i) 3m, if it is situated on a long-term site; or
(ii) 2.5m, if it is situated on a short-term site or camp site.

4.6 Minimum Site Requirements – Manufactured Home Estates

Desired Outcomes

DO1 - Sufficient area is provided for each individual manufactured home site to accommodate the expected range of manufactured homes.

DO2 - The individual site area of each manufactured home site is sufficient to mitigate amenity impacts between manufactured home sites.

Development Requirements

a) The minimum size of a manufactured home site shall be 130m^2.
b) The dwelling site must have access to an access road.
c) Building envelopes are to be identified for a range of manufactured home sizes.
d) Where subdivision is proposed, building envelopes are to be incorporated into the title of each site.

4.7 Setbacks

Desired Outcomes

DO1 - Setbacks between moveable dwelling sites are provided to ensure that the residential amenity within the moveable dwellings will be acceptable.

Development Requirements

The following setbacks shall be provided to movable dwelling sites in Caravan Parks and Manufactured Home Estates:

a) Internal roads (including carspaces)

   (i) 2.5 metres to minor access roads; and
   (ii) 1.5 metres to major access roads.

b) Side boundaries – 3.0 metres.

c) Rear boundaries – 3.0 metres.

d) A moveable dwelling must not be installed closer to any other moveable dwelling than:

   (i) 3 metres, if it is situated on a long-term site; or
   (ii) 2.5 metres, if it is situated on a short-term site or camp site.

e) Amenities Block – 10 metres, which may be reduced to 5 metres where adequate screen planting is provided.

4.8 Buffer Areas

Desired Outcomes

DO1 - Setbacks/buffers between movable dwelling sites and adjoining properties are sufficient to mitigate the visual, privacy and noise impacts of the development to adjoining properties to a satisfactory level.

DO2 - Setbacks/buffers along the property frontage are sufficient to mitigate the visual impacts of the development on the streetscape.

Development Requirements

a) A buffer strip 4.5 metres wide shall be provided to all peripheral areas excluding principle road frontages for which a minimum of 10 metres shall be provided.

b) Notwithstanding this provision, the setback of sites to peripheral boundaries (excluding principle road frontages) may be reduced to 3 metres where the average setback to sites on any particular boundary is 4 metres.

4.9 Landscaping

Desired Outcomes

DO1 - Landscaping of the development:

- Utilises *endemic species* which are appropriate for the intended purpose;
- Water efficient;
- Provides adequate screening to ensure the privacy of residents within the development and on adjoining sites is preserved to a reasonable level;
- Provides shade in strategic locations;
- Blends the development into the streetscape and neighbourhood; and
- Provides a green garden setting within the development.

DO2 - The relevant Desired Outcomes and Development Requirements contained in Chapter B5 – Landscaping are satisfied.

DO3 - The removal of trees and vegetation is undertaken in accordance with Chapter B10 – Tree Preservation and Vegetation Management.

Development Requirements

a) Development Applications shall be accompanied by a landscaping plan complying with the requirements of Section 4.1 of Chapter B9 – Landscaping, which incorporates the following features:

(i) All existing trees are to be located by survey and identified on the submitted plans.
(ii) Wherever possible, existing trees are to be retained.
(iii) Species should compliment those naturally occurring in the area.
(iv) Landscaping shall enhance the natural features of the site and adjoining areas.
(v) Provision is to be made for adequate screen planting between allotments and may incorporate the use of trellises.
(vi) Peripheral buffer areas are to be landscaped to provide adequate privacy for residents within and adjoining the park.
(vii) Landscaping shall be applied to ameliorate prevailing local adverse weather conditions.
(viii) Provision of shade trees for residents at a reasonable rate.
(ix) Carparking areas are to be landscaped so as to reduce the effect of car headlights on any dwelling.
(x) Landscaping of setbacks fronting internal carriageways is to include species with a potential height of not greater than 1 metre.
(xi) Delineation of sites should be achieved by means other than fencing.
(xii) All landscaping is to be completed and maintained in accordance with the approved landscaping plans prior to the granting of a Section 68 approval to operate the caravan park or manufactured home estate.

4.10 Road Design – Park Layout

Desired Outcomes

DO1 - The road layout within Caravan Parks and Manufactured Home Estates:

- Provides for a flow of traffic through the development with least disruption and least impacts on safety;
- Provides a network of safe pedestrian paths and cycle paths; and
- Provide sufficient turning areas for caravans and large vehicles to access designated moveable dwelling sites.

DO2 - Roads are designed and constructed generally in accordance with Council's Engineering Guidelines for Subdivision and Development, subject to the following development requirements.

Development Requirements

Both Caravan Parks and Manufactured Home Estates shall achieve the following standards and objectives with respect to road design:

a) Provision shall be made for a traffic circulation pattern which is primarily one way. The direction of travel for a one-way access road must be indicated by means of conspicuous signs.

b) All roads for 2-way traffic movement must be designed to meet the requirements of a major access road.

c) The width of the road reserve must be:

- At least 8.5 metres for a major access road; and
- At least 6 metres for a minor access road.

Where no formal road reserve will be provided in caravan parks, the minimum width of the road reserve is to be applied as the minimum distance between the boundaries of movable dwelling sites located on opposite sides of the access road.

d) The width of the sealed portion of an access road must be:

- At least 6 metres for a major access road; and
- At least 4 metres for a minor access road.

e) If a minor access road exceeds 80 metres in length, a passing bay or bays must be provided within the road reserve.

f) Passing bays must be provided at intervals of not more than 100 metres for both major and minor access roads.

g) The width of the sealed portion of an access road at any point at which there is a passing or parking bay must be:

- At least 8.5 metres for a major access road; and
- At least 6 metres for a minor access road.

h) Entrance and exit roads:

- Must be at least 8.5 metres wide; or
- In the case of a divided road, the width of the sealed portion of the road on either side of the median strip must be at least 5 metres wide; and
- Include satisfactory tapers to the width of internal roads.

i) Road design shall have regard for the physical constraints of the site and avoid the need for excessive earth moving and vegetation loss.

j) Development Applications are to be accompanied by a topographic survey plan prepared by a registered surveyor indicating existing contours, vegetation and other important natural features.

k) Road layouts are to avoid potential conflict between vehicles and pedestrians.

l) All internal roads and visitor parking shall be of an all-weather sealed finish.

m) Where caravan parks adjoin existing or likely future public reserves, provision shall be made for legal access in a manner which protects the privacy of park residents.

Caravan parks shall achieve the following standards and objectives with respect to road design, in addition to the above requirements:

n) A road that provides access to not more than 30 sites may be designed to achieve the requirements of a minor access road.

o) A road that provides access to more than 30 sites must be designed to achieve the requirements of a major access road.

p) Caravan parks are to provide a forecourt holding area for the temporary parking of incoming vehicles and movable dwellings with an area of not less than 4 metres x 20 metres.

4.11 Car Parking – Caravan Parks

Desired Outcomes

DO1 - Car parking is provided in accordance with the relevant requirements of Chapter B2 – Parking, Access and Traffic Management.

DO2 - Sufficient and convenient temporary resident, long-term resident, staff, disabled and visitor parking spaces are provided to service the projected needs of the Caravan Park.

DO3 - The surface of car parking areas minimises long term maintenance requirements.

Development Requirements

a) Carparking shall be provided at the rate of 1 space per site plus 1 visitor space per 10 sites.

b) Carspaces on each site shall be a minimum of 5.4 metres x 3.0 metres.

c) Carspaces and driveways on each site are to be concrete paved.

d) Visitor carparking is to be provided at the rate of 1 space per 10 long-term sites, or part thereof.

e) Visitor carparking is to be provided at a rate of 1 space per 20 short-term

sites, or part thereof.

f) Visitor carparking is to be provided at a rate of 1 space per 40 camp sites, or part thereof.

g) Visitor carparking is to be located so as to afford reasonable access to each site.

h) Visitor carparking is to be located so as to minimize disturbance to individual sites.

i) Provision is to be made for adequate sign posting indicating the location of visitor carparking.

j) Visitor parking for people with disabilities is to be provided in accordance with the following:

(i) The caravan park or camping ground is to contain a minimum of one visitor parking space for people with disabilities;
(ii) A caravan park or camping ground that contains more than 100 sites must contain at least one visitor parking space for people with disabilities for each 100 sites or fraction of 100 sites;
(iii) Such parking is to be provided in accordance with AS/NZS 2890.6 – 2004: *Parking facilities – Off Street Parking for People with Disabilities;*
(iv) Visitor parking spaces for people with disabilities must be clearly identified as such; and
(v) Visitor parking spaces for people with disabilities are to be included when calculating the overall number of visitor parking spaces for the caravan site.

4.12 Car Parking – Manufactured Home Estates

Desired Outcomes

DO1 - Car parking is provided in accordance with the relevant requirements of Chapter B2 – Parking, Access and Traffic Management.

DO2 - Sufficient and convenient temporary resident, long-term resident, staff, disabled and visitor parking spaces are provided to service the projected needs of the Manufactured Home Estate.

DO3 - The surface of car parking areas minimises long term maintenance requirements.

Development Requirements

a) Carparking shall be provided at the rate of 1 space per site.

b) Parking spaces provided on residential sites shall be a minimum of 5.4 metres x 3.0 metres.

c) Visitor spaces shall be a minimum of 5.4 metres x 2.5 metres in the case of angle parking and 6.1 metres x 2.5 metres in any other case.

d) Car spaces and driveways on each site are to be concrete paved.

e) Visitor parking is to be provided at the minimum rate indicated in the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* as follows:

Table C2-1: Visitor Car Parking Rate

Number of Sites	Parking Requirement
Estates containing not more than 35 sites	8 spaces
Estates containing 36 to 70 sites	12 spaces
Estates containing 71 to 105 sites	16 spaces
Estates containing 106 + sites	20 spaces plus 1 space per 7 sites in excess of 140 sites

4.13 Open Space

Desired Outcomes

DO1 - Sufficient usable open space is provided within the development to service the outdoor recreation needs of users of the development.

Development Requirements

a) Open space shall be provided within each Caravan Park or Manufactured Home Estate at the minimum rate of 10% of the total area.

b) Land identified for open space purposes should be developable for such purposes and should not include permanently inundated land or any land containing sensitive landforms.

c) Land identified for communal facilities (excluding storage areas) may be considered as open space.

d) Open space shall be provided in a manner which is equally accessible to all sites.

e) In the case where sufficient open space has not been provided on site to meet the above requirements, the difference between 10% of the total site area and the amount of open space provided on site will attract the payment of contributions in accordance with any of Council's Section 94 Contribution Plans requiring contributions for open space.

4.14 Minimum Facilities – Caravan Parks

Desired Outcomes

DO1 - Suitable indoor or outdoor recreation facilities, commensurate with the location attributes and size of the development, are provided.

Development Requirements

Each Caravan Park shall make provision for the following facilities:

a) Children's playground with equipment catering for a range of children's ages. Notwithstanding this provision, consideration will be given to deleting this requirement where such a facility exists within 200 metres of

the park or estate and is so sited as to allow safe access by children.

b) Where the Caravan Park is located on the foreshore of the coast or a waterway, a storage compound suitably secured containing sufficient lockable storage facilities for each site and space for the parking and maneuvering of boats at the rate of 1 space per 10 sites.

c) A community building designed to function as a multipurpose centre appropriate to the size of the park including a kitchen and indoor recreation area.

d) The provisions of recreational facilities such as swimming pools and tennis courts is encouraged and may offset against the open space requirements.

Chapter C3 – Bed and Breakfast Accommodation

1.0 Introduction

1.1 Scope of this Chapter

This DCP chapter applies specifically to the following uses:

a) Bed and Breakfast Accommodation;

b) Farm Stay Accommodation, where the accommodation component is proposed to operate in a similar manner to Bed and Breakfast Accommodation; and

c) Eco-tourist Facilities, where the accommodation component is proposed to operate in a similar manner to Bed and Breakfast Accommodation.

These terms are defined in Kempsey LEP 2013.

1.2 Relationship to Other Chapters of this DCP

The provisions of this Chapter override the provisions of any other Chapter of this DCP, to the extent of any inconsistency.

2.0 Chapter Objectives

The Objectives of this chapter are:

a) To promote the use of dwellings for the purposes of providing tourist accommodation.

b) To identify the development requirements for the uses within the scope of this chapter.

c) To provide more specific requirements in relation to Advertising Signs for the uses within the scope of this chapter, in addition to the relevant development requirements for Advertising Signs of Chapter B18 – Advertising and Tourist Signs.

3.0 Development Requirements

Council will exercise discretion when applying the following Desired Outcomes and Development Requirements to uses not specifically defined as Bed and Breakfast Accommodation.

The following Desired Outcomes and Development Requirements apply to Bed and Breakfast Accommodation.

3.1 Restrictions on Use of Bed and Breakfast Accommodation

Desired Outcomes

DO1 - Bed and Breakfast Accommodation is designed and operated in accordance with the definition of the use and Clause 5.4(1) of KLEP2013.

Note – At the time of adoption of the DCP, the KLEP2013 definition for Bed and Breakfast Accommodation is:

> ***Bed and breakfast accommodation*** *means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:*
> *(a) Meals are provided for guests only; and*
> *(b) Cooking facilities for the preparation of meals are not provided within guest's rooms, and*
> *(c) Dormitory-style accommodation is not provided.*

Development Requirements

a) Must be operated by the permanent residents of the dwelling house.
b) Must be used for short term guests only. No long term guests or permanent accommodation. The maximum stay for a guest, boarder, and lodger is to be one month.
c) A maximum of 3 bedrooms are to be used for guest accommodation.
d) No more than 12 residents (including permanent residents) are to be accommodated at any one time.
e) Accommodation rooms are restricted to rooms forming part of the dwelling which are not capable of being occupied separately as dwellings.
f) Whilst facilities such as a sink, refreshment making facilities and ensuites may be included in accommodation rooms, separate kitchens and laundries are not permitted.
g) Must have at least one guest bedroom.

3.2 Signage

Desired Outcomes

DO1 - The number and size of signs is commensurate with and appropriate to the use of the premises as Bed and Breakfast Accommodation.

DO2 - Any Advertising Signs comply with the relevant requirements of Chapter B18 – Advertising and Tourist Signs.

Development Requirements

a) Only one advertising sign is permitted, indicating that the house is a Bed and Breakfast Accommodation and the name of the proprietor.
b) The sign must not exceed 0.75m^2.

3.3 Car Parking and Access

Desired Outcomes

DO1 - Car parking areas and access arrangements are provided that satisfy the needs of the development, while minimising the impact on the streetscape and character of the area.

DO2 - The design and construction of car parking and access areas comply with the relevant requirements of Chapter B2 – Parking, Access and Traffic Management.

Development Requirements

a) Car parking will be required at the rate of one space per accommodation room, in addition to the one space required for the dwelling.
b) Parking is required to be provided wholly within the site in a manner which will not conflict with traffic movements.
c) No stacked car parking will be permitted.
d) Parking spaces must be provided to an all weather dust free standard and suitably drained to prevent discharge to an adjoining property.
e) In the case of proposals in rural areas, access must be provided to 2-wheel drive all weather standard.

3.4 Accessibility for Disabled Persons

Desired Outcomes

DO1 - Development is designed and constructed to comply with the relevant provisions of the Premises Standards and the Building Code of Australia, in relation to disabled access.

Development Requirements

a) Council will at all times encourage design of premises to provide access and facilities for disabled persons.

3.5 Health and Building

Desired Outcomes

DO1 - Kitchens and food preparation areas comply with the relevant requirements of the *Food Act 2003* and associated regulations, codes and guidelines.

DO2 - The premises are maintained in a hygienic manner.

DO3 - The development complies with the relevant provisions of the Building Code of Australia, in terms of fire safety, the provision of sanitary facilities and safety of swimming pools.

Development Requirements

a) The establishment must comply with the *Food Act 2003* and the *Food Regulation 2010,* or current equivalent (inclusive of the NSW Food Authority Notification requirements), the Food Safety Standards Code (Standard 3.2.3 – Food Premises and Equipment) and Australian Standard

4674 – 2004 (Construction and Fitout of Food Premises).

Note - Depending on the types of meals proposed to be provided, upgrading of kitchens to commercial standard may be required. This may also require provision of additional fire safety equipment. In general, where minor snacks and continental breakfasts only are provided, and depending on the scale of the development, normal domestic kitchens are satisfactory.

b) Any swimming pools are to comply with the relevant safety requirements.

d) The premises and furnishings must be kept clean and free from vermin.

f) The premises are to comply with the fire safety requirements of the Building Code of Australia.

Note – A fire extinguisher and fire blanket should be provided in the kitchen.

3.6 Landscaping

Desired Outcomes

DO1 - Landscaping complies with the relevant provisions of Chapter B9 – Landscaping.

DO2 - Sufficient landscaping and passive outdoor recreation areas are provided to satisfy the needs of residents and guests.

Development Requirements

a) In urban areas:

(i) a landscape plan complying with the provisions of Section 4.1 of Chapter B9 – Landscaping is submitted with the application;
(ii) landscaping complies with the relevant requirements of Chapter B9 – Landscaping;
(iii) suitable screening and planting is to be provided between the car parking area/s and adjoining properties; and
(iv) a minimum of 90m^2 of landscaped private open space area, excluding any area used for vehicle circulation or parking, is to be provided on site.

3.7 Services and Utilities

Desired Outcomes

DO1 - Infrastructure utilities are adequate to service the needs of the Bed and Breakfast Accommodation and, where required, are upgraded to meet the increase in demand generated by the development.

Development Requirements

a) Where reticulated sewerage is not available, the existing or proposed onsite sewerage disposal system is to be designed to ensure that all effluent can be disposed of onsite having regards to any increase in

expected effluent loadings and capacity of soils to accept wastewater (refer to Chapter B8 – On-site Sewage and Wastewater Management for further requirements).

b) Adequate provision is to be made to the satisfaction of Council for the supply of water and the disposal of stormwater, sewage (where available) and garbage/recycling (refer to Chapters B3, B5, B6 and B16 for further requirements).

4.0 Advice

a) A separate application and approval under Section 68 of the *Local Government Act 1993* may be required for increasing the capacity of onsite sewerage management systems.
b) Upgrading of the fire safety measures in the building may be required to achieve compliance with the Building Code of Australia.
c) Toilet and bathroom facilities may need to be extended to achieve compliance with the Building Code of Australia and relevant accessibility provisions.
d) Potential applicants are encouraged to discuss proposals with Council at the earliest opportunity when formulating proposals to assist in identifying Council's requirements and any site specific issues.
e) The development may be complying development in accordance with Subdivision 1: Bed and Breakfast Accommodation, Part 4A General Development Code of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Chapter C4 – Tourist Facilities in Rural Areas and Eco-Tourist Facilities

Pending

Chapter C5 – Industrial Development

Pending

Chapter C6 – Commercial Development

Pending

Chapter D1 – South West Rocks Town Centre

1.0 Introduction

1.1 Scope of this Chapter

This chapter applies to all development on land within the area bounded by the bold line described in the figure below.

Figure D1-1: Map – Land subject to the provisions of Chapter D1

This chapter outlines the precinct-specific planning controls applicable to development and use of land in the South West Rocks Town Centre.

1.2 Relationship to Other Chapters of this DCP

The provisions of this Chapter override the provisions of any other Chapter of this DCP, to the extent of any inconsistency.

2.0 Chapter Objectives

The objectives of this chapter are:

a) To improve urban design and amenity within the South West Rocks town centre by:

- Ensuring development is compatible with the size and scale of the existing built form;
- Facilitating more active street frontages; and
- Ensuring that the design of new buildings in the town centre takes into account the maritime history of South West Rocks.

b) To preserve and enhance the existing "Seaside Village" character of South West Rocks.

c) To facilitate achievement of the vision and Master Plan of the South West Rocks Urban Design Study and Town Centre Master Plan by:

- Supporting the holistic identity and character theme for the South West Rocks Town Centre;
- Supporting sub-themes acknowledging innate differences between the varied precincts;
- Supporting a cohesive theme for streetscape works and private landscape treatments; and
- Supporting an integrated pedestrian and traffic network with integrated and conveniently located parking areas.

d) To encourage the retention and commercial use of some traditional cottages which reflect South West Rocks' character and history.

3.0 Background

3.1 Relationship to Other Documents, Policies, Guidelines and Authorities

3.1.1 South West Rocks Urban Design Study and Town Centre Master Plan 1999

This chapter of the DCP follows on directly from the South West Rocks Urban Design Study and Town Centre Master Plan (Master Plan) 1999. The purpose of this chapter is to provide the statutory means of implementing the outcomes of the Master Plan.

The Design philosophy adopted by the Master Plan is to create a:

"Place primarily for people: that is functional, relaxed and safe; within an attractive setting reflecting the distinctive 'Seaside Village' character while enhancing business opportunities for the benefit of the community."

Urban design details for traffic treatments, street and pavement widths, foreshore areas, open space and reserves are provided in Section 5: Master Plan of the South West Rocks Master Plan (See Appendix A to this Chapter). Section 6: Streetscape Details (See Appendix B to this Chapter) provides specifications for

vehicle and pavement areas, landscape species and theme plantings, street furniture such as bollards, seating, lighting, bins, bike rails and signage.

These specifications are to be used for public domain work and encouraged for private development unless an acceptable alternative is proposed. For example, the pavement, landscaping and furniture in outdoor dining areas flowing directly onto a sidewalk is to use either the same specified pavements and plant species or provide details of proposed treatment.

Incorporation of the Master Plan provisions into Council's operational plans is required, especially those relating to parks & garden programs, infrastructure upgrades, works programs and maintenance schedules.

Applicants for private development within the town centre may be required to undertake streetscape improvement works relevant to their development. Alternatively, where a Section 94 Contributions Plan is in place for town centre improvement works, a contribution in lieu may be accepted.

3.1.2 Horseshoe Bay Master Plan and Plan of Management

The Horseshoe Bay Master Plan supersedes the Town Centre Master Plan for that part of the Town Centre Master Plan area generally to the north of Livingstone Street. A copy of the Horseshoe Bay Master Plan is available in Council's website.

3.1.3 State Environmental Planning Policies

State Environment Planning Policies prevail over this chapter in respect of land affected by:

- State Environmental Planning Policy No. 14 – Coastal Wetlands;
- State Environmental Planning Policy No. 26 – Littoral Rainforests;
- State Environmental Planning Policy No. 44 – Koala Habitat Protection;
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008; and
- SEPP No.71- Coastal Protection.

It is advisable to review the Planning NSW website for other SEPPs that may be applicable.

3.1.4 Council Policies

Some issues associated with development in South West Rocks are addressed by Council Policies. A copy of Council Policies is available on Council's website. Council Policies and Procedures are subject to periodic review. Consequently, it is advised to regularly check Council's website for updated Policies and Procedures.

3.1.5 NSW Coastal Policy 1997

The NSW Coastal Policy 1997 sets out a number of strategic actions in relation to development on the NSW coast. The strategic actions are implemented by a number of environmental planning instruments and the requirements of this chapter.

3.1.6 North Coast Urban Design Guidelines 2008

The provisions of the North Coast Urban Design Guidelines 2008 will be used in conjunction with the requirements of this chapter in the assessment of development applications.

3.2 Seaside Village Character of South West Rocks

The elements making up the "Seaside Village" character are:

a) Casual relaxed lifestyle.
b) Natural coastal surrounds.
c) Low-key residential development – typically single storey cottages with some medium density development.
d) Human scale commercial development.
e) Mix of commercial and tourist residential uses.
   - Continuity of scale; and
   - Continuity of building setbacks.
f) Historic built forms in the Heritage Café Precinct.
g) Streetscapes.
   - Pedestrianised streets with wide paths;
   - Car parking off-street as much as possible; and
   - Vegetation in front and beside the buildings.
h) Parklands.
i) Natural foreshore areas.

3.3 Precincts used in this Chapter

The DCP Chapter area is divided into four precincts generally in accordance with those defined by the Urban Design Study and Town Centre Master Plan. Boundaries of the precincts vary slightly from those proposed in the Master Plan to reflect land use designations.

The precincts are:
- Precinct P1: Public and Recreation Areas;
- Precinct P2: Village Commercial;
- Precinct P3: Tourist Accommodation Area; and
- Precinct P4: Village Character and Heritage.

The precincts are shown in the figure below:

Figure D1-2: Map – Precincts of South West Rocks Town Centre

4.0 Development Requirements – General

4.1 Streetscape and Public Domain Theme Elements

Desired Outcomes

DO1 - Streetscape and public domain theme elements are provided generally in accordance with the locations indicated in the Town Centre Master Plan and its associated specifications, and/or any other superseding Master Plan, where practicable.

Note - In order to achieve a cohesive and attractive theme throughout the town centre, all work affecting public land, recreation reserves, sidewalks, streets, road reserves and the like is to be designed and undertaken in a manner consistent with the aims and intent of the South West Rocks Town Centre Master Plan.

DO2 - Developers provide, or contribute to the provision of, a reasonable proportion of any required streetscape works directly in front of their properties.

DO3 - Vehicle area paving is generally consistent with the existing paving theme provided in the South West Rocks Town Centre, with special emphasis on:

- New and extended median treatment to be generally consistent with existing median treatments; and

- New or extended pedestrian dominant areas utilise similar paving treatments to similar existing pedestrian dominant areas and shall provide a colour contrast to road pavement.

DO4 - Pedestrian area and pedestrian/cycle path paving is generally consistent with the existing pedestrian paving theme in the South West Rocks Town Centre and that indicated in the Town Centre Master Plan.

DO5 - Any bollards provided are consistent with the established theme of bollards used in the street reserves and public open spaces and consistent with the Town Centre Master Plan. Bollards are appropriate to their use and location and are generally one of the following types:
- 200 x 200mm square timber with a truncated pyramid top;
- 200mm diameter round timber post with a rounded top; or
- 200mm diameter round treated pine, 500mm high with a flat top.

DO6 - Seating and picnic tables used in the street reserve and public open spaces is consistent with the theme of slatted timber bench seating and timber picnic tables established in the South West Rocks Town Centre and the Town Centre Master Plan.

DO7 – Street lighting and lighting within public open spaces contributes to a unified theme for light structures within South West Rocks Town Centre. The use of a consistent design for street lamps and bollard type lights may contribute to this consistent theme.

DO8 – A consistent design and colour for litter bins is provided in the street reserve and public areas of the South West Rocks Town Centre in accordance with the requirements of the Town Centre Master Plan.

Development Requirements

Nil.

4.2 Street and Public Domain Landscaping

Desired Outcomes

DO1 - Trees and shrubs used along streets and within public open space areas are selected from the Schedule of Species for South West Rocks Town Centre (refer to Appendix B of this chapter) to reinforce the cohesive landscaping theme for South West Rocks.

DO2 - Generally, only one or two species are used within each precinct in order to strengthen localised themes.

DO3 - Trees are provided along street reserves and public open space areas generally in accordance with the locations indicated in the Town Centre Master Plan.

DO4 - Developers provide, or contribute to the provision of, a reasonable proportion of any required street trees directly in front of their properties.

DO5 - The proposal complies with the relevant requirements of Chapter B9 – Landscaping. However, the provisions of this chapter override to the extent of any inconsistency.

Development Requirements

Nil.

5.0 Development Requirements - Precinct P1: Public and Recreation Areas

5.1 Background

The precinct comprises a series of public foreshore and recreation areas. Generally, work affecting this precinct will be by, or on behalf of, a public authority. Whether conducted by a public agency or private developer, detailed design for development or other works within this precinct is to be consistent with the intent and directions of the Master Plan.

This precinct is further broken down into the following sub-precincts:

- Back Creek Foreshore Linear Park & Special Uses Area;
- Maritime Heritage Grouping;
- Horseshoe Bay Caravan Park;
- Remaining open space areas - including Flagstaff Point, Headwall, Horseshoe Bay Foreshore Park, Briner Headland and Trial Bay Park area.

5.2 Back Creek Foreshore Linear Park & Special Uses Area

Desired Outcomes

DO1 - Development within this sub-precinct retains the following elements:

- Retention of substantial areas of dense vegetation and large trees;
- Large setbacks and low level built forms;
- Relationship with nearby Maritime Heritage buildings and the Arts Hall; and
- Minimal vehicle access points and informal entry ways.

Development Requirements

Nil

5.3 Maritime Heritage Grouping

Desired Outcomes

DO1 - Development affecting the Maritime Heritage Grouping is carried out in accordance with the recommendations of any relevant Conservation Plan and ensures that even minor maintenance works do not further erode the integrity of the buildings within the grouping.

Development Requirements

Nil

5.4 Horseshoe Bay Caravan Park

Desired Outcomes

DO1 - Development within the caravan park:

- Does not adversely impact on views and vistas from public areas such as the beach, reserves, roads and public footpaths;
- Does not adversely impact on views and vistas from restaurants, hotels and shops as well as private areas such as above ground floor residential units facing Livingstone Street;
- Is sympathetic to the traditional character of the town centre in terms of the location, siting and design of permanent buildings or structures (eg. Cabins, amenities buildings and the like);
- Where appropriate, accommodates and provides direct pedestrian access/pathways between the shops and the beach front to avoid pedestrians strolling between camping sites;
- Where relevant, improves the visual detraction of the cabins near the War Memorial and surface sullage dispersal by relocating these elements or by screening these elements with landscaping; and
- Where relevant, enhances physical and visual amenity with shade tree planting.

Development Requirements

Nil

5.5 Remaining Open Space Areas

Desired Outcomes

DO1 - Development within remaining open space is to be in accordance with any adopted Plan of Management and Master Plan for these areas. In the absence of such adopted plans, development is to be undertaken in accordance with the intent and directions of the Town Centre Master Plan.

Note – the Horseshoe Bay Master Plan and Plan of Management will apply to the remaining open space areas and supersedes the Town Centre Master Plan.

DO2 - Development involving building works is low-impact, low-scale and results in minimal visual impacts on the views from the town centre towards the ocean.

DO3 - Screen landscaping is provided to improve views from the built up areas of the town centre towards the ocean by screening elements such as holiday cabins.

Development Requirements

Nil.

6.0 Development Requirements – Precinct P2: Village Commercial

6.1 General

Desired Outcomes

DO1 - Development contributes to a vibrant commercial centre accommodating the needs of both locals and tourists with a strong emphasis on pedestrian activity, lifestyle and leisure functions, where relevant.

DO2 - Development is compatible with the "Seaside Village" character of South West Rocks and relates well to the surrounding natural setting, seaside and public foreshore areas.

DO3 - Development complies with the relevant requirements of Chapter B15 – Crime Prevention Through Environmental Design.

DO4 - Visual links between the town centre and the public foreshore areas are maintained and reinforced, where practicable.

Development Requirements

Nil.

6.2 Access, Parking and Pedestrians

DO1 - Adequate provision is made for access and parking associated with developments so as not to contribute to traffic conflict and congestion in the locality.

DO2 - Development design incorporates shared access and/or rear of property access and parking, wherever possible, and avoids solid side boundary walls and access 'tunnels' from the front.

Note - A planning solution to the 'dark alley' effect is to create a communal rear access to car parking rather than individual accesses to car parking areas provided at the rear of buildings.

DO3 - Developers contribute to the cost of providing centralised off-street car parking facilities for any deficit in required parking that cannot be provided on site, where relevant Section 94 Contribution charges apply.

DO4 – Development contributes to the creation of the following in accordance with the Town Centre Master Plan, where practicable and relevant:

- A network of inter-lot pedestrian connections;
- Shared inter-lot parking at the rear of buildings;
- Shopping arcades;
- Open space links; and
- Widened footpaths throughout the precinct.

DO5 - Landscaping throughout car parking areas is consistent with the South West Rocks landscaping theme.

DO6 - Access, car parking and traffic management complies with the relevant provisions of Chapter B2 – Parking, Access and Traffic Management.

DO7 – Lighting and paving within car parking areas is consistent with the lighting and paving elements required in Section 4.1 of this chapter.

Development Requirements

Nil.

6.3 Active Street Frontages

Desired Outcomes

DO1 - A high proportion of commercial uses have open and active street frontages in order to encourage pedestrian and after-hours activity in the town centre.

Note - Property owners are encouraged to open up blank street fronting walls, provide sheltering awnings and soften the building's facades and service / car parking access.

DO2 - Where alfresco dining is provided in front setback areas:

- Paving used in the alfresco area integrates with the footpath paving;
- Measures are employed to delineate the public area from the private area at the front property boundary; and
- Steps or changes in ground level between the footpath and alfresco area are mininised.

Note - Where new buildings are proposed, the area of any setback to any street frontage used for the purposes of outdoor dining or the like, may be excluded from the area of commercial floorspace used when calculating car parking requirements in accordance with Chapter B2 – Parking, Access and Traffic Management.

DO3 - Developments fronting Paragon Avenue open up building frontages as much as possible, address the street as an active commercial frontage and lessen the current sense of enclosure at the eastern end of the avenue.

Development Requirements

Nil.

6.4 Outdoor Dining

Desired Outcomes

DO1 - Development complies with the relevant provisions of Chapter B14 – Outdoor Dining.

Development Requirements

Nil.

6.5 Built Form

Desired Outcomes

DO1 - Buildings have appropriate setbacks, height, size and scale which contributes to the "Seaside Village" character with a compact style and strong pedestrian focus.

DO2 - Development has a maximum two storey façade along the front property boundary.

DO3 - Where buildings have a third storey, either:

- The building is set back from the front boundary a significantly greater distance than adjoining development and the front boundary setback area provided with active street front uses and landscaping to reduce the visual impact of the building; or
- The third storey is set back significantly from the façade so that the building blends with the predominantly two storey streetscape.

DO4 - Development contributes to the continuity of the streetscape by continuing the following, where practicable and relevant:

- Traditional built forms;
- Continuity of verandah/awning style of bull nosed form already dominant within the CBD;
- Open shopfront;
- Skylines, façade height and building height;
- Any established pattern of side boundary setbacks;
- Colour and materials;

Note - A floor space ratio of 1.5:1 applies to all land in Precinct P2 (as per Clause 4.4 of *Kempsey Local Environmental Plan 2013).*

Note – A height limit of 11m applies to all land in Precinct P2 (as per clause 4.3 of *Kempsey Local Environmental Plan 2013*).

Note - Colours which seem predominant include: cream, beige and pale green with brown or Brunswick style trim and off-white, pale green with brown or Brunswick style trim and off-white, pale blue and bright blue highlighting (representative of normal maritime features).

Development Requirements

a) New buildings facing Paragon Avenue are to have a minimum setback of five (5) metres, in order to improve solar access and provide relief to the enclosure afflicting much of the street.

6.6 Mixed Uses

Desired Outcomes

DO1 - Tourist accommodation within mixed use developments does not result in significant amenity conflicts with commercial activities.

Development Requirements

Nil.

6.7 Landscaping

Desired Outcomes

DO1 - Landscaping is provided within developments that:

- Is provided at the front of properties at various levels, such as street level, on top of podium levels or terraces, balconies and decks, as appropriate and practicable;
- Utilizes native coastal species and vegetation with climbing/trailing characteristics; and
- Is appropriate to the scale of the proposed buildings.

DO2 - Landscaping provided on the front property boundary at ground level utilises species from the Schedule of Species for South West Rocks Town Centre (refer to Appendix B of this chapter) to reinforce the cohesive landscaping theme for South West Rocks.

DO3 - Tree planting is to be used to soften the impact of scale and bulk of existing built forms and to prevent over-dominance of buildings on the streetscape.

Development Requirements

Nil.

7.0 Development Requirements – Precinct P3: Tourist Accommodation Area

Desired Outcomes

DO1 - The precinct is developed predominantly with tourist and residential accommodation.

DO2 - Residential development complies with the relevant requirements of Chapter C1 – Residential Development.

DO3 - Development is designed to be compatible with and reflect the "Seaside Village" character of South West Rocks as identified in Section 3.2 of this Chapter.

DO4 - Where neighbouring properties contain traditional cottages, development adopts, or is compatible with, the existing front and side boundary setbacks of these traditional cottages.

DO5 - Building facades are limited to a height of two storeys. Maximum allowable heights of buildings may be achieved behind the façade, provided:

- the building does not have an adverse impact on neighouring properties in terms of overshadowing and overlooking;
- the building achieves greater setbacks; and
- the building form is articulated to reduce the visual impact of the building bulk.

Note - A floor space ratio of 1.5:1 applies to some of the land in Precinct

P3 (as per Clause 4.4 of *Kempsey Local Environmental Plan 2013).*

Note – Height limits of 8.5m and 11m apply to land in Precinct P3 (as per clause 4.3 of *Kempsey Local Environmental Plan 2013*).

DO6 - Landscaping provided on the front property boundary at ground level utilises species from the Schedule of Species for South West Rocks Town Centre (refer to Appendix B of this chapter) to reinforce the cohesive landscaping theme for South West Rocks.

DO7 - Where long narrow allotments are involved, development involves a consolidation of two or more of these allotments to facilitate better design solutions, minimise overshadowing and the like, where practicable.

DO8 - Small or narrow sites provide for shared access with an adjoining property, wherever possible.

Note - Where a development site is comprised of more than one (1) lot and shared access is proposed, Council may allow a credit towards any required visitor parking at the rate of one (1) space per lot in excess of one lot. Council's consideration to allow credits will be on the basis that on- street parking can be provided within the frontage of the site on the same side of the road.

Development Requirements

Nil.

8.0 Development Requirements - Precinct P4: Village Character and Heritage

Desired Outcomes

DO1 - Development within this precinct responds to the significant role this group of buildings plays as a link to the original town centre and a reflection of its traditional character.

DO2 - The existing cottages are retained for commercial, residential and tourist activities.

Note - Uses which provide opportunities to enjoy the breezes and vistas of public foreshore areas, (eg. Cafes and dining areas in the forecourts and front rooms of the cottages) are encouraged.

DO3 - Development, including alterations and additions:

- Adopts equivalent front and side boundary setbacks as the existing cottages;
- Is compatible with the scale and bulk of the existing cottages; and
- Is limited in height to that of the Heritage Café Building.

Note: Supporting detail from an appropriately qualified and experienced heritage architect must be provided.

DO4 - The rear of lots are used, where possible, for parking and access.

DO5 - Landscape and streetscape treatments are sympathetic to the cottage setting.

Development Requirements

Nil.

Notes on Heritage Exemptions and Incentives

Exemption from, or relaxation of, certain provisions will be considered and incentives offered to encourage the retention and use of the cottages within this precinct.

Car parking requirements for the use of the cottages may be varied if the use will result in the long term maintenance of traditional form including, but not limited to, colours, materials, window treatments, open front yards and the like.

In this regard, Council may allow a credit for all existing floorspace at the rate applicable to any proposed uses.

For the purposes of this clause, "floorspace" shall include the area within existing external enclosing walls, but does not include any garage, outbuildings or any unenclosed structures.

Any area used to provide seating for diners (either internally or within the front setback) will be excluded when considering the amount of carparking required.

Any area used to provide seating for diners (either internally or within the front setback) will be excluded when considering the amount of carparking required.

The incentives referred to in this section shall not apply in respect to proposals which involve removal or demolition of the existing cottages.

9.0 Development Requirements - Amenity

Desired Outcomes

DO1 - Potential conflicts between mixed commercial and residential uses are minimised, whilst recognizing that the area is primarily intended as a commercial and tourist centre.

Development Requirements

9.1 Lighting

a) Car parking and security lighting must not cast beyond the property boundaries by more than 8 lux as measured 0.5 metres outside the property boundary.

b) Outdoor recreation facilities such as barbecue areas, tennis courts, courtyards and the like are to be time limited and not operate past the hour of 10.00 pm.

9.2 Noise

a) The design, location and enclosure of noise generating equipment/areas such as refrigeration units, loading docks, pumps and generators, beer gardens and nightclubs, is to take into consideration adjoining and immediately surrounding residential land uses or noise sensitive receptors.

b) Compliance with relevant EPA noise criteria is required for all existing and new development. In this regard, a report from a suitably qualified and experienced acoustic engineer may be required to satisfy Council that adequate measures will be in place to ensure compliance.

9.3 Privacy and Overshadowing

a) Where development comprises a two (2) storey building or higher, development must not overshadow adjoining residential buildings, adjoining private open space, on-site open space and any public areas for more than three (3) hours between 9.00am and 3.00pm on 22 June.

b) The setbacks of any proposed building within the B2 – Local Centre Zone which is to contain any dwellings shall have regard to future potential development of adjoining land.

In this regard, it may be necessary to demonstrate that proposed balconies, courtyards and internal living areas will not be adversely impacted upon in the event any adjoining land is developed for commercial purposes in accordance with *Kempsey Local Environmental Plan 2013,* this Development Control Plan and the Building Code of Australia.

c) Development is not to provide overlooking opportunities into private internal areas of adjoining residential developments. Screening may be provided to preclude overlooking.

d) Development complies with the relevant requirements of Chapter C1 – Residential Development relating to solar access, energy conservation and visual privacy (refer to sections 5.2.5 and 5.2.6 of Chapter C1).

9.4 Energy Efficiency

a) All buildings should be designed for energy efficiency and, where conditions permit, satisfy the requirements of BASIX certification.

10.0 Development Requirements – Signage within South West Rocks Town Centre

In addition to the Advertising Sign requirements of Chapter B18: Advertising and Tourist Signs, the following signage requirements will apply to the area that is within the scope of this chapter.

10.1 Precinct P1 Signage

Desired Outcomes

DO1 - Signage is consistent with the intent of the Town Centre Master Plan.

Development Requirements

a) Signage is to be mounted on a low slung timber panel between two bollard posts.

10.2 Advertising Signage in Shopping Streets

Desired Outcomes

DO1 - All signage is to minimize adverse impacts on visual amenity and be compatible with the desired "Seaside Village" character of South West Rocks.

DO2 - New advertising signs contribute to a continuity of location, size and style of signage to assist in developing a unity within the streetscape.

Development Requirements

a) All signage must not protrude above the roof line or out from a wall, verandah or awning.

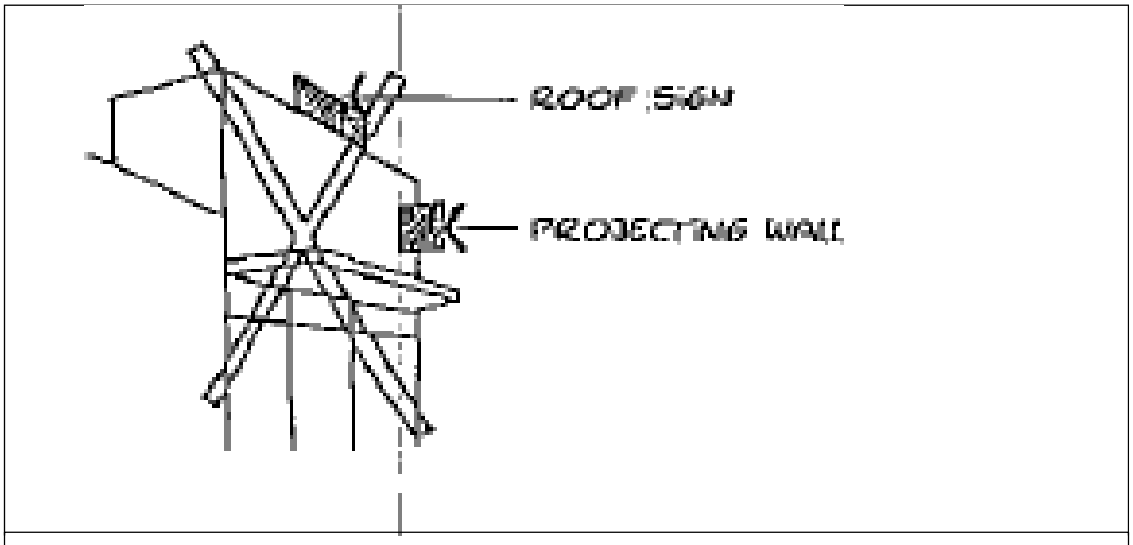


Figure D1-3: Unsuitable signage

b) Illuminated signage is to be internally illuminated light boxes only. Neon and flashing signage must not be used.

c) Signage provided above a verandah must:

(i) Be flush with the wall of the building (eg painted directly onto the wall);
(ii) Be simple and bold in form;
(iii) Avoid a billboard appearance; and

(iv) Comprise lettering only.

d) Awning and verandah signage must:

(i) Be located immediately above or below the gutter line of the verandah/awning;
(ii) Not exceed 700mm in height above the verandah/awning;
(iii) Be limited to one such sign per premises; and
(iv) Be comprised of wording, colours and lettering that are simple and bold, rather than visually cluttered.

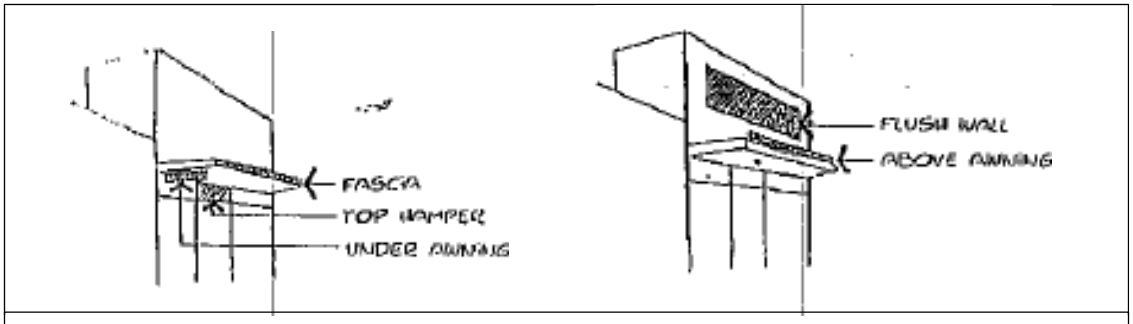


Figure D1-4: Types of signage

e) Sunblinds attached to verandahs and awnings must not hang lower than 2.0m above ground level and must be consistent with the colours and forms of the building and signage scheme.

f) Under awning signage must:

(i) Be hung perpendicular to the footpath;
(ii) Have a maximum depth of 500mm;
(iii) Be located a minimum of 2.6m above ground level; and
(iv) Not protrude beyond the awning or verandah.

g) Arcade entry signs should:

(i) Be bolder than the other business signs in close proximity to the arcade; and
(ii) Extend above the height of the awning signage where it is incorporated into an architectural feature (such as an elevated roof entry feature) otherwise be no higher than awning signage.

h) Directory signs for businesses within arcades or on upper levels should be either attached to the wall face of buildings or located within the property and contain only the name of business on a standardized panel or plate consistent with the architecture and building colour scheme.

i) Top hamper signage is to have a maximum depth of 600mm (measured from top to bottom) and may extend along the entire length of the shopfront.

j) All signage for a single business should incorporate consistent colours and lettering forms. The location, form, shape and size of signs within one building should be consistent and complementary.

k) Hoardings used during construction should be in accordance with the following requirements:

(i) Incorporate scenes of ocean, seaside village atmosphere and no advertising;
(ii) A project sign board with maximum dimensions of 1.5m by 1.5m may be erected adjacent to the construction access for the site; and
(iii) Hoardings are to be maintained and may remain until construction is completed.

APPENDICES

Appendix A:

Extract from Section 5: Master Plan of South West Rocks Urban Design Study and Town Centre Master Plan

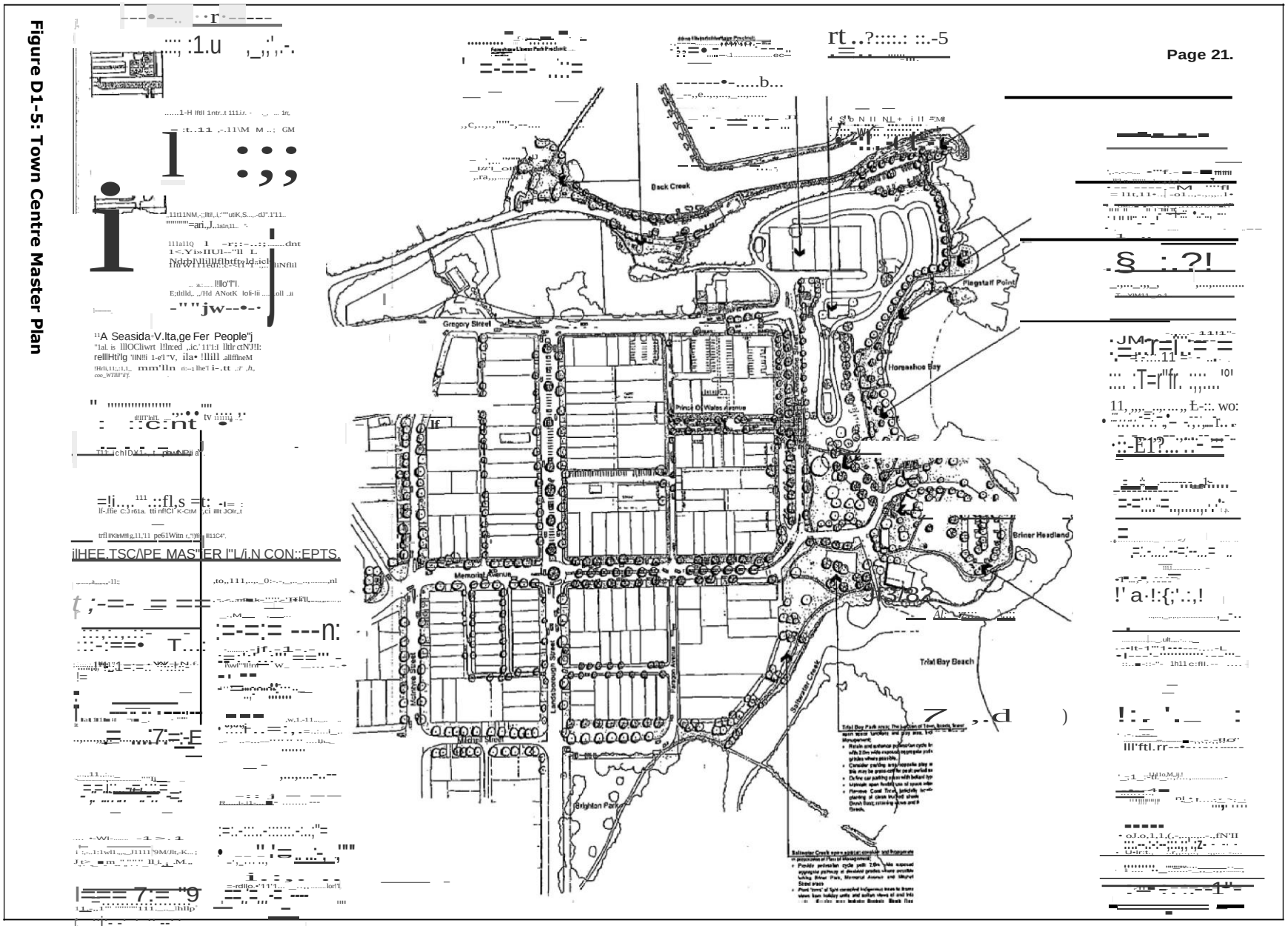


Figure D1-5: Town Centre Master Plan

South West Rocks Master Plan

Sou\h Wosl Rocks Tov.n Centre
Urban Design Study & Mas1er Pl,

For: Kempsey Shire Council

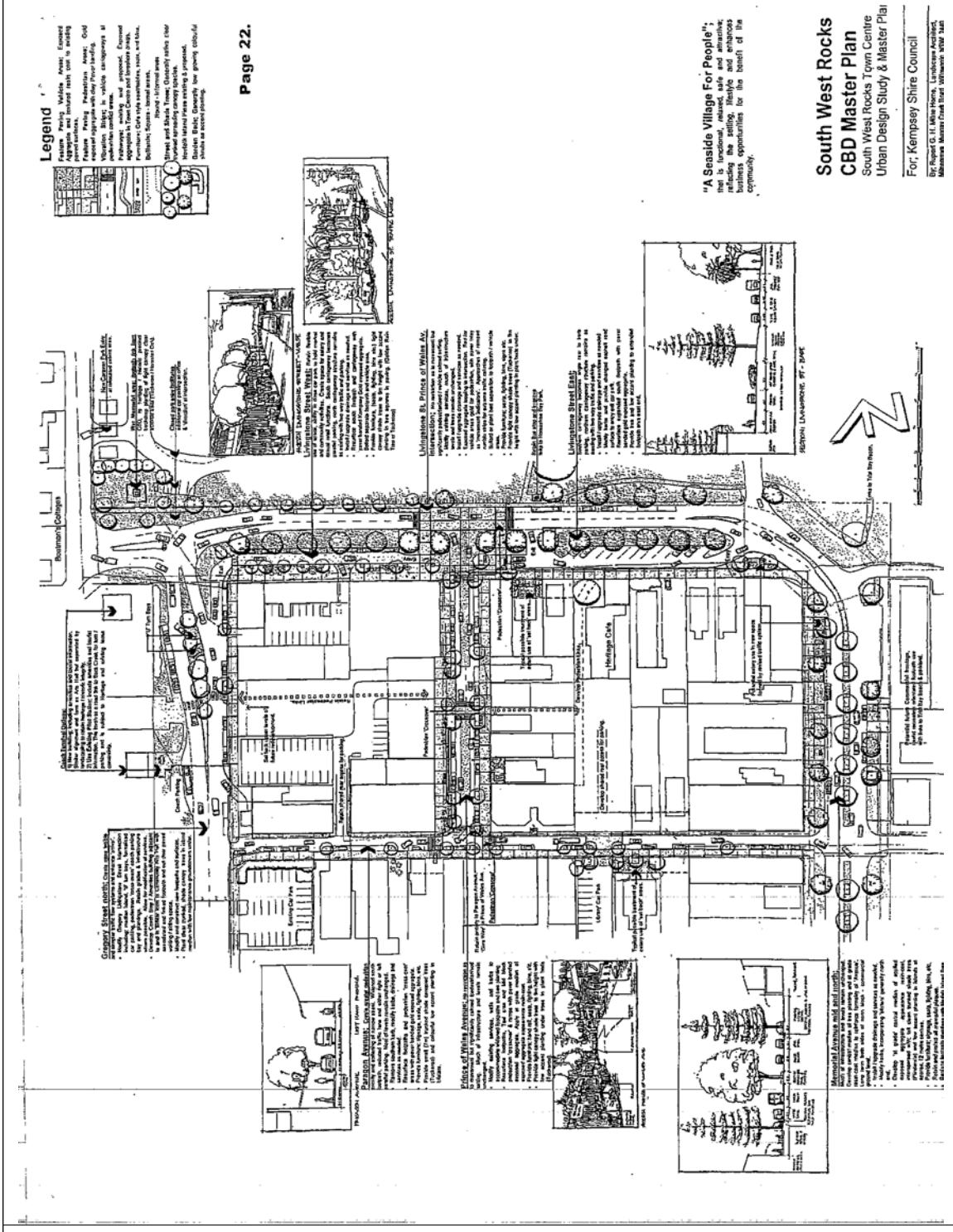


Figure D1-6: Town Centre Master Plan

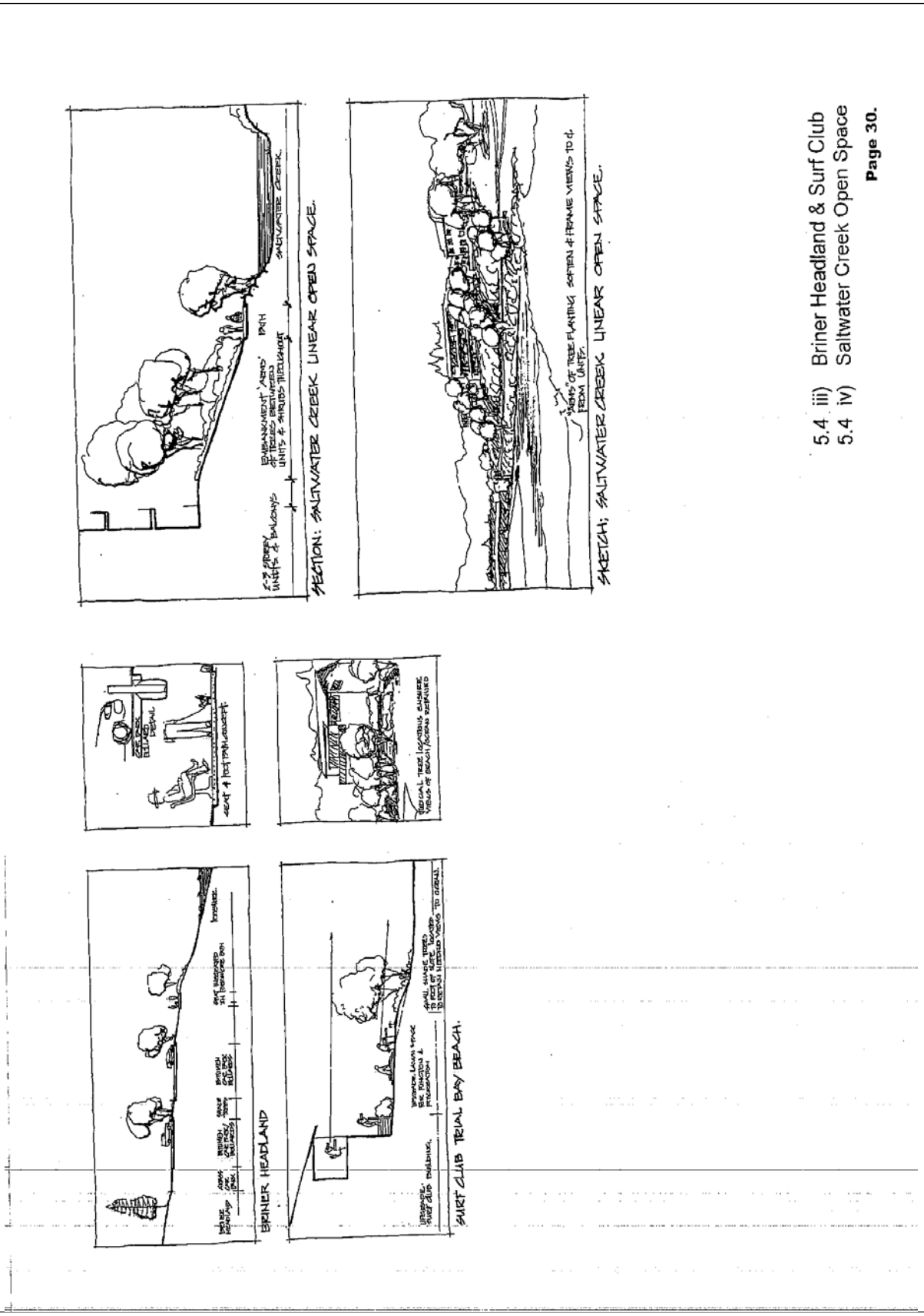


Figure D1-7: Briner Headland and Surf Club Master Plan Details

Appendix B:

Tree and Shrub Species Schedules

6.3 Schedule of Species for South West Rocks Town Centre

Note: Select species from this list.

Precinct Recommended for use

Trees Species	Common Name	Height M	1 Livingstone Street	2 Formal & Historic	3 Memorial Ave	4 Prince of Wales Ave	5 Paragon Ave.	6 Residential Streets	7 Foreshore 1	8 Foreshore 2	9 Car parks for DCP
Archontophoenix cunninghamiana	*Bangalow Palm*	12	###			###	###	###		###	
Araucaria heterophylla	*Norfolk Island Pine*	30	###	###	###				###	###	
Backhousia myrtifolia	*Grey Myrtle*	8						###			###
Banksia integrifolia	*Coast Banksia*	8							###	###	
Casuarina equisetifolia	*Horse Tail Oak*	6					###	###			
Citharexylum spinosum	*Fiddlewood*	9					###	###			
Cupaniopsis anacardioidies	*Tuckeroo*	9	###		###	###	###	###	###	###	###
Eucalyptus nicholli	*Narrow Leaved Pepermin*	12						###			
Ficus macrocarpa	*Morton Bay Fig*	20							###	###	
Flindersia schottiana	*Cudgerie*	15	###	###	###	###	###	###		###	
Hymenosporum flavum	*Native Fragipanni*	8	###		###	###	###	###	###	###	
Howea foresterana	*Kentia Palm*	6				###	###				
Koelreutaria paniculata	*Golden Rain Tree*	8	###		###	###	###	###	###	###	
Livistona australis	*Cabbage Palm*	15	###	###	###				###	###	###
Lophostemon confertus	*Brush Box*	15		###	###			###	###	###	###
Melia azederach	*White Cedar*	12				###			###	###	
Lagunaria patersionii	*Norfolk Island Hibiscus*	8		###							
Pandanus	*Pandanus Palm*	5							###	###	
Phoenix canariensis	*Canary Island Date Palm*	15	###	###		###					
Tristaniopsis laurina	*Water Gum*	15	###		###		###	###			###
Toona australis	*Red Cedar*	20						###			###

Theme Plants for:

Whole Town Centre include; Auraucaria & Ficus in large space areas, Flindersia, Cupaniosis, Agapanthus, Dieties bicolour, Hibbertia, Trachelospermum and Gardenia.

Formal areas; Auraucaria, Flindersia, Phoenix can., Lophostemon, Agapanthus, Crinum, Clivia and Strelitzia.

Informal areas; Cupaniopsis, Flindersia, Hymenosporum, Koelreutaria, Lophostemon, Tristaniopsis, and mixed shrubs.

Note; A variety of plants are provided as options for selection. It is recommended one or two species be used within each precinct for theme reasons.

Figure D1-8: Schedule of Tree Species for South West Rocks Town Centre

6.3. Schedule of Species for South West Rocks Town Centre Cont.

Note: select species from this list.

Precinct Recommended for use

Shrubs Species	Common Name	Height mm	1 Livingstone Street	2 Formal & Historic	3 Memorial Ave	4 Prince of Wales Ave	5 Paragon Ave.	6 Residential Streets	7 Foreshore 1	8 Foreshore 2	9 Car parks for DCP
Acacia longifolia var sophorae	*Coast Wattle*	2000							###	###	###
Agapanthus sp.	*Agapanthus*	400	###	###	###	###	###		###	###	###
Allamanda cathartica	*Climbing Allamanda*	500	###	###	###	###					
Allamanda nerifolia	*Shrub Allamanda*	1500	###		###				###	###	
Banksia robur	*Swamp Banksia*	2000								###	###
Banksia spinulosa	*Honeysuckle Banksia*	1800							###	###	###
Bauhinia galpinnii	*Orange Orchid Shrub*	2000							###		###
Clivea minata	*Kaffir Lilly*	300	###	###	###	###	###			###	
Crinum pedunculatum	*River Lilly*	1200	###	###	###	###	###		###	###	###
Dieties sp.	*Wild Iris*	500	###	###	###	###	###				###
Gardenia augustifolia florida	*Gardenia*	1200	###	###	###	###	###	###		###	###
Gardenia radicans	*Gardenia Groundcover*	300	###	###	###	###	###				###
Grevillea porinda royal mantle		200						###		###	###
Hibbertia scandens	*Guinea Flower*	300	###	###	###	###	###	###	###	###	###
Leptospermum laevigatum	*Coast Tea Tree*	3000							###	###	###
Leptospermum f. cardwell	*Cardwell's Tea Tree*	1200									###
Lomandra longifolia	*Mat Rush*	1000									###
Melaleuca hypericifolia	*Weeping paperbark*	2400						###	###	###	###
Murraya paniculata	*Orange jessamine*	3000	###	###	###			###	###	###	###
Rhagoidia nutans		400							###	###	###
Strelitzia nicholii	*Bird of Paradise Plant*	1500	###	###	###	###	###				###
Trachelospermum jasminoidies	*Star Jasmine*	400	###	###	###	###	###	###	###	###	###
Vitex trifoliata		1500							###	###	###
Westringia fruticosa	*Coast Rosemary*	1500		###				###	###	###	###
Westringia glabra	*Coast Rosemary*	1500						###	###	###	###

Figure D1-9: Schedule of Shrub Species for South West Rocks Town Centre

Chapter D2 – Saltwater Precinct, South West Rocks

1.0 Introduction

1.1 Scope of this Chapter

This DCP Chapter applies to development on land within the area bounded by the bold line described in the figure below. The land is referred to as the Saltwater Precinct in this chapter.

Figure D2-1: Map – Land subject to the provisions of Chapter D2

1.2 Relationship to Other Chapters of this DCP

The provisions of this Chapter override the provisions of any other Chapter of this DCP, to the extent of any inconsistency.

2.0 Chapter Objectives

The objectives of this chapter are:

a) To ensure the provision of a safe and effective transport system within the Saltwater Precinct, that caters for pedestrians, bicycles and motor-vehicles and provides adequate connections to the existing street system.

b) To encourage high quality and responsive urban design, responsive to:
- the Saltwater setting;
- the village character of South West Rocks;
- the diverse needs of the projected community;
- the natural constraints on the site; and
- the environmental qualities of Saltwater and surrounds, including areas of high conservation value.

c) To ensure that infrastructure to service the Saltwater Precinct is provided and maintained in a robust, timely, cost-efficient, environmentally responsible, equitable manner that meets the demands of projected development.

d) To ensure impacts of biting midge and mosquitoes are minimized in the Saltwater Precinct.

e) To ensure Aboriginal Heritage is identified and protected within the Saltwater Precinct.

f) To ensure that the following are developed by the developer and approved by Council before any significant development occurring within the Saltwater Precinct and subsequent development is undertaken in accordance with the following:

(i) A Transport Management Strategy;
(ii) An Integrated Water Cycle Management (IWCM) Strategy and Water Sensitive Urban Design (WSUD) Planning and Technical Guidelines;
(iii) A Master Plan;
(iv) An Infrastructure Servicing Strategy (particularly sewer and water); and
(v) A Vegetation Regeneration, Rehabilitation and Maintenance Strategy.

3.0 Master Plan

State Environmental Planning Policy No 71 – Coastal Protection (SEPP71) requires that a Master Plan be approved by the Minister before Council can approve any development applications for subdivision (refer to SEPP71 for details of Master Plan triggers and requirements).

4.0 Development Requirements – Precinct Planning

Summary

Prior to any development occurring on the site, other than a subdivision that merely subdivides the Saltwater Precinct in line with the zone boundaries, the following documentation needs to be submitted to and approved by Council:

a) A Master Plan, showing as a minimum the general layout of the Saltwater Precinct;
b) A Traffic Management Strategy;
c) An Integrated Water Cycle Management Strategy, including a Water Sensitive Urban Design Strategy;
d) An Infrastructure Servicing Strategy (particularly sewer and water); and
e) A Vegetation Regeneration, Rehabilitation and Maintenance Strategy.

4.1 Master Plan

Desired Outcomes

DO1 - A Master Plan is either:

- Approved prior to the submission of a development application for any development on the subject site, except a subdivision that merely subdivides the land in line with the zone boundaries; or
- Submitted with a development application for any development.

DO2 - The Master Plan provides the following:

- A **staging plan** for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing;
- An overall transport movement hierarchy showing the **major circulation routes** and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists, based on the Traffic Management Plan required in Section 4.2;
- An **overall landscaping strategy** for the protection and enhancement of riparian areas and remnant vegetation and Saltwater Creek and Lagoon;
- A public **Open Space Strategy**;
- A **Stormwater Concept Plan** showing the location and size of major stormwater infrastructure in the precinct;
- **Buffers and other responses** required for amelioration of natural, environmental and industrial hazards, including bush fire, acid sulphate soils, shallow groundwater table, mosquito breeding, noise and site contamination;
- A **general site layout for uses**, providing for residential densities and built form to achieve well designed urban development, including a range of **site sensitive lot sizes**;
- The identification and protection of any **Aboriginal** heritage relics on the land;
- Incorporates appropriate environmental and health provisions;
- Accommodates compliance with any Plan of Management for the effective ongoing management of Zone E2 – Environmental Conservation zoned land, access, bushfire, vegetation regeneration etc, where relevant;
- Provision of appropriate commercial development, where relevant;
- Provision of necessary social infrastructure; and
- Accommodates achievement of the relevant Desired Outcomes and Development Requirements in the remainder of this chapter.

Development Requirements

a) Prior to the lodgement of a development application for a proposed development involving subdivision into 25 lots or more, a detailed Master

Plan is prepared and approved by the Minister, in accordance with the requirements of Part 5 of SEPP 71 – Coastal Protection.

(i) The Master Plan is to address the matters required by clause 20(2) of SEPP 71 – Coastal Protection; and
(ii) The Master Plan is to address the relevant requirements of this chapter.

b) Where the proposed development involves subdivision of less than 25 lots, or development resulting in any residential or commercial development, a concept Master Plan document is to be submitted and approved by Council with the development application. The concept Master Plan is to demonstrate how the proposed development will fit in the overall development of the Saltwater Precinct.

(i) The concept Master Plan is to address the following matters:

- Provide a character analysis of the subject land and surrounds;
- Specify urban design outcomes;
- Identify areas to be used for residential subdivision and any commercial development;
- Provide an Open Space Strategy;
- General staging of development on the subject land;
- Street landscaping strategy;
- Aboriginal Heritage Management Strategy;
- Be based on a detailed constraints analysis (eg acid sulphate soils, flooding, bushfire, significant vegetation etc); and
- Biting midge and mosquito control mitigation; and
- Buffers required around the Sewerage Treatment Plant and for Asset Protection Zones.

(ii) Any concept Master Plan incorporates environment and health provisions which provide for the following, but not limited to:

- Enhancement of air quality to local residents;
- Enhancement of water safety and supply;
- Minimisation of health effects associated with noise, odour and light;
- Mitigation of potential manmade and natural hazards;
- Mitigation of possible pest infestations on vector catchments;
- Adequate opportunities for walking, cycling and other forms of active transport;
- Access to useable and quality open space and recreational facilities;
- Access to physical activities; and
- Crime prevention through environmental design principles in the master plan design.

c) Any Master Plan is to demonstrate how development of the subject land will be compatible with any strategies prepared in accordance with the following sub-sections. These strategies being:

(i) Traffic Management Plan;
(ii) Integrated Water Cycle Management Strategy;
(iii) Vegetation Regeneration, Rehabilitation and Maintenance Strategy; and
(iv) Infrastructure Servicing Strategy.

d) Any Master Plan is to address potential future development and connections to the deferred area (to the north of the South West Rocks Sewerage Treatment Plant) and all staging plans should accurately and consistently identify the constraints of this area.

e) Any buffer areas nominated in a Master Plan are to be located wholly outside of land zoned E2 – Environmental Conservation.

f) Should a Master Plan include scope for a group of neighbourhood shops or single neighbourhood shops, such neighbourhood shops are to be:

(i) Located central to the development lands and in close proximity to the main access route; and
(ii) Sized so as to be limited to an ancillary scale to not compete with the existing activities/services provided within the existing South West Rocks village centre.

g) Any master-plan application is to incorporate Social Infrastructure Provisions which provide for the following, but not limited to:

(i) Access to a range of diverse social facilities to attract and support a diverse population.
(ii) A suitable response to existing and projected community needs.
(iii) An integrated approach to social infrastructure.
(iv) Maximise efficiencies in planning and provision of social infrastructure.
(v) Environments that encourage social interaction.
(vi) Measures to avoid community separation and displacement.
(vii) Consultation with local residents to ensure appropriate social infrastructure provisions are implemented.

4.2 Traffic Management Plan

Desired Outcomes

DO1 – A Traffic Study for the Saltwater Precinct is approved prior to the issue of a development consent for any development within Saltwater Precinct.

DO2 - A Traffic Study provides for a road network throughout the Saltwater Precinct that will generally comply with the relevant requirements of:

- Chapter B1 – Subdivision;
- Chapter B2 – Parking, Access and Traffic Management;
- Council's Engineering Guidelines for Subdivision and Development; and
- The following Development Requirements.

DO3 - The Traffic Study shows how the transport network will be constructed in stages commensurate with staging of subdivision and development in Saltwater Precinct, where relevant.

DO4 - Adequate vehicular, pedestrian and cycleway connections are provided throughout the Saltwater Precinct.

Development Requirements

a) A detailed **Traffic Impact Assessment** is to be undertaken to inform the Traffic Study. The Traffic Impact Assessment is to address, but not be limited to:

(i) The scope shall be projected traffic for the Saltwater Precinct as a whole;
(ii) Traffic impacts of existing neighbouring and future developments including impacts on existing down and upstream road infrastructure;
(iii) Road design parameters for the primary link road, secondary road and remaining internal roads;
(iv) The effect of noise, safety and visual amenity;
(v) Appropriate location of proposed roads;
(vi) Appropriate location of intersections (including number and type);
(vii) Impact on Council's existing road network;

b) The **Traffic Study** is to comply with the following requirements:

(i) The recommendations of any approved Traffic Impact Assessment;
(ii) The remaining development requirements within this section;
(iii) The internal road layout is to provide for an even distribution for the additional traffic;
(iv) All streets within residential areas are to have a low traffic volume in order to provide a reasonable standard of residential amenity;
(v) Road reserve widths are to accommodate WSUD measures;
(vi) Good connectivity between the established and new areas is to be promoted for pedestrians, cyclists and motorists and is essential in order to provide for the efficient movement (in both directions) to those destinations of significance within the broader residential community of South West Rocks;
(vii) Provision is to be made for bus shelters within the main primary distributor road;
(viii) All roundabouts must be designed to cater for bus movement;
(ix) Primary linkages engineered to promote greater vehicular usage, with secondary access points engineered to promote a comparatively reduced usage is encouraged; and
(x) Be compatible with the *South West Rocks Pedestrian Access and Mobility Plan MBK 2003*.

c) Transport **connection points to Phillip Drive and Bell O'Connor Street** are to provide connections for pedestrians, cycle-ways and vehicles.

(i) These points should be limited so as to control access to Philip Drive and Belle O'Connor Street;
(ii) A **Traffic Impact Assessment** is to be submitted which provides adequate justification for the number of connection points to Phillip Drive and Belle O'Connor Street;
(iii) Where possible:
- A primary link road through the site is to connect to Phillip Drive at a point to the north of the western half of the Saltwater Precinct, through adjoining properties to the north; and

- Any road connecting to the eastern frontage of Saltwater Precinct to Phillip Drive is to be secondary to the main linkage road through the site.

(iv) Details demonstrating compliance with the relevant provisions of Council's Engineering Guidelines for Subdivision and Development, are to be provided with respect to management measures and works required in order to maintain or improve traffic efficiency at these points; and

(v) The main intersection with Philip Drive must provide for a priority controlled intersection and be designed so as to accommodate the predominance of traffic through the site.

d) A **primary road linkage route** is to be provided from the north to the south of the Saltwater Precinct. The primary road linkage route is to be connected to Phillip Drive to the north and Belle O'Connor Street to the south.

(i) A detailed environmental and traffic engineering assessment is to be undertaken as part of the **Traffic Impact Assessment** with respect to this linkage to ascertain the number and location of intersections required to Phillip Drive and Belle O'Connor Street including any temporary access point in order to ensure that no adverse impacts arise.

(ii) Detailed **environmental assessment** is to be provided to justify any route traversing the drainage channel (ie that area zoned E2 – Environmental Conservation).

(iii) Details of fauna friendly road construction measures with respect to the road through the Zone E2 - Environmental Conservation land are to be included in the **Traffic Study**. In this regard, fauna fencing, under crossings and overhead corridor facilities are recommended.

Note - The temporary use of the extended Belle O'Connor Street road reserve and the existing access track (right of carriageway through crown land) servicing the South West Rocks Sewerage Treatment Plant (STP) could be considered as a temporary access arrangement pending acquisition and construction of the Primary link road provided the required Traffic Impact Assessment can adequately address staging of development to establish thresholds at which upgrading would be required.

Note - In order to facilitate appropriate and efficient traffic outcomes, consideration may be given to the preparation of a Section 94 Plan aimed at addressing the preferred road connections through private property to Kempsey Shire Council's existing urban road network system.

e) A **predominant ring road** is to be provided around residential zoned land to:

(i) Improve access to adjacent open space areas; and

(ii) Ensure emergency access for bushfire protection purposes.

f) A **Traffic Study** for the Saltwater Precinct, including a concept road layout, is to be submitted to Council and approved prior to the issue of a development consent for any development. The Traffic Management Plan is to demonstrate compliance with all of the above development requirements.

4.3 Integrated Water Cycle Management Strategy

Desired Outcomes

DO1 – An **Integrated Water Cycle Management Strategy**, incorporating a **Stormwater Management Strategy**, for the relevant part of the Saltwater Precinct, is approved by Council prior to the issue of a development consent for any development within that part of Saltwater Precinct.

Note - Stormwater issues are deemed to be the paramount issue constraining the site and are considered to be the ultimate factor that will determine the urban development pattern of the site.

DO2 - The **Integrated Water Cycle Management Strategy** generally complies with the relevant requirements of:

- Chapter B3 – Engineering;
- Chapter B5 – Stormwater Management;
- Chapter B6 – Water Sensitive Urban Design;
- Council's Engineering Guidelines for Subdivision and Development; and
- The following Development Requirements.

DO3 - The **Integrated Water Cycle Management Strategy** is generally compatible with:

- *Kempsey Shire Council Urban Stormwater Management Plan 2004*;
- *Saltwater Creek and Lagoon South West Rocks Estuary Management Study and Plan WBM 2006*; and
- *Saltwater Lagoon and Catchment Stormwater Management Strategy 2007*.

DO4 - The **Integrated Water Cycle Management Strategy** is based on modelling of projected rises in ground water levels and makes appropriate recommendations in relation to clearances required between development/earthworks and the ground water table.

DO5 - The **Integrated Water Cycle Management Strategy** achieves the following objectives:

- To ensure that the volume of stormwater flow is restricted to pre-development levels by specifying maximum site coverage requirements coupled with **Water Sensitive Urban Design** measures including retention and detention systems (OSD) and harvesting onsite.
- To ensure that the **water reuse system** is integrated with Council's **recycled water supply scheme**.
- To ensure there is a net reduction of pollutants entering the estuary or Saltwater Lake from both existing and future development for all rain events up to and including the 1 in 2 year ARI to achieve a net positive environmental outcome through development of an appropriate strategy.
- To ensure there are no changes to the natural groundwater regime that could adversely affect Saltwater Lagoon and Creek and associated wetland by either:
    - Varying the volume of flow such that there are irreversible changes to the natural environment which is reliant on groundwater and/or groundwater-surface water interaction;

  - by reducing the area available for infiltration and recharging; or
  - by increasing the pollutant load above natural levels.
- To ensure that there remains after development a balance between the surface and groundwater flows that mimic the natural condition through operation, implementation, review and maintenance of a suitable detailed Water Management System.
- To ensure that the stormwater drainage system does not adversely impact flood protection measures.
- To ensure that Integrated Water Cycle Management Infrastructure is provided in line with the staging of development within Saltwater Precinct.
- To ensure that all future development does not place any additional stress on the existing natural environment of Saltwater Creek and Lagoon.

DO6 - All water treatment systems are wholly located within the residential zoned land being outside the land zoned E2 – Environmental Conservation.

DO7 - Development incorporates best practice urban water management practices and techniques for controlling stormwater quality and quantity (above and below ground), water conservation and reuse and ecosystem health.

DO8 - The design of the Stormwater Drainage System minimises the need to fill the site, as it is relatively flat.

Development Requirements

a) **Detailed surface and ground water modelling** is to be undertaken to identify the opportunities and constraints in relation to drainage, flood protection, high water tables and protection of downstream waterways.

b) **Prior to any development being undertaken** within the relevant part of the Saltwater Precinct, an **Integrated Water Cycle Management (ICWM) Strategy** that addresses the following is to be approved by Council:

(i) **Water Sensitive Urban Design (WSUD) Strategy** providing the broad concept of how the WSUD requirements contained in this chapter will be achieved;
(ii) Provision of guidelines for managing: site drainage, flooding, high water tables, water quality and quantity and protection of Saltwater Lake and Creek;
(iii) Minimisation of grading and filling;
(iv) Measures to be incorporated to reduce sediment and litter being washed into receiving waters during site regrading works;
(v) Provision of feasible integrated solutions for the management of water supply, wastewater, stormwater and groundwater throughout the Saltwater Precinct;
(vi) Have regard for the need to integrate with Kempsey Shire Council's Recycled Water Supply scheme without impeding and or reducing the schemes function in any way;
(vii) Incorporate **Demand management solutions** in the following order of preference:

- Connection of all proposed development in the Saltwater Precinct to Council's Recycled Water Supply Scheme as a first priority;
- If a situation arises where access to Council's Recycled Water Main Scheme is not physically possible then tank use on individual lots is desirable, roof runoff from all such dwellings will be collected and stored in rainwater tanks for domestic re-use including toilet flushing, laundry cold water and outdoor uses in accordance with BASIX requirements;
- Communal rainwater tanks may be investigated as an option for collection and storage of runoff for use in landscape and open space irrigation in medium density areas where the Kempsey Recycled Water Supply Scheme cannot adequately service these areas;
- Overflow from the rainwater tanks and runoff from the remainder of the development is to be treated by means of constructed wetlands. These wetlands may be augmented by the inclusion of infiltration systems, porous pavements, grassed filter strips, vegetated swales and Bio-retention systems into the treatment train. Flows from the residential precinct will be restricted to pre-development flow volumes using suitable means of detention; and
- The use of WELS Scheme related water-efficient devices (including taps, showerheads, toilets, dishwashers and washing machines) to further reduce demand across the development.

Note - IWCM can involve the integration of a large number of concepts for re-use, reduction and recycling. These options may include (but are not limited to):

- Demand management – use of water efficient appliances;
- Rainwater (roof runoff) collection and re-use (household or community scale);
- Stormwater collection and reuse where it will not affect the viability of the existing KSC Recycle Water Supply Scheme;
- Aquifer storage and recovery;
- Effluent recycling (KSC Recycled Water Scheme); and
- WSUD measures for water quality improvement.

4.4 Infrastructure Servicing Strategy

Desired Outcomes

DO1 – An **Infrastructure Servicing Strategy**, addressing water, electricity, gas, telecommunications and sewerage system supply etc for the whole Saltwater Precinct, is approved by Council prior to the issue of a development consent for any development within the relevant part of the Saltwater Precinct.

DO2 - The **Infrastructure Servicing Strategy** addresses the following:

- The relevant requirements of Chapter B3 – Engineering; and
- Is compatible with the Integrated Water Cycle Management Strategy to be approved by Council, as referred to above;
- Identifies how the infrastructure servicing requirements contained in Section 5.0 are to be satisfied.
- The existing community is not to be burdened by the provision of public infrastructure required as a result of future development;

- The necessary public infrastructure is to be provided in a timely, cost efficient and effective manner;
- All proposed lots in the development are to be connected to Council's Recycle Water Supply system, where available;
- Any water harvesting program is to compliment Kempsey Shire Council's Recycled Water Supply Scheme;
- The strategy is to specify the infrastructure required for each **stage** of development;
- Identifies the capacity of existing infrastructure within the development to service the locality;
- A servicing and financial strategy must be undertaken to ensure financial viability to deliver the required upgrades in a timely manner; and
- Infrastructure is fully retained in the residential zoned land (ie Zone R1) and not land within the following zones:
  - E1 – National Parks and Reserves;
  - E2 – Environmental Conservation; and
  - RU2 – Rural Landscape Zone.

DO3 - A concept plan for the provision of trunk electricity supply is submitted and approved that demonstrates that the majority of electricity will have minimal environmental impacts.

DO4 - The Infrastructure Servicing Strategy is based on detailed analysis of the maintenance and environmental implications of providing underground services (including but not limited to electricity, water and sewerage) in the vicinity of the high water table and the subsequent recommendations from the detailed analysis.

Development Requirements

a) A detailed **analysis of the suitability of underground services**, inclusive of building footings is to be submitted and approved by Council, prior to the release of any development consent for subdivision. The detailed analysis is to consider the potential interaction of such services with high water tables and provide recommendations in regards to ameliorative measures.

b) A **site plan** showing where undergrounding of services (including electricity) will not be possible due to adverse impacts associated with the high water table is to be incorporated in any Infrastructure Servicing Strategy.

c) Where necessary, the location of trunk lines, rising mains and other infrastructure likely to require special consideration is to be shown on a concept site plan and accompany the Infrastructure Servicing Strategy.

4.5 Vegetation Management Strategy

Desired Outcomes

DO1 - A Vegetation Management Strategy (VMS), for the relevant part of Saltwater Precinct, is approved by Council prior to the issue of a development consent for any development.

DO2 - The VMS Strategy complies with the relevant requirements of:

- Chapter B9 – Landscaping; and
- Chapter B10 – Tree Preservation and Vegetation Management.

DO3 - The VMS Strategy achieves the following objectives:

- Incorporates the existing vegetation character elements/major vegetation zones (being: mixed sedge heath, open forest and woodlands and shrublands) into the streetscapes and open space areas of future development.
- Incorporates and preserves a mixed sedge heath community in the future landscape character of the site;
- Incorporates the open space and woodlands (eucalypt species, broad leaved paperbark and banskia spp with an understorey of shrubs and grasses) as a significant coastal landscape character element in the Saltwater Precinct.
- Incorporates the shrublands (dominated by banskia spp and tea tree varieties) into a landscape character elements concentrated in the southern part of the Saltwater Precinct.
- The central drainage line and Saltwater Lagoon are revegetated with appropriate species to blend with the predominant landscape character element.
- Exposed areas of soil are revegetated with suitable endemic species.
- Identifies the vegetation works required at each stage of development of the Saltwater Precinct.
- Is taken into account in the development of Open Space Strategies for the Saltwater Precinct.
- Preserves the existing hydrology and drainage regime relative to the function of the lagoon.
- Accommodates achievement of the relevant requirements of this chapter in relation to vegetation, open space provision, landscaping and management of lands within zone E2 – Environmental Conservation.

Development Requirements

Nil.

5.0 Development Requirements – Subdivision

5.1 Compliance with Precinct Strategies

Desired Outcomes

DO1 - Development is undertaken generally in accordance with any approved master plans and strategies required by Section 4.0 of this chapter.

Development Requirements

a) Where relevant, the lot layout within the subdivision is generally consistent with the Master Plan required by Section 4.0 of this chapter.

5.2 General

Desired Outcomes

DO1 - Development applications for subdivision demonstrate compliance with the relevant requirements of Chapter B1 – Subdivision. Where there are any inconsistencies between the requirements of Chapter B1 and this chapter, the requirements of this chapter prevail.

Development Requirements

Nil.

5.3 Development Staging

Desired Outcomes

DO1 - Development within the Saltwater Precinct is staged in accordance with:
- any approved Master Plan; and
- supporting strategies/plans required by Section 4.0; and
- the provisions of any plans required by this section.

Development Requirements

a) Major roads are to be constructed as early in the development staging as possible, in order to ensure environmental measures relating to same are implemented early and that access benefits are realized.

b) Details of development staging are to be submitted with the development application, demonstrating that the lots will be released in an orderly and coordinated manner.

c) The Asset Protection Zones are to be inspected for compliance prior to the release of the Subdivision Certificate for each relevant stage of the subdivision.

5.4 Road Network

Desired Outcomes

DO1 - The road network is designed and constructed in accordance with the relevant provisions of:
- Section 3.0 of Chapter B2 – Parking, Access and Traffic Management;
- *South West Rocks Pedestrian Access and Mobility Plan 2003;* and
- Council's Engineering Guidelines for Subdivision and Development.

DO2 - The road network is consistent with the Traffic Study and Master Plan required/approved in accordance with Section 4.0 of this chapter, where relevant.

DO3 - All roads and open space areas within Saltwater Precinct are suitable for use by cyclists.

DO4 - Road design accommodates livability objectives and Water Sensitive Urban Design measures consistent with the Integrated Water Cycle Management Strategy approved in accordance with Section 4.0 of this chapter.

DO5 - Roads commensurate to the needs of each stage of the subdivision and necessary linkages to future stages are constructed prior to the release of a subdivision certificate for that stage of development.

Development Requirements

a) The road network is to provide for a generally even distribution of traffic throughout the network.

b) The internal road layout is to provide for an even distribution for the additional traffic.

c) The main intersection with Philip Drive is to provide for a priority controlled intersection and be designed so as to accommodate the predominance of traffic through the site.

d) All streets within the Saltwater Precinct are to provide a high level of residential frontage and living space with low traffic volumes, with road reserves widths a function of both livability and the integration of WSUD measures.

e) Strong interactions with existing surrounding development are to be promoted to ensure vital transport and physical connection is established.

f) Development consent shall not be granted unless satisfactory arrangements have been made in respect to the acquisition and construction of access to the Saltwater Precinct.

Note – it may be necessary for the developer to acquire land adjoining the Saltwater Precinct for the purposes of accommodating road reserves and entry treatments into the Saltwater Precinct.

g) All roundabouts are to be designed to cater for bus movements.

h) Details of fauna friendly road construction measures are to be submitted and approved by Council with respect to the road through the Zone E2 – Environmental Conservation lands. In this regard, fauna fencing, under crossings and overhead corridor facilities are recommended.

i) All entrance points into the Saltwater Precinct are to be justified by way of detailed traffic analysis and accompanied by detailed landscape treatments and clear entrance signage.

j) Main streets are to be aligned to provide visual connections to landmarks, vistas, views and places of public importance within and surrounding the development.

k) The road network is to take into consideration the location of the existing Waianbar Avenue relative to Phillip Drive and connections with any proposed internal subdivision layout.

l) The number of vehicular accesses to all future property development fronting the proposed main link road is to be minimised, in order to

alleviate impacts caused by access and egress to sites affecting traffic flow and safety.

m) Final road design plans are to be submitted and approved by Council, in accordance with Council's Engineering Guidelines for Subdivision and Development, prior to the issue of a Construction Certificate for each stage.

n) Street names are to applied in accordance with section 162 of the *Roads Act 1993* and current Council policy.

o) All internal roads are to be constructed by the proponent and progressively dedicated to Council as public roads prior to the issue of a Subdivision Certificate for that relevant stage.

5.5 Integrated Water Cycle Management Plan

Desired Outcomes

DO1 - **An Integrated Water Cycle Management (IWCM) Plan**, including a Stormwater Management Plan, is approved by Council prior to the issue of a Construction Certificate for subdivision that:

- Is consistent with the approved IWCM Strategy for the relevant part of Saltwater Precinct, required by section 4.0 of this chapter;
- Is accompanied by "WSUD Planning and Technical Guidelines" for the relevant part of Saltwater Precinct, to be approved by Council;
- Complies with the relevant requirements of Chapter B5 – Stormwater Management;
- Complies with the relevant requirements of Chapter B6 – Water Sensitive Urban Design;
- Complies with the relevant requirements of Council's Engineering Guidelines for Subdivision and Development; and
- Accommodates compliance with the relevant Integrated Water Cycle Management requirements contained in Section 6.0 of this chapter.

DO2 - **WSUD Planning and Technical Design Guidelines** are approved by Council and:

- have regard to the *Constructed Wetlands Manual DECCW 1998*; and
- have regard to the *Australian Runoff Quality Guidelines IE 2003*; and
- comply with the relevant requirements of Chapter B6 – Water Sensitive Urban Design.

DO3 - Potential building envelopes are identified on the subdivision plan, at Council's discretion, demonstrating that sufficient site area will be available for infiltration of water.

DO4 - A program for surface and ground water quality and quantity monitoring is adopted to measure the impacts of Integrated Water Cycle Management measures applied to the development site.

DO5 - All water treatment systems are wholly located within the residential zoned land being outside the land zoned E2 – Environmental Conservation.

DO6 - Development incorporates best practice urban water management practices and techniques for controlling stormwater quality and quantity (above and below ground), water conservation and reuse and ecosystem health.

DO7 - The design of the Stormwater Drainage System minimises the need to fill the site, as it is relatively flat.

Development Requirements

a) A **Water Quality Monitoring Program**, prepared by a suitably qualified person, is to be submitted to and approved by Council prior to the issue of a Construction Certificate. The program is to include, but not be limited to:

(i) Details of a baseline study to establish the pre-development water quality, which includes weekly monitoring for four consecutive weeks and measuring the parameters identified below. The average value of each parameter is to be taken as the pre-development water quality;
(ii) Locations at which monitoring will be undertaken;
(iii) Identification of the parameters/ pollutants to be monitored at each location, including, but not limited to pH, temperature, dissolved oxygen, total nitrogen and turbidity; procedures and protocols for the sampling and analysis methodology to be undertaken;
(iv) A program for the periodic monitoring of the parameters/ pollutants at each of the monitoring locations. As a minimum, monitoring must occur quarterly throughout the life of the project; and
(v) Details of water quality limits that would indicate the project is having a detrimental effect on the water quality and a contingency plan in the event that the water quality is diminished.

b) A **report on water quality** is to be provided to Council at regular intervals as recommended by the author of the Water Quality Monitoring Program and as determined by Council.

c) **Water Sensitive Urban Design (WSUD) Planning and Technical Guidelines** for the relevant part of Saltwater Precinct are to be submitted and approved by Council in conjunction with any development application for subdivision. The **WSUD Planning and Technical Guidelines** are to address the following:

(i) Where possible, drainage swales should be designed within the subdivision layout in order to provide mixed purpose benefits inclusive of retention and percolation, vegetation corridors and open space links.

(ii) Incorporation of treatment for ensuring that stormwater runoff entering the Saltwater Precinct from the adjoining catchment is processed such that there is a net reduction of pollutants entering any receiving waterways and water-bodies.

(iii) Have regard to the:

- *Constructed Wetlands Manual DECCW 1998;* and
- *Australian Runoff Quality Guidelines IE 2003*.

(iv) In accordance with WSUD principles, the use of a number of stormwater treatment devices in series to form a 'treatment train' is encouraged.

(v) Where possible, dual use WSUD measures should be implemented.

(vi) The following WSUD stormwater management practices in relation to open space, housing layout, road layout, streetscape etc are encouraged, but not limited to:

- Sediment Basins;
- Bio-retention swales and basins;
- Buffer Strips;
- Sand filters;
- Constructed wetlands;
- Impervious surfaces;
- Green roofs;
- Riparian vegetation rehabilitation; and
- Water quality education.

(vii) The following WSUD demand management practices are encouraged, but not limited to:

- Water efficient appliances and fittings;
- Rainwater tanks;
- Recycled grey water;
- Stormwater harvesting;
- Aquifer storage and recovery; and
- Education programs.

(viii) Maintenance cost implications arising from the adoption of any of WSUD scheme.

5.6 Subdivision Infrastructure

Desired Outcomes

DO1 - Adequate soft and hard infrastructure is provided to all new subdivision releases within the Saltwater Precinct in accordance with:
- the relevant requirements of Council's Engineering Guidelines for Subdivision and Development;
- the relevant requirements of Chapter B3 – Engineering;
- any approved Master Plan for the relevant part of Saltwater Precinct; and
- any approved Infrastructure Servicing Strategy and Integrated Water Cycle Management Plan for the relevant part of the Saltwater Precinct.

DO2 - An **Infrastructure Servicing Plan** is submitted and approved by Council, with any development application for subdivision.

Development Requirements

a) Prior to the issue of a Construction Certificate for subdivision, an **Infrastructure Servicing Plan** is to be submitted and approved by Council, that:

(i) Is consistent with any approved Infrastructure Servicing Strategy;
(ii) Is commensurate with the proposed stage of subdivision of the Saltwater Precinct while providing for future connection with subsequent stages;
(iii) Provides sufficient detail to demonstrate compliance with Council's Engineering Guidelines for Subdivision and Development.
(iv) Address existing capacity and requirements for the development of sewerage, water, electricity, waste disposal, telecommunications and gas in consultation with relevant agencies.
(v) Addresses and provides the likely scope of any planning agreements and/or development contributions with Council/Government agencies (including relevant community/state infrastructure contributions).

b) All lots created in urban areas for private occupation must be fully and individually serviced with sealed road frontage, drainage, water supply, sewerage, underground electricity and telecommunications.

c) All utilities and services are to be designed in accordance with relevant statutory requirements, including Council's Engineering Guidelines for Subdivision and Development.

d) A Pre-Construction Dilapidation Report, prepared by a suitably qualified and experienced engineer, detailing the current structural condition of all existing and adjoining infrastructure and roads is to be submitted to the satisfaction of Council prior to commencement of construction.

5.7 Underground Services

Desired Outcomes

DO1 - Suitable measures to address any adverse impacts associated with the interaction between underground services and the water table are identified and incorporated into development.

Development Requirements

a) The provision of underground services is to be in accordance with:

(i) The relevant requirements of Council's Engineering Guidelines for Subdivision and Development; and

(ii) The recommendations for ameliorative measures of any approved Analysis of the Suitability of Underground Services; and

(iii) Any approved Infrastructure Servicing Strategy/Plan relating to subdivision.

5.8 Development Lots

Definition

Development lots are defined as lots that are not yet developed or subdivided for their ultimate yield. It does not include lots where the proposed subdivision is to separate non-urban land from urban zoned land.

Desired Outcomes

DO1 **-** Proposed development lots:

- Have regard for the physical constraints imposed by the land;
- Demonstrate that the development lot can be integrated into the adopted water management system for the land;
- Are fully provided with roads, drainage (including downstream drainage to a lawful point of discharge) and service connections that are sized for the ultimate subdivision yield and land use of the management lot; and
- Incorporate necessary easements, service connections and drainage facilities necessary for the ultimate development of the surrounding land.

Development Requirements

Nil.

5.9 Open Space Management Plan

Desired Outcome

DO1 - An Open Space Management Plan for the relevant part of Saltwater Precinct, consistent with any approved Master Plan open space provisions, is submitted and approved by Council prior to the release of any development consent for subdivision.

DO2 - Open space is provided in accordance with the requirements of Section 13.0 of Chapter B1 – Subdivision.

Development Requirement

a) Open space and regeneration areas are to be staged relative to the release of lands.

b) Details of land proposed to be used for recreational and open space purposes are to be submitted with any development application for subdivision.

c) Details addressing the long-term management and maintenance of public open space areas and conservation areas are to be submitted with any application for subdivision and approved by Council. The details are to address:

(i) Ownership and control;
(ii) Management and maintenance funding;
(iii) Public access;
(iv) Revegetation and rehabilitation works; and
(v) Bushfire management.

5.10 Vegetation Management, Street Trees and Landscaping

Desired Outcomes

DO1 - Tree preservation is undertaken in accordance with the relevant requirements of Section 6.0 of this chapter.

DO2 - Street Trees are provided in accordance with the relevant requirements of Section 6.0 of this chapter.

DO3 - A Vegetation Management Plan is submitted to and approved by Council prior to the issue of a development consent for subdivision, unless otherwise agreed by Council.

Development Requirements

a) Where possible, native vegetation (canopy level) shall be provided, within pocket parks and street verges to create a 'stepping-stone corridor' for native fauna. Details of any planting shall be provided within a detailed **Landscape Plan** submitted with a development application for subdivision of land.

5.11 Solar Access

Desired Outcomes

DO1 - Lot layout and orientation complies with the requirements of Section 6.3 of Chapter B1 – Subdivision in relation to maximizing solar access to lots.

Development Requirements

Nil.

5.12 Minimum Lot Size

Desired Outcomes

DO1 - Minimum lot sizes comply with the relevant development standards of Kempsey Local Environmental Plan 2013.

DO2 - A range of lot sizes are provided generally in accordance with any approved Master Plan for Saltwater Precinct (refer to Section 4.0 of this chapter for Master Plan requirements).

Development Requirements

Nil.

5.13 Subdivision Plans

Desired Outcomes

DO1 - Subdivision plan showing sufficient and necessary details are submitted with development applications.

Development Requirements

a) Subdivision plans are to show the following:
- The location, boundary dimensions, site area and north point of the land, and names of roads fronting the land;
- Title showing the description of the land with lot and DP numbers etc;
- Existing and proposed subdivision pattern including all measurements and site areas and existing and proposed allotments;
- Location and details of all proposed roads and footpaths;
- Location of all structures proposed and retained on site;
- Cross sections of roads, including gradients, widths, road names, footpaths etc;
- Existing and proposed finished levels in relation to roads, footpaths and structures;
- Location and details of access points to the subdivision;
- Existing vegetation on the land and vegetation to be retained;
- Location of services and infrastructure, and proposed methods of draining the land;
- Any easements, covenants or other restrictions either existing or proposed on the site;
- Type of subdivision proposed (torrens, strata and/or community titling); and
- Any other relevant matters referred to in Chapter B1 – Subdivision in relation to information to be shown on a subdivision plan.

6.0 Development Requirements – General

6.1 Compliance with Pre-development Strategies

Desired Outcomes

DO1 - Development is undertaken generally in accordance with any approved master plans and strategies required by Section 4.0 of this chapter.

Development Requirements

Nil.

6.2 Development Staging

Desired Outcomes

DO1 - Development is contained wholly within the relevant stage of development of the overall Saltwater Precinct.

DO2 - Sufficient infrastructure, including but not limited to roads, water supply, sewerage, stormwater and electricity is available to the development commensurate with the stage of development of the overall Saltwater Precinct and in accordance with any approved Infrastructure Strategy/Plan.

Development Requirements

Nil.

6.3 Design Objectives

Desired Outcomes

DO1 - Design of the overall development of the Saltwater Precinct and development on individual allotments achieves the following:

- The retention and protection of significant typical natural features;
- Respects the inherent values and nature of the site;
- Provides for the natural infiltration of water;
- Retains the integrity of the existing topography;
- Retains and responds to significant view lines;
- Retains the integrity, character and function of the existing South West Rocks Town Centre;
- Establishes a layout which is informal and responds to coastal village values;
- Incorporates a sustainable landscape concept;
- Creates an individual sense of place within the South West Rocks context; and
- Retains a generally low scale built form throughout the Saltwater Precinct.

DO2 - Development is designed to address:

- Any relevant objectives and measures referred to in the Saltwater Creek Estuary Management Study and Plan; and
- Any issues arising from the Kempsey Coastal Processes and Hazards Definition Study.

Development Requirements

Nil.

6.4 Parking and Access

Desired Outcomes

DO1 - Access and parking complies with the relevant requirements of:

- Section 5.4 of Chapter C1 – Residential Development;
- Chapter B2 – Parking, Access and Traffic Management;
- Council's Engineering Guidelines for Subdivision and Development; and
- Any relevant Master Plan and Traffic Study approved in accordance with Section 4.0 of this chapter;
- Subject to alterations presented in the following Development Requirements.

DO2 - The design of vehicular access driveways:

- Maximizes solar access opportunities;

- Contributes to and is consistent with the surrounding coastal environment rather than a suburban or metropolitan character;
- Reduces hard stand areas visible from the street;
- Minimises the amount of impervious surfaces; and
- Is consistent with any Master Plan or strategies approved in accordance with Section 4.0 of this chapter.

DO3 - The number of vehicular accesses to the proposed main link road is minimised, in order to alleviate impacts caused by access and egress to sites affecting traffic flow and safety.

Development Requirements

6.4.1 Parking and Manoeuvring

a) In the case of medium density and dual occupancy developments, a car wash space must be provided.

(i) The car wash space can be shared with visitor spacing where signage is provided clearly demonstrating the dual use; and
(ii) The car wash space should be designed to allow infiltration of water, in lieu of hard stand paving.

6.4.2 Driveways

a) Driveways and garages are to be located on the south or west side of associated houses, where practicable, in order to create the opportunity to provide greater exposure for north-facing living spaces and private open spaces.

b) Where lots have a north-south orientation, driveways are to be located on the western side of the lot, where practicable.

c) Where lots have an east-west orientation, driveways are to be located on the southern side of the lot, where practicable.

d) Access ways are to be designed, surfaced and sloped to manage stormwater in accordance with any approved Stormwater Management Plan/ Integrated Water Cycle Management Plan.

(i) Permeable paving or drainage to rain gardens are to be utilised to minimise the amount of impervious area in the development.

e) Driveways and paths should be constructed using materials that blend with or complement the surrounding streetscape. They must be neutral colours to match local materials. Vibrant or bright colours are not permitted. Driveway finishing is to be exposed aggregate concrete or other sealed surfaces to maintain a narrative and unique character identity to the area.

6.4.3 Access to Main Link Road

a) Access to lots directly from any major link road through the precinct is to be avoided. Instead, a parallel service road is to be utilized to provide access to lots fronting the main link road.

6.5 Integrated Water Cycle Management

Desired Outcomes

DO1 - The design of stormwater systems, water supplies and sewerage systems with individual developments:

- Is consistent with any approved Master Plan and Integrated Water Cycle Management (IWCM) Strategy approved in accordance with Section 4.0 of this chapter;
- Complies with any IWCM Plan approved in accordance with Section 5.0 of this chapter, relevant to the part of the Saltwater Precinct being developed;
- Complies with any Water Sensitive Urban Design (WSUD) Planning and Technical Design Guidelines approved in accordance with Section 5.0 of this chapter;
- Complies with the relevant requirements of Chapter B5 – Stormwater Management;
- Complies with the relevant requirements of Chapter B6 – Water Sensitive Urban Design; and
- Complies with the relevant requirements of Council's Engineering Guidelines for Subdivision and Development.

DO2 - Water quality targets, pollutant loads, acute impacts and visual amenity is maintained are achieved and maintained so that there is no net increase in pollutant loads.

DO3 - Hydrological processes are managed in the Saltwater Precinct so that:

- Peak flows do not exceed the natural conditions of the site;
- Environmental flows in relation to surface and groundwater are maintained;
- Flow duration and velocity is managed to maintain downstream waterway morphology;
- Continuing filtration maintains ground water systems at pre-development levels;
- Frequency of flows from Saltwater Precinct are equivalent to the natural case.

DO4 – The Water Sensitive Urban Design system:

- Is functional and operational;
- Incorporates design for maintenance;
- Is maintained in accordance with utility placement maintenance plans;
- Incorporates multiple use corridors; and
- Is designed to minimise life cycle costs.

DO5 - The Water Sensitive Urban Design system is designed to minimise adverse effects on amenity by:

- Protecting sensitive areas;
- Preserving natural drainage systems; and
- Integrating the built environmental with the landscape.

Development Requirements

6.5.1 General

a) Where no subdivision has been undertaken, an Integrated Water Cycle Management (IWCM) Plan shall be prepared for the Saltwater Lagoon and Creek catchment area and adopted for the development of the relevant

part of the Saltwater Precinct. Otherwise, the IWCM Plan approved as part of the subdivision is to be adhered to.

b) Stormwater detention and reuse measures are to be adopted so as to control and reduce demand on the public system, in accordance with the *Saltwater Lagoon and Catchment Stormwater Management Strategy 2007*.

6.5.1 Stormwater Modelling

a) The performance of stormwater quality treatment systems comprising WSUD systems is to be demonstrated using the Model for Urban Stormwater Improvement Conceptualisation (MUSIC) tool and modelling must be undertaken concurrent with concept and detailed design.

6.5.3 Location of Stormwater Infrastructure

a) Stormwater quality devices shall be located within the development footprint in accord with:

(i) *Saltwater Lagoon and Catchment Stormwater Management Strategy 2007*; and
(ii) the developed WSUD Planning and Technical Guidelines.

b) All Water quality control facilities are to be sited wholly within the residential zoned land such that they do not have any deleterious impact upon lands not zoned for residential development.

(i) All water treatment systems are to be wholly located outside the land zoned E2 – Environmental Protection.

6.5.4 Water Table

a) Detailed investigations are required in respect of the suitability of proposed services' siting and design and building design with respect to high water table levels upon the site, having regard to the effects of climate change.

b) The hydrological integrity of the adjacent Saltwater Lagoon is to be maintained, through the undertaking of ground water modelling across the site in order to gain an understanding of an overall management model. Monitoring of groundwater is to continue throughout the approval process and during construction.

c) All drainage is to be at or above the ground water level.

6.5.5 WSUD Measures

a) In accordance with WSUD principles, the use of a number of stormwater treatment devices in series to form a 'treatment train' is encouraged.

b) The stormwater treatment train for each sub-catchment is to include, but not be limited to, a combination of the following suggested measures:

(i) Compliance with BASIX;
(ii) Bio-retention devices within constructed swales where slope <5%;
(iii) Gross Pollutant traps (GPTs);
(iv) Sedimentation basins at the inlet zone for the constructed wetlands;

(v) Constructed wetlands with a minimum 30% soft-edge treatment;
(vi) Diffuse low-flow discharge (<Q3month) and stormwater treatment within the rehabilitation areas;
(vii) Infiltration trenches and basins and or other approved methods to recharge the groundwater system, such that the change in the groundwater levels will not lead to irreversible changes in the existing flora habitat; and
(viii) High-flow bypass channels to protect the rehabilitation areas.

c) Where possible, dual use WSUD measures should be implemented.

d) Constructed stormwater wetlands should be designed to ensure a healthy ecosystem and also include for the avoidance of stagnant water, maintenance of an aerobic water column, and be able to drain the wetland if necessary in accordance with the Constructed Wetlands Manual (published by the Department of Land and Water Conservation, 1998).

6.5.6 Water Quality Monitoring

a) Water quality monitoring is to be undertaken in accordance with the following:

(i) In accordance with any water quality monitoring program approved as in accordance with Section 5.0 of this chapter; and
(ii) Monitoring of downstream receiving environments is to occur during the construction phase and during the revegetation establishment phase (up to 6 months after development is completed).

6.6 Infrastructure Provision

Desired Outcomes

DO1 - Individual developments are provided with sufficient infrastructure to service the needs of the development in accordance with:
- Any relevant approved Infrastructure Servicing Strategy and Infrastructure Servicing Plan;
- The relevant requirements of Chapter B3 – Engineering; and
- The relevant requirements of Council's Engineering Guidelines for Subdivision and Development.

DO2 - Any necessary easements are provided to protect services within allotments.

Development Requirements

Nil.

6.7 Vegetation

Desired Outcomes

DO1 - Major vegetation communities in the Saltwater Precinct (ie mixed sedge heath, open forest and woodlands and shrublands) are maintained and new landscaping within the street reserve and open space areas reflects

the vegetation community appropriate to the location within the Saltwater Precinct.

DO2 - Development complies with:

- Any approved Vegetation Management Strategy/Plan;
- Chapter B9 – Landscaping; and
- Chapter B10 – Tree Preservation and Vegetation Management.

Development Requirements

a) **Detailed regeneration, rehabilitation and maintenance plans** are to accompany any development proposal and be approved prior to commencement of any works. Works relating to these plans shall be carried out commensurate with the staging and scale of development and in accordance with an agreed maintenance program.

Note – Council may waive this requirement should the approved VRRM Strategy contain sufficient detail to regulate vegetation for the proposed development.

6.8 Environment, Safety and Health

Desired Outcomes

DO1 - Development complements the conservation of **biodiversity** by protecting areas of high conservation value.

DO2 - Development responds appropriately to the environmental, natural constraints of the site including but not limited to: erosion, flooding, climate change, bushfire, acid sulfate soils, noise, odour and mosquito control and protects areas of natural and cultural significance.

DO3 - Development does not conflict with the intended outcomes for 'healthy modified lakes' as specified in the publication *Coastal Lakes: Independent Enquiry into Coastal Lakes, Healthy Rivers Commission Final Report on 2002.*

Development Requirements

a) All SEPP 14 areas shall be free of any drainage infrastructure, with environmental enhancement to be undertaken, where relevant.

b) The E2 – Environmental Conservation zoned lands should only be impacted upon in a manner consistent with the objectives of the zone. In this regard, opportunities to develop this land will be restricted to retention and rehabilitation of the land in order to preserve the natural buffer that exists between land available for residential development and valuable estuarine habitat.

c) All drainage controls and public open space are to be restricted to the land zoned R1 – General Residential.

d) For any development or works within land Zoned E2 – Environmental Conservation, a detailed **Vegetation Management Plan** shall be prepared in consultation with Council and have regard to the following:

(i) The recommendations of any Vegetation Management Strategy approved in accordance with Section 4.0 of this chapter;
(ii) Standard of works within the E2 – Environmental Conservation zoned lands;
(iii) Maintenance of any works / open space in this area;
(iv) An appropriate monitoring regime for dealing with issues that may arise, including but not limited to, outbreaks of weed infestation, predation by domestic pets, uncontrolled access by people into the Conservation Area;
(v) Outline measures for the conservation of existing wildlife corridor values and/or connective importance of any vegetation on the subject land;
(vi) Address measures to protect and manage the riparian corridor and adjacent aquatic habitats;
(vii) Assess the impacts of any native vegetation clearing including details of any offset strategy, where relevant, to ensure that there is no net loss of native vegetation;
(viii) A protocol for the salvage and re-use of hollow bearing trees; and
(ix) Indicate the arrangements for any dedication and ownership of lands (timing of dedication, standard of dedication etc).

Note - There are complexities with respect to the future ownership and maintenance of these lands, with relevant parties including the developers, Council and the Department of Environment Climate Change & Water (DECCW).

e) In respect to lands zoned E2 – Environmental Conservation:

(i) These lands are to be dedicated to Kempsey Shire Council or NSW Office of Environment and Heritage (OEH) at the completion of the final stages of the development;
(ii) The developers are to be responsible for the management and ongoing maintenance in accordance with any approved Plan of Management, of these lands until transferred to Council ownership;
(iii) An **Environmental Management Plan** in relation to these zoned lands, must be prepared that addresses but not limited to the following key points:
- Access Control
- Vegetation Management
- Bushfire Management
- Low key recreation facilities, which are to be associated with the restoration of habitat in the E2 – Environmental Conservation Zone.
- Satisfactory arrangements are to be made in respect to the ongoing costs of maintaining the E2 – Environmental Conservation zoned land.

f) Areas outside of the development footprint are to be regenerated by the developer consistent with an agreed staging plan and an agreed (with Council) **Vegetation Management Plan** or **Environmental Management Plan**.

g) An **Environmental Management Plan** in relation to all zoned lands, must be prepared that addresses but not limited to the following key points:

(i) Integrated Water Cycle Management (including WSUD and groundwater);
(ii) Proximity to Sewage Treatment Works;
(iii) Air and Noise Management;
(iv) Energy Management;
(v) Transport Management;
(vi) Biodiversity Management; and
(vii) Waste removal and waste management.

Note - Where a proposal will affect the vegetation or environmentally sensitive areas identified in the Saltwater Precinct, the Development Application may need to be accompanied by a 7 Part Test in accordance with Section 5A of the Environmental Planning and Assessment Act 1979 (as amended).

h) The site re-vegetation and regeneration program is to be **staged** and linked to the subdivision application process. Each **Subdivision** Application will identify the area to be subject of these works. A **Re-vegetation Plan** must be provided for each of the identified areas.

i) A **Construction Management Plan**, which outlines traffic and pedestrian management during construction and management of impacts on amenity of adjoining properties and appropriate mitigation measures including noise, dust and sediment and erosion controls, is submitted to and approved by Council prior to the issue of a construction certificate.

6.9 Tree Preservation

Desired Outcomes

DO1 - The removal of trees and vegetation is undertaken in accordance with the relevant requirements of Chapter B10 – Tree Preservation and Vegetation Management.

Development Requirements

a) Where applicable, a **Tree Survey Plan** is to be submitted with each Development Application. The Tree Survey Plan is to identify the location, type and condition of all existing trees, and is to indicate those trees proposed to be removed, including the justification for their removal, and those to be retained.

b) Where trees are to be retained, details of any protection methods shall be submitted with the Development Application. Priority should be given to retention of trees that have biodiversity value, particularly hollow bearing trees. These and other significant trees are to be retained wherever possible within public and community parks, streetscapes and riparian corridors.

c) Any trees not approved for removal are to be protected in accordance with the relevant requirements of Chapter B10 – Tree Preservation and Vegetation Management, during construction and beyond.

6.10 Street Landscaping

Desired Outcomes

DO1 - Street trees and landscaping:

- Contributes to a quality coastal landscape theme for the Saltwater Precinct; and
- Complies with the relevant requirements of Chapter B9 – Landscaping, particularly Section 5.0.

Development Requirements

a) Any Coast Banksias planted within the street reserve are to be carefully located to complement the existing streetscape and produce shade whilst minimizing interruption to views from future residences and the functionality of pedestrian and cycleways.

6.11 Private Landscaping

Desired Outcomes

DO1 - A consistently high quality coastal landscape is provided and presented to the street.

DO2 - Landscaping complies with the relevant requirements of:

- Chapter B9 – Landscaping; and
- Section 5.7 of Chapter C1 – Residential Development.

DO3 - Landscaping is provided to:

- enhance the street character;
- improve the relationship of a building to its surroundings;
- provide privacy and shade;
- preserve important landscape features and retain local biodiversity;
- facilitate the energy and solar efficiency of individual dwellings; and
- reduce water usage and demand on water storage infrastructure.

Development Requirements

a) Planting of endemic native vegetation is encouraged to frame and soften the appearance of built form within the property.

b) Vegetation should be planted in a way that frames desirable views natural features and bush conservation areas, rather than screening or blocking views.

c) The amount of sealed and hard paved surfaces in the front garden area is to be provided in accordance with the provisions of the approved IWCM Plan through a 30m² minimum permeable surfaces to maximise absorption of rainwater in soil.

d) Indigenous plants of local provenance must be planted in the front garden area. Plants classified as environmental weeds are not to be planted.

e) To showcase indigenous plant species, groups of the same species are to be planted. Plants are to be selected to contrast and complement built form.

f) The minimum total area of each lot to be landscaped is to accommodate the maximum site coverage requirements within Section 6.28 of this Chapter.

g) Specific areas of a dwelling, such as living rooms and private open space, are targeted to receive sunlight in winter and shade in summer through the location and types of plants used. There should be minimal interference to the solar access of adjoining properties and types of plants used.

h) There is to be minimal interference to the solar access of adjoining properties.

i) A detailed landscape plan (prepared by an appropriately qualified person) must accompany any application for dual occupancy or medium density housing.

6.12 Fencing

Desired Outcomes

DO1 - Fencing is designed and provided to:

- improve the visual appearance of the street;
- be compatible with the desired coastal character theme of the precinct;
- protect vegetation conservation zones; and
- encourage usage and passive surveillance of open space linkages.

Development Requirements

a) All dwellings must provide side and rear fencing in accordance with the *Dividing Fences Act 1991*, to a maximum height of 2.0m, with the exception of side fencing forward of the front building line, where side fencing is to comply with front fence controls below.

b) Fencing forward of the front building line:

(i) is not to exceed 1.2m, with the exception of where variation can be justified on the basis of outstanding design;
(ii) must be located on the property boundary line/s;
(iii) must provide for a minimum 25% (of the width) material variation; and
(iv) no front fencing is to be provided in the vicinity of Pressure Sewer Systems in order to allow maintenance access to the sewage units.

c) A minimum of 25% of the front boundary fencing must be recessed to a depth of no greater than 1m. The recesses are to be planted out with low level planting (0-1.2m height) to soften the visual appearance of the front boundary fence.

d) Where rear fencing is adjacent to open space linkages, fencing must be at least 50% transparent and lockable gates are permitted.

6.13 Public Open Space

Desired Outcomes

DO1 - Public Open Space:

- Preserves important landscape features and environmental areas;
- Retains biodiversity within built up urban areas;
- Encourages a sense of place;
- Is simple and low key in appearance;
- Invites positive community social interaction;
- Forms part of the network of pedestrian/cycle linkages within the Saltwater area; and
- Integrates with Water Sensitive Urban Design treatments provided within the Saltwater area.

DO2 - Residents can easily access green space and natural areas.

DO3 - Local parks are provided at a size, location and quality commensurate with the size and nature of the development.

Note - One guideline for open space provision is 1.3 ha per 1000 head of population. The final lot yield, population and amount of open space required for the Saltwater precinct will be dependent upon the outcome of the recommendations of the traffic and water cycle management systems assessments.

DO4 - Places of natural, historic and cultural significance are preserved.

DO5 - Landscaping within public open space areas contributes to a landscape theme of a natural coastal landscape.

DO6 - Public open space is provided in accordance with a Master Plan approved in accordance with Section 3.0 of this chapter.

Development Requirements

a) An Open Space Management Strategy is to be submitted with any development application for subdivision or a Master Plan.

Note - The size and location of parks is to be agreed with Council prior to submission of a development application. Council may agree to defer the need for the submission of an Open Space Management Strategy for small scale subdivisions.

b) Landscaping within public open spaces is to:

(i) Be influenced and respond to features of the surrounding natural environment;
(ii) Utilise indigenous vegetation of local provenance;
(iii) Provide edges that are densely planted with a complex of low shrubs, native grasses and sedges; and
(iv) Be in accordance with the requirements of Section 6.0 of Chapter B9 – Landscaping.

Note – The level of detail to be shown on any landscape plans will be dependent on the scale of development and the stage of planning that the

development is in (eg Master Plans will require only a concept landscape plan).

c) The design of public open space to create a functional, safe and attractive place for all, through selection of appropriate hard and soft elements (eg: paving, furniture, edging, lighting and plants).

d) Landscaping provided in open space areas is to be compatible with the existing vegetation zone (eg mixed sedge heath, open forest and woodlands and shrublands) in the locality.

e) A Landscape Management and Maintenance Plan is to be developed to guide appropriate management and maintenance of open space and public domain areas within the R1 – General Residential Zone.

6.14 Location of Uses

Desired Outcomes

DO - Land uses are located generally in accordance with locations identified in any approved Master Plan for the relevant part of the Saltwater Precinct.

Development Requirements

Nil.

6.15 Buffer Zones

Desired Outcomes

DO1 - Development is sited so that there is a sufficient buffer to preserve the amenity and safety of the development to the following:

- The South West Rocks Sewerage Treatment Works;
- Bushfire Prone Vegetation;
- Saltwater Lagoon;
- Stands of Vegetation on the site to be protected;
- Flood affected lands, taking into consideration sea level rise and coastal recession; and
- Any other sensitive site features.

Development Requirements

a) All development proposals are to comply with Planning for Bushfire Protection 2006, or updated equivalent.

(i) Perimeter roads are preferred in respect of those lands on the edge of the residential zoned land, whilst details are to be provided at the development application stage with respect to the provision of emergency vehicle access to those lots not separated from the bushfire risk area by perimeter roads.

b) No development is to occur on land within 220m from the South West Rocks Sewerage Treatment Plant (STP) in order to protect future residents from odour and noise emanating from the STP.

Note – At the time of adoption of this DCP, investigations have indicated that the required buffer to the South West Rocks Sewerage Treatment Plant (STP) may be reduced to 150m. It is advisable to contact Council's Department of Water for the most up-to-date buffers to the STP.

c) No building works are to occur within a 50m buffer to land zoned E2 – Environmental Conservation.

d) APZ's and firetrails for bushfire protection are to be located wholly outside of land zoned E2 – Environmental Conservation.

6.16 Cultural Heritage

Desired Outcomes

DO1 - Development complies with the relevant provisions of Chapter B12 – Aboriginal Heritage.

Development Requirements

Nil.

6.17 Contamination

Desired Outcomes

DO1 - Development responds appropriately to any land contamination on the site.

Development Requirements

a) Prior to any development of lands adjacent to Philip Drive, validation of all **contamination** remediation must be provided to the consent authority.

6.18 Acid Sulfate Soils

Desired Outcomes

DO1 - Development complies with the relevant requirements of clause 7.1 of Kempsey LEP 2013.

Development Requirements

a) A detailed Acid Sulfate Soil Management Plan for the entire site shall be prepared by a qualified person in accordance with the *Acid Sulfate Soil Assessment Guidelines* (Acid Sulfate Soil Management Advisory Committee, 1998). The ASS Management Plan shall cover the entire site and be submitted to the satisfaction of Council prior to the issue of a Construction Certificate for the proposed development.

6.19 Flooding/Minimum Floor Levels

Desired Outcomes

DO1 - Development is not adversely affected by flooding, taking into account the impacts of the following on local flooding:
- Saltwater Lagoon;
- Obstructions within Saltwater Creek;
- Entrance conditions to Saltwater Creek;
- The high water table within the Saltwater Precinct; and
- Sea level rise and coastal recession.

DO2 - Development complies with the relevant requirements of:
- Council Policy No 1.1 – Development Control Policy; and
- Council Procedure No 1.1.11 – Flood Risk Management.

DO3 - Development provides sufficient clearance to existing and projected groundwater levels having regard to ongoing groundwater monitoring.

Development Requirements

a) Minimum floor levels shall comply with the greatest of the following:

(i) Any minimum floor levels determined in accordance with Council Policy No 1.1.11 – Flood Risk Management;
(ii) Residential Flood Planning Level (RFPL) is to be 3.5m AHD for land north of the Saltwater Lagoon and Creek and 3.6m AHD for land south of the Saltwater Lagoon and Creek;
(iii) A 0.5 meter freeboard shall be added to the abovementioned RFPL to establish a minimum Floor Level for the residence. A minimum floor level equivalent to the PFPL plus 500mm shall apply to all residential development;
(iv) In order to ensure consistency on land between 3.5m and 4.1m AHD (i.e. above the RFPL) a minimum floor level of 4.1m AHD shall apply to all residential development; and/or

Note – Please be advised that additional flood related development controls will apply to developments in low risk areas which are particularly vulnerable to emergency response (eg aged care facility, emergency evacuation centres, hospitals and major utilities etc).

b) Development complies with any recommendations of the Integrated Water Cycle Management Strategy approved in relation to Section 3.0 in relation to clearances between development/earthworks and the water table.

6.20 Bushfire

Desired Outcomes

DO1 - Development complies with the relevant provisions of *Planning for Bushfire Protection 2006* (RFS).

Development Requirements

a) All Asset Protection Zones and fire trails are to be contained within land zoned R1 – General Residential and not in land zoned E2 – Environmental Conservation.

b) A Fire Management Plan is to be prepared in coordination with any Vegetation Management Plan for the zone E2- Environmental Conservation lands. The management provisions of the Fire Management Plan are to address those measures required to meet the provisions of Section 63 of the *Rural Fires Act 1997* whilst specifically recognising the need to protect the plant communities within the zone E2 – Environmental Conservation lands.

6.21 Geotechnical

Desired Outcomes

DO1 - Development applications provide an assessment of any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations that address these limitations.

Development Requirements

Nil.

6.22 Acoustic Amenity

Desired Outcomes

DO1 - Appropriate noise attenuation measures are implemented within the development in order to result in appropriate indoor noise levels in relation to noise generated from the South West Rocks Sewerage Treatment Plant (STP) and any link road.

Development Requirements

a) All development proposals within the vicinity of any link road will require the preparation of a **Noise Impact Assessment** by an appropriately qualified person, to demonstrate that noise emanating from any link road will not have an unacceptable impact on residential amenity.

b) No Noise Impact Assessment will be required in relation to the STP, provided noise sensitive development is located outside of nominated buffers to the STP.

6.23 Crime Prevention

Desired Outcomes

DO1 – Development complies with the relevant provisions of Chapter B15 – Crime Prevention Through Environmental Design.

Development Requirements

Nil.

6.24 Earthworks

Desired Outcomes

DO1 - All earthworks comply with the relevant requirements of Chapter B4 – Earthworks and Sediment Erosion Control.

DO2 - The site is developed commensurate with the constraints applicable to the site.

Development Requirements

a) For works beyond the external walls of buildings the maximum cut and fill is to be as specified as in the Integrated Water Cycle Management Plan having regard to the presence of acid sulphate soil and high water table.

b) Retaining walls and landscaping are to be installed to mitigate the effects of all site works.

c) Any cut and fill that extends to the property boundary is to have no effect on adjoining properties in terms of drainage, stormwater flow and vegetation loss or damage.

d) The proponent is to submit to Council, a Geotechnical Specification for the supply and placement of any fill materials, prepared by a suitably qualified person and shall include, but not be limited to, the following:

(i) Identification of the proposed source of fill;
(ii) Method of delivery of fill material to the site;
(iii) Geological/geotechnical analysis of the proposed fill material to determine suitability;
(iv) Quality Assurance Regime; and
(v) Any other relevant matters.

e) Haulage routes for the importation of fill are to be agreed to by Council, prior to the issue of a Construction Certificate for filling.

f) Fill shall be selected in accordance with Australian Standard 3798-2007 Guidelines on Earthworks for Commercial and Residential Development, or any updated standard.

6.25 Erosion and Sediment Control

Desired Outcomes

DO1 - Sediment erosion control is undertaken in accordance with the relevant requirements of Chapter B4 – Earthworks and Sediment Erosion Control.

DO2 - Erosion and sediment loss from building sites is minimized so as not to

contribute to the degradation of waterways and water-bodies.

Development Requirements

a) All run off from surrounding land is to be diverted away from the land to be disturbed.

b) Sediment control measures are to be installed prior to any excavation that takes place. These controls must be maintained in a functional condition during construction and until the site landscaping is established.

c) Either a Soil and Water Management Plan or an Erosion and Sediment Control Plan is to be submitted with development applications involving site works and are to be prepared in accordance with:

(i) the Landcom publication "Managing Urban Stormwater, Soils and Construction 2006";
(ii) Chapter B4 – Earthworks and Sediment Erosion Control; and
(iii) any special provisions identified in the Integrated Water Cycle Management Plan (particularly in respect to WSUD measures).

6.26 Biting Midge and Mosquito Control

Desired Outcomes

DO1 - Nuisance caused by mosquitoes and biting midge do not result in a significant adverse impact on the amenity of residents within Saltwater Precinct.

DO2 - Stormwater and wetlands within reasonable proximity to development are designed to:
- Avoid stagnant water;
- Maintain an aerobic water column; and
- Have the ability to drain the wetland, if necessary;
- For the purpose of managing mosquito and biting midge breeding habitat.

Development Requirements

a) A biting midge and mosquito assessment is to be undertaken prior to any development consent being issued. Mitigation measures should be proposed to reduce identified issues having regard for the Stormwater Management Strategy/Plan.

Note - Upon receipt of a development application, where it has been identified as having a biting insect problem, the developer is required to outline in detail how the problem will be minimised. Where insect problems are considered severe, the development application must be accompanied by a report from a person qualified in addressing the biting insect problem in detail.

b) Required mitigation measures are to be incorporated into the development. Such mitigation measures may include:

(i) Identification of open buffer zones between insect breeding areas and dwelling houses by way of correct seasonal field work.

(ii) Land fill operations to elevate subdivisions above flood height should be carried out with due regard to minimising impedance of surrounding drainage systems.

(iii) Roadway embankment construction should be designed to eliminate (if possible) any standing water impoundment or redirection of water flows into potential mosquito breeding areas.

(iv) Consideration of stormwater drainage design and route. Drains should be designed to avoid silt accumulation and be free draining. Exit points from drains into waterways or wetlands should be designed to avoid habitat changes at discharge points such as will occur if organically enriched drainage from urban areas is directed into mangrove areas or tea tree wetlands. Misdirected stormwater into these habitats can create new midge and mosquito breeding sites or increase existing breeding by favouring certain aquatic and semi aquatic vegetation species that restrict drainage flow. Silt accumulation at stormwater estuary discharge points, combined with regular low flow water discharge particularly suits the biting midge species *C. sumimmaculatus*. Care must be taken to avoid increasing tidal influence back up drains into freshwater wetlands as this increases salt marsh mosquito favourability.

(v) Consideration of dominant prevailing winds that may distribute biting insects, particularly biting midge, when siting accommodation and evening recreation areas.

(vi) Landscape layout and vegetation species should be selected to minimise insect harborage and corridors. Tall lightly foliaged species with a high canopy such as eucalypts and palms tend not to harbour biting insects and allow good air circulation at ground level. Native shrubs such as grevillea, banksia and casuarinas planted not too densely are suitable for further landscape or screening use. Heavily foliaged plants, particularly those requiring frequent watering as used in "Hawaiian style" well shaded gardens should be avoided near accommodation areas or evening recreation areas.

c) Ongoing monitoring of stormwater system designed for the development (particularly the drainage swales and detention basins) is to be undertaken at regular intervals to identify any potential increase in mosquito breeding opportunities and to appropriately deal with the risk of mosquito activities.

6.27 Commercial Development

Desired Outcomes

DO1 - Commercial development complies with the relevant provisions of Chapter C6 – Commercial Development.

Development Requirements

Nil.

6.28 Site Coverage

Desired Outcomes

DO1 - The site coverage of development encourages:

- An appropriate scale of development in keeping with the natural character of the area; and
- To assist in achieving Integrated Water Cycle Management Plan and Water Sensitive Urban Design requirements for stormwater infiltration.

Development Requirements

a) Site coverage of all building elements is to ensure that the maximum impermeable site areas is as follows:

(i) 70% of the allotment – On lot sizes less than 500m^2.
(ii) 65% of the allotment – On lot sizes between 500m^2 and 750m^2 inclusive.
(iii) 60% of the allotment – On lot sizes greater than 750m^2.

6.29 Advertising Signs

Desired Outcomes

DO1 - Any advertising signs comply with the relevant provisions of Chapter B19 – Advertising and Tourist Signs.

Development Requirements

a) No advertising signs are installed on land Zoned E2 – Environmental Conservation.

7.0 Development Requirements - Residential Development

7.1 General

DO1 - Residential development complies with the relevant provisions of Chapter C1 – Residential Development that apply to development in the Low Density Residential Precinct, in addition to the following requirements.

DO2 - Residential development complies with the relevant provisions of Sections 5.0 and 6.0 of this chapter.

DO3 - Residential development is undertaken in a manner consistent with any pre-development strategies approved in accordance with Section 4.0 of this chapter.

7.2 Housing Form

Desired Outcomes

DO1 – A diverse range of housing types are provided in the Saltwater Precinct to

cater for varying levels of affordability, accessibility and tenure type.

Development Requirements

a) Any adaptable and accessible housing provided is to be generally in accordance with Federal Governments Universal Housing Design Guidelines and Australian Standard for Adaptable Housing.

b) Multi-unit development is to provide a mix in the size, type and configuration (eg number of bedrooms) of dwellings.

7.3 Building Mass/Bulk

Desired Outcomes

DO1 - Building mass and bulk is compatible with the existing natural environment.

DO2 - Over-dominant feature elements on the façade are avoided.

Development Requirements

a) All two (2) storey elements must address the street to assist in framing the street and accommodate passive surveillance.

b) Bulky projections on facades that are not functional to residential use are to be avoided. These include car porches, period replica features, excessive window overhangs or awnings, and other similar features.

c) False facades that conceal the roof eaves and dominant parapets are to be avoided.

d) Unbroken or under articulated building facade lengths of more than 12m are to be avoided.

7.4 External Walls (Articulation and Materials)

Desired Outcomes

DO1 - Building facades are articulated by a diversity of colour, material and texture.

Development Requirements

a) Materials for external wall finishes are to contribute to the coastal character and should include a complementary combination of materials selected from the following:

(i) painted weatherboard cladding;
(ii) other lightweight materials;
(iii) rendered, bagged or painted brickwork; and
(iv) stonework.

b) Verandahs, porches and balconies may be utilised to articulate building facades.

c) External walls on street elevations where textured, rendered or bagged must be painted with colours that compliment the natural earth tones of the area.

d) External walls should incorporate detailing to help break up large facades, and to add visual interest to the streetscape.

e) Facades that are dominated by face brick are to be avoided. Face brick may be used only on the ground floor of a double storey home. Single storey brick homes are to be avoided (unless mixed with at least 25% lightweight material overall and no less than 50% of the front elevation).

7.5 Roof Form (Profiles and Materials)

Desired Outcomes

DO1 - Roof forms do not unreasonably impact on views of important natural features from existing residences.

DO2- Roof form, colours and materials enhance the visual appearance of the Saltwater Precinct.

DO3 - Roofs provide summer shading.

Development Requirements

a) Roof pitch and form is to be in proportion with overall building design and be compatible with the streetscape and neighbourhood character.

b) Roofs should be designed so that roof forms and rooflines take into consideration views of hills/mountains and significant stands of vegetation from neighbouring properties.

c) Rooflines are to be set back on a gradually increasing basis as per diagram below:

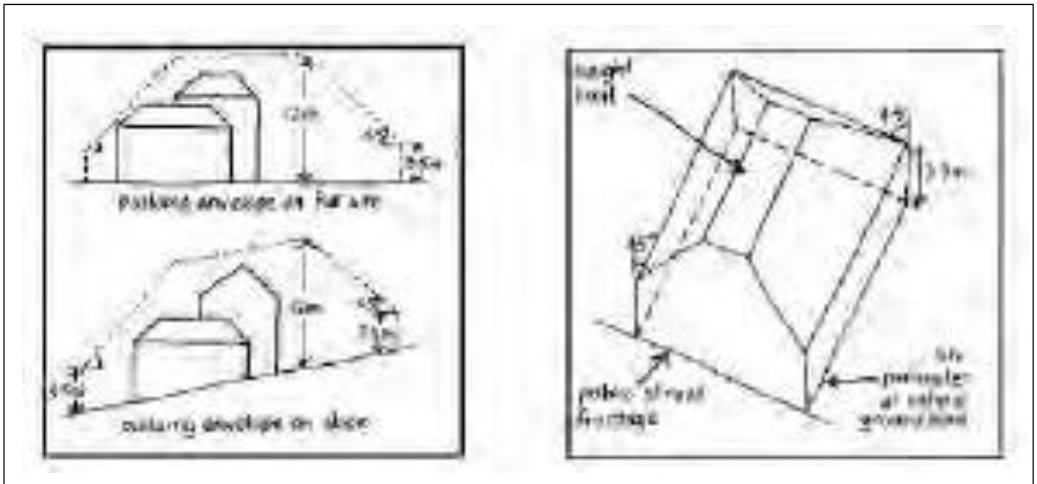


Figure D2-2: Building Envelopes

d) Roof materials must contribute to the overall coastal character.

e) The colour of roofing material must be consistent with the natural earth tones of the area.

(i) Metal roofs should be muted to prevent glare to adjoining properties and aircraft.
(ii) Galvanized iron or other reflective materials that produce glare are not suited to urban residential areas and are to be avoided.
(iii) Roof elements such as flues are to be painted to match the colour of the roof.

f) Roofed decks and verandahs are to be compatible with the main building in terms of roof pitch, style and materials, and can be used to provide articulation.

7.6 Energy and Water Efficiency

Desired Outcomes

DO1 - Residential development generally complies with the requirements of BASIX.

DO2 - Development is designed in accordance with the following principles of Water Conservation and Stormwater Reuse, where practicable and reasonable for the scale of development proposed:

- To minimise water usage and reduce demand for water provided through Council's reticulation and storage systems.
- To reduce water usage and extend water storage capacities through the use of efficient household devices.
- To minimise flooding impacts created by new development and additional hardstand areas.
- To promote the recycling of water on or near the site.
- To prevent the export of pollutants and contaminants to sensitive environments.
- To provide new or enhanced natural habitats or aesthetic features in urban environments.
- To reduce erosion associated with runoff from residential development.

DO3 - The efficient use of domestic water supplies is maximized by providing opportunities to reduce demands on water through recycling and through appropriate landscaping.

Development Requirements

a) A BASIX certificate is to be submitted for each dwelling within the development for BASIX affected development.

b) Water efficient devices are to be installed in all new dwellings, including as replacement items:

i) 3 Star WELS rated shower heads;
ii) Water flow regulators;
iii) 5 star WELS rated taps in bathroom, laundry and kitchen basins; except where higher flow rates are required by the use in instantaneous hot water systems;

iv) 4 star WELS rated toilets (4.5lt/3lt dual flush);
v) Rainwater storage tanks can be installed for all new dwellings (provided connection to KSC Recycled Water Supply Scheme has been completed in the first instance to satisfy BASIX requirements and provisions of the Integrated Water Cycle Management Plan); and
vi) Above ground rainwater storage tanks are to be located behind the building line.

c) For dual occupancy and medium density development, the volume of stormwater runoff is to be managed onsite in accordance with the provisions of the approved Integrated Water Cycle Management Plan.

7.7 Ancillary Buildings and Structures

Desired Outcomes

DO1 - All ancillary structures:
- are in keeping with the design, appearance, materials, finishes and colour palette of the main dwelling;
- constitute a minor part of the development on site; and
- have an insignificant impact on the streetscape and existing/desired character of the neighourhood.

DO2 - Ancillary buildings/structures do not cover the site to such a degree as to have an adverse impact on:
- private open space areas;
- the site's ability to allow sufficient infiltration of stormwater; and
- solar access to the living areas and private open space areas of the subject land and on adjoining properties.

Development Requirements

a) Rainwater harvesting tanks and associated fixtures are to be located within the house structure or underground, or to the side or rear of the house.

b) Above ground tanks are to be of a colour that complements the dwelling and they are also to be screened from public view.

c) Ancillary structures, excluding garages and carports, are to be limited in size to a maximum floor area of 25m^2.

7.8 Garages and Carports

Desired Outcomes

DO1 - Garages and carports comply with the Desired Outcomes contained in Section 5.3 of Chapter C1 – Residential Development – Urban Areas.

Development Requirements

a) Garages and carports comply with the Development Requirements contained in Section 5.3 of Chapter C1 – Residential Development – Urban Areas.

b) Carports must be attached to the house and must be constructed in the same form and materials as the house.

APPENDICES

Appendix A: Vegetation Mapping

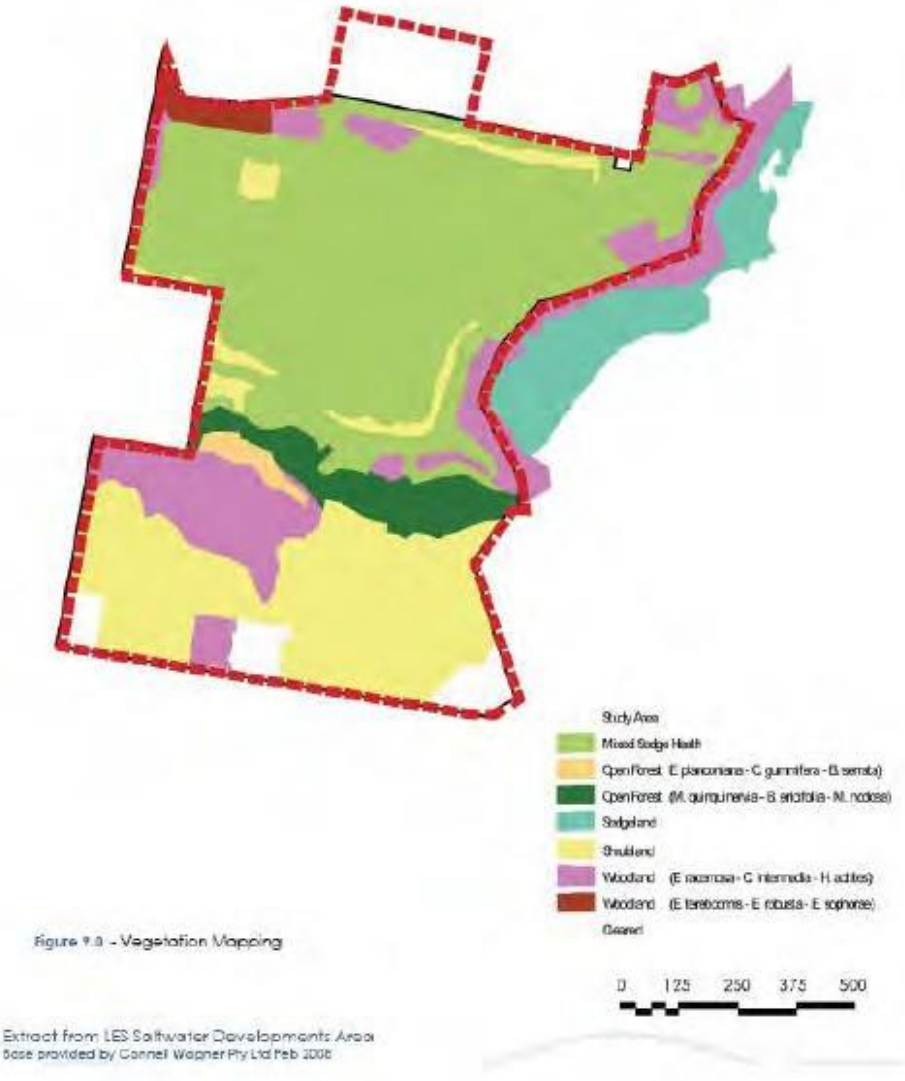


Figure D2-3: Map - Vegetation Mapping

Chapter D3 – South Kempsey Industrial

1.0 Introduction

1.1 Scope of this Chapter

This DCP Chapter applies to development on the land with the real property description of Lot 100 on DP776239 (as at time of adoption of the DCP), as indicated by the bold outlines in the figures below.

Figure D3-1: Map – Land subject to the provisions of Chapter D3

The plan applies to all development requiring consent on the land to which the plan applies.

1.2 Relationship to Other Chapters of this DCP

The provisions of this Chapter override the provisions of any other Chapter of this DCP, to the extent of any inconsistency.

2.0 Chapter Objectives

The objectives of this Chapter are:

a) To provide for employment generating development including a Highway Service Centre and industrial and business development in a manner which is consistent with the environmental characteristics and capability of the site.

b) To preserve the visual integrity of the Pacific Highway corridor as a national highway.

c) To facilitate the long term conservation and management of land with that part of the site that is zoned E2 - Environmental Conservation.

d) To facilitate staged development of the site consistent with infrastructure capacity and in acknowledgement of the existing approved quarry operations.

3.0 Definitions

Terms used in this Chapter have the same meaning as those used in Kempsey Local Environmental Plan 2013, with the exception of the following:

Initial subdivision plan means a plan of subdivision without physical works to create super-lots generally as shown on Plan 2 - Initial Subdivision (refer to Appendix A of this chapter).

4.0 Application Requirements

Development applications should include items and address matters as described below.

4.1 Statement of Environmental Effects

a) All applications for development under this plan shall comply with the requirements of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000* and shall include a Statement of Environmental Effects (SEE).

b) In addition to a site plan, detailed development plans and elevations, the SEE must be accompanied by a Site Analysis Plan showing the context of the development relative to other existing or proposed development on the site and any special measures required as a consequence of the staging of development.

c) The SEE should clearly address all relevant Council DCP and Policy requirements and where variations to those requirements are proposed provide a clear justification for the variation.

d) Council encourages applicants to undertake a pre-lodgement consultation with Council planning staff prior to the finalisation of documentation for a proposed development.

4.2 Compliance with Management Plans

a) All applications for development other than for an Initial Subdivision, shall clearly and concisely demonstrate as part of the SEE compliance with the Desired Outcomes and Development Requirements of this chapter and with the Council's Koala Plan of Management.

4.3 Stormwater Management Plans

a) The preparation of a 'Stormwater Management Plan' should address the following issues:
- site conditions and catchment context;
- estimates of runoff where significant;
- objectives and strategies for complying with water quality, water quantity, conveyance, discharge and flood protection criteria;
- proposed layout and street design measures and incorporate stormwater source controls in street reserves;
- provision of sufficient information to allow adequate assessment of the stormwater drainage system and its components; and
- provide details as to the ownership of proposed water quality and quantity devices, i.e. Council owned or private allotment owned.

b) The accompanying plan(s) should:
- demonstrate that Water Quality Treatment and Quantity Controls comply with the relevant 'Desired Outcomes';
- demonstrate that the minor, major and allotment stormwater systems comply with the relevant 'Desired Outcomes';
- demonstrate that the system can be installed, operated and maintained in a cost-effective manner;
- provide details of any necessary covenants for the installation, operation and maintenance of the stormwater system; and
- Address any other relevant measures required for the efficient operation, construction or maintenance of the proposed stormwater system.

5.0 Development Requirements

5.1 Development Staging

5.1.1 Access, Infrastructure and Land Use Conflict Factors

Desired Outcomes

DO1 - Site access is gained at only two points from the roundabout at the intersection of Macleay Valley Way and the Pacific Highway and development is staged to ensure that temporary access is not required.

DO2 - Development is staged so that it:
- Is consistent with any infrastructure servicing plan;
- Is consistent with the availability of services;
- commences with development adjacent to the roundabout at the intersection of Macleay Valley Way and the Pacific Highway;

- Accommodates areas of the site restricted for effluent disposal purposes, until such time that they can be rehabilitated to a developable standard; and
- Delays future development of the quarry site for subdivision and/or industrial purposes until all quarry operations have ceased and the land fully restored in accordance with the terms of any development consent for the quarry.

Development Requirements

Nil.

5.1.2 Development Stages

Desired Outcomes

DO1 - Subdivision stages are provided with adequate sewer and water services to meet the needs of estimated future development within that stage.

DO2 - Easements are provided for sewer and water services within subdivisions.

DO3 - Roads are provided with each stage of subdivision commensurate with the needs of the proposed stages of subdivision and to facilitate connections to future subdivision stages.

DO4 - Buildings are provided with essential infrastructure, prior to occupation.

Development Requirements

a) Development applications for subdivision, with the exception of an Initial Subdivision, must demonstrate that the provision of water and sewerage services is an integral part of that subdivision proposal.

Note - An Initial Subdivision is a subdivision without physical works and separates the highway service centre area, industrial development area, quarry area and conservation area into super lots generally in accordance with Plan 2 - Initial Subdivision Plan (refer to Appendix A)

b) The Initial Subdivision is to include appropriate easements to facilitate the future provision of water and sewerage services.

c) Subsequent stages of development shall also take account of Plan 3 - Indicative Lot Layout (refer to Appendix A) and must include construction of the core road where relevant to any particular subdivision stage.

d) Notwithstanding development requirement c) above, the lot layout and road pattern presented in Plan 3 Indicative Lot Layout and Plan 4 Masterplan (refer to Appendix A) may be varied as part of a development application for development after the Initial Subdivision where an alternative Masterplan is presented as part of the application and that alternative Masterplan demonstrates provision of suitable access for further stages of development and consistency with the objectives of this chapter.

5.2 Pacific Highway Frontage

Desired Outcomes

DO1 - Subdivision and development is undertaken in a manner that mitigates adverse acoustic impacts on buildings from the Pacific Highway, to an acceptable level.

DO2 - Development does not have an adverse visual impact as viewed from public areas and the Pacific Highway.

DO3 - Where development is visible from the upgraded Pacific Highway, landscaping is provided to reduce the visual impact of future development adjacent to the highway corridor.

Development Requirements

5.2.1 Acoustic Buffer Setback

a) No buildings are to be locate closer than:

(i) 65 metres to the nearest travelling lane of the upgraded Pacific Highway; and
(ii) 35 metres to the remaining industrial area boundaries.

(iii) Development, including building and subdivision, achieves the following acoustic mitigation requirements:

(i) Heavy industrial activities are avoided in the most eastern precincts of the industrial area to limit noise impacts the land within Zone E2 – Environmental Conservation;
(ii) Compliance with the *NSW Industrial Noise Policy* (NSW EPA, 2000); and
(iii) Compliance with the *NSW Environmental Criteria for Road Traffic Noise* (NSW EPA, 1999).

(iv) Allotments created by subdivision are to be sized to accommodate both:

(i) Sufficient land to accommodate projected development of the site; and
(ii) The acoustic buffer area as shown on Plan 4 Masterplan (refer to Appendix A).

5.2.2 Outdoor Storage

a) Storage of materials and goods in external areas shall not occur within the front setback of any industrial lots nor in areas of any lot which are visible from the upgraded Pacific Highway, other than where the storage and display of such materials or goods is an integral component of the proposed use and the Council is satisfied that the outcome will not detract from the visual amenity of the locality.

5.2.3 Landscape Buffer

a) Where industrial allotments are affected by the acoustic buffer requirement as indicated on Plan 4 Masterplan (refer to Appendix A) a minimum of 10 metres width of screen landscaping shall be provided along

the front setback area and shall be indicated by a restriction on title under section 88B of the *Conveyancing Act 1919*.

5.3 Traffic Management

Desired Outcomes

DO1 - No allotment has direct access to the upgraded Pacific Highway. All access to the subject area is gained from the 2 accesses from the RTA roundabout.

DO2 - Road and property access comply with the relevant requirements of:

- Chapter B1 – Subdivision;
- Chapter B2 – Access, Parking and Traffic Management;
- Section 5.10 of Chapter C5 – Industrial Development; and
- Council's Engineering Guidelines for Subdivision and Development.

DO3 - Carparking, movement aisles, driveways and loading areas is provided in accordance with the relevant requirements of:

- Chapter B2 – Access, Parking and Traffic Management; and
- Section 5.10 of Chapter C5 – Industrial Development.

Development Requirements

5.3.1 Site Access

a) All access for development within Stage 1 as shown on Plan 1 Staging Plan shall be via the link road to the RTA roundabout and all other development on the site shall have access via the core road providing the second link to the RTA roundabout.

b) All allotments are to have direct access to a public road.

5.3.2 Road widths

a) Roads are to be laid generally as shown in Plan 7 - Typical Road Cross Sections (refer to Appendix A).

b) Roads and intersections shall be designed in accordance with Council's Engineering Guidelines for Subdivision and Development but also with geometry which complies with engineering standards required for access by B-double trucks.

5.4 Infrastructure Servicing

Desired Outcomes

DO1 - Sufficient water supply and wastewater treatment infrastructure is provided commensurate with the requirement of that stage of subdivision and/or scale of development on the allotment.

DO2 - Water supply and wastewater treatment infrastructure complies with the relevant requirements of:

- Chapter B3 – Engineering Requirements;
- Chapter B8 – Onsite Sewage and Wastewater Management; and

- Council's Engineering Guidelines for Subdivision and Development.

DO3 - Buffers required around sewer treatment systems do not unreasonably impact on the development potential of adjoining and neighbouring allotments.

Development Requirements

5.4.1 Water Supply

a) Required water supply infrastructure for the site is to be provided and may comprise:

(i) extension of an existing main from the Pacific Highway;
(ii) construction of an on-site reservoir; and
(iii) reticulated mains within internal subdivision roads.

b) Development applications, other than for an Initial Subdivision, are to be accompanied with a full Water Servicing Plan that:

(i) Details the proposed water demands of the development;
(ii) Considers the potential impacts on the existing supply;
(iii) Provides an overall water supply infrastructure plan for the whole site;
(iv) Demonstrates that sufficient fire fighting pressure will be provided throughout each stage of development;
(v) Details the water supply infrastructure required for each subdivision stage; and
(vi) Demonstrates that the required water supply infrastructure will be provided in conjunction with the development.

Note – A Water Servicing Strategy was prepared for the rezoning application which showed one way of providing water to the site.

Note – It may be necessary to include a draft Voluntary Planning Agreement in relation to the provision of water supply infrastructure.

c) The Initial Subdivision is to include provision for easements for at least a water main extension and water reservoir, as applicable.

d) The site for the water reservoir is to be dedicated to Council as part of any proposal for subdivision, with the exception of an application for Initial Subdivision.

5.4.2 Wastewater Treatment

a) Other than an application for an Initial Subdivision, any application for development must include details of the applicable wastewater treatment system required to service the development or details of sewer connection to the property.

Note – a Wastewater Servicing Strategy, that was prepared in conjunction with a previous rezoning of the subject site, demonstrated that effluent disposal could be in the form of:

- Individual site wastewater treatment systems;

- A separate wastewater treatment system for the service centre and a centralised wastewater treatment system for industrial development; or
- Connection to Council's sewerage system, when available.

The recommendations of that Wastewater Servicing Strategy was for development to be serviced by individual wastewater treatment systems (package systems) installed on each individual lot and sized to accommodate the proposed developments wastewater usage.

b) Any application for **subdivision** must include a Wastewater Management Plan for those lots which has been prepared by a suitably qualified consultant in accordance with the requirements of: AS1547 *Onsite Domestic Wastewater Management*; Environmental Heath and Protection Guideline *Onsite Sewage Management for Single Households*; and DECC Environmental Guideline *Use of Treated Effluent for Irrigation*. The report shall address soil and environmental constraints on each site and provide details of measures which will be undertaken to ensure that the system has no negative impact on the surrounding environment.

c) Applications for development on **individual lots** where a Wastewater Management Plan was not prepared at the subdivision stage shall include a Wastewater Management Plan prepared by a suitably qualified consultant in accordance with the requirements of: AS1547 *Onsite Domestic Wastewater Management*; Environmental Heath and Protection Guideline Onsite Sewage Management for Single Households; and DECC Environmental Guideline *Use of Treated Effluent for Irrigation*. The report shall address soil and environmental constraints on the site and provide details of measures which will be undertaken to ensure that the system has no negative impact on the surrounding environment.

d) Any application for development of the **Highway Service Centre** following the Initial Subdivision shall include a Wastewater Management Plan prepared by a suitably qualified consultant taking into consideration the requirements of: AS1547 *Onsite Domestic Wastewater Management*; Environmental Heath and Protection Guideline *Onsite Sewage Management for Single Households*; and DECC Environmental Guideline *Use of Treated Effluent for Irrigation*. The report shall address soil and environmental constraints on the site and provide details of measures which will be undertaken to ensure that the system has no negative impact on the surrounding environment.

e) No development shall be approved within Stage 3 or Stage 4 of the development unless:

(i) it can be demonstrated that there are currently no, or will not be, unacceptable cumulative impacts (eg odour, health, buffer intrusion) from on-site wastewater treatment systems associated with development undertaken within the subject area; or
(ii) reticulated sewerage services are available to the site.

f) Buffers required around wastewater treatment systems are to be contained wholly on the lot that the system serves, so as to avoid sterilising development on neighbouring properties.

5.5 Stormwater Management

Desired Outcomes

DO1 - A Stormwater Management Plan is submitted with any development application, except for Initial Subdivision, demonstrating compliance with the relevant Desired Outcomes of this section.

DO2 - The stormwater system complies with the relevant requirements of:
- Chapter B1 – Subdivision;
- Chapter B3 – Engineering Requirements;
- Chapter B5 – Stormwater Management;
- Chapter B6 – Water Sensitive Urban Design; and
- The relevant requirements of Council's Engineering Guidelines for Subdivision and Development.

DO3 - The stormwater drainage system is planned and designed to ensure that natural watercourses, associated vegetation and associated site topography are adequately considered and suitably maintained.

DO4 - Stormwater planning, including site layout and building design, is undertaken to ensure:
- The design of the drainage system takes full account of the existing downstream systems;
- A variety of controls ('treatment trains') are incorporated into the design of the system that minimise the impacts on water quality and quantity (where required) of stormwater runoff from the site;
- The system is accessible and easily maintained, including ready access to system components located on private lands; and
- The selection of materials, methodologies and mechanisms are based on their suitability, durability and cost-effectiveness, including ongoing maintenance costs.

Development Requirements

a) The design protects natural watercourses and riparian corridors by avoiding disturbance, redirection, reshaping or modification of natural systems.

b) A 'Stormwater Management Plan' (SMP) is submitted with any development application, except for Initial Subdivision, that demonstrates the development's ability to meet the principles of Integrated Water Cycle Management in the design of the system and incorporates a variety of suitable:

(i) Water sources;
(ii) Conveyance controls;
(iii) Discharge controls;
(iv) Water Quality Improvement Controls;
(v) Water Quantity Controls; and
(vi) Demand Controls.

Note – the remainder of this section provides detailed requirements to address the above.

5.5.1 Stormwater Runoff Quality

Desired Outcomes

DO1 - Stormwater discharge to surface and underground receiving waters during construction activities and post-construction do not degrade the quality of receiving waters.

DO2 - The stormwater management system optimises the interception, retention and removal of water borne pollutants before their discharge to receiving waters.

DO3 - Point sources of pollution in the catchment are identified and their impacts minimised.

DO4 - Water quality improvement devices are provided for the treatment of stormwater run-off before discharge from the site and are located to minimise negative impacts on both the natural and built (including traffic management) environments.

Development Requirements

a) The development shall incorporate water quality treatment mechanisms designed in accordance with the CSIRO document "Urban Stormwater: Best Practice Management Guidelines" (published 1999), or latest equivalent, to ensure the following targets are met.

Table D3-1: Stormwater Treatment Objectives

Pollutant	Removal Target
Total Suspended Solids (TSS)	80% retention of the average annual load
Total Nitrogen (TN)	45% retention of the average annual load
Total Phosphorous (TP)	45% retention of the average annual load
Litter (>50mm)	Provide mechanisms to retain litter from frequent flows.
Note – 'Average annual load' is the yearly weight of pollutants (kg/yr) from the developed site with no pollution controls installed.	

b) A range of treatment technologies are to be used to meet the removal targets. A quantitative analysis demonstrating compliance with these targets is to be submitted with any development application, except for Initial Subdivision.

Note 1 - A number of software packages are available for this task, such as: MUSIC, SWMM, XP Storm, AQUALM XP, EMSS, AQUACYCLE and Switch. Some packages are more appropriate for different conditions.

Note 2 – Proprietary devices such as gross pollutant traps, pit inserts or filtration technology may be considered to supplement the treatment train at various stages. This may have benefits in terms of reducing land occupied by water treatment devices; however, they are not to be considered as a replacement.

c) Development complies with the sediment and erosion control requirements of Chapter B4 – Earthworks and Sediment Erosion Control.

d) The design of any proposed bio-retention basins/wetlands shall:

(i) have regard to the fact that Council will ultimately take ownership of the asset following construction; and
(ii) be generally aligned approximately parallel to the contours adjacent to existing catchment outlets.

5.5.2 Water Quantity

Desired Outcomes

DO1 - Natural water bodies, waterways and vegetation are retained and protected from degradation caused by increased stormwater flows where required.

Development Requirements

a) A variety of suitable source, conveyance and discharge controls are provided and utilised to minimise the increase and impact of stormwater flows, both for smaller (5yr ARI) through to larger (100yr ARI) rainfall events. The design shall demonstrate that post-development peak flow does not exceed pre-development peak flow.

Note – The Stormwater Management Strategy included with the rezoning application for the subject land indicated that one way of achieving this requirement was for all new lots to be connected to their own detention tank/basin facility.

b) Stormwater harvesting tanks shall be incorporated into future development in order to reduce potable water demand. Tanks shall be sized to accommodate the required onsite usage volume, and shall have a minimum volume of 5000L.

(i) As a minimum, water from the roofwater collection tanks is to be used for toilet flushing and watering of landscaping.

5.6 Environmental Conservation Zone Management

Desired Outcomes

DO1 - Buffers are provided Zone E2 – Environmental Conservation part of the subject site that:
- Satisfy the remaining Desired Outcomes in this section; and
- Accommodate the Asset Protection Zones complying with 'Planning for Bushfire Protection 2006'; and
- Provide an appropriate level of acoustic attenuation between noise generating uses and the Zone E2 land.

DO2 - The following management strategies are implemented, where relevant and practicable, in relation to land zoned E2 – Environmental Conservation:
- A protective management regime that includes appropriate actions for the protection of Hunter-Macleay Dry Sclerophyll Forest;

- Appropriate fire regimes (in areas that do not conflict with asset protection) to allow build up of grass and litter layers to facilitate conservation of flora and fauna;
- Management regimes that promote the movement of fauna between connected landscape elements;
- Appropriate procedures to manage identified noxious weeds, namely *Lantana spp.;*
- Appropriate fire regimes in the peripheral asset protection zone to meet the required fuel standards for inner and outer protection areas in accordance with relevant bushfire protection legislation;
- Where possible, the retention of on-ground refuge consisting of rocks and logs, and wherever appropriate, dense under-storey native vegetation; and
- Strategies for reducing erosion.

DO3 - The following actions are implemented in relation to land zoned E2 – Environmental Conservation:

- A habitat management plan is implemented in order to stabilise and protect existing wildlife habitat;
- Grazing animals, such as cattle, are removed from the area to promote natural regeneration;
- Protective barriers are installed, as required, to promote the recovery of habitat for native fauna and flora species;
- Threatening processes are identified and, where required and as far as practicable, reduced or eliminated;
- Non indigenous vegetation is removed using bush regeneration techniques, in order to improve the structure and ecological integrity of vegetation;
- Any works within E2 Zone areas are designed to facilitate movement of fauna in an east-west movement;
- A maintenance plan is adopted and actioned for the control of weed species colonising the E2 zone;
- Stormwater is generally discharged away from bushland areas, but where discharge to bushland is unavoidable, measures are incorporated to mitigate the impacts of sediment and nutrient loads entering bushland and erosion;
- Soil erosion impacts are reduced through application of best practice controls on soil movement, transport and protection during any development works and increased vegetation cover;
- Establishment and maintenance of a bushfire trail and asset protections zones along the boundary of the E2 zone; and
- Minimise illegal tree felling activities within the E2 zone.

Development Requirements

5.6.1 Conservation Management Plan

a) A Habitat Management Plan, demonstrating how DO2 and DO3 above will be satisfied, is to be submitted with a development application for subdivision, except for an Initial Subdivision or Stage 1 subdivision.

5.6.2 Acoustic Buffer to Zone E2 – Environmental Conservation land

a) No building shall be located within 35 metres of the boundary of the Zone E2 - Environmental Conservation Zone or such distance required to establish any bushfire APZ to the E2 zone.

b) Where a building is proposed to have an opening facing the Zone E2 – Environmental Conservation land (other than a pedestrian access door or fire escape door) applications must demonstrate that an additional buffer width is not required to meet the acoustic objectives of the setback to the environmental protection land.

5.7 Hazards Management

Desired Outcomes

DO1 - Development complies with the relevant requirements of 'Planning for Bushfire Protection 2006.'

DO2 – Developments adopt appropriate evacuation muster points and procedures for emergency situations.

Development Requirements

5.7.1 Asset Protection Zones

a) Asset Protection Zones (APZ) shall be provided generally as shown on Plan 4 Masterplan (refer to Appendix A) and maintained in accordance with the recommendations in Appendix B – Recommendations from Planning for Bushfire Protection Assessment, in particular, the Monitoring and Fuel Management Plan.

b) Any perimeter fire trail shall be a minimum 6 metres wide and shall form an integral part of the APZ and shall be located adjoining the potential fire source with the remainder of the required APZ located between the fire trail and any buildings.

c) APZ areas within industrial lots or the Highway Service Centre lots shall be secured by a restriction on title under section 88B.

d) Where development is proposed on an industrial lot which is affected by or encompasses an APZ area, the development application shall include a hazard and risk assessment to determine whether the proposed development would unacceptably increase the risk of bushfire beyond that assessed at the subdivision stage.

e) No APZ or any other fire protection measures shall be located within Zone E2 – Environmental Conservation.

f) Development is to comply with the relevant recommendations contained in Appendix B – Recommendations from Planning for Bushfire Protection Assessment.

5.7.2 Industrial Hazards Management

a) All developments are to have muster points for evacuation procedures.

b) A central muster point/site evacuation point is to be provided at a highway service centre located generally as indicated in the diagram below.

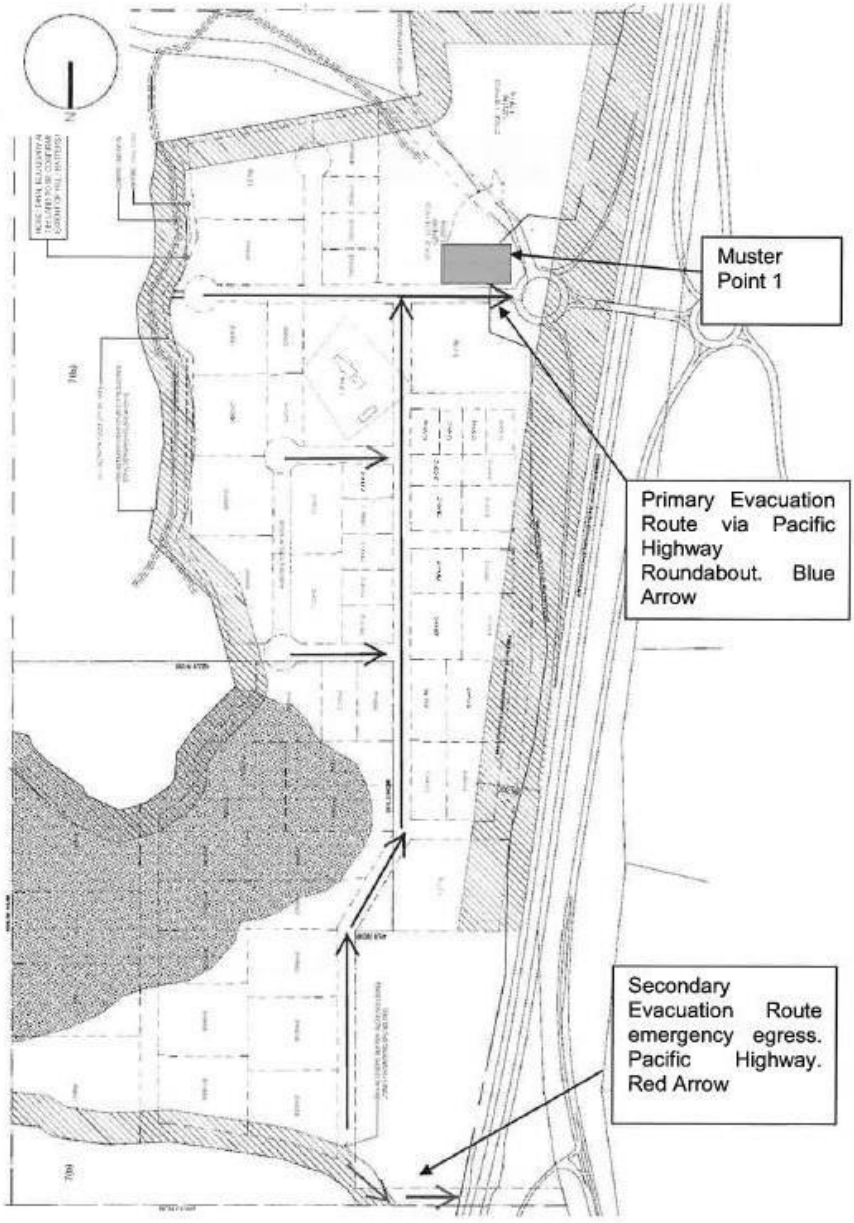


Figure D3-2: Indicative Centralised Evacuation Muster Point

c) Where hazardous materials are involved, the subject business premises are to have a written premises-specific emergency evacuation procedure, prepared in accordance with 'AS3745-2010: Planning for Emergencies in Facilities'.

5.7.3 Emergency Access

a) A perimeter fire trail for emergency access shall be provided around the interface between development on the site and the land within Zone E2 – Environmental Conservation. Access shall be provided to this fire trail from any proposed subdivision roads consistent with the principle reflected in Plan 4 - Masterplan (refer to Appendix A).

b) The fire trail shall be located within the 10m Fire Trail Corridor which will form part of proposed Lot 2 as shown on Plan 2 - Initial Subdivision Plan

(refer to Appendix A), shall not be located on land zoned E2 – Environmental Conservation and shall form an integral part of the required APZ to adjoining development.

c) Stage 5 of the development as indicated on Plan 1 - Staging Plan (refer to Appendix A), which may occur on cessation of quarry operations on the site, shall incorporate provision for an additional access to the Pacific Highway for emergency purposes only.

5.8 Lot Sizes and Boundaries

Desired Outcomes

DO1 - The subject land is subdivided generally in accordance with Plan 4 - Masterplan (refer to Appendix A).

DO2 - Allotments in industrial zones are designed to accommodate development that meets the requirements of Chapter C5 – Industrial Development.

Development Requirements

5.8.1 Industrial Subdivision Lot Size

a) A variety of lot sizes shall be provided for development on the site with larger lots where additional land is required for buffers or to address site constraints generally as indicated by Plan 4 – Masterplan (Appendix A)

b) All industrial lots shall have a minimum frontage of 25 metres.

c) Lot sizes shall generally be sufficient to ensure that all car parking, loading and unloading and manoeuvring of vehicles will occur on site.

d) The useable area of any lot exclusive of areas affected by requirements for buffers under this DCP Chapter shall be not less than 1200 m².

e) Minimum lot sizes shall be determined having regard to the requirements of Sections 5.4 - Infrastructure Servicing and 5.5 - Stormwater Requirements of this chapter.

5.8.2 Re-subdivision

a) Future re-subdivision of the areas shown as Stages 3 and 4 on Plan 1- Staging Plan (Appendix A) may be approved where reticulated sewerage services become available to the site and these stages are not affected by requirements to maintain effluent disposal areas.

b) Any future re-subdivision within stages 3 and 4 which proposes lots smaller than those shown on Plan 4 - Masterplan (Appendix A) must also include the provision of the possible future road links as shown on that plan.

5.8.3 Highway Service Centre

a) Future re-subdivision of the Highway Service Centre lot shall only be permitted where appropriate easements for access and services are to be created as part of the new subdivision.

5.9 Public Domain Requirements

Desired Outcomes

DO1 - Street trees are provided in accordance with:
- a Street Tree Site Master Plan; and
- the relevant requirements of Chapter B9 – Landscaping, particularly Section 5.0 of Chapter B9, as amended by the following requirements.

DO2 - On-site landscaping, particularly to the front of buildings and within large car parking areas, is provided in accordance with Section 7.1 of Chapter B9 – Landscaping.

Development Requirements

a) A Street Tree Master Plan is to be submitted with the first application for subdivision development of the site and approved by Council. This requirement does not apply to an application for the Initial Subdivision Plan.

b) Street trees shall be provided at a minimum average spacing of:

(i) one per 20 metres of frontage along the core roads shown on Plan 3; and
(ii) one per 30 metres of frontage for all other industrial subdivision roads.

5.10 Industrial Buildings

Desired Outcomes

DO1 - Industrial development complies with the relevant requirements of Chapter C5 – Industrial Development, as amended by the following requirements.

Development Requirements

a) Street setbacks for buildings shall be a minimum of 5 metres.

b) There shall be no setback concessions for secondary street frontages.

c) Where a building is proposed which will exceed a height of 10 metres, the development application shall demonstrate that the building will not be visible from the Pacific Highway or alternatively, provide evidence to the satisfaction of Council that the visible building elements will be visually acceptable in their context.

5.11 Signage

Desired Outcomes

DO1 - Advertising signs within the land subject to this chapter comply with the relevant requirements of Chapter B18 – Advertising and Tourist Signs, as amended by the following requirements.

Development Requirements

a) Individual site pole signs are only to be provided for development on lots:

(i) where the site is greater than 2000 m^2; and
(ii) the sign is no more than 8 metres in height.

b) Signage greater than 8 metres in height is restricted to signs relating to the Highway Service Centre and any combined directory sign for development which Council is satisfied will constitute a business park style development of industrial lots.

c) Nothing in this plan prevents the erection of permanent estate entry signage within the road reserve entering the industrial subdivision from the RTA roundabout provided the estate entry sign forms an integral part of landscaping of the entry road and details are submitted to and approved by the Council.

Appendix A: Plans

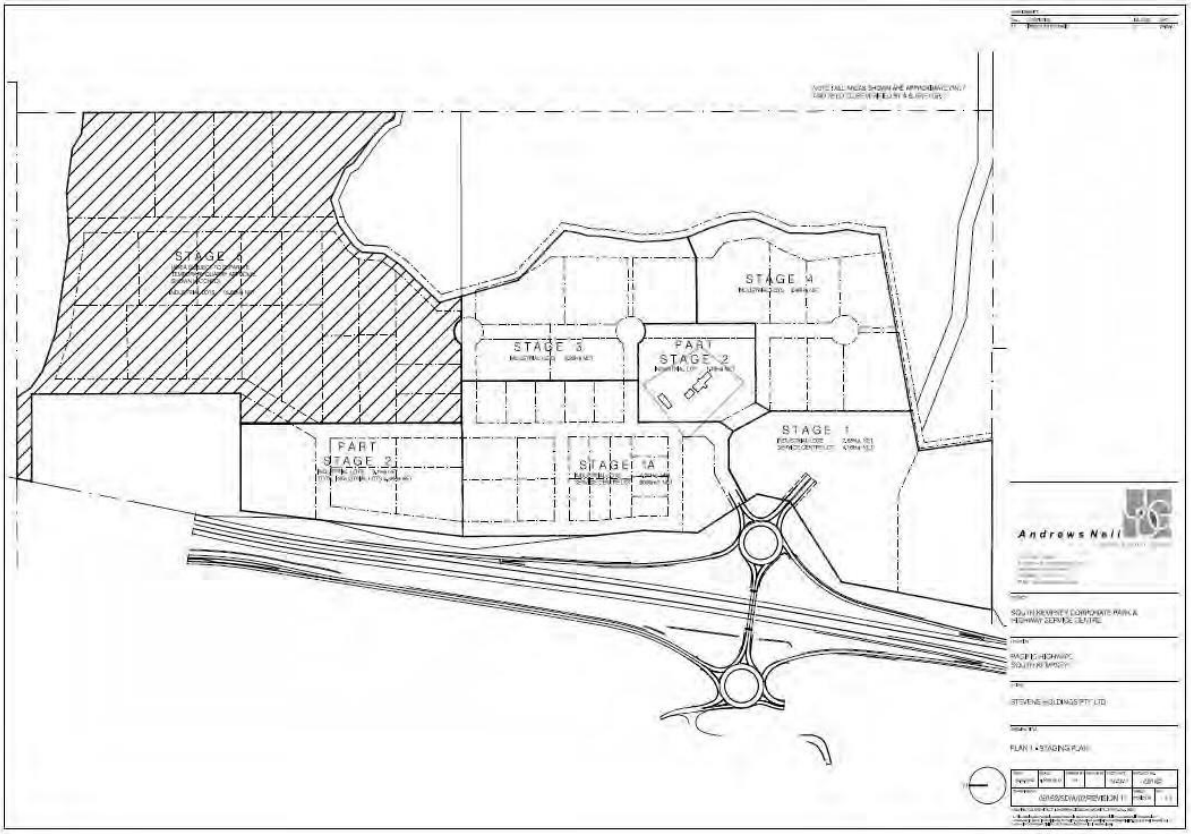


Figure D3 -3: Plan 1 – Staging Plan

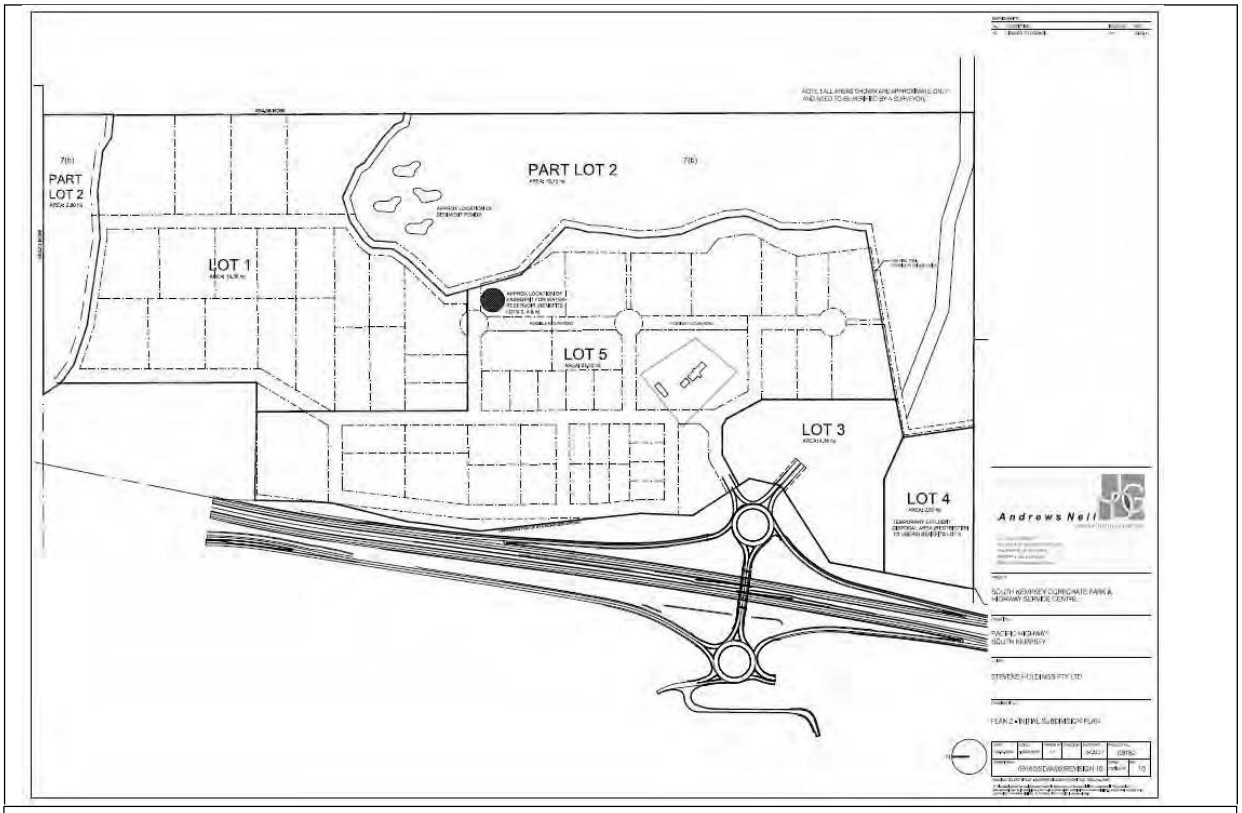


Figure D3-4: Plan 2 – Initial Subdivision Plan

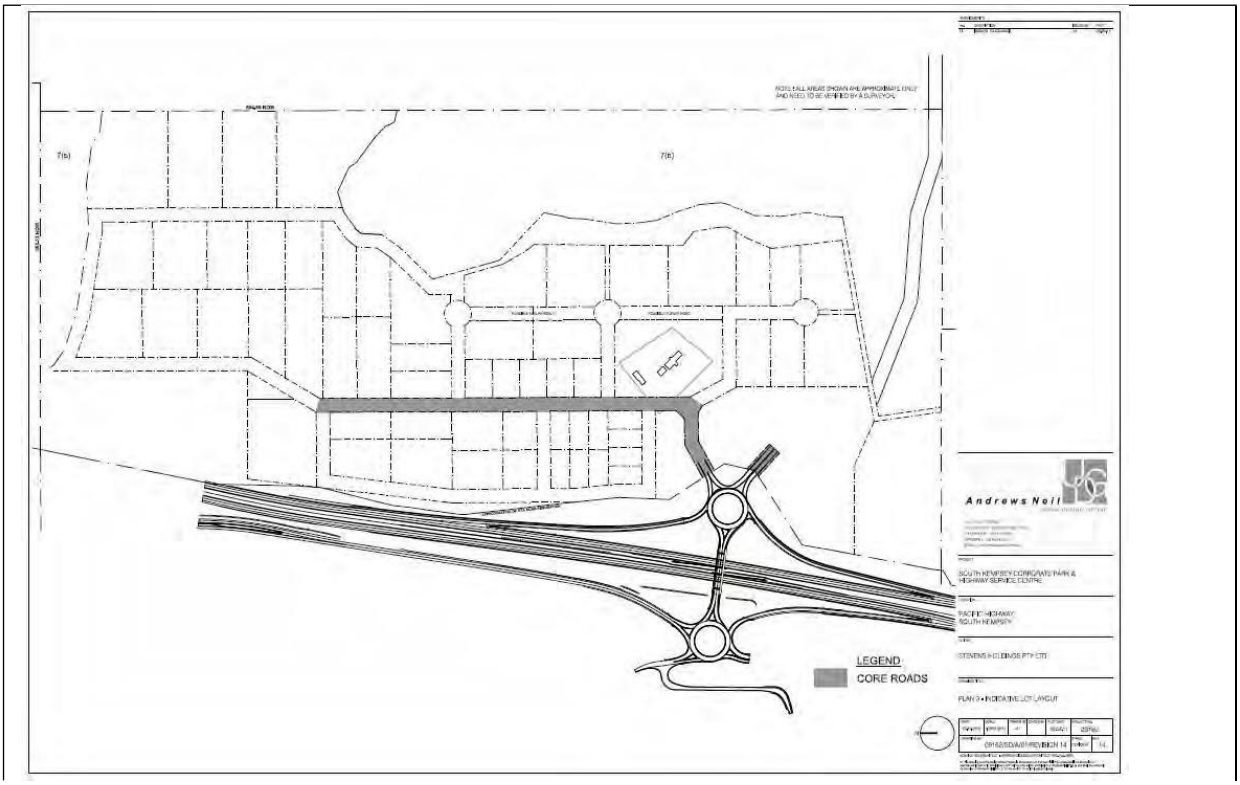


Figure D3-5: Pan 3 – Indicative Lot Layout

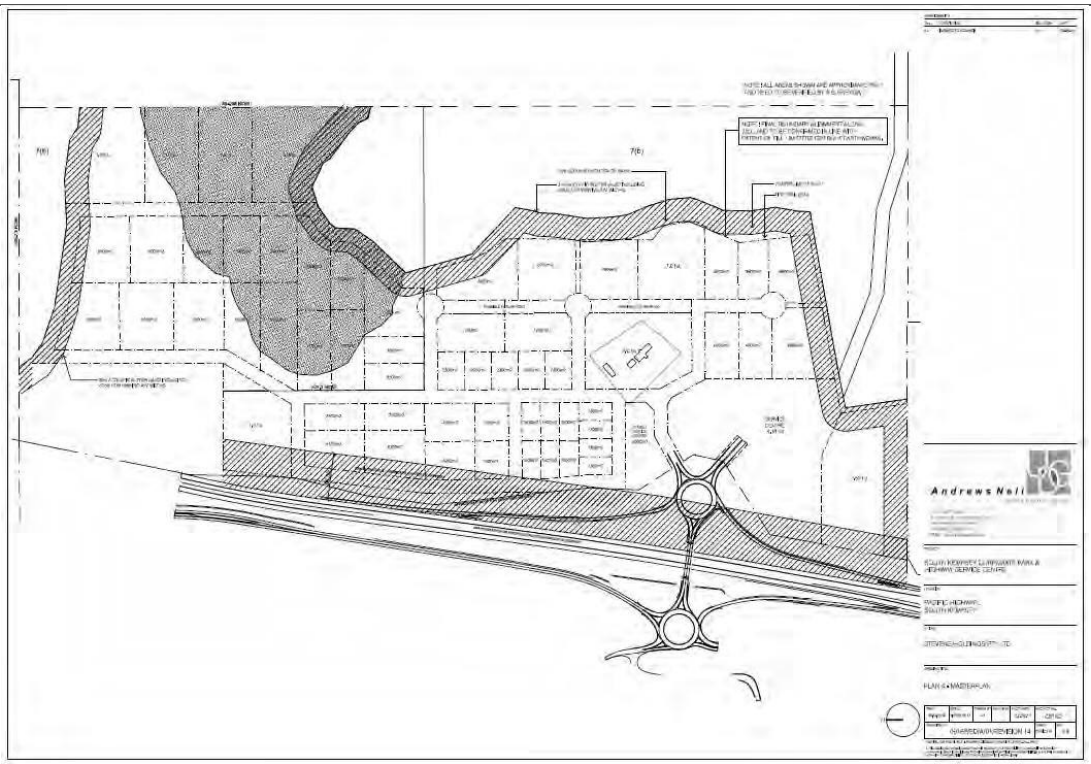


Figure D3-6: Plan 4 – Master Plan

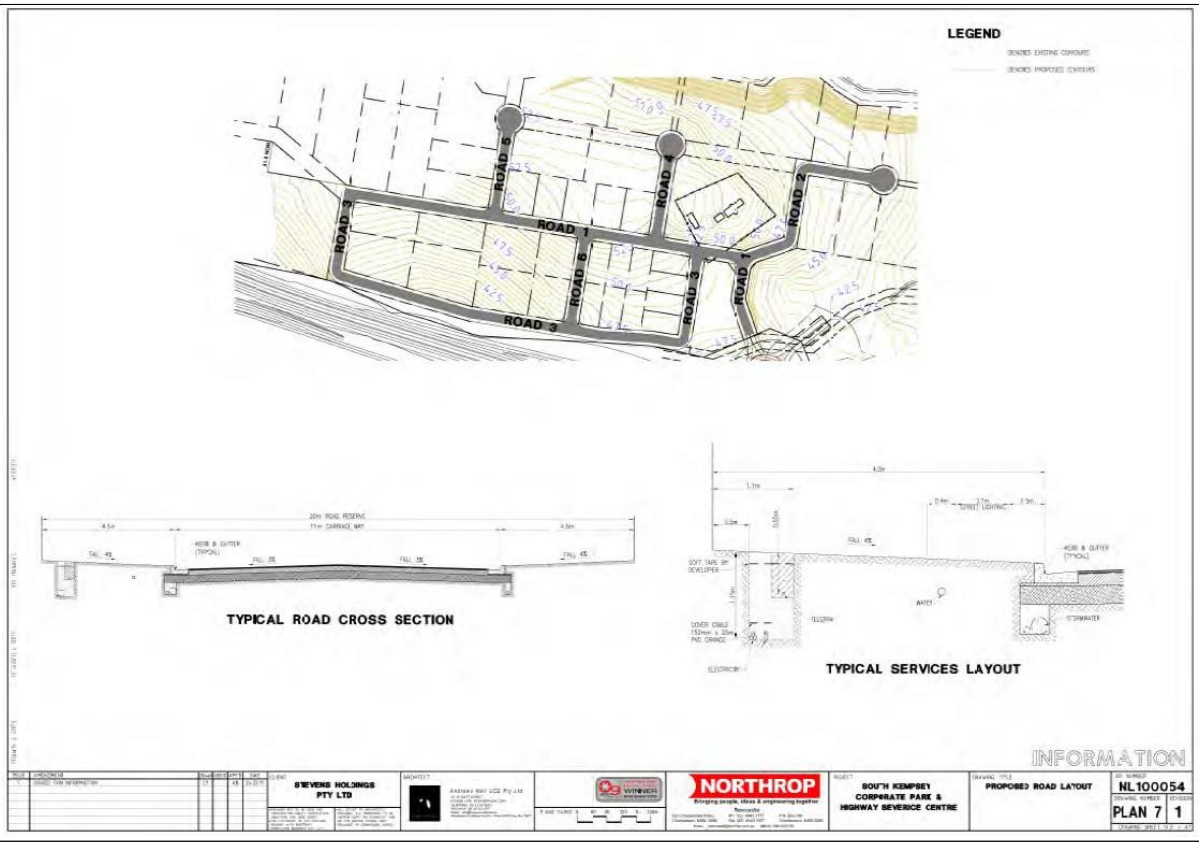


Figure D3-7: Plan 7 – Proposed Road Layout

Appendix B: Recommendations of Planning for Bushfire Protection Assessment.

5.0 RECOMMENDATIONS

5.1 LANDSCAPING MAINTENANCE

Vegetation onsite should provide a tree canopy cover of less than 15% and should be located greater than 2 metres from any part of the roofline of a building. Garden beds of flammable shrubs are not to be located under trees and should be no closer than 10 metres from an exposed window or door. Trees should have lower limbs removed up to a height of 2 metres above the ground.

The landscaped area should be maintained free of leaf litter and debris. The gutter and roof should be maintained free of leaf litter and debris.

Landscaping should be managed so that flammable vegetation is not located directly under windows.

Ground fuels such as fallen leaves, twigs (less than 6mm in diameter) and branches should be removed on a regular basis, and grass needs to be kept closely mown and where possible green.

5.2 CONSTRUCTION STANDARDS

Construction of any buildings should be in accordance with AS3959 2009 Building in Bushfire Prone Areas, ranging from no level of construction to BAL-40 construction depending on the available Asset Protection Zone.

Evaluation of Building Shielding
In accordance with AS3959 (2009) Section 3.5 Reduction in Construction Requirements due to shielding; Any building facades facing away from the vegetation may be built one level of construction lower than the building facades having a view of the vegetation.

5.3 PLANNING FOR BUSHFIRE PROTECTION COMPLIANCE

Planning for Bushfire Protection (2006) Section 4.1.3 Standards for Bush Fire Protection Measures for Residential and Rural Residential Subdivisions is the basis for the assessment of compliance and non-compliance for this site.

Asset Protection Zones

- The Asset Protection Zones should not be located on slopes exceeding 18 degrees slope.
- The Asset Protection Zone should be contained wholly within the allotment, or be managed lands or road reserve identified as equivalence to an Asset Protection Zone.
- Asset Protection Zones for each allotment have been identified in Section 3.2 Bushfire Attack Assessment of this document.
- A Monitoring and Fuel Management Plan has been included in Appendix 7.

Compliance *– The acoustic buffer zone is identified as a major component of the Asset Protection Zone. An Outer Protection Area of 15 metres should be stabilised for the portion of the vegetation directly interfacing 7(b) environmental zoned lands to reduce ecological impact. The remainder of the acoustic buffer and Asset Protection Zone outside the acoustic buffer should be maintained as an Inner Protection Area. All core*

riparian zones appear to be located outside of the acoustic buffer and asset protection zones.

The proposal offers potential for full compliance with the Acceptable Solutions.

Public Roads

- Public roads are two-wheel drive, all weather roads.
- The perimeter road has a carriageway 8 metres kerb to kerb, allowing traffic to pass in opposite directions.
- Non perimeter roads comply with Table 4.1 – Road widths for Category 1 Tanker (Medium Rigid Vehicle).
- Traffic management devices are constructed to facilitate access by emergency services vehicles.
- Public roads have a cross fall not exceeding 3 degrees.
- All roads are through roads. Dead end roads are not recommended, but if unavoidable, dead ends are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end and direct traffic away from the hazard.
- Curves of roads (other than perimeter roads) are a minimum inner radius of six metres and minimal in number, to allow for rapid access and egress.
- The minimum distance between inner and outer curves is six metres.
- Maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient.
- There is a minimum vertical clearance to a height of four metres above the road at all times.
- The capacity of road surfaces and bridges is sufficient to carry fully loaded firefighting vehicles (approximately 15 tonnes for areas with reticulated water, 28 tonnes or 9 tonnes per axle for all other areas). Bridges clearly indicate load rating.
- Public roads greater than 6.5 metres wide to locate hydrants outside of parking reserves to ensure accessibility to reticulated water for fire suppression.
- Public roads between 6.5 metres and 8 metres wide are No Parking on one side with the services (hydrants) located on this side to ensure accessibility to reticulated water for fire suppression.
- Public roads up to 6.5 metres wide provide parking within parking bays and locate services outside of the parking bays to ensure accessibility to reticulated water for fire suppression.
- One way only public access roads are no less than 3.5 metres wide and provide parking within parking bays and locate services outside of the parking bays to ensure accessibility to reticulated water for fire suppression.
- Parking bays are a minimum of 2.6 metres wide from kerb edge to road pavement. No services or hydrants are located within the parking bays.
- Public roads directly interfacing the bush fire hazard vegetation provide roll top kerbing to the hazard side of the road.

Table 4.1 provides the minimum widths for public roads that are not perimeter roads for the safe access of fire fighting vehicles in urban areas.

Curve radius (inside edge) (metres)	Swept Path (metres width)	Single lane (metres width)	Two way (metres width)
<40	3.5	4.5	8.0
40-69	3.0	3.9	7.5
70-100	2.7	3.6	6.9
>100	2.5	3.5	6.5

Source: AS 2890.2 – 2002.

Table 4.1 – Road widths for Category 1 Tanker (Medium Rigid Vehicle)

***Compliance** – The subject site has the potential to satisfy all of the above acceptable solutions and a road design will be prepared complying with these measures.*

Property Access

- At least one alternative property access road is provided for individual buildings (or groups of buildings) that are located more than 200 metres from a public through road
- Bridges clearly indicate load rating and pavements and bridges are capable of carrying a load of 15 tonnes
- Roads do not traverse a wetland or other land potentially subject to periodic inundation (other than a flood or storm surge).
- A minimum carriageway width of four metres is recommended for property accesses.
- A minimum carriageway width of four metres for rural residential areas, rural landholdings or urban areas with a distance of greater than 70 metres from the nearest hydrant point to the most external part of a proposed building (or footprint).
- A minimum vertical clearance of four metres to any overhanging obstructions, including tree branches.
- Internal roads for rural properties provide a loop road around any building or incorporate a turning circle with a minimum 12 metre outer radius.
- Curves have a minimum inner radius of six metres and are minimal in number to allow for rapid access and egress.
- The minimum distance between inner and outer curves is six metres.
- The crossfall is not more than 10 degrees.
- Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.
- Access to a development comprising more than three buildings have formalised access by dedication of a road and not by right of way.

***Compliance –** There is potential for full compliance*

Fire Trails

- A minimum carriageway width of four metres with an additional one metre wide strip on each side of the trail (clear of bushes and long grass) is provided.

- The trail is a maximum grade of 15 degrees if sealed and not more than 10 degrees if unsealed.
- A minimum vertical clearance of four metres to any overhanging obstructions, including tree branches is provided.
- The crossfall of the trail is not more than 10 degrees.
- The trail has the capacity for passing by:
  - reversing bays using the access to properties to reverse fire tankers, which are six metres wide and eight metres deep to any gates, with an inner minimum turning radius of six metres and outer minimum radius of 12 metres; and/or
  - a passing bay every 200 metres, 20 metres long by three metres wide, making a minimum trafficable width of seven metres at the passing bay.

  Note: Some short constrictions in the access may be accepted where they are not less than the minimum (3.5m) and extend for no more than 30m and where obstruction cannot be reasonably avoided or removed.
  - The fire trail is accessible to firefighters and maintained in a serviceable condition by the owner of the land.
  - Appropriate drainage and erosion controls are provided.
  - The fire trail system is connected to the property access road and/or to the through road system at frequent intervals of 200 metres or less.
  - Fire trails do not traverse a wetlands or other land potentially subject to periodic inundation (other than a flood or storm surge).
  - Gates for fire trails are provided and locked with a key/lock system authorized by the local RFS.
  - Fire trail design does not adversely impact on natural hydrological flows.
  - Fire trail design acts as an effective barrier to the spread of weeds and nutrients.
  - Fire trail construction does not expose acid-sulphate soils.

Compliance : *Proposed fire trails will offer compliance with the above requirements.*

Services

Water

- Fire hydrant spacing, sizing and pressures comply with AS 2419.1 – 2005. Where this cannot be met, the RFS will require a test report of the water pressures anticipated by the relevant water supply authority. In such cases, the location, number and sizing of hydrants shall be determined using fire engineering principles.
- Hydrants are not located within any road carriageway.
- All above ground water and gas service pipes external to the building are metal, including and up to any taps.
- The provisions of parking on public roads are met.

Compliance - *Currently there is no reticulated water supply servicing the majority of the site. As part of the development reticulated water within the site will comply with Macleay Water Services and Planning for Bushfire Protection Standards. The proposed development will include at least one drainage retention pond that represents a significant static water supply. It is recommend this be designed with suitable hardstand areas to allow draughting of water by Fire Fighting Services.*

Electricity

- Where practicable, electrical transmission lines are underground.
- Where overhead electrical transmission lines are proposed:
  - lines are installed with short pole spacing (30 metres), unless crossing gullies, gorges or riparian areas; and

- o no part of a tree is closer to a power line than the distance set out in accordance with the specifications in 'Vegetation Safety Clearances' issued by Energy Australia (NS179, April 2002).

Note: Vegetation separation distances from power lines have been provided in Appendix 5.

Compliance *– The proposed subdivision offers the potential for full compliance with the acceptable solutions.*

Gas Services

- Reticulated or bottled gas is installed and maintained in accordance with AS 1596 and the requirements of relevant authorities. Metal piping is to be used.
- All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard side of the installation.
- If gas cylinders need to be kept close to the building, the release valves are directed away from the building and at least 2 metres away from any combustible material, so that they do not act as a catalyst to combustion. Connections to and from gas cylinders are metal.
- Polymer sheathed flexible gas supply lines to gas meters adjacent to buildings are not used.

Compliance *– Any gas installed can comply with the acceptable solutions.*

Specific Objectives for a Service Station in Bushfire Prone Areas

Planning for Bushfire Protection (2006) Identifies Service Stations as a Controlled Development Type in a Bushfire Prone Area. In addition to the above Planning for Bushfire Protection compliance measures a review of the 6 key Bushfire Protection Measures are made:

A) The provision of clear separation of buildings and bush fire hazards, in the form of fuel reduced APZ (and their subsets, inner and outer protection areas and defendable space).

Compliance - The majority of the subject site will be bitumen or hardstand areas. There will be minor landscaping onsite and no flammable landscaping should be located within fuel refilling points or fuel vent risers. The service station has good asset protection zones from the vegetation and surrounding industrial development. There is reduced potential for a building to building structural fire impacting on the site. The service station building is not the primary risk the fuel bowsers and fuel tanks are of primary concern. All fuel bowsers, fuel storage tanks and combustibles should be located away from the vegetation. The present design provides the below Asset Protection Zones and Radiant Heat levels

- Truck refueling - 80 metres – Radiant Heat Flux 5.88 kw/m2
- Car refueling 110 metres – Radiant Heat Flux 3.32 kw/m2

Refer to Appendix 7 for Bushfire Attack Assessment Calculations.

The above asset protection zones provide conservative radiant heat fluxes as the slope has been rounded up to 5 degrees downslope and the crown road intersects the vegetation. The forest/riparian corridor vegetation is moist and unlikely to burn at full intensity.

B) Construction standards and design

Compliance – The construction of the service station should be determined depending on the proximity to the vegetation. A minimum BAL12.5 Construction should be used even if the building is greater than 100 metres from the vegetation. The design should provide minimal vulnerable junctions on the proposed service station.

The design of the Truck Refueling areas closest the vegetation provides a suitable buffer to the vegetation and suitable access for emergency vehicles.

C) Appropriate access standards for residents, fire fighters, emergency service workers and those involved in evacuation;

Compliance - Access to the site exceeds deemed to satisfy provisions with the two access points affording good access and egress from the site. There is perimeter access around the entire site. Due to the potential number of people onsite at any time a full evacuation may lead to temporary congestion. The property access points are in different directions facing away from the vegetation.

Safe Defendable space is measured at 10kw/m2 using a 1200 Kelvin flame is achieved at 74 metres from the vegetation. This allows firefighters where Personal Protective Equipment to operate between the service station bowsers and the forest is the fuel bowsers are shut off and isolated.

Refer to Appendix 7 for Bushfire Attack Assessment Calculations.

D) Adequate water supply and pressure;

Compliance – The future hydrant system should be designed to AS 2419.1 – 2005 and include adequate pressure testing.

E) Emergency management arrangements for fire protection and/or evacuation;

Compliance – The service station by nature has heightened risk awareness with numerous procedures already in place for structural fire, fuel leak and evacuation. It is recommended that the service station consider bushfire threat in its AS3745-2002 developed Emergency Control Procedures.

F) Suitable landscaping, to limit fire spreading to a building.

Compliance - The site management team should familiarize themselves with requirements of Asset Protection Zones outlined within Planning for Bushfire Protection (2006) section 4.1.3, Appendix 5 and the NSW Rural Fire Services "Standards for Asset Protection Zones".

Controlled Development Types

Developments which should not be permitted on bush fire grounds, including those that may start bush fires or are a potential hazard to adjacent areas or to fire fighters if they are impacted upon by a bush fire include:

- Power generating works
- Sawmills
- Junk yards
- Liquid fuel depots
- Offensive and hazardous industries
- Chemical industries

- Service stations
- Ammunition storage/manufacture
- Fire works manufacture/storage

Any future industrial development on the subject should not include the above development types unless a dedicated bushfire threat assessment addressing the 6 key Bushfire Protection Measures of Planning for Bushfire Protection (2006) is completed.

5.4 SUMMARY OF RECOMMENDATIONS

Based upon an assessment of the plans and information received for the proposal, Newcastle Bushfire Consulting Pty Ltd recommends the following conditions of development:

- A minimum 10 metre Asset Protection Zone is recommended surrounding buildings where the dominant vegetation is grassland.
- Asset Protection Zones and associated construction levels for each allotment have been identified in Section 3.2 Bushfire Attack Assessment of this document.
- Roads should be formed in accordance with Section 5.3 Planning for Bushfire Protection Compliance section of this report.
- The hydrant and services network should be in accordance with Section 5.3 Planning for Bushfire Protection Compliance section of this report.
- Future buildings should regard considerations enclosed within the Building Code of Australia, AS3959 (2009) and Planning for Bushfire Protection Amended Appendix 3 ember protection requirements.
- The 35 metre noise buffer zone should be maintained as an Asset Protection Zone Consisting of the below dimensions:
  o Inner Protection Area – 20 metres
  o Outer Protection Area – 15 metres
- Staged development should encompass asset protection zones surrounding the perimeter of developed lands. A minimum 26 metre asset protection zone should be maintained within future development stages where located adjacent the developed lands. Maintenance of Asset Protection Zones will be absorbed by future land owners.
- It is recommended that each future business consider bushfire threat in their AS3745-2002 Emergency Control Procedures.
- Any future controlled development should have a dedicated bushfire threat assessment prepared for the development type.

Service Station Specific Requirements

- A SEPP 33 Multi-Level Risk Assessment report should be prepared for the service station.
- Vapour recovery systems should be fitted to the service station fuel tanks and bowsers.
- Any venting and fuel storage should be located away from the forest vegetation.

Despite the recommendations in this report, it is impossible to remove the risk of fire damage to the building entirely. This report aims to reduce that risk to a manageable level. It is of paramount importance that the recommendations are adhered to for the life of the structure and that all maintenance is performed, to ensure the maximum amount of protection is provided to the building, occupants and fire fighters.

Planning for Bushfire Protection (2006) states that not withstanding the precautions adopted, it should always be remembered that bushfires burn under a wide range of conditions and an element of risk, no matter how small always remains.

AS3959 (1999) Building in Bushfire Prone Areas states that the standard is designed to improve the performance of such buildings, there can be no guarantee, because of the variable nature of bushfires, that any one building will withstand bushfire attack on every occasion.

5.5 FINAL RECOMMENDATION

The final recommendation is that there is scope to provide suitable building area and infrastructure for all proposed industrial allotments. It is believed the 6 key protection measures of a controlled development have been adequately assessed for the Service Station. There is potential for bushfire attack at this site and a list of recommendations has been included in the above assessment. The proposed development can comply with the requirements of "Planning for Bushfire Protection 2006" guidelines. This report being industrial subdivision does not require a Bushfire Safety Authority to be issued by Rural Fire Service.

7.6 APPENDIX 4 – OVERHEAD POWERLINE CLEARANCES

Table 1: Vegetation Trimming - Minimum Clearances

Conductor Type and Voltage	Clearances at pole to nearest conductor (metres)		Clearance along middle 2/3 of span to nearest conductor in rest position (metres)	
	Urban	Bushfire Risk Area	Urban	Bushfire Risk & Urban Spans > 100m
LV Aerial Bundled Cable (including XLPE Insulated Service Wires and Pilot Cables)	0.5 *	0.5 *	0.5*	1.0 *
HV Aerial Bundled Cable	0.5 *	0.5 *	1.0*	1.5 *
Up to 1000V - Bare and Covered Conductor	1.0	1.5	1.5 Horizontal & Vertical above mains 1.0 Vertical below mains	2.5#
>1000V to 33 kV Covered Conductor	1.0	1.0	2.0	2.5
>1000V to 22 kV Bare Conductor	1.5	2.0	2.5	3.5#
>22 kV to 66 kV Bare Conductor	2.0	2.0	3.0	4.0@
> 66 kV to 132 kV Bare Conductor	3.0	3.0	4.0	5.0@
Around supports (such as poles (all voltages)	2.0			
Around stay wires (all voltages)	2.0			

7.7 APPENDIX 5 – MONITORING AND FUEL MANAGEMENT PLAN

Fuel management plan
The asset protection zone extends from the building and should have vegetation maintained in accordance with an Inner Protection Area (IPA).

Inner Protection Area
An IPA should provide a tree canopy cover of less than 15% and should be located greater than 2.0 metres from any part of the roof line of a building. Garden beds of flammable shrubs should not be located under trees and should be located not closer than 10 metres from an exposed window or door. Trees should have lower limbs removed up to a height of 2.0 metres above the ground.

Ground fuels such as fallen leaves, twigs (less than 6mm in diameter) and branches should be removed on a regular basis, and grass needs to be kept closely mown and where possible green.

Monitoring of Maintenance
Build-up of leaf litter and debris across the site will be monitored on a regular basis using visual estimation techniques. Grass should be maintained to a level of lower than 10 centimetres in length. Maintenance should increase over the summer months when peak fire weather occurs.

The estate management team should familiarize themselves with requirements of Asset Protection Zones outlined within Planning for Bushfire Protection (2006) section 4.1.3, Appendix 5 and the NSW Rural Fire Services "Standards for Asset Protection Zones".

The Monitoring and Fuel Management Plan should be updated annually in accordance with the development occurring throughout the subject site.

Chapter D4 – Old School Site, South West Rocks

1.0 Introduction

1.1 Scope of this Chapter

This DCP Chapter applies to all development on land located at Lots 233 and 317 DP 754396 (No.19) Gregory Street, South West Rocks, as shown in the figure below.

Figure D4-1: Map – Land subject to the provisions of Chapter D4

1.2 Relationship to Other Chapters of this DCP

The provisions of this Chapter override the provisions of any other Chapter of this DCP, to the extent of any inconsistency.

2.0 Chapter Objectives

The objective of this Chapter is:

a) To encourage appropriate development, which is sensitive to the scenic and cultural values of the land.

3.0 Development Requirements

3.1 Vegetation, Flora and Fauna and Landscaping

Desired Outcomes

DO1 - Development preserves the majority of the existing uninterrupted tree canopy across the site's visually sensitive embankment and skyline.

DO2 - Development retains the trees identified for retention in Appendix A, unless removal is justified in accordance with the requirements of Section 6.1 of Chapter B10 – Tree Preservation and Vegetation Management.

DO3 - Disturbance of trees in the western group is kept to a minimum in order to continue to offer environmental landscape and amenity value to the site for many years, including significant shading and cooling during hot summer afternoons.

Note - The grouping of trees located in the sloping area of the site form a distinctive landscape feature and in doing so attract a higher collective rating than individual trees that are dispersed throughout the site.

DO4 - Supplementary vegetation is provided, where necessary, to ensure that the existing uninterrupted tree canopy is sustainable and achieves sufficient depth of cover over the longer term.

DO5 - A vegetated frontage is provided along Gregory Street, in order to:

- Create a buffer to development within the site; and
- Maintain the values of unbroken green corridor that follows the entry road (ie Gregory Street) into the South West Rocks town centre; and
- Maintain views of a vegetated frontage to the subject land, as seen along the Landsborough Street axis.

DO6 - Landscaping, tree and vegetation works are undertaken in accordance with the relevant requirements of:

- Chapter B9 – Landscaping; and
- Chapter B10 – Tree Preservation and Vegetation Management.

DO7 - Appropriate measures are undertaken in order to preserve native fauna on the site.

Development Requirements

a) Development on the site shall provide for the following:

(i) clear delineation of all construction areas to minimise the construction 'footprint';
(ii) directional felling of all trees to be removed into the development area in order to minimise potential damage to retained vegetation;
(iii) future landscaping of the site should be undertaken utilising nectar producing native species;
(iv) a visual inspection of any tree over 15cm DBH for fauna (including nesting fauna) should be made prior to felling. Any fauna utilising trees required to be felled should be allowed to voluntarily move on prior to removal of the tree;
(v) retention, where practical, of any hollow-bearing trees;

(vi) if fencing is required, only wildlife-friendly fencing should be installed (i.e. no barbed wire on the top or bottom strands);
(vii) restriction of bushfire management obligations within the Scenic Protection area identified in KLEP2013; and
(viii) a Vegetation and Fuel Management Plan to balance the management of any Asset Protection Zones with sensitive environmental management and to improve the surrounding site condition, particularly by minimising and controlling weeds.

b) No trees shall be removed to accommodate development other than indentified in Appendix A of this Chapter.

c) Tree protection measures for trees to be retained are to be provided and maintained during construction works.

d) Any future development must comply with the provisions of Australian Standard *AS4970-2009: Protection of Trees on Development Sites*.

3.2 Urban Design, Character and Form

Desired Outcomes

DO1 - Development, including buildings, do not breach the existing vegetated skyline across the site and maintain a compatible scale with surrounding buildings.

DO2 – Adequate space is provided between building footprints to facilitate tree growth and to mitigate the visual impact of built form.

DO3 - Development of the site includes restoration of the existing old school building, where relevant and practicable.

DO4 - Development of the site creates an appropriately scaled setting for the old school building.

DO5 - Development avoids absorbing the old school building into a larger building envelope which would likely impact on the visual amenity values of the building within its existing setting.

DO6 - Development positively contributes to the Gregory Street streetscape amenity through restraining building height and bulk to below the vegetated canopy and remaining clear of the steep, densely vegetated land included in the Scenic Protection Map of KLEP2013.

DO7 - New development is set back from Gregory Street to:
- reduce the visual impact of built form onto the streetscape;
- maintain the continuous green edge that characterises the existing public road entry into the town centre; and
- retain the attractive channelled vegetated view of the site as seen from Landsborough Street to the east.

DO8 - Development is compatible with the character and amenity of the local street environment.

DO9 - Development generally focuses on the existing cleared areas of the site.

Development Requirements

a) In addition to the requirements of the Mid North Coast Urban Design Guidelines, applications for development shall include a detailed design analysis demonstrating satisfaction of the Desired Outcomes of this chapter.

b) Development shall:

i) Incorporate a minimum 5m wide set-back from the Gregory Street boundary which is to be landscaped with a green frontage of locally indigenous vegetation, including native trees;
ii) Restrict building height to a maximum height no greater than 12.5m;
iii) The building façade facing Gregory Street measured from the pavement shall not exceed an overall height of 11m; and
iv) Pavement to ceiling height should not exceed 9m.

Note – The Height of Buildings Map attached to KLEP2013 does not impose a maximum building height on this site.

c) Development shall:

i) minimise bulk and overshadowing impacts by progressively increasing setbacks as building height increases;
ii) ensure that the building design is not in strong visual contrast with the positive features of the surrounding built environment by incorporating complementary features with regard to:
- mass and proportion;
- façade articulation, detailing, window and door proportion, and decorative elements;
- building materials, patterns, textures and colours;
- roof form and pitch; and
- floor to ceiling height.

iii) ensure that on-site carparking is not visually intrusive and allows the building to address the street.

3.3 Safer by Design

Desired Outcomes

DO1 - Development complies with the relevant requirements of Chapter B15 – Crime Prevention Through Environmental Design (CPTED).

Development Requirements

Nil.

3.4 Minimising Ecological Impacts

Desired Outcomes

DO1- Development minimises ecological impacts by adopting environmentally sustainable principles in the design, construction and occupancy phases of development.

DO2 - Waste is minimised during the demolition, construction and operational

phases of the development in accordance with the requirements of Chapter B16 – Waste Minimisation and Prevention.

Development Requirements

3.4.1 Energy Conservation

a) Development shall:

(i) incorporate passive solar design principles to maximize day-lighting and passive heating opportunities;
(ii) incorporate energy efficient design principles to minimize active heating and cooling requirements;
(iii) specify energy efficient equipment and lighting systems;
(iv) provide efficient control and effective maintenance systems, including monitoring of energy consumption;
(v) optimise opportunities to use renewable energy sources and incorporate renewable energy technologies, wherever possible; and
(vi) minimise embodied energy in construction materials.

3.4.2 Water Conservation

b) Development shall:

(i) facilitate opportunities for on-site treatment and reuse of grey water and stormwater; and
(ii) minimise water consumption through practices such as:
- installing rainwater and stormwater collection tanks;
- providing water efficient facilities and equipment;
- installing reuse systems for grey water;
- providing effective monitoring and maintenance systems; and

(iii) preserve natural features of the site by minimising the level of intervention required to establish development on the site such as cut and fill and tree removal.

3.4.3 Building Materials Conservation

c) Development shall:

(i) reuse existing site features or materials;
(ii) minimise use of materials with high embodied energy;
(iii) minimise life cycle costs through using materials and equipment requiring minimal maintenance and with maximized expected useful life; and
(iv) minimise building materials that have damaging ecological effects during harvesting, manufacturing and/or construction.

3.4.4 Appropriate Landscape Design

d) Development shall:

(i) incorporate locally indigenous native vegetation as the dominant palette for new planting;
(ii) incorporate new plants that will facilitate year-round moderation of internal climate; and
(iii) maximise the reuse on site of rock and topsoil emanating from excavations and shredded vegetation for mulch.

3.5 Archaeology

Desired Outcomes

DO1 - Development of the site shall be compatible with and conserve items of environmental heritage.

DO2 – Development complies with the relevant requirements of Chapter B12 – Aboriginal Heritage, in addition to the following development requirements.

DO3 - Development complies with the relevant requirements of Chapter B13 – Heritage Areas/Development.

Development Requirements

3.5.1 The Recorded Midden Site

a) Applications for development shall include measures to protect the Aboriginal midden located in the north eastern corner of the site including:

(i) provision of a ten (10) metre diameter buffer zone to ensure protection of the midden by ensuring no disturbance or vegetative clearing;
(ii) construction-related disturbance is to be avoided around the perimeter of the midden buffer zone by temporary fencing to exclude people and vehicles for the full duration of developmental activities and this fence only be removed at the end of the development activities;
(iii) the area (including the buffer zone) should be clearly marked and annotated on all relevant maps and plans to ensure that the midden is not inadvertently disturbed or destroyed during the course of future maintenance or development works; and
(iv) no surface or subsurface disturbance shall occur in the site protection area unless formally approved by the Department of Environment, Climate Change and Water (DECCW).

3.5.2 Aboriginal Relics

a) To ensure that Aboriginal burials are not accidentally uncovered, both the Kempsey LALC and Figtree Aboriginal Community representatives shall be engaged to monitor all initial earthworks associated with future development, including any necessary vegetation clearance.

b) A scarred tree of possible Aboriginal origin has been recorded approximately 6.5 m south of the southern study boundary, near Buchanan Drive. In order to avoid disturbance of or damage to this tree, it is recommended that no vegetation clearance or other development activities be undertaken south of the southern boundary of Lot 233.

c) Every effort shall be made to retain as much of the existing vegetation as possible including Aboriginal food and medicinal plant species.

d) Development proponents must liaise directly with the Figtree Aboriginal Community with the objective of developing an acceptable landscaping strategy that will mitigate any adverse effects of site development on the present lifestyle and amenity of Figtree residents. This strategy may

include the planting of screening trees along the northern boundary of the Figtree Estate and shall be submitted with any application for development.

e) Prior to the commencement of any vegetation clearing or construction activities associated with development of the site, it is recommended that all construction contractors and their employees be advised of their legal obligations with regard to Aboriginal cultural materials. This advice should be given in writing and a copy forwarded to DECC Northern Aboriginal Heritage Unit (Coffs Harbour) for its records. Should any material evidence thought to be of Aboriginal origin be discovered or exposed during any stage of the development, work must cease in that locality. DECCW, Kempsey LALC and the Figtree Estate Community should be contacted for management advice and clearance given by these organisations before work resumes in the subject area.

3.5.3 The Old School Building

a) Applications for development shall provide for retention of the Old School Building in its current location unless the consent authority is satisfied that the following criteria have been met:

(i) a report prepared by a structural engineer with demonstrated experience in the conservation of heritage buildings is provided which demonstrates that relocation of the building is feasible; and
(ii) submission of a strategy prepared by an experienced heritage architect providing for relocation and reproduction of any necessary elements of the old building using new materials and any salvageable materials from the existing building so that it remains publicly visible and accessible for interpretation.

Note - The preferred location for the old school building is in the vicinity of the Norfolk Island Pine trees, which are historically related to the building. This will ensure that the building remains publicly visible and accessible for interpretation.

b) The strategy shall include a *Heritage Interpretation Plan* for the site which should:

(i) include a short history of the building with any early photographs and/or plans;
(ii) be located in a prominent position in order to provide visitors to the building an understanding of its history and significance to the South West Rocks community;
(iii) suitable signage should be used to indicate the previous use of the building, its history and its significance to the Aboriginal community; and
(iv) Development proponents shall demonstrate to the satisfaction of the consent authority that they have engaged in meaningful consultation with the Figtree Aboriginal Community and Kinchela Boys Home Aboriginal Corporation with a view to reaching an agreement as to an appropriate location and use for the building.

c) If the building is to be relocated, restoration should ensure that any new fabric required to conserve it, be used in a manner that does not look like a completely new "replica" building.

d) Any asbestos present in the building shall be removed and replaced with alternative material by an appropriately qualified contractor.

3.6 Bushfire

Desired Outcomes

DO1 - The bushfire threat on the property is managed so that:

- Human life is protected;
- The impacts on property are minimised;
- Impacts on development potential of the site are minimised; and
- As much vegetation as possible is retained on the site to preserve on-site amenity, scenic values and environmental values.

Development Requirements

a) Development is to comply with the provisions of *Planning for Bushfire Protection, 2006*.

Note - The subject site is mapped as Bushfire Prone Vegetation Category 1. However, vegetation studies and subsequent analysis demonstrate that the vegetation surrounding the site does not comply with the definition of Category 1 Bushfire Vegetation as defined by the NSW Rural Fire Service '*Guideline for Bushfire Prone Land Mapping'*. The vegetation present on the site and the adjacent lands does not pose a high bushfire hazard due to the nature of the vegetation (weedy) and/or the distance to nearest bush-fire prone vegetation (i.e. >100 m).

Despite the slope of the site being, on average, 19 degrees, the vegetation is predominantly weedy and mesophyllus in nature where it connects with other similar vegetation to the north and south or, in the case of the scribbly gum forest, supports a fire front run of less than 50m. It can therefore be categorised as rainforest with regard to bushfire risk.

b) A 10 metre wide Asset Protection Zone (APZ) in a forested landscape cannot support both an inner and an outer protection zone. Therefore, the entire APZ must be treated as an inner protection zone. Fuel reduction activities are to be undertaken to ensure that:

i) ground fuels (dead vegetation up to 6mm diameter) are removed regularly;
ii) grass is kept short and green;
iii) tree canopies are pruned/removed such that crowns are separated by two to five metres (including from the dwelling structures); and
iv) shrubs and understorey is removed such that coverage of no more than 20% of the APZ area is achieved. Retained vegetation should be clumped into islands to maximize breaks in the understory layer.

c) APZs must not be planned within Scenic Protection Areas identified in Kempsey LEP2013, due to the amount of vegetation removal required. Similarly, fire fighter access, provision of water, defendable space and other aspects of planning for bushfire protection must not be planned within areas retained for native vegetation due to the level of disturbance required to manage such facilities and infrastructure. The provisions of the *Planning for Bushfire Protection 2006* must be incorporated within that part of the subject site zoned R3 – Medium Density Residential.

3.7 Hydrology and Flooding

Desired Outcomes

DO1 - The stormwater system complies with the relevant requirements of:

- Chapter B1 – Subdivision;
- Chapter B3 – Engineering Requirements;
- Chapter B5 – Stormwater Management;
- Chapter B6 – Water Sensitive Urban Design; and
- Council's Engineering Guidelines for Subdivision and Development.

DO2 - The stormwater drainage system is planned and designed to ensure that natural watercourses, associated vegetation and site topography are adequately considered and suitably maintained.

DO3 - Development of the site is designed so as to minimise the impacts of flooding, including flooding of adjacent land, having regard to the expected effects of climate change.

Development Requirements

a) A Stormwater Management Plan, prepared by a suitably qualified person, is submitted with any development application that demonstrates achievement of the above Desired Outcomes.

b) Applications for development shall include a detailed flood study that:

(i) Demonstrates compliance the relevant requirements of Council Procedure 1.1.11 – Flood Risk Management;
(ii) indicates that no adverse impacts on the proposed development or adjoining land will occur as a result of the development; and
(iii) The required flood study shall include an assessment of the effects of climate change, having regard to an expected 2100 sea level rise of 91cm.

Note – Previous studies have estimated the 1 in 100 year flood level to be approximately 2.3m AHD. This level would result in inundation depths of up to 300mm in the flat south-west portion of the site, over an area of approximately 700 to 800m². Buchanan Drive would also be inundated by up to 300 mm adjacent to the site.

Future predicted increases in tidal level may increase flood levels by 0.4m by 2050. However, it is expected that predicted increases in tidal level will not result in inundation of the site.

3.8 Earthworks

Desired Outcomes

DO1 - Development is concentrated on the flatter upper ridge crest on the site and avoids the steepest parts of the site.

DO2 - Development complies with the relevant requirements of Chapter B4 – Earthworks and Sediment Erosion Control.

Development Requirements

a) Applications for development shall include a detailed geotechnical report prepared by a suitably qualified engineer, having regard to the recommendations in the geotechnical assessment contained in the Old School Site LES and the requirements of Chapter B4 – Earthworks and Sediment Erosion Control.

3.9 Traffic and Access

Desired Outcomes

DO1 - Development satisfies the Desired Outcomes and Development Requirements of Chapter B2 – Parking, Access and Traffic Management.

DO2 - Development within the site is compatible with proposed pedestrian linkages adjacent to the site consistent with the Horseshoe Bay Plan of Management, where relevant.

Development Requirements

a) A "Give-Way" hold line 1 metre behind the Gregory Street kerb line in Landsborough Street is to be provided to minimise the encroachment of turning traffic from Landsborough Street on the "slipping through" traffic in Gregory Street.

b) "No-Stopping" parking restriction signage is to be installed on Gregory Street south of the incoming access point.

APPENDICES

Appendix A: Trees to be Retained and Removed

Table D4-1: Trees to be Retained and Removed

TREE ID*	REMOVE/RETAIN	REASON
1 Ficusrubiginosa	REMOVE	Critical root zone (CRZ) defects/damage
2 Eucalyptus racemosa	REMOVE	CRZ defects/damage
3 Araucaria heterophylla	REMOVE	Low vigour / sever dieback / significant defects
4 Araucaria heterophylla	RETAIN	Monitor future health
5 Eucalyptus teriticornis	REMOVE	Undesirable as individual special due to growth habit / defects present
6 Eucalyptus teriticornis	REMOVE	CRZ defects/damage
7 Corymbiagummifera	REMOVE	CRZ defects/damage
8 Corymbiagummifera	RETAIN	Remove smilax vine from crown to reduce branch weight
9 Corymbiagummifera	REMOVE / RETAIN	May require removal for APZ clearing
10 Corymbiagummifera	REMOVE / RETAIN	May require removal for APZ clearing / defects present and obvious
11 Corymbiagummifera	REMOVE / RETAIN	May require removal for APZ clearing / defects present and obvious
12 Ficusrubiginosa	REMOVE	Location may be critical to future development footprint / defects present and obvious
13 Corymbiagummifera	REMOVE	May require removal for APZ clearing / defects present and obvious / crown bias to the east compromises aesthetics
14 Corymbiaintermedia	REMOVE	Tree health poor / significant defects
15 Eucalyptus racemosa	RETAIN	Important contribution to tree group / requires crown clean
16 Lophostemonconfertus	RETAIN	Only example of genus on site / requires crown clean
17 Ficusrubiginosa	REMOVE	Due to decay crown failures will continue / significant defects
18 Corymbiaintermedia	RETAIN	Important contribution to tree group / crown clean required
19 Corymbiagummifera	RETAIN	Important contribution to tree group / crown clean required
20 Eucalyptus racemosa	RETAIN	Important contribution to tree group / crown clean required
21 Corymbiaintermedia	RETAIN	Important contribution to tree group / crown clean required
22 Corymbiaintermedia	REMOVE / RETAIN	May require removal for APZ clearing / defects present and obvious
23 Corymbiaintermedia	REMOVE / RETAIN	May require removal for APZ clearing / defects present and obvious
24 Corymbiagummifera	RETAIN	Important contribution to tree group / crown clean required
25 Eucalyptus racemosa	RETAIN	Important contribution to tree group / crown clean required
26 Corymbiagummifera	RETAIN	Important contribution to tree group / crown clean required

Table D4-1: Trees to be Retained and Removed		
TREE ID*	**REMOVE/RETAIN**	**REASON**
27 Eucalyptus racemosa	RETAIN	Important contribution to tree group / crown clean required / significant defects
28 Eucalyptus racemosa	RETAIN	Important contribution to tree group and located in close proximity to the Aboriginal midden
29 Corymbiagummifera	RETAIN	Important contribution to tree group and located in close proximity to the Aboriginal midden
30 Corymbiagummifera	RETAIN	Important contribution to tree group and located in close proximity to the Aboriginal midden
31 Eucalyptus racemosa	RETAIN	Important contribution to tree group and located in close proximity to the Aboriginal midden
32 Corymbiagummifera	RETAIN	Important contribution to tree group and located in close proximity to the Aboriginal midden
33 Eucalyptus racemosa	RETAIN	Important contribution to tree group and located in close proximity to the Aboriginal midden
34 Eucalyptus racemosa	RETAIN	Important contribution to tree group
35 Corymbiagummifera	RETAIN	Important contribution to tree group
37 Corymbiaintermedia	RETAIN	Important contribution to tree group
38 Corymbiaintermedia	RETAIN	Important contribution to tree group
39 Banksia integrifolia	REMOVE	Tree unbalanced / defects present and obvious

*Tree locations – see diagram over.

Note - Disturbance to the trees located within the Scenic Protection Area should be kept to a minimum to protect the 'collective' value of this group of trees.

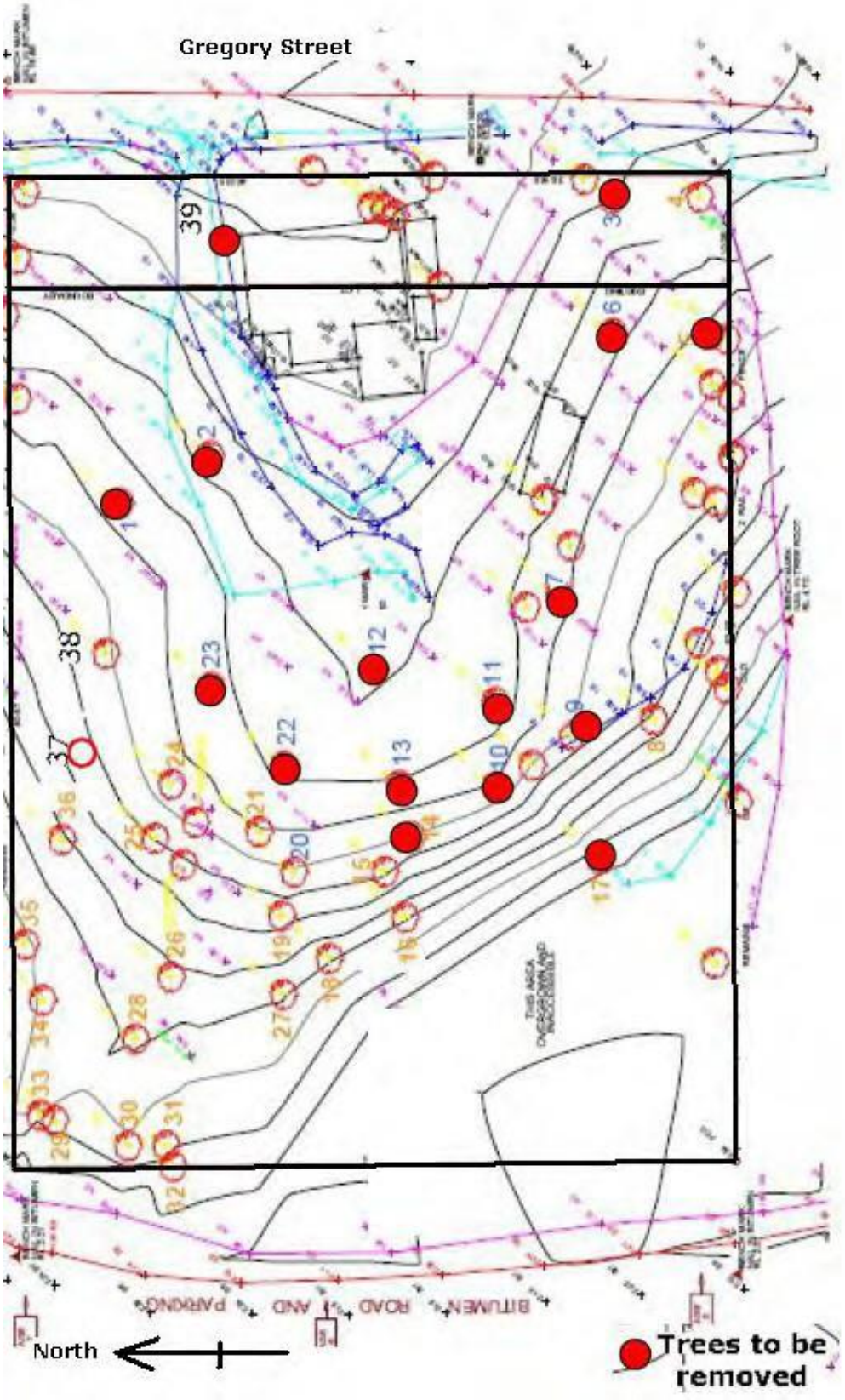


Figure D4-2: Tree Location Diagram

Chapter D5 - Crescent Head Urban Investigation Area

1.0 Introduction

1.1 Scope of this Chapter

This DCP Chapter applies to all development on land located at Lot 704 DP 749885 and part Lot 707 DP 1032859, Crescent Head, as shown in the figure below.

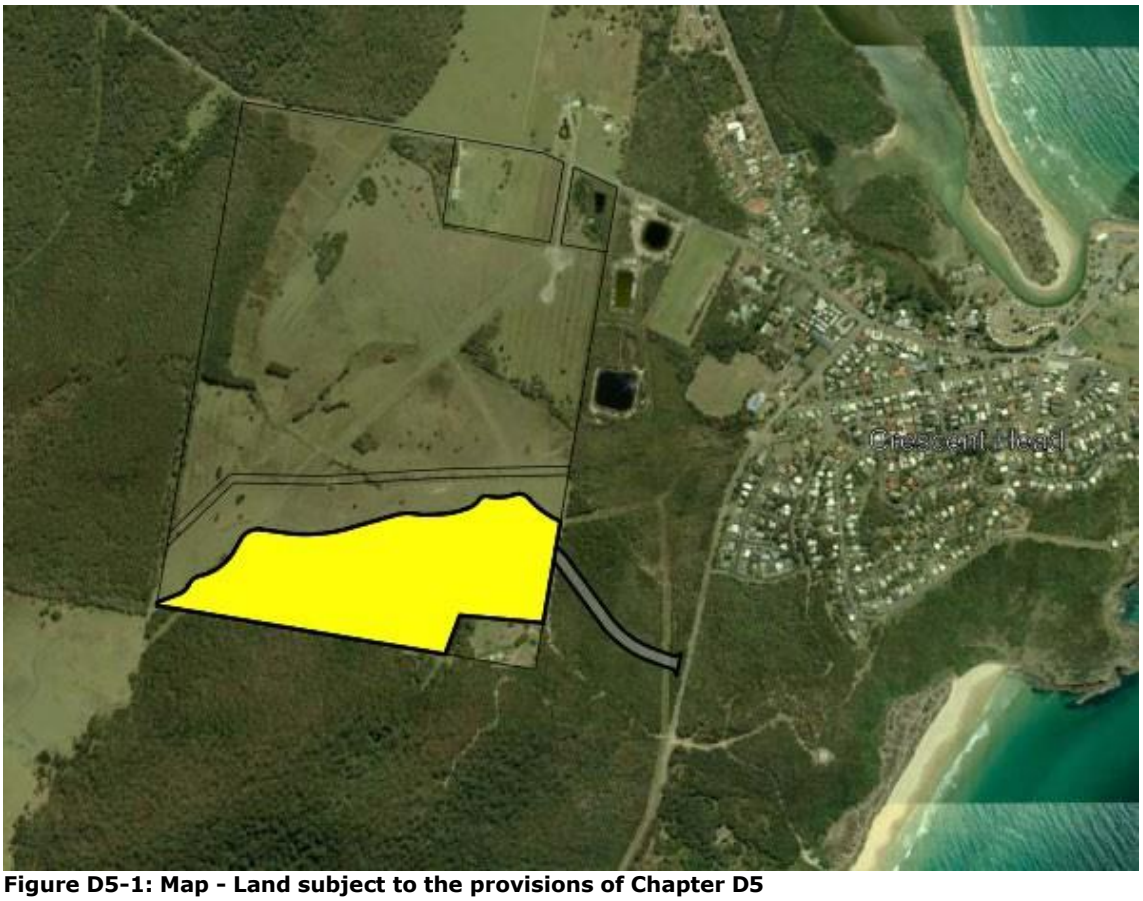


Figure D5-1: Map - Land subject to the provisions of Chapter D5

1.2 Relationship to Other Documents

Kempsey Local Environmental Plan 2013 contains specific requirements that apply to the subject land.

The provisions of this Chapter override the provisions of any other Chapter of this DCP, to the extent of any inconsistency. Development applications will need to be assessed against the provisions of any other relevant chapter of this DCP, in addition to this chapter.

2.0 Chapter Objectives

The objectives of this Chapter are:

a) To encourage appropriate development, which is sensitive to the scenic and environmental values of the land.
b) To encourage livable neighbourhoods and support pedestrian and cycle connectivity with Crescent Head village.

3.0 Development Requirements

3.1 Vegetation Management Plan

Desired Outcomes

DO1 – Provide for establishment of a 50 metre wide buffer between the Residential estate (Lot 704 DP 749885 and part Lot 707 DP 1032859) and the National Park (Lot 145 DP 754441) along the southern boundary of the land.

DO2 – Support the objectives of the *E3 Environmental Management zone* and the objectives of clause 7.6 *Protection of scenic character and landscape values* under Kempsey Local Environmental Plan 2013 applying to the land.

DO3 – A Vegetation Management Plan endorsed by NSW Biodiversity and Conservation Division is submitted to Council prior to the issue of a development consent for subdivision.

DO4 - Landscaping, tree and vegetation works are undertaken in accordance with the relevant requirements of the endorsed vegetation management plan and KDCP 2013:

- Chapter B9 - Landscaping; and
- Chapter B10 - Tree Preservation and Vegetation Management

Development Requirements

a) Prior to subdivision of the subject land a Vegetation Management Plan is to be prepared and finalised in consultation with the NSW Biodiversity and Conservation Division of the Department of Planning Industry and Environment.

3.2 Pedestrian & Cycle Connectivity

Desired Outcomes

DO1 – To provide a safe and convenient network of pedestrian and cycle links from the proposed precinct residential areas to Crescent Head village.

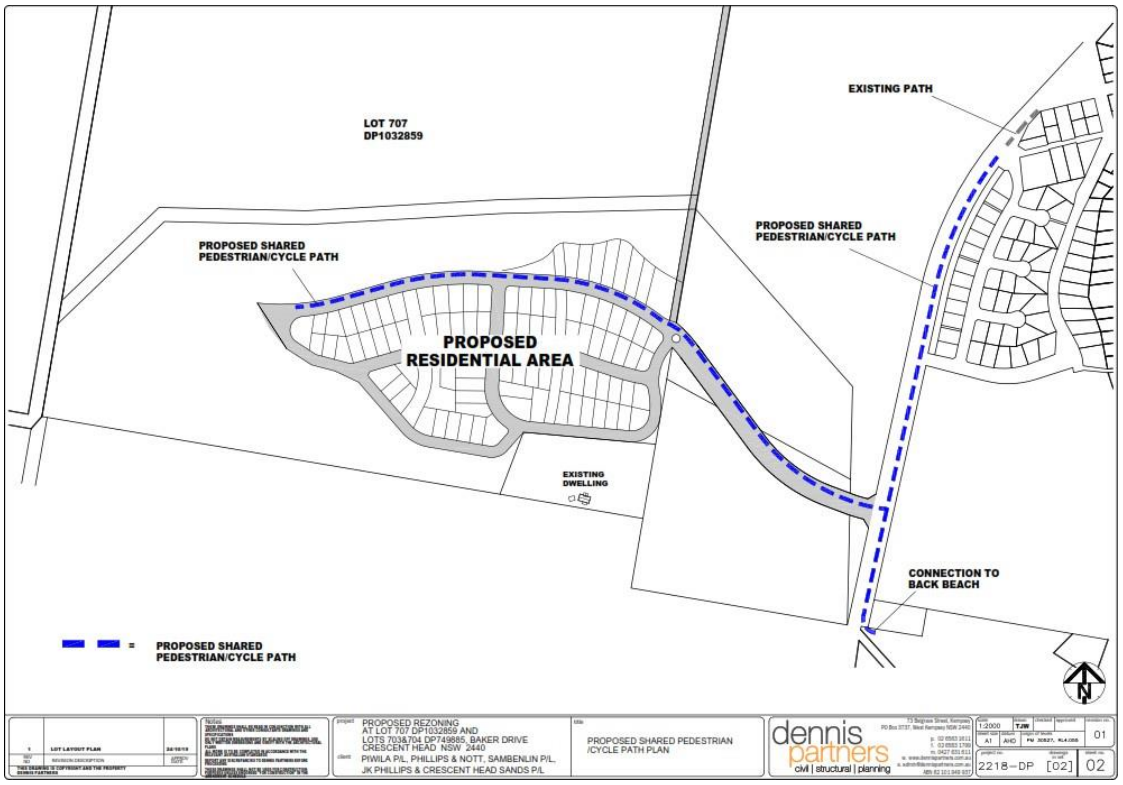


Figure D5-2: Map – Shared pedestrian cycle path

Development Requirements

a) Figure D5-2 demonstrates an acceptable solution satisfying the pedestrian and cycle requirements of this DCP Chapter.

Alternative designs and configurations may be approved where Council determines these to be a better outcome for the future residents of the precinct, in consideration of pedestrian/cycle amenity, safety, ease of use, access options to the village facilities and businesses as well as practicality and construction costs. Pedestrian and cycle links may be separated (on or off road) where a better outcome can be achieved.

b) The pedestrian and cycle network shall integrate with existing and proposed routes as identified in Council's Pedestrian Access and Mobility Plan.

c) Pedestrian/cycle pathways shall be provided and designed in accordance with the relevant requirements of:

- Chapter B1 – Subdivision
- Chapter B2 – Parking, Access and Traffic Management
- Council's Engineering Guidelines for Subdivision and Development – D9 Cycleway and Pathway Design
- Austroads

d) The shared pedestrian cycle path will be a condition of development consent to be completed prior to the issuing of the Subdivision Certificate for the subject site.

Chapter E1 – Dulconghi Heights

1.0 Introduction

1.1 Scope of this Chapter

This DCP Chapter applies to all development on land situated at Neville Morton Drive, Crescent Head, located within Zone R5 - Large Lot Residential as shown in bold outline in the figure below.

Figure E1-1: Map – Land subject to the provisions of Chapter E1

1.2 Relationship to Other Chapters of this DCP

The provisions of this Chapter override the provisions of any other Chapter of this DCP, to the extent of any inconsistency.

2.0 Chapter Objectives

The objectives of this Chapter are:

a) To provide guidelines for development to address the specific issues applicable to development on land within the scope of this chapter.

b) To provide development requirements to ensure that there is no significant environmental impacts on the SEPP14 Wetland to the east of the subject land, significant trees and vegetation on the site and fauna requiring protection within the vicinity of the site.

c) To ensure that buildings are designed so that they do not have an adverse impact on the character of the area.

d) To ensure that satisfactory arrangements are made regarding water supply to development on the subject land.

3.0 Development Requirements

3.1 Flora and Fauna Habitat

Desired Outcomes

DO1 - All significant trees on the site are retained and protected, where possible and practicable.

DO2 - Vegetation within drainage reserves is preserved and maintained, where practicable.

DO3 - Protection and retention of physical vegetated links connecting the SEPP14 Wetland (Zone E2) to the east of the subject land to the land zoned E3 to the west of the subject land.

DO4 - Development consent or a permit to remove vegetation is obtained in accordance with Clause 5.9 of KLEP2013 and Chapter B10 – Tree Preservation and Vegetation Management.

DO5 - The removal of trees and vegetation does not have a significant adverse impact on the supply of habitat for identified fauna on the site.

Development Requirements

a) No building shall be placed within six (6) metres of any significant vegetation or within any area shown as hatched in Figures E1-2, E1-3 and E1-4 of the plan.

b) No trees indicated on Figures E1-2, E1-3 and E1-4 shall be removed without development consent having been obtained from Kempsey Shire Council.

Note: Clause 5.9 of KLEP2013 and Chapter B10 applies despite any other provision of this chapter, Tree Preservation Order or the like, whereby development consent is required for all tree removal within the subdivision.

c) Council shall not consent to clearing for purposes other than the erection of a building unless the applicant is able to demonstrate that exceptional circumstances exist. Such circumstances shall not include the use of the land for agriculture.

d) Council shall not consent to clearing (whether or not relating to any tree identified by Figures E1-2, E1-3 and E1-4) for the purposes of erecting a building unless it can be demonstrated the building cannot be erected without the necessity for such removal and that no other alternative sites exist.

e) Council shall not consent to the removal of any trees identified on Figures E1-2, E1-3 and E1-4, unless it is satisfied that satisfactory measures have been employed to ameliorate such tree removal, which shall include the establishment of replacement trees. In this regard, a minimum of three (3) trees of the species of tree to be removed are to be planted. As a condition of any development consent, details of the replacement trees will be required, including a plan indicating the location of replacement trees, means of establishing the trees and measures for protecting the trees during establishment.

f) Tree or vegetation removal must not remove fauna habitat, in accordance with the following:

(i) Preferred Koala Food Tree species are to be retained;
(ii) Trees and ground logs with identified hollows are to be retained, in order to assist the Brushtail Phascogale, Squirrel Glider, bat species and Glossy Black Cockatoo;
(iii) Allocasuarina species are to be maintained, and regenerated where possible, in order to assist the Glossy Black Cockatoo; and
(iv) Acacia species are to be retained, and planted where possible, to assist the Squirrel Glider.

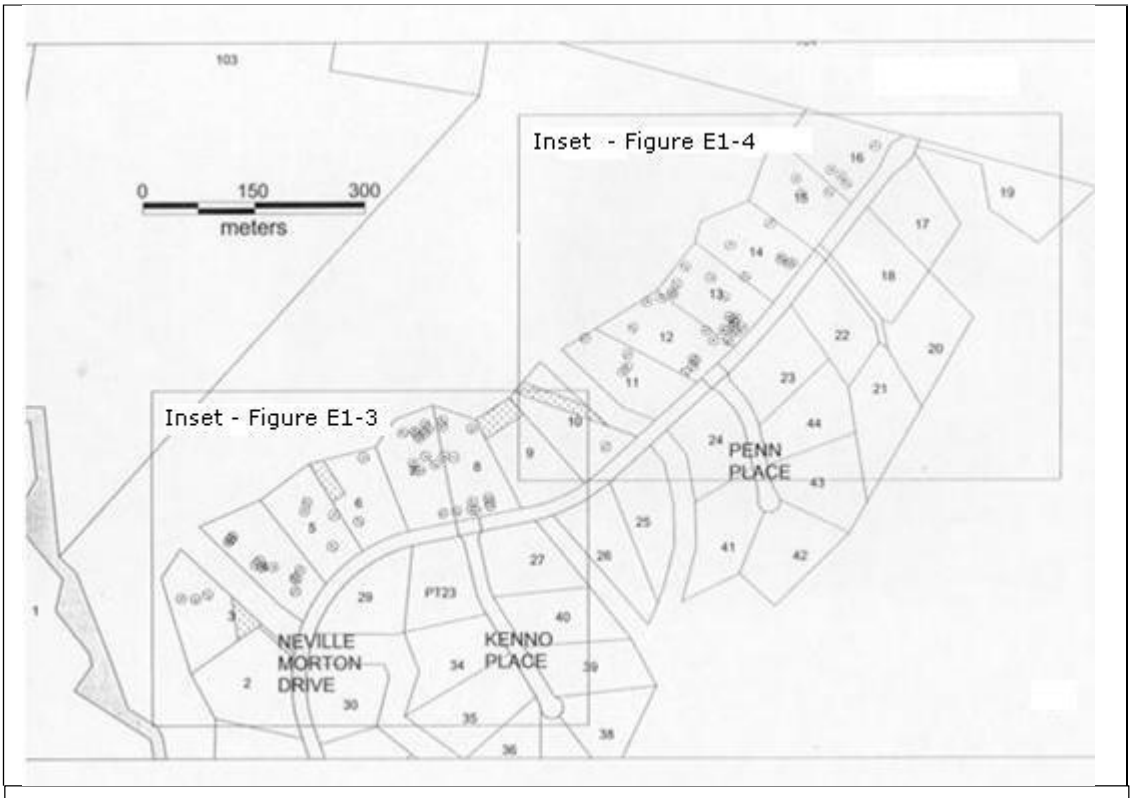


Figure E1-2: Map – Significant Trees (Overall)

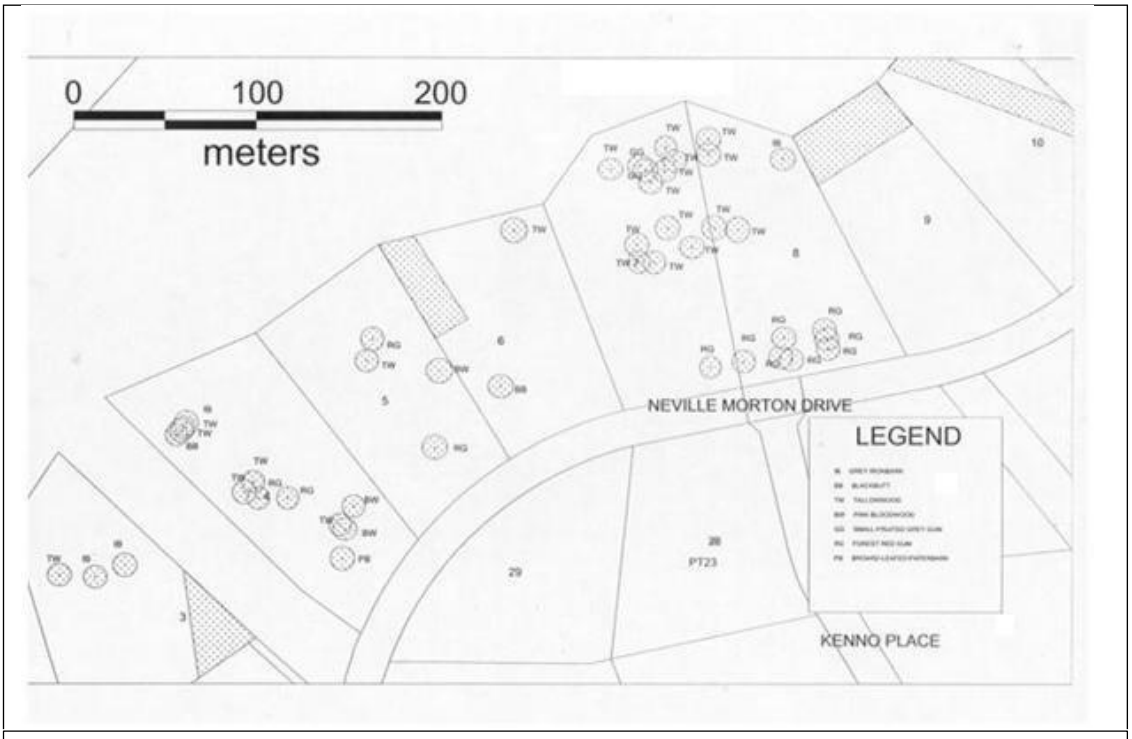


Figure E1-3: Map – Significant Trees

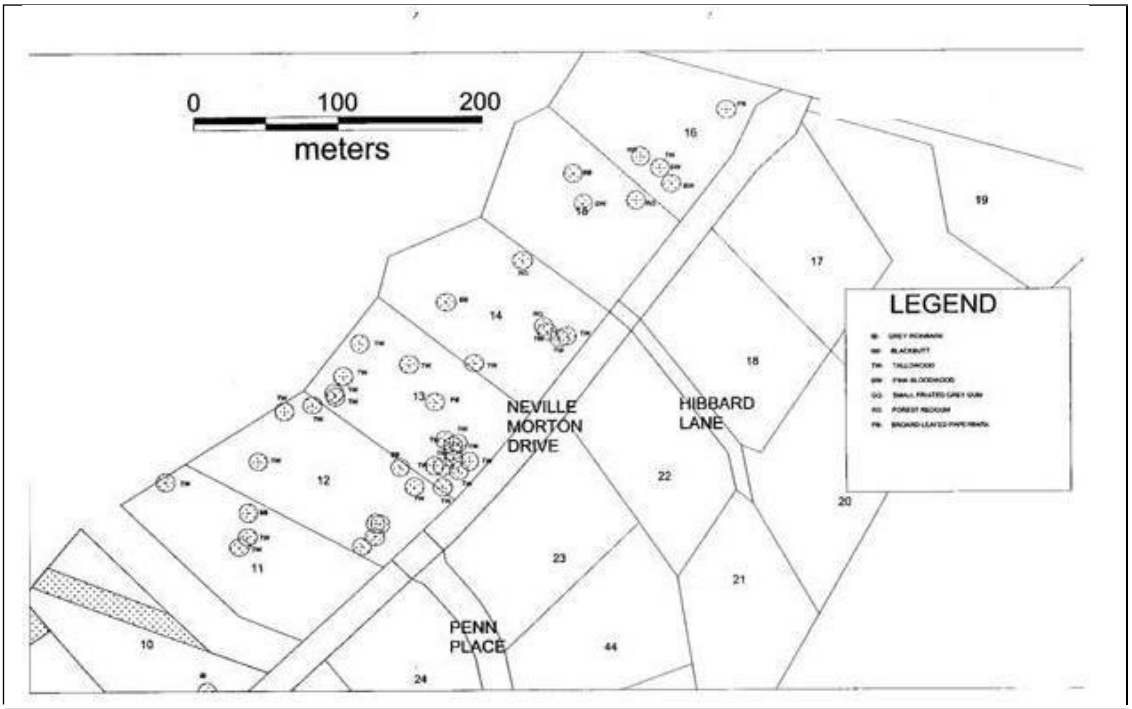


Figure E1-4: Map – Significant Trees

3.2 Bushfire Hazard Reduction

Desired Outcomes

DO1 - Each dwelling house is located within an allotment so as to allow bushfire hazard reduction works to be contained within the allotment boundaries.

DO2 - Development complies with the relevant requirements of *Planning for Bushfire Protection 2006.*

Development Requirements

a) Wherever possible, dwellings are to be located in existing clearings or in areas of low habitat and/or scenic value.

b) On-site water storage of at least 26,000 litres, to be reserved solely for fire fighting purposes, is to be installed as part of the domestic water supply.

(i) A 38mm storz fitting, or other fitting suitable for connection by Rural Fire Service appliances, is to be installed near the base of the tank.

3.3 Reticulated Water and On-site Storage

Desired Outcomes

DO1 - Reticulated water supply is available to each allotment, to the satisfaction of Council.

Development Requirements

a) Council's reticulated water supply system is to be connected to each lot and metered.

b) The owner/applicant is to extend the water supply by a dedicated service line from the water meter to an on-site tank.

(i) Connection to the tank to be above top water level by means of a ball valve with precautions taken to prevent cross connection.

c) Each dwelling is to have onsite tank storage for domestic water supply.

(i) House plumbing is to be connected to a pressure system from the onsite tank; and
(ii) Roof water from the dwelling is to be directed to the onsite tank.

Note - A special water supply tariff will be implemented to provide incentive for these rural residential users to further control use of the reticulated water supply and at the same time provide some compensation for the supply being temporarily terminated during peak demand periods

3.4 On-site Wastewater Disposal

Desired Outcomes

DO1 - On-site Sewage Management Systems comply with the relevant requirements of Chapter B8 – On-site Sewage and Wastewater Management.

Development Requirements

a) Where septic tank disposal is proposed, long term acceptance rates of 11 to 18 litres/sq.m/d are applicable and accordingly the following criteria will need to be met to enable satisfactory disposal of effluent on each allotment, by a standard septic tank and absorption trench system:

(i) the septic tank is to be provided with a baffle;

(ii) the absorption trench is to be a minimum of 450mm wide, and a minimum of 50m long and there must be available area for a second trench to be installed;

(iii) correct construction, installation and maintenance procedures are to be adopted;

(iv) the absorption trench and drainfield area are to be protected from surface runoff by suitable siting and/or cut-off drains;

(v) the drainfield is to be maintained with suitable vegetation to assist with transpiration;

(vi) each lot shall provide for the location of two absorption trenches, such that:

- the trench and drainfield width of 4m are above RL 3.5 and at least twelve metres from the 1 in 5 year flood level.
- the trench shall be at least 12m from a downhill property boundary, watercourse, drainage depression or area of less than 1 ½ gradient.
- in addition, the minimum lot size criteria of 1 ha should not include area below 1 in 5 year flood level.

b) Alternate methods of onsite waste water disposal, including proprietary aerated systems or dual waste systems will be considered on their merits and their suitability for the site, likely occupation levels and maintenance requirements.

3.5 Building Criteria

Desired Outcomes

DO1 – Building materials and colours help to blend buildings into their natural environment.

DO2 - The character, location, siting, bulk, scale, shape, size, height, design and

external appearance of any building or structure that will result from carrying out the development is such as to minimise the visual impact of the development and blend into the natural setting, as much as practicable.

DO3 - Building height complies with the requirements of Kempsey LEP2013.

Development Requirements

Nil.

Chapter E2 – Dual Occupancy in Rural Areas

1.0 Introduction

1.1 Scope of this Chapter

This DCP chapter applies specifically to Dual Occupancies (attached) development within the following zones:

- RU1 – Primary Production;
- RU2 – Rural Landscape;
- RU4 – Primary Production Small Lots;
- R5 – Large Lot Residential;
- E3 – Environmental Management; and
- E4 – Environmental Living.

Dual Occupancies (Attached) means:

> *2 dwellings on one allotment of land that are attached to each other, but does not include a secondary dwelling.*

1.2 Relationship to Other Chapters of this DCP

The provisions of this Chapter override the provisions of any other Chapter of this DCP, to the extent of any inconsistency.

1.3 Purpose of this Chapter

In accordance with the requirements of Kempsey Local Environmental Plan 2013, Dual Occupancies are only permissible in the zones listed in Section 1.1 if they are attached.

This chapter seeks to provide clarification for determining what degree of separation between two dwelling units is possible and still be attached for the purposes of a Dual Occupancy (Attached).

2.0 Chapter Objectives

The objectives of this chapter are:

a) To provide for affordable conversion of existing dwellings on single rural allotments to accommodate an additional dwelling.

b) To prevent fragmentation of rural land.

c) To prevent inappropriate residential development on rural land.

d) To facilitate development in rural areas consistent with the capabilities of the land.

e) To ensure that additional dwellings comply with Council's Flood Risk Management Policy.

3.0 Development Requirements

3.1 Attachment to Form Dual Occupancy (Attached) Development

Desired Outcomes

DO1 - That a Dual Occupancy (Attached) development appears to be a single building as viewed from the roads surrounding the property.

Development Requirements

a) One of the resulting dwellings must be no more than 90 square meters in floor area.

b) Both dwellings are either:

(i) Under one roof; or
(ii) Are within 5 metres of each other and joined by a patio or breezeway covered by a roof. The roof shall extend for the full length of one of the two attached dwellings.

c) Both dwellings share a common driveway crossover at the property frontage. Driveways to each dwelling may diverge within the property boundaries.

3.2 Water and Energy Supply

Desired Outcomes

DO1 - There is sufficient water and energy supply for domestic purposes available to the occupants of both dwellings.

Development Requirements

a) Both dwellings are capable of being immediately connected to Council's reticulated water supply.

b) Alternatively, both dwellings are connected to a rainwater tank with a minimum capacity of 20,000 litres per dwelling.

c) A licensed electrician certifies that both dwellings are capable of immediate connection to the electricity network.

d) Alternatively, a solar electricity supply with sufficient electricity output is provided for both dwellings.

3.3 Waste Water Disposal (including Sewage Disposal)

Desired Outcomes

DO1 - There is adequate area for long term waste-water disposal (including sewage effluent disposal) from both dwellings.

Development Requirements

a) Both dwellings are connected individual or shared On-site Sewerage Management Systems that have sufficient capacity to service both dwellings.

b) The disposal area complies with the controls found in Chapter B8 - Onsite Sewage and Wastewater Management.

4.0 Advice

a) A separate application and approval under Section 68 of the *Local Government Act 1993* may be required for increasing the capacity of onsite sewerage management systems.

b) Upgrading of the fire safety measures in the building may be required to achieve compliance with the Building Code of Australia.

c) Potential applicants are encouraged to discuss proposals with Council at the earliest opportunity when formulating proposals to assist in identifying Council's requirements and any site specific issues.

d) If the development is located on Bushfire Prone Land, it will trigger assessment against Section 79BA of the *Environmental Planning and Assessment Act 1979*. Consequently, the Development Application will need to be accompanied by a Bushfire Assessment Report prepared by an accredited bushfire consultant.

Chapter E3 – Point Plomer Road Precinct

1.0 Introduction

1.1 Scope of this Chapter

This DCP Chapter applies to all development on land within the area bounded by the bold line as shown in the figure below. The area shown in the figure below will be hereafter referred to as the "Point Plomer Road Precinct."

Figure E3-1: Map – Land subject to the provisions of Chapter E3

Land within the Point Plomer Road Precinct is located in the following zones:

- E1 – National Parks and Nature Reserves;
- E3 – Environmental Management; and
- E4 – Environmental Living.

1.2 Relationship to Other Chapters of this DCP

The provisions of this Chapter override the provisions of any other Chapter of this DCP, to the extent of any inconsistency.

2.0 Chapter Objectives

The Objectives of this chapter are:

a) To minimise the negative impacts of all new development.
b) To enhance the natural character and identity of the Point Plomer Road Precinct.
c) To protect and enhance the area's natural beauty, low key scale and significant flora and fauna communities and habitat.
d) To protect, conserve and enhance evidence of cultural heritage, including Aboriginal heritage.
e) To allow for the protection and appropriate management of relics, trees or places which have identified heritage significance, including potential archaeological sites.
f) To ensure development satisfies the principles of ecologically sustainable development having regard to environmental, social and economic impacts, intergenerational equity and the precautionary principle.
g) To ensure existing tourist and visitor accommodation remain environmentally and economically sustainable.
h) To protect existing residential amenity.
i) To ensure the number of dwellings and design details for housing is appropriate for the site and surrounding area.

3.0 Development Requirements

3.1 Character and Low Key Scale

Desired Outcomes

DO1 - Development is of a low-scale and a low-impact nature (being development that does not have a significant negative impact on the ecology of its location, or on the character, amenity or scenic value of the area).

Development Requirements

Nil.

3.2 Fauna and Flora Protection

Desired Outcomes

DO1 - The proposed development is ecologically sustainable in terms of impacts on local flora and fauna and significant habitat and wetlands.

DO2 - The proposed development is ecologically sustainable in terms of impacts on local koalas.

Development Requirements

a) The development application must demonstrate compliance with the following, where relevant:

(i) the *Native Vegetation Act 2003*;
(ii) the *Threatened Species Conservation Act 1995*;
(iii) *State Environmental Planning Policy No 26—Littoral Rainforests*,
(iv) *State Environmental Planning Policy No 44—Koala Habitat Protection*; and
(v) *State Environmental Planning Policy No 71—Coastal Protection*.

b) The development is to have minimal environmental impact on:

(i) Land managed by the Office of Environment and Heritage;
(ii) Wilderness areas; and
(iii) Recognised areas of high conservation value.

c) Any significant trees or native vegetation at the proposed development site is to be retained as far as practicable, including any locally significant koala feed tree species.

d) The proposed removal of any vegetation complies with the relevant requirements of Chapter B10 – Tree Preservation and Vegetation Management.

e) The proposed development complies with the relevant provisions of Chapter B11 – Koala Management.

3.3 Geotechnical Issues

Desired Outcomes

DO1 - Development is appropriately designed in response to local soil stability issues.

DO2 - Sediment and erosion control is undertaken in a manner that prevents silt entering wetlands, watercourses and water bodies.

Development Requirements

a) Development complies with the relevant requirements of Chapter B4 – Earthworks and Sediment Erosion Control.

3.4 Coastal Processes

Desired Outcomes

DO1 - Development minimizes impacts on coastal processes.

Development Requirements

Nil.

3.5 Aboriginal and European Heritage

Desired Outcomes

DO1 - Significant items or areas of Aboriginal and European Heritage Significance are adequately protected or suitable measures are adopted to minimise adverse impacts where disturbance is proposed.

Development Requirements

a) In relation to Aboriginal Heritage, the development satisfies the requirements of Chapter B12 – Aboriginal Heritage.

b) In relation to European Heritage, the development satisfies the requirements of Chapter B13 – Heritage.

3.6 Visual Amenity and Landscape

Desired Outcomes

DO1 - Development does not adversely affect the visual amenity or landscape setting of the Point Plomer Road Precinct.

Development Requirements

a) Any proposed buildings that are part of the proposed development are to be designed to respect the low scale and discrete character of the area.

b) The height of any proposed buildings is to be equal to or lower than:

(i) vegetation canopies on the subject land; and
(ii) ridge lines forming part of the view shed of the proposed development.

c) Adequate landscaping is to be incorporated into the proposed development to provide screening of buildings, in accordance with the relevant requirements of Chapter B9 – Landscaping and Chapter C4 – Tourist Facilities in Rural Areas and Eco-tourist Facilities.

d) The proposed development respects the topography and setting of the site by locating buildings on those parts of the site with least slope.

e) Any proposed vehicular entry is to be designed to restrict direct views of the development from the road.

f) External building materials are to have a low-reflectivity, low-gloss and are to utilise natural colours so that they are generally compatible with the natural setting and are not visually obtrusive.

g) Buildings are set back from the road by a minimum distance of 18 metres.

Note – Council may require the submission of a visual impact assessment, including photomontages from various vantage points, to demonstrate that the proposed development will not have an adverse impact on the visual amenity and landscape setting of the Point Plomer Road Precinct.

3.7 Traffic Management

Desired Outcomes

DO1 - The volume and type of traffic generated from the proposed development does not have an adverse impact on the amenity of the Point Plomer Road Precinct.

DO2 - The safety and efficiency of the local road network is satisfactory.

Development Requirements

a) The proposed development is to not generate excessive vehicular traffic to an extent that will have an adverse impact on the amenity and natural character of the Point Plomer Road Precinct.

b) Driveways are placed so that there are adequate sight distances along the road from both directions.

c) Roads, accesses, parking and loading arrangements comply with the relevant requirements of Chapter B2 – Parking, Access and Traffic Management.

Note – Details of traffic generation or a Traffic Impact Assessment Report may need to be submitted with the development application to demonstrate compliance with these requirements.

3.8 Bushfire Protection

Desired Outcomes

DO1 - Development complies with the relevant requirements of Planning for Bushfire Protection 2006.

Development Requirements

Nil.

3.9 Energy Efficient Design

Desired Outcomes

DO1 - The development is ecologically sustainable in terms of energy efficient design.

Development Requirements

a) A satisfactory BASIX certificate is submitted with any development application for BASIX affected development (eg residential development).

b) For non-BASIX affected development, the development application includes details of a package of measures that will facilitate:

(i) Maximising the use of natural lighting;

(ii) Providing natural ventilation/cooling;
(iii) Taking advantage of passive thermal gain from the sun (eg window placement and use of materials with a high thermal mass);
(iv) Water efficient appliances and fittings; and
(v) Rainwater collection.

3.10 Disposal of Effluent and Stormwater

Desired Outcomes

DO1 - The development is ecologically sustainable in terms of disposal of effluent and stormwater.

Development Requirements

a) Stormwater systems comply with the relevant requirements of Chapter B5 – Stormwater Management and Chapter B6 – Water Sensitive Urban Design.

b) On-site Sewage Management Systems comply with the relevant requirements of Chapter B8 – On-site Sewage Management.

Chapter E4 – Yarrahapinni Land Release Area

1. Introduction

1.1. Scope of this Chapter

This DCP Chapter applies to all development on land located at Lot 333 DP 805299, Yarrahapinni, as shown in the figure below.

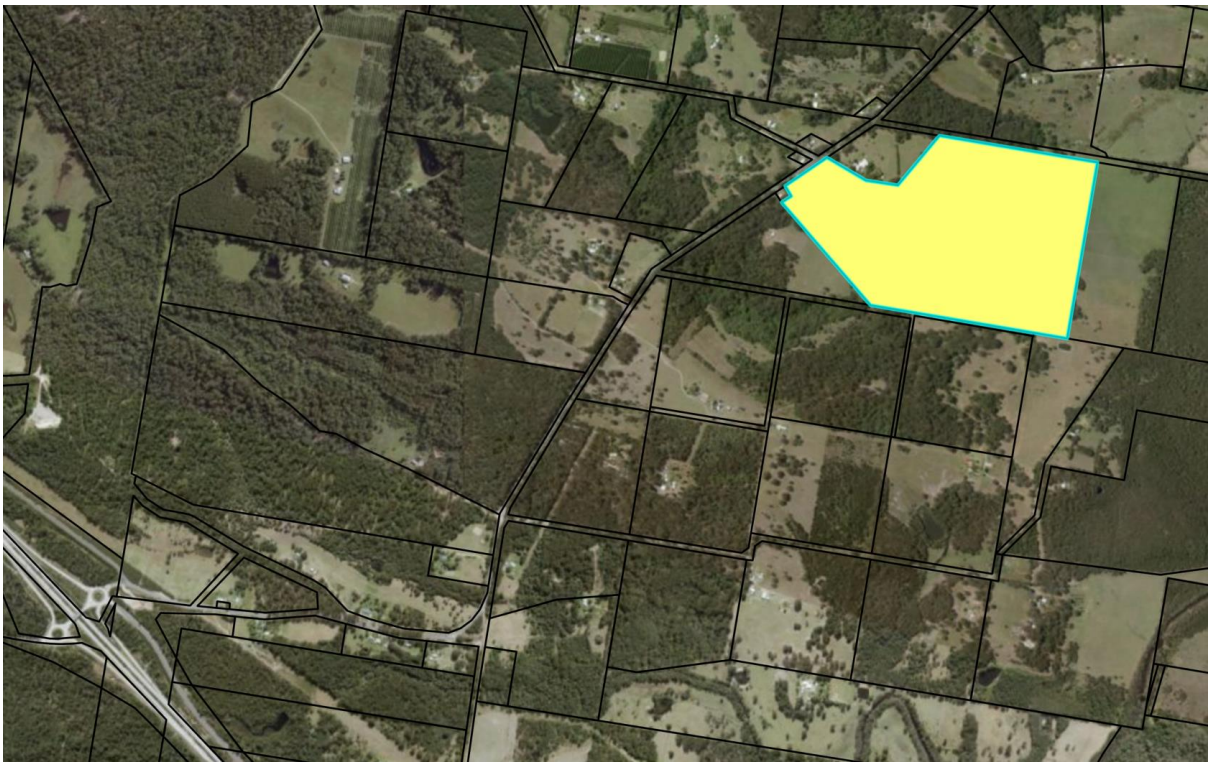


Figure E4-1: Map - Land subject to the provisions of Chapter D6

1.2. Relationship to Other Documents

Kempsey Local Environmental Plan 2013 contains specific requirements that apply to the subject land.

The provisions of this Chapter override the provisions of any other Chapter of this DCP, to the extent of any inconsistency. Development applications will need to be assessed against the provisions of any other relevant chapter of this DCP, in addition to this chapter.

2. Chapter Objectives

The objectives of this Chapter are:

a) To encourage appropriate development, which is sensitive to the environmental values of the land.

b) To ensure appropriate management of environmental zoned land.

c) To protect riparian areas and key fish habitats.

3. Development Requirements

3.1.Flora and Fauna Habitat

Desired Outcomes

DO1 – An assessment on fish habitat conservation and management in accordance with the NSW Department of Primary Industries, *Policy and guidelines for fish habitat conservation and management (June 2013)*.

DO2 – Provide for establishment of a 50 metre wide riparian buffer zone between any development and the waterway to preserve and enhance riparian vegetation, and to avoid impacts on key fish habitat.

DO3 – All significant trees on the site are retained and protected.

Development Requirements

a) An assessment on fish habitat conservation and management in accordance with Section 3.3 of the NSW Department of Primary Industries, *Policy and guidelines for fish habitat conservation and management (June 2013)*.

b) Clearing of native vegetation should be avoided / minimised in the subdivision design with building envelopes and associated infrastructure (including boundary fences, driveways and Asset Protection Zones) to be located within existing cleared areas.

3.2.Vegetation Management Plan

Desired Outcomes

DO1 – A Vegetation Management Plan endorsed by NSW Biodiversity and Conservation and Science Division is submitted to Council prior to the issue of a development consent for subdivision.

DO2 - Landscaping, tree and vegetation works are undertaken in accordance with the endorsed vegetation management plan and KDCP 2013:

- Chapter B9 - Landscaping; and
- Chapter B10 - Tree Preservation and Vegetation Management

Development Requirements

a) Prior to subdivision of the subject land a Vegetation Management Plan is to be prepared and finalised in consultation with Council and the NSW Biodiversity and Conservation and Science Division of the Department of Climate Change, Energy, the Environment and Water.

b) The Vegetation Management Plan shall include measures for:
    a. conservation / enhancement for retained areas of vegetation within environmental zones;
    b. weed control;
    c. requirements and active restoration methods, such as planting of native vegetation to enhance the riparian vegetated corridor;
    d. maintenance in perpetuity.

3.3.Stormwater Management Plan

Desired Outcomes

DO1 – Ensure waterway flow patterns are not disrupted, sediment runoff does not occur and downstream water quality is not impacted.

Development Requirements

a) The preparation of a Stormwater Management Plan should address the following issues:
    - site conditions and catchment context;
    - estimates of runoff where significant;
    - objectives and strategies for complying with water quality, water quantity, conveyance, discharge and flood protection criteria;
    - proposed layout and street design measures and incorporate stormwater source controls in street reserves;
    - provisions of sufficient information to allow adequate assessment of the stormwater drainage system and its components.

b) Water Sensitive Urban design (WSUD) measures are to be incorporated into all development.

Chapter F1 – Stuarts Point

1.1 Introduction

1.2 Scope of this Chapter

This chapter applies to all development on land within the area of Stuarts Point village located within Zone RU5 – Village and Zone IN1 – General Industrial, as shown outlined in bold line in the figure below.

Figure F1-1: Map – Land subject to the provisions of Chapter F1

1.3 Relationship to Other Chapters of this DCP

The provisions of this Chapter override the provisions of any other Chapter of this DCP, to the extent of any inconsistency.

2.0 Chapter Objectives

The objectives of this Chapter are:

a) To provide the planning policy framework for enhancing and maintaining residential, commercial and industrial development within the village of Stuarts Point.

b) To identify, enhance and protect the key elements which comprise the present character of Stuarts Point without removing the incentive for development.

c) To promote urban consolidation through the encouragement of high quality medium density development.

d) To ensure that investigations are carried out in relation to particular large holdings within the village of Stuarts Point prior to further development proceeding.

3.0 Relationship to Other Documents

Kempsey Local Environmental Plan 2013 contains certain requirements that will apply to development in Stuarts Point. The development requirements of this Chapter should be addressed in conjunction with the relevant requirements of KLEP. A copy of KLEP2013 is available on Council's website.

Some Council Policies will apply to development in Stuarts Point. A copy of Council Policies is available on Council's website.

Development Contributions will be triggered by development applications, through:

- Current Section 94 Contribution Plans; and
- Current Section 64 Development Service Plans.

A copy of Council's Contributions Plans are available on Council's website and will need to reviewed to determine their applicability to each development application. Current fees and charges may be calculated by applying annual CPI to the listed contribution rate, or by contacting Council.

The following State Environmental Planning Policies (SEPPs) are considered to be the most relevant to Stuarts Point and should be reviewed and the relevant requirements addressed in any development application for development, including subdivision, in Stuarts Point. Other SEPPs should be reviewed as relevant:

- SEPP (Affordable Rental Housing) 2009;
- SEPP (Exempt and Complying Development Codes) 2008;
- SEPP (Infrastructure) 2007;
- SEPP (Housing for Seniors or People with a Disability) 2004;
- SEPP No.71 – Coastal Protection;
- SEPP No.62 – Sustainable Aquaculture;
- SEPP No.44 – Koala Habitat Protection; and
- SEPP no.14 – Coastal Wetlands.

4.0 Precincts in Stuarts Point

Stuarts Point is divided into the following precincts, as depicted in the following figure, for the purposes of this Chapter:

- Industrial Precinct;
- Neighbourhood Commercial Precinct; and
- Foreshore Protection Precinct.

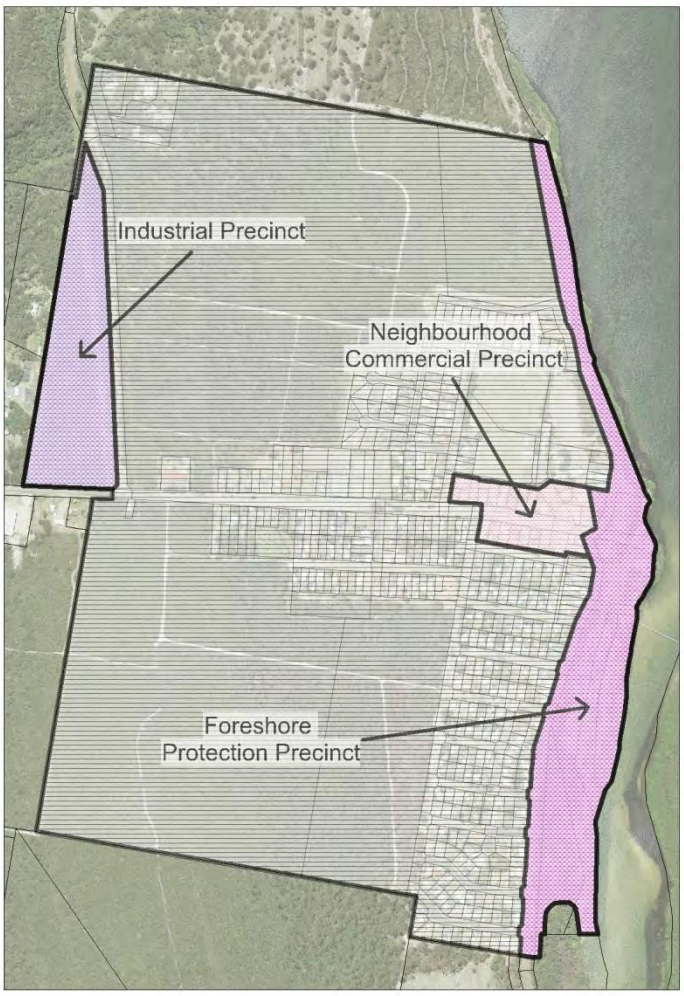


Figure F1-2: Map – Precincts in Stuarts Point

5.0 Development Requirements

5.1 Commercial Development

Desired Outcomes

DO1 - Commercial development is consolidated into the Neighbourhood Commercial Precinct.

DO2 - Commercial development contributes to the establishment of a future integrated shopping complex.

DO3 - Single neighbourhood shops are accommodated throughout the village.

DO4 - Commercial development complies with the relevant requirements of:

- Chapter B1 – Subdivision;
- Chapter B2 – Parking, Access and Traffic Management;
- Chapter B8 – On-site Sewage and Wastewater Management;
- Chapter B9 – Landscaping;
- Chapter B10 – Tree Preservation and Vegetation Management;
- Chapter B14 – Use of Public Areas for Outdoor Dining;
- Chapter B18 – Advertising and Tourist Signs; and
- Chapter C6 – Commercial Development.

Development Requirements

5.1.1 Neighbourhood Commercial Precinct

a) Development for the purpose of commercial premises, not being an "integrated shopping complex", are to be generally confined to within the "Neighbourhood Commercial Precinct".

b) The design of buildings within the Neighbourhood Commercial Precinct is to be compatible with the existing architectural character of Stuarts Point.

c) Sufficient details are to be submitted with Development Applications to enable Council to fully evaluate the proposed appearance of buildings.

d) Carparking and service vehicle delivery areas are to be provided on site, in accordance with Chapter B2 – Parking, Access and Traffic Management.

5.1.2 Integrated Shopping Complex

a) The provision of a minimum of 2000m^2 of commercial gross floor space, incorporating a supermarket and specialty shops, within the "neighbourhood commercial precinct".

b) Parking is to be provided on site at the rate of one (1) space per 20m^2 of gross floor space for the supermarket component and one (1) space per 35m^2 of gross floor space for specialty shops.

c) Adequate provision is to be made for the incorporation of existing trees in a manner which will ensure their long-term survival.

(i) A plan of survey prepared and endorsed by a registered surveyor is to be submitted with Development Applications identifying the location of all trees on site.

d) Building design is to be compatible with the existing architectural character of Stuarts Point.

e) Pole signs are not to exceed 6.2 metres in height and shall not contain advertising signs other than business identification signs.

f) Applications are to be accompanied by a traffic study prepared by a qualified engineer, indicating that proposals will not have any long term or short term adverse impact on traffic movements in the area.

g) Adequate provisions are to be made for the disposal of effluent, such that no adjoining property will be adversely affected.

h) Provision is to be made for connection to Council's sewerage system when services become available.

5.1.3 Neighbourhood Shops

Council will give consideration to proposals for shops outside of the Neighbourhood Commercial Precinct (not being an integrated shopping complex) provided the following criteria have been met:

a) The store is to comply with the definition of "neighbourhood shops" under the provisions of Kempsey Local Environmental Plan 2013.

b) The neighbourhood shop is to comply with the requirements of clause 5.4(7) of KLEP2013.

Note – At the time of adoption, clause 5.4(7) required that the retail floor area of neighbourhood shops not exceed 120 square metres.

c) No more than one (1) such store is to be contained within the building.

d) Council is to be satisfied that the proposal will not reduce the viability of the Neighbourhood Commercial Precinct.

e) The proposal must not reduce the amenity of any adjoining residence.

5.2 Residential Development

Desired Outcomes

DO1 - Residential and tourist accommodation is the dominant form of development within the village.

DO2 - Development does not have an adverse impact on visually sensitive areas.

DO3 - The economic provision of public services is promoted through:
- The prevention of premature and sporadic subdivisions; and
- ensuring that subdivisions and new development take the form of consolidating existing urban areas.

DO4 - Subdivision has adequate regard for existing environmental constraints, such as maximising the preservation of significant flora and fauna.

DO5 - On-site Sewage Management Systems are provided to serve the needs of development and satisfactory arrangements are made for any future connection to a sewer system.

DO6 - Residential development complies with the relevant requirements of Chapter C1 – Residential Development, in addition to the following development requirements.

DO7 - Local parks are provided in accordance with the relevant provisions of Chapter B1 – Subdivision (Section 13.0), in addition to the relevant requirements in this section.

Development Requirements

5.2.1 Location Criteria

a) Residential development, including residential subdivision, is to demonstrate consideration of the future amenity of residents, having regard to the proximity of existing and future commercial and industrial development as well as the proposed sewerage treatment plants.

5.2.2 Design Criteria

a) The design of new development is to be compatible in terms of height, scale and form with the design of adjoining buildings and buildings within the locality.

b) Buildings fronting Marine Parade are to be:

(i) designed so as to minimise their visual impact on the adjoining reserve and the Macleay River;
(ii) constructed of materials which are of a low reflective colour and which compliment the natural colours found in the adjoining reserve; and
(iii) screened from Marine Parade by densely planted landscaping consisting of species that occur naturally in the locality.

5.2.3 Residential Subdivision

a) Subdivision for residential purposes shall only occur on land located immediately adjacent to existing or approved residential subdivisions.

b) Existing land holdings shall not be subdivided where fragmentation is likely to prevent the orderly and economic future subdivision of land for residential purposes.

c) Development for residential purposes will not be approved unless adequate regard has been paid to the likely impact on flora and fauna.

d) Council will not approve of any plan of subdivision of:

- Lot 1422, DP 533781, Ocean Avenue;
- Lot 143, DP 653554, Second Avenue;
- Lot 37, DP 604990, Kimpton Street; or
- Lot 103, DP 857881, Grassy Head Rd.

Unless:

(i) a comprehensive drainage strategy has been formulated for all affected lands including the relationship with the proposed subdivision and all proposed drainage works;

(ii) Council is satisfied that each proposed lot is connected to a sewerage system or satisfactory arrangements have been made for the future provision of a sewerage service to each lot;

(iii) a detailed study of native flora and fauna has been carried out by a suitably qualified ecological consultant identifying areas of native habitat to be retained;

(iv) a statement as to the likely impact on any flora and fauna identified as endangered or threatened under the:
- *National Parks and Wildlife Act 1974*;
- *Threatened Species Conservation Act 1995*; and
- *Fisheries Management Act 1994*; and
- means that are to be employed to minimise any such impact.

(v) a traffic stuffy prepared by a suitably qualified Traffic Engineer has been prepared which identifies a road hierarchy strategy and the relationship of the proposed subdivision to that strategy including provision for a proposed Tourist Drive linking to the south.

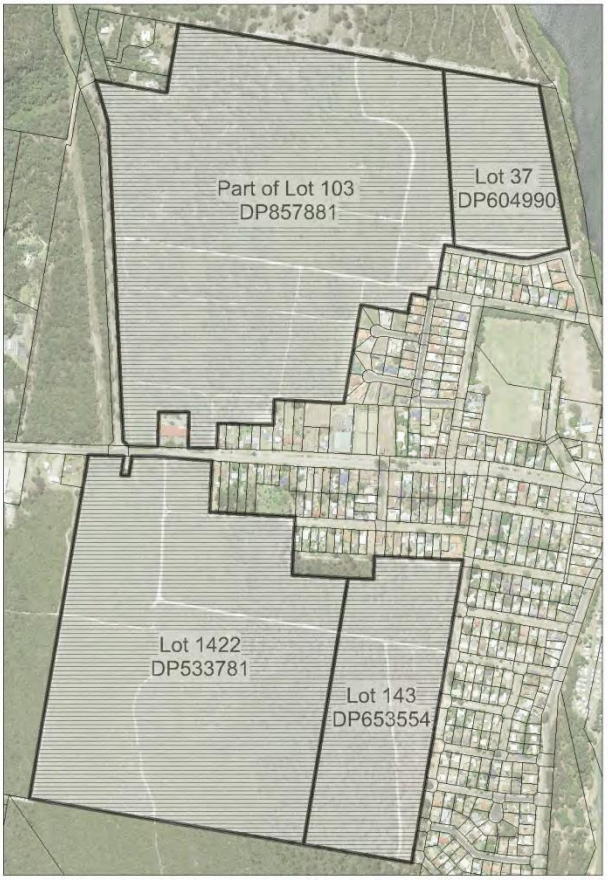


Figure F1-3: Lots affected by specific subdivision requirements

5.2.4 Provision of Local Parks

a) In addition to the matters identified in Section 13.0 of Chapter B1 – Subdivision, any Open Space Management Strategy submitted with a residential subdivision application is to demonstrate compliance with the following requirements:

(i) Areas required for drainage shall be dedicated as drainage reserve and shall not be offset against land required to be dedicated for open space;
(ii) Areas required for habitat protection, excluding land required for drainage purposes, may be offset against land required to be dedicated for open space provided adequate useable open space has been provided in the vicinity;
(iii) Areas required to provide for bushfire trails and radiation buffers shall not be offset against land required to be dedicated for open space; and
(iv) Land suitable for development for public recreation is to be provided such that 75% of new allotments are within 500 metres.

5.3 Foreshore Protection Precinct

Desired Outcomes

DO1 - Development within the "Foreshore Protection Precinct" has a very minor visual and environmental impact on the precinct.

DO2 - The "Foreshore Protection Precinct" is preserved in its natural state, as far as is practicable.

Development Requirements

a) The "Foreshore Protection Precinct" is to remain largely in its existing state.

b) Any buildings erected within the existing caravan park are to be designed so as to minimise any visual impact and are to make provision for suitable landscaping.

c) Any landscaping required for buildings within the "Foreshore Protection Precinct" is to incorporate native species similar to those naturally occurring in the locality.

d) Buildings, other than those required for the caravan park, are to be restricted to picnic shelters of open timber pole construction.

5.4 Industrial Development

Desired Outcomes

DO1 - Industrial development occurs in a manner that will not detract from the amenity of existing and future residents.

DO2 - Potential traffic conflict is reduced.

DO3 - Development has minimal impact on the visual and environmental amenity of the locality.

Development Requirements

a) Development for the purpose of industrial activity, and like uses such as vehicle repair stations, is to be generally confined to land zoned IN1 - General Industrial.

Note - Industrial Development is prohibited in Zone RU5 – Village.

b) A strip not less than 25 metres wide running parallel to Grassy Head Road is to be set aside as a scenic/visual buffer.

(i) Lands required for the scenic buffer between Grassy Head Road and the industrial area shall be retained by means of an appropriate Section 88B Instrument within the ownership of the land zoned IN1 General Industrial. The Section 88B Instrument will be required for any development of the IN1 zoned parcel and shall specify that the care and maintenance of the area is to be the responsibility of the owners and that no trees are to be removed.

c) Development of all lands zoned IN1 General Industrial fronting Grassy Head Road is to provide for two (2) only points of access. Any proposed development shall demonstrate how access to future development via this single means of access can be achieved.

d) The façade of buildings facing Grassy Head Road shall be of masonry brick construction.

e) Landscaping is to be provided within the area fronting Grassy Head Road using native species which compliment the required scenic/visual buffer.

Chapter F2 – Hat Head

1.0 Introduction

1.1 Scope of this Chapter

This DCP Chapter applies to all development on land within the village of Hat Head zoned Zone RU5 – Village, as shown bounded by the bold line in the figure below.

Figure F3-1: Map – Land subject to the provisions of Chapter F2, within bold outline

This chapter is intended to apply to all proposals which are likely to generate an increased demand for sewerage and water services, including:

a) Dual occupancy;
b) Multi dwelling housing;
c) Dwellings houses and additions;
d) Hotel or motel accommodation;
e) Shops;
f) Commercial premises;
g) Subdivision; and
h) Tourist and visitor accommodation.

These terms are defined in Kempsey LEP 2013, except for "subdivision", which is defined in the Glossary of this DCP.

1.2 Relationship with other Chapters of this DCP

The provisions of this chapter override the provisions of any other chapter of this DCP, to the extent of any inconsistency. Development applications will need to be assessed against the provisions of any other relevant chapter of this DCP, in addition to this chapter.

2.0 Chapter Objectives

The Objectives of this chapter are:

a) To identify and preserve the important natural and man-made features which comprise the unique character of the village.

b) To ensure that development is in keeping with the existing character of the village.

c) To ensure that development does not exceed the capacity of the infrastructure and topographical constraints of the village.

d) To encourage innovative building design and site usage in keeping with the existing character of the village.

e) To protect Korogoro Creek from any adverse effects due to stormwater runoff.

f) To minimise the amount of clearing required for development.

3.0 Background and Purpose of this Chapter

Hat Head is a unique coastal village characterized by low density single and two-storey development. The village experiences large seasonal fluctuations in population related to holiday-makers drawn to the village's natural features including beaches, headlands and creek.

Due to factors such as the scarcity of coastal land, demographic shifts in the general population and the availability of a sewerage system to service the village, demand for further development is likely.

The water and sewer system was primarily designed to cater for the needs of the existing village and the large seasonal fluctuations in the population. There is a need to ensure that development proceeds in an orderly manner, within the design capacity of the water and sewerage scheme, and without any diminution of the characteristics which make the village unique.

4.0 Development Requirements

4.1 Sewerage System and Water Supply

Background

The Hat Head water and sewerage infrastructure currently services around 300 residential lots and 80 hectares of residential area with a few commercial buildings and a caravan park. Water supply and the sewerage network and treatment plant (including the dune disposal area), was designed and constructed to cater for the existing village and approved development areas only, with no allowance for any increase in the density of development.

The Hat Head village is located adjacent to ecological communities in the Hat Head National Park. On site disposal of effluent increases risk of environmental impact. Also due to the relative proximity to neighbouring properties, on-site disposal creates an environmental health risk.

4.1.1 Water and sewerage infrastructure

Desired Outcomes

DO1 – The proposed development meets the current design capacity of the Hat Head village water and sewerage scheme.

DO2 – The development does not create risk of adverse environmental health or ecological impacts.

Development Requirements

a) Development does not exceed a maximum of 1 dwelling or 1 Equivalent Tenement (ET)* on each existing allotment within the Hat Head water and sewerage scheme area (Figure 3.1)

- Council will permit one additional unhabitable structure (i.e. outbuilding, shed, etc) per lot to contain on separate toilet and shower, where it is satisfied that the structure is ancillary to the core purpose of a dwelling house.

- Note: Council staff will undertake an onsite facilities assessment to confirm existing approved facilities for any new Section 68 approvals.

b) Development does not incorporate an on-site disposal of effluent system or propose an increase in capacity of an approved on-site disposal system.

**ET is a measure of the demand or loading a development places on infrastructure in terms of water consumption or sewage discharge.*

4.2 Access

Desired Outcomes

DO1 - Vehicle access to individual properties is provided to service the needs of the development and minimize impacts on the local traffic network.

Development Requirements

a) For developments involving subdivision or the erection of dual occupancy or multi dwelling housing, access should not be taken from minor access laneways, unless:

(i) The means of access is to the satisfaction of Council; or
(ii) Suitable arrangements are made to upgrade the means of access and the width of the laneway to the satisfaction of Council

b) Where access is via a minor laneway, the setbacks to the laneway shall be sufficient to permit effective manoeuvring and to allow a vehicle to stand in front of the required covered parking area wholly within the land.

4.3 Residential Densities

The following requirements override similar requirements found in Chapter C1 – Residential Development – Urban Areas.

Desired Outcomes

DO1 - The density of the development is to be compatible with the density of development within the village of Hat Head.

DO2 - The scale of development is to be compatible with the low-density residential character of the area.

DO3 - The provision of open space on property frontages, along the side boundaries and within the rear yard areas is to contribute to the open low-density character of the village of Hat Head.

Development Requirements

a) Residential development shall not exceed the maximum density requirements or minimum landscaping requirements in the following table:

Table F2-1: Density and Landscaping Requirements

Dwelling Size	Site Area (m^2)	Landscaped Area (m^2)
1 bedroom	300	100
2 bedroom	400	150
3 bedroom	500	200
4 bedroom +	100*	20*

*Per additional bedroom

4.4 Visual Impacts and Key Landscape Elements

Desired Outcomes

DO1 - Development protects the scenic and environmental sustainability of the following key landscape elements in order to preserve the character of the village:

- Korogoro Creek, including it aquatic ecosystems and riparian and estuarine vegetation;
- Hat Head Beach, including its natural backdrop;
- Largely undeveloped upper slopes of O'Connors Hill;
- Low residential densities;
- Existing large native trees;
- Lack of kerb and guttering;
- Large undeveloped public reserve and camping area; and
- Retention of existing dominant building forms.

Development Requirements

a) Residential development is to be low density.

b) All buildings north of Korogoro Creek are to be sited and designed so that no part of any building (including roof structures) will be visible when viewed from any part of Hat Head Beach. Where necessary, a plan prepared by a Registered Surveyor may need to be provided to demonstrate compliance.

c) Buildings are not to be erected on the upper slopes of O'Connors Hill.

d) Buildings and associated access driveways on the lower and mid slopes of O'Connors Hill must be sited and designed so as to minimize any visual impacts when viewed from the main village area or Hat Head Beach. Measures such as vegetative screening and low roof heights are to be employed to minimize the impact of buildings erected on the slopes of O'Connors Hill.

e) Existing trees and other vegetation are to be preserved on the ridge of O'Connors Hill, so that no cleared areas are visible on the ridge line when viewed from the main village area or Hat Head Beach.

f) Clearing on O'Connors Hill, including clearing to meet bushfire hazard reduction requirements, must not significantly reduce the existing tree and other vegetation cover when viewed from the main village area or Hat Head Beach.

g) All existing large native trees within the Hat Head village area are to be identified and, where practicable, protected and preserved.

h) Grassed swales, in lieu of kerb and guttering, are to be used for stormwater drainage in street reserves.

i) Permanent immovable structures should not be erected within the public reserve and camping area.

j) Buildings are to be designed to be compatible with the existing character of Hat Head village and utilize predominantly non-masonry external

cladding.

k) Buildings fronting Korogoro Creek must not result in unacceptable impacts on existing passive recreational activities within the creek and foreshore areas.

Note: A Visual Analysis of the proposed development will be required to be submitted with a Development Application to demonstrate compliance with the above development controls.

4.5 Stormwater Disposal

Desired Outcomes

DO1 - Development minimises the impacts of stormwater runoff on adjoining properties and receiving waterways.

Development Requirements

a) Developments shall be designed so as to minimize the amount of hardstand areas required to provide driveways, parking and boat storage areas, paved courtyards, etc.

b) Where possible, access to developments should be via a single access point.

c) New developments shall be designed so as to ensure runoff will not increase pre-development flow rates during a 1 in 5 year storm event in accordance with Australian Rainfall and Run Off guidelines. All stormwater shall be collected and disposed of wholly on-site.

d) Stormwater runoff from the development is to have no adverse environmental impact on water quality within adjacent estuaries.

e) A description of the intended method of achieving this requirement shall be included with the plans for the required development application.

f) Where it is proposed to satisfy this requirement by on-site storage in rainwater tanks, the means proposed to maintain the capacity of the system shall be provided, including a contingency for any overflows.

g) Where an allotment contains existing buildings, provision shall be made to ensure that runoff from existing roof and hardstand areas are directed to the required disposal system.

h) The design of the required disposal system shall have regard to the fact that Council does not intend providing or requiring the construction of any kerb and guttering.

4.6 Tree Retention

Desired Outcomes

DO1 - Development preserves existing large native trees, where practicable.

DO2 - Existing large native trees are only removed where the tree is in poor health or it is demonstrated that the removal of the tree will not have an adverse impact on the existing coastal village character of Hat Head village.

Development Requirements

a) The plans submitted for all development applications for buildings or subdivision shall indicate the location of all trees located on the land or any trees which overhang the site, including a full description of the size and species of those trees.

b) Trees that comprise a *key landscape element* (ie existing large native trees) shall not be removed.

c) Any tree that does not comprise a *key landscape element* must not be removed unless it can be demonstrated that removal is justified having regard to a lack of any feasible design alternatives.

d) A building shall not be erected within five (5) metres of any *tree,* whether or not a *key landscape element,* unless it is demonstrated that erection of the building is unlikely to require removal of any tree in the future.

e) Where approval is granted for a development which authorizes tree removal, compensatory tree planting of trees with an equivalent scenic and environmental value is to be provided, either on site or on the adjoining road reserve.

5.0 Advice

(a) Upgrading of the fire safety measures in the building may be required to achieve compliance with the Building Code of Australia.

(b) Potential applicants are encouraged to discuss proposals with Council at the earliest opportunity when formulating proposals to assist in identifying Council's requirements and any site specific issues.

(c) The vast majority of Hat Head Village is identified as Bushfire Prone Land and development should comply with the requirements of "Planning for Bushfire Protection 2019."

GLOSSARY

This plan adopts the terms and definitions of the *Kempsey Local Environment Plan 2013*, *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and *Environmental Planning and Assessment Act 1979*. Additional terms used in this DCP are defined below. Where there is an inconsistency, the higher order instrument prevails.

1.0 Abbreviations/ Acronyms Used in this DCP

AHD	Australian Height Datum
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
AMCORD	Australian Model Code for Residential Development
ANEF	Australian Noise Exposure Forecast
APZ	Asset Protection Zone
ARI	Average Recurrence Interval
AS	Australian Standards
BASIX	Building Sustainability Index
BCA	Building Code of Australia
CBD	Central Business District
CC	Construction Certificate
CIV	Capital Investment Value
CKPoM	Comprehensive Koala Plan of Management
CMP	Conservation Management Plan
CPTED	Crime Prevention through Environmental Design
DA	Development Application
DBH	Diameter at breast height
DBHOB	Diameter at breast height over bark
DCP	Kempsey Development Control Plan 2013
DCP	also refers to any Development Control Plan prepared in accordance with the *Environmental Planning and Assessment Act 1979.*
DDA	*Disability Discrimination Act 1992*
DoPI	NSW Department of Planning and Infrastructure
EEC	Endangered Ecological Community
EPA	Environment Protection Authority
EPAA or EPA Act	*Environmental Planning and Assessment Act 1979*
ESCP	Erosion and Sediment Control Plan
ESD	Ecologically Sustainable Development
FPL	Flood Planning Level
FSR	Floor space ratio
GFA	Gross Floor Area
GLFA	Gross Leasable Floor Area
IWCM	Integrated Water Cycle Management
KDCP 2013	Kempsey Development Control Plan 2013

KLEP 1987	Kempsey Local Environmental Plan 1987 (as amended)
KLEP 2013	Kempsey Local Environmental Plan 2013
LALC	Local Aboriginal Land Council
LES	Local Environmental Study
LGA	Local Government Area
MNCRS	Mid North Coast Regional Strategy
NCREP	North Coast Regional Environmental Plan 1988 (as amended)
NGL	Natural Ground Level
NPW Act	National Parks and Wildlife Act 1974
NPW Regulation	National Parks and Wildlife Regulation 2009
NSW	New South Wales
NSWFB	NSW Fire Brigades
OEH	Office of Environment and Heritage
PMF	Probable Maximum Flood
PMP	Probable Maximum Precipitation
PP	Planning Proposal
RFS	Rural Fire Service
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SES	State Emergency Service
SHI	Statement of Heritage Impact
SSMR	*Strata Schemes Management Regulations 2005*
SWMP	Soil and Water Management Plan
SWMCP	Stormwater Management Concept Plan
SWMMP	Site Waste Minimisation and Management Plan
VMP	Vegetation Management Plan
WSUD	Water Sensitive Urban Design

2.0 Definitions of Terms Used in this DCP

"Aboriginal Cultural Heritage Consultation Requirements for Proponents"	This document is produced by the OEH and the purpose of this document is to establish the requirements for consultation with the registered Aboriginal parties as part of the heritage assessment process to determine potential impacts for the proposed activities on Aboriginal cultural heritage and to inform decision making for any application for an Aboriginal Heritage Impact Permit (AHIP). See: http://www.environment.nsw.gov.au/licences/consultation.htm
Aboriginal Culturally Modified Tree	Means a tree that, before or concurrent with (or both) the occupation of the area in which the tree is located by persons of non-Aboriginal extraction, has been scarred, carved or modified by an Aboriginal person by: • The deliberate removal, by traditional methods, of bark or wood from the tree, or • The deliberate modification, by traditional methods of bark or wood of the tree.
Aboriginal Heritage Impact Permit (AHIP)	Statutory instrument issued by the Office of Environment and Heritage (OEH) under section 90 of the *National Parks and Wildlife Act 1974* (NPW Act) to manage harm or potential harm to Aboriginal objects and places. See: http://www.environment.nsw.gov.au/licences/Section87Section90.htm
Aboriginal Heritage Information Management System (AHIMS)	Aboriginal Heritage Information Management System is a search engine managed by OEH which contains information about Aboriginal objects that are reported to the Director General and registered and also provides information about Aboriginal Places. Please note that this AHIMS list is not exhaustive and further research may be required. See: http://www.environment.nsw.gov.au/licences/WhatInformationCanYouObtainFromAHIMS.htm
Aboriginal Objects	Means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

	Examples of Aboriginal Objects include: • Human skeletal remains; • Aboriginal culturally modified tree; • Middens; • Rock art (painting and engravings); • Stone artefacts/tools; • Raised earth rings; • Grinding grooves; • Rock shelters; • Earth mounds; • Hearths; and • Stone arrangements. • Refer to Appendix 1 of the Due Diligence Code for examples of these objects.
Aboriginal Places	A statutory term meaning any place declared to be an Aboriginal place (under s.84 of the NPW Act) by the Minister administering the NPW Act, by order published in the Gazette, because the Minister is of the opinion that the place is or was of special significance with respect to Aboriginal culture. It may or may not contain Aboriginal objects. See: http://www.environment.nsw.gov.au/conservation/AboriginalPlacesNSW.htm
Aboriginal place of heritage significance	Means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is: (a) The site of one or more Aboriginal objects or a place of that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or (b) A natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance. **Note.** The term may include (but is not limited to) places that are declared under section 84 of the *National Parks and Wildlife Act 1974* to be Aboriginal

	places for the purposes of that Act.
Above awning sign	Means an advertising sign attached to the upper side of an awning (other than the fascia or return end).
Access handle	A strip of land forming part of a site which has the principle function of providing a property access.
Activity (in relation to Aboriginal Objects and Places)	Means a project, development, activity or work (this term is used in its ordinary meaning, and does not just refer to an activity as defined in Part 5 of the EPA Act).
Adaptation	Means modification of a heritage item to suit a proposed, compatible use.
Adjacent land or Adjoining Land	Generally means land which abuts the site or is separated from it by a pathway, driveway, roadway or similar thoroughfare.
Advertisement/ Advertising Sign	Has the same meaning as in the EPA Act. **Note:** the EPA Act defines and Advertisement 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 (for public notification)	Means the placement of public notice in a newspaper or publication circulating at least once a week in the locality.
Advertising Display Area	Of an Advertising structure that contains advertising on two or more sides is to be calculated separately for each side and is not the sum of display areas on all sides.
Advertising structure	Means a structure used or to be used principally for the display of an advertisement.
Aesthetic Significance	Means an item having this value is significant because it has visual or sensory appeal, landmark qualities and/or creative or technical excellence.
Alter	In relation to: a) a heritage item means to: • make structural changes to the outside of the heritage item, or • make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, other than changes ensuing from the maintenance of the existing detail, fabric, finish or

	appearance of the outside of the item. b) a building or work within a heritage conservation area means to: • make structural changes to the outside of the building or work; or • make non-structural changes to the detail, fabric, finish or appearance of the outside of the building or work, not including changes resulting from painting previously painted surfaces, providing the same colour scheme and paint type is used.
Alternative solution	Means another method which achieves the same Desired Outcome as a Development Requirement.
AMCORD	Means the Australian Model Code for Residential Development and its various versions and editions.
Amenity	The liveability or quality of a place which makes it pleasant and agreeable to be in for individuals and the community. Amenity includes elements such as sunlight, views, privacy, ambiance and the like.
Ancillary Buildings/Structures	Buildings or structures used for a variety of purposes, that support the function of the central building/structure. Buildings, used for a variety of purposes, providing support to essential services or for a central function.
Annex	Means an attachment to a movable dwelling used as an extension of the livable area of that dwelling and which is capable of being erected or removed from a site within 24 hours.
Application Site	Means the land to which an application relates and includes any easement or right of way pertaining to the site.
Approval	Includes an authority or consent or permission.
Arborist	Means a suitably qualified specialist in the cultivation and care of trees and shrubs including tree surgery and identification and prevention of tree diseases.
Archaeological Assessment	Means a study undertaken to establish the archaeological significance (research potential) of a particular site and to propose appropriate management actions.

Archival and Photographic Record	Means measured drawings, written descriptions and photographs sufficient to provide a clear understanding of the heritage significance of a building, work, relic, tree or place and its context.
Australian Heritage Committee (AHC)	An independent statutory authority which is responsible to the Commonwealth Minister for the Environment. It administers the AHC Act and maintains the Register of the National Estate.
Australia ICOMOS	The national committee of the International Council on Monuments and Sites.
Australian Standards	Published documents setting out specifications and procedures designed to ensure products, services and systems are safe, reliable and consistently perform the way they were intended to. They establish a common language which defines quality and safety criteria.
Average Recurrence Interval (ARI)	Means the long-term average number of years between the occurrence of a flood as big as, or larger than, the selected event. For example, floods with a discharge as great as, or greater than, the 20 year ARI flood event will occur on average once every 20 years. ARI is another way of expressing the likelihood of occurrence of a flood event.
Awning	A predominantly horizontal structure that projects over a footpath from the host building to provide weather protection for pedestrians.
Awning fascia sign	A sign on the fascia of an awning or verandah.
Balcony	An outdoor, open or partially enclosed area that is either partially integrated into or protrudes entirely from the outer enclosing walls of a building as a means of providing private open space.
Basement	A space of a building where the floor level of that space is predominantly below ground and where the floor level of the storey immediately above is less than 1-metre above finished ground level.
BASIX	Introduced as part of the NSW planning system, BASIX (the Building Sustainability Index), is a web based planning tool that measures the potential performance of new residential dwellings against sustainability indices.
Battleaxe	Refers to an allotment that relies on an access handle as a means of access to a public street and as such the lot does not have a frontage to

	the street.
Bed and breakfast accommodation	As defined in Kempsey LEP 2013.
Bedroom	Means a room which is designated, used, or Council considers is capable of being used or adapted for sleeping in whether or not building alterations are involved or it is the current owner's intention to do so.
Brownfield Development	Means development on a site that has previously been used for urban purposes.
Buffer	Refers to the area surrounding the protected land use, generated using a radial width in metres from the protected land use or associated property.
Building	Has the same meaning as it has in the *Environmental Planning and Assessment Act 1979*.
Building elevation	The external walls of a building.
Building height	Means the vertical distance between the natural ground level at any point to highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like. **Note:** Refer to SEPP No.6 – Number of Storeys in a Building for further detail regarding the determination of the height of a building.
Building identification sign	Means a sign that that identifies or names a building, and that may include the name of a building, the street name and number of a building, the nature of the business and a logo or other symbol that identifies the business, but that does not include general advertising of products, goods or services. (source: SEPP No. 64 – Advertising and Signage)
Building line (setback)	Means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and: • a building wall, or • the outside face of any balcony, deck or the like, or • the supporting posts of a carport or veranda roof, whichever distance is the shortest.
Building wrap advertisement	Means an advertisement used in association with the covering or wrapping of:

	(a) a building or land, or (b) a building that is under construction, renovation, restoration or demolition, but does not include a wall advertisement. (source: SEPP No. 64 – Advertising and Signage)
Burra Charter (and its guidelines)	Adopted by Australia ICOMOS which establishes the nationally accepted principles for the conservation of places of cultural significance.
Business identification sign	Means a sign: (a) that indicates: (i) the name of the person or business, and (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and (b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not include any advertising relating to a person who does not carry on business at the premises or place. (source: SEPP No. 64 – Advertising and Signage)
Ceiling Height	Is the height from either Finished Floor Level (FFL) or natural ground level to the underside of the ceiling.
Change of Building Use	Means a change of use of a building from one class of building as identified in the Building Code of Australia to a different class of building.
Commercial Area	Means an area or place used for commercial purposes whether or not zoned for such purposes.
Community Facility	As defined in KLEP 2013.
Compatible Use	Means a use for a heritage item which involves no change to its culturally significant fabric, changes which are substantially reversible or changes which make a minimal impact.
Compensatory Setback	Means the area of land on which no buildings are erected, or are proposed to be erected, which is in excess of the specified minimum average setback applying to the extent of the geometric centre line.
Conjectural	Means alteration of a heritage item to simulate a

Reconstruction	possible earlier state, which is not based on documentary or physical evidence. This treatment is outside the scope of the Burra Charter's conservation principles.
Conservation (heritage)	Means all the processes of looking after a place so as to retain its cultural significance. It includes maintenance and may according to circumstances include preservation, restoration, reconstruction and adaptation in any one place and will be commonly a combination of more than one of these.
Conservation Management Plan	Means a document prepared in accordance with the provisions of the NSW Heritage Manual. It should establish the heritage significance of the item, place or heritage conservation area and should identify conservation policies and management mechanisms that are appropriate to enable that significance to be retained.
Conservation Plan	Means a document prepared in accordance with the NSW Heritage Manual to establish the heritage significance of a building, structure, work, relic, tree or place and to identify conservation policies and management mechanisms that are appropriate to enable that significance to be retained.
Conservation Policy	Means a proposal to conserve a heritage item arising out of the opportunities and constraints presented by the Statement of Heritage Significance and other considerations.
Construction Certificate	A Construction Certificate essentially certifies that the detailed construction plans and specifications for the development are consistent with development consent, and comply with the Building Code of Australia (BCA) and other adopted industry standards. This Certificate is required prior to commencing work.
Council	Means Kempsey Shire Council. Reference in this plan to the Council may include Council staff properly exercising authority delegated by the Council.
Council's Engineering Guidelines for Subdivision and Development	A set of design and construction standards, based on the AUS-SPEC standards and modified for Council's purposes, used for the design and construction of infrastructure and related matters.
Crime Prevention through Environmental Design	(CPTED) is a multi-disciplinary approach to deterring criminal behaviour through environmental design. CPTED strategies rely upon the ability to influence offender decisions that

	precede criminal acts.
Cultural Landscapes	Means those areas of the landscape which have been significantly modified by human activity. They include rural lands such as farms, villages and mining sites, as well as country towns.
***Cultural significance* (1)**	Means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups.
***Cultural Significance* (2)**	A term frequently used to encompass all aspects of significance, particularly in guidelines documents such as the Burra Charter. Also one of the categories of significance listed in the *Heritage Act 1977*. (see also Heritage Significance)
Curtilage (heritage)	The geographical area that provides the physical context for an item, and which contributes to its heritage significance. Land title boundaries and heritage curtilages do not necessarily coincide.
Dangerous tree	Means a tree that has lost stability or structural integrity to a point that it poses a threat to life that no remedial works can mitigate. Also refers to vegetation that interferes with the safe flight path of aircraft or sight lines for traffic.
Dead (tree)	Means a tree where all processes within all of the vascular tissue has ceased.
Deck	Refers to an external platform, usually elevated, located alongside and accessible from an interior space.
Deep soil zones	Areas of natural ground retained within a development, uninhibited by artificial structures and with relatively natural soil profiles. Deep soil zones have important environmental benefits, including; • promoting healthy growth of large trees with large canopies, • protecting existing mature trees, and • allowing infiltration of rainwater to the water table and reduction of stormwater runoff.
Demolition	Means the complete or partial dismantling of a building or structure including damage, defacement or the relocation of a building or

	structure.
Desired Outcome	A performance solution for achieving a certain Development Requirement. They are usually matched to a Development Requirement, but not necessarily so.
Destroy (a tree)	Includes killing, clearing, removing, cutting, burning, ring barking, knocking over, poisoning, lopping, topping or cutting of living branches of a tree, or root system, or damaging a trees root system by compaction, excavation or asphyxiation including unauthorised filling or stockpiling of materials.
Development	Has the same meaning as it has in the *Environmental Planning and Assessment Act 1979*. **Note:** Under the EPA Act, development is defined as: a) the used of land, and b) the subdivision of land, and c) the erection of a building, and d) the carrying out of a work, and e) the demolition of a building or work, and f) any other act, matter or thing referred to in section 26 that is controlled by an environmental planning instrument, but does not include any development of a class or description prescribed by the regulations for the purposes of this definition.
Development Lot (1)	Means a large parcel of land that is identified for future development subject to separate planning approval.
Development Lot (2)	Are defined as lots that are not yet developed or subdivided for their ultimate yield. It does not include lots where the proposed subdivision is to separate nonurban land from urban zoned land.
Development Requirements	Are one way of achieving a Desired Outcome. They are generally a prescriptive measure to achieve the performance oriented Desired Outcome.
Disturbed Land (or Land already disturbed by previous activity)	Means land is disturbed if it has been the subject of human activity that has changed the land's surface, being changes that remain clear and observable. Examples include ploughing, construction of rural infrastructure (such as dams and fences), construction of roads, trails and tracks (including fire trails and tracks and walking tracks), clearing vegetation, construction of buildings and the

	erection of other structures, construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure) and construction of earthworks.
Dual Occupancy	Means a development comprising of no more than two (2) dwellings, be they attached or detached.
Due Diligence	Taking reasonable and practical steps to determine whether a person's actions will harm an Aboriginal object and, if so, what measures can be taken to avoid that harm.
Dwelling	Means a room 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 (or single dwelling house)	Means a building and allotment containing one but no more than one dwelling.
Dying (tree)	Means a tree that has declined to a point that no remedial action will prevent death.
Endangered Ecological Community (EEC)	Means an assemblage of species which can include flora, fauna and other living organisms that occur together in a particular area. An Endangered Ecological Community is an ecological community that is listed as facing a very high risk of extinction in NSW under the *Threatened Species Conservation Act 1995.*
Endemic Species	Means species which naturally occur on the NSW Mid-North Coast or cultivars of such species.
Environmental heritage	Means those places, buildings, works, relics, movable objects and precincts of State or local heritage significance.
Environmental Planning and Assessment Act 1979 **(EP&A Act)**	The statutory framework within which State Government and local government guide and control land use and development.
Environmental Weed	Means a plant determined to be an Environmental Weed by the North Coast Weeds Advisory Committee and/or the Department of Agriculture.
Excavation	Means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.
Fabric	Means all the physical material of the place.

Façade	The elevation of a building facing the street.
Fascia Sign	Means an advertising sign attached to the fascia or return of an awning.
Flood Planning Level (FPL)	Generally means the level of a 1:100 ARI (average recurring interval) flood level plus 0.5m freeboard.
Flood prone land	Synonymous with flood liable and floodplain - is the area of land which is subject to inundation by the probable maximum flood (PMF).
Floor	Refers to the space within a building that is situated between one floor level and the next level above or, if there is no floor above, the ceiling of or roof above.
Floor space ratio	Means the ratio of the gross floor area of the building to the site area of the land on which the building is or is proposed to be erected;
Floor space ratio	Means the ratio of the gross floor area of all buildings on a site to the site area.
Flush Wall Sign	Means an advertising sign attached to the wall of a building (other than the transom of a doorway or display window).
Freestanding advertisement	Means an advertisement that is displayed on an advertising structure that is mounted on the ground on one or more supports. Freestanding advertisements include pole and pylon signs (source: SEPP No. 64 – Advertising and Signage)
Front fences and walls	Refers to fences and walls situated forward of the building façade or within the nominated front building line (setback), whichever is the greater, that are located on the site.
Frontage or primary frontage	Refers to the area of abutment between a boundary line between a site and a public street, and in the case of a multi-frontage site the boundary at which the property is addressed.
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 1,400 millimetres above each floor level excluding: (i) columns, fin walls, sun control devices

	and any elements, projections or works outside the general line or 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; and (iv) space for the loading and unloading of goods.
Gross Leasable Floor Area (GLFA)	The sum of the area of each floor of a building where the area of each floor is taken to be the area within the internal faces of the walls, excluding stairs, amenities, lifts, corridors and other public areas but including stock storage area.
Habitable room	Means a space, room or any combination of areas used for domestic activities including: • bedroom, living room, dining room, recreation room, theatre room, study room, sun room, home office or the like, But does not include: • bathroom, laundry, water closet, pantry, walk in wardrobe, lobby, or any other like room or space of a specialised nature that is not occupied frequently or for extended periods.
Harm (for Aboriginal Objects)	• Destroy, deface, damage and object; • Move an object from the land on which it is situated; and • Cause or permit an object to be harmed.
Height	Refer to the definition of "Building height."
Heritage Act 1977	The statutory framework for the identification and conservation of heritage in New South Wales. The Act also describes the composition and powers of the Heritage Council.
Heritage Branch	The State Government agency responsible for providing policy advice to the Minister, administrative services to the Heritage Council and specialist advice to the community on heritage matters
Heritage Conservation Area	An area identified in an environmental planning instrument or a State heritage register as having a particular heritage significance. Examples of

	Heritage Conservation Areas include the Belllbrook and the Gladstone Heritage Conservation Areas.
Heritage Council	The New South Wales Government's heritage advisory body established under the *Heritage Act 1977*. It provides advice to the Minister for Planning and others on heritage issues.
Heritage Fabric	All the physical material of an item, including surroundings and contents which contribute to its heritage significance.
Heritage Impact Statement	Identifies the significance of the item, property or relic; assesses the impact that the proposed work will have on this significance and identifies the measures which are proposed to minimise this impact. The Heritage Impact Statement is prepared in accordance with the provisions of the NSW Heritage Manual and its companion documents.
Heritage Item	Means a building, work, relic, tree or place or a group of buildings, works, relics or trees which is described in Schedule 5 of Kempsey Local Environmental Plan 2013 and shown by heavy edging and hatching on the HER map series accompanying KLEP 2013.
Heritage Map	Means the map series identified by the term "Heritage Map" and the reference "HER" forming part of Kempsey Local Environmental Plan 2013.
Heritage Precinct	An area or part of an area which has a consistent heritage character, but does not include a Heritage Conservation Area. Heritage Precincts are only defined/identified in the DCP and no other planning instruments or legislation. Whereas Heritage Conservation Areas are defined/identified in environmental planning instruments and State government heritage registers. Examples of Heritage Precincts are found in Frederickton, Smithtown, and Kempsey.
Heritage Significance	Means historic, scientific, social, cultural, archaeological, architectural, moveable, natural or aesthetic significance for past, present or future generations.
Historic Houses Trust	The State Government instrumentality responsible for maintaining and managing house museums.
Historical Significance	An item having this value is significant because of the importance of its relationship to the evolving

	pattern of our cultural history.
Illuminated sign	Means a sign which is internally or externally lit by artificial lighting whether that lighting is integral to or separate from the sign, include signs that have flashing or sequenced lighting, spotlighting, directional, and projected or laser lighting.
Impervious area	Means a surface area that does not allow rainwater to penetrate through into the underlying ground.
Important Vegetation	Means vegetation that has either been identified by an ecological study as being important to the survival of any native flora or fauna or is required to preserve the existing natural character of the locality.
Indigenous species	Refers to a plant or animal species that occurs at a place within its historically known natural range and that forms part of the natural biological diversity of a place.
Industrial area or premises	Means an area or place used for industrial or business purposes, whether or not zoned for such purposes.
Infill	Infill development is any allotment that is neighboured or adjoins a property that supports a building, including sites within new subdivisions, where that development has already occurred.
Initial Subdivision Plan (for Chapter D3)	Means a plan of subdivision without physical works to create super-lots generally as shown on Plan 2 Initial Subdivision (refer to Appendix A Of Chapter D3)
Integrated Development	Means development (not being complying development) that, in order for it to be carried out, requires development consent and one or more of the approvals set out in Section 91 of the *Environmental Planning & Assessment Act, 1979* (as amended).
Integrity	A Heritage Item is said to have integrity if its assessment and statement of significance is supported by sound research and analysis, and its fabric and curtilage are still largely intact.
Greenfield Development	Means development on a site not previously used for an urban purpose.
Land	Includes: a) The sea or an arm of the sea,

	b) A bay, inlet, lagoon, lake or body of water, whether inland or not and whether tidal or non-tidal, and c) A river, stream or watercourse, whether tidal or non-tidal, and d) A building erected on the land.
Landscaped area	Means a part of a residential site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area (excludes access paths).
Local overland flooding	Means inundation by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam.
Local Park/Open Space	A park/open space area that serves a neighbourhood and is located close to or within residential areas.
Long term resident	In relation to a caravan park, means a person (other than any person who is a caretaker, manager or employee or anyone living with any such person) whose principal place of residence is a movable dwelling place in the park.
Long term site	Means a dwelling site that is specified in the approval for a caravan park as being a long- term site.
Lot (or allotment)	Means a separate property created by Torrens title subdivision.
Major roads	Includes arterial roads and sub-arterial roads.
Manufactured home	Means a self-contained dwelling (that is, a dwelling that includes at least 1 kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling: (a) that comprises 1 or more major sections that are each constructed, and assembled, away from the manufactured home estate and transported to the estate for installation on the estate; and (b) that is not capable of being registered under the *Traffic Act 1909*; and (c) includes any associated structures that form part of the dwelling.
Manufactured home estate	Means land on which manufactured homes are, or are to be, erected.
Maximum Site Coverage	Means the ratio of the area of an allotment

	covered by buildings to the total area of the allotment expressed as a percentage, whether or not those buildings have enclosing walls.
Measured Drawing (heritage)	A technical or architectural record of a heritage item to scale, analysing the heritage significance of the fabric (for example, dates of construction and materials).
Minor roads	Includes collector roads and local roads.
Mobile home park	Has the same definition ascribed to caravan park (refer to KLEP 2013).
Movable dwelling	Means: (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation; or (b) a manufactured home; or (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993)* for the purpose of this definition.
***National Trust of Australia* (NSW)**	A community organisation which maintains a register of heritage items and provides advice on heritage issues.
Natural Area	Areas with significant ecological, scenic or natural character values. An example is National Parks.
Natural Ground Level	Means the level of the ground before commencement of any site filling or building work carried out either prior to or as a result of the proposed development.
Natural Heritage Significance	Means natural areas and items (as opposed to cultural items) that have natural heritage significance for their evolutionary, aesthetic, technical/research and social values. The National Parks and Wildlife Service should be consulted regarding items of natural heritage significance.
Neighbouring Land	Means any land other than adjoining land, which may be detrimentally affected by the use of the Application Site or the erection of a building on an Application Site (includes properties in a neighbouring Council area).
Nominated Buffers	For the purposes of Chapter B17 – Conflicting Land Use Buffers, means those buffers identified in the Appendix of Chapter B17.
Non-habitable room	Spaces of a specialised nature not occupied

	frequently or for extended periods, including bathrooms, toilets, pantries, walk-in wardrobes, corridors, lobbies, photographic darkrooms and clothes drying rooms.
Notification	Means giving written notice in accordance with Council's Policy for public notification.
Noxious Weed	Means a plant species identified as a noxious weed under the *Noxious Weeds Act 1993.*
NSW Heritage Manual	Comprises a series of publications explaining the three (3) steps of the NSW Heritage Management System and how they can be applied.
Nuisance Emissions	Refers to emissions of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise.
Old growth tree	Are those where the canopy is in the late mature to over mature (senescent or partly dying) growth stage, many containing hollows and often with the presence of dieback or dead branches in the crown.
Open space	Means an area on a site external to the buildings on a site.
Operable screening device	Refers to sliding, folding or retractable elements on a building designed to provide shade, privacy and protection from natural elements.
Outbuildings	Means any freestanding building which is on the same allotment as a dwelling (either existing or proposed) not intended to be used for the purposes of human habitation and may include garages, boat or caravan storage, workshops, storage sheds or the like.
Owner	Means the name and address of the proprietor as registered in Council's property record.
Parking space or car park	Means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it.
Passive solar design	Refers to a design or modification to a building to minimise energy consumption by taking advantage of natural heating and cooling methods.
Place	Means site, area, land, landscape, building or other works, group of building or other works, and may include components, contents, spaces and surrounds.

Pole Sign	Means an advertising sign erected on a pole or pylon, independent of any building or other structure.
Preferred Koala Food Tree	Means any of the following tree species: (a) primary food tree species; and • Tallowwood (*E.microcorys*); • Forest Red Gum (*E. Tereticornis*); and • Swamp Mahogany (*E. Robusta*). (b) secondary/supplementary food tree species • Grey Gum (*E. Propinqua*); • White Stringybark (*E. globoidea*); and • Stringybark (*E. Tinaliae*).
Primary Street Frontage	On corner allotments, refers to the street frontage that the principle frontage, including main entry, that the associated building faces. On allotments with front and rear street frontages, refers to the frontage to the street designed to carry the greater traffic volume.
Private Open Space	Means an area of land suitable for private outdoor living activities by occupants of a specific dwelling.
Probability	A statistical measure of the expected chance of flooding (see ARI).
Probable maximum flood (PMF)	The largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation.
Probable maximum precipitation (PMP)	The greatest depth of precipitation for a given duration meteorologically possible over a given size storm area at a particular location at a particular time of the year, with no allowance made for long-term climatic trends (World Meteorological Organisation, 1986). It is the primary input to the estimation of the probable maximum flood.
Projecting wall sign	A sign projecting in either a horizontal or vertical direction from the wall of a building.
Promotional sign	A sign on land or a building that advertises either: • goods or services not provided by an occupier of a significant portion of the premises on which the sign is attached, or • an event or activity not conducted on the land or in the building.

Protected Land Use	Any land that is likely to have a negative impact on residences through the emission of noise, odour, dust and other nuisance or pollution conflicts. Examples of these types of uses are abattoirs, large sawmills, quarries, stock dip sites and sewerage treatment works.
Rainwater tank	Means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.
Reconstruction	Means returning a building or work as nearly as possible to a known earlier state and is distinguished by the introduction of materials (old or new) into the fabric.
Regional Significance	Items of heritage significance which are fine examples, or rare, at the regional community level.
Register of the National Estate	The register kept by the Australian Heritage Commission listing those places of natural, Aboriginal or historical significance which are part of Australia's heritage.
Reliable access	During a flood means the ability for people to safely evacuate an area subject to flooding, having regard to the depth and velocity of flood waters, the suitability of the evacuation route, and without a need to travel through areas where water depths increase.
Relic	Means any deposit, artefact, object or material evidence that: (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and (b) is of State or local heritage significance.
Removal (trees and vegetation)	The ring barking, cutting down, topping, removal, burning, injuring or willful destruction of any tree or vegetation to which this DCP applies.
Residential accommodation	Refer to KLEP 2013.
Residential Flat Building	Refer to KLEP 2013.
Restoration	Means returning the existing fabric of a building or work to a known earlier state by removing accretions or by reassembling existing components without the introduction of new materials.

Ring Barking	Means the removal of the outside layers of a tree with the aim of causing death or destruction of the tree through disruption of water and nutrient transportation.
Risk	Means the chance of something happening that will have an impact. It is measured in terms of consequences and probability (likelihood).
Roof or sky advertisement	Means an advertisement that is displayed on, or erected above, the parapet or eaves of a building. (source: SEPP No. 64 – Advertising and Signage)
Safely evacuate	Means the ability to leave an area subject to flooding, having regard to the depth and velocity of floodwaters, without the need to travel through areas where water depths increase.
Secondary Street Frontage (1)	On corner allotments, refers to the street frontage that the principle frontage of the associated building does not face. On allotments with front and rear street frontages, refers to the frontage to the street designed to carry the lesser traffic volume.
Sediment	Means both mineral and organic matter that is being, or has been moved from its site of origin by transporting agents such as water, wind or gravity to a lower position in the catchment, either above or below sea level.
Services Sign	Standard white on blue sign used to direct travellers and visitors to essential community facilities and service businesses that may benefit them. Facilities for travellers include: • Public toilets • Rest areas, and • Parking areas Service businesses for travellers include: • Accommodation • Caravan and camping parks • Service stations, and • Service or recreation clubs Community facilities include: • Hospitals • Emergency services • Airports • Schools • Sporting fields and recreation grounds, and

	• Council facilities (eg libraries, public waste depots etc)
Setback (building line)	Refers to the horizontal distance measurable from the outermost point of a buildings elevation (above ground or otherwise), perpendicular, to the site boundary.
Setting	Means the area around a place, which may include a visual catchment.
Shadow diagram	Refers to a plan illustrating the extent of shadow cast by a specified object or building at predetermined times of the day and year, and that are based on a longitude and latitude for that site.
Short term resident	Means any person accommodated on a caravan park, other than a long term resident.
Signage	Means all signs, notices, devices, representations and advertisements that advertise or promote any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage and includes: (a) Building identification signs, and (b) Business identification signs, and (c) Advertisements to which Part 3 applies, (d) But does not include traffic signs or traffic control facilities. (source: SEPP No. 64 – Advertising and Signage)
Silhouette	Building outline viewed against the sky.
Site (1)	Means an area of land within a caravan park designed for the placement of a movable dwelling but does not include a camp site or an area set aside for the storage of unoccupied movable dwellings.
Site (2)	Means the land to which the application relates.
Site (3)	Refers to an allotment or group of allotments of land on which a development either exists or is proposed, and which is identifiable by a 'Folio Identifier' (property title).
Site occupier	Means the person who occupies a site or camp site on a caravan park or camping ground.
Social Significance	Items having this value are significant through their social, spiritual or cultural association with a recognisable community.

Special promotional advertisement	Means an advertisement for an activity or event of a civic or community nature, but does not include a wall advertisement. (source: SEPP No. 64 – Advertising and Signage)
Statement of Heritage Impact (SHI)	Means a statement usually in prose form which summarises why a heritage item or area is of importance to present and future generations.
State Significance	Means items of heritage significance which are fine examples, or rare, at a state community level.
Statutory	Means those matters which occur as a result of an Act of Parliament (for example, statutory instruments such as environmental planning instruments) and thus have legal force.
Storey	Includes floors or levels, as the case may be, in a building which may be intersected by the same vertical line, not being a line which passes through any wall of the building, but does not include an uncovered garden, terrace or deck.
Street alignment	The boundary between land allotments and a street or lane.
Street frontage height	The vertical distance measured in metres at the centre of the street frontage from the average of the street levels at each end of the frontage to the parapet level of the frontage. The parapet level is the horizontal plane in which at least two thirds of the length of the top of the facade is situated.
Subdivision	The division of a lot, or parcel of land into two or more lots or other divisions of land. Subdivision creates the legal identity of a land parcel. There are three types of subdivision plans including: • Deposited plans: which most commonly depict a subdivision of an allotment; • Strata plans: which depict the subdivision of a parcel of land to allow multiple occupancy and separate ownership of individual units, e.g. home unit and town house developments; and • Community plans: which depict the development of planned communities of any type where the use of some land is shared.
Submission	Means any letter, fax, e-mail, comments, or other written advice received by Council in regard to an application.

Surrounding land	Means any land, other than adjacent land, which may be affected by the proposed development or use of the site. This definition is similar to, and may be used instead of, neighbouring land.
Survey plan	A plan prepared by a registered surveyor which shows the information required for the assessment of an application in accordance with the provisions of this Policy.
Swimming pool	Has the same meaning as in the *Swimming Pools Act 1992*. Swimming pool means an excavation, structure or vessel: • that is capable of being filled with water to a depth of 300 millimetres or more, and • that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity, and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of this Act.
Threatened species	Means any species listed under the *Threatened Species Conservation Act 1995* as a threatened species, population or endangered ecological community
Through site link	An enclosed or partly enclosed arcade within development that has a public character, providing right of way and are open and accessible at each end.
Top hamper sign	An advertisement attached to the transom of a doorway or display window of a building.
Tourist Facility	Has the same meaning as "Tourist and Visitor Accommodation" as defined in Kempsey LEP 2013.
Tourist Sign	Standard white on brown sign used to direct the travelling public to Tourist Facilities or places of tourist interest.
Traffic Management Sign	Means an advertising sign erected by a Public Authority used for the purposes of providing instructions or directions in relation to the

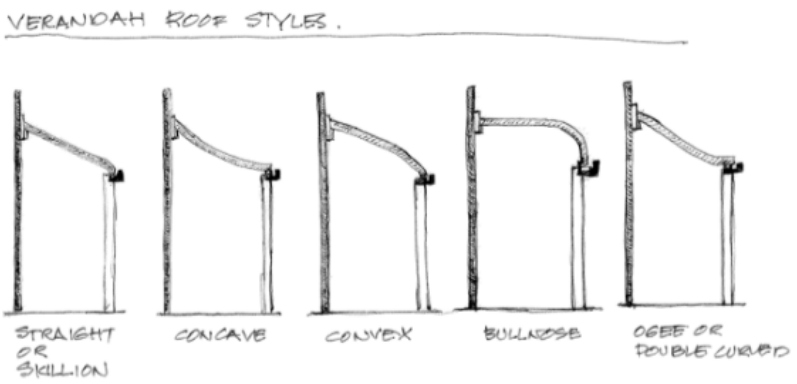
	management of traffic.
Tree	Any woody-stemmed plant.
Tree Worker	Means a tradesperson who holds the Australian Qualifications Framework 3 Horticulture (AQF3 Arboriculture) or an international qualification considered equivalent by Council.
Under awning sign	A sign located below or otherwise supported from the underside of an awning.
Unsuitable Tree	Means a tree species that will have a negative impact on the surrounding native vegetation community as determined by Council Officers or has been planted in a location that the growth habit or mature size of a tree/s may be undesirable as determined by Council.
Urban growth area	Growth areas mapped in the Mid North Coast Regional Strategy (2009).
Vessel	Means any ship, lighter, barge, boat, raft or craft, and any floating object or apparatus used wholly or in part for the conveyance of persons or things by water, of whatever description and however navigated, and includes amphibious vessels, seaplanes, hydroplanes, hydrofoils, hovercraft, sunken or stranded vessels, and the wreck or remains of any vessel. (source: SEPP No. 64 – Advertising and Signage)
Vicinity	When used in reference to land near a heritage item or conservation area means land that has a physical relationship, such as adjoining or adjacent land, or a visual relationship with that item or Conservation Area.
View	An extensive or long range prospect of particular objects or geographic features.
Vista	A view along a street terminated by a building or structure such as an obelisk.
Wall advertisement	Means an advertisement that is painted on or fixed flat to the wall of a building, but does not include a special promotional advertisement or building wrap advertisement. (source: SEPP No. 64 – Advertising and Signage)
Window	Includes a roof skylight, glass panel, glass brick, glass louvers, glazed sash, glazed door, translucent sheeting or other device which transmits natural light from outside a building to

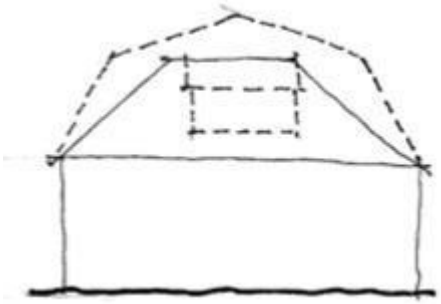
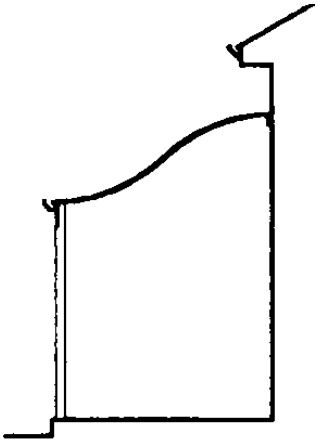
	the interior.

3.0 Architectural Terms

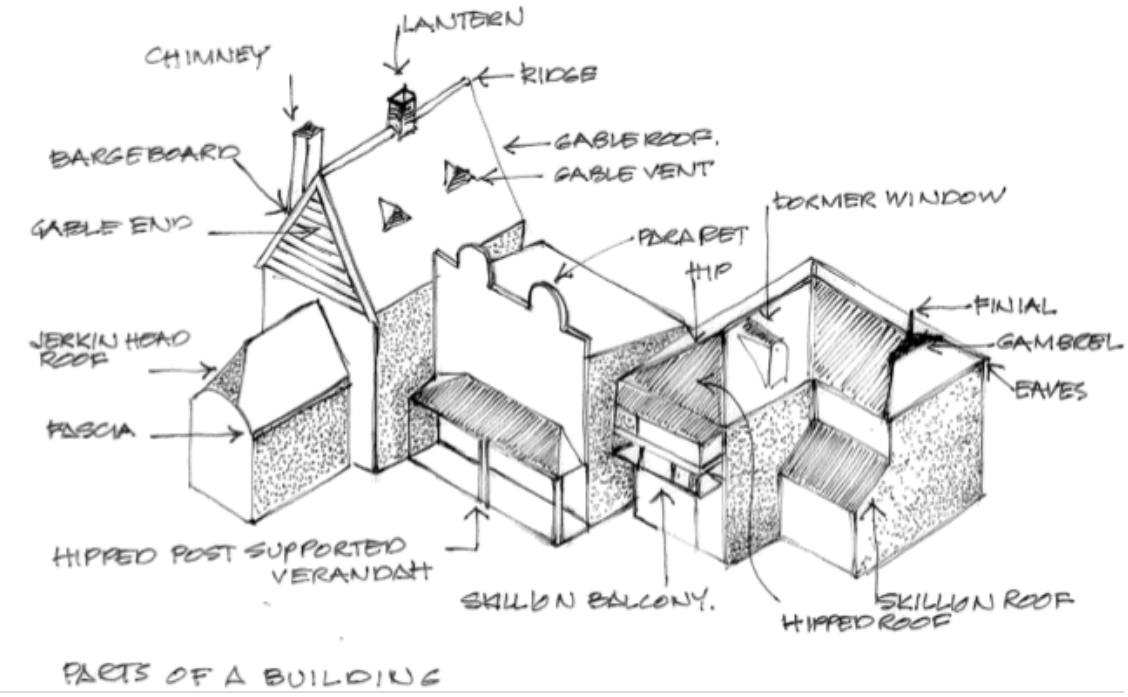
Note: The following terms and definitions are reproduced from A Pictorial Guide to Identifying Australian Architecture – R Apperly, R Irving, P Reynolds, Angus and Robinson, 1989 or The City of Adelaide Planning and Design Guidelines, 1995.

Architrave	Moulded trim around a doorway or window.
Baluster	A member supporting a handrail or coping. A series of balusters is called a balustrade.
Bargeboard	A sloping board fixed to the end of a gable roof to conceal the roof construction.
Batten	A small piece of timber, usually rectangular in form.
Bay	A compartment of a building such as the space between columns or buttresses. Sometimes a bay projects beyond the wall alignment.
Bearing Wall	A wall giving vertical support to loads applied from above.
Bond	The method of overlapping bricks or masonry blocks to bind them together in a wall. Two of the commonest bonds are English bond where courses of headers (brick ends) alternate with courses of stretchers (brick sides) , and Flemish bond, where headers and stretchers alternate in each course.
Bracket	A support, often angled, curved or decorated for a horizontal member.
Bullnose	Used to describe the external shape when a material has been curved through ninety degrees such as a corrugated iron roof.

	
Capping	A building element which caps or rests on top of another.
Casement	A window sash hinged on one of its vertical edges so as to open inwards or outwards like a door.
Cornice	A projecting decorative feature along the top of an external or internal wall.
Chamfer	A surface made by cutting across the point at which two right-angled surfaces of a piece of timber or stone meet.
Dormer	A vertical window with its own roof and side walls projecting from a larger sloping roof.
Eaves	The lower edge of a roof.
Facade	The elevation of a building facing the street.
Face Brickwork	Unpainted brickwork of good quality.
Finial	An ornament, usually spiky crowning a gable.
Flashing	Sheets of flexible material such as lead to prevent water access between horizontal and vertical elements on a building.
Frieze	A continuous band of decoration around the top of a building or wall, and a panel of decoration under the edge of a verandah.
Gable	The upper, triangular portion of an external wall at the end of a pitched roof.
Hip	A projecting inclined edge on a roof extending from the ridge to the eaves and having a slope on each side.
Joinery	The timber fittings and fixtures of a house.
Joist	A member directly supporting a floor, roof or ceiling.
Mansard	A four-sided hip roof form characterised by two slopes on each of its sides with the lower slope at a steeper angle than the upper slope. If mansard roofs have dormer

	windows, they are incorporated into the lower, steeper slope of the roof. 
Moulding	An ornamental contour given to stone, timber, or other material.
Ogee	Shape resembling the letter "S" in profile, generally applied to describing verandah roof shapes.  *Ogee verandah profile*
Palisade	A fence of vertical pointed wooden stakes or metal rods.
Parapet	A wall built up higher than the eaves line of a roof.
Pediment	A decorative feature edging the gable.
Pilaster	A shallow pier attached to or part of a wall.
Pitch	The inclination of a sloping roof to the horizontal.
Porte cochere	A porch, often used in hotel development, large enough for vehicles such as tourist coaches to pass through. Porte cochere is French for 'carriage porch'.
Proportion	The relationship of the size of parts of a building to each and to the whole.
Render	A coating of mortar or stucco applied to the surface of a masonry wall.
Ridge	The line at which two intersecting planes of a roof meet.

Roughcast	A rendering of rough material usually containing pebbles or coarse gravel to form an irregular surface.
Stucco	A thin decorative finish composed traditionally of lime, sand, and other ingredients applied to external masonry facades.
Tuckpointing	The application of a narrow strip of mortar over the face of the joints in brickwork to give the appearance of precision and regularity.



Appendix H1 – Land to which this DCP does not apply.

This DCP does not apply to land identified in the following table.

Land Description	Comments
Nil.	Nil.

Appendix H2 - Kempsey On-Site Sewage Management Strategy

1.0 Executive Summary

The On-Site Management Strategy outlines the objectives related to the on-site treatment and disposal of wastes within the Kempsey Shire area. The Shire, covering over 3300km^2, encompasses the meandering Macleay River, from the elevated regions of the upper catchment west of Bellbrook to the river entrance at South West Rocks. Smaller catchments also exist within the Kempsey LGA, being the Maria River system and Korogoro and Killick Creeks. Fishing and Oyster Industries are established in the Lower Macleay area, particularly in the South West Rocks/Stuarts Point areas. Tourism is a major industry with travellers being attracted to the coastal and estuarine areas and the unique rugged hinterland.

The Strategy aims to provide an approach to On-Site Management through sustainability, effective management control and education. Since the introduction of the first Strategy residents living within unsewered areas are better informed about their responsibilities and system maintenance requirements. As a result, on-site sewage management systems (OSMS) are operating at a much higher performance level than in the past. Council has a responsibility to monitor not only individual system performance, and take action in regard to defective systems where required, but also to manage the cumulative impact of small amounts of sewage from the many systems in the area.

In doing this Council has allocated resources to support a number of programs which are ongoing including the Approval Program, the On-site Sewage Management Inspection Program, water quality monitoring and education programs. Through effective use of this Strategy, the public health and environmental impacts associated with the use of OSMS have been reduced.

In preparing the Strategy, it has been acknowledged that considerable data gaps still exist in respect to the number, type, location and operational efficiency of existing installed systems. Council has decided that an audit inspection of each system is necessary to establish baseline data in respect to existing systems.

2.0 Strategy Objectives

This Strategy has been developed to provide an integrated approach to OSSM within a self regulating framework of community education, local support services and environmental and public health protection. The three key objectives of this Strategy are to:

1. Promote Sustainability
    - Ensure sustainable management of wastewater generated on all unsewered properties within the LGA, including best practice and the approval of systems advocating treated wastewater reuse.
    - Monitor and manage cumulative impacts from OSSM systems.
    - Implement and facilitate best management practice in relation to the installation and operation of onsite sewage management systems.
    - Pursue long term, viable sewage management solutions for identified high risk areas.

2. Effective Management of On-Site Sewage Management Systems
   - Ensure that all sewage management systems have the required operating approval and are operating in accordance with approval conditions.
   - Progressively eliminate illegal discharges of effluent from OSSM systems.
   - Protect surface water, stormwater, land and vegetation, public health and community amenity from the impacts associated with OSSM systems.

3. Education & Stakeholder Involvement
   - Ensure that all stakeholders are aware of their responsibilities and have access to enough appropriate information to ensure their responsibilities are met.
   - Work in partnership with the community and other stakeholders to ensure sustainability of on-site sewage management in Kempsey LGA.
   - Ensure that the community is provided with an efficient, cost-effective On-site Sewage Management program that meets both the needs of the stakeholders and the responsibilities of Council.
   - Educate and support professional service providers.

3.0 Overview

On-Site sewage management involves the treatment of wastewater followed by the release of liquid (treated wastewater) and solid (sludge, septage and compost) products into the environment or removal by tanker pump out. Inappropriate use or disposal of these products can have the following adverse impacts:

- The spread of disease by bacteria, viruses, parasites and other organisms in the wastewater.
- Contamination of groundwater and surface water.
- Pollution of waterways.
- Degradation of soil and vegetation.
- Decreased community amenity, caused by odours, noise and insects.

On-site sewage disposal has the potential to affect public health, the local economy, recreation, residential and business development and other aspects of everyday life. As residents are more likely to be directly responsible for making decisions about their wastewater, it is important that they know about their system and its potential impact on public health and the environment.

4.0 Statement of Council's Commitment

This Strategy is an evolving document which allows for a process of continual improvement of On-site Sewage Management practices within the Kempsey Local Government Area. The ongoing evaluation of the monitoring, inspection, approval and education programs will highlight the strengths and deficiencies of this Strategy and where changes may need to be made. Council is committed to improve public health and environmental outcomes by adopting ecologically sustainable development principles. Council is committed to a process of

continued improvement in on-site sewage management, sustainable development and better community awareness of OSMS issues within the Kempsey LGA, and is demonstrated through the continued implementation of this Strategy.

Council encourages the adoption of innovative on-site systems at both residential and community scales that will result in long-term sustainable and system management improvements.

5.0 Legislation

The preparation of an On-Site Sewage Management Strategy is encouraged under the Local Government Act 1993 and the Protection of Environment Operations Act 1997 and their associated regulations. This legislation gives Councils the discretion to develop service support and supervision models that provide for the management of the impact of sewage pollution.

5.1 Local Government Act 1993

The design, installation and operation of OSMS are regulated under the *Local Government Act 1993* and its associated regulations. Under Section 68 of the Act, Council approval is required prior to the installation, construction or alteration of a waste treatment device, a human waste storage facility or a drain connected to any such device or facility.

The *Local Government (General) Regulation 2005* sets out specific requirements for OSMS approvals including matters for Council consideration, performance standards and circumstances where prior Council approval is not required. Part 2 of the Regulation incorporates the requirement for an Approval to operate an onsite sewage management system.

Issues associated with the management of decentralised sewage facilities are dealt with under the *Local Government (General) Regulation 2005,* the *Environmental and Health Protection Guidelines* (DLG, 1998) and the Australian Standards 1546 & 1547. The Regulation provides for greater protection of the environment and public health through tighter control of the performance standards of OSMS.

The *Local Government Act 1993* also provides the ability to undertake enforcement action through the orders provisions of Chapter 7 in particular sections 124(21), 124(22) and 124(22A). These orders permit Officers to stipulate the manner, in which a system is to be operated, things to be done or refrained from doing. In addition, under section 124 (24) Council can order an occupier or landowner to connect to the centralised sewerage system when the property is located within 75 metres of a sewer.

5.2 Protection of the Environment Operations Act 1997

The *Protection of the Environment Operations Act 1997* (POEO Act) provides local government with stronger powers to investigate complaints and to issue legally binding notices. Under the Act, local government is responsible for the regulation of activities for which it is the Appropriate Regulatory Authority (ARA). Council is the ARA for activities relating to OSMS not regulated or licensed by a State Government Authority.

A major component of any modern environmental protection program is efficient surveillance and enforcement to ensure compliance with Council requirements. Where a failing OSMS is detected during a compliance inspection the following actions are available to Council under the POEO Act:

1. Clean-up Notices

   Clean-up Notices may be used in situations where a quick response to a pollution incident is required. The Clean-up Notice carries an administration fee that must be paid to Council. There is no right of merit appeal against a Clean-up Notice.

2. Prevention Notices

   Prevention Notices may be issued in situations where a sewage management system is being operated in an environmentally unsatisfactory manner. The recipient of a Prevention Notice must pay an administrative fee to Council.

3. Compliance Cost Notices

   The POEO Act allows Council to recover any reasonable costs and expenses it incurs in monitoring action taken under either a Clean-up or Prevention Notice, ensuring the Notice is complied with and any other associated matters.

4. Penalty Infringement Notices

   Where an OSMS is failing or has the potential to discharge effluent to a waterway or the stormwater system, a Penalty Infringement Notice (PIN) may be issued. The recipient of a PIN must pay the fee or can elect to appeal the notice in the Local Court.

6.0 Guidelines, Standards and Policies

The State Government along with other agencies have developed a number of different guidelines and standards for use in designing and assessing On-site sewage management. The following is an outline of these guidelines which are used by Council in the implementation of this Strategy.

6.1 AS/NZS 1547:2012 - On-site Domestic Wastewater Management

This standard provides specific details for a range of domestic on-site sewage management facilities and land application areas for all persons and agencies involved with on-site sewage management in Australia and New Zealand. The Standard provides guidance for:

- system flows up to a maximum of 14,000L/week and population equivalent of up to 10 persons; and
- site investigation, land application system design, installation, operation and maintenance to achieve sustainable outcomes and public health performance.

6.2 AS/NZS 1547:2008 - On-site Domestic Wastewater Treatment Units

Part 1: Septic tanks
Part 2: Waterless composting toilets
Part 3: Aerated wastewater treatment systems

This standard provides performance standards that form a base against which any on-site sewage management facilities may be assessed. This standard provides technical means of compliance and test specifications that enable on-site sewage management facilities to be manufactured to comply with the performance requirements and performance criteria.

6.3 AS/NZS 3500.5:2000 - National Plumbing and Drainage Domestic Installations

This standard is highly relevant to licensed plumbers and installers who conduct repairs or alterations to existing on-site sewage management facilities or new installations. This standard covers the requirements for the design and installation of any plumbing and drainage.

6.4 Environmental & Health Protection Guidelines 1998

The *Environment and Health Protection Guidelines* were developed by the Department of Local Government in 1998. These guidelines provide Council with the tools for the effective regulation of OSMS. In order to achieve this, the Guidelines recommend that Councils should:

- Develop, implement and regularly review an Onsite Sewage Management Strategy.
- Develop site and system specific conditions of approval to operate onsite sewage management systems.
- Consider all relevant issues when approving the installation or operation of on-site sewage management systems, particularly environment and health issues, both within the site and on a catchment wide basis.
- Check that approval conditions are complied with by appropriate auditing and monitoring.
- Undertake ongoing householder education on issues including:
    - Statutory responsibilities of householders as operators of onsite sewage management systems.
    - Health and environmental risks associated with system use.
    - Specific issues related to the system installed.

The Guidelines also recommends that Councils should implement a program of OSMS audits to monitor the performance of systems and also to monitor the impact of on-site sewage management on a larger environmental scale.

6.5 State Environmental Planning Policy No 62 – Sustainable Aquaculture

The State Environmental Planning Policy 62 (SEPP62) requires development applications be referred to the Department of Primary Industries for comment if it is deemed that a development may have an adverse effect on oyster aquaculture or a 'priority oyster aquaculture area' as deemed by the NSW Oyster Industry Sustainable Aquaculture Strategy.

7.0 Environmental and Public Health Issues

In protecting public health and the environment, the *Local Government (General*) *Regulation 2005* specifies that an OSSM system must be operated in accordance with the following performance standards:

- The prevention of the spread of disease by micro-organism.
- The prevention of the spread of foul odours.
- The prevention of the contamination of water.
- The prevention of the degradation of soil and vegetation.
- The discouragement of insects and vermin.
- Ensuring that persons do not come in contact with untreated sewage or effluent (*whether* treated or not) in their ordinary activities on the premises concerned.
- The minimisation of any adverse impacts on the amenity of the premises and surrounding lands.

Public health protection requires Council attention to specific system failures, while the protection of the environment also requires attention to the cumulative impact of sewage pollution in the area. Managing cumulative impacts is a difficult but core responsibility of Council's On-Site Sewage Management Strategy. It is particularly important to protect the natural waterways in the Kempsey LGA from pollution, including that caused by inefficient effluent disposal. In this regard, it needs to be appreciated that many waterways suffer environmental degradation and public health risks as a result of small incremental increases in pollution from many different sources and not necessarily from large individual point sources.

Within the local environment pollution is a sensitive issue which can cause unnecessary stress, therefore, careful control of OSMS is essential. Any disposal of on-site sewage effluent may contribute pathogens, opportunistic microbes and nutrients to local waterways unless reduction measures are used on site. An understanding of the presence of pathogens in wastewater systems is also important because of the risks they pose to public health. The degree of risk is dependent on the nature of the wastewater system, its treatment, and the infectious dose of any pathogen present and the ability of an individual body to fight the organism.

8.0 Approval Program

8.1 Approval Program

The approval process establishes an accountability relationship between the property owner and the Council and ensures that householders and property owners are aware of the maintenance and operating requirements of their system.

8.2 Approval to Install an OSMS

Section 68 of the *Local Government Act 1993* requires that property owners obtain an approval from Council to install, construct or alter a waste treatment device or drain connected to any such device, or human waste storage facility including an effluent disposal area.

Where an OSMS is to be located in a sensitive location, best practice on-site sewerage management is to be implemented. In order for an on-site sewage management system to be considered as meeting best practice the following standards are to be met at a minimum:

- Household plumbing must be certified by a licensed plumber to meet the requirements of the *National Plumbing Code AS3500:2003* and a certificate of compliance must be submitted to council from a licensed plumber.
- Sufficient land must be available for the disposal of treated sewage, ensuring the requirements of the *Environment & Health Protection Guideline-Onsite Sewage Management for Single Households* prepared by the NSW Department of Local Government 1998 are met.
- The *Australian Standard AS/NZS 1547:2012 – On-site Domestic Wastewater Management.*
- All sewage management facilities installed or to be installed are registered with and accredited by NSW Health.
- The site must not be restricted by size, rock, bushland, waterways, or built structures to prevent the likelihood of significant environmental impacts from occurring.
- The irrigation area must not be used for recreational activities, growing of fruit or vegetables, vehicle movements or the keeping of agricultural animals.
- Tanks are to be in good working order and are to be fitted with baffles and an outlet filter.

8.3 Approval to Operate an OSMS

The *Local Government (General) Regulation 2005* requires that an owner of an OSMS obtain Council approval to operate the sewage management system in addition to any approval required for the installation of the system. As such, all system owners are required to lodge an application for approval with Council. For convenience, Kempsey Shire Council has designed both the application to install and the application for an approval to operate on the same form. An approval to operate is valid for a period of twelve months, after which time the approval is renewed conditional to the system being maintained in accordance with the conditions of the original approval. The operational approval will be issued for a new on-site sewage management system following a satisfactory final inspection by Council's Building Surveyor on the installation.

8.4 Approval for Greywater Reuse

A greywater treatment system requires Council approval to install and operate under the *Local Government Act 1993.* A greywater diversion device does not require installation approval or an approval to operate if the system meets the following requirements:

- The property is in a sewered area.
- Installation in accordance with the NSW *Plumbing and Drainage Code of Practise,* 2006.
- Installation in accordance with the requirements of NSW Health, *Grey water Reuse in Sewered Single Domestic Premises*, April 2000.
- The following performance standards are achieved:
    - Prevention of the spread of disease by microorganisms;
    - Prevention of the spread of foul odours;
    - Prevention of contamination of water;
    - Prevention of degradation of soil and vegetation;

- Ensuring that people do not come into contact with untreated sewerage or effluent in ordinary activities on the premises concerned; and
- The minimisation of any adverse impacts on the amenity of the property and surrounding lands.

If a property has an existing OSMS, an approval to operate from Council is required under the *Local Government Act 1993* and its regulations for a greywater diversion device.

8.5 Commercial Systems

A Commercial Sewage Management Facility or a 'Package Wastewater Treatment Plant' can be described as any pre-fabricated or pre-engineered treatment system designed to accept and treat small to medium wastewater flows independent of a reticulated sewage system. Any proposal not of a domestic nature, or expected to receive an equivalent daily wastewater volume between 10 equivalent people (EP) and 2500 EP is typically regarded as a commercial sewage management facility, or a package wastewater treatment plant.

If the applicant/proponent intends to install a commercial system, the application must be supported by all information required on the form - *"Application to Install, Construct or Alter a Waste Treatment Device or Human Waste Storage Facility"* This will assist *Council* in the assessment and determination of the application. Any commercial sewage management facility or package wastewater treatment plant is required to be designed by a suitably qualified and experienced environmental engineer or wastewater consultant. The system must be certified in writing by the qualified environmental engineer or wastewater consultant based on both the design and performance parameters.

The tank(s) must be certified in writing by a structural engineer. This certification must be provided as a supporting document to the application to install submitted to Council. The construction and installation of the system is required to be certified in writing by the installer, and must be provided in writing to Council prior to Council issuing an approval to operate for the system.

NOTE: In the interest of public health all commercial systems shall be fenced to prevent access from the public (fencing shall include lockable gates for maintenance access).

8.6 Revoking an Approval

Council reserves the right to revoke or modify any approval issued for the operation of a sewage management system. This may include reducing the duration of time an approval is valid for and/or placing additional conditions on the approval where a problem with a system is identified.

8.7 Revoking an Approval in an Unsewered Area

Once sewer becomes available and the property connects to a reticulated sewer system, the existing approval to operate an OSMS for that property is withdrawn.

Note: Properties in sewered areas which have not as yet connected to a reticulated sewer system, the owner is still required to have current approval to operate their OSMS.

8.8 Failure to Obtain an Approval to Operate an OSMS

It is an offence under section 626 of the *Local Government Act 1993* to operate a system of sewage management without local government approval. Penalty Infringement Notices can be issued for either operating a sewage management system without approval or in a manner other than what was approved. In addition, the penalty for failing to apply to Council for an approval to operate a system of sewage management is a maximum of 20 penalty units.

9.0 Inspection Program

To ensure each on-site sewage management system in the Kempsey LGA is operated so as to protect public health and the environment, Council undertakes inspections of all systems regularly. Under the *Local Government (General) Regulation 2005* all Councils have a duty to monitor the performance of existing systems and take action in relation to defective systems or systems which pose a risk to public health or the environment. Through implementation of corrective works, system replacement or simple changes in system operation, there has been a significant improvement in overall performance.

This Strategy outlines the performance based inspection program currently in operation. A compliance approach for the inspection of OSMS is consistent with Council's approach to its other environmental protection duties, and is considered the most equitable and effective method for ensuring that OSMS do not pose a risk to the environment or to public health.

Through the inspection program council can ensure that individual property owners and occupiers are acting responsibly and managing their sewage systems correctly. Due to the unique environments located in Kempsey LGA, a system can be achieving optimal performance but may still pose a potential risk to public health and/or the environment. For this reason this Strategy makes a distinction between high risk systems and failing systems. High risk systems have been determined from a desktop study however, failing systems can only be identified through the inspection of individual sewage management systems. Although high risk systems for on-site sewage disposal are common in the Kempsey LGA, failing systems are not acceptable and must be upgraded.

9.1 Inspection Costs

Council does not charge an inspection fee for the routine inspection of an OSMS if the owner operates and maintains their system in accordance with the manufacturer's maintenance requirements, current health and environmental standards and the approval conditions. Where an owner or tenant fails to maintain their sewage management system in an environmentally acceptable or healthy manner, Council can use the legislative tools previously outlined to require remediation works to be undertaken and an additional reinspection fee will be charged. For Council's schedule of Fees and Charges, go to www.kempsey.nsw.gov.au

9.2 Notification of Inspection

A property owner will be given notification of Council's intention to inspect their OSMS. Notification is by letter, which specifies the date range when the system will be inspected. This is usually within a 30 day period. If a property owner

wishes to be present at the time of inspection they will be given an opportunity to contact Council and arrange a mutually agreeable time for the inspection to take place.

If the Council Officer attends the property on the nominated date but is unable to either gain access to the sewage management system or complete the inspection, the property owner will be contacted by letter and a suitable time will be arranged for the inspection to be completed.

In circumstances where Council Officers are investigating complaints related to the inefficient or unsafe operation of an OSMS Council Officers will attempt to contact system owners to arrange an agreeable time for an inspection. Inspections may be undertaken without notification to the property owner where Council believes that a system is failing and the officer reasonably suspects that pollution has been, is being, or is likely to be caused.

9.3 Assigning a Risk-rating to a System

Following an inspection of a system by Council Officers the system will be given a risk-rating. Risk-ratings will be assigned by considering the limiting factors and features of the property, not the actual performance of the system at the time of the inspection.

10.0 Education Program

This Strategy recognises the importance of continuing community involvement in the management of on-site sewage issues in the Kempsey LGA. The education program outlined in this Strategy is fundamentally linked to the other programs and will be implemented in conjunction with the inspection and approval programs.

Ongoing education is of great importance and assists individuals to meet regulatory requirements, improve their outlook on achieving sustainability and minimise health and environmental risks associated with the operation of OSMS. Education plays a key role in achieving beneficial and visible outcomes. Council has been proactive in implementing education programs within the community. Reviews of OSMS enable Council to assist owners to better understand how their system works and how they can improve their actions to move towards sustainability over time.

The actions outlined in this Strategy relating to community education aim to satisfy the basic knowledge and awareness requirements of householders and land owners. The OSMS education program aims to continually inform owners and occupiers of issues in regard to:

- Health risks and how to manage them.
- Managing the environmental impact of wastewater.
- System operation and maintenance.
- Waste minimisation principles.
- Where to access information.
- Performance standards of OSMS.

Property owners and householders need to take an active role in the management of their on-site system. In order to do this it is essential that property owners and

householders are aware of their responsibilities and have access to appropriate information and other resources to carry them out. Kempsey Shire Council is undertaking the following measures to raise the property owners and householder's awareness of these issues:

- Developing and distributing "New Owners Kits" including brochures informing owners of their duties and responsibilities as OSMS owners;
- Updating the KSC website with information and relevant forms relating to onsite sewage management;
- Reviewing the forms and letters sent to property owners with a view to making the information disseminated as clear and concise as possible;
- Maintenance information, regulation changes and general OSMS program updates dispensed with the approval to operate mail out; and
- Ongoing education with owners during inspection program.

11.0 Conclusion

This Strategy seeks to develop appropriate OSMS operation and maintenance techniques with owners that satisfy the relevant regulations and guidelines. It is expected that this will be achieved through one-on-one consultation, inspection programs and delivery of educational material. Through effective use of this Strategy, the number of failing systems in Kempsey Shire Council area should be reduced, thus reducing public health and environmental impacts associated with the use of on-site sewage management systems.

It is proposed that a review of this Strategy will be undertaken within 2 years of its implementation and then every 2-3 years on an ongoing basis. The review is intended to assess the information gathered over the inspection program to build a clearer picture of the state of Kempsey Shire Council's on-site sewage management systems.