



# Kyogle Development Control Plan 2014





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# Kyogle Development Control Plan 2014

## Table of contents

1	Introduction	
1.1	Name of Plan .....	1
1.2	Application .....	1
1.3	Commencement.....	1
1.4	Relationship to Other Plans.....	1
1.5	Land to which the Plan applies .....	2
1.6	Purpose of the Plan .....	2
1.7	Structure and Use of the Plan.....	2
1.8	Definitions.....	3
	CHAPTER 1 Non-Residential Development in Rural Zones RU1, RU2, RU3 and RU4.....	5
1	Introduction.....	7
1.1	Application .....	7
1.2	Aims of Chapter 1.....	7
2	Intensive Livestock Agriculture, Rural Industries and Animal Boarding or Training Establishments .....	8
2.1	Application .....	8
2.2	Objectives .....	8
2.3	Development Guidelines .....	9
3	Farm Buildings and Rural Sheds.....	15
3.1	Application .....	15
3.2	Exempt Development .....	15
3.3	Objectives .....	15
3.4	Development Guidelines .....	15
4	Other development.....	18
4.1	Application .....	18
4.2	Objectives .....	18
4.3	Development Guidelines .....	19
	APPENDIX C1 .....	24



Table C1.1 Recommended minimum buffer distances (in metres) between proposed development and building or activity on adjoining land not associated with proposal.....	24
Table C1.2 Preferred operational or opening hours.....	25
Chapter 2 Subdivision.....	26
1 Introduction.....	29
1.1 Application.....	29
1.2 Aims of Chapter 2.....	29
2 Subdivision in rural areas .....	30
2.1 Application.....	30
2.2 Exempt Development.....	30
2.3 Objectives.....	30
2.4 Development Guidelines .....	31
2.4.1 Subdivision Design.....	31
2.4.2 Managing impacts from surrounding land uses.....	35
2.4.3 Protection of Watercourses and Ecological Features.....	37
2.4.4 Natural Hazards and Contaminated Land.....	38
2.4.5 Servicing and Infrastructure.....	39
2.4.6 Site access and road design .....	40
2.4.7 Additional guidelines for creation of lots for primary production under Clause 4.2 of the LEP 41	
2.4.8 Additional guidelines for boundary adjustments .....	42
3 Subdivision in rural residential areas .....	43
3.1 Application.....	43
3.2 Exempt Development.....	43
3.3 Objectives.....	43
3.4 Development guidelines for the Twelve Preferred Areas.....	44
3.5 Development guidelines for all other land in Zones RU4 and R5 .....	44
3.5.1 Subdivision Design.....	44
3.5.2 Managing Impacts from Surrounding Land Uses .....	46
3.5.3 Protection of Watercourses and Ecological Features.....	47
3.5.4 Natural Hazards and Contaminated Land.....	49
3.5.5 Servicing and Infrastructure.....	50
3.5.6 Site access and road design .....	52
4 Residential subdivision in urban and village areas.....	55
4.1 Application.....	55
4.2 Exempt and Complying Development.....	55
4.3 Objectives.....	55
4.4 Structure planning.....	55
4.4.1 Application.....	55
4.4.2 Desired outcomes for development subject to structure plan requirements .....	56

4.5	Development guidelines.....	57
4.5.1	Subdivision Design.....	57
4.5.2	Managing Impacts from surrounding land uses.....	59
4.5.3	Protection of Watercourses and Ecological Values.....	60
4.5.4	Hazard and Risk.....	61
4.5.5	Servicing and Infrastructure.....	62
4.5.6	Site access and road design.....	64
4.5.7	Design and provision of open space.....	66
4.5.8	Additional guidelines for boundary adjustments.....	68
4.5.9	Additional guidelines for strata or community title subdivision.....	68
4.5.10	Additional guidelines for strata or community title subdivision.....	69
5	Subdivision for Commercial, Special use, Industrial and other non-residential purposes in urban and village areas.....	70
5.1	Application.....	70
5.2	Exempt and Complying Development.....	70
5.3	Objectives.....	70
5.4	Development Guidelines.....	71
5.4.1	Subdivision Design.....	71
5.4.2	Buffers to surrounding land uses.....	73
5.4.3	Protection of Watercourses and Ecological Values.....	73
5.4.4	Hazard and Risk.....	75
5.4.5	Servicing and Infrastructure.....	76
5.4.6	Site access and road design.....	78
5.4.7	Additional guidelines for boundary adjustments.....	80
5.4.8	Additional guidelines for strata title subdivision.....	80
	Appendix C2.....	81
	Table C2.1 Acceptable minimum buffer distances between dwellings and other land uses on adjoining or surrounding land not associated with proposal.....	81
	Table C2.2 Provision of public open space.....	82
	CHAPTER 3 DWELLING HOUSES, RURAL WORKER'S DWELLINGS AND SECONDARY DWELLINGS....	84
6	Introduction.....	86
6.1	Application.....	86
6.2	Aims of Chapter 3.....	86
2	Dwelling houses and Rural worker's dwellings in Zones RU1, RU2 and RU4.....	87
2.1	Application.....	87
2.2	Exempt and Complying Development.....	87
2.3	Objectives.....	87
2.4	Development Guidelines.....	88
3	Secondary dwellings in Zones RU1, RU2 and RU4.....	94
3.1	Application.....	94

3.2	Objectives .....	94
3.3	Development Guidelines .....	95
4	Dwelling houses in Zones R1, R3, R5, RE2 and RU5 .....	100
4.1	Application .....	100
4.2	Exempt and Complying Development.....	100
4.3	Objectives .....	100
4.4	Development Guidelines .....	101
5	Secondary dwellings in Zones R1, R3, R5 and RU5 .....	108
5.1	Application .....	108
5.2	Complying Development.....	109
5.3	Objectives .....	109
5.4	Development Guidelines .....	110
APPENDIX C3	.....	115
	Table C3.1 Recommended minimum buffer distances between dwellings and other land uses on adjoining or surrounding land not associated with proposal.....	115
	Table C3.2 Minimum front boundary setback for dwellings and ancillary structures .....	116
Chapter 4	Signage .....	117
1	Introduction.....	119
1.1	Application .....	119
1.2	Exempt Development .....	120
1.3	Aims of Chapter 4.....	120
1.4	Objectives of Chapter 4.....	120
2	Development Guidelines.....	120
APPENDIX C4	.....	123
	Table C4.1 Signage requirements .....	123
Chapter 5	Non-residential Development in Zone RU5 Village.....	125
1	Introduction.....	127
1.1	Application .....	127
1.2	Aims of Chapter 5.....	127
1.3	Objectives of Chapter 5.....	127
2	Development Guidelines.....	128
APPENDIX C5	.....	135
	Table C5.1 Preferred operational or opening hours.....	135
Chapter 6	Public Notification of Development Applications .....	136
Chapter 7	Development in Zones IN1 General Industrial and IN2 Light Industrial .....	137
1	Introduction.....	139
1.1	Application .....	139

1.2	Exempt and Complying Development.....	139
1.3	Aims of Chapter 7.....	139
1.4	Objectives of Chapter 7.....	139
2	Development Guidelines.....	140
APPENDIX C7 .....		149
Chapter 8 Off-street Car Parking.....		150
1	Introduction.....	152
1.1	Application .....	152
1.2	Aims of Chapter 8.....	152
1.3	Objectives of Chapter 8.....	152
1.4	Definitions.....	152
2	Development Guidelines.....	154
APPENDIX C8 .....		157
Table C8.1 Car Parking Requirements for various land use and development types.....		157
Chapter 9 Bed and Breakfast Accommodation and Farm Stay Accommodation .....		160
1	Introduction.....	162
1.1	Application .....	162
1.2	Aims of Chapter 9.....	162
2	Bed and Breakfast Accommodation.....	163
2.1	Application .....	163
2.2	Complying Development.....	163
2.3	Objectives .....	163
2.4	Development Guidelines .....	164
2.5	Mandatory Provisions .....	167
3	Farm Stay Accommodation.....	169
3.1	Application .....	169
3.2	Objectives .....	169
3.3	Development Guidelines .....	170
APPENDIX C9 .....		175
Table C9.1 Recommended minimum buffer distances between accommodation buildings and other land uses on adjoining or surrounding land not associated with proposal.....		175
CHAPTER 10 DUAL OCCUPANCIES.....		176
1	Introduction.....	178
1.1	Application .....	178
1.2	Aims of Chapter 10 .....	178
2	Dual occupancies in Zones RU1, RU2 and RU4.....	179
2.1	Application .....	179



2.2	Exempt Development .....	179
2.3	Objectives .....	179
2.4	Development Guidelines .....	180
3	Dual occupancies in Zones R1, R3, R5 and RU5.....	186
3.1	Application .....	186
3.2	Exempt Development .....	186
3.3	Objectives .....	186
3.4	Development Guidelines .....	187
APPENDIX C10 .....		195
TABLE C10.1 Recommended minimum buffer distances between dwellings and other land uses on adjoining or surrounding land not associated with the proposal.....		195
TABLE C10.2 Minimum front boundary setback for dwellings and ancillary structures in Zones R1, R3, R5 and RU5.....		196
CHAPTER 11 DWELLINGS ON SMALL LOTS .....		197
1	Introduction.....	199
1.1	Application .....	199
1.2	Aims of Chapter 11 .....	199
2	Dwellings in Zones R1 and R3 .....	200
2.1	Application .....	200
2.2	Exempt Development .....	200
2.3	Objectives .....	200
2.4	Development Guidelines .....	201
APPENDIX C11.....		209
CHAPTER 12 Non-Residential Development in KYOGLE TOWN CENTRE (ZONES B2 LOCAL CENTRE AND B4 MIXED USE) .....		215
1	Introduction.....	217
1.1	Application .....	217
1.2	Exempt and Complying Development.....	217
1.3	Aim of Chapter 12 .....	217
1.4	Objectives of Chapter 12 .....	217
2	Development Guidelines.....	219
2.1	Building and site design .....	219
2.2	Awnings, active frontages, public realm and footpaths .....	222
2.3	Operations and amenity.....	224
2.4	Servicing and infrastructure .....	225
2.5	Site access, parking, storage and deliveries.....	227
2.6	Heritage conservation .....	228
Appendix 1 Preferred operational hours .....		230

# INTRODUCTION

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## 1.1 Name of Plan

This Plan may be cited as the Kyogle Development Control Plan 2014.

## 1.2 Application

The Kyogle Development Control Plan 2014 (the DCP) has been prepared in accordance with Section 3.42 of the *Environmental Planning and Assessment Act 1979* and Part 3 of *Environmental Planning and Assessment Regulation 2000*.

The DCP makes provisions to guide the design of development proposals, the preparation of applications for development consent and the assessment of development applications in the Kyogle Council Local Government Area. Council is required under Section 4.15 of the *Environmental Planning and Assessment Act 1979* to take into consideration the relevant provisions of the DCP in determining development applications on land to which the DCP applies.

Where a type of development or development in a particular Zone is not listed in this DCP, applications will be assessed on a merit basis.

## 1.3 Commencement

This Plan came into effect on 1 June 2014.

## 1.4 Relationship to Other Plans

The DCP is to be read in conjunction with the Kyogle Local Environmental Plan 2012 (the LEP). The DCP seeks to give effect to the aims and objectives of the LEP by providing guidelines for development that is permissible with consent under the LEP. Where inconsistent with provisions of the LEP or State Environmental Planning Policies, the LEP or SEPP shall prevail.

This plan repeals the following Development Control Plans:

- DCP No. 1- Subdivision
- DCP No. 2- Development in Rural Areas
- DCP No. 3- Industrial Development
- DCP No. 4- Bed and breakfast Establishments and Farmstays
- DCP No. 5- Kyogle Commercial Area Off-Street Car Parking
- DCP No. 6- Outdoor Advertising
- DCP No. 7- Ecotourism
- DCP No. 9- Public Notification of Development Applications
- DCP No. 10- Management of Contaminated Lands

- DCP No. 11- Exempt Development
- DCP No. 12- Complying Development

## 1.5 Land to which the Plan applies

This plan applies to the whole of the Kyogle Council Local Government Area.

## 1.6 Purpose of the Plan

Consistent with Section 3.42 of the *Environmental Planning and Assessment Act 1979* the purpose of this DCP is to make detailed provisions to guide the design of development proposals, the preparation of applications for development consent and the assessment of development applications for all land within the Kyogle Local Government Area in order to;

- (a) give effect to the aims of the Kyogle LEP 2012;
- (b) facilitate development that is permissible under the Kyogle LEP 2012, and;
- (c) achieve the objectives of land zones under the Kyogle LEP 2012.

In accordance with Section 3.43 of the Act this DCP has also been prepared to provide for public advertising and notification of development applications for specified development.

## 1.7 Structure and Use of the Plan

### Chapters

This Development Control Plan is comprised of distinct chapters that each deal with a type of development or development within a particular Zone or Zones.

### Aims and Objectives

Each chapter has specific Aims and/or Objectives that it seeks to achieve. The Aims and Objectives are supported by more detailed Development Guidelines which are expressed through Performance Criteria and Acceptable Solutions.

### Performance Criteria and Acceptable Solutions

The Performance Criteria are in the left hand column of the Development Guidelines tables. They provide a statement of an intended development outcome that will achieve the Objectives of the chapter.

The Acceptable Solutions are in the right hand column of the Development Guidelines tables. **The Acceptable Solutions generally represent a preferred way of complying with the Performance Criteria however, there are other ways that an application can be shown to meet a Performance Criteria. A proposal that seeks to pursue an alternative solution to a stated Acceptable Solution must provide sufficient information to demonstrate how the corresponding Performance Criterion has been met.** It is the responsibility of the applicant to demonstrate how alternative solutions comply with, or achieve

the intent of, the Chapter's Performance Criteria. This may require the submission of additional reports or evidence prepared by suitably qualified persons where applicable. For example, where a site is flood prone, a report prepared by a hydraulic engineer may be required to show that the development is not subject to an unacceptable risk of flooding.

Similarly, in some cases meeting an Acceptable Solution requires compliance with Australian Standards or Council's Policies or Strategies or the submission of evidence, reports or plans prepared by suitably qualified persons. For example; an on-site waste water management plan prepared by a qualified soil scientist.

A proposal that meets with all Acceptable Solutions will generally be approved, except where particular circumstances of the site or development mean the Acceptable Solutions will not achieve a desirable outcome. A proposal that does not demonstrate achievement of the Performance Criteria or its intent, except in insignificant details, will be refused where it cannot be conditioned to mitigate impacts or it cannot be demonstrated that the development achieves the objectives of the Chapter.

#### Departures, Variations and Alternative Solutions

This DCP provides guidelines for development that are expressed as preferred outcomes rather than rigid development standards. As such, there are not expected to be many situations where the Development Guidelines should need to be varied. However, where a variation is requested Council may consider varying the Development Guidelines where it can be adequately demonstrated that the Aims and/or Objectives of the relevant Chapter can be wholly achieved by an alternative solution and the proposal is consistent with all LEP aims and Zone Objectives. Applications will generally need to provide a detailed justification for the request and evidence that an equivalent or better outcome will result from the variation in terms of environmental, social, cultural and economic outcomes. This may require the submission of reports or evidence prepared by suitably qualified persons. Where the development standard to be varied relates to a standard in the LEP, the application must address Clause 4.6 Exceptions to development standards of the LEP.

#### Advisory notes

Advisory notes (shown in italics) are for information or clarification only and are not a requirement of the plan.

## **1.8 Definitions**

The definitions of terms used in this Plan are the same as definitions provided in the Dictionary of the Kyogle LEP 2012. Additional terms may be defined within individual chapters.

#### **NOTE:**

Buffers – the numerical buffer distances identified in the Appendices generally refer to the distance between the proposed development and the specified activity/building on an adjoining property not party to the proposed development.

Surrounding Area referred to in Land Use Conflict generally refers to the area outside the development site.

# CHAPTER 1 NON-RESIDENTIAL DEVELOPMENT IN RURAL ZONES RU1, RU2, RU3 AND RU4

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## TABLE OF CONTENTS

<b>Chapter 1 Non-Residential Development in Rural Zones RU1, RU2, RU3 and RU4.....</b>	<b>5</b>
<b>1 Introduction .....</b>	<b>7</b>
1.1 Application .....	7
1.2 Aims of Chapter 1.....	7
<b>2 Intensive Livestock Agriculture, Rural Industries and Animal Boarding and Training Establishments.....</b>	<b>8</b>
2.1 Application .....	8
2.2 Objectives .....	8
2.3 Development Guidelines .....	9
<b>3 Farm Buildings and Rural Sheds .....</b>	<b>15</b>
3.1 Application .....	15
3.2 Exempt Development .....	15
3.3 Objectives .....	15
3.4 Development Guidelines .....	15
<b>4 Other development .....</b>	<b>18</b>
4.1 Application .....	18
4.2 Objectives .....	18
4.3 Development Guidelines .....	19
<b>APPENDIX C1 .....</b>	<b>24</b>
Table C1.1 – Recommended minimum buffer distances (metres) .....	24
Table C1.2 Preferred operational or opening hours.....	25

# 1 Introduction

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## 1.1 Application

This Chapter applies in preparing and assessing applications for development in rural Zones RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry and RU4 Primary Production Small Lots, excluding residential development, subdivision, forestry, extractive industries and other development where regulated by other chapters of this DCP.

## 1.2 Aims of Chapter 1

- a) To facilitate development in rural areas that is consistent with the objectives of the applicable zone and does not reduce the viability or potential of Regionally Significant Farmland<sup>1</sup> or Class 1, 2 or 3 agricultural land<sup>2</sup>.
- b) To assist potential developers to select suitable development sites.
- c) To provide development guidelines to assist the design of development proposals and preparation of development applications and the assessment of those applications.

<sup>1</sup>As defined by the Northern Rivers Farmland Protection Project (Department of Infrastructure, Planning and Natural Resources and Department of Primary Industries), 2005

<sup>2</sup>As mapped on Rural Land Capability maps produced by the NSW Department of Land and Water Conservation



## 2 Intensive Livestock Agriculture, Rural Industries and Animal Boarding or Training Establishments

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### 2.1 Application

This section applies to development for the purposes of **intensive livestock agriculture, rural industries** and **animal boarding or training establishments** in Zones RU1, RU2, RU3 and RU4 where permitted with consent under the Kyogle LEP 2012. The Kyogle LEP 2012 states that a rural industry includes the following activities:

- Agricultural produce industries
- Livestock processing industries (including abattoirs)
- Composting facilities and works (including the production of mushroom substrate)
- Sawmill or log processing works
- Stock and sale yards
- The regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise

### 2.2 Objectives

- a) To facilitate development of intensive livestock agriculture, rural industries and animal boarding or training establishments in appropriate locations.
- b) To encourage the development of rural industries that complements the agricultural activities within the Council area.
- c) To ensure development does not fragment or significantly reduce the potential or viability of Regionally Significant Farmland<sup>1</sup> or Class 1, 2 or 3 agricultural land<sup>2</sup>.
- d) To ensure that development is appropriately sited and adequate buffers are provided to sensitive land uses so as to minimise the potential for land use conflict.
- e) To ensure the design and operation of development does not create unacceptable impacts on the amenity of surrounding properties.
- f) To ensure that development does not adversely impact on biodiversity, endangered ecological communities, fauna corridors or threatened species.
- g) To minimise adverse impacts on the character of the rural landscape.
- h) To ensure development does not adversely impact on water quality and the ecological and hydrological functions of watercourses, wetlands or water bodies.
- i) To ensure that development is adequately serviced and does not create unreasonable demands on public infrastructure.
- j) To ensure that development has safe and suitable vehicular access.
- k) To ensure preservation of cultural heritage.

<sup>1</sup>As defined by the Northern Rivers Farmland Protection Project (Department of Infrastructure, Planning and Natural Resources and Department of Primary Industries), 2005

<sup>2</sup>As mapped on Rural Land Capability maps produced by the NSW Department of Land and Water Conservation

## 2.3 Development Guidelines

**Note: the Acceptable Solutions represent one way to meet the Performance Criteria. Applicants that choose not to, or that cannot meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.**

Performance criteria	Acceptable solution
<b>Protection of good quality agricultural land</b>	
P1 Development does not significantly reduce the viability or potential of Regionally Significant Farmland or Class 1, 2 or 3 agricultural land	A1 Development is not sited on land mapped as Regionally Significant Farmland or Class 1, 2 or 3 agricultural land
<b>Land use conflict</b>	
<p>P2 The development is not likely to impact on, or be impacted by, current and likely future land uses in the surrounding area*</p> <p><i>* Demonstrating achievement of P2 will generally require submission of a land use conflict risk assessment (LUCRA) prepared in accordance with the Department of Primary Industries 'Living and Working in Rural Areas' guidelines (2007) that demonstrates the development will not result in unacceptable risk of land use conflict</i></p>	<p>A2.1 Development achieves relevant buffers identified in Table C1.1 in Appendix C1</p> <p>A2.2 Development is not proposed on land that adjoins land zoned R1, R3, R5 and RU5 or land that is identified for future residential or urban development through a land release strategy</p>
<b>Design and siting of buildings, structures and operational areas</b>	
P3 Development siting and layout utilises natural grades of the land and minimises cut and fill	<p>A3.1 Buildings, structures and operational areas are not constructed on land with a gradient exceeding 15%</p> <p>A3.2 Cut or fill does not exceed 1.5 metres in height and a total height of 3 metres</p>
P4 The setback of buildings, structures and operational areas from the primary road frontage is consistent with the surrounding area	<p>A4.1 Buildings, structures and operational areas are set back a minimum of 40 metres from the primary road frontage or as per Table C1.1 in Appendix C1 where applicable</p> <p>OR</p> <p><b>Where development site has primary frontage to a classified road:</b></p>

Performance criteria	Acceptable solution
	A4.2 Buildings, structures and operational areas are set back a minimum of 50 metres from the road frontage
P5 The setback of buildings, structures and operational areas from side and rear property boundaries does not impact on the amenity of adjoining properties	<p>A5.1 Buildings and structures are set back a minimum of 20 metres from side boundary or as per Table C1.1 in Appendix C1 where applicable</p> <p>A5.2 Buildings and structures are set back at least 20 metres from rear boundary or as per Table C1.1 in Appendix C1 where applicable</p> <p>OR</p> <p><b>Where side or rear boundary fronts a public road:</b></p> <p>A5.3 Buildings and structures are set back at least 40 metres or as per Table C1.1 in Appendix C1 where applicable</p>
<b>Visual impact</b>	
P6 The development does not adversely impact significant vistas, landscape character or surrounding properties	<p>A6.1 Buildings and structures are not located in visually prominent locations such as on ridgelines, hill tops or in prominent locations when viewed from public vantage points</p> <p>OR</p> <p>A6.2 Landscaping is provided to screen or break up the appearance of the development from surrounding areas and significant public vantage points*</p> <p><i>* A landscape concept plan must be provided that demonstrates achievement of A6.2</i></p> <p>A6.3 External walls and roofs are clad in non-reflective materials and colours are muted</p>
<b>Environmental impact</b>	
P7 The siting of buildings, structures and operational areas does not adversely impact ecological or hydrological values of watercourses, water bodies or wetlands	<p>A7.1 Buildings, structures and operational areas are set back a minimum of 100 metres from the top of bank of permanent watercourses (Order 3 or greater Stream) or water bodies and 40 metres from the top of bank of an ephemeral watercourse (Order 1 or 2 Stream)</p> <p>A7.2 Buildings, structures and operational areas are set back a minimum of 100 metres from the edge of wetland</p>

Performance criteria	Acceptable solution
P8 Development does not adversely impact on ecological functions or biodiversity values	<p>A8.1 Construction of buildings, structures and operational areas does not require the clearing of native vegetation</p> <p>A8.2 Development is not located within a mapped ecological corridor</p>
<b>Heritage</b>	
P9 Development does not adversely affect the heritage significance of items of environmental heritage or of a heritage conservation area	A9 The development site is not land upon which an item of environmental heritage is situated or land within a heritage conservation area
<b>Landscaping</b>	
P10 The development does not create adverse visual impact on the character of the area	<p>A10.1 A landscape concept plan is submitted with the development application</p> <p>A10.2 Plant species proposed complement or reflect the landscape character of the site and its surroundings</p> <p>A10.3 Plant locations and densities are appropriate to effectively screen or break up the mass of the development</p>
<b>Control of Noise, Odour, Light and Dust</b>	
P11 Operation of the development does not create unacceptable noise impacts on surrounding areas	<p>A11.1 Operation of the development complies with the NSW Industrial Noise Policy</p> <p>A11.2 All stationary noise generating machinery is located within insulated and enclosed buildings</p> <p>A11.3 Deliveries and transport are undertaken only between the hours of 7am to 6pm weekdays and 7am to 1pm Saturdays</p> <p>A11.4 Roads, parking, loading and manoeuvring areas are not within 100 metres of a dwelling on another property</p>
P12 Operation of the development does not create dust that impacts on crop production or the amenity of surrounding areas	A12 Design and operation of the development does not generate dust

Performance criteria	Acceptable solution
P13 Operation of the development does not create unacceptable odour impacts on surrounding areas	<p>A13.1 Animal feed is stored in a dry storage area to prevent fermentation</p> <p>AND</p> <p><b>Where development is for intensive livestock agriculture:</b></p> <p>A13.2 Best practice measures to minimise odour are implemented</p> <p>AND</p> <p><b>Where development is for an animal boarding establishment:</b></p> <p>A13.3 Development is carried out in accordance with the Code of Practice No. 5- Dogs and Cats in Animal Boarding Establishments prepared by the NSW Department of Primary Industries</p>
P14 The development does not create unacceptable light impacts on surrounding areas	<p>A14.1 Development does not employ external lighting</p> <p>OR</p> <p>A14.2 External lighting is shielded to prevent spillage to surrounding properties</p>
<b>Effluent management</b>	
P15 Design and operation of the development does not adversely impact water quality or create public health risks	<p>A15.1 Effluent is treated on site in an approved manner</p> <p>OR</p> <p>A15.2 Effluent is removed from site and disposed of in an approved manner</p> <p>AND</p> <p><b>Where development is for intensive livestock agriculture or animal boarding and training establishment:</b></p> <p>A15.3 Wastewater generated from the cleaning of animal housing structures, restriction facilities and yard areas is treated to remove pathogens and pollutants prior to being reused on-site for irrigation purposes</p>
<b>Stormwater management</b>	
P16 Development must not have a detrimental impact on water quality or adjoining properties	A16.1 Development does not alter drainage patterns or result in increased stormwater velocities, sediment, pollutant or nutrient loads

Performance criteria	Acceptable solution
	<p>A16.2 Stormwater is disposed of in a manner that does not interfere with adjoining land uses</p> <p>A16.3 Stormwater management infrastructure is designed in accordance with the Northern Rivers Local Government Development &amp; Design and Construction Manuals</p> <p>AND</p> <p><b>Where development is for intensive livestock agriculture:</b></p> <p>A16.4 Development is carried out in accordance with an erosion and sediment control plan prepared in accordance with the Northern Rivers Local Government Development &amp; Design and Construction Manuals</p>
<b>Transport and access</b>	
P17 The development has vehicular access that is safe and suitable for the intended use	<p>A17.1 The development is connected to a public road that is of appropriate standard to accommodate the nature of traffic generated by the development</p> <p>A17.2 Vehicles can enter and leave the site in a forward direction</p> <p>A17.3 Internal access roads, parking and manoeuvring areas are all weather design and construction</p> <p>A17.4 Access, manoeuvring and parking areas designed and constructed in accordance with the Northern Rivers Local Government Development &amp; Design and Construction Manuals, and Council's Property Access and Addressing Management Plan</p>
<b>Services and infrastructure</b>	
P18 The development makes adequate provision for services without impacting on the amenity of surrounding properties	A18 The development is serviced by reticulated power and telecommunications
P19 The development makes adequate provision for supply of water	A19 The development is self-sufficient for water
<b>Natural hazards</b>	
P20 Buildings, structures and persons on the development site are not exposed to	A20.1 Development is not on land that is mapped as bushfire prone land or a landslip hazard area

Performance criteria	Acceptable solution
unacceptable risk from flooding, landslip or bushfire	A20.2 The development site is not prone to flooding from inundation or overland flow
<b>Hours of operation (rural industries only)</b>	
P21 Operation of the development does not create unacceptable impacts on surrounding areas	A21 Hours of operation are in accordance with Table C1.2 in Appendix C1

## 3 Farm Buildings and Rural Sheds

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### 3.1 Application

This section applies to development for the purposes of farm buildings (including sheds) and structures in Zones RU1, RU2, RU3 and RU4 where not developed in association with other development applicable to this Chapter. This Chapter does not apply to rural dwellings; refer to Chapter 3.

### 3.2 Exempt Development

Certain farm buildings and structures are permitted as Exempt Development (development that does not require development consent, subject to certain requirements). Reference should be made to any relevant State Environmental Planning Policy.

### 3.3 Objectives

- a) To ensure that buildings and structures are designed and constructed to minimise the visual impact on the character of the rural landscape and significant views or settings.
- b) To ensure that buildings and structures are designed and sited to minimise cut and fill.
- c) To ensure that buildings and structures are designed and sited to minimise impacts on ecological functions and biodiversity values.
- d) To ensure that buildings and structures are sited to minimise exposure to unacceptable risk from natural hazards and contaminated land.
- e) To ensure that buildings and structures do not adversely impact on ecological or hydrological functions of watercourses, wetlands or water bodies.
- f) To ensure that buildings and structures have suitable vehicular access.
- g) To ensure the preservation of cultural heritage.

### 3.4 Development Guidelines

**Note: the Acceptable Solutions represent one way to meet the Performance Criteria. Applicants that choose not to, or that cannot, meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.**

Performance criteria	Acceptable solution
<b>Design and siting of buildings and structures</b>	
P1 Design and layout of buildings utilises natural grades of the land and minimises cut and fill	A1.1 Buildings and structures are not erected on slopes in excess of 15%  A1.2 Cut or fill does not exceed 1.5 metres in height or a total height of 3 metres



Performance criteria	Acceptable solution
P2 The setback of buildings and structures to the primary road frontage is consistent with the surrounding area	<p>A2.1 Buildings and structures are set back a minimum of 20 metres from the primary road frontage, where the road is not a classified road</p> <p>OR</p> <p><b>Where development site has primary frontage to a classified road:</b></p> <p>A2.2 Buildings and structures are set back a minimum of 50 metres from the road frontage</p>
P3 The setback of buildings and structures does not impact on the amenity of adjoining properties or the surrounding area	<p>A3.1 Buildings and structures are set back a minimum of 10 metres from side and rear boundaries</p> <p>OR</p> <p><b>Where side or rear boundary fronts a public road:</b></p> <p>A3.2 Buildings and structures are set back a minimum of 20 metres from boundary</p>
P4 The siting of buildings and structures does not impact on ecological or hydrological values of watercourses and water bodies	A4 Buildings and structures are set back a minimum of 100 metres from the top of bank of permanent or ephemeral watercourses and water bodies
P5 The development does not adversely impact significant vistas, landscape character or surrounding properties	<p>A5.1 Buildings and structures must not be located in visually prominent locations such as on ridgelines, hill tops or in prominent locations when viewed from public vantage points</p> <p>OR</p> <p>A5.2 Landscaping is provided to screen or break up the appearance of the development from surrounding areas and significant vantage points*</p> <p><i>* A landscape concept plan must be provided that demonstrates achievement of A5.2</i></p> <p>AND</p> <p>A5.3 External walls and roofs are clad in non-reflective materials and colours are muted</p>
P6 Development does not create unacceptable impact on ecological functions or biodiversity values	<p>A6.1 Siting of buildings and structures does not require the clearing of native vegetation</p> <p>A6.2 Development is not located within a mapped ecological corridor</p>

Performance criteria	Acceptable solution
<b>Stormwater Management</b>	
P7 Development must not have a detrimental impact on adjoining properties	<p>A7.1 Stormwater is disposed of in a manner that does not interfere with adjoining properties</p> <p>A7.2 Stormwater management infrastructure is designed and constructed in accordance with the Northern Rivers Local Government Development &amp; Design and Construction Manuals</p>
<b>Transport and Access</b>	
P8 The development must have vehicular access suitable for the intended use	<p>A8.1 Internal access roads and vehicular access must be all weather design and construction in accordance with the Northern Rivers Local Government Development &amp; Design and Construction Manuals, and Council's Property Access and Addressing Management Plan</p> <p>A8.2 Vehicles are able to enter and leave the site in a forward direction</p>
<b>Natural hazards</b>	
P9 Buildings, structures and persons on the development site are not exposed to unacceptable risk from flooding, landslip or bushfire	<p>A9.1 Where development is on land mapped as bushfire prone land, buildings or structures are not located within 10 metres of a dwelling*</p> <p>A9.2 Development is not located on land mapped as a landslip hazard area</p> <p>A9.3 The development site is not prone to flooding from inundation or overland flow</p> <p><i>*Where Class 10a structures are located on bushfire prone land and within 10 metres of a residential building, the Class 10a structure must meet bushfire requirements applicable to the residential building</i></p>
<b>Heritage</b>	
P10 Development does adversely affect the heritage significance of items of environmental heritage or of a heritage conservation area	A10 The development site is not land upon which an item of environmental heritage is situated or land within a heritage conservation area

## 4 Other development

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### 4.1 Application

This section applies to other non-residential development in Zones RU1, RU2, RU3 and RU4 where permitted with consent, including; **camping grounds, caravan parks, charter and tourism boating facilities, helipads, information and education facilities, roadside stalls, community facilities, industrial training facilities, function centres, educational establishments, entertainment facilities, restaurants or cafes, recreation facilities (outdoor), places of public worship, plant nurseries, rural supplies, temporary workers' accommodation, timber yards, veterinary hospitals, crematoria and cellar door premises**, but excluding tourist and visitor accommodation, eco-tourist facilities, forestry or cemeteries.

### 4.2 Objectives

- a) To facilitate development in rural areas that is consistent with the objectives of the applicable zone.
- b) To promote development that complements the agricultural nature of the rural area and allows additional economic opportunities.
- c) To ensure development does not fragment or reduce the potential and viability of Regionally Significant Farmland<sup>1</sup> or Class 1, 2 or 3 agricultural land<sup>2</sup>.
- d) To ensure that development does not result in unacceptable harm to the natural environment.
- e) To ensure that development does not create unacceptable potential for land use conflict.
- f) To ensure development is adequately serviced and does not impose unreasonable demand on public infrastructure.
- g) To ensure that infrastructure and persons on development sites are not exposed to unacceptable risk from natural hazards and contaminated land.
- h) To ensure that development does not adversely impact the landscape character of rural areas.
- i) To ensure the preservation of cultural heritage.
- j) To ensure that buildings and structures do not adversely impact on ecological or hydrological functions of watercourses, wetlands or water bodies.
- k) To ensure that development has safe and suitable vehicular access.

<sup>1</sup>As defined by the Northern Rivers Farmland Protection Project (Department of Infrastructure, Planning and Natural Resources and Department of Primary Industries), 2005

<sup>2</sup>As mapped on Rural Land Capability maps produced by the NSW Department of Land and Water Conservation

### 4.3 Development Guidelines

**Note: the Acceptable Solutions in the table below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot, meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.**

Performance criteria	Acceptable solution
<b>Protection of good quality agricultural land</b>	
P1 Development does not significantly reduce the viability or potential of Regionally Significant Farmland or Class 1, 2 or 3 agricultural land	A1 Development is not sited on land mapped as Regionally Significant Farmland or Class 1, 2 or 3 agricultural land
<b>Land use conflict</b>	
<p>P2 The development is not likely to impact on, or be impacted by, current and likely future land uses in the surrounding area*</p> <p><i>* Demonstrating achievement of P2 will generally require submission of a land use conflict risk assessment (LUCRA) prepared in accordance with the Department of Primary Industries 'Living and Working in Rural Areas' guidelines (2007)</i></p>	A2 Development achieves buffers identified in Table C1.1 in Appendix C1
<b>Design and siting of buildings and structures</b>	
P3 Development siting and layout utilises natural grades of the land and minimises cut and fill	<p>A3.1 Buildings, structures and operational areas are not constructed on land with a gradient exceeding 15%</p> <p>A3.2 Cut or fill does not exceed 1.5 metres in height and a total height of 3 metres</p>
P4 The setback of buildings, structures and operational areas to the primary road frontage is consistent with the surrounding area	<p>A4.1 Buildings, structures and operational areas are set back a minimum of 20 metres from the primary road frontage</p> <p>OR</p> <p><b>Where development site has primary frontage to a classified road:</b></p> <p>A4.2 Buildings, structures and operational areas are set back a minimum of 50 metres from the road frontage</p>
P5 The setback of buildings, structures and operational areas does not impact on the amenity of adjoining properties	<p>A5.1 Buildings and structures are set back a minimum of 10 metres from side boundary</p> <p>A5.2 Buildings and structures are set back at least 10 metres from rear boundary</p>

Performance criteria	Acceptable solution
	<p>OR</p> <p><b>Where side or rear boundary is a secondary road:</b></p> <p>A5.3 Buildings and structures are set back at least 20 metres</p>
<b>Visual impact</b>	
P6 The development does not adversely impact significant vistas, landscape character or surrounding properties	<p>A6.1 Buildings and structures are not located in visually prominent locations such as on ridgelines, hill tops or in prominent locations when viewed from public vantage points</p> <p>OR</p> <p>A6.2 Landscaping is provided to screen or break up the appearance of the development from surrounding areas and significant vantage points</p> <p><i>* A landscape concept plan must be provided that demonstrates achievement of A6.2</i></p> <p>AND</p> <p>A6.3 External walls and roofs are clad in non-reflective materials and colours are muted</p>
<b>Environmental impact</b>	
P7 The siting of buildings and structures does not impact on ecological or hydrological values of watercourses, water bodies and wetlands	<p>A7.1 Buildings, structures and operational areas are set back a minimum of 100 metres from the top of bank of permanent watercourses (Order 3 Stream or greater) or water bodies and 40 metres from the top of bank of an ephemeral watercourse (Order 1 or 2 Stream)</p> <p>A7.2 Buildings, structures and operational areas are set back a minimum of 100 metres from the edge of wetland</p>
P8 Development does not create unacceptable impact on ecological functions or biodiversity values	<p>A8.1 Construction of buildings, structures and operational areas does not require the clearing of native vegetation</p> <p>A8.2 Development is not located within a mapped ecological corridor</p>
<b>Protection of amenity of surrounding properties</b>	

<b>Performance criteria</b>	<b>Acceptable solution</b>
P9 Operation of the development does not create unacceptable impacts on the amenity of surrounding areas or agricultural production	<p>A9.1 Hours of operation are in accordance with Table C1.2 in Appendix C1</p> <p>A9.2 Operation of the development must comply with the NSW Industrial Noise Policy</p> <p>A9.3 Delivery and servicing is undertaken only between the hours of 7am to 6pm weekdays and 7am to 1pm Saturdays</p> <p>A9.4 Design and operation of the facility does not generate emissions of dust, light or odour</p> <p>A9.5 Internal roads, parking, loading and manoeuvring areas are not within 40 metres of a dwelling on an adjoining property</p>
<b>Effluent management</b>	
P10 Design and operation of the development does not adversely impact water quality or create public health risks	<p>A10.1 Effluent is treated on site in an approved manner</p> <p>OR</p> <p>A10.2 Effluent is removed from site and disposed of in an approved manner</p>
<b>Stormwater Management</b>	
P11 Development must not have a detrimental impact on water quality or adjoining properties	<p>A11.1 Development does not alter drainage patterns or result in increased stormwater velocities, sediment, pollutant or nutrient loads</p> <p>A11.2 Stormwater is disposed of in a manner that does not cause nuisance to adjoining properties</p> <p>A11.3 Stormwater management infrastructure is designed in accordance with the Northern Rivers Local Government Development &amp; Design and Construction Manuals</p>
<b>Transport and Access</b>	
P12 The development must have vehicular access suitable for the intended use and vehicular movements must not have a detrimental impact on amenity of adjoining properties	<p>A12.1 The development is connected to a public road that is of appropriate standard to accommodate the nature of traffic generated by the development</p> <p>A12.2 Internal access roads and vehicle manoeuvring and parking areas are all weather design and construction</p>

Performance criteria	Acceptable solution
	<p>A12.3 Vehicles are able to enter and leave the site in a forward direction</p> <p>A12.4 Access, manoeuvring and parking areas are in accordance with the Northern Rivers Local Government Development &amp; Design and Construction Manual</p>
<b>Services and infrastructure</b>	
P13 The development makes adequate provision for services without impacting on the amenity of surrounding properties or drawing unreasonably from watercourses, water bodies or groundwater	<p>A13.1 The development is serviced by reticulated power and telecommunications</p> <p>A13.2 The development has adequate water supply</p>
<b>Natural hazards</b>	
P14 Buildings, structures and persons on the development site are not exposed to unacceptable risk from flooding, landslip or bushfire	<p>A14.1 Development is not proposed on land that is mapped as bushfire prone or a landslip hazard area</p> <p>A14.2 The development site is not prone to flooding from inundation or overland flow</p>
<b>Heritage</b>	
P15 Development does not adversely affect the heritage significance of items of environmental heritage or of a heritage conservation area	A15 The development site is not land upon which an item of environmental heritage is situated or land within a heritage conservation area
<b>Where development is for a roadside stall</b>	
P16 Roadside stalls do not create unsafe road conditions	<p>A16.1 Roadside stalls are not located within the road reserve</p> <p>A16.2 Roadside stalls are accessed via an approved vehicular access</p>
P17 Roadside stalls are small scale and used for the sale of locally produced or grown goods and products	<p>A17.1 The maximum gross floor area of a roadside stall is 8m<sup>2</sup></p> <p>A17.2 Roadside stalls are only used to sell goods produced or grown on the property where the stall is located or an adjacent property</p>

Performance criteria	Acceptable solution
P18 Food products are stored and managed in accordance with NSW Food Authority requirements	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P19 Signage does not create adverse impacts on rural landscape character or unduly distract motorists	A19.1 No more than 3 signs per premises are utilised  A19.2 Signs are located on roadside stall or fence line of subject site



## APPENDIX C1

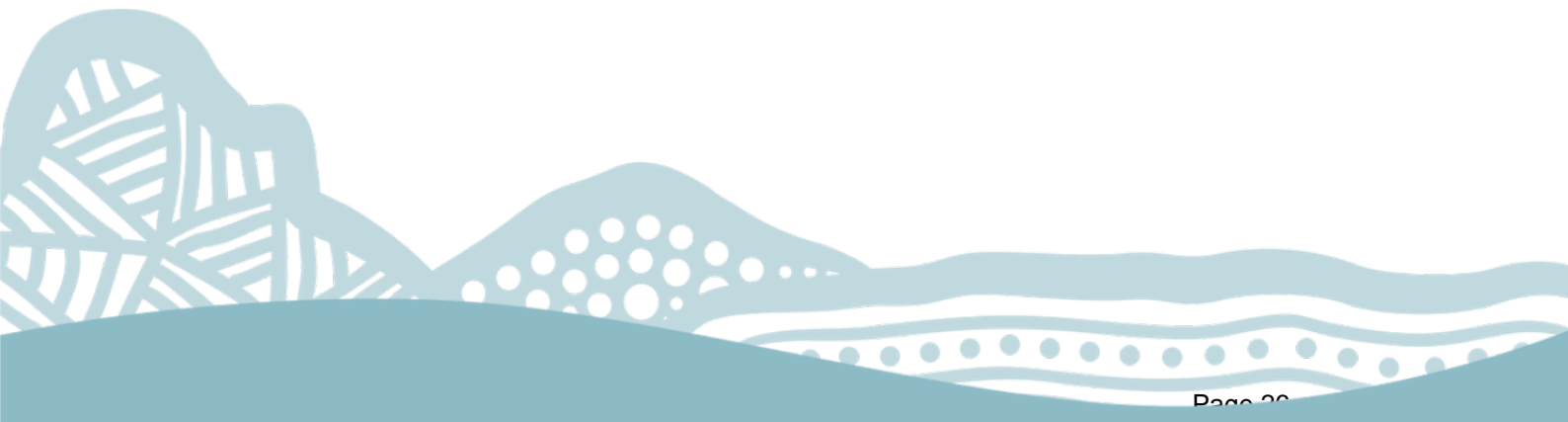
**Table C1.1 Recommended minimum buffer distances (in metres) between proposed development and building or activity on adjoining land not associated with proposal**

	Residential areas and Urban Development	Rural Dwellings	Education Facilities & Pre-schools	Tourist and Visitor Accommodation	Property Boundary of subject site	Public Roads
Piggeries- Housing and waste storage	1000	500	1000	500	100	100
Piggeries- Waste utilisation area	500	250	250	250	20	20
Feedlots- Yards and waste storage	1000	500	1000	1000	100	100
Feedlots- Waste utilisation area	500	250	250	250	20	20
Poultry farms- Sheds and waste storage	1000	500	1000	500	100	100
Poultry farms- Waste utilisation area	500	250	250	250	20	20
Dairies- Sheds and waste storage	500	250	250	250	100	100
Dairies- Waste utilisation area	500	250	250	250	20	20
Other Intensive Livestock Operations	500	300	500	300	100	100
Extensive Horticulture	300	200	200	200	NAI	BMP
Greenhouse & Controlled Environment Horticulture	200	200	200	200	50	50
Macadamia de-husking	300	300	300	300	50	50
Bananas	150	150	150	150	BMP	BMP
Turf Farms	300	200	200	200	BMP	SSD
Animal boarding or training establishments	500	500	500	500	100	100
Rural Industries	1000	500	1000	500	50	50
Abattoirs	1000	1000	1000	1000	100	100

Source: Department of Primary Industries; Living and Working in Rural Areas (2007)

**Table C1.2 Preferred operational or opening hours**

Development use or activity	Monday to Friday	Saturday	Sunday and Public Holidays
Function centres, Restaurants and cafes, Cellar door premises, Neighbourhood shops, Educational establishments, Entertainment facilities, Information and education facilities, Place of public worship	7am-10pm	7am-10pm	7am-10pm
Charter and tourism boating facilities, Veterinary hospitals, Plant nurseries, Recreation facilities (outdoor), Rural supplies, Timber yards	7am-6pm	7am-5pm	7am-5pm
Rural industries, Industrial training facilities	7am-6pm	7am-1pm	Not permitted
Crematoria	8am-5pm	8am-4pm	9am-3pm



# TABLE OF CONTENTS

Chapter 2 Subdivision .....	26
1 Introduction .....	29
1.1 Application .....	29
1.2 Aims of Chapter 2.....	29
2 Subdivision in rural areas .....	30
2.1 Application .....	30
2.2 Exempt Development .....	30
2.3 Objectives .....	30
2.4 Development Guidelines .....	31
2.4.1 Subdivision Design .....	31
2.4.2 Managing impacts from surrounding land uses.....	35
2.4.3 Protection of Watercourses and Ecological Features.....	37
2.4.4 Natural Hazards and Contaminated Land.....	38
2.4.5 Servicing and Infrastructure .....	39
2.4.7 Site access and road design .....	40
2.4.8 Additional guidelines for creation of lots for primary production under Clause 4.2 of the LEP	41
2.4.9 Additional guidelines for boundary adjustments .....	42
3 Subdivision in rural residential areas .....	43
3.1 Application .....	43
3.2 Exempt Development .....	43
3.3 Objectives .....	43
3.4 Development guidelines for the Twelve Preferred Areas.....	44
3.5 Development guidelines for all other land in Zones RU4 and R5 .....	44
3.5.1 Subdivision Design .....	44
3.5.2 Managing Impacts from Surrounding Land Uses .....	46
3.5.3 Protection of Watercourses and Ecological Features.....	47
3.5.4 Natural Hazards and Contaminated Land.....	49
3.5.5 Servicing and Infrastructure .....	50
3.5.6 Site access and road design .....	52
4 Residential subdivision in urban and village areas.....	Error! Bookmark not defined.
4.1 Application .....	55
4.2 Exempt and Complying Development.....	55
4.3 Objectives .....	55
4.4 Structure planning .....	55
4.4.1 Application .....	55
4.4.2 Desired outcomes for development subject to structure plan requirements .....	56

4.5	Development guidelines.....	57
4.5.1	Subdivision Design.....	57
4.5.2	Managing Impacts from surrounding land uses.....	59
4.5.3	Protection of Watercourses and Ecological Values.....	60
4.5.4	Hazard and Risk.....	61
4.5.5	Servicing and Infrastructure.....	62
4.5.6	Site access and road design .....	64
4.5.7	Design and provision of open space.....	66
4.5.8	Additional guidelines for boundary adjustments .....	68
4.5.9	Development guidelines for strata or community title subdivision.....	69
5	Subdivision for Commercial, Special use, Industrial and other non-residential purposes in urban and village areas.....	<b>70</b>
5.1	Application .....	70
5.2	Exempt and Complying Development.....	70
5.3	Objectives .....	70
5.4	Development Guidelines .....	71
5.4.1	Subdivision Design.....	71
5.4.2	Buffers to surrounding land uses.....	73
5.4.3	Protection of Watercourses and Ecological Values.....	73
5.4.4	Hazard and Risk.....	75
5.4.5	Servicing and Infrastructure.....	76
5.4.6	Site access and road design .....	78
5.4.7	Additional guidelines for boundary adjustments .....	80
5.4.8	Development guidelines for strata title subdivision.....	80
Appendix C2	.....	<b>81</b>
	Table C2.1 Acceptable minimum buffer distances between dwellings and other land uses .....	81
	Table C2.2 Provision of public open space .....	82

# 1 INTRODUCTION

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## 1.1 Application

This Chapter applies in preparing and assessing applications for subdivision (including boundary adjustments) of land and buildings.

## 1.2 Aims of Chapter 2

- a) To provide comprehensive and clear guidelines for preparing and assessing development applications for subdivision of land in the Kyogle Local Government Area.
- b) To facilitate the subdivision of land that achieves the applicable zone objectives and is appropriate for its intended use.
- c) To promote the development of well-designed subdivisions that respond appropriately to their site and surroundings and meet community expectations.

## 2 SUBDIVISION IN RURAL AREAS

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### 2.1 Application

This section applies to subdivision of land in Zones RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry, W1 Natural Waterways and W2 Recreational Waterways. In designing subdivisions and preparing development applications reference should also be made to the relevant provisions of the Kyogle LEP 2012, including; Clause 2.6, Clause 4.1, Clause 4.1AA, Clause 4.2, Clause 4.2B and the Lot Size Maps.

### 2.2 Exempt Development

Certain subdivision (including minor boundary adjustments) is permitted as Exempt Development (development that does not require development consent, subject to certain requirements). Reference should be made to any relevant State Environmental Planning Policy.

### 2.3 Objectives

- a) To facilitate the subdivision of land that achieves the applicable zone objectives.
- b) To provide for the subdivision of rural land to respond to changing needs of agriculture and facilitate additional rural settlement in appropriate locations.
- c) To ensure that subdivision of rural land preserves agricultural viability and potential and avoids fragmentation of Regionally Significant Farmland<sup>1</sup> or Class 1, 2 or 3 agricultural land<sup>2\*</sup>.
- d) To ensure that new lots are suitable to accommodate a dwelling.
- e) To ensure subdivision for rural settlement achieves adequate buffers to agricultural activities and does not create the potential for land use conflict.
- f) To ensure that future residents, visitors and workers are not exposed to unacceptable risk from natural hazards and contaminated land.
- g) To ensure the protection and preservation of natural resources, biological diversity, water courses, wetlands, significant native vegetation, habitat and corridors
- h) To ensure the preservation of cultural heritage.
- i) To protect the character of the rural landscape.
- j) To ensure rural subdivisions are provided with appropriate services and infrastructure that are efficient, cost-effective and minimise ongoing maintenance costs.

<sup>1</sup>As defined by the Northern Rivers Farmland Protection Project (Department of Infrastructure, Planning and Natural Resources and Department of Primary Industries), 2005

<sup>2</sup>As mapped on Rural Land Capability maps produced by the NSW Department of Land and Water Conservation

## 2.4 Development Guidelines

**Note: the Acceptable Solutions in the tables below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.**

### 2.4.1 Subdivision Design

Performance criteria	Acceptable solution
<b>Lot size</b>	
P1 The size of lots facilitates achievement of the objectives of the Zone	A1 Lots are at least the minimum size shown on the Lot Size Maps in the LEP
<b>Lot shape, dimensions and road frontage</b>	
P2 The dimensions and shape of lots are suitable to achieve buffers and facilitate practical agricultural use of the land	<p>A2.1 Lots have a conventional rectangular, rhomboidal or trapezoidal shape without acute internal angles</p> <p>A2.2 The frontage to depth ratio of lots does not exceed 1: 4</p> <p>A2.3 Lot size and shape permits building envelopes to achieve recommended buffers in Table C2.1 in Appendix C2</p> <p>A2.4 Lots are at least 200 metres wide at the narrowest point</p>
P3 Lots allow convenient vehicular access and have the ability to be serviced	<p>A3.1 Lots have at least 200 metres of contiguous frontage to a constructed public road</p> <p>OR</p> <p>A3.2 Access via a right of carriageway is only utilised where it is not possible or practical to provide road frontage, and the right of carriageway is designed in accordance with the requirements of the Northern Rivers Local Government Development &amp; Design and Construction Manual.</p>
<b>Rear/ hatchet/ battle axe lots</b>	
P4 Rear lots are suitable size and shape to facilitate agricultural use and siting of a dwelling	A4.1 The area of rear lots (not including the area of the access handle) is at least the minimum lot size shown on the minimum lot size maps in the LEP



Performance criteria	Acceptable solution
	<p>A4.2 The width to depth ratio does not exceed 1: 4 (excluding access handle)</p> <p>A4.3 Lot size and shape permits building envelopes to achieve recommended buffers in Table C2.1 in Appendix C2</p> <p>A4.4 The access handle is a minimum 7 metres wide and designed in accordance with the requirements of the Northern Rivers Local Government Development &amp; Design and Construction Manual</p>
<b>Site features and constraints</b>	
<p>P5 The subdivision layout responds appropriately to the topography and natural features of the site and its surrounds and facilitates sustainable land management practices including;</p> <ul style="list-style-type: none"> <li>• Use of natural boundaries</li> <li>• Protection of natural habitat and vegetation</li> <li>• Revegetation and tree planting</li> <li>• Protection of watercourses and water quality</li> <li>• Avoiding the need to utilise steep land</li> <li>• Control of weeds and feral animals</li> <li>• Retention of significant character trees</li> </ul>	<p>No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria</p>
<p>P6 Subdivision layout facilitates practical agricultural use of the land</p>	<p>A6.1 Lot layout does not reduce access to usable land for stock and machinery</p> <p>A6.2 Lot layout does not require the construction of new farm roads, access tracks and fences across watercourses, vegetated land or steep land</p> <p>A6.3 Lot boundaries facilitate practical construction and maintenance of fences where required</p> <p>A6.4 Subdivision layout allows stock to access water, sheltered areas and flood free land</p> <p>A6.5 Lots have areas suitable for the siting of agricultural buildings and infrastructure</p>

Performance criteria	Acceptable solution
	A6.6 Lot layout has regard to the agricultural class of the land
<b>Heritage</b>	
P7 The development is designed with appropriate regard for preservation of cultural heritage	A7 Subdivision and likely future development does not alter the setting, context or views of items of environmental heritage or of a heritage conservation area
<b>Siting of dwellings</b> (not applicable to lots created for primary production under Clause 4.2 of the LEP)	
P8 Each proposed lot is suitable to enable dwellings to be safely and practically sited, serviced and accessed	<p>A8.1 Location of building envelopes allows construction of access to the dwelling in accordance with the requirements of the Northern Rivers Local Government Development &amp; Design and Construction Manual</p> <p>A8.2 Location of building envelopes does not require construction of future driveways over watercourses of Order 3 Stream or greater</p> <p>A8.3 Location of building envelopes does not require clearing of native vegetation to construct a future driveway</p> <p>A8.4 Building envelopes provide good residential amenity, solar access and sufficient useable land around the dwelling</p> <p>A8.5 Building envelopes are not located on land with a gradient exceeding 20%</p>
P9 Lots are suitable for on-site management of effluent that does not create public health impacts or adversely impact quality of surface and ground waters	<p>A9.1 Effluent disposal areas can be located on land with a gradient not exceeding 20%</p> <p>A9.2 Lots have a suitable soil type to permit on site treatment and disposal of effluent</p> <p>A9.3 Effluent disposal areas can be sited at least 100m from Order 3 (or greater) Stream and 40m from Order 1 or 2 Stream</p> <p>A9.4 Lots have an area of at least 2000m<sup>2</sup></p>
<b>Movement networks</b>	

Performance criteria	Acceptable solution
P10 The development site is accessed via public roads that have adequate capacity to safely and efficiently service the development and other existing demand	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P11 The development has a safe, logical and efficient connection to a regional road or urban or village area	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P12 The road network provides opportunities for public transport	A12 Network routes and connections facilitate public transport
<b>Rural landscape character</b>	
P13 Subdivision does not impact adversely on significant views or landscape character	<p>A13.1 Subdivision does not require construction of new roads on prominent ridgelines, hilltops or in other prominent locations within public vantage points</p> <p>A13.2 Layout of lots and roads is consistent with the existing pattern of subdivision</p> <p>A13.3 Building envelopes are not located on prominent ridgelines or hilltops or in highly visible locations</p>
<b>Resource protection</b>	
<p>P14 Subdivision does not fragment Regionally Significant Farmland or Class 1, 2 or 3 agricultural land*</p> <p><i>*An agricultural land capability and suitability assessment prepared by a suitably qualified person is submitted that demonstrates achievement of P14</i></p>	A14 Development does not subdivide contiguous areas of Regionally Significant Farmland or Class 1, 2 or 3 agricultural land
<p>P15 Subdivision does not reduce the agricultural viability or potential of the subject site or adjoining land*</p> <p><i>*An agricultural land capability and suitability assessment prepared by a suitably qualified person is submitted that demonstrates achievement of P15</i></p>	<p>A15.1 Building envelopes achieve minimum buffers as identified in Table C2.1 in Appendix C2</p> <p>A15.2 Building envelopes are not located where they will sterilise productive land</p> <p>A15.3 Subdivision maintains paddocks in workable sizes</p> <p>A15.4 Lot layout maintains access to stock watering points and handling yards, flood refuges and shelter belts</p>

Performance criteria	Acceptable solution
P16 Subdivision does not sterilise potential mineral and extractive industry resources	A16 The subdivision is not located on land or adjacent to land mapped on the Significant Resource Map of the LEP as an identified or potential mineral and extractive industry resource
P17 Subdivision location and layout will not adversely impact recognised water resources	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria

## 2.4.2 Managing impacts from surrounding land uses

Performance criteria	Acceptable solution
<b>Where development site is located within 400 metres of rail corridor</b>	
<p>P18 Future residents will not be subject to unacceptable impacts from rail noise or vibration and noise attenuation measures are not required to be provided through future house design and construction*</p> <p><i>* A noise impact assessment (or other report as appropriate) will generally be required to demonstrate achievement of P18</i></p>	A18.1 Subdivision does not create lots where future dwellings are required to be sited within 60 metres of a rail corridor
<b>Where development site is located within 1500 metres of hazardous, intrusive, offensive or noxious activities or land uses</b> (including intensive agriculture, landfills, quarries, sawmills)	
<p>P19 Residents will not be subject to impacts from surrounding land uses*</p> <p><i>* A noise impact assessment (or other report as appropriate) will generally be required to demonstrate achievement of P19</i></p>	A19.1 Building envelopes achieve relevant buffers identified in Table C2.1 in Appendix C2
<b>Buffers to agricultural activities</b>	
<p>P20 Residential development is not likely to impact on, or be impacted by, current and likely future land uses in the surrounding area*</p> <p><i>* Achievement of P20 will generally need to be demonstrated through submission of a land use conflict risk assessment (LUCRA) prepared in accordance with the Department of Primary</i></p>	A20.1 Building envelopes achieve relevant buffers identified in Table C2.1 in Appendix C2

Performance criteria	Acceptable solution
<i>Industries 'Living and Working in Rural Areas' guidelines (2007)</i>	
P21 Landscaping is used to buffer residential uses from surrounding land uses where required	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria

### 2.4.3 Protection of Watercourses and Ecological Features

Performance criteria	Acceptable solution
<b>Protection of watercourses</b>	
P22 Design and layout of lots and roads does not create adverse impacts on ecological or hydrological values of watercourses and water bodies	<p>A22.1 Subdivision layout minimises lot boundaries crossing watercourses</p> <p>A22.2 Subdivision layout avoids requirement for roads to cross watercourses</p> <p>A22.3 Natural drainage regimes are retained</p>
P23 The location of future dwellings, buildings and structures is not likely to impact adversely on watercourses, water bodies or wetlands	<p>A23.1 Building envelopes are set back a minimum of 100 metres from the top of bank of permanent watercourses (Order 3 Stream or greater) or water bodies and 40 metres from the top of bank of an Order 1 or 2 Stream</p> <p>A23.2 Building envelopes are set back a minimum of 100 metres from the edge of wetland</p>
<b>Protection of biological diversity, habitat and ecological values</b>	
P24 Layout of lots and roads does not create unacceptable impact on ecological functions or biodiversity values	<p>A24.1 Creation of building envelopes or creation of Asset Protection Zones does not require the clearing of native vegetation</p> <p>A24.2 Building envelopes and infrastructure are not located within a mapped ecological corridor</p> <p>A24.3 Building envelopes are sited to avoid clearing of extensive areas of native vegetation to achieve required bushfire Asset Protection Zones</p>
P25 Subdivision layout facilitates protection of areas of significant habitat and ecological value	A25 Development site does not support endangered or threatened species or ecological communities as defined by the <i>Threatened Species Conservation Act 1995</i>
P26 Subdivision maintains or improves the ecological integrity, values and resilience of the site and its surrounds	<p>A26 Development proposes environmental rehabilitation and enhancement activities where relevant, such as;</p> <ul style="list-style-type: none"> <li>weed management including; Weeds of National Significance, declared noxious weeds and identified local environmental weeds</li> <li>mechanisms to protect and enhance Threatened or Endangered Species and Ecological Communities</li> </ul>

Performance criteria	Acceptable solution
	<ul style="list-style-type: none"> <li>• protection, restoration, rehabilitation and stabilisation of riparian areas</li> <li>• protection, restoration, rehabilitation and re-establishment of corridors between significant habitat areas</li> </ul>
<b>Where development site is Core Koala Habitat</b> (as defined by <i>State Environmental Planning Policy 44- Koala Habitat Protection</i> )	
P27 Development is consistent with the provisions of <i>State Environmental Planning Policy 44- Koala Habitat Protection</i>	A27 A Koala Plan of Management is prepared for the site which demonstrates koala habitat will be protected in accordance with the requirements of <i>State Environmental Planning Policy 44- Koala Habitat Protection</i>

#### 2.4.4 Natural Hazards and Contaminated Land

Performance criteria	Acceptable solution
<b>Bushfire</b>	
P28 Buildings, residents, visitors and firefighters are not exposed to unacceptable risk from bushfire hazard	<p>A28.1 The development site does not include land that is mapped as bushfire prone land</p> <p>OR</p> <p><b>Where development site includes land that is mapped as bushfire prone land:</b></p> <p>A28.2 The subdivision complies with the relevant provisions of the Rural Fire Service publication 'Planning for Bushfire Protection' 2006 or any superseding guideline</p>
<b>Flood</b>	
P29 Future buildings, structures and persons on the development site are not exposed to unacceptable risk from flooding	<p>A29.1 Building envelopes are not located on land prone to flooding from inundation or overland flow</p> <p>OR</p> <p><b>Where a building envelope is proposed on land that is mapped as or known to be prone to flooding:</b></p> <p>A29.2 A report is submitted by a suitably qualified person that demonstrates a future dwelling can practically achieve a floor level of at least the level of a 100 year ARI flood event plus 0.5 metres freeboard</p>
<b>Geotechnical stability</b>	

Performance criteria	Acceptable solution
P30 Future dwellings, buildings, structures and persons on the development site are not exposed to unacceptable risk from landslip or mass movement	A30.1 Building envelopes are not located on land that displays evidence of landslip or mass movement  OR A30.2 A report is submitted by suitably qualified engineer that demonstrates all lots are geotechnically stable and suitable to accommodate dwellings
<b>Contaminated land</b>	
P31 Future residents and visitors will not be exposed to unacceptable risk from contamination	A31.1 Development site is not listed or mapped as contaminated land  AND A31.2 Development is not on a site upon which activities that may cause contamination have, or are likely to have been, carried out  OR A31.3 A report prepared by a suitably qualified person is submitted that demonstrates future residents and visitors will not be exposed to unacceptable risk from land contamination
P32 Future residents and visitors are not exposed to unacceptable risk from contamination from cattle dips	A32 Building envelopes are not located within 200 metres of a cattle dip (whether active, inactive or decommissioned)

#### 2.4.5 Servicing and Infrastructure

Performance criteria	Acceptable solution
<b>Water supply</b>	
P33 Future dwellings can achieve adequate supply of potable water without drawing unreasonably from natural watercourses, water bodies or groundwater	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Electricity supply</b>	
P34 All lots have access to reliable, cost effective power supply and are physically and legally able to be connected to the reticulated electricity network *	A34 Provision is made for the connection of each lot to the reticulated electricity network to the satisfaction of Essential Energy



Performance criteria	Acceptable solution
<p><i>*Achievement of P34 requires submission of:</i></p> <ul style="list-style-type: none"> <li><i>Cost-benefit analysis that shows it is more cost effective to provide and operate stand-alone power than reticulated electrical power over a 30 year timeframe</i></li> <li><i>Evidence that reticulated power can be provided in future if required, including; proposed route and easements where required</i></li> </ul>	
<b>Telecommunications</b>	
P35 Future dwellings can access constant, reliable telecommunications	A35 Provision is made for the connection of each lot to the fixed line telecommunications network to the satisfaction of Telstra and the NBN Co where applicable

#### 2.4.6 Site access and road design

Performance criteria	Acceptable solution
<b>Road design</b>	
P36 New roads are of a suitable design and standard to meet demand generated by the development and likely future development and to protect significant site features	<p>A36.1 Road design is in accordance with standards in the Northern Rivers Local Government Development &amp; Design and Construction Manuals, and Council's Property Access and Addressing Management Plan</p> <p>A36.2 Road reserve width is increased where required to allow protection of significant native vegetation or watercourses, environmental restoration, visibility at intersections and property access points, future widening or other special requirements</p>
P37 Road design provides a safe and efficient carriageway whilst minimising earthworks and avoiding unnecessary impacts on topography and landscape	<p>A37.1 Roads are designed to minimise the volume and height of cut and fill</p> <p>A37.2 Road design avoids impacts on distinctive landmarks and topographical features such as ridgelines, hilltops and rock outcrops</p>
P38 Road design provides safe and efficient carriageway that does not impact unreasonably on the ecological or hydrological functions of watercourses and wetlands	<p>A38.1 New roads do not cross watercourses and wetlands</p> <p>A38.2 New road reserves are set back a minimum of 40 metres from the top of bank of permanent watercourses (Order 3 Stream or greater), wetlands and water bodies</p>

Performance criteria	Acceptable solution
	<p>A38.3 Where road drainage discharges directly to watercourses, drainage incorporates stormwater retention or velocity reducing devices</p> <p>A38.4 Road design and drainage system will not increase the likelihood of erosion and sedimentation</p>
P39 Road design provides safe and efficient carriageway/routes of travel that does not impact unreasonably on significant vegetation or ecological values or resources	A39 Location and design of new roads does not require clearing of significant, iconic or distinctive character trees or stands of vegetation or habitat and corridors
P40 Road design facilitates public and school transport services	A40 The width of road reserve and formation is sufficient to allow bus movement, turnaround, set down and pick up, including school buses
<b>Site access</b> (where lots are accessed from an existing road)	
P41 All lots have suitable and safe vehicular access	A41 Site access is in accordance with the Northern Rivers Local Government Development & Design and Construction Manual and Council's Property Access and Addressing Management Plan

#### 2.4.7 Additional guidelines for creation of lots for primary production under Clause 4.2 of the LEP

Performance criteria	Acceptable solution
<b>Layout and usability of primary production lot</b>	
P42 The primary production lot is suitable for agricultural purposes	<p>A42.1 The primary production lot has an area of flood free land suitable to site agricultural infrastructure and livestock</p> <p>A42.2 The primary production lot will not create additional water access rights</p> <p>A42.3 The lot shape and dimensions are suitable for the intended agricultural use</p>
<b>Use and suitability of residual lot</b>	
P43 The residual lot is suitable to accommodate a dwelling that will not create potential for land use conflict	A43.1 The residual lot meets the minimum lot size as shown on the Lot Size Maps

Performance criteria	Acceptable solution
	<p>AND</p> <p><b>Where residual lot supports an existing dwelling:</b> A43.2 Dwelling location complies with the provisions of this section</p> <p>OR</p> <p><b>Where residual lot does not have an existing dwelling:</b> A43.3 A building envelope is identified that complies with the provisions of this section</p>

#### 2.4.8 Additional guidelines for boundary adjustments

Performance criteria	Acceptable solution
P44 Boundary adjustments do not create an illegal situation or result in increased risk from natural hazards	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P45 Boundary adjustment results in an improved circumstance in regard to agricultural use of the land, land management or buffering to intrusive land uses	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria

## 3 Subdivision in rural residential areas

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### 3.1 Application

This section applies to subdivision of land in Zones RU4 Primary Production Small Lots and R5 Large Lot Residential. In designing subdivisions and preparing development applications reference should also be made to the relevant provisions of the Kyogle LEP 2012, including; Clause 2.6, Clause 4.1, Clause 4.1AA, Clause 4.2, Clause 4.2B and the Lot Size Maps.

### 3.2 Exempt Development

Certain subdivisions (including boundary adjustments) may be permitted as Exempt Development (development that does not require development consent, subject to certain requirements). Reference should be made to any relevant State Environmental Planning Policy.

### 3.3 Objectives

- a) To facilitate subdivision of land that achieves the applicable zone objectives.
- b) To ensure subdivision of land in the 'Twelve Preferred Areas' meet the provisions and objectives of the Structure Plan<sup>1</sup>.
- c) To provide for the subdivision of rural land (small lots) to respond to changing agricultural circumstances and to facilitate additional rural settlement in appropriate locations.
- d) To ensure that subdivision of rural residential land preserves agricultural viability and potential and avoids fragmentation of Regionally Significant Farmland<sup>2</sup> and Class 1, 2 or 3 agricultural land<sup>3</sup>.
- e) To ensure subdivision for rural residential purposes achieves adequate buffers to agricultural activities and does not create the potential for land use conflict.
- f) To ensure that subdivision design responds appropriately to site features and constraints.
- g) To ensure that future residents, visitors and workers are not exposed to unacceptable risk from natural hazards and contaminated land.
- h) To ensure the protection and preservation of natural resources, biological diversity, water courses, water bodies, wetlands, significant native vegetation, habitat and corridors.
- i) To encourage subdivision design that has a permeable network of streets that maximise opportunities for walking and cycling.
- j) To ensure the preservation of cultural heritage.
- k) To protect the character of the rural landscape.

<sup>1</sup>Kyogle Structure Plan for Twelve Preferred Areas, Version C December 2007

<sup>2</sup>As defined by the Northern Rivers Farmland Protection Project (Department of Infrastructure, Planning and Natural Resources and Department of Primary Industries), 2005

<sup>3</sup>As mapped on Rural Land Capability maps produced by the NSW Department of Land and Water Conservation

### 3.4 Development guidelines for the Twelve Preferred Areas

The 'Twelve Preferred Areas' are twelve areas in the following locations that were rezoned as Non-Urban 1C through Kyogle Local Environmental Plan No. 19:

- Bonalbo
- Cawongla
- Cawongla (Oxbow Road)
- Geneva
- Homeleigh
- Mallanganee
- Mummulgum
- Runnymede Road
- Old Bonalbo
- Tabulam
- Wiangaree
- Woodenbong

Development guidelines for subdivision of land in these areas are provided within the Kyogle Structure Plan for Twelve Preferred Areas.

### 3.5 Development guidelines for all other land in Zones RU4 and R5

#### 3.5.1 Subdivision Design

**Note: the Acceptable Solutions in the tables below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot, meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.**

Performance criteria	Acceptable solution
<b>Lot size</b>	
P1 The size of lots facilitates achievement of the objectives of the Zone	A1 Lots are at least the minimum size shown on the Lot Size Maps in the LEP
<b>Lot shape, orientation and dimensions</b>	
P2 The dimensions and shape of lots are suitable to achieve good residential amenity and rural residential use of the property and access via a right of carriageway is only utilised where it is not possible or practical to provide road frontage	A2.1 The frontage to depth ratio of lots does not exceed 1:2.5  A2.2 Lots are at least 25 metres wide at road frontage and/or mid-point of long axis  A2.3 All lots have frontage to a public road

Performance criteria	Acceptable solution
P3 Orientation of lots facilitates good residential amenity	A3 Lot layout avoids lots that are entirely located on south or west facing slopes
<b>Rear lots (hatchet/battleaxe lots)</b>	
P4 Rear lots are suitable for siting of buildings and access handles permit vehicular access and provision of services	<p>A4.1 The area of rear lots (not including the area of the access handle) is at least the minimum lot size shown on the minimum lot size maps in the LEP</p> <p>A4.2 Rear lots have an access handle of minimum 7 metres width designed in accordance with the requirements of the Northern Rivers Local Government Development &amp; Design and Construction Manuals</p>
<b>Site features and constraints</b>	
P5 The subdivision layout responds appropriately to the topography and natural features of the site and its surrounds	<p>A5.1 No lots consist entirely of land with a slope exceeding 15%</p> <p>A5.2 Lot size is increased as slope increases</p> <p>A5.3 Lot size and layout facilitates retention of significant vegetation</p>
<b>Siting of dwellings</b>	
P6 Each proposed lot is suitable to enable dwellings to be safely and practically sited, serviced and accessed	<p>A6.1 Location of building envelopes allows construction of access to the dwelling in accordance with the requirements of the Northern Rivers Local Government Development &amp; Design and Construction Manuals</p> <p>A6.2 Location of building envelopes does not require construction of future driveways over watercourses of Order 3 Stream or greater</p> <p>A6.3 Location of building envelopes does not require clearing of native vegetation to construct a future driveway</p> <p>A6.4 Building envelopes allow good residential amenity, solar access and sufficient useable land for future dwellings</p> <p>A6.5 Building envelopes are not located on land with a gradient exceeding 20%</p>

Performance criteria	Acceptable solution
<b>Movement networks</b>	
P7 Public roads servicing the development have adequate capacity and capability to safely and efficiently service the development and other existing users	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P8 The development is provided with a safe, logical and efficient connection to a regional road or urban centre	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P9 The movement network does not compromise development (and transport networks) of adjoining land	A9 The movement network facilitates future extension of roads into adjoining properties that are zoned for increased development density
P10 The development provides an efficient and permeable movement network that allows people to move efficiently around and through the subdivision	<p>A10.1 Development does not include cul-de-sacs, except where they provide access to lots that adjoin a property that is not zoned to permit increased density</p> <p>A10.2 Pedestrian and cyclist network provides direct connections to adjoining or nearby schools, activity centres, community facilities, retail nodes and open space</p> <p>A10.3 Network routes and connections allow efficient routes for public transport (including school buses)</p>

### 3.5.2 Managing Impacts from Surrounding Land Uses

Performance criteria	Acceptable solution
<b>Where development site is within 400 metres of rail corridor</b>	
<p>P11 Future residents will not be subject to impacts from rail noise or vibration and noise attenuation measures are not required to be provided through future house design and construction</p> <p><i>* A noise impact assessment (or other report as appropriate) will generally be required to demonstrate achievement of P11</i></p>	A11.1 Subdivision does not create lots where future dwellings are required to be sited within 60 metres of a rail corridor
<b>Where development site is within 1500 metres of hazardous, intrusive, offensive or noxious activities or land uses</b> (including industrial activities, landfills, quarries, sawmills)	

Performance criteria	Acceptable solution
<p>P12 Future residents will not be subject to impacts from surrounding land uses*</p> <p><i>* A noise impact assessment (or other report as appropriate) will generally be required to demonstrate achievement of P12</i></p>	<p>A12.1 Building envelopes achieve buffers or setbacks identified in Table C2.1 in Appendix C2</p>
<b>Buffers to agricultural activities</b>	
<p>P13 The development is not likely to impact on, or be impacted by, current and likely future land uses in the surrounding rural area*</p> <p><i>* Achievement of P13 will generally need to be demonstrated through submission of a land use conflict risk assessment (LUCRA) prepared in accordance with the Department of Primary Industries 'Living and Working in Rural Areas' guidelines (2007)</i></p>	<p>A13.1 Building envelopes achieve relevant buffers identified in Table C2.1 in Appendix C2</p>

### 3.5.3 Protection of Watercourses and Ecological Features

Performance criteria	Acceptable solution
<b>Protection of watercourses</b>	
<p>P14 Design and layout of lots and roads does not create adverse impacts on ecological or hydrological values of watercourses and water bodies</p>	<p>A14.1 Subdivision layout seeks to retain watercourses in single lots and avoids lot boundaries crossing watercourses</p> <p>A14.2 Subdivision layout avoids requirement for roads to cross watercourses</p> <p>A14.3 Natural drainage regimes are retained</p>
<p>P15 The likely location of future dwellings, buildings and structures is not likely to impact adversely on watercourses, water bodies or wetlands</p>	<p>A15.1 Building envelopes are set back a minimum of 100 metres from the top of bank of permanent watercourses (Order 3 Stream or greater) or water bodies and 40 metres from the top of bank of an Order 1 or 2 Stream</p>



Performance criteria	Acceptable solution
	A15.2 Building envelopes are set back a minimum of 100 metres from the edge of wetland
<b>Protection of biological diversity, habitat and ecological values</b>	
P16 Layout of lots, roads and building envelopes does not create unacceptable impact on ecological functions or biodiversity values	<p>A16.1 Establishment of building envelopes or Asset Protection Zones does not require the clearing of native vegetation</p> <p>A16.2 Building envelopes and infrastructure are not located within a mapped ecological corridor</p> <p>A16.3 Development site does not support endangered or threatened species or ecological communities as defined by the <i>Threatened Species Conservation Act 1995</i></p>
P17 Subdivision layout facilitates protection of areas of significant habitat and ecological value	A17 Contiguous areas of native vegetation are retained in single lots
P18 Subdivision improves the ecological integrity, values and resilience of the site and its surrounds	<p>A18 Development proposes environmental rehabilitation and enhancement activities where relevant, such as;</p> <ul style="list-style-type: none"> <li>• weed management including; Weeds of National Significance, declared noxious weeds and local environmental weeds</li> <li>• mechanisms to protect and enhance Threatened or Endangered Species and Ecological Communities</li> <li>• protection, restoration, rehabilitation and stabilisation of riparian areas</li> <li>• protection, restoration, rehabilitation and re-establishment of corridors between significant habitat areas</li> </ul>
<b>Where development site is Core Koala Habitat</b> (as defined by <i>State Environmental Planning Policy 44- Koala Habitat Protection</i> )	
P19 Development is consistent with the provisions of <i>State Environmental Planning Policy 44- Koala Habitat Protection</i>	A19 A Koala Plan of Management is prepared for the site which demonstrates koala habitat will be protected in accordance with the requirements of <i>State Environmental Planning Policy 44- Koala Habitat Protection</i>

### 3.5.4 Natural Hazards and Contaminated Land

Performance criteria	Acceptable solution
<b>Bushfire</b>	
P20 Buildings, residents, visitors and firefighters are not exposed to unacceptable risk from bushfire hazard	<p>A20.1 The development site does not include land that is mapped as bushfire prone land</p> <p>OR</p> <p><b>Where development site includes land that is mapped as bushfire prone land:</b></p> <p>A20.2 The subdivision complies with the relevant provisions of the Rural Fire Service publication 'Planning for Bushfire Protection' 2006 or any superseding guideline</p>
<b>Flood</b>	
P21 Future buildings, structures and persons on the development site are not exposed to unacceptable risk from flooding	<p>A21.1 Building envelopes are not located on land prone to flooding from inundation or overland flow</p> <p>OR</p> <p><b>Where a building envelope is proposed on land that is mapped as or known to be prone to flooding:</b></p> <p>A21.2 A report is submitted by a suitably qualified person that demonstrates a future dwelling can practically achieve a floor level of at least the level of a 100 year ARI flood event plus 0.5 metres freeboard</p>
<b>Geotechnical stability</b>	
P22 Future dwellings, buildings, structures and persons on the development site are not exposed to unacceptable risk from landslip or mass movement	<p>A22.1 Building envelopes are not located on land that displays evidence of landslip or mass movement</p> <p>OR</p> <p>A22.2 A report is submitted by suitably qualified engineer that demonstrates all lots are geotechnically stable and suitable to accommodate dwellings</p>
<b>Contaminated land</b>	
P23 Future residents and visitors will not be exposed to unacceptable risk from contamination	<p>A23.1 Development site is not listed or mapped as contaminated land</p> <p>AND</p> <p>A23.2 Development is not on a site upon which activities that may cause contamination have, or are likely to have been, carried out</p>

Performance criteria	Acceptable solution
	OR A23.3 A report prepared by a suitably qualified person is submitted that demonstrates future residents and visitors will not be exposed to unacceptable risk from land contamination
P24 Future residents and visitors are not exposed to unacceptable risk from contamination from cattle dips	A24 Building envelopes are not located within 200 metres of a cattle dip (whether active, inactive or decommissioned)

### 3.5.5 Servicing and Infrastructure

Performance criteria	Acceptable solution
<b>Sewerage (where development site is in an area serviced by reticulated sewerage or where connection is available at reasonable cost)</b>	
P25 Development makes suitable provision for collection, treatment and disposal of effluent	A25 The development is serviced by the reticulated sewerage system in accordance with the requirements of the Northern Rivers Local Government Development & Design and Construction Manual
<b>Effluent management (where development site is not in an area serviced by reticulated sewerage or where connection is not available at reasonable cost)</b>	
P26 The development is suitable for on-site management of effluent that does not create public health impacts or adversely impact quality of surface and ground waters	<p>A26.1 Effluent disposal areas are able to be located on land with a slope not exceeding 15%</p> <p>AND</p> <p>A26.2 Lots have a suitable soil type to permit on site treatment and disposal of effluent</p> <p>AND</p> <p>A26.3 Lots allow effluent disposal areas to be sited at least 100m from Order 3 (or greater) Stream and 40m from Order 1 or 2 Stream</p> <p>AND</p> <p>A26.4 Lots are at least 2000m<sup>2</sup> in area</p> <p>OR</p> <p>A26.5 Development utilises a package on-site sewage management system that meets relevant requirements</p>

Performance criteria	Acceptable solution
<b>Water supply</b>	
P27 The development makes suitable arrangements for the supply of potable water to each lot without drawing unreasonably from watercourses, water bodies or groundwater	<p><b>Where development site is in a serviced area or where connection is available at reasonable cost:</b></p> <p>A27.1 Each lot is serviced by the reticulated water supply network in accordance with the requirements of the Northern Rivers Local Government Development &amp; Design and Construction Manuals</p> <p>OR</p> <p><b>Where connection to reticulated water supply is not available:</b></p> <p>A27.2 Each lot is self-sufficient for water</p>
<b>Stormwater Management</b>	
P28 Appropriate provisions are made for the collection and management of stormwater	<p><b>Where development site is in a serviced area:</b></p> <p>A28.1 Stormwater is discharged to the stormwater drainage network and is designed and constructed in accordance with the Northern Rivers Local Government Development &amp; Design and Construction Manual</p> <p>OR</p> <p><b>Where development site is not in a serviced area:</b></p> <p>A28.2 Stormwater is effectively managed on site and does not contribute to flooding or nuisance on adjoining properties</p>
P29 Subdivision design and stormwater management does not contribute to increased stormwater velocity, erosion and sedimentation or pollutant and nutrient loads for receiving waters	<p>A29.1 The design of the subdivision and civil infrastructure minimises stormwater concentration and run-off</p> <p>A29.2 Subdivision design incorporates stormwater retention structures or areas on the subject site</p> <p>A29.3 Subdivision and civil design is in accordance with standards in the Northern Rivers Local Government Development &amp; Design and Construction Manual</p>
<b>Solid Waste Management</b>	
P30 Future residents will have convenient access to a waste management facility	A30 Development is in or adjacent to a current domestic waste collection service area
<b>Electricity supply</b>	

Performance criteria	Acceptable solution
<p>P31 All lots have access to reliable, cost effective power supply and are physically and legally able to be connected to the reticulated electricity network*</p> <p><i>*Achievement of P34 requires submission of:</i></p> <ul style="list-style-type: none"> <li><i>Cost-benefit analysis that shows it is more cost effective to provide and operate stand-alone power than reticulated electrical power over a 30 year timeframe</i></li> <li><i>Evidence that reticulated power can be provided in future if required, including; proposed route and easements where required</i></li> </ul>	<p>A31 Provision is made for the connection of each lot to the reticulated electricity network to the satisfaction of Essential Energy</p>
<b>Telecommunications</b>	
<p>P32 The dwelling must make suitable arrangements for the supply of constant, reliable telecommunications</p>	<p>A32 Provision is made for the connection of each lot to the fixed line telecommunications network to the satisfaction of Telstra and the NBN Co where applicable</p>

### 3.5.6 Site access and road design

Performance criteria	Acceptable solution
<b>Road design</b>	
<p>P33 New roads are of a suitable design and standard to meet demand generated by the development and likely future development</p>	<p>A33.1 Roads standards are in accordance with standards in the Northern Rivers Local Government Development &amp; Design and Construction Manuals</p> <p>A33.2 Road construction is in accordance with standards in the Northern Rivers Local Government Development &amp; Design and Construction Manuals</p> <p>A33.3 Road reserve width is increased where required to allow protection of significant native vegetation or watercourses, environmental restoration, visibility at intersections and property access points, future widening or other special requirements</p>
<p>P34 Road design minimises earthworks and impacts on topography and landscape</p>	<p>A34.1 Roads are designed to minimise the amount and height of cut and fill</p>

Performance criteria	Acceptable solution
	A34.2 Road design avoids impacts on distinctive landmarks and topographical features such as ridgelines, hilltops, rock outcrops
P35 Design of roads minimises impacts on the ecological or hydrological functions of watercourses and wetlands	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P36 Road design does not impact unreasonably on the ecological values or resources of the site	A36 Road alignment and design avoids the need to clear existing significant, iconic or distinctive trees or stands of vegetation
P37 Road design does not significantly alter natural drainage regimes or groundwater profiles and does not create nuisance through disposal of stormwater	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P38 Road design facilitates public and school transport services	<p>A38.1 The width of road reserve and formation is sufficient to allow for bus movement, turnaround, set down and pick up, including school buses</p> <p>A38.2 Where site is on a bus route bus stop widenings are provided in accordance with the requirements of the Northern Rivers Local Government Development &amp; Design and Construction Manuals</p>
P39 Road design facilitates walking and cycling	A39 The width of road reserve and carriageway is sufficient to allow is sufficient to provide opportunities for walking and cycling
P40 Development provides suitable opportunities for walking and cycling	A40 Paths are provided in accordance with the Northern Rivers Local Government Development & Design and Construction Manuals
P41 Where site is in or adjacent to an area serviced by a domestic waste collection service, road design permits servicing by waste collection vehicles	A41 Road design is in accordance with Northern Rivers Local Government Development & Design and Construction Manuals
P42 Street lighting is provided where appropriate	P42 Street lighting is provided at each intersection created by the subdivision
<b>Site access</b> (where lots are accessed from an existing road)	
P43 All lots have safe and suitable vehicular access	A43 Site access is in accordance with the Northern Rivers Local Government Development & Design and

Performance criteria	Acceptable solution
	Construction Manual and Council's Property Access and Addressing Management Plan
<b>Landscaping of road reserves</b>	
P44 Landscaping of road reserves responds to the site and its locality and contributes to attractive, safe and comfortable streets	<p>A44.1 Landscaping of road reserves achieves:</p> <ul style="list-style-type: none"> <li>• Shaded and attractive streets</li> <li>• Retention of significant existing vegetation</li> <li>• Safe sight lines for pedestrians, cyclists and motorists</li> <li>• Unrestricted pedestrian access</li> </ul> <p>A44.2 A landscape concept plan is submitted that identifies planting locations, species and indicative planting methods</p>
P45 Road and services design makes allowance for installation of street trees	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P46 Street trees do not compromise safety or interfere with provision or maintenance of services and utilities	A46 Location and species of street trees takes into account underground and overhead services and sight lines

## 4 Residential subdivision in urban and village areas

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### 4.1 Application

This section applies to subdivision of land in Zones R1 General Residential, R3 Medium Density Residential, B2 Local Centre, B4 Mixed Use, RU5 Village and RE2 Private Recreation for the purposes of residential development. In designing subdivisions and preparing development applications reference should also be made to the relevant provision of the Kyogle LEP 2012, including; Clause 2.6, Clause 4.1 and the Lot Size Maps.

### 4.2 Exempt and Complying Development

Certain subdivision (including minor boundary adjustments) is permitted as Exempt Development (development that does not require development consent, subject to certain requirements). Reference should be made to any relevant State Environmental Planning Policy.

Certain strata subdivision of buildings is permitted as Complying Development (minor development which does not require development consent, but can be certified by Council or a private certifier). Reference should be made to any relevant State Environmental Planning Policy.

### 4.3 Objectives

- a) To facilitate the subdivision of land that achieves the applicable zone objectives.
- b) To ensure subdivisions are integrated with existing urban areas.
- c) To ensure that subdivision design is responsive to its site and surroundings.
- d) To ensure that lots created for residential purposes will allow the siting and construction of dwellings with good residential amenity that integrate with the surrounding urban environment.
- e) To ensure subdivision makes efficient use of infrastructure and minimises life cycle costs.
- f) To ensure that future residents, visitors and workers are not exposed to unacceptable risk from natural hazards or contaminated land.
- g) To encourage subdivision design that has a permeable network of streets that permit efficient movement of vehicles and that maximise opportunities for walking and cycling.
- h) To ensure the protection and preservation of natural resources, biological diversity, watercourses, wetlands, significant native vegetation, habitat and corridors.
- i) To protect cultural heritage.

### 4.4 Structure planning

#### 4.4.1 Application

This part applies to subdivisions that will, or have the potential to, result in more than 10 new lots. Applications for subdivisions of this scale must demonstrate how the development is consistent with



the desired pattern of development, how it links with existing urban form, including the transport network, and how the development will be delivered including supporting infrastructure. Structure planning is the preferred way to design subdivisions of this scale to ensure they are responsive to their site and surroundings and will result in high quality urban outcomes. Where the development site is part of an urban release area for which a development control plan has been drafted, this part will not apply.

#### **4.4.2 Desired outcomes for development subject to structure plan requirements**

A structure plan or master plan is submitted that provides for all of the following:

1. A staging plan for the timely and efficient release of development sites that makes provision for necessary infrastructure and delivery sequencing.
2. A pattern of development that is consistent with the desired pattern of development and that responds to site features and constraints including slope, topography, natural hazards, significant existing vegetation, watercourses and cultural heritage.
3. An overall transport movement hierarchy showing the major circulation routes and connections to achieve an efficient and safe movement system for private vehicles, public transport, pedestrians and cyclists.
4. A pattern of streets and paths that maximises permeability and opportunities for walking and cycling within the development and to facilitate access to adjoining urban areas.
5. Development design that facilitates protection of riparian areas and remnant vegetation and enhances their resilience and integrity through weed control and revegetation measures.
6. An overall landscape strategy for the development including planting theme, street trees, treatment of visually prominent locations and open space.
7. A network of passive and active open space that facilitates high standards of recreation and residential amenity.
8. Measures to protect watercourses including stormwater and water quality management controls.
9. Identification of sites for appropriate neighbourhood commercial and retail uses and community facilities
10. An assessment of the need for additional community facilities and provisions to deliver these facilities.

## 4.5 Development guidelines

**Note: the Acceptable Solutions in the tables below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot, meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.**

### 4.5.1 Subdivision Design

Performance criteria	Acceptable solution
<b>Size and design of lots (where 500m<sup>2</sup> minimum lot size applies)</b>	
P1 The size of lots facilitates achievement of the objectives of the Zone	A1 Lots are at least the minimum size shown on the Lot Size Maps in the LEP
P2 A range of lot sizes are proposed to provide housing choice	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P3 The dimensions and shape of lots are suitable to achieve good residential amenity, permit vehicular access and manoeuvring and do not unduly constrain house design and siting options	<p>A3.1 The frontage to depth ratio of lots does not exceed 1:4</p> <p>A3.2 Lots have a minimum road frontage of 15 metres and a minimum width at the mid-point of 15 metres</p> <p>A3.3 Lots can accommodate a building envelope of 200m<sup>2</sup></p> <p>A3.4 All lots have frontage to a public road</p>
P4 Rear lots are suitable for siting of buildings and access handles permit vehicular access and provision of services	<p>A4.1 Rear lots have a minimum site area of 600m<sup>2</sup> excluding the area of the access handle</p> <p>A4.2 Rear lot access handles have a minimum width of 5 metres and a minimum carriage way width of 3 metres</p> <p>A4.3 No more than two lots are serviced by an access handle</p>
<b>Size and design of small lots (where no minimum lot size applies)</b>	
P5 The size of lots facilitates achievement of the objectives of the Zone	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<p>P6 The dimensions and shape of lots are suitable to;</p> <ul style="list-style-type: none"> <li>• achieve good residential amenity;</li> </ul>	<p>A6.1 Lots have a minimum width<sup>1</sup> of 6 metres</p> <p><sup>1</sup>Lot width is measured from the mid-point of the longest boundary to the mid-point of the opposite longest boundary</p>

Performance criteria	Acceptable solution
<ul style="list-style-type: none"> <li>• protect the amenity of adjoining residential land or dwellings;</li> <li>• facilitate provision of services and infrastructure and;</li> <li>• facilitate practical siting of a dwelling and;</li> <li>• achieve practical access to a future dwelling.</li> </ul>	<p>A6.2 All lots (excluding rear lots) will permit the siting of a dwelling that complies with the provisions of Table C11.1 in Appendix C11 of Chapter 11 of this DCP<sup>2</sup>.</p> <p>A6.3 All rear lots will permit the siting of a dwelling that complies with the provisions of Table C11.2 in Appendix C11 of Chapter 11 of this DCP<sup>2</sup>.</p> <p><sup>2</sup>Achievement of A6.2 or 6.3 will generally need to be demonstrated through submission of a site plan showing conceptual building envelopes that comply with the provisions of Chapter 11.</p>
P7 All lots can be lawfully and practically accessed and serviced	<p>A7.1 All lots have frontage to a public road</p> <p>A7.2 Rear lot access handles have a minimum width of 5 metres and a minimum carriageway width of 3 metres OR</p> <p>A7.3 Where rear lots share an access handle that access handle has a minimum width of 5 metres and a minimum carriageway width of 3 metres and all lots have benefit of a reciprocal right of carriageway over the handle</p>
<b>Site features and constraints</b>	
P6 The subdivision layout responds appropriately to the topography and natural features of the site and its surrounds	<p>A6.1 Building envelopes are not sited on land with a gradient exceeding 20%</p> <p>A6.2 Lot size is increased in response to slope</p> <p>A6.3 Existing vegetation of significance is retained</p>
<b>Where development involves the subdivision of land on which an item of environmental heritage is situated or land that is within a heritage conservation area</b>	
P7 Subdivision does not adversely impact on the heritage significance of items of environmental heritage or the heritage conservation area	<p><b>Where site features an item of environmental heritage:</b> A7.1 Subdivision and likely future development does not alter the setting or views of the heritage item or heritage conservation area</p> <p><b>Where site is within a heritage conservation area:</b> A7.2 Subdivision is consistent with the historical pattern of subdivision</p>
<b>Where development involves the subdivision of land that adjoins a heritage item</b>	

Performance criteria	Acceptable solution
P8 Subdivision does not adversely impact on the heritage significance of items of environmental heritage	A8 Subdivision and likely future development does not alter the setting or views of the heritage item or site
<b>Movement networks</b>	
P9 Public roads servicing the development have adequate capacity and capability to safely and efficiently service the development and other existing demand	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P10 The development is provided with a safe, logical and efficient connection to a regional road or urban centre	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P11 The movement network does not compromise development (and transport networks) of adjoining land	A11 The movement network facilitates future extension of roads into adjoining properties that are zoned for increased development density
P12 The development provides a permeable street network that facilitates safe, efficient and convenient movement by public transport, walking and cycling	<p>A12.1 Development does not include cul-de-sacs, except where they provide access to lots that adjoin a property that is not zoned to permit increased density</p> <p>A12.2 Pedestrian and cyclist network provides direct connections to adjoining or nearby schools, activity centres, community facilities, retail nodes and open space</p> <p>A12.3 Network routes and connections allow efficient routes for public transport (including school buses)</p>

#### 4.5.2 Managing Impacts from surrounding land uses

Performance criteria	Acceptable solution
<b>Where development site is located within 60 metres of rail corridor</b>	
P13 Future residents will not be subject to impacts from rail noise or vibration and does not require noise attenuation measures to be provided through future house design and construction*	A13.1 Subdivision does not create lots where future dwellings are required to be sited within 60 metres of a rail corridor

Performance criteria	Acceptable solution
<i>* A noise impact assessment (or other report as appropriate) is generally required to demonstrate achievement of P13</i>	
<b>Where development site is located within 500 metres of hazardous, intrusive, offensive or noxious activities or land uses</b> (including industrial activities, landfills, quarries, sawmills)	
P14 Future residents will not be subject to impacts from surrounding land uses*	A14.1 Building envelopes achieve buffers or setbacks identified in Table C2.1 in Appendix C2
<i>* A noise impact assessment (or other report as appropriate) is generally required to demonstrate achievement of P14</i>	
<b>Buffers to agricultural activities</b>	
P15 The development is not likely to impact on, or be impacted by, current and likely future land uses in the surrounding rural area*	A15.1 Building envelopes achieve relevant buffers identified in Table C2.1 in Appendix C2
<i>* Achievement of P15 will generally need to be demonstrated through submission of a land use conflict risk assessment (LUCRA) prepared in accordance with the Department of Primary Industries 'Living and Working in Rural Areas' guidelines (2007)</i>	

#### 4.5.3 Protection of Watercourses and Ecological Values

Performance criteria	Acceptable solution
<b>Protection of watercourses</b>	
P16 Design and layout of lots, roads, drainage and open space network protects the ecological and hydrological values of watercourses, water bodies and wetlands	<p>A16.1 Subdivision layout avoids residential lot boundaries crossing watercourses</p> <p>A16.2 Subdivision layout avoids or minimises requirement for driveways to cross watercourses</p> <p>A16.3 Watercourses that are classified Order 3 Streams and above are placed in public ownership and included in road or drainage reserve</p>

Performance criteria	Acceptable solution
	<p>A16.4 Roads and infrastructure (except crossing structures) are set back a minimum of 40 metres from the top of bank of watercourses</p> <p>A16.5 Roads and infrastructure are set back a minimum of 100 metres from the edge of wetland</p>
<b>Protection of ecological values</b>	
P17 Subdivision layout retains and does not isolate or fragment areas of significant habitat and ecological value	A17 The development site does not support endangered or threatened species or ecological communities as defined by the <i>Threatened Species Conservation Act 1995</i>
P18 Layout of lots and roads does not create unacceptable impact on ecological functions or biodiversity values	<p>A18.1 Creation of building envelopes or bushfire Asset Protection Zones does not require the clearing of native vegetation</p> <p>A18.2 Construction of roads and provision of services and infrastructure does not require clearing of native vegetation</p>

#### 4.5.4 Hazard and Risk

Performance criteria	Acceptable solution
<b>Flood</b>	
P19 Development complies with the provisions of Clause 6.2 of the LEP	<p>A19.1 The development site is not prone to flooding from inundation or overland flow</p> <p>OR</p> <p><b>Where development is proposed on flood prone land:</b></p> <p>A19.2 A report is submitted by a suitably qualified person that demonstrates the level of proposed lots is at least the level of a 100 year ARI flood event</p> <p>OR</p> <p><b>Where development is proposed on a lot within the Flood Planning Area shown on the LEP Flood Planning Map:</b></p> <p>A19.3 The development complies with the provisions of the Development Control Plan in the Kyogle Council Floodplain Risk Management Plan 2009</p>

Performance criteria	Acceptable solution
<b>Bushfire</b>	
P20 Buildings, residents, visitors and firefighters are not exposed to unacceptable risk from bushfire	<p>A20.1 Development does not include land that is mapped as bushfire prone land</p> <p>OR</p> <p>A20.2 Lot layout and location of roads and building envelopes comply with the relevant provisions of the Rural Fire Service publication 'Planning for Bushfire Protection' 2006 or any superseding guideline</p>
<b>Geotechnical stability</b>	
P22 Future dwellings, buildings, structures and persons on the development site are not exposed to unacceptable risk from landslip or mass movement	<p>A22.1 Building envelopes are not located on land that displays evidence of landslip or mass movement</p> <p>OR</p> <p>A22.2 A report is submitted by suitably qualified engineer that demonstrates all lots are geotechnically stable and suitable to accommodate dwellings</p>
<b>Contaminated land</b>	
P23 Future residents and visitors will not be exposed to unacceptable risk from contamination	<p>A23.1 Development site is not listed or mapped as contaminated land</p> <p>AND</p> <p>A23.2 Development is not on a site upon which activities that may cause contamination have, or are likely to have been, carried out</p> <p>OR</p> <p>A23.3 A report prepared by a suitably qualified person is submitted that demonstrates future residents and visitors will not be exposed to unacceptable risk from land contamination</p>

#### 4.5.5 Servicing and Infrastructure

Performance criteria	Acceptable solution
<b>Sewerage</b>	

Performance criteria	Acceptable solution
P23 Development makes suitable provision for collection, treatment and disposal of effluent	<p><b>Where development site is in an area serviced by reticulated sewerage or where connection is available at reasonable cost:</b></p> <p>A23 The development is serviced by the reticulated sewerage system in accordance with the requirements of the Northern Rivers Local Government Development &amp; Design and Construction Manuals</p>
<b>Electricity supply</b>	
<p>P24 All lots have access to reliable, cost effective power supply and are physically and legally able to be connected to the reticulated electricity network*</p> <p><i>*Achievement of P24 requires submission of:</i></p> <ul style="list-style-type: none"> <li>• <i>Cost-benefit analysis that shows it is more cost effective to provide and operate stand-alone power than reticulated electrical power over a 30 year timeframe</i></li> <li>• <i>Evidence that reticulated power can be provided in future if required, including; proposed route and easements where required</i></li> </ul>	<p>A24.1 Provision is made for the connection of each lot to the reticulated electricity network to the satisfaction of Essential Energy</p> <p>A24.2 In any new streets the electrical reticulation is to be underground with pad mounted substations located within the road reserve</p>
<b>Telecommunications</b>	
P25 The development must make suitable arrangements for the supply of constant, reliable telecommunications to each lot	A25 Provision is made for the connection of each lot to the fixed line telecommunications network to the satisfaction of Telstra and the NBN Co where applicable
<b>Water supply</b>	
P26 The development makes suitable arrangements for the supply of potable water to each lot without drawing unreasonably from watercourses, water bodies or groundwater	<p><b>Where development site is in an area serviced by reticulated water or where connection is available at reasonable cost:</b></p> <p>A26 Each lot is connected to the reticulated water supply network in accordance with the requirements of the Northern Rivers Local Government Development &amp; Design and Construction Manuals</p>
<b>Stormwater Management</b>	
P27 Appropriate provisions are made for the collection and management of stormwater on site that does not contribute to flooding or nuisance on adjoining properties	<p><b>Where development site is in an area serviced by a stormwater drainage network:</b></p> <p>A27 Stormwater is discharged to the stormwater drainage network in accordance with the requirements of the Northern Rivers Local Government Development &amp; Design and Construction Manuals</p>



Performance criteria	Acceptable solution
P28 Subdivision design and stormwater management does not contribute to increased erosion and sedimentation or pollutant and nutrient loads in receiving waters	<p>A28.1 Subdivision design incorporates stormwater retention structures or areas on the subject site</p> <p>A28.2 The design of the subdivision and civil infrastructure minimises stormwater concentration and run-off</p> <p>A28.3 Subdivision and civil design is in accordance with standards in the Northern Rivers Local Government Development &amp; Design and Construction Manuals</p>
<b>Solid Waste Management</b>	
P29 All lots are capable of being serviced by a domestic waste collection service	A29 Development is in or adjacent to a current domestic waste collection service area

#### 4.5.6 Site access and road design

Performance criteria	Acceptable solution
<b>Road design</b>	
P30 New roads are of a suitable design and standard to meet demand generated by the development and likely future development	<p>A30.1 Roads standards meet the requirements of the Northern Rivers Local Government Development &amp; Design and Construction Manuals</p> <p>A30.2 Road construction is in accordance with the requirements of the Northern Rivers Local Government Development &amp; Design and Construction Manual</p> <p>A30.3 Road reserve width is increased where required to allow protection of significant native vegetation or watercourses, environmental restoration, visibility at intersections and property access points, future widening or other special requirements</p>
P31 Road design minimises earthworks and impacts on topography and landscape	<p>A31.1 Roads are designed to minimise the amount and height of cut and fill</p> <p>A31.2 Road design avoids impacts on distinctive landmarks and topographical features such as ridgelines, hilltops, rock outcrops</p>

Performance criteria	Acceptable solution
P32 Design of roads minimises impacts on the ecological or hydrological functions of watercourses and wetlands	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P33 Road design does not impact unreasonably on the ecological values or resources of the site	A33 Roads alignment and design avoids the need to clear existing significant, iconic or distinctive trees or stands of vegetation
P34 Road design permits servicing by domestic waste collection vehicles	A34 Road design is in accordance with the requirements of the Northern Rivers Local Government Development & Design and Construction Manuals
P35 Adequate street lighting is provided to service the development	P35 Street lighting is provided at each intersection created by the subdivision and at a distance no less than 100m apart throughout the subdivision
<b>Site access</b> (where lots are accessed from an existing road)	
P36 All lots have safe and suitable vehicular access	A36 Site access is in accordance with the Northern Rivers Local Government Development & Design and Construction Manual and Council's Property Access and Addressing Management Plan
<b>Transport Mode Choice</b>	
P37 Road design facilitates public and school transport services	<p>A37.1 The width of road reserve and formation is sufficient to allow for bus movement, turnaround, set down and pick up, in accordance with the requirements of the Northern Rivers Local Government Development &amp; Design and Construction Manuals</p> <p>A37.2 Where site is on a bus route bus stop widenings are provided in accordance with the requirements of the Northern Rivers Local Government Development &amp; Design and Construction Manual</p>
P38 Road and path design facilitates opportunities for walking and cycling	<p>A38.1 The width of road reserve and formation is sufficient to allow is sufficient to provide opportunities and infrastructure for walking and cycling</p> <p>A38.2 Pedestrian and cycle paths and lanes are provided in accordance with the requirements of the Northern Rivers Local Government Development &amp; Design and Construction Manual</p>
<b>Landscaping of road reserves</b>	

Performance criteria	Acceptable solution
P39 Landscaping of road reserves responds to its site and locality and contributes to attractive, safe and comfortable streets	<p>A39.1 Landscaping of road reserves achieves:</p> <ul style="list-style-type: none"> <li>• Shaded and attractive streets</li> <li>• Retention of significant existing vegetation</li> <li>• Safe sight lines for pedestrians, cyclists and motorists</li> <li>• Unrestricted pedestrian access</li> </ul> <p>A39.2 A landscape concept plan is submitted that identifies planting locations, species and indicative planting methods</p>
P40 Road and services design makes allowance for installation of street trees	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P41 Street trees do not compromise safety or interfere with provision or maintenance of services and utilities	A41 Location and species of street trees takes into account underground and overhead services and sight lines

#### 4.5.7 Design and provision of open space

Development must make a contribution to provision of public open space either through dedication and embellishment in accordance with the following section or through monetary contribution as required by a s94 developer contributions plan.

Performance criteria	Acceptable solution
<b>Provision of public open space</b>	
P42 Future residents have convenient access to open space and facilities that provide good opportunities for recreation, exercise and social interaction	A42 The development provides public open space in accordance with Table C2.2 in Appendix C2
P43 Open space is suitably embellished and provides residents with an appropriate level of service	A43 Open space is embellished in accordance with Table C2.2 in Appendix C2
P44 Sites nominated for public open space are suitable for use as a park	<p>A44.1 At least 90% of the park area is flood free</p> <p>A44.2 Open space does not function primarily as a drainage channel or stormwater retention area</p>

Performance criteria	Acceptable solution
	A44.3 Park does not include land with a gradient exceeding 10% (excluding watercourses)
P45 Public open space has a high level of accessibility	<p>A45.1 Open space is located on a cycle and pedestrian path network</p> <p>A45.2 Open space has frontage to a collector street and at least one other street</p> <p>A45.3 Open space is located centrally in the development</p>
<b>Design of public open space</b>	
P46 Public open space has a high level of public surveillance	A46 A minimum 50% of the perimeter of open space is public road
P47 Landscape design is appropriate for the site and intended park function	<p>A47.1 Landscaping of public open space:</p> <ul style="list-style-type: none"> <li>• achieves a coherent planting theme</li> <li>• retains existing vegetation of significance</li> <li>• protects and rehabilitates watercourses and wetlands</li> <li>• utilises a mix of trees, shrubs and groundcover planting of appropriate subtropical species</li> <li>• seeks to achieve shade cover of at least 25% of the area of the park</li> </ul> <p>A47.2 A landscape concept plan is submitted that identifies planting locations, species and indicative planting methods</p>
P48 Parks are designed to have low maintenance requirements	<p>A48.1 Planting scheme employs species that have low maintenance requirements</p> <p>A48.2 Planting scheme utilises shade trees and understorey planting to minimise areas of grass and opportunities for weed growth</p> <p>A48.3 Extensive areas of lawn are restricted to open play or activity areas</p> <p>A48.4 Watercourses and steep banks are planted with suitable species at adequate densities to achieve 100% vegetation cover to minimise erosion, weed growth and maintenance requirements</p>

Performance criteria	Acceptable solution
P49 Park design minimises opportunities for crime	A49 Park design incorporates Crime Prevention Through Environmental Design (CPTED) principles

#### 4.5.8 Additional guidelines for boundary adjustments

Performance criteria	Acceptable solution
<p>P50 The adjustment of a boundary or boundaries must:</p> <ul style="list-style-type: none"> <li>• not result in the creation of additional lots</li> <li>• be consistent with the subdivision pattern of the local area</li> <li>• be an improvement on the existing situation</li> <li>• not create an unlawful situation in terms of use of the land or existing buildings</li> <li>• not result in lots less than the minimum lot size</li> </ul>	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria

#### 4.5.9 Additional guidelines for strata or community title subdivision

Performance criteria	Acceptable solution
P51 Subdivision of buildings (new and existing) does not result in an unlawful situation or structure that does not meet building, fire or health regulations	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P52 Individual units, dwellings and lots can function independently in terms of services, open space, vehicular access and parking and fire safety and evacuation	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria

#### 4.5.10 Additional guidelines for strata or community title subdivision

Performance criteria	Acceptable solution
P51 Subdivision of buildings (new and existing) does not result in an unlawful situation or structure that does not meet building, fire or health regulations	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P52 Individual units, dwellings and lots can function independently in terms of services, open space, vehicular access and parking and fire safety and evacuation	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria

## 5 Subdivision for Commercial, Special use, Industrial and other non-residential purposes in urban and village areas

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### 5.1 Application

This section applies to subdivision of land for the purposes of commercial, industrial, special use and other non-residential development. In designing subdivisions and preparing development applications reference should also be made to the relevant provision of the Kyogle LEP 2012, including; Clause 2.6, Clause 4.1 and the Lot Size Maps.

### 5.2 Exempt and Complying Development

Certain subdivision (including minor boundary adjustments) is permitted as Exempt Development (development that does not require development consent, subject to certain requirements). Reference should be made to any relevant State Environmental Planning Policy.

Certain strata subdivision of buildings is permitted as Complying Development (minor development which does not require development consent, but can be certified by Council or a private certifier). Reference should be made to any relevant State Environmental Planning Policy.

### 5.3 Objectives

- a) To facilitate the subdivision of land that achieves the applicable zone objectives.
- b) To provide for the subdivision of land to meet requirements of industry, commerce and special purposes.
- c) To ensure that subdivision of land is responsive to its context and surroundings.
- d) To ensure subdivision makes efficient use of infrastructure and minimises life cycle costs.
- e) To ensure that future persons on the development site are not exposed to hazard and risk from bushfire, landslip, contaminated land or flooding.
- f) To encourage subdivision design that has a permeable structure of streets that permits efficient transport movement including walking and cycling.
- g) To ensure the protection and preservation of natural resources, biological diversity, water courses, wetlands, significant vegetation, habitat and corridors.
- h) To ensure the protection of cultural heritage.

## 5.4 Development Guidelines

**Note: the Acceptable Solutions in the tables below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot, meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.**

### 5.4.1 Subdivision Design

Performance criteria	Acceptable solution
<b>Lot size</b>	
P1 The size of lots facilitates achievement of the objectives of the Zone	<p>A1.1 Lots are at least the minimum size shown on the Lot Size Maps in the LEP</p> <p>OR</p> <p><b>Where no minimum lot size is given:</b></p> <p>A1.2 Lot size is suitable to permit likely future development and land use including; siting and construction of buildings, provision of services and infrastructure, vehicular access, parking, landscaping and external operational areas</p>
<b>Lot shape and dimensions</b>	
P2 Lots have sufficient area and dimensions to allow provision of services and infrastructure, siting of buildings and vehicular access, parking and manoeuvring	<p>A2.1 Lots have a minimum road frontage of:</p> <ul style="list-style-type: none"> <li>• 25 metres for industrial land</li> <li>• 15 metres all other</li> </ul> <p>A2.2 The frontage to depth ratio of lots does not exceed 1:3</p> <p>A2.3 Lots have a minimum average width of 30 metres</p> <p>A2.4 Lot shape and dimensions do not require vehicles to reverse onto public roads</p>
<b>Rear lots (hatchet/ battle axe lots)</b>	
<p>P3 Rear lots are only provided where no other options exist and lots have suitable area, dimensions and access handles to permit:</p> <ul style="list-style-type: none"> <li>• construction of buildings</li> <li>• parking, manoeuvring, storage and operational areas</li> <li>• vehicular access</li> <li>• provision of services</li> </ul>	A3.1 Subdivision does not create rear lots
<b>Site features and constraints</b>	



Performance criteria	Acceptable solution
P4 The subdivision layout responds appropriately to the topography and natural features of the site and its surrounds	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Where development involves the subdivision of land on which an item of environmental heritage is situated</b>	
P5 Subdivision does not adversely impact on the heritage significance of items of environmental heritage or the heritage conservation area	A5 Subdivision (and likely anticipated future development) does not alter the setting or views of the heritage item
<b>Where development involves the subdivision of land that is within a heritage conservation area</b>	
P6 Subdivision does not adversely impact the heritage significance of the heritage conservation area	A6 Subdivision is consistent with the historical pattern of subdivision and does not alter the setting or views of the conservation area
<b>Where development involves the subdivision of land that adjoins a heritage item</b>	
P7 Subdivision does not adversely impact on the heritage significance of items of environmental heritage	A7 Subdivision (and likely anticipated future development) does not alter the setting or view of the heritage item or site
<b>Movement networks</b>	
P8 Public roads servicing the development have adequate capacity and capability to safely and efficiently service the development and other existing service demand	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P9 The development is provided with a safe, logical and efficient connection to a regional road or urban centre	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P10 Access via a right of carriageway is only utilised where it is not possible or practical to provide road frontage	A10 All lots have frontage to a public road
P11 The movement network does not compromise development (and transport networks) of adjoining land	A11 The movement network facilitates future extension of roads into adjoining properties that are zoned for increased development density
P12 The development provides a permeable street network that facilitates safe, efficient and convenient movement by public transport, walking and cycling	<p>A12.1 Development does not include cul-de-sacs, except where they provide access to lots that adjoin a property that is not zoned to permit increased density</p> <p>A12.2 Pedestrian and cyclist network provides direct connections to adjoining or nearby schools, activity</p>

Performance criteria	Acceptable solution
	centres, community facilities, retail nodes and open space  A12.3 Network routes and connections allow efficient routes for public transport (including school buses)

#### 5.4.2 Buffers to surrounding land uses

Performance criteria	Acceptable solution
<b>Where development site adjoins sensitive receivers (residential, aged care, educational establishment, hospital)</b>	
P13 Future development is unlikely to impact adjoining sensitive land uses	A13 Subdivision provides a minimum 50 metre landscaped buffer between industrial land and adjoining sensitive receivers*  <i>*A landscape concept plan is submitted that details buffer planting scheme</i>
<b>Where development site adjoins a rail corridor</b>	
P14 Future development will be compatible with rail operations	A14.1 Subdivision does not create lots where future buildings cannot achieve required setbacks from rail corridor  A14.2 Railway noise and vibration can be attenuated through future building design and construction

#### 5.4.3 Protection of Watercourses and Ecological Values

Performance criteria	Acceptable solution
<b>Protection of watercourses</b>	
P15 Design and layout of lots, roads, drainage and open space network protects natural drainage patterns and the ecological or hydrological values of watercourses, water bodies and wetlands	A15.1 Subdivision layout avoids or minimises requirement for driveways to cross watercourses  A15.2 Watercourses that are classified Order 3 Streams and above are placed in public ownership and included in road or drainage reserve

Performance criteria	Acceptable solution
	<p>A15.3 Roads and infrastructure (except for required crossings) are set back a minimum of 40 metres from the top of bank of watercourses</p> <p>A15.4 Roads and infrastructure are set back a minimum of 100 metres from the edge of wetland</p>
<b>Protection of ecological values</b>	
P16 Subdivision layout retains and does not isolate or fragment areas of significant habitat and ecological value	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P17 Location of infrastructure and roads does not create unacceptable impact on ecological functions or biodiversity values	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria

#### 5.4.4 Hazard and Risk

Performance criteria	Acceptable solution
<b>Flood</b>	
P18 Development complies with the provisions of Clause 6.2 of the LEP	<p>A18.1 The development site is not prone to flooding from inundation or overland flow</p> <p>OR</p> <p><b>Where development is proposed on flood prone land:</b></p> <p>A18.2 A report is submitted by a suitably qualified person that demonstrates the level of proposed lots is at least the level of a 100 year ARI flood event</p> <p>OR</p> <p><b>Where development is proposed on a lot within the Flood Planning Area shown on the LEP Flood Planning Map:</b></p> <p>A18.3 The development complies with the provisions of the Development Control Plan in the Kyogle Council Floodplain Risk Management Plan 2009</p>
<b>Bushfire</b>	
P19 Buildings, residents, visitors and fire fighters are not exposed to unacceptable risk from bushfire	<p>A19.1 Development does not include land that is mapped as bushfire prone land</p> <p>OR</p> <p>A19.2 Lot layout and location of roads and building envelopes comply with the relevant provisions of the Rural Fire Service publication 'Planning for Bushfire Protection' 2006 or any superseding guideline</p>
<b>Geotechnical stability</b>	
P20 Future dwellings, buildings, structures and persons on the development site are not exposed to unacceptable risk from landslip or mass movement	<p>A20.1 Building envelopes are not located on land that displays evidence of landslip or mass movement</p> <p>OR</p> <p>A20.2 A report is submitted by suitably qualified engineer that demonstrates all lots are geotechnically stable and suitable to accommodate dwellings</p>
<b>Contaminated land</b>	
P21 Future persons on the development site will not be exposed to unacceptable risk from contamination	<p>A21.1 Development site is not listed or mapped as contaminated land</p> <p>AND</p>

Performance criteria	Acceptable solution
	<p>A21.2 Development is not on a site upon which activities that may cause contamination have, or are likely to have been, carried out</p> <p>OR</p> <p>A21.3 A report prepared by a suitably qualified person is submitted that demonstrates future residents and visitors will not be exposed to unacceptable risk from land contamination</p>

#### 5.4.5 Servicing and Infrastructure

Performance criteria	Acceptable solution
<b>Sewerage</b>	
P22 Development makes suitable provision for collection, treatment and disposal of effluent	<p><b>Where development site is in an area serviced by reticulated sewerage or where connection is available at reasonable cost:</b></p> <p>A22 The development is serviced by the reticulated sewerage system in accordance with the requirements of the Northern Rivers Local Government Development &amp; Design and Construction Manual</p>
<b>Electricity supply</b>	
<p>P23 All lots have access to reliable, cost effective power supply and are physically and legally able to be connected to the reticulated electricity network*</p> <p><i>*Achievement of P23 requires submission of:</i></p> <ul style="list-style-type: none"> <li>• <i>Cost-benefit analysis that shows it is more cost effective to provide and operate stand-alone power than reticulated electrical power over a 30 year timeframe</i></li> <li>• <i>Evidence that reticulated power can be provided in future if required, including; proposed route and easements where required</i></li> </ul>	<p>A23.1 Provision is made for the connection of each lot to the reticulated electricity network to the satisfaction of Essential Energy</p> <p>A23.2 In any new streets the electrical reticulation is to be underground with pad mounted substations within the road reserve</p>
<b>Telecommunications</b>	
P24 The development must make suitable arrangements for the supply of constant, reliable telecommunications to each lot	A24 Provision is made for the connection of each lot to the fixed line telecommunications network to the satisfaction of Telstra and the NBN Co where applicable

Performance criteria	Acceptable solution
<b>Water supply</b>	
P25 The development makes suitable arrangements for the supply of potable water to each lot without drawing unreasonably from watercourses, water bodies and groundwater	<p><b>Where development site is in an area serviced by reticulated water or where connection is available at reasonable cost:</b></p> <p>A25 Each lot is serviced by the reticulated water supply network in accordance with the requirements of the Northern Rivers Local Government Development &amp; Design and Construction Manuals</p>
<b>Stormwater Management</b>	
P26 Appropriate provisions are made for the collection and management of stormwater	<p><b>Where development site is in a serviced area:</b></p> <p>A26.1 Stormwater is discharged to the stormwater drainage network in accordance with the requirements of the Northern Rivers Local Government Development &amp; Design and Construction Manuals</p> <p>OR</p> <p><b>Where development site is not in a serviced area:</b></p> <p>A26.2 Stormwater is effectively managed on site and does not contribute to flooding or nuisance on adjoining properties</p>
P27 Subdivision design and stormwater management does not contribute to increased erosion, sedimentation or pollutant and nutrient loads on receiving waters	<p>A27.1 Subdivision design incorporates stormwater retention structures or areas on the subject site</p> <p>A27.2 Subdivision design includes gross pollutant traps and litter racks or screens where required</p> <p>A27.3 The design of the subdivision and civil infrastructure minimises stormwater concentration and run-off</p> <p>A27.4 Subdivision and civil design is in accordance with the requirements of the Northern Rivers Local Government Development &amp; Design and Construction Manuals</p>
<b>Solid Waste Management</b>	
P28 All lots are capable of being serviced by a waste collection service	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria

#### 5.4.6 Site access and road design

Performance criteria	Acceptable solution
<b>Road design</b>	
P29 New roads are of a suitable design and standard to meet demand generated by the development and likely future development	<p>A29.1 Roads standards are in accordance with the requirements of the Northern Rivers Local Government Development &amp; Design and Construction Manual</p> <p>A29.2 Road construction is in accordance with the requirements of the Northern Rivers Local Government Development &amp; Design and Construction Manual</p> <p>A29.3 Road reserve width is increased where required to allow protection of significant native vegetation or watercourses, environmental restoration, visibility at intersections and property access points, future widening or other special requirements</p>
P30 Road design minimises earthworks and impacts on topography and landscape	<p>A30.1 Roads are designed to minimise the amount and height of cut and fill</p> <p>A30.2 Road design avoids impacts on distinctive landmarks and topographical features such as ridgelines, hilltops, rock outcrops</p>
P31 Design of roads minimises impacts on the ecological or hydrological functions of watercourses and wetlands	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P32 Road design does not impact unreasonably on the ecological values or resources of the site	A32 Road alignment and design avoids the need to clear significant, iconic or distinctive trees or stands of vegetation
P33 Road design permits servicing by domestic waste collection vehicles	A33 Road design is in accordance with the requirements of the Northern Rivers Local Government Development & Design and Construction Manual
<b>Site access</b> (where lots are accessed from an existing road)	
P34 All lots have safe and suitable vehicular access	A34 Site access is in accordance with the Northern Rivers Local Government Development & Design and Construction Manual and Council's Property Access and Addressing Management Plan
<b>Transport Mode Choice</b>	

Performance criteria	Acceptable solution
P35 Road design facilitates public transport services	<p>A35.1 The width of road reserve and formation is sufficient to allow for bus movement, turnaround, set down and pick up</p> <p>A35.2 Where site is on a bus route bus stop widenings are provided in accordance with the requirements of the Northern Rivers Local Government Development &amp; Design and Construction Manual</p>
P36 Road and path design facilitates opportunities for walking and cycling	<p>A36.1 The width of road reserve and formation is sufficient to allow is sufficient to provide opportunities and infrastructure for walking and cycling</p> <p>A36.2 Pedestrian and cycle paths and lanes are provided in accordance with the requirements of the Northern Rivers Local Government Development &amp; Design and Construction Manual</p>
<b>Landscaping of road reserves</b>	
P37 Landscaping of road reserves responds to its locality and contributes to safe, attractive and comfortable streets	<p>A37.1 Landscaping of road reserves achieves:</p> <ul style="list-style-type: none"> <li>• Shaded and attractive streets</li> <li>• Retention of significant existing vegetation</li> <li>• Safe sight lines for pedestrians, cyclists and motorists</li> <li>• Unrestricted pedestrian access</li> </ul> <p>A37.2 A landscape concept plan is submitted that identifies planting locations, species and indicative planting methods</p>
P38 Road and services design makes allowance for installation of street trees	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P39 Street trees do not compromise safety or interfere with provision or maintenance of services and utilities	A39 Location and species of street trees takes into account underground and overhead services and sight lines



#### 5.4.7 Additional guidelines for boundary adjustments

Performance criteria	Acceptable solution
<p>P40 The adjustment of a boundary or boundaries must:</p> <ul style="list-style-type: none"><li>• not result in the creation of additional lots</li><li>• be consistent with subdivision pattern of the local area</li><li>• be an improvement on the existing situation</li><li>• not create a situation where, as a result of the subdivision the use/s and/or building/s become unlawful</li><li>• not result in lots less than the minimum lot size</li></ul>	<p>No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria</p>

#### 5.4.8 Additional guidelines for strata title subdivision

Performance criteria	Acceptable solution
<p>P41 Subdivision of new and existing buildings does not result in an unlawful situation or structure that does not meet building, fire, health regulations</p>	<p>No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria</p>
<p>P42 Individual units, dwellings and lots can function independently in terms of services, open space, vehicular access and parking and fire safety and evacuation</p>	<p>No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria</p>

## APPENDIX C2

**Table C2.1 Acceptable minimum buffer distances between dwellings and other land uses on adjoining or surrounding land not associated with proposal**

Existing land use	Acceptable minimum distance to dwelling (metres)
Grazing of stock	50
Livestock Yards	200
Cropping, horticulture, cultivation	200
Piggeries- Housing and waste storage	500
Piggeries- Waste utilisation area	250
Feedlots- Yards and waste storage	500
Feedlots- Waste utilisation area	250
Poultry Farms- Sheds and waste storage	500
Poultry Farms- Waste utilisation area	250
Dairies- Sheds and waste storage	250
Dairies- Waste utilisation area	250
Other Intensive Livestock Operations	300
Intensive Horticulture	200
Greenhouse & Controlled Environment Horticulture	200
Macadamia De-husking	300
Bananas	150
Turf Farms	200
Animal boarding and training establishments	500
Rural Industries	500
Abattoirs	1000
Extractive Industries that does not involve blasting	500
Extractive Industry that involves blasting	1000
Waste disposal facility (landfill)	1000
Waste transfer facility	300
Sewage treatment works	400

Source: Department of Primary Industries; Living and Working in Rural Areas (2007)

**Table C2.2 Provision of public open space**

Requirements	Local park	District park
<b>Development threshold for provision</b>	40 additional residential lots (whether staged or not)	120 additional residential lots (whether staged or not)
<b>Minimum area</b> (excluding area utilised for drainage or stormwater management)	2,000m <sup>2</sup>	20,000m <sup>2</sup>
<b>Minimum dimensions</b>	40 metres	80 metres
<b>Access via</b>	Local access road	Collector road
<b>Extent of road frontage</b> (all road types)	Minimum 50% of perimeter	Minimum 50% of perimeter
<b>Desirable site features</b>	<ul style="list-style-type: none"> <li>• Generally level or gently sloping</li> <li>• On a pedestrian or cycle path network</li> <li>• Existing suitable, mature trees</li> </ul>	<ul style="list-style-type: none"> <li>• Generally level or gently sloping</li> <li>• Views or vantage point</li> <li>• Can incorporate watercourses or environmental features</li> <li>• On a pedestrian or cycle path network</li> <li>• Adjacent or opposite community facility or activity centre</li> </ul>
<b>Embellishments</b>	<ul style="list-style-type: none"> <li>• Seating</li> <li>• Shade trees</li> <li>• Bollards to prevent vehicular access</li> <li>• Play equipment and soft fall</li> <li>• Bins</li> </ul>	<ul style="list-style-type: none"> <li>• Seating</li> <li>• Shelters including seating, tables and lights</li> <li>• Shade trees</li> <li>• BBQs</li> <li>• Play equipment and soft fall</li> <li>• Paths</li> <li>• Bollards to prevent vehicular access</li> <li>• Bubblers/taps</li> <li>• Bins</li> <li>• Toilets</li> <li>• Exercise equipment</li> </ul>



## CHAPTER 3 DWELLING HOUSES, RURAL WORKER'S DWELLINGS AND SECONDARY DWELLINGS

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## TABLE OF CONTENTS

<b>Chapter 3 Dwelling Houses, Rural Worker's Dwellings and Secondary Dwellings .....</b>	<b>84</b>
<b>1 Introduction .....</b>	<b>86</b>
1.1 Application .....	86
1.2 Aims of Chapter 3.....	86
<b>2 Dwelling houses and Rural worker's dwellings in Zones RU1, RU2 and RU4.....</b>	<b>87</b>
2.1 Application .....	87
2.2 Exempt and Complying Development.....	87
2.3 Objectives .....	87
2.4 Development Guidelines .....	88
<b>3 Secondary dwellings in Zones RU1, RU2 and RU4.....</b>	<b>94</b>
3.1 Application .....	94
3.2 Objectives .....	94
3.3 Development Guidelines .....	95
<b>4 Dwelling houses in Zones R1, R3, R5, RE2 and RU5 .....</b>	<b>100</b>
4.1 Application .....	100
4.2 Exempt and Complying Development.....	100
4.3 Objectives .....	100
4.4 Development Guidelines .....	101
<b>5 Secondary dwellings in Zones R1, R3, R5 and RU5 .....</b>	<b>108</b>
5.1 Application .....	108
5.2 Complying Development.....	109
5.3 Objectives .....	109
5.4 Development Guidelines .....	110
<b>APPENDIX C3 .....</b>	<b>115</b>
Table C3.1 Recommended minimum buffer distances between dwellings and other land uses on adjoining or surrounding land not associated with proposal.....	115
Table C3.2 Minimum front boundary setback for dwelling houses and ancillary structures.....	116

## 6 INTRODUCTION

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### 6.1 Application

This Chapter applies in preparing and assessing applications for development of **dwelling houses, rural worker's dwellings, secondary dwellings**, extensions and additions to existing dwelling houses, ancillary development and outbuildings in any zone where the development is permitted with consent under the Kyogle Local Environmental Plan 2012.

Additions and extensions to existing dwellings include detached buildings that are part of the existing dwelling, such as studios. Development ancillary to a dwelling house includes driveways, parking areas, retaining walls, pools, landscaping, stand-alone power systems of domestic scale and tennis courts. Outbuildings are buildings that are associated with a residential use including sheds, garages, carports, gazebos and greenhouses.

This Chapter does not apply to applications for Attached dwellings, Dual occupancies, Mixed use development, Multi dwelling housing, Residential Flat buildings, Semi-detached dwellings, Seniors housing, Shop-top housing, Group homes or Hostels.

### 6.2 Aims of Chapter 3

- a) To provide development guidelines to assist the design of development proposals and preparation of development applications and the assessment of those applications.
- b) To facilitate the development of dwelling houses, rural worker's dwellings, secondary dwellings and ancillary development that is consistent with the applicable zone objectives.
- c) To facilitate the development of well-designed buildings that are adaptable, comfortable, efficient in their use of energy and water and are responsive to their site and surroundings.

## 2 DWELLING HOUSES AND RURAL WORKER'S DWELLINGS IN ZONES RU1, RU2 AND RU4

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### 2.1 Application

This section applies to development for the purposes of **dwelling houses** and **rural worker's dwellings** in Zones RU1, RU2 and RU4. This section also applies to extensions and additions to dwellings (including studios) and ancillary buildings and structures.

A studio is considered to be an addition to or an extension of an existing dwelling and is therefore considered part of the existing dwelling. It is intended to be a small scale building or room that is to be used for recreational, creative or artistic pursuits that cannot be undertaken in the main dwelling. A studio cannot function as a separate self-contained dwelling and cannot therefore be habitable. A building is considered to be habitable if it contains a kitchen and bathroom. A building that is self-contained and separate from the main dwelling is considered to be an additional dwelling.

Where the development guidelines below list 'additional' guidelines for certain development types, these guidelines apply in addition to the general guidelines for dwelling houses.

### 2.2 Exempt and Complying Development

Certain development ancillary to dwellings (including driveways, garages, carports and garden sheds) is permitted as Exempt Development (development that does not require development consent, subject to certain requirements). Reference should be made to any relevant State Environmental Planning Policy.

Certain dwelling houses and ancillary development are permitted as Complying Development (minor development which does not require development consent, but can be certified by Council or a private certifier). Reference should be made to any relevant State Environmental Planning Policy.

### 2.3 Objectives

- a) To ensure that dwelling houses and rural worker's dwellings are appropriately buffered from surrounding land uses and are not subject to amenity impacts.
- b) To ensure that dwelling houses and rural worker's dwellings are designed and sited to minimise the visual impact on the character of the rural landscape and significant views or settings.
- c) To ensure that buildings and structures are designed and sited to minimise cut and fill.
- d) To ensure that buildings and structures are designed and sited to minimise impacts on ecological functions and biodiversity values.
- e) To ensure that dwelling houses and rural worker's dwellings are sited to avoid unacceptable risk from natural hazards and contaminated land.



- f) To ensure that buildings and structures do not adversely impact on the ecological or hydrological functions of watercourses, water bodies and wetlands.
- g) To ensure that dwelling houses and rural worker's dwellings have suitable vehicular access.
- h) To ensure that dwelling houses and rural worker's dwellings are appropriately serviced.
- i) To allow the development of detached dwelling additions where these are small scale, in proximity of the main dwelling and intended for use by occupants of the main dwelling.
- j) To encourage the development of well-designed dwellings that are adaptable, comfortable and maximise water and energy efficiency.

## 2.4 Development Guidelines

**Note: the Acceptable Solutions in the table below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot meet, an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.**

Performance criteria	Acceptable solution
<b>Design and siting of buildings and structures</b>	
P1 Site layout and building design seeks to utilise natural grades of the land and minimises cut and fill	<p>A1.1 Buildings and structures are not located on land with a gradient that exceeds 20%</p> <p>A1.2 Cut or fill does not exceed 1 metre in height and a total height of 2 metres</p>
P2 The setback of buildings and structures from the primary road frontage is consistent with the surrounding area	<p>A2.1 Buildings and structures are set back a minimum of 20 metres from the front boundary</p> <p>OR</p> <p><b>Where site has frontage to a classified road:</b></p> <p>A2.2 Buildings and structures are set back from front boundary a minimum of:</p> <ul style="list-style-type: none"> <li>• Where in Zones RU1 or RU2:- 50 metres</li> <li>• Where in Zone RU4:- 30 metres</li> </ul>
P3 The setback of buildings and structures from side and rear property boundaries does not impact on the amenity of adjoining properties	<p>A3.1 Buildings and structures are set back a minimum of 10 metres from side boundary</p> <p>A3.2 Buildings and structures are set back at least 10 metres from rear boundary</p> <p>OR</p> <p><b>Where side or rear boundary is a secondary road:</b></p> <p>A3.3 Buildings and structures are set back at least 20 metres from property boundary</p>

Performance criteria	Acceptable solution
<b>Visual impact</b>	
P4 Buildings and structures do not impact adversely on significant views or rural and/or natural landscape character and do not reflect light on surrounding properties	<p>A4.1 Buildings and structures are not located on prominent ridgelines or hilltops or in prominent locations when viewed from significant public vantage points</p> <p><b>OR</b></p> <p>A4.2 Landscaping is used to screen views of the development from significant vantage points</p> <p>A4.3 External walls and roofs are clad in non-reflective materials and colours are muted</p>
<b>Environmental impact</b>	
P5 The siting of buildings and structures does not impact on ecological or hydrological values of watercourses, water bodies and wetlands	<p>A5.1 Buildings and structures are set back a minimum of 100 metres from the top of bank of permanent watercourses (Order 3 Stream or greater) or water bodies and 40 metres from the top of bank of an Order 1 or 2 Stream</p> <p>A5.2 Buildings and structures are set back a minimum of 100 metres from the edge of wetland</p>
P6 Development does not create unacceptable impact on ecological functions or biodiversity values	<p>A6.1 Siting of buildings, structures and driveways does not require the clearing of native vegetation</p> <p>A6.2 Buildings and structures are not located within a mapped ecological corridor</p>
<b>Effluent management</b>	
P7 The development makes suitable provision for management of effluent that does not create public health impacts or adversely impact quality of surface and ground waters	<p>A7.1 The lot contains land with gradient &lt;20% suitable to accommodate effluent disposal fields</p> <p>A7.2 The soil type is suitable for on-site treatment of effluent</p> <p>A7.2 The development is serviced by an on-site sewage management system that meets the requirements of the Kyogle Council On-site Sewage Management Strategy</p>
<b>Water supply</b>	
P8 The development must make suitable provision for supply of potable water without	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria

Performance criteria	Acceptable solution
drawing unreasonably from natural watercourses, water bodies or groundwater	
<b>Stormwater management</b>	
P9 Stormwater does not create a nuisance for adjoining properties	A9 Stormwater is managed on the development site and does not contribute to flooding on adjoining properties
<b>Electricity supply</b>	
P10 The development must make adequate provision for electrical power without impacting on the amenity of surrounding properties through emission of noise, fumes, light or glare through on-site power generation	A10 The dwelling is connected to the reticulated electricity network
<b>Telecommunications</b>	
P11 The dwelling must make suitable arrangements for the supply of constant, reliable telecommunications	A11 The development is connected to the fixed line telecommunications network
<b>Solid waste disposal</b>	
P12 The development must make satisfactory arrangements for the storage and removal of solid waste	A12 Solid waste is disposed of at an approved facility and is not buried or burnt on site
<b>Transport and Access</b>	
P13 The development must have suitable vehicular access	<p>A13.1 Vehicles are able to enter and leave the site in a forward direction</p> <p>A13.2 The development site has access to a constructed public road</p> <p>A13.3 Site access, internal driveways, manoeuvring and parking areas are designed and constructed in accordance with the Northern Rivers Local Government Development &amp; Design and Construction Manual and Council's Property Access and Addressing Management Plan</p>
<b>Land use conflict avoidance</b>	
P14 Dwelling houses and rural worker's dwellings are not located where they are likely to be impacted by surrounding land uses	A14 Development achieves buffers specified in Table C3.1 in Appendix C3
<b>Natural hazards</b>	

Performance criteria	Acceptable solution
P15 Dwelling houses, rural worker's dwellings, residents, visitors and firefighters are not exposed to unacceptable risk from bushfire	<p>A15.1 Development is not on land that is mapped as bushfire prone land</p> <p>OR</p> <p>A15.2 The dwelling is assessed as having a Bushfire Attack Level (BAL) no greater than BAL 29 and complies with the requirements of the Rural Fire Service publication 'Planning for Bushfire Protection' 2006 or any superseding guideline and Australian Standard AS3959</p> <p>OR</p> <p>A15.3 A report prepared by a Certified Bushfire Practitioner is provided that demonstrates the dwelling can achieve the requirements of the Rural Fire Service publication 'Planning for Bushfire Protection' 2006 or any superseding guideline</p>
P16 Buildings, structures and persons on the development site should not be exposed to unacceptable risk from flooding	<p>A16.1 The location of the dwelling house or rural worker's dwelling is not prone to flooding from inundation or overland flow</p> <p>OR</p> <p>Where a dwelling house or rural worker's dwelling is proposed on land that is mapped as or known to be prone to flooding:</p> <p>A16.2 A report is submitted by a suitably qualified person that demonstrates the floor level of the development achieves a height of at least the level of a 100 year ARI flood event plus 0.5 metres freeboard</p>
P17 Buildings, structures and persons on the development site should not be exposed to unacceptable risk from landslip or mass movement	<p>A17.1 The development site does not display evidence of landslip or mass movement</p> <p>OR</p> <p>A17.2 A report prepared by a suitably qualified engineer is submitted that demonstrates the site is geotechnically stable and suitable to accommodate a dwelling</p>
<b>Contaminated land</b>	
P18 Residents and visitors are not exposed to unacceptable risk from contamination	<p>A18.1 Development is not on a site that is listed as contaminated</p> <p><b>AND</b></p>

Performance criteria	Acceptable solution
	<p>A18.2 Development is not located within 200 metres of a cattle dip</p> <p><b>OR</b></p> <p>A18.3 A report prepared by a suitably qualified person is submitted that demonstrates the site is suitable to accommodate a residential use</p>
<b>Building orientation and energy efficiency</b>	
P19 Building design and orientation facilitates passive lighting, heating and cooling	<p>A19.1 Living areas* are orientated to the north or east</p> <p>A19.2 Window and door placement allows internal solar access between April and August and limits internal solar access between September and March</p> <p>A19.3 Eaves are minimum of 450 mm deep</p> <p>A19.4 Internal building layout and location of windows facilitate internal passage of cooling easterly and southerly breezes</p> <p><i>*Living areas are considered to be kitchen, lounge room, living room or dining room</i></p>
<b>Additional guidelines for rural worker's dwellings</b>	
P20 A rural worker's dwelling is in reasonable proximity to the main dwelling or agricultural workplace	A20 A rural worker's dwelling is located within 200 metres of the main dwelling
P21 Vehicular access is suitable to service two dwellings and does not create safety issues on a public road	A21 A rural worker's dwelling and the main dwelling are accessed via the same driveway and vehicular access point to a public road
P22 The rural worker's dwelling is adequately serviced	<p>A22.1 A rural worker's dwelling has its own on-site sewage management system</p> <p>A22.2 A rural worker's dwelling has its own power and telecommunications connections</p> <p>A22.3 A rural worker's dwelling is self sufficient for potable water</p>
<b>Additional guidelines for detached additions and extensions (including studios)</b>	

Performance criteria	Acceptable solution
<p>P23 The building functions as an extension to the dwelling and is not used for separate habitation</p>	<p>A23.1 Kitchen and laundry facilities are only located in the main building</p> <p>A23.2 Additions or extensions do not contain ablution facilities other than a toilet and hand basin</p> <p>A23.3 Additions or extensions are not capable of independent habitation</p>
<p>P24 The addition or extension is small scale, is in proximity of the dwelling and does not create unreasonable environmental impact</p>	<p>A24.1 The floor area of additions or extensions does not exceed 60m<sup>2</sup> including decks or verandahs</p> <p>A24.2 The building does not contain internal partitions other than those necessary for ablution facilities or required for the use of the building</p> <p>A24.3 Additions or extensions are not located further than 50 metres from the outside wall of the dwelling</p> <p>A24.4 Construction of additions or extensions does not require construction of an additional vehicular property access</p> <p>A24.5 An additional on-site sewage management system is provided if required</p> <p>A24.5 Construction of buildings does not require clearing of vegetation</p>

## 3 Secondary dwellings in Zones RU1, RU2 and RU4

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### 3.1 Application

This section applies to development for the purposes of **secondary dwellings** and ancillary structures, such as garages and carports, in Zones RU1, RU2 and RU4. A secondary dwelling is defined in the Kyogle LEP 2012 as;

*‘a self-contained dwelling that:*

- a) Is established in conjunction with another dwelling (the principal dwelling), and*
- b) Is on the same lot of land as the principal dwelling, and*
- c) Is located within, or is attached to, or is separate from, the principal dwelling.’*

### 3.2 Objectives

- a) To ensure that secondary dwellings are located in proximity to the principal dwelling.
- b) To ensure that secondary dwellings are appropriately buffered from surrounding land uses and are not subject to adverse amenity impacts.
- c) To ensure that secondary dwellings are designed and sited to avoid impact on the character of the rural landscape and significant views or settings.
- d) To ensure that secondary dwellings are designed and sited to minimise earthworks.
- e) To ensure that secondary dwellings are designed and sited to minimise impacts on ecological functions and biodiversity values.
- f) To ensure that secondary dwellings are sited to avoid unacceptable risk from natural hazards and contaminated land.
- g) To ensure that secondary dwellings do not adversely impact on the ecological or hydrological functions of watercourses, water bodies and wetlands.
- h) To ensure that secondary dwellings have suitable vehicular access and are appropriately serviced.
- i) To encourage the development of well-designed dwellings that are adaptable, comfortable and maximise water and energy efficiency.
- j) To ensure the preservation of cultural heritage.

### 3.3 Development Guidelines

**Note: the Acceptable Solutions in the table below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot, meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.**

Performance criteria	Acceptable solution
<b>Minimum lot size</b>	
P1 The lot is of appropriate size and dimensions to accommodate a principal and secondary dwelling including effluent disposal areas	A1 The lot has an area of at least 1ha
<b>Relationship with principal dwelling</b>	
P2 Secondary dwellings are smaller scale than the principal dwelling	A2 Total floor area of secondary dwellings including decks and verandas (but excluding any area used for parking) does not exceed 60m <sup>2</sup> or 60% of the total floor area of the principal dwelling, whichever is the greater
P3 Secondary dwellings are located within reasonable proximity of the principal dwelling and will not: <ul style="list-style-type: none"> <li>adversely impact on the agricultural potential or viability of the subject land</li> <li>increase the potential for land use conflict</li> <li>impact adversely on environmental values or watercourses</li> </ul>	A3 Secondary dwellings are located within 100 metres of the principal dwelling
<b>Design and siting of buildings and structures</b>	
P4 Site layout and building design seeks to utilise natural grades of the land and minimises cut and fill	A4.1 Secondary dwellings are not located on land with a gradient that exceeds 20%  A4.2 Cut or fill does not exceed 1 metre in height and a total height of 2 metres
P5 The setback of secondary dwellings from the primary road frontage is consistent with the surrounding area	A5.1 Secondary dwellings are set back a minimum of 20 metres from the front boundary  OR <b>Where site has frontage to a classified road:</b> A5.2 Secondary dwellings are set back from front boundary a minimum of: <ul style="list-style-type: none"> <li>Where in Zones RU1 or RU2:- 50 metres</li> <li>Where in Zone RU4:- 30 metres</li> </ul>



Performance criteria	Acceptable solution
P6 The setback of secondary dwellings from side and rear property boundaries does not impact on the amenity of adjoining properties	<p>A6.1 Secondary dwellings are set back a minimum of 10 metres from side boundary</p> <p>A6.2 Secondary dwellings are set back at least 10 metres from rear boundary</p> <p>OR</p> <p><b>Where side or rear boundary is a secondary road:</b></p> <p>A6.3 Secondary dwellings are set back at least 20 metres from property boundary</p>
<b>Visual impact</b>	
P7 Secondary dwellings do not impact adversely on significant views or rural and/or natural landscape character and do not reflect light on surrounding properties	<p>A7.1 Secondary dwellings are not located on prominent ridgelines or hilltops or in prominent locations when viewed from significant public vantage points</p> <p>A7.2 External walls and roofs are clad in non-reflective materials and colours are muted</p>
<b>Environmental impact</b>	
P8 The siting of secondary dwellings does not impact on ecological or hydrological values of watercourses, water bodies and wetlands	<p>A8.1 Secondary dwellings are set back a minimum of 100 metres from the top of bank of permanent watercourses (Order 3 Stream or greater) or water bodies and 40 metres from the top of bank of an Order 1 or 2 Stream</p> <p>A8.2 Secondary dwellings are set back a minimum of 100 metres from the edge of wetland</p>
P9 Development does not create unacceptable impact on ecological functions or biodiversity values	<p>A9.1 Siting of secondary dwellings and driveways does not require the clearing of native vegetation</p> <p>A9.2 Secondary dwellings are not located within a mapped ecological corridor</p>
<b>Effluent management</b>	
P10 Secondary dwellings make suitable provision for management of effluent that does not create public health impacts or adversely impact quality of surface and ground waters	A10 Secondary dwellings are serviced by an independent on-site sewage management system that meets the requirements of the Kyogle Council On-site Sewage Management Strategy
<b>Water supply</b>	

Performance criteria	Acceptable solution
P11 Secondary dwellings make suitable provision for supply of potable water without drawing unreasonably from natural watercourses, water bodies or groundwater	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Stormwater management</b>	
P12 Stormwater is managed on the development site and does not contribute to flooding on adjoining properties	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Electricity supply</b>	
P13 Secondary dwellings make adequate provision for electrical power without impacting on the amenity of surrounding properties through emission of noise, fumes, light or glare through on-site power generation	A13 Secondary dwellings are connected to the reticulated electricity network
<b>Telecommunications</b>	
P14 The dwelling must make suitable arrangements for the supply of constant, reliable telecommunications	A14 Secondary dwellings are connected to the fixed line telecommunications network
<b>Site access</b>	
P15 Vehicular access is suitable to service the secondary dwelling and does not create safety issues on a public road	A15 Secondary and principal dwellings utilise the same vehicular access point and driveway
<b>Land use conflict avoidance</b>	
P16 Secondary dwellings are not located where they are likely to be impacted by surrounding land uses	A16 Secondary dwellings achieve buffers specified in Table C3.1 in Appendix C3
<b>Natural hazards</b>	
<p>P17 Secondary dwellings, residents, visitors and firefighters are not exposed to unacceptable risk from bushfire*</p> <p><i>*Achievement of P17 will generally need to be demonstrated through submission of a report prepared by a Certified Bushfire Practitioner that demonstrates the dwelling can achieve the requirements of the Rural Fire Service publication 'Planning for Bushfire Protection' 2006 or any superseding guideline</i></p>	<p>A17.1 Secondary dwellings are not sited on land that is mapped as bushfire prone land</p> <p>OR</p> <p>A17.2 The dwelling is assessed as having a Bushfire Attack Level (BAL) no greater than BAL 29 and complies with the requirements of the Rural Fire Service publication 'Planning for Bushfire Protection' 2006 or any superseding guideline and Australian Standard AS3959</p>

Performance criteria	Acceptable solution
P18 Buildings, structures and persons on the development site should not be exposed to unacceptable risk from flooding	<p>A18.1 Secondary dwellings are not sited on land prone to flooding from inundation or overland flow</p> <p>OR</p> <p><b>Where a secondary dwellings is proposed on land that is mapped as or known to be prone to flooding:</b></p> <p>A18.2 A report is submitted by a suitably qualified person that demonstrates the floor level of the development achieves a height of at least the level of a 100 year ARI flood event plus 0.5 metres freeboard</p>
P19 Buildings, structures and persons on the development site should not be exposed to unacceptable risk from landslip or mass movement	<p>A19.1 The development site does not display evidence of landslip or mass movement</p> <p>OR</p> <p>A19.2 A report prepared by a suitably qualified engineer is submitted that demonstrates the site is geotechnically stable and suitable to accommodate a dwelling</p>
<b>Contaminated land</b>	
P20 Residents and visitors are not exposed to unacceptable risk from contamination	<p>A20.1 Development is not on a site that is listed as contaminated</p> <p>AND</p> <p>A20.2 Secondary dwellings are not located within 200 metres of a cattle dip</p> <p>OR</p> <p>A20.3 A report prepared by a suitably qualified person is submitted that demonstrates the site is suitable to accommodate a residential use</p>
<b>Building orientation and energy efficiency</b>	
P21 Building design and orientation facilitates passive lighting, heating and cooling	<p>A21.1 Living areas* are orientated to the north or east</p> <p>A21.2 Window and door placement allows internal solar access between April and August and limits internal solar access between September and March</p> <p>A21.3 Eaves are minimum of 450 mm deep</p> <p>A21.4 Internal building layout and location of windows facilitate internal passage of cooling easterly and southerly breezes</p>

Performance criteria	Acceptable solution
	<i>*Living areas are considered to be kitchen, lounge room, living room or dining room</i>
<b>Where located on the site of a heritage item</b>	
P22 Secondary dwellings do not detract from the heritage significance of the heritage item or site	A22 The secondary dwelling is located at the rear of a heritage building and is not visible from a road or public place
<b>Additional guidelines where secondary dwelling is created within part of existing dwelling</b>	
P23 Principal and secondary dwellings are compatible and comply with the provisions of the Building Code of Australia for fire separation and noise attenuation	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Additional guidelines where secondary dwelling is an attached extension</b>	
P24 Principal and secondary dwellings are compatible and comply with the provisions of the Building Code of Australia for fire separation and noise attenuation	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria

## 4 Dwelling houses in Zones R1, R3, R5, RE2 and RU5

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### 4.1 Application

This section applies to development for the purposes of **dwelling houses** in Zones R1, R3, R5, RE2 and RU5. This section also applies to extensions and additions to dwellings (including studios) and ancillary buildings and structures.

A studio is considered to be an addition to or an extension of an existing dwelling and is therefore considered to be a part of the existing dwelling. It is intended to be a small scale building or room that is to be used for recreational, creative or artistic pursuits that cannot be undertaken in the main dwelling. A studio cannot function as a separate self-contained dwelling and cannot therefore be habitable. A building is considered to be habitable if it contains a kitchen and bathroom. A building that is self-contained and separate from the main dwelling is considered to be an additional dwelling.

### 4.2 Exempt and Complying Development

Certain development ancillary to dwellings (eg. driveways, carports, garden sheds) may be permitted as Exempt Development (development that does not require development consent, subject to certain requirements). Reference should be made to any relevant State Environmental Planning Policy.

Certain dwelling houses, secondary dwellings, additions and ancillary development may be permitted as Complying Development (minor development which does not require development consent, but can be certified by Council or a private certifier). Reference should be made to any relevant State Environmental Planning Policy.

### 4.3 Objectives

- a) To facilitate the development of dwelling houses and ancillary development that are designed and constructed to complement the character of their surroundings.
- b) To ensure that buildings and structures are designed and sited to minimise cut and fill.
- c) To ensure that development does not impact the amenity of surrounding residential development.
- d) To ensure that buildings and structures are designed and sited to minimise impacts on ecological functions and biodiversity values.
- e) To ensure that dwelling houses and ancillary development are sited to avoid exposure to unacceptable risk from natural hazards and contaminated land.
- f) To ensure that development does not adversely impact on the ecological or hydrological functions of watercourses and water bodies.
- g) To ensure that dwelling houses have appropriate vehicular access and are appropriately serviced.
- h) To allow the development of detached dwelling additions or extensions where these are small scale, in proximity of the main dwelling and intended for use by occupants of the main dwelling.

- i) To encourage the development of well-designed dwellings that are adaptable, comfortable and maximise water and energy efficiency.

## 4.4 Development Guidelines

*Note: the Acceptable Solutions in the table below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot, meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.*

Performance criteria	Acceptable solution
<b>Minimum lot size and dimensions</b>	
P1 The allotment is sufficient size and dimensions to accommodate a dwelling house, car parking, open space and where required, on-site sewage management	<p><b>Where development site is in an area serviced by reticulated sewerage:</b></p> <p>A1.1 The development site has an area of at least 450m<sup>2</sup> and an average width of at least 12 metres</p> <p>OR</p> <p><b>Where development site is not in an area serviced by reticulated sewerage:</b></p> <p>A1.2 The development site has an area of at least 2000m<sup>2</sup> and an average width of at least 15 metres</p>
<b>Height of buildings and structures</b>	
P2 The height of buildings and ancillary structures is consistent with houses in the surrounding area and does not create overshadowing or a loss of privacy of adjoining residential properties	A2 Height of buildings and ancillary structures does not exceed maximum height shown on the Height of Buildings Map
<b>Front boundary setback</b>	
P3 Dwelling houses and ancillary structures have sufficient setback from the front boundary to maintain the character and building line of the street and to allow sufficient area for private open space, car parking and landscaping	<p>A3.1 Setback of buildings and ancillary structures to the front boundary is in accordance with Table C3.2 in Appendix C3.</p> <p>OR</p> <p>Where site fronts a classified road:</p> <p>A3.2 Front boundary setback is at least:</p> <ul style="list-style-type: none"> <li>• Where in Zone R1, R3 or RU5:- 9 metres</li> <li>• Where in RE2 or R5 (and lot has an area of at least 4000m<sup>2</sup>):- 15 metres</li> </ul>
<b>Side boundary setback</b>	
P4 Side boundary setback is sufficient to maintain privacy, residential amenity and solar	<b>In Zones R1, R3 and RU5 and where outer wall or structure adjacent side boundary is &lt;4.5m high:</b>

Performance criteria	Acceptable solution
access of adjoining properties, permit access for maintenance and meet Building Code of Australia requirements	<p>A4.1 Buildings and ancillary structures are set back from the side boundary a minimum 0.9 metres to wall and 0.45 metres to outer edge of eave or gutter</p> <p>OR</p> <p><b>In Zones R1, R3 and RU5 and where outer wall or structure adjacent side boundary is &gt;4.5m high:</b></p> <p>A4.2 Buildings and ancillary structures are set back from the side boundary a minimum 1.5 metres (to wall) plus 0.5 metres for every additional 2 metres in wall/structure height</p> <p>OR</p> <p><b>In Zones RE2 and R5:</b></p> <p>A4.3 Buildings and ancillary structures are set back from the side boundary a minimum of 5 metres</p>
<b>Rear boundary setback</b>	
P5 Rear boundary setback is sufficient to allow for the maintenance of privacy, residential amenity and solar access of adjoining properties	<p><b>In Zones R1, R3 and RU5:</b></p> <p>A5.1 Rear boundary setback is a minimum of 6 metres</p> <p>OR</p> <p><b>In Zones R1, R3 or RU5 and where development site has rear boundary frontage to a laneway, road or public reserve:</b></p> <p>A5.2 Rear boundary setback is a minimum of 4 metres to house and 1 metre to garage or carport</p> <p>OR</p> <p><b>In Zones RE2 and R5:</b></p> <p>A5.3 Buildings and ancillary structures are set back from the rear boundary a minimum of 15 metres</p>
<b>Corner allotments</b>	
P6 Setbacks of buildings and ancillary structures on corner allotments are suitable to ensure safety for pedestrians and vehicles, to maintain the character and building line of the streets and allow for the maintenance of privacy, residential amenity and solar access of adjoining properties	<p>A6.1 The narrow street frontage is treated as the primary street frontage</p> <p>A6.2 Setback of buildings and ancillary structures to the primary street frontage is in accordance with Table C3.2 Appendix C3</p> <p>OR</p> <p><b>Where site fronts a classified road:</b></p> <p>A6.3 Front boundary setback is at least:</p>

Performance criteria	Acceptable solution
	<ul style="list-style-type: none"> <li>Where in Zone R1, R3 or RU5:- 9 metres</li> <li>Where in RE2 or R5 (and lot has an area of at least 4000m2):- 15 metres</li> </ul> <p>AND</p> <p>A6.4 Setback of buildings and ancillary structures to the secondary road frontage is at least 4 metres in Zones R1, R3 and RU5 and at least 10 metres in Zones RE2 and R5</p> <p>A6.5 Setback of buildings and ancillary structures to side boundaries* is 2 metres in Zones R1, R3 and RU5 and 5 metres in Zones RE2 and R5</p> <p>A6.6 Vehicular access points are not closer than 6 metres from the intersection</p> <p><i>*Corner allotments are not considered to have a rear boundary</i></p>
<b>Building orientation and energy efficiency</b>	
P7 Building design and orientation facilitates passive lighting, heating and cooling	<p>A7.1 Living areas* are orientated to the north or east</p> <p>A7.2 Window and door placement allows internal solar access between April and August and limits internal solar access between September and March</p> <p>A7.3 Eaves are minimum of 450 mm deep</p> <p>A7.4 Internal building layout and location of windows facilitate internal passage of cooling easterly and southerly breezes</p> <p><i>*Living areas are considered to be kitchen, lounge room, living room or dining room</i></p>
<b>Streetscape</b>	
P8 Houses address the street and allow for passive surveillance	<p>A8.1 The front door is visible from the street</p> <p>A8.2 At least one living area* has a window that faces the street</p>



Performance criteria	Acceptable solution
	<p>A8.3 Solid front fencing higher than 1.2 metres is not used (except where required for noise attenuation where development site fronts a classified road)</p> <p><i>*Living areas are considered to be kitchen, lounge room, living room or dining room</i></p>
P9 The front façade is not dominated by car accommodation	<p>A9.1 Car accommodation is set back at least 1 metre behind the front building façade</p> <p>A9.2 Car accommodation does not exceed 50% of the width of the house</p>
<b>Where located on the site of a heritage item</b>	
P10 Development does not adversely impact views or the setting of the heritage item	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Where adjoining the site of a heritage item</b>	
P11 Development does not adversely impact views or the setting of the heritage item	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Where located in a heritage conservation area</b>	
P12 Development complements the scale, form and character of existing development in the conservation area	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Site slope and earthworks</b>	
P13 Development siting and layout utilises natural grades of the land and minimises cut and fill	A13 Buildings, structures and vehicular parking and manoeuvring areas are not located on land with a gradient exceeding 20%
P14 Cut and fill structures (including retaining walls) are structurally sound and do not impact on the amenity or geotechnical stability of adjoining properties	<p>A14.1 Cut batters are a maximum 1 metre in height and no closer than 0.9 metres to property boundary</p> <p>A14.2 Fill batters are a maximum of 0.6 metres in height and no closer than 0.4 metres to property boundary</p> <p>A14.3 Retaining walls higher than 0.6 metres are designed and certified by an appropriately qualified engineer</p>
<b>Natural hazards</b>	
P15 Dwelling houses, residents, visitors and fire fighters are not exposed to unacceptable risk from bushfire	A15.1 The dwelling house is not on land that is mapped as bushfire prone land

Performance criteria	Acceptable solution
	<p>OR</p> <p>A15.2 The house is assessed as having a Bushfire Attack Level (BAL) no greater than BAL 29 and complies with the requirements of the Rural Fire Service publication 'Planning for Bushfire Protection' 2006 or any superseding guideline and Australian Standard AS3959</p> <p>OR</p> <p>A15.3 A report prepared by a Certified Bushfire Practitioner is provided that demonstrates the dwelling can achieve the requirements of the Rural Fire Service publication 'Planning for Bushfire Protection' 2006 or any superseding guideline</p>
<p>P16 Buildings, structures and persons on the development site are not exposed to unacceptable risk from flooding</p>	<p>A16.1 The development site is not prone to flooding from inundation or overland flow</p> <p>OR</p> <p>Where development is proposed on flood prone land:</p> <p>A16.2 a report is submitted by a suitably qualified person that demonstrates the floor level of the development achieves a height of at least the level of a 100 year ARI flood plus 0.5 metres</p> <p>OR</p> <p>Where development is proposed on a lot within the Flood Planning Area shown on the Flood Planning Map in the LEP:</p> <p>A16.3 The development complies with the provisions of the Development Control Plan in the Kyogle Council Floodplain Risk Management Plan 2009</p>
<p>P17 Buildings, structures and persons on the development site should not be exposed to unacceptable risk from landslip or mass movement</p>	<p>A17.1 The development site is not prone to landslip or mass movement</p> <p>OR</p> <p>A17.2 A report prepared by a suitably qualified person is submitted that demonstrates the site is geotechnically stable and suitable to accommodate a dwelling</p>
<b>Contaminated land</b>	
<p>P18 Residents and visitors are not exposed to unacceptable risk from contamination</p>	<p>A18.1 Development is not on a site that is listed as contaminated</p> <p>AND</p>

Performance criteria	Acceptable solution
	<p>A18.2 Development is not located within 200 metres of a cattle dip</p> <p>OR</p> <p>A18.3 A report prepared by a suitably qualified person is submitted that demonstrates the site is suitable to accommodate a residential use</p>
<b>Environmental protection</b>	
P19 Development does not create unacceptable impact on ecological functions or biodiversity values	<p>A19.1 Siting of buildings and structures does not require the clearing of native vegetation</p> <p>A19.2 Buildings and structures are not located within a mapped ecological corridor</p>
<b>Protection of watercourses</b>	
P20 The siting of buildings and structures does not impact on ecological or hydrological values of watercourses and water bodies	A20 Buildings and structures are set back a minimum of 100 metres from the top of bank of permanent watercourses (Order 3 Stream or greater) or water bodies and 40 metres from the top of bank of an ephemeral watercourse (Order 1 or 2 Stream)
<b>Vehicular access and parking</b>	
P21 Vehicular access for dwellings must allow vehicles to enter and leave the site in a forward gear and allow all weather access by two wheel drive vehicle	<p>A21.1 The development site has access to a constructed public road</p> <p>A21.2 Vehicles are able to enter and leave the site in a forward direction</p> <p>A21.3 Site access, internal driveways, manoeuvring and parking areas are designed and constructed in accordance with the requirements of the Northern Rivers Local Government Development &amp; Design and Construction Manuals and Council's Property Access and Addressing Management Plan</p>
P22 The development makes suitable arrangements for vehicles to be parked on site	A22 Parking is provided on site for at least one car
<b>Servicing and infrastructure</b>	
P23 The development makes suitable provision for management of effluent that does not create public health impacts or adversely impact the quality of surface and ground waters	<p><b>Where development site is in an area serviced by reticulated sewerage:</b></p> <p>A23.1 The dwelling is connected to the reticulated sewer system</p>

Performance criteria	Acceptable solution
	<p>OR</p> <p><b>Where connection to reticulated sewer is not available:</b></p> <p>A23.2 An effluent management system is provided that meets the requirements of the Kyogle On-site Sewage Management Strategy</p>
P24 The development must make suitable provision for supply of potable water	<p><b>Where development site is in an area serviced by reticulated water:</b></p> <p>A24.1 The dwelling is connected to the reticulated water supply system</p> <p>OR</p> <p><b>Where connection to reticulated water supply is not available:</b></p> <p>A24.2 The dwelling is self-sufficient for water</p>
P25 Stormwater generated by the development does not cause nuisance to, or flooding of, adjoining properties	<p><b>Where development site is in an area serviced by a stormwater drainage network:</b></p> <p>A25.1 Stormwater is discharged to the stormwater drainage network and does not cause nuisance to adjoining properties</p> <p>OR</p> <p><b>Where development site is not in a serviced area:</b></p> <p>A25.2 Stormwater is effectively managed on site and does not contribute to flooding or nuisance on adjoining properties</p>
P26 The development must make adequate provision for electrical power without impacting on the amenity of surrounding properties through emissions of noise, fumes, light or glare through generation of on-site power	A26 The dwelling is connected to the reticulated electricity network
P27 The dwelling must make suitable arrangements for the supply of constant, reliable telecommunications	A27 The dwelling is connected to the fixed line telecommunications network
P28 The development makes satisfactory arrangements for the storage and removal of rubbish	A28 The dwelling is serviced by a domestic waste collection service
<b>Additional guidelines for relocated and transportable houses</b>	

Performance criteria	Acceptable solution
P29 Relocated and transportable houses are structurally sound and complement existing development in the street	<p>A29.1 Relocated and transportable houses are certified by a suitably qualified engineer that they are structurally stable</p> <p>A29.2 Relocated and transportable houses complement the character of development existing in the street</p>
<b>Additional guidelines for detached additions or extensions (including studios)</b>	
P30 Detached extensions or additions function as an extension to the dwelling and are not used for separate habitation	<p>A30.1 Kitchen and laundry facilities are only located in the main building</p> <p>A30.2 Detached additions or extensions do not contain ablution facilities other than a toilet and hand basin</p> <p>A30.3 Detached extensions or additions are not capable of habitation</p>
P31 The building is small scale and in proximity of the dwelling	<p>A31.1 The total floor area of additions and extensions (including decks and verandas) does not exceed 40m<sup>2</sup></p> <p>A31.2 The building does not contain internal partitions other than those necessary for ablution facilities or required for the use of the studio</p> <p>A31.3 The building is located no further than 20 metres from an outside wall of the main part of the dwelling</p>
<b>Additional guidelines for ancillary development</b>	
P32 Sheds and detached garages are of domestic scale and do not impact on the visual amenity or residential character of the area	A32 The total floor area of all sheds and detached garages on the development site does not exceed 80m <sup>2</sup>
P33 Photovoltaic solar power systems do not create unreasonable visual impact	<p>A33.1 Photovoltaic solar panels are located on the roof of an existing building</p> <p>A33.2 Solar photovoltaic panels do not extend more than 1.5 metres above the existing roofline</p>

## 5 Secondary dwellings in Zones R1, R3, R5 and RU5

### 5.1 Application

This section applies to development for the purposes of **secondary dwellings** and ancillary structures in Zones R1, R3, R5 and RU5. A secondary dwelling is defined in the Kyogle LEP 2012 as;

*‘a self-contained dwelling that:*

- a) Is established in conjunction with another dwelling (the principal dwelling), and*
- b) Is on the same lot of land as the principal dwelling, and*
- c) Is located within, or is attached to, or is separate from, the principal dwelling.’*

## **5.2 Complying Development**

Certain secondary dwellings are permitted as Complying Development (minor development which does not require development consent, but can be certified by Council or a private certifier). Reference should be made to any relevant State Environmental Planning Policy.

## **5.3 Objectives**

- a) To ensure that secondary dwellings are compatible with surrounding development and do not impact the amenity of surrounding residential development.
- b) To ensure that secondary dwellings make suitable provision for vehicular access and parking.
- c) To ensure that secondary dwellings provide a satisfactory living environment including the provision of private open space.
- d) To ensure that secondary dwellings are adequately serviced.
- e) To ensure the preservation of cultural heritage.

## 5.4 Development Guidelines

**Note: the Acceptable Solutions in the table below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot, meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.**

Performance criteria	Acceptable solution
<b>Minimum lot size and dimensions</b>	
P1 The lot is of appropriate size and dimensions to accommodate a principal and secondary dwelling	<p><b>Where development site is serviced by reticulated sewerage:</b></p> <p>A1.1 The lot has an area of at least 450m<sup>2</sup> and a minimum average width of 12 metres</p> <p>OR</p> <p><b>Where development site is not serviced by reticulated sewerage:</b></p> <p>A1.2 The lot has an area of at least 5000m<sup>2</sup></p>
<b>Development footprint</b>	
P2 Secondary dwellings are smaller scale than the main dwelling and do not constitute overdevelopment of the site	A2 Total floor area of secondary dwellings including decks and verandas (but excluding any area used for parking) does not exceed 60m <sup>2</sup> or 60% of the total floor area of the principal dwelling, whichever is the greater
P3 The total development footprint allows for sufficient private open space and does not impact on amenity of adjoining properties or result in overdevelopment of the site	<p>A3 The total site coverage of all dwellings, structures and outbuildings does not exceed:</p> <ul style="list-style-type: none"> <li>• Where lot size &lt;900m<sup>2</sup>= 40%</li> <li>• Where lot size 901-1500m<sup>2</sup>= 30%</li> <li>• Where lot size &gt;1500m<sup>2</sup>= 25%</li> </ul>
<b>Height of buildings and structures</b>	
P4 The height of buildings is consistent with the surrounding area and does not create overshadowing or a loss of privacy of adjoining residential properties	A4 Building height does not exceed maximum height shown on the Height of Buildings Map
<b>Front boundary setback</b>	
P5 Secondary dwellings do not alter the building line of the street and allow sufficient area for private open space, car parking and landscaping	A5 Secondary dwellings are located behind the building line of the principal dwelling
<b>Side boundary setback</b>	

Performance criteria	Acceptable solution
P6 Secondary dwellings have sufficient side boundary setback to maintain privacy and solar access of adjoining properties, permit access for maintenance and meet Building Code of Australia requirements	<p><b>In Zones R1, R3 and RU5 and where outer wall or structure adjacent side boundary is &lt;4.5m high:</b> A6.1 Buildings and ancillary structures associated with a secondary dwelling are set back from the side boundary a minimum 0.9 metres to wall and 0.45 metres to outer edge of eave or gutter</p> <p>OR</p> <p><b>In Zones R1, R3 and RU5 and where outer wall or structure adjacent side boundary is &gt;4.5m high:</b> A6.2 Buildings and ancillary structures associated with a secondary dwelling are set back from the side boundary a minimum 1.5 metres (to wall) plus 0.5 metres for every additional 2 metres in wall/structure height</p> <p>OR</p> <p><b>In Zones RE2 and R5:</b> A6.3 Buildings and ancillary structures associated with a secondary dwelling are set back from the side boundary a minimum of 5 metres</p>
<b>Rear boundary setback</b>	
P7 Rear boundary setback of secondary dwellings is sufficient to allow for the maintenance of privacy, residential amenity and solar access of adjoining properties	<p><b>In Zones R1, R3 and RU5:</b> A7.1 Rear boundary setback is a minimum of 3 metres</p> <p>OR</p> <p><b>In Zones R1, R3 or RU5 and where development site has rear boundary frontage to a laneway, road or public reserve:</b> A7.2 Rear boundary setback is a minimum of 4 metres to house and 1 metre to garage or carport</p> <p>OR</p> <p><b>In Zones RE2 and R5:</b> A7.3 Buildings and ancillary structures are set back from the rear boundary a minimum of 10 metres</p>
<b>Corner allotments</b>	
P8 Secondary dwellings on corner allotments have sufficient setback from the secondary street frontage to ensure pedestrian and vehicular visibility, to maintain the character and building line of the street	<p>A6.2 Setback of buildings and ancillary structures to the primary street frontage is in accordance with Table C3.2 Appendix C3</p> <p>OR</p>



Performance criteria	Acceptable solution
	<p><b>Where site fronts a classified road:</b></p> <p>A6.3 Front boundary setback is at least:</p> <ul style="list-style-type: none"> <li>• Where in Zone R1, R3 or RU5:- 9 metres</li> <li>• Where in RE2 or R5 (and lot has an area of at least 4000m2):- 15 metres</li> </ul> <p>AND</p> <p>A6.4 Setback of buildings and ancillary structures to the secondary road frontage is at least 4 metres in Zones R1, R3 and RU5 and at least 10 metres in Zones RE2 and R5</p> <p>A6.5 Setback of buildings and ancillary structures to side boundaries** is 2 metres in Zones R1, R3 and RU5 and 5 metres in Zones RE2 and R5</p> <p>A6.6 Vehicular access points are not closer than 6 metres from the intersection</p> <p><i>*The primary street frontage of corner allotments is considered to be the narrow frontage</i></p> <p><i>**Corner allotments are not considered to have a rear boundary</i></p>
<b>Protection of privacy of adjoining properties</b>	
P9 Secondary dwellings do not impact on the privacy of adjoining residential properties	<p><b>Where secondary dwelling has windows of habitable rooms or outdoor living areas* within 3 metres of an adjoining residential lot:</b></p> <p>A9.1 Windows and outdoor living areas have privacy screens that prevent overlooking or loss of privacy</p> <p>A9.2 Privacy screens have no opening more than 30mm and not more than 30% of the total area of the screen is open</p> <p>A9.3 Privacy screens are provided between 1.2 metres and 1.8 metres above floor level</p> <p><i>*Outdoor living areas means a patio, deck, veranda, balcony, pergola or terrace</i></p>
<b>Landscaping and open space</b>	

Performance criteria	Acceptable solution
P10 Landscaping provides a pleasant living environment and assists to soften the built form of the development and maintain privacy	<p>A10.1 At least 20% of the development site consists of garden beds planted with trees, shrubs and groundcovers at a minimum density of one per 2 square metres</p> <p>A10.2 Garden beds are a minimum 2 metres wide</p> <p>A10.3 At least 50% of the landscaped area is located behind the building line of the primary road frontage</p> <p>A10.4 A landscape concept plan is provided that demonstrates achievement of A10.1-A10.3</p>
P11 Principal and secondary dwellings have access to adequate private open space	<p>A11.1 Secondary dwellings have a minimum of 10m<sup>2</sup> of private open space with a minimum dimension of 3 metres and a maximum gradient of 1 in 20</p> <p>A11.2 Private open space is accessible from a kitchen, dining or lounge room</p> <p>A11.3 At least 10m<sup>2</sup> of private open space receives solar access between April and September</p>
P12 Principal and secondary dwellings have access to space for drying laundry	A12.1 Secondary dwellings have an outdoor laundry drying area that receives solar access at all times of the year
<b>Site access and parking</b>	
P13 The entrance to secondary dwellings is evident at the road frontage of the site	A13 The secondary dwelling is connected to a road frontage by a pedestrian path
P14 Vehicular access for the secondary dwelling does not create unsafe conditions for vehicles or pedestrians	A14 Vehicular access to the main and secondary dwellings is via a single vehicular access
P15 Principal and secondary dwellings do not create unreasonable demand for on-street parking	A15 A minimum of two car parking spaces are provided on the lot
<b>Servicing and infrastructure</b>	
P16 Secondary dwellings are adequately serviced and do not impact on the amenity of surrounding properties through emissions of	A16.1 The secondary dwelling is connected to reticulated mains power

Performance criteria	Acceptable solution
noise, fumes or glare through generation of on-site power	<p>A16.2 The secondary dwelling is connected to the fixed line telecommunications network</p> <p>A16.3 The secondary dwelling is connected to the reticulated water supply network</p> <p>A16.4 The secondary dwelling is connected to the reticulated sewerage network where in a serviced area or an approved On-site Sewage Management System where in an unserviced area</p> <p>A16.5 The secondary dwelling is connected to the stormwater drainage network</p>
<b>Where located on the site of a heritage item</b>	
P17 Secondary dwellings do not detract from the heritage significance of the heritage item or site	A17 The secondary dwelling is single storey and not visible from a road or public place
<b>Where on a site adjoining an item of environmental heritage or in a heritage conservation area</b>	
P18 Secondary dwellings do not detract from the heritage significance of the heritage item or heritage conservation area	<p>A18.1 Development is of a similar scale and form to adjoining development</p> <p>A18.2 Buildings and structures within 6 metres of the side boundary are no higher than 4.5 metres</p>
<b>Additional guidelines where secondary dwelling is created within part of existing dwelling</b>	
P19 Principal and secondary dwellings are compatible and comply with the provisions of the Building Code of Australia for fire separation and noise attenuation	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Additional guidelines where secondary dwelling is an attached extension</b>	
P20 Principal and secondary dwellings are compatible and comply with the provisions of the Building Code of Australia for fire separation and noise attenuation	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria

## APPENDIX C3

**Table C3.1 Recommended minimum buffer distances between dwellings and other land uses on adjoining or surrounding land not associated with proposal**

Existing land use	Distance to dwellings (metres)
Piggeries- Housing and waste storage	500
Piggeries- Waste utilisation area	250
Feedlots- Yards and waste storage	500
Feedlots- Waste utilisation area	250
Poultry Farms- Sheds and waste storage	500
Poultry Farms- Waste utilisation area	250
Dairies- Sheds and waste storage	250
Dairies- Waste utilisation area	250
Other Intensive Livestock Operations	300
Cropping and Horticulture	200
Greenhouse & Controlled Environment Horticulture	200
Macadamia De-husking	300
Bananas	150
Turf Farms	200
Animal boarding and training establishments	500
Rural Industries	500
Abattoirs	1000
Extractive Industries that does not involve blasting	500
Extractive Industry that involves blasting	1000
Waste disposal facility	1000
Grazing of stock, cattle yards	50

Source: Department of Primary Industries; Living and Working in Rural Areas (2007)

**Table C3.2 Minimum front boundary setback for dwellings and ancillary structures**

Situation	Minimum front boundary setback
Where there are adjoining houses within 40 metres and fronting the same street	4.5 metres or the average of the setback of adjoining houses, whichever is the lesser
Where no adjoining houses within 40 metres	<ul style="list-style-type: none"> <li>• 4.5 metres where lot has an area of at least 300m<sup>2</sup> but less than 900m<sup>2</sup></li> <li>OR</li> <li>• 5.5m where the lot has an area of greater than 900m<sup>2</sup></li> </ul>
Where in Zones RE2 and R5	10 metres or the average of the setback of existing adjoining houses, whichever is the lesser
Garage, carport* or car parking space  <i>*A carport is defined as a roofed structure for the accommodation of a single vehicle with no more than two sides enclosed and no less than 1/3 of its perimeter unenclosed</i>	<ul style="list-style-type: none"> <li>• 5.5 metres where dwelling house has a setback of less than 4.5 metres</li> <li>OR</li> <li>• 1 metre behind front building line of house where the dwelling has a setback of more than 4.5 metres</li> </ul>



TABLE OF CONTENTS

**Chapter 4 Signage ..... 117**

**1 Introduction ..... 119**

1.1 Application ..... 119

1.2 Exempt Development ..... 120

1.3 Aims of Chapter 4..... 120

1.4 Objectives of Chapter 4..... 120

**2 Development Guidelines..... 120**

**APPENDIX C4..... 123**

Table C4.1 Signage requirements ..... 123

# 1 INTRODUCTION

## 1.1 Application

This chapter applies in preparing and assessing applications for signage in any zone where permitted with consent under the Kyogle Local Environmental Plan 2012 (Kyogle LEP 2012). The Kyogle LEP 2012 states that signage comprises three components; **building identification signs**, **business identification signs** and **advertising structures**, and provides the following definitions;

**Advertising structure** means a structure used or to be used principally for the display of an advertisement.

**Building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

**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 contain any advertising relating to a person who does not carry on business at the premises or place.

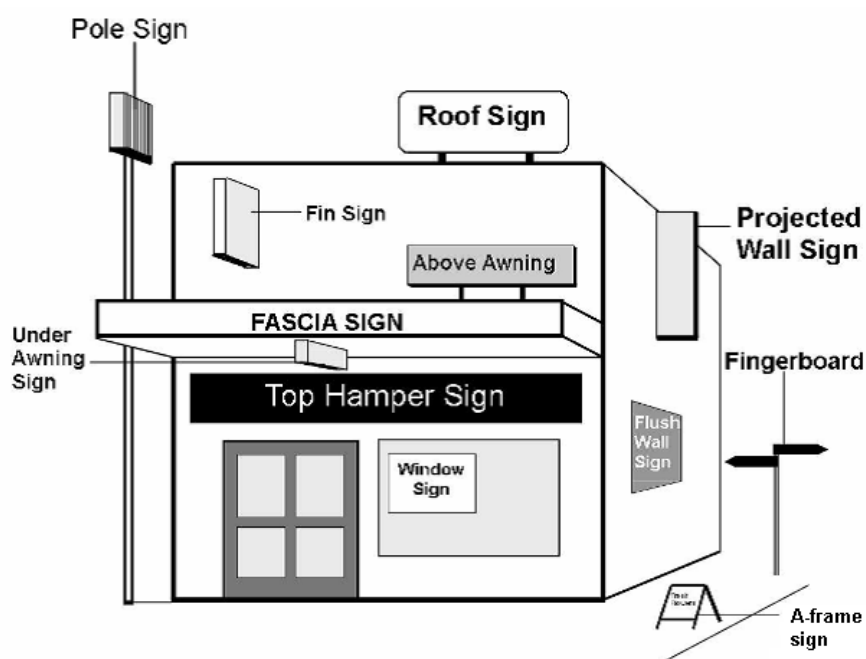


Figure C4.1 Signage types



## 1.2 Exempt Development

Certain signage is permitted as Exempt Development (development that does not require development consent, subject to certain requirements). Reference should be made to Schedule 2 of the Kyogle LEP 2012 and any relevant State Environmental Planning Policy.

## 1.3 Aims of Chapter 4

- a) To provide guidelines to assist the design of signage, the preparation of development applications for signage and the assessment of those applications.

## 1.4 Objectives of Chapter 4

- a) To facilitate development of signage as required to provide identification of businesses, buildings, events, facilities, destinations and attractions.
- b) To ensure signage is compatible with the desired amenity and character of its surroundings.
- c) To ensure signage does not create undesirable visual impact on its setting or host premises, in particular; rural areas, heritage items and heritage conservation areas.
- d) To ensure signage does not create unsafe conditions in regard to the use of buildings or movement of traffic and pedestrians.
- e) To ensure signage provides effective communication in suitable locations and is of high quality design and construction.

# 2 DEVELOPMENT GUIDELINES

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**Note: the Acceptable Solutions in the table below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.**

Performance criteria	Acceptable solution
<b>Design and appearance</b>	
P1 The appearance, size, location, height and character of signage is appropriate for its purpose, is compatible with its surroundings and does not create undesirable impacts on amenity or visual character	A1 Signs meet requirements in Table C4.1 in Appendix C4

Performance criteria	Acceptable solution
P2 Signs do not restrict access or visibility or create obstructions or unsafe conditions	<p>A2.1 Signs do not restrict or obstruct access or visibility for vehicles, pedestrians or cyclists</p> <p>A2.2 Signs do not restrict or obstruct emergency evacuation routes</p> <p>A2.3 Signs do not cover, windows, doors or ventilation inlets or outlets</p> <p>A2.4 Signs do not unduly distract motorists</p>
P3 Supporting structural elements are not visually obtrusive	A3 Structural elements provide required structural support while minimising bulk and size of signage structure
<b>Where located on the site of a heritage item or within a heritage conservation area</b>	
P4 Signage does not impact adversely on the heritage significance of heritage items or the heritage conservation area	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Additional guidelines for illuminated, iridescent and reflective signs</b>	
<p>P5 Illuminated, iridescent and reflective signs do not:</p> <ul style="list-style-type: none"> <li>• create undesirable visual impact</li> <li>• create impacts on amenity of surrounding properties</li> <li>• distract motorists or create safety issues</li> </ul>	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Additional guidelines for flashing, intermittently illuminated or moving signs</b> Note: these signs are not encouraged and will only be considered in exceptional circumstances and where satisfying the following criteria	
<p>P6 Flashing, intermittently illuminated or moving signs do not:</p> <ul style="list-style-type: none"> <li>• create undesirable visual impact</li> <li>• create impacts on amenity of surrounding properties</li> <li>• do not distract motorists or create safety issues</li> </ul>	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Additional guidelines for signs in rural areas</b>	
P7 Signs do not impact negatively on rural landscape character	A7.1 Signs are not affixed to trees or power poles

Performance criteria	Acceptable solution
	<p>A7.2 Signs are located at the entrance to the premises or property</p> <p>A7.3 Signs are affixed to the front boundary fence or gate</p> <p>A7.4 Freestanding signs are not utilised</p>
<b>Additional guidelines for signs on (or on land fronting) classified roads</b>	
<p>P8 Signage complies with the provisions of the <i>Transport Corridor Outdoor Advertising and Signage Guidelines 2007</i></p>	<p>No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria</p>

## APPENDIX C4

**Table C4.1 Signage requirements**

Sign Type	Definition	Requirements
<b>Awning Sign- above awning</b>	Sign attached to upper side of an awning	<ul style="list-style-type: none"> <li>• Maximum area 1.5m<sup>2</sup></li> <li>• Does not project beyond the awning or above the parapet or ridge line of roof</li> <li>• Maximum height above awning 0.9m</li> </ul>
<b>Awning Sign- under awning</b>	Sign attached to the underside of an awning	<ul style="list-style-type: none"> <li>• Maximum area 1.5m<sup>2</sup></li> <li>• Minimum 2.6m clearance to ground</li> <li>• Must not project beyond awning line</li> </ul>
<b>A-frame signs (sandwich board)</b>	Portable sign generally comprising two faces for placement on footpath or road verge outside premises	<ul style="list-style-type: none"> <li>• Maximum area of each face 1.2m x 0.7m</li> <li>• Only utilised during business hours</li> <li>• No more than 1 sign per premises</li> <li>• Approval of road authority required where located in road reserve</li> </ul>
<b>Blade Sign</b>	Freestanding sign founded in ground and with a vertical dimension exceeding the horizontal	<ul style="list-style-type: none"> <li>• Maximum area 6m<sup>2</sup></li> <li>• Maximum height 4m</li> <li>• Minimum front boundary setback 3m</li> </ul>
<b>Fascia Sign</b>	Sign attached to the fascia or return of an awning	<ul style="list-style-type: none"> <li>• No maximum size</li> <li>• Does not project above, below or beyond the fascia</li> </ul>
<b>Fingerboard</b>	Sign mounted to post or other structure that provides locational information and is generally orientated toward the destination	<ul style="list-style-type: none"> <li>• Maximum area 0.2m<sup>2</sup></li> <li>• Minimum 2.6m clearance to ground</li> </ul>
<b>Fin Sign</b>	Sign erected on or above the canopy of a building	<ul style="list-style-type: none"> <li>• Maximum area 2m<sup>2</sup></li> <li>• Does not project higher than roof or ridge line of building</li> </ul>
<b>Pole or Pylon Sign</b>	Sign erected on a pole/s or pylon/s independent of any building or other structure	<ul style="list-style-type: none"> <li>• Maximum height 5m above ground</li> <li>• Minimum 2.6m clearance to ground</li> <li>• Maximum area 8m<sup>2</sup></li> <li>• Minimum front boundary setback 4m</li> </ul>
<b>Roof Sign</b>	Sign erected on or above the roof or parapet of a building	<ul style="list-style-type: none"> <li>• Maximum area 8m<sup>2</sup></li> <li>• Does not project higher than peak height of roof</li> </ul>

Sign Type	Definition	Requirements
<b>Top Hamper Sign</b>	Sign attached to the transom of a doorway or display window of a building	<ul style="list-style-type: none"> <li>• Does not extend below the head of the doorway or window to which it is attached</li> <li>• Does not exceed width of building</li> </ul>
<b>Panel Sign</b>	Sign that is free standing or mounted to fence, gate or other ancillary structure	<ul style="list-style-type: none"> <li>• Maximum area: <ul style="list-style-type: none"> <li>▪ on land in a rural zone- 2m<sup>2</sup></li> <li>▪ on land in RU5- 1.5m<sup>2</sup></li> <li>▪ on land in residential zone- 0.75m<sup>2</sup></li> <li>▪ on land in business zone- 2m<sup>2</sup></li> <li>▪ on land in industrial zone- 4m<sup>2</sup></li> <li>▪ on land in recreation zone- 2m<sup>2</sup></li> </ul> </li> <li>• Minimum front boundary setback (where not attached to boundary fence or gate) 2m</li> </ul>
<b>Wall Sign- Flush</b>	Sign painted or applied to wall of building or structure	<ul style="list-style-type: none"> <li>• Maximum size 6m<sup>2</sup></li> </ul>
<b>Wall Sign- Projecting</b>	Sign attached to the wall of building	<ul style="list-style-type: none"> <li>• Maximum area 2m<sup>2</sup></li> <li>• Maximum height 5m</li> <li>• Minimum 2.6m clearance to ground</li> <li>• Does not project more than 1m from wall or within 0.6m of vertical projection of kerb or road line</li> </ul>
<b>Window Sign</b>	Painted or applied to the window of a building	<ul style="list-style-type: none"> <li>• Does not cover more than 30% of the window or 8m<sup>2</sup>, whichever is the lesser</li> </ul>

## CHAPTER 5 NON-RESIDENTIAL DEVELOPMENT IN ZONE RU5 VILLAGE

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## TABLE OF CONTENTS

<b>Chapter 5 Non-residential Development in Zone RU5 Village .....</b>	<b>125</b>
<b>1 Introduction .....</b>	<b>127</b>
1.1 Application .....	127
1.2 Aims of Chapter 5.....	127
1.3 Objectives of Chapter 5.....	127
<b>2 Development Guidelines.....</b>	<b>128</b>
<b>APPENDIX C5 .....</b>	<b>135</b>
Table 5.1 Preferred operational or opening hours.....	135

# 1 INTRODUCTION

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## 1.1 Application

This Chapter applies in preparing and assessing applications for non-residential development within Zone RU5 Village. This Chapter also applies to development that includes a minor or subordinate residential component, for example a caretaker's dwelling. This Chapter does not apply to development of dwellings or secondary dwellings in Zone RU5; Chapter 3 of the DCP provides guidelines for development of dwellings and secondary dwellings. This Chapter does not apply to development of other residential development in Zone RU5. This Chapter does not apply to development of signage in Zone RU5; Chapter 4 of the DCP provides guidelines for development of signage.

The Kyogle Council area features a number of villages each with its own character. The surrounding landscape, built environment, streetscape and land use of each village contributes to the sense of place and overall amenity. The development guidelines contained in this Chapter aim to facilitate development within the villages that preserves and supports the desirable characteristics of each village.

Council recognises that new commercial and industrial development has the potential to impact upon the existing character and amenity of the villages. Development applications must therefore demonstrate that the proposed development will positively contribute to the amenity of the locality. Sensitive building and development design is an important way to protect existing amenity and to achieve integration with existing development and streetscape.

## 1.2 Aims of Chapter 5

- a) To provide development guidelines to assist the design of development proposals and preparation of development applications for non-residential development within Zone RU5 Village and the assessment of those applications.
- b) To facilitate development that preserves and supports the unique and desirable characteristics of the villages and is consistent with the Zone objectives.

## 1.3 Objectives of Chapter 5

- a) To encourage development that responds appropriately to surrounding development in terms of its scale, character and nature and intensity of use.
- b) To ensure that new or expanded development is adequately serviced and that suitable provision is made for access, car parking and landscaping.
- c) To promote development in appropriate locations that reflects the pattern of existing development and contributes to the vitality and viability of the existing core commercial areas.



- d) To preserve the character of the villages by protecting heritage items and ensuring that development within heritage conservation areas or within the vicinity of a listed heritage item are designed having regard to the heritage significance of the locality or item.
- e) To ensure the amenity of existing development and residential properties is not adversely affected by new development.

## 2 DEVELOPMENT GUIDELINES

**Note: the Acceptable Solutions in the table below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot, meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.**

Performance criteria	Acceptable solution
<b>Design of Buildings and structures</b>	
P1 The height of buildings and structures is consistent with the surrounding area and does not create visual impact	A1 Building height does not exceed maximum height shown on Height of Buildings Map
P2 Bulk and scale of buildings is consistent with surrounding development and reflects or enhances the architectural character of the village	No Acceptable Solution is prescribed: demonstrate how the proposal achieves the Performance Criteria
P3 Form and design of buildings is compatible with surrounding development and reflects or enhances the architectural character of the village	No Acceptable Solution is prescribed: demonstrate how the proposal achieves the Performance Criteria
P4 Building materials reflect or complement the existing character of the village	No Acceptable Solution is prescribed: demonstrate how the proposal achieves the Performance Criteria
<b>Boundary setbacks</b>	
P5 The front boundary setback of buildings and structures is consistent with existing buildings in the street	<p>A5.1 Buildings and structures must be set back a minimum of 6 metres from the front boundary or where adjoining buildings have a lesser setback; the average of adjoining buildings</p> <p>OR</p> <p>A5.2 Where other commercial buildings fronting the same street have a zero setback, new development may be located on the front boundary subject to compliance with building and access requirements</p>

Performance criteria	Acceptable solution
	<p><b>OR Where site fronts a classified road:</b></p> <p>A5.3 Front boundary setback is at least 9 metres, except where A5.2 applies</p>
<p>P6 The side boundary setback of buildings and structures is consistent with surrounding development and does not impact on the amenity of surrounding development</p>	<p><b>Where development site has a side boundary to a residential area:</b></p> <p>A6.1 Buildings and structures are set back a minimum of 2 metres from side boundaries</p> <p>OR</p> <p><b>Where development site does not have a side boundary to a residential area:</b></p> <p>A6.2 Buildings and structures are set back a minimum of 1.5 metres from side boundaries</p> <p>OR</p> <p>A6.3 Where other commercial buildings fronting the same street have a zero setback, new development may be located on the side boundary subject to compliance with building and access requirements</p>
<p>P7 The rear boundary setback of buildings and structures is consistent with surrounding development and does not impact on the amenity of surrounding development</p>	<p><b>Where development site has a rear boundary to a residential area:</b></p> <p>A7.1 Buildings and structures are set back a minimum of 6 metres from rear boundaries</p> <p>OR</p> <p><b>Where development has a rear boundary to a laneway or commercial development:</b></p> <p>A7.2 Buildings and structures are set back a minimum of 3 metres from boundary</p> <p>A7.3 Uncovered car parks are set back a minimum of 1.5 metres from boundary and landscape planting is provided between car park and boundary</p>
<b>Corner allotments</b>	
<p>P8 Building setbacks on corner allotments permit safe conditions for pedestrians and vehicles, maintain the character and building line of the streets and do not impact on the amenity of adjoining properties</p>	<p>A8.1 Building setback to the primary street frontage* is as per A5.1, A5.2 or A5.3</p> <p>A8.2 Setback of buildings and structures to secondary frontage is a minimum of 3 metres or at least the setback of existing adjoining buildings, whichever is the lesser</p>

Performance criteria	Acceptable solution
	<p>OR</p> <p>A8.3 Where other commercial buildings fronting the same street have a lesser setback, new development may have the same setback subject to compliance with building and access requirements</p> <p>A8.4 Buildings and structures are set back a minimum of 2 metres from side boundaries</p> <p>A8.5 Vehicular access points are not closer than 6 metres from the intersection</p> <p><i>* The narrow street frontage is the primary street frontage</i></p>
<b>Public realm, streetscape and pedestrian environment</b>	
P9 Development maintains or restores the pattern of awnings in the village and provides appropriate protection for pedestrians and customers from sun and rain	A9 Development provides an awning over the footpath where fronting a street that features development with existing awnings
P10 Development addresses the street and makes a positive contribution to public realm	A10 The building entrance, shop front or customer service area face the street
P11 Development facilitates good pedestrian movement and accessibility and does not compromise the existing footpath width or function	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P12 Development minimises opportunities for crime	A12 Development incorporates 'Crime Prevention Through Environmental Design' (CPTED) principles
<b>Development that includes a secondary residential component</b>	
P13 Residential and non-residential uses of a site are compatible and buildings meet Building Code of Australia requirements	<p>A13.1 The development site does not include industrial uses</p> <p>A13.2 The front entrance to the dwelling or dwellings is visible from the street frontage</p> <p>A13.3 The residential component is not the primary use of the site</p> <p>A13.4 The development complies with the provisions of the Building Code of Australia concerning fire separation and noise attenuation</p>

Performance criteria	Acceptable solution
<b>Garages, Carports and Outbuildings</b>	
P14 Garages, sheds and carports are not visually intrusive and do not dominate the streetscape	<p>A14.1 Garages, carports and outbuildings are not located in front of the line of the main building</p> <p>A14.2 The design of garages, carports and outbuildings is complementary of the design of the principal building</p>
<b>Landscaping and Vegetation</b>	
P15 Development has a positive appearance and surrounding properties are buffered from impacts of the development, including; amenity, vehicular movements, appearance of buildings, operational areas and car parking	<p>A15.1 Where development includes off street car parking and/or outdoor operational areas a 1.5 m wide landscape buffer is provided on side and rear boundaries</p> <p>A15.2 A landscape concept plan is submitted demonstrating achievement of buffer</p>
P16 Development does not detract from the amenity or character of the site or neighbourhood through impacts on existing mature vegetation of significance	A16 Existing mature vegetation of significance is retained
<b>Natural Hazards</b>	
P17 Buildings, structures and persons on the development site are not exposed to unacceptable risk from flooding, landslip or bushfire	A17 Development is not on a site that is bushfire, flood or landslip prone
<b>Servicing and Infrastructure</b>	
P18 Development makes suitable provision for collection, management and treatment of effluent	<p><b>Where development is in a sewerred area:</b></p> <p>A18.1 Development is connected to the reticulated sewerage system</p> <p>OR</p> <p><b>Where development is not in a sewerred area:</b></p> <p>A18.2 The development is able to be serviced by an on-site sewage management system in accordance with Council's On-site Sewage Management Strategy</p>
P19 Development makes suitable provisions for management and disposal of liquid trade waste	A19 Where development generates liquid trade waste that waste is disposed of in accordance with Kyogle Council Liquid Trade Waste Policy

Performance criteria	Acceptable solution
P20 The development is adequately serviced by power and telecommunications without impacting on surrounding properties by way of emissions of noise, odour, fumes or light	A20 The development is serviced by reticulated power and telecommunications
P21 The development has adequate water supply	<p><b>Where development is in an area serviced by reticulated water:</b></p> <p>A21.1 Development is connected to the reticulated water system</p> <p>OR</p> <p><b>Where development is not in an area serviced by reticulated water:</b></p> <p>A21.2 The development is self-sufficient for water supply</p>
P22 Appropriate provisions are made for the collection and management of stormwater that does not contribute to flooding or impacts on surrounding properties	<p><b>Where development is in an area with a piped stormwater drainage network:</b></p> <p>A22.1 Stormwater is collected and discharged to the stormwater drainage network</p> <p>OR</p> <p><b>Where development is not in an area with a piped stormwater drainage network:</b></p> <p>A22.2 Stormwater is effectively managed on site and does not contribute to flooding or nuisance on adjoining properties</p>
P23 Solid waste collection and disposal system is appropriate to manage the waste generated by the development	<p>A23.1 The development is serviced by a commercial waste collection service</p> <p>A23.2 Waste disposal systems and storage areas comply with the requirements of the Kyogle Council Construction Site Waste Minimisation and Management Policy</p>
P24 Waste storage, collection or disposal areas do not create impacts on adjoining properties	<p>A24.1 External waste storage facilities are located so as to be not visible from public places and adjoining properties or are screened from view</p> <p>A24.2 Waste storage does not create odour impacts</p>
<b>Protection of Amenity</b>	

Performance criteria	Acceptable solution
P25 Development does not result in adverse impacts on the residential amenity of the locality by reason of emission of noise, odour, dust, fumes or light	<p>A25.1 Operation of the development complies with the NSW Industrial Noise Policy where applicable</p> <p>A25.2 Development does not create undesirable odours</p> <p>A25.3 Development does not utilise external lighting outside of operational/opening hours</p> <p>A25.4 External lighting is shielded to prevent light spill over surrounding development</p>
<p>P26 Potentially intrusive activities* do not impact on the amenity of surrounding properties**</p> <p><i>* Includes, but is not limited to; Light industries, Rural industries, Service stations, Transport depots, Truck depots, Freight transport facilities, Warehouse or distributions centres, Vehicle repair stations, Vehicle body repair workshops</i></p> <p><i>** Must be demonstrated through submission of a noise impact assessment or other</i></p>	<p>A26.1 Potentially intrusive activities* are not located on a site that adjoins a residential use or other sensitive uses including, but not limited to; hospitals, education facilities, child care centres and seniors housing</p> <p>A26.2 Air compressors and other stationary noise generating plant are located in an enclosed structure</p>
<p>P27 Where development is located on a site that adjoins potentially intrusive activities*, the development will not be subject to unacceptable amenity impacts**</p> <p><i>* Includes, but is not limited to; Light industries, Rural industries, Service stations, Transport depots, Truck depots, Freight transport facilities, Warehouse or distributions centres, Vehicle repair stations, Vehicle body repair workshops</i></p> <p><i>** Must be demonstrated through submission of a noise impact assessment or other</i></p>	A27 Development does not adjoin land where potentially intrusive activities* are carried out
<b>Hours of Operation</b>	
P28 Hours of operation of the development do not create unacceptable impact on amenity of surrounding properties	A28 Hours of operation are in accordance with Table C5.1 in Appendix C5
<b>Access and Parking</b>	

<b>Performance criteria</b>	<b>Acceptable solution</b>
P29 The development makes suitable provisions for vehicular and pedestrian access that is safe and does not create traffic impacts	<p>A29.1 Vehicles are able to enter and leave the site in a forward direction</p> <p>A29.2 The development site has access to a constructed public road</p> <p>A29.3 Site access, internal driveways, manoeuvring and parking areas are in accordance with the Northern Rivers Local Government Development &amp; Design and Construction Manuals, and Council's Property Access and Addressing Management Plan</p> <p>A29.4 Access for people with disabilities is provided in accordance with the provisions of AS 1428.1</p>
P30 The development does not create unreasonable demand for on-street parking or adverse impacts on adjoining properties	A30 Car parking for employees and customers is provided on site in accordance with Chapter 8 Off street car parking where sufficient space is available
P31 Car parking does not detract from the streetscape or alter the existing building line	A31 Parking is provided at the rear of the premises
<b>Where located on the site of a heritage item</b>	
P32 Development does not adversely impact views or the setting of the heritage item	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Where adjoining a site of a heritage item</b>	
P33 Development does not adversely impact views or the setting of the heritage item	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Where located in a heritage conservation area</b>	
P34 Development complements the scale, form and character of existing development in the conservation area	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria

## APPENDIX C5

**Table C5.1 Preferred operational or opening hours**

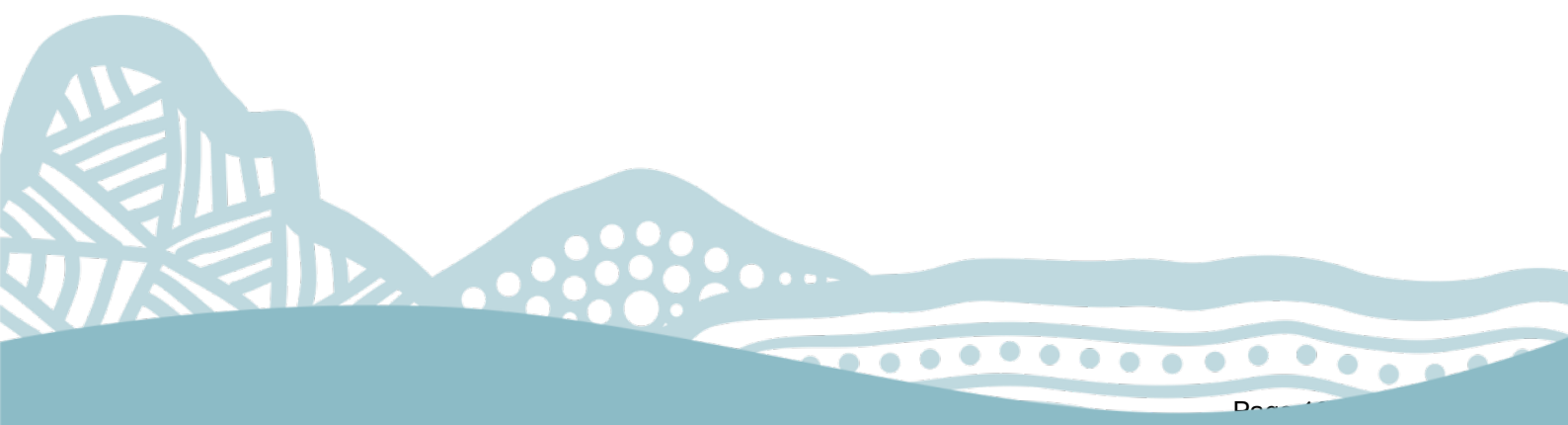
Development use or activity	Monday to Friday	Saturday	Sunday and Public Holidays
Retail, Food and drink premises (excluding licensed premises)	6am-8pm	7am-8pm	7am-8pm
Office, Medical Centre	7am-8pm	8am-8pm	8am-8pm
Light industry	7am-6pm	7am-6pm	7am-6pm
Depot, Freight transport facility, Transport depot, Truck depot, Warehouse and distribution centre	7am-6pm	7am-1pm	Not permitted
Service station	6am-8pm	6am-8pm	6am-8pm
Vehicle repair station, Vehicle body repair workshop	7am-6pm	7am-1pm	Not permitted
Rural industries	7am-6pm	7am-1pm	Not permitted



## CHAPTER 6 PUBLIC NOTIFICATION OF DEVELOPMENT APPLICATIONS

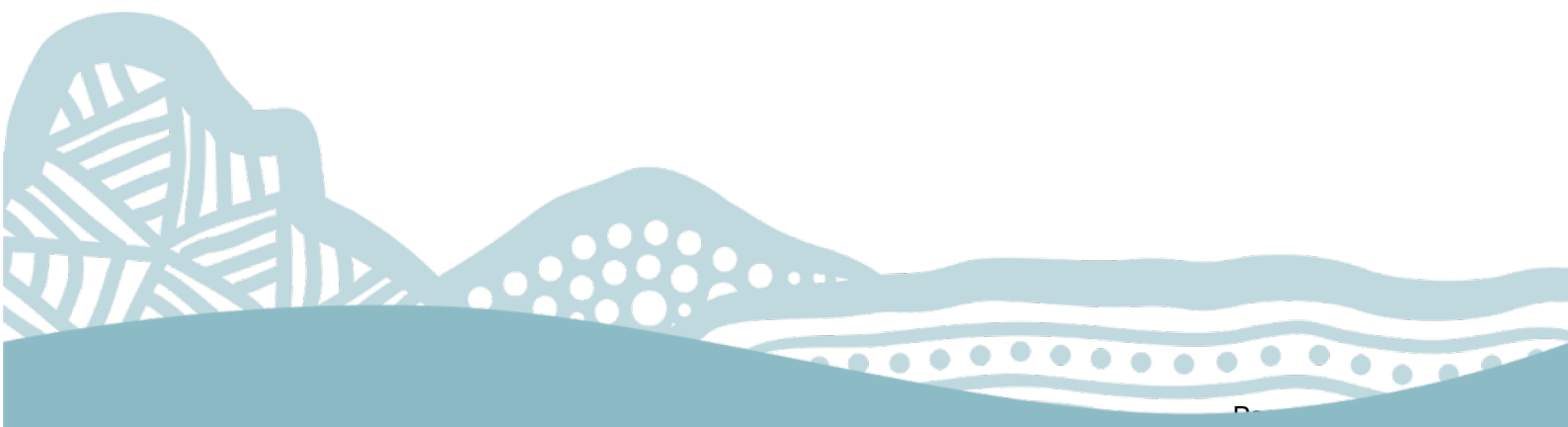
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Public notification requirements for development applications are specified in Council's Community Participation Plan.



## CHAPTER 7 DEVELOPMENT IN ZONES IN1 GENERAL INDUSTRIAL AND IN2 LIGHT INDUSTRIAL

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**TABLE OF CONTENTS**

**Chapter 7 Development in Zones IN1 General Industrial and IN2 Light Industrial ..... 137**

**1 Introduction ..... 139**

1.1 Application ..... 139

1.2 Exempt and Complying Development..... 139

1.3 Aims of Chapter 7..... 139

1.4 Objectives of Chapter 7..... 139

**2 Development Guidelines..... 140**

# 1 INTRODUCTION

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## 1.1 Application

This Chapter applies in preparing and assessing applications for development that is permitted with consent under the Kyogle Local Environmental Plan 2012 (Kyogle LEP 2012) in Zones IN1 General Industrial and IN2 Light Industrial. For subdivision of land and buildings within Zones IN1 and IN2 refer to Chapter 2 Subdivision.

## 1.2 Exempt and Complying Development

Certain industrial development (eg. change of use of premises from light industry to another light industry) is permitted as Exempt Development (development that does not require development consent, subject to certain requirements). Reference should be made to any relevant State Environmental Planning Policy.

Certain industrial development (eg. new industrial sheds or additions) is permitted as Complying Development (minor development which does not require development consent, but can be certified by Council or a private certifier). Reference should be made to Schedule 3 of the Kyogle LEP 2012 and any relevant State Environmental Planning Policy.

## 1.3 Aims of Chapter 7

- a) To provide development guidelines to assist the design of development proposals and preparation of development applications for development within Zones IN1 and IN2 and the assessment of those applications.
- b) To facilitate the establishment of industrial development and other compatible development within Zones IN1 and IN2 that achieves the Zone objectives.

## 1.4 Objectives of Chapter 7

- a) To achieve a high standard of visual amenity of industrial and urban areas through high quality building design and provision of suitable landscaping.
- b) To ensure that industrial development is adequately serviced and makes suitable arrangement for dealing with waste and stormwater.
- c) To ensure that development in flood prone areas is compatible with the flood hazard.
- d) To ensure that development makes appropriate provision for site access, vehicular circulation, parking, loading and servicing.
- e) To ensure that development does not result in adverse impacts on the amenity of surrounding development.

## 2 DEVELOPMENT GUIDELINES

**Note: the Acceptable Solutions in the table below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot, meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.**

Performance criteria	Acceptable solution
<b>Lot size</b>	
P1 The lot is a suitable size and dimensions to accommodate the proposed development	A1 The lot is at least 1500m <sup>2</sup> in area and has at least 24 metres of road frontage
<b>Site design and earthworks</b>	
P2 Development siting and layout utilises natural grades of the land and minimises cut and fill	A2 Buildings, structures and vehicular parking and manoeuvring areas are not located on land with a gradient exceeding 10%
P3 Cut and fill structures (including retaining walls) are structurally sound and do not impact on the amenity or geotechnical stability of adjoining properties	<p>A3.1 Non-retained cut batters are a maximum 1.5m in height and no closer than 900mm to property boundary with a maximum slope of 1:3 (vertical:horizontal)</p> <p>A3.2 Non-retained fill batters are a maximum of 1.5m in height and no closer than 1.5 metres to property boundary with a maximum slope of 1:3 (vertical:horizontal)</p> <p>A3.3 Retaining walls higher than 0.6 metres are designed and certified by an appropriately qualified engineer</p>
<b>Design, form and scale of buildings and structures</b>	
P4 Bulk and scale of buildings is appropriate for intended use	No Acceptable Solution is prescribed: demonstrate how the proposal achieves the Performance Criteria
P5 Buildings are designed to a high standard appropriate for the intended use and respond appropriately to the site characteristics and location	No Acceptable Solution is prescribed: demonstrate how the proposal achieves the Performance Criteria
P6 Site coverage of buildings and structures does not result in overdevelopment and must allow for landscaping, parking and servicing on site	A6 Site coverage of buildings and structures (excluding parking, loading and storage hardstand areas) does not exceed 50%

Performance criteria	Acceptable solution
P7 Building materials are attractive and non-reflective	A7.1 Wall materials do not include unpainted galvanized iron, zincalume or other metal sheeting
<b>Boundary setbacks</b>	
P8 The setback of buildings and structures to the primary road frontage is consistent with that of adjoining buildings and does not compromise the function of the road	<p><b>Where no parking is proposed in front of building:</b> A8.1 Buildings and structures are set back from the primary road frontage a minimum 6 metres</p> <p>OR</p> <p><b>Where parking is proposed in front of building:</b> A8.2 Buildings and structures are set back from the primary road frontage a minimum 12 metres</p> <p>OR</p> <p><b>Where primary road frontage is a classified road:</b> A8.3 Buildings and structures are set back from the primary road frontage a minimum of 20 metres</p>
P9 The setback of buildings and structures to side boundaries allows for provision of landscaping, meets the requirements of the Building Code of Australia and does not impact on the amenity of adjoining non-industrial development	<p>A9.1 Buildings and structures are set back from side boundaries a minimum of 3 metres</p> <p>OR</p> <p><b>Where development site has a side boundary adjoining a residential or rural area:</b> A9.2 Buildings and structures are set back a minimum of 5 metres from that side boundary</p>
P10 The setback of buildings and structures to rear boundaries allows for provision of landscaping, and does not impact on the amenity of adjoining non-industrial development	<p>A10.1 Buildings and structures are set back a minimum of 6 metres from rear boundary and hardstand areas (including uncovered parking, storage and operational areas) are set back a minimum of 2 metres</p> <p>OR</p> <p><b>Where development site has a rear boundary adjoining a residential or rural area:</b> A10.2 Buildings and structures are set back a minimum of 10 metres from rear boundary and hardstand areas (including uncovered parking, storage and operational areas) are set back a minimum of 4 metres</p>
<b>Corner allotments</b>	
P11 Development on corner lots reflects the existing building line and does not dominate the	A11.1 Building setback to the primary road frontage* is as per A8.1, A8.2 or A8.3

Performance criteria	Acceptable solution
streetscape or create unacceptable impacts on visibility for pedestrians or traffic	<p>A11.2 Setback of buildings and structures from the secondary frontage (where secondary road is not a classified road) is a minimum of 6 metres or at least the setback of existing adjoining buildings, whichever is the greater</p> <p>A11.3 Setback of buildings and structures from side boundaries** is as per A9.1, or A9.2</p> <p>A11.4 Vehicular access points are not closer than 6 metres from the intersection</p> <p><i>* The narrow street frontage is the primary street frontage</i>  <i>** Corner allotments are not considered to have a rear boundary</i></p>
<b>Where development site adjoins a rail corridor</b>	
P12 Site and building design and boundary setbacks do not create unsafe conditions or undermine the structural integrity of the rail corridor and rail infrastructure	<p>A12.1 Buildings are set back at least 20 metres from the centreline of the rail corridor</p> <p>A12.2 Site and building design is consistent with the provisions of <i>Development near Rail Corridors and Busy Roads- Interim Guideline 2008</i></p>
<b>Protection of amenity</b>	
P13 Hours of operation of the development do not create unacceptable impacts on the amenity of surrounding properties	A13 Hours of operation are in accordance with Table C7.1

Performance criteria	Acceptable solution
<p>P14 Developments does not result in adverse impacts on the amenity of the locality by reason of emission of noise, odour, fumes, light, dust, soot, ash or vibration</p>	<p>A14.1 Operation of the development complies with the NSW Industrial Noise Policy</p> <p>A14.2 Development does not create odour</p> <p>A14.3 Development does not utilise external lighting outside of operational/opening hours</p> <p>A14.4 External lighting is shielded to prevent light spill over surrounding development</p> <p>A14.5 Where development is on a site adjoining a residential area, external noise generating activities are not located between building and that property boundary</p> <p>A14.6 Air compressors and other stationary noise generating plant are located in an enclosed building or suitable acoustic enclosure</p>
<b>Landscaping and streetscape</b>	
<p>P15 Development addresses the street and makes a positive contribution to public realm</p>	<p>A15.1 The building entrance, retail area or customer service area faces the street</p> <p>A15.2 Security fencing is located behind the front building line</p>
<p>P16 Development minimises opportunities for crime</p>	<p>A16 Development incorporates 'Crime Prevention Through Environmental Design' (CPTED) principles</p>
<p>P17 Landscaping creates a positive appearance of the development and the streetscape</p>	<p>A17.1 Landscaping is provided along all road frontages to a minimum depth of 3 metres and along side and rear boundaries to a minimum width of 2 metres</p> <p>A17.2 A landscape concept plan is submitted that shows proposed planting areas, species and planting densities and details planting area preparation and planting techniques</p> <p>A17.3 Landscape plantings include a mixture of low maintenance trees, shrubs and groundcovers</p> <p>A16.4 Tree and shrub species are of suitable scale to complement the height and bulk of the development</p>



Performance criteria	Acceptable solution
P18 Landscaping is used to screen or buffer surrounding non-industrial properties from impacts of the development	A18 Where a site boundary adjoins public land or a rural or residential area a minimum 4 metre deep landscape buffer is provided along that boundary
P19 Development does not detract from the amenity or character of the site or neighbourhood through impacts on existing mature vegetation of significance	A19 Existing mature vegetation of significance is retained
<b>Hazard and risk</b>	
P20 Buildings, structures and persons on the development site are not exposed to unacceptable risk from flooding and development does not exacerbate flooding on surrounding properties	<p>A20.1 The development site is not prone to flooding from inundation or overland flow</p> <p>OR</p> <p><b>Where development is proposed on flood prone land:</b></p> <p>A20.2 A report is submitted by a suitably qualified person that demonstrates the floor level of the development achieves a height of at least the level of a 100 year ARI flood</p> <p>OR</p> <p><b>Where development is proposed on a lot within the Flood Planning Area shown on the LEP Flood Planning Map:</b></p> <p>A20.3 The development complies with the provisions of the Development Control Plan in the Kyogle Council Floodplain Risk Management Plan 2009</p>
P21 Buildings, structures and persons on the development site should not be exposed to unacceptable risk from landslip or bushfire	A21 Development is not within a mapped bushfire or landslip hazard area
<b>Servicing and Infrastructure</b>	
P22 Development makes suitable provision for collection, treatment and disposal of effluent	<p><b>Where development site is in a serviced area or where connection is available at reasonable cost:</b></p> <p>A22.1 Development is connected to the reticulated sewer system</p> <p>OR</p> <p><b>Where development is not located in a serviced areas:</b></p>

Performance criteria	Acceptable solution
	A22.2 Development utilises an individual or package on site-sewage management system
P23 Development makes suitable provisions for management and disposal of liquid trade waste	A23 Where development generates liquid trade waste that waste is disposed of in accordance with Kyogle Council Liquid Trade Waste Policy
P24 The development is adequately serviced by power and telecommunications without impacting on surrounding properties by way of emissions of noise, odour, fumes or light through on-site generation of power	A24 The development is serviced by reticulated power and telecommunications
P25 The development has adequate water supply	<p><b>Where development site is in a serviced area or where connection is available at reasonable cost:</b></p> <p>A25.1 Development is connected to the reticulated water supply network</p> <p>OR</p> <p><b>Where connection to reticulated water supply is not available:</b></p> <p>A25.2 Development is self-sufficient for water</p>
P26 Appropriate provisions are made for the collection and management of stormwater	<p><b>Where development site is in a serviced area:</b></p> <p>A26.1 Stormwater is discharged to the stormwater drainage network</p> <p>OR</p> <p><b>Where development site is not in a serviced area:</b></p> <p>A26.2 Stormwater is effectively managed on site and does not contribute to flooding or nuisance on adjoining properties</p>
P27 Solid waste collection and disposal is appropriate to manage the waste generated by the development	<p>A27.1 Development is serviced by a commercial waste collection service</p> <p>A27.2 Development provides an area for storage and collection of bulk waste containers</p> <p>A27.3 Waste storage areas are located behind the front building line or screened from view</p>

Performance criteria	Acceptable solution
	A27.4 Waste storage and disposal complies with the requirements of the Kyogle Council Construction Site Waste Minimisation and Management Policy
P28 Suitable provisions are made for fire protection and fire fighting and development complies with provisions of BCA	A28 Development has fire hydrants and/or booster systems at the required proximity to the site and allows on site access for fire fighting vehicles
P29 Development makes adequate provision for needs of employees	A29 Development includes a covered outdoor area for use by employees during breaks
<b>Water Sensitive Urban Design</b>	
P30 Development minimises stormwater discharge from the site and does not create impacts on water quality of receiving waters	<p>A30.1 Runoff from hardstand areas is directed to areas that allow stormwater infiltration, such as permeable paving and garden beds</p> <p><b>Where development includes more than 1500m<sup>2</sup> of hard surfaces (roofs, hardstand, driveways, etc.):</b></p> <p>A30.2 Development is designed and operated in accordance with a Stormwater Quality Management Plan prepared by a suitably qualified person</p>
P31 Development minimises demand for reticulated potable water	A31 Rainwater tanks are utilised to collect runoff from roofs for use on site
P32 Stormwater discharged from the site is free from pollutants and contaminants	<p>A32.1 Stormwater from areas which may contain solid, liquid or gaseous pollutants is passed through a stormwater treatment device to remove hydrocarbons, suspended solids and pollutants prior to discharge</p> <p>A32.2 Areas where potentially contaminating substances are stored or used are roofed</p> <p>A32.3 Provision is made for spills to be bunded and retained on site for removal and disposal by an approved means</p> <p>A32.4 Areas where spillages can occur are sealed with concrete, asphalt or similar impervious material</p> <p>A32.5 Roof water is piped away from areas of potential contamination</p>
<b>Access and Parking</b>	

Performance criteria	Acceptable solution
P33 The development makes suitable provisions for vehicular access that is safe and does not create traffic impacts	<p>A33.1 Vehicles are able to enter and leave the site in a forward direction</p> <p>A33.2 Vehicular access and parking areas are designed and constructed in accordance with the Northern Rivers Local Government Development Design and Construction Manual</p> <p>A33.3 Car parking and light vehicle traffic are separated from heavy vehicle access and traffic areas</p>
P34 The development does not create unreasonable demand for on-street parking	A34 Car parking for employees, customers and contractors is provided in accordance with requirements of Chapter 8- Off-Street Car Parking
<b>External loading and storage</b>	
P35 Truck parking, delivery and loading areas are suitable for the proposed use and do not dominate the streetscape	<p>A35.1 Truck parking, loading and delivery areas are not located in front of the building line</p> <p>A35.2 A loading bay of no less than 7 metres x 4 metres is provided to permit access and accommodation of a small rigid truck</p> <p>A35.3 No loading or unloading of vehicles occurs within the road reserve</p>
P36 External storage areas do not detract from the visual appearance of the development of streetscape	<p>A36.1 Any open storage areas are located behind the building line setback and preferably behind any proposed or existing buildings</p> <p>A36.2 Open storage areas are screened from view from the road frontage and adjoining properties</p>
<b>Signage and Advertising</b>	
P37 Signage and advertising is not visually obtrusive and does not detract from the character of the surrounding area	<p>A37.1 Signage and advertising is in accordance with Chapter 4 Signage</p> <p>A37.2 Signs do not project above the roof/gutter line</p> <p>A37.3 Signs are affixed to the building and do not protrude</p> <p>AND</p> <p><b>Where lot has frontage to the Summerland Way:</b></p>

Performance criteria	Acceptable solution
	A37.4 Signs are not located so as to capitalise on visibility from Summerland Way
<b>Additional guidelines for non-industrial uses</b> (including bulky goods retail, other retail, industrial retail outlets, industrial training facilities, freight transport facilities, etc.)	
P38 Non-industrial uses in the IN1 and IN2 zones are compatible with surrounding industrial activities	A38 Non-industrial uses are not impacted adversely by surrounding industrial development
P39 The retail component of an industrial retail outlet is subsidiary to its industrial use	A39 The retail floor area is in accordance with the provisions of Clause 5.4(4) of the KLEP 2012
<b>Additional guidelines for ancillary office uses</b>	
P40 The office use of the site is subsidiary and ancillary to its principal use	A40 The gross floor area of ancillary offices in a premises does not exceed 20% of the gross floor area of the building

## APPENDIX C7

**Table C7.1** Preferred operational or opening hours

Development use or activity	Monday to Friday	Saturday	Sunday and Public Holidays
Retail or Office premises	5am-10pm	5am-10pm	7am-8pm
Light industries, Agricultural produce industries, Depots, Warehouse and distribution centres	7am-7pm	7am-7pm	Not permitted
General industries, Freight transport facilities, Liquid fuel depots	7am-6pm	7am-2pm	Not permitted
Industrial training facility	7am-7pm	7am-2pm	Not permitted
Service station	5am-10pm	5am-10pm	6am-9pm

# CHAPTER 8 OFF-STREET CAR PARKING

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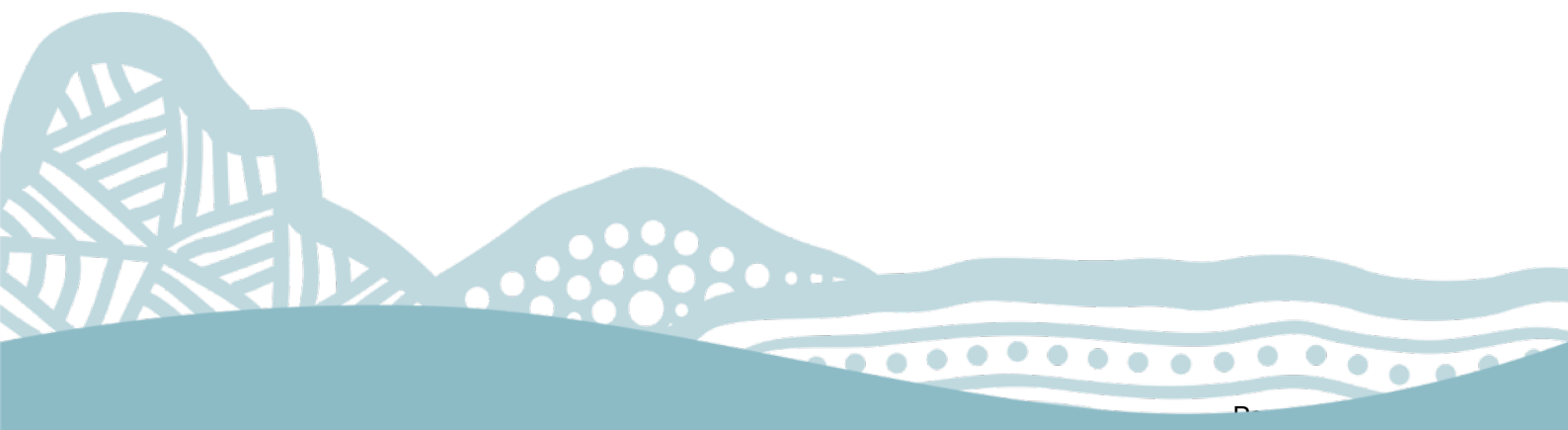


TABLE OF CONTENTS

**Chapter 8 Off-street Car Parking..... 150**

**1 Introduction ..... 152**

1.1 Application ..... 152

1.2 Objectives of Chapter 8..... 152

1.3 Definitions..... 152

**2 Development Guidelines..... 154**

**APPENDIX C8 ..... 157**

Table C8.1 Car Parking Requirements for various land use and development types..... 157



# 1 INTRODUCTION

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## 1.1 Application

This chapter applies to new development in all Zones, excluding non-residential development in Zone RU5 Village.

## 1.2 Aims of Chapter 8

- a) To provide guidelines to determine site access and off-street car parking requirements for new development.
- b) To provide guidelines to assist the design of carparking, the preparation of development applications and the assessment of those applications.

## 1.3 Objectives of Chapter 8

- a) To ensure that adequate provision is made for off-street parking of passenger and service vehicles commensurate with the volume and turnover of all traffic likely to be generated by a development.
- b) To reduce dependency on kerb-side parking, particularly within the Kyogle Business District and industrial areas and to assist in safe pedestrian and vehicle movement.
- c) To ensure that parking areas are safely and attractively constructed, designed and landscaped, to encourage their use by both vehicles and pedestrians.
- d) To apply parking standards so as to recognise historic deficiencies in the provision of off-street parking on individual sites.
- e) To encourage the provision of facilities for parking of vehicles used by people with disabilities within appropriate developments.
- f) To provide applicants with convenient, clear and precise information of Council's requirements for off-street car parking.

## 1.4 Definitions

The Kyogle LEP 2012 contains definitions for the various forms of development within the council area. This chapter uses the adopted definitions as well as the following:

**Aisle** means a roadway or an area used by vehicles to gain access to and manoeuvre out of a parking space.

**AS/NZS 2890.1** refers to Australian/New Zealand Standard 2890.1 Off-Street Car Parking.

**AS2890.2** refers to Australian Standard 2890.2 "Commercial Vehicle Facilities".

**AS2890.3** refers to Australian Standard 2890.3 "Bicycle Parking Facilities".

**Change of Use** means development being a change in the use of a building, land or premises from one defined purpose to another.

**Council** means Kyogle Council.

**Customer Service Area** means, in respect of a refreshment room, hotel, club or the like, the area of that establishment including any outdoor area, which is available for the service of patrons, excluding kitchens or other areas for staff only.

**Development** has the same meaning as in Section 4 of the *Environmental Planning and Assessment Act 1979*.

**Display Area** means any outdoor area of a site principally used for the display of goods for sale.

**Driveway** means the roadway by which vehicles move between the road carriageway and the car parking spaces and vice versa, including the crossing over the public footpath.

**Employee** means any person, principle or staff engaged in the undertaking relating to the application and shall be included in the calculations for the determination of the number of car parking spaces required.

**Gross Floor Area (GFA)** 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 of the outer face of the external wall;
- (ii) Lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts;
- (iii) Car parking needed to meet any requirements of the Council and any internal access thereto;
- (iv) Space for the loading and unloading of vehicles.

**Market Area** means that area of a retail market equivalent to twice the site area physically occupied by the market stalls at that market.

**Parking Space** means an area in which a vehicle is to be parked so that adequate clearance is available for access to and from that space, appropriate to the class of vehicle. It includes any garage or court available for parking vehicles.

**Pick Up/Set Down Area** means a parking space (or spaces) set aside for the picking up or setting down of vehicle passengers, preferably physically separate from any adjacent vehicle carriageway.

**Site Area** means the area of the legal allotment(s) of land to which an application for consent to carry out development relates.

**Work Bay** means that area of a car repair station, service station or similar establishment which is normally used for the servicing or repair of single vehicles, including any car washing bay.

## 2 DEVELOPMENT GUIDELINES

**Note: the Acceptable Solutions in the table below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.**

Performance criteria	Acceptable solution
<b>Car parking numbers</b>	
P1 Sufficient car parking spaces are provided on site to service the development and the development will not create an unreasonable demand for on-street parking	<p>A1.1 Car parking spaces are provided within the development site in accordance with Table C8.1 in Appendix C8</p> <p>OR</p> <p>A1.2 For change of use or redevelopment of existing sites and buildings or structures, the maximum number of car parking spaces that can be reasonably accommodated within the site are provided</p> <p>A1.3 Stack parking may be utilised to achieve required parking for residential units provided the stack parking does not interfere with any other unit or visitor parking</p>
<b>Safety and Access</b>	
P2 Car parking areas are safe, readily accessible and do not create impacts on safe and efficient movement of vehicles and pedestrians	<p>A2.1 Car park access and manoeuvring areas are designed in accordance with the relevant Australian Standards, and the Austroads Guide to Traffic Engineering Practice- Part 11 Parking.</p> <p>A2.2 Vehicular access and car parking areas are designed and constructed in accordance with the Northern Rivers Local Government Development Design and Construction Manual.</p>

Performance criteria	Acceptable solution
	<p>A2.3 Vehicles are able to enter and leave the site in a forward direction</p> <p>A2.4 Access and dedicated car parking spaces are provided for people with disabilities in accordance with the relevant Australian Standards</p> <p>A2.5 Car parking and light vehicle traffic are separated from heavy vehicle access and traffic areas</p> <p>A2.6 Adequate signage is provided in accordance with Chapter 4 Signage to advise of the availability of off-street parking areas</p>
<b>Visual Amenity</b>	
P3 Car parking does not detract from the streetscape or alter the existing building line	A3 Car parking is provided at the rear of the premises
P4 Landscaping creates a positive appearance of the development and the streetscape	<p>A16.1 A landscape concept plan is submitted that shows proposed planting areas, species and planting densities and details planting area preparation and planting techniques</p> <p>A16.2 Landscape plantings include a mixture of low maintenance trees, shrubs and groundcovers and avoids plants that attract large numbers of birds or dropping fruits and leaves</p> <p>A16.3 Tree and shrub species are of suitable scale to avoid creating visibility issues in car parking areas</p>
<b>Water Sensitive Urban Design</b>	
P5 Car park design minimises stormwater discharge from the site and does not create impacts on water quality of receiving waters	A5 Runoff from hardstand areas is directed to areas that allow stormwater infiltration, such as permeable paving and garden beds
<b>Loading and Delivery Areas</b>	
P6 Loading areas do not create conflicts with pedestrian or road traffic	<p>A6.1 Car parking and light vehicle traffic are separated from heavy vehicle access and traffic areas</p> <p>A6.2 No loading or unloading occurs within the road reserve, including parking of vehicles associated with the loading and unloading of goods</p>

Performance criteria	Acceptable solution
	<p>A6.3 Loading bays and manoeuvring areas have sufficient dimensions to suit the vehicle servicing the development and allow all manoeuvring to occur wholly within the development site</p>

## APPENDIX C8

**Table C8.1 Car Parking Requirements for various land use and development types**

Land use or development type	Number of car parks required
Agricultural produce industry	1 per 2 employees
Amusement centre	4 per 100m GFA plus 1 per 2 employees
Animal boarding or training establishment	1 per 2 employees
Backpackers accommodation	1 per 5 beds plus 1 per 2 employees
Bed and breakfast accommodation, Farmstay accommodation, Eco-tourist facility	1 per bedroom/cabin/unit etc plus 1 per 2 employees
Boarding house	1 per 3 rooms plus 1 per 5 rooms for visitor spaces
Bulky goods premises	3 per 100m <sup>2</sup> GFA
Business premises	1 per 40 m <sup>2</sup> GFA
Caravan park	1 per caravan site plus 1 per 10 sites (visitor carparking)
Manufactured home estate	1 per Dwelling plus 1 per 2 Dwellings for visitors
Child care centre	1 per 4 children in attendance
Commercial premises (other than retail or office premises)	1 per 40m <sup>2</sup> GFA
Dual occupancy	1 per unit plus 1 visitor carspace
Dwelling house, Attached or semi detached dwelling	2 per dwelling
Educational establishments:	
Tertiary	1 per 2 employees plus 1 per 10 students
Secondary	1 per 2 employees plus 1 per 10 year 11 and 12 students
Primary	1 per 2 employees plus 1 per 100 students (visitor carspace)
Special (incl. handicapped)	1 per 2 employees plus adequate set down area
Other (art school, drama, dance school)	1 per 2 employees plus 1 per 10 students
Entertainment facility	1 per 10 seats or 1 per 10m <sup>2</sup> of public floor space whichever is the greater
Exhibition home	2 per dwelling
Extractive industry	1 per employee
Freight transport facility	Assessed on merits
Function centre	1 per 10 seats or 1 per 10m <sup>2</sup> of public floor space whichever is the greater
Funeral home	Assessed on merits

Land use or development type	Number of car parks required
Hospital	1 per 5 beds plus 1 per 3 employees and resident doctors
Industry (heavy, general and light)	1 per 100m <sup>2</sup> GFA
Intensive livestock agriculture	1 per 2 employees
Landscape material supplies	1 per 100m <sup>2</sup> display area
Livestock processing industry	1 per 2 employees
Liquid fuel depot	1 per 2 employees
Market	Assessed on merits
Medical Centre	4 spaces for first health care professional then 3 for each additional health care professional
Mortuary	1 space per 3 seats
Multi dwelling housing	1 per 1 bedroom dwelling; 1.5 per 2 bedroom dwelling; 2 per 3 bedroom dwelling plus 1 per 5 dwellings for visitor parking
Neighbourhood shop	3 per 100m <sup>2</sup> GFA
Office premises	1 per 40m <sup>2</sup> GFA
Place of public worship	1 per 10 seats or 1 per 10m <sup>2</sup> of seating area
Plant Nursery: Wholesale Retail	1 per 2 employees 1 per 100m <sup>2</sup> plant display area (indoor and outdoor) plus 1 per 2 employees
Pub	1 per 3.5m <sup>2</sup> of licensed floor area plus 1 per 2 employees plus 1 per 5 seats (function room/restaurant/dining room) plus 1 per room where accommodation is provided
Public administration building	1 per 40m <sup>2</sup> GFA
Recreation area	Assessed on merits
Recreation facility indoor: Squash/Tennis Courts Gymnasium/Fitness Centre Indoor Cricket Centre Bowling alley Other	3 per court plus 1 per 2 employees 1 per 40m <sup>2</sup> GFA 10 per pitch 3 per lane 1 per 40m <sup>2</sup> GFA
Recreation facility outdoor	Assessed on merits
Registered club	1 per 3 employees 1 per 25m <sup>2</sup> function/auditorium area 1 per 10m <sup>2</sup> dining area 1 per 5m <sup>2</sup> bar area and gaming area
Residential flat building	1 per 1 bedroom dwelling; 1.5 per 2 bedroom dwelling; 2 per 3 bedroom dwelling plus 1 per 5 dwellings for visitor parking
Restaurant or cafe	1 per 5 seats plus 1 per 2 employees
Restricted premises	1 per 30m <sup>2</sup> GFA
Retail premises; where not seperately listed	1 per 40m <sup>2</sup> GFA
Rural industry	1 per 100m <sup>2</sup> GFA or 1 per 2 employees, whichever is the greater
Rural workers dwelling	2

Land use or development type	Number of car parks required
Self storage units	1 per 20 sheds plus 1 per 2 employees
Seniors housing: Self contained	0.5 per bedroom or 1 per 5 dwellings whichever is the greater plus 1 per 2 employees and 1 Ambulance space
Hostel	1 per 10 beds plus 1 per 2 employees and 1 Ambulance space
Service station Vehicle repair station	4 per work bay plus 1 per 40m <sup>2</sup> GFA of convenience shop plus 1 per 5 seats for a restaurant
Retail premises: Shopping complex (incorporating a department store)	1 per 40m <sup>2</sup> GFA
Shop	1 per 40m <sup>2</sup> GFA
Stock and sale yard	Assessed on merits
Timber yard	Assessed on merits
Tourist and visitor accommodation: Hotel or motel accommodation	1 per room/unit plus 1 per 2 employees plus 1 per 5 seats of a restaurant or convention room whichever is the greater
Serviced apartments	1 per 2 rooms plus 1 per 2 employees
Other	1 per accommodation unit plus 1 per 2 employees
Vehicle sales or hire premises	0.75 per 100m <sup>2</sup> of display area plus 4 per work bay (for vehicle servicing facilities)
Veterinary hospital	3 spaces per surgery plus 1 per 2 employees
Warehouse or distribution centre	1 per 300m <sup>2</sup>
Waste or resource management facility	Assessed on merits
All other	Assessed on merits



## CHAPTER 9 BED AND BREAKFAST ACCOMMODATION AND FARM STAY ACCOMMODATION

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## TABLE OF CONTENTS

<b>Chapter 9 Bed and Breakfast Accommodation and Farm Stay Accommodation .....</b>	<b>160</b>
<b>1 Introduction .....</b>	<b>162</b>
1.1 Application .....	162
1.2 Aims of Chapter 9.....	162
<b>2 Bed and Breakfast Accommodation .....</b>	<b>163</b>
2.1 Application .....	163
2.2 Complying Development .....	163
2.3 Objectives .....	163
2.4 Development Guidelines .....	164
2.5 Mandatory Provisions .....	167
<b>3 Farm Stay Accommodation .....</b>	<b>169</b>
3.1 Application .....	169
3.2 Objectives .....	169
3.3 Development Guidelines .....	170
<b>APPENDIX C9 .....</b>	<b>175</b>
Table C9.1 Recommended minimum buffer distances between accommodation buildings and other land uses.....	175

# 1 INTRODUCTION

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## 1.1 Application

This Chapter applies in preparing and assessing applications for development of **Bed and breakfast accommodation** and **Farm stay accommodation** in any Zone where the development is permitted with consent under the Kyogle Local Environmental Plan 2012 (Kyogle LEP 2012).

## 1.2 Aims of Chapter 9

- a) To provide development guidelines to assist the design of development proposals and preparation of development applications and the assessment of those applications.
- b) To facilitate small scale development opportunities to grow and diversify the local economy.
- c) To increase the variety and availability of accommodation options for visitors and tourists to the Kyogle Council area.

## 2 BED AND BREAKFAST ACCOMMODATION

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### 2.1 Application

This section applies to development for the purposes of **bed and breakfast accommodation**. Clause 5.4(1) of the Kyogle LEP 2012 also contains provisions regarding the maximum number of rooms permitted to be provided to guests.

The Dictionary of the Kyogle LEP 2012 states that '**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 guests' rooms and
- c) Dormitory style accommodation is not provided.'

Temporary or short term accommodation is generally considered to comprise accommodation that;

- 1. Is advertised to the general public; and
- 2. Involves the making of a booking for guests and involves a payment for bed and breakfast accommodation services and facilities; and
- 3. Is only short term and temporary for any guest – i.e. the duration is irregular or intermittent and is generally less than a 1 month period

### 2.2 Complying Development

Certain bed and breakfast development is permitted as Complying Development (minor development which does not require development consent, but can be certified by Council or a private certifier). Reference should be made to any relevant State Environmental Planning Policy.

### 2.3 Objectives

- a) To facilitate the development of Bed and breakfast accommodation and Farm stay accommodation that is consistent with the applicable zone objectives.
- b) To ensure that bed and breakfast accommodation does not impact adversely on the amenity of surrounding properties.
- c) To ensure that guests of bed and breakfast accommodation are not exposed to unacceptable risk from natural hazards.
- d) To ensure that bed and breakfast accommodation meets building, health and fire safety standards.
- e) To ensure that bed and breakfast accommodation has appropriate vehicular access and is adequately serviced.

- f) To ensure bed and breakfast accommodation in rural locations is not likely to create land use conflict.

## 2.4 Development Guidelines

**Note: the Acceptable Solutions in the table below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot, meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.**

Performance criteria	Acceptable solution
<b>Scale and operation of the development</b>	
P1 Development is operated as part of the household	A1 Bed and breakfast accommodation is operated by a permanent resident of the dwelling house
P2 The principal function of the building is a dwelling house for use by a single household group	<p>A2.1 Accommodation for guests is located within an existing dwelling house – this can include attached or separated rooms provided that such rooms are attached to a central common dwelling area with weatherproof access</p> <p>A2.2 Development provides a maximum 5 bedrooms accommodation of guests</p> <p>A2.3 Bedrooms may include spas and ensuites facilities but do not include facilities for the cooking of any meals – all meals on the premises are to be solely provided within common eating areas</p> <p>A2.4 Development provides for no more than 12 guests</p>
P3 Operation of the bed and breakfast does not impact on the amenity of surrounding properties	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Effluent management</b>	
P4 The development makes suitable provision for treatment and disposal of effluent that does not create public health impacts or adversely impact quality of surface and ground waters	<p>A4.1 The development is serviced by an approved on-site sewage management system</p> <p>A4.2 The on-site sewage management system has capacity to cope with additional effluent load</p> <p>OR</p> <p>A4.3 The development is connected to a reticulated sewerage system</p>

Performance criteria	Acceptable solution
<b>Solid waste management</b>	
P5 The development must make satisfactory arrangements for the storage and disposal of solid waste	A5 Solid waste is removed from site and disposed at an approved facility
<b>Transport and Access</b>	
P6 Development must make satisfactory arrangements for vehicular access and parking	<p>A6.1 Internal access roads and parking areas are all weather design and construction</p> <p>A6.2 Vehicles are able to enter and leave the site in a forward direction</p> <p>A6.3 Bed and breakfast accommodation and the associated dwelling utilise the same driveway and vehicular access</p> <p>A6.4 Car parking is provided in accordance with Chapter 8 Off-street car parking</p> <p>A6.5 Vehicular access, parking and manoeuvring areas are in accordance with standards in the Northern Rivers Local Government Development &amp; Design and Construction Manuals and Council's Property Access and Addressing Management Plan</p>
P7 Public roads servicing the site are a suitable standard to cater for traffic generated by the development	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Land use conflict avoidance</b>	
<p>P8 Bed and breakfast accommodation will not create risk of land use conflict*</p> <p><i>* Achievement of P8 will generally require submission of a land use conflict risk assessment (LUCRA) prepared in accordance with the Department of Primary Industries 'Living and Working in Rural Areas' guidelines (2007)</i></p>	A8.1 Development achieves buffers specified in Table C9.1 in Appendix C9
<b>Natural hazards</b>	
P9 Buildings, structures and persons on the development site are not exposed to unacceptable risk from bushfire	A9.1 Development is not on a lot that is mapped as bushfire prone land

Performance criteria	Acceptable solution
	<p>OR</p> <p>A9.2 A report prepared by a Certified Bushfire Practitioner is provided that demonstrates the dwelling can achieve the requirements of the Rural Fire Service publication 'Planning for Bushfire Protection' 2006 or any superseding guideline</p>
P10 Buildings, structures and persons on the development site are not exposed to unacceptable risk from flooding	<p>A10.1 The development site is not prone to flooding from inundation or overland flow</p> <p>OR</p> <p><b>Where the development is on land that is mapped as or known to be prone to flooding:</b></p> <p>A10.2 A report is submitted by a suitably qualified person that demonstrates the floor level of the development achieves a height of at least the level of a 100 year ARI flood event plus 0.5 metres freeboard</p> <p>OR</p> <p><b>Where development is proposed on a lot within the Flood Planning Area shown on the Flood Planning Map in the LEP:</b></p> <p>A10.3 The development complies with the provisions of the Development Control Plan in the Kyogle Council Floodplain Risk Management Plan 2009</p>
P11 Buildings, structures and persons on the development site are not exposed to unacceptable risk from landslip or mass movement	<p>A11.1 The development site does not display evidence of landslip or mass movement</p> <p>OR</p> <p>A11.2 A report is submitted by suitably qualified geotechnical engineer that demonstrates the site is stable and suitable to accommodate the development</p>
<b>Disabled access</b>	
P12 The development is accessible by disabled persons where practical	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Fire safety</b>	
P13 The development makes suitable provisions for fire prevention, management and evacuation	A13 A Fire Prevention and Management Plan for the development is prepared

Performance criteria	Acceptable solution
<b>Signage</b>	
P14 Signage is suitable to signify the location of the accommodation and does not create adverse impacts on the amenity or character of the area	A14 Signage identifying the business comprises no more than two signs each sign with a maximum area of 1.5 m <sup>2</sup> and complies with Chapter 4 Signage
<b>Additional guidelines for development where accommodation is in a detached building</b>	
P15 The design and siting, servicing and infrastructure arrangements, visual impact and environmental impact of the building is in accordance with guidelines for detached additions or extensions to dwellings in Chapter 3	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Water Supply</b>	
P16 The development must provide safe drinking water to its guests	A16.1 The development is connected to reticulated water supply  OR A16.2 The development has a self-sufficient water supply that meets the requirements of the Public Health Act

## 2.5 Mandatory Provisions

The following development standards are mandatory and relate to standards in the Building Code of Australia, Australian Standards and food safety legislation. The application must demonstrate how the proposal meets the following standards:

<b>Building Design and Accommodation Standards</b>
MP1 Development meets the requirements of the Building Code of Australia for: <ol style="list-style-type: none"> <li>1. Minimum height of ceilings; Part 3.8.2</li> <li>2. Sound transmission; Part 3.8.6</li> <li>3. Light and ventilation; Part 3.8.4 and 3.8.5</li> </ol>
<b>Fire Safety</b>



<p>MP2 Development meets fire safety provisions of the Building Code of Australia for;</p> <ol style="list-style-type: none"> <li>4. Provision for escape and egress; Part 3.9</li> <li>5. Smoke detectors; Part 3.7.9</li> </ol>
<p><b>Food preparation</b></p>
<p>MP3 Food storage, preparation and service is in accordance with the following:</p> <ol style="list-style-type: none"> <li>6. Kitchen facilities meet standards of the NSW <i>Food Act 2003</i> and <i>Food Regulation 2010</i></li> <li>7. Food preparation is carried out by persons who have a current food safety supervisor certificate issued by the NSW Food Authority</li> </ol>

## 3 Farm Stay Accommodation

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### 3.1 Application

This section applies to development for the purposes of **farm stay accommodation**. Clause 5.4(5) of the Kyogle LEP 2012 also contains provisions regarding the maximum number of rooms permitted to be provided to guests.

The Dictionary of the Kyogle LEP 2012 states that '**farm stay accommodation** means a building or place that provides temporary or short term accommodation to paying guests on a working farm as a secondary business to primary production'.

Temporary or short term accommodation is generally considered to comprise accommodation that;

1. Is advertised to the general public; and
2. Involves the making of a booking for guests and involves a payment for bed and breakfast accommodation services and facilities; and
3. Is only short term and temporary for any guest – i.e. the duration is irregular or intermittent and is generally less than a 1 month period

### 3.2 Objectives

- a) To facilitate the development of a variety of farm stay accommodation options in order to provide additional accommodation for tourists and visitors in the Kyogle local government area.
- b) To facilitate the development of farm stay accommodation in order to provide additional income generating potential for farms and to encourage an appreciation of the value of agriculture and the role of farming.
- c) To ensure that farm stay accommodation does not impact adversely on the amenity of surrounding properties.
- d) To ensure that guests of farm stay accommodation are not exposed to unacceptable risk from natural hazards.
- e) To ensure that farm stay accommodation meets minimum building, health and fire safety standards.
- f) To ensure that farm stay accommodation has appropriate vehicular access and is adequately serviced.
- g) To ensure that farm stay accommodation is not likely to create land use conflict.

### 3.3 Development Guidelines

**Note: the Acceptable Solutions in the table below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot, meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.**

Performance criteria	Acceptable solution
<b>Scale and operation of the development</b>	
P1 The farm stay accommodation business is, at all times, to be operated in conjunction with an agricultural enterprise on the property that forms the intended dominant use of the land	<p>A1.1 Guest accommodation consists of:</p> <ul style="list-style-type: none"> <li>a) No more than 5 bedrooms where forming part of the principal farm dwelling house; or</li> <li>b) No more than 1 separate cabin or chalet-style unit for each 10 hectares of the total land area of the allotment on which the development is to be located, with no more than 12 bedrooms in total; and</li> <li>c) An overall total of no more than Subject to compliance with all other relevant requirements of the LEP”</li> </ul> <p>A1.2 Guest accommodation within the principal dwelling consists of:</p> <ul style="list-style-type: none"> <li>a) No more than 5 bedrooms – this can include attached or separated rooms provided that such rooms are attached to a central common dwelling area with weatherproof access; and</li> </ul> <p>A1.3 No more than 1 separate cabin or chalet-style unit for each 10 hectares of the total land area of the allotment on which the development is to be located, and</p> <p>A1.4 The overall development for guest accommodation, including that which is part of the principal dwelling or separate cabins or chalets, has no more than 12 bedrooms in total; and</p> <p>A1.5 Bedrooms may include spas and ensuites facilities but do not include facilities for the cooking of any meals – all meals on the premises are to be solely provided within common eating areas</p>
<b>Land use conflict avoidance</b>	
<p>P2 Farm stay accommodation will not create risk of land use conflict*</p> <p><i>* Achievement of P2 will generally require submission of a land use conflict risk assessment (LUCRA) prepared in accordance with the</i></p>	<p>A2.1 Development achieves buffers specified in Table C9.1 in Appendix C9</p>

Performance criteria	Acceptable solution
<i>Department of Primary Industries 'Living and Working in Rural Areas' guidelines (2007)</i>	
<b>Design and siting of buildings</b>	
P3 Site layout and building design seeks to utilise natural grades of the land and minimises cut and fill	<p>A3.1 Buildings and structures are not located on land with a gradient that exceeds 15%</p> <p>A3.2 Cut or fill does not exceed 1 metre in height and a total height of 2 metres</p>
P4 The setback of buildings and structures from the primary road frontage is consistent with the surrounding area	<p>A4.1 Buildings and structures are set back a minimum of 20 metres from the front boundary</p> <p>OR</p> <p><b>Where site has frontage to a classified road:</b></p> <p>A4.2 Buildings and structures are set back from front boundary a minimum of:</p> <ul style="list-style-type: none"> <li>• Where in Zones RU1 or RU2:- 50 metres</li> <li>• Where in Zone RU4:- 30 metres</li> </ul>
P5 The setback of buildings and structures from side and rear property boundaries does not impact on the amenity of adjoining properties	<p>A5.1 Buildings and structures are set back a minimum of 10 metres from side boundary</p> <p>A5.2 Buildings and structures are set back at least 10 metres from rear boundary</p> <p>OR</p> <p><b>Where side or rear boundary has frontage to a public road:</b></p> <p>A5.3 Buildings and structures are set back at least 20 metres from property boundary</p>
<b>Environmental impact</b>	
P6 The siting of buildings and structures does not impact on ecological or hydrological values of watercourses, water bodies and wetlands	<p>A6.1 Buildings and structures are set back a minimum of 100 metres from the top of bank of permanent watercourses (Order 3 Stream or greater) or water bodies and 40 metres from the top of bank of an Order 1 or 2 Stream</p> <p>A6.2 Buildings, structures and operational areas are set back a minimum of 100 metres from the edge of wetland</p>

<b>Performance criteria</b>	<b>Acceptable solution</b>
P7 Development does not create unacceptable impact on ecological functions or biodiversity values	<p>A7.1 Siting of buildings, structures and driveways does not require the clearing of native vegetation</p> <p>A7.2 Buildings and structures are not located within a mapped ecological corridor</p>
<b>Visual impact</b>	
P8 Buildings and structures do not impact adversely on significant views or rural and/or natural landscape character and do not reflect light on surrounding properties	<p>A8.1 Buildings and structures are not located on prominent ridgelines or hilltops or in prominent locations when viewed from significant public vantage points</p> <p>OR</p> <p>A8.2 Landscaping is used to screen views of the development from significant vantage points</p> <p>AND</p> <p>A8.3 External walls and roofs are clad in non-reflective materials and colours are muted</p>
<b>Effluent management</b>	
P9 The development makes suitable provision for treatment and disposal of effluent that does not create public health impacts or adversely impact quality of surface and ground waters	<p>A9.1 Accommodation units for guests are serviced by an on-site sewage management system that is additional to the system servicing the dwelling</p> <p>OR</p> <p>A9.2 The development is serviced by an existing approved on-site sewage management system and the system has capacity to cope with additional effluent load</p>
<b>Solid waste management</b>	
P10 The development must make satisfactory arrangements for the storage and disposal of solid waste	A10 Solid waste is disposed at an approved facility
<b>Water Supply</b>	
P11 The development must provide safe drinking water to its guests	<p>A11.1 The development is connected to reticulated water supply</p> <p>OR</p> <p>A11.2 The development has a self-sufficient water supply that meets the requirements of the Public Health Act</p>
<b>Transport and Access</b>	

<b>Performance criteria</b>	<b>Acceptable solution</b>
P12 Development must make satisfactory arrangements for vehicular access and parking	<p>A12.1 Internal access roads and parking areas are all weather design and construction</p> <p>A12.2 Vehicles are able to enter and leave the site in a forward direction</p> <p>A12.3 Farm stay accommodation and the main dwelling utilise the same vehicular access</p> <p>A12.4 Car parking is provided in accordance with Chapter 8 Off-street car parking</p> <p>A12.5 Vehicular access, parking and manoeuvring areas are in accordance with standards in the Northern Rivers Local Government Development &amp; Design and Construction Manuals and Council's Property Access and Addressing Management Plan</p>
P13 Public roads servicing the site are a suitable standard to cater for traffic generated by the development	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Protection of amenity of surrounding properties</b>	
P14 Development is not likely to impact on amenity of adjoining properties	A14.1 Accommodation buildings and vehicular access, parking and manoeuvring areas are not located within 100 metres of a dwelling on an adjoining property
<b>Natural hazards</b>	
P15 Buildings, structures and persons on the development site are not exposed to unacceptable risk from bushfire	<p>A15.1 Development is proposed on land that is mapped as bushfire prone land</p> <p>OR</p> <p>A15.2 A report prepared by a Certified Bushfire Practitioner is provided that demonstrates the dwelling can achieve the requirements of the Rural Fire Service publication 'Planning for Bushfire Protection' 2006 or any superseding guideline</p>
P16 Buildings, structures and persons on the development site are not exposed to unacceptable risk from flooding	<p>A16.1 The development site is not prone to flooding from inundation or overland flow</p> <p>OR</p>

Performance criteria	Acceptable solution
	<p><b>Where the development is on land that is mapped as or known to be prone to flooding:</b></p> <p>A16.2 A report is submitted by a suitably qualified person that demonstrates the floor level of the development achieves a height of at least the level of a 100 year ARI flood event plus 0.5 metres freeboard</p>
P17 Buildings, structures and persons on the development site are not exposed to unacceptable risk from landslip or mass movement	<p>A17.1 The development site does not display evidence of landslip or mass movement</p> <p>OR</p> <p>A17.2 A report is submitted by suitably qualified geotechnical engineer that demonstrates the site is stable and suitable to accommodate the development</p>
<b>Contaminated land</b>	
P18 Guests are not exposed to unacceptable risk from contamination	<p>A18.1 Development is not on a site that is listed as contaminated</p> <p>A18.2 Accommodation buildings are not located within 200 metres of a cattle dip</p> <p>OR</p> <p>A18.3 A report prepared by a suitably qualified person is submitted that demonstrates the site is suitable to accommodate the proposed use</p>
<b>Disabled access</b>	
P19 The development is accessible by disabled persons where practical	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Signage</b>	
P20 Signage is suitable to signify the location of the accommodation and does not create adverse impacts on the amenity or character of the area	A20.1 Signage identifying the business comprises no more than two signs each sign with a maximum area of 1.5 m <sup>2</sup> and in accordance with Chapter 4 Signage
<b>Retailing of farm produce and convenience goods</b>	
P21 Retail is limited to sale of convenience goods and products produced on the farm to guests only	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria

## APPENDIX C9

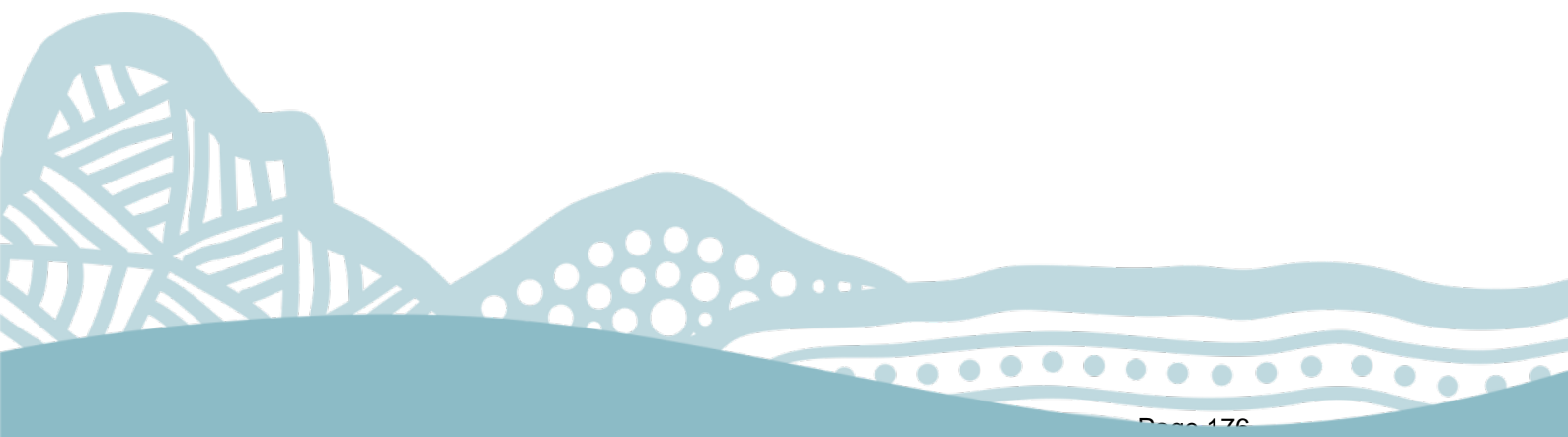
**Table C9.1 Recommended minimum buffer distances between accommodation buildings and other land uses on adjoining or surrounding land not associated with proposal**

Existing land use	Minimum distance to accommodation buildings (metres)
Piggeries- Housing and waste storage	500
Piggeries- Waste utilisation area	250
Feedlots- Yards and waste storage	500
Feedlots- Waste utilisation area	250
Poultry Farms- Sheds and waste storage	500
Poultry Farms- Waste utilisation area	250
Dairies- Sheds and waste storage	250
Dairies- Waste utilisation area	250
Other Intensive Livestock Operations	300
Extensive Horticulture	200
Greenhouse & Controlled Environment Horticulture	200
Macadamia De-husking	300
Bananas	150
Turf Farms	200
Animal boarding and training establishments	500
Rural Industries	500
Abattoirs	1000
Extractive Industries that does not involve blasting	500
Extractive Industry that involves blasting	1000
Waste disposal facility (dump)	1000
Grazing of stock	50
Stock yards including cattle yards	200

Source: Department of Primary Industries; Living and Working in Rural Areas (2007)



## CHAPTER 10 DUAL OCCUPANCIES



## TABLE OF CONTENTS

1	INTRODUCTION .....	178
1.1	APPLICATION.....	178
1.2	AIMS OF CHAPTER 10.....	178
2	DUAL OCCUPANCIES IN ZONES RU1, RU2 AND RU4 .....	179
2.1	APPLICATION.....	179
2.2	EXEMPT DEVELOPMENT.....	179
2.3	OBJECTIVES.....	179
2.4	DEVELOPMENT GUIDELINES.....	180
3	DUAL OCCUPANCIES IN ZONES R1, R3, R5 AND RU5.....	186
3.1	APPLICATION.....	186
3.2	EXEMPT DEVELOPMENT.....	186
3.3	OBJECTIVES.....	186
3.4	DEVELOPMENT GUIDELINES.....	187
	APPENDIX C10.....	195
	TABLE C10.1 RECOMMENDED MINIMUM BUFFER DISTANCES BETWEEN DWELLINGS AND OTHER LAND USES ON ADJOINING OR SURROUNDING LAND NOT ASSOCIATED WITH THE PROPOSAL..	195
	TABLE C10.2 MINIMUM FRONT BOUNDARY SETBACK FOR DWELLINGS AND ANCILLARY STRUCTURES IN ZONES R1, R3, R5 AND RU5 .....	196

# 1 INTRODUCTION

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## 1.1 Application

This Chapter applies in preparing and assessing applications for development of **dual occupancy (attached or detached)** and ancillary development (driveways, garages, carports, sheds, outbuildings, pools, landscaping, stand-alone power systems of domestic scale, tennis courts, etc.) in any Zone where the development is permitted with consent.

This Chapter does not apply to applications for Attached dwellings, Dwelling houses, Secondary dwellings or Semi-detached dwellings.

## 1.2 Aims of Chapter 10

- a) To provide development guidelines to assist the design of development proposals and preparation of development applications and the assessment of those applications.
- b) To facilitate the development of dual occupancies that is consistent with the applicable zone objectives.

## 2 DUAL OCCUPANCIES IN ZONES RU1, RU2 AND RU4

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### 2.1 Application

This section applies to development for the purposes of **dual occupancy (attached or detached)** in Zones RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots. This section also applies to extensions and additions to dual occupancies and ancillary buildings and structures.

### 2.2 Exempt Development

Certain development ancillary to dwellings (including driveways, garages, carports and garden sheds) is permitted as Exempt Development (development that does not require development consent, subject to certain requirements). Reference should be made to any relevant State Environmental Planning Policy.

### 2.3 Objectives

- a) To ensure that dual occupancies are appropriately buffered from surrounding land uses and do not increase the likelihood of land use conflict.
- b) To ensure that dual occupancies do not impact on potential or viability of Regionally Significant Farmland<sup>1</sup> or Class 1, 2 or 3 agricultural land<sup>2</sup>.
- c) To ensure that dual occupancies are designed and constructed to avoid impact on the character of the rural landscape and significant views or settings.
- d) To ensure that dual occupancies are designed and sited to minimise earthworks.
- e) To ensure that dual occupancies are designed and sited to minimise impacts on ecological functions and biodiversity values.
- f) To ensure that dual occupancies are sited to avoid unacceptable risk from natural hazards and contaminated land.
- g) To ensure that dual occupancies do not adversely impact on the ecological or hydrological functions of watercourses, water bodies and wetlands.
- h) To ensure that dual occupancies have appropriate vehicular access and are appropriately serviced.
- i) To encourage the development of well-designed dwellings that are adaptable, comfortable and maximise water and energy efficiency.

<sup>1</sup>As defined by the Northern Rivers Farmland Protection Project (Department of Infrastructure, Planning and Natural Resources and Department of Primary Industries), 2005

<sup>2</sup>As mapped on Rural Land Capability maps produced by the NSW Department of Land and Water Conservation

## 2.4 Development Guidelines

**Note: the Acceptable Solutions in the table below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot meet, an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.**

Performance criteria	Acceptable solution
<b>Minimum lot size</b>	
P1 The lot is of appropriate size and dimensions to accommodate two dwellings including effluent disposal areas	A1 The lot is at least the minimum lot size specified for that lot by the LEP
<b>Design and siting of buildings and structures</b>	
P2 Site layout and building design seeks to utilise natural grades of the land and minimises cut and fill	<p>A2.1 Buildings and structures are not located on land with a gradient that exceeds 20%</p> <p>A2.2 Cut or fill does not exceed 1 metre in height and a total height of 2 metres</p>
P3 The setback of buildings and structures from the primary road frontage is consistent with the surrounding area	<p>A3.1 Buildings and structures are set back a minimum of 20 metres from the front boundary</p> <p>OR</p> <p><b>Where site has frontage to a classified road:</b></p> <p>A3.2 Buildings and structures are set back from front boundary a minimum of:</p> <ul style="list-style-type: none"> <li>• Where in Zones RU1 or RU2:- 50 metres</li> <li>• Where in Zone RU4:- 30 metres</li> </ul>
P4 The setback of buildings and structures from side and rear property boundaries does not impact on the amenity of adjoining properties	<p>A4.1 Buildings and structures are set back a minimum of 10 metres from side boundary</p> <p>A4.2 Buildings and structures are set back at least 10 metres from rear boundary</p> <p>OR</p> <p><b>Where side or rear boundary is a secondary road:</b></p> <p>A4.3 Buildings and structures are set back at least 20 metres from property boundary</p>

<p>P5 The dwellings are in reasonable proximity to each other and will not:</p> <ul style="list-style-type: none"> <li>adversely impact on the agricultural potential or viability of the subject land</li> <li>increase the potential for land use conflict</li> <li>impact adversely on environmental values or watercourses</li> </ul>	<p>A5 The two dwellings are located within 100 metres of each other</p>
<b>Protection of valuable agricultural land</b>	
<p>P6 The dwellings will not adversely impact the agricultural potential or viability of Regionally Significant Farmland or Class 1, 2 or 3 agricultural land</p>	<p>A6 The dwellings are not sited on land mapped as Regionally Significant Farmland or Class 1, 2 or 3 agricultural land</p>
<b>Land use conflict avoidance</b>	
<p>P7 Dwellings are not located where they are likely to be impacted by surrounding land uses</p>	<p>A7 Dwellings achieve buffers specified in Table C10.1 in Appendix C10</p>
<b>Visual impact</b>	
<p>P8 Buildings and structures do not impact adversely on significant views or rural and/or natural landscape character and do not reflect light on surrounding properties</p>	<p>A8.1 Buildings and structures are not located on prominent ridgelines or hilltops or in prominent locations when viewed from significant public vantage points</p> <p>OR</p> <p>A8.2 Landscaping is used to screen views of the development from significant vantage points</p> <p>AND</p> <p>A8.3 External walls and roofs are clad in non-reflective materials and colours are muted</p>
<b>Environmental impact</b>	
<p>P9 The siting of buildings and structures does not impact on ecological or hydrological values of watercourses, water bodies and wetlands</p>	<p>A9.1 Buildings and structures are set back a minimum of 100 metres from the top of bank of permanent watercourses (Order 3 Stream or greater) or water bodies and 40 metres from the top of bank of an ephemeral watercourse (Order 1 or 2 Stream)</p>

	A9.2 Buildings and structures are set back a minimum of 100 metres from the edge of wetland
P10 Development does not create unacceptable impact on ecological functions or biodiversity values	<p>A10.1 Siting of buildings, structures and driveways does not require the clearing of native vegetation</p> <p>A10.2 Buildings and structures are not located within a mapped ecological corridor</p>
<b>Effluent management</b>	
P11 The development makes suitable provision for management of effluent that does not create public health impacts or adversely impact quality of surface and ground waters	<p>A11.1 Effluent disposal fields are located on land with a gradient of &lt;20%</p> <p>A11.2 The soil type is suitable for on-site treatment and disposal of effluent</p> <p>A11.3 Each dwelling is serviced by an on-site sewage management system that meets the requirements of the Kyogle Council On-site Sewage Management Strategy</p>
<b>Water supply</b>	
P12 The development must make suitable provision for supply of potable water without drawing unreasonably from natural watercourses, water bodies or groundwater	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Stormwater management</b>	
P13 Stormwater does not create a nuisance for adjoining properties	A13 Stormwater is managed on the development site and does not contribute to flooding on adjoining properties
<b>Electricity supply</b>	
P14 The development must make adequate provision for electrical power without impacting on the amenity of surrounding properties through emission of noise, fumes, light or glare through on-site power generation	A14 Dwellings are connected to the reticulated electricity network
<b>Telecommunications</b>	
P15 The development must make suitable arrangements for the supply of constant, reliable telecommunications	A15 Dwellings are connected to the fixed line telecommunications network

<b>Solid waste disposal</b>	
P16 The development must make satisfactory arrangements for the storage and removal of solid waste	A16 Solid waste is disposed of at an approved facility and is not buried or burnt on site
<b>Transport and Access</b>	
P17 The development must have suitable vehicular access	<p>A17.1 Vehicles are able to enter and leave the site in a forward direction</p> <p>A17.2 The development site has access to a constructed public road</p> <p>A17.3 Site access, internal driveways, manoeuvring and parking areas are designed and constructed in accordance with the Northern Rivers Local Government Development &amp; Design and Construction Manual and Council's Property Access and Addressing Management Plan</p> <p>A17.4 Both dwellings are accessed by the same vehicular access point to a public road</p>
<b>Natural hazards</b>	
P18 Dwellings, visitors and firefighters are not exposed to unacceptable risk from bushfire	<p>A18.1 Development is not on land that is mapped as bushfire prone land</p> <p>OR</p> <p>A18.2 Dwellings are assessed as having a Bushfire Attack Level (BAL) no greater than BAL 29 and complies with the requirements of the Rural Fire Service publication 'Planning for Bushfire Protection' 2006 or any superseding guideline and Australian Standard AS3959</p> <p>OR</p> <p>A18.3 A report prepared by a Certified Bushfire Practitioner is provided that demonstrates the dwellings can achieve the requirements of the Rural Fire Service publication 'Planning for Bushfire Protection' 2006 or any superseding guideline</p>



P19 Buildings, structures and persons on the development site should not be exposed to unacceptable risk from flooding	<p>A19.1 The location of the dwellings is not prone to flooding from inundation or overland flow</p> <p>OR</p> <p><b>Where a dwelling is proposed on land that is mapped as or known to be prone to flooding:</b></p> <p>A19.2 A report is submitted by a suitably qualified person that demonstrates the floor level of the development achieves a height of at least the level of a 100 year ARI flood event plus 0.5 metres freeboard</p>
P20 Buildings, structures and persons on the development site should not be exposed to unacceptable risk from landslip or mass movement	<p>A20.1 The development site does not display evidence of landslip or mass movement</p> <p>OR</p> <p>A20.2 A report prepared by a suitably qualified engineer is submitted that demonstrates the site is geotechnically stable and suitable to accommodate a dwelling</p>
<b>Contaminated land</b>	
P21 Residents and visitors are not exposed to unacceptable risk from contamination	<p>A21.1 Development is not on a site that is listed as contaminated</p> <p>AND</p> <p>A21.2 Dwellings are not located within 200 metres of a cattle dip</p> <p>OR</p> <p>A21.3 A report prepared by a suitably qualified person is submitted that demonstrates the site is suitable to accommodate a residential use</p>
<b>Building orientation and energy efficiency</b>	
P22 Building design and orientation facilitates passive lighting, heating and cooling	<p>A22.1 Living areas* are orientated to the north or east</p> <p>A22.2 Window and door placement allows internal solar access between April and August and limits internal solar access between September and March</p> <p>A22.3 Eaves are minimum of 450 mm deep</p>

	<p>A22.4 Internal building layout and location of windows facilitate internal passage of cooling easterly and southerly breezes</p> <p><i>*Living areas are considered to be kitchen, lounge room, living room or dining room</i></p>
<b>Additional guidelines for dual occupancy (attached)</b>	
P23 Development is compliant with Building Code of Australia provisions concerning noise attenuation and fire separation	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria

## 3 DUAL OCCUPANCIES IN ZONES R1, R3, R5 AND RU5

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### 3.1 Application

This section applies to preparation and assessment of applications for development for the purposes of **dual occupancy (attached or detached)** in Zones R1, R3, R5 and RU5. This section also applies to extensions and additions to dual occupancies and ancillary buildings and structures.

### 3.2 Exempt Development

Certain development ancillary to dual occupancies (eg. driveways, carports, garden sheds) may be permitted as Exempt Development (development that does not require development consent, subject to certain requirements). Reference should be made to any relevant State Environmental Planning Policy.

### 3.3 Objectives

- a) To ensure dual occupancies and ancillary development complement the character of their surroundings.
- b) To ensure that buildings and structures are designed and sited to minimise earthworks.
- c) To ensure that development does not impact the amenity of surrounding residential development.
- d) To ensure that buildings and structures are designed and sited to minimise impacts on ecological functions and biodiversity values.
- e) To ensure that dual occupancies and ancillary development are sited to avoid exposure to unacceptable risk from natural hazards and contaminated land.
- f) To ensure that development does not adversely impact on the ecological or hydrological functions of watercourses and water bodies.
- g) To ensure that dual occupancies have suitable vehicular access and parking and are appropriately serviced.
- h) To encourage the development of well-designed dwellings that are comfortable and adaptable and maximise water and energy efficiency.
- i) To ensure the preservation of cultural heritage.

### 3.4 Development Guidelines

**Note: the Acceptable Solutions in the table below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot, meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.**

Performance criteria	Acceptable solution
<b>Minimum lot size and dimensions</b>	
P1 The allotment is sufficient size and dimensions to accommodate two dwellings (including car parking and manoeuvring areas, private open space and effluent disposal where required) and will not result in impacts on the privacy or amenity of neighbouring properties	<p><b>Where development site is in an area serviced by reticulated sewerage:</b></p> <p>A1.1 The development site has an area of at least 600m<sup>2</sup> and an average width of at least 15 metres</p> <p>OR</p> <p><b>Where development site is not in an area serviced by reticulated sewerage:</b></p> <p>A1.2 The development site has an area of at least 1 ha and an average width of at least 40 metres</p>
<b>Height and form of buildings</b>	
P2 The height of buildings and structures is consistent with houses in the surrounding area and does not create overshadowing or a loss of privacy for adjoining residential properties	A2 Building height does not exceed maximum height shown on the Height of Buildings Map
P3 Detached dwellings have sufficient separation to achieve required fire separation and allow access for maintenance	A3 Minimum separation distance between dwellings is 2 metres
P4 Attached dwellings appear as two distinct dwellings	<p>A4.1 Walls at point of connection are articulated</p> <p>A4.2 Distinct roof profiles are used for each dwelling or the point of connection is articulated</p> <p>A4.3 Dwellings do not appear as a mirror image of each other</p>
<b>Development footprint</b>	
P5 The total development footprint allows for sufficient private open space and does not impact on amenity of adjoining properties	<p>A5 The total site coverage of all dwellings, structures and outbuildings does not exceed:</p> <ul style="list-style-type: none"> <li>• Where lot size &lt;900m<sup>2</sup>= 40%</li> <li>• Where lot size 901-1500m<sup>2</sup>= 30%</li> <li>• Where lot size &gt;1500m<sup>2</sup>= 25%</li> </ul>

<b>Front boundary setback</b>	
P6 Dwelling houses and ancillary structures have sufficient setback from the front boundary to maintain the character and building line of the street and to allow sufficient area for private open space, car parking and landscaping	<p>A6.1 The front boundary setback is in accordance with the requirements in Table C10.2</p> <p>OR</p> <p><b>Where site fronts a classified road:</b></p> <p>A6.2 Front boundary setback is at least:</p> <ul style="list-style-type: none"> <li>• Where in Zone R1, R3 or RU5:- 9 metres</li> <li>• Where in RE2 or R5 (and lot has an area of at least 4000m2):- 15 metres</li> <li>•</li> </ul>
P7 Side boundary setback is sufficient to maintain privacy, residential amenity and solar access of adjoining properties, permit access for maintenance and meet Building Code of Australia requirements	<p><b>In Zones R1, R3 and RU5 and where outer wall or structure adjacent side boundary is &lt;4.5m high:</b></p> <p>P7.1 Side boundary setback is a minimum 0.9 metres to wall and 0.45 metres to outer edge of eave or gutter</p> <p>OR</p> <p><b>In Zones R1, R3 and RU5 and where outer wall or structure adjacent side boundary is &gt;4.5m high:</b></p> <p>P7.2 Side boundary setback is a minimum 1.5 metres to wall plus 0.5 metres for every additional 2 metres in wall height</p> <p>OR</p> <p><b>Where in Zone R5:</b></p> <p>A7.3 Side boundary setback is a minimum 5 metres</p>
<b>Rear boundary setback</b>	
P8 Rear boundary setback is sufficient to allow for the maintenance of privacy, residential amenity and solar access of adjoining properties	<p><b>In Zones R1, R3 and RU5:</b></p> <p>A8.1 Rear boundary setback is a minimum of 6 metres</p> <p>OR</p> <p><b>In Zones R1, R3 or RU5 where rear boundary of development site has road frontage:</b></p> <p>A8.2 Rear boundary setback is a minimum of 6 metres or where adjoining development fronts that street; at least the setback of adjoining development, whichever is the lesser</p> <p>OR</p>

	<p><b>In Zones RE2 and R5:</b></p> <p>A8.3 Buildings and ancillary structures are set back from the rear boundary a minimum of 15 metres</p>
<b>Corner allotments</b>	
P9 Building setbacks on corner allotments are suitable to ensure safety for pedestrians and vehicles, to maintain the character and building line of the streets and allow for the maintenance of privacy, residential amenity and solar access of adjoining properties	<p>A9.1 Front boundary setback is as per Table C10.2</p> <p>OR</p> <p><b>Where site fronts a classified road:</b></p> <p>A9.2 Front boundary setback is at least:</p> <ul style="list-style-type: none"> <li>• Where in Zone R1, R3 or RU5:- 9 metres</li> <li>• Where in RE2 or R5 (and lot has an area of at least 4000m<sup>2</sup>):- 15 metres</li> </ul> <p>A9.3 Setback of buildings and ancillary structures to the secondary road frontage is at least 4 metres in Zones R1, R3 and RU5 and at least 10 metres in Zones RE2 and R5</p> <p>A9.4 Setback of buildings and ancillary structures to side boundaries* is 2 metres in Zones R1, R3 and RU5 and 5 metres in Zones RE2 and R5</p> <p>A9.5 Vehicular access points are not closer than 6 metres from the intersection</p> <p><i>*Corner allotments are not considered to have a rear boundary</i></p>
<b>Open space</b>	
P10 Residents have access to sufficient private open space	<p>A10.1 Each dwelling has access to a minimum 24m<sup>2</sup> of private open space with a minimum dimension of 4 metres</p> <p>A10.2 50% of the private open space receives at least 2 hours of sunlight between 9am and 3pm at the winter solstice (21 June)</p>
P11 Each dwelling makes suitable provision for outdoor clothes drying	A11 Each dwelling has access to private outdoor space for clothes drying
<b>Building orientation and energy efficiency</b>	

P12 Building design and orientation facilitates passive lighting, heating and cooling	<p>A12.1 Living areas* are orientated to the north or east</p> <p>A12.2 Window and door placement allows internal solar access between May and September and limits internal solar access between October and April</p> <p>A12.3 Eaves are minimum of 450 mm deep</p> <p>A12.4 Internal building layout and location of windows facilitate internal passage of cooling easterly and southerly breezes</p> <p><i>*Living areas are considered to be kitchen, lounge room, living room or dining room</i></p>
<b>Streetscape</b>	
P13 Dwellings address the street and allow for passive surveillance	<p>A13.1 The front door of each dwelling is visible from the street</p> <p>A13.2 At least one living area* of each dwelling has a window that faces the street</p> <p>A13.3 Solid front fencing higher than 1.2 metres is not used (except where required for noise attenuation where development site fronts a classified road)</p> <p><i>*Living areas are considered to be kitchen, lounge room, living room or dining room</i></p>
P14 Front façades are not dominated by car accommodation	<p>A14.1 Vehicular accommodation is recessed a minimum of 0.5 metres behind the front façade</p> <p>A14.2 Vehicular accommodation does not exceed 50% of the width of each dwelling</p>
<b>Where located on the site of a heritage item</b>	
P15 Development does not adversely impact form, fabric, appearance, views or the setting of the heritage item	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Where adjoining a site of a heritage item</b>	

P16 Development does not adversely impact views or the setting of the heritage item	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Where located in a heritage conservation area</b>	
P17 Development complements the scale, form and character of existing development in the conservation area	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Site slope and earthworks</b>	
P18 Development siting, design and layout utilises natural grades of the land and minimises cut and fill	<p>A18.1 Buildings, structures and vehicular parking and manoeuvring areas are not located on land with a gradient exceeding 20%</p> <p>A18.2 On sloping sites dwellings are stepped down the slope to minimise earthworks</p>
P19 Cut and fill structures (including retaining walls) are structurally sound and do not impact on the amenity or geotechnical stability of adjoining properties	<p>A19.1 Cut batters are a maximum 1 metre in height and no closer than 0.9 metres to property boundary</p> <p>A19.2 Fill batters are a maximum of 0.6 metres in height and no closer than 0.4 metres to property boundary</p> <p>A19.3 Retaining walls higher than 0.6 metres are designed and certified by an appropriately qualified engineer</p>
<b>Natural hazards</b>	
P20 Dwellings, residents, visitors and firefighters are not exposed to unacceptable risk from bushfire	<p>A20.1 The dwellings are not on land that is mapped as bushfire prone land</p> <p>OR</p> <p>A20.2 The dwellings are assessed as having a Bushfire Attack Level (BAL) no greater than 29 and complies with the requirements of PBP 2006 or any superseding guideline and Australian Standard AS3959</p> <p>OR</p> <p>A20.3 A report prepared by a Certified Bushfire Practitioner is provided that demonstrates the dwelling can achieve the requirements of PBP 2006 or any superseding guideline</p>



P21 Buildings, structures and persons on the development site are not exposed to unacceptable risk from flooding	<p>A21.1 The development site is not prone to flooding from inundation or overland flow</p> <p>OR</p> <p><b>Where development is proposed on flood prone land:</b></p> <p>A21.2 a report is submitted by a suitably qualified person that demonstrates the floor level of the development achieves a height of at least the level of a 100 year ARI flood plus 0.5 metres</p> <p>OR</p> <p><b>Where development is proposed on a lot within the Flood Planning Area shown on the Flood Planning Map in the LEP:</b></p> <p>A21.3 The development complies with the provisions of the Development Control Plan in the Kyogle Council Floodplain Risk Management Plan 2009</p>
P22 Buildings, structures and persons on the development site should not be exposed to unacceptable risk from landslip or mass movement	<p>A22.1 The development site is not prone to landslip or mass movement</p> <p>OR</p> <p>A22.2 A report is submitted by suitably qualified person that demonstrates the site is geotechnically stable and suitable to accommodate dwellings</p>
<b>Environmental protection</b>	
P23 Development does not create unacceptable impact on ecological functions or biodiversity values	<p>A23.1 Siting of buildings and structures does not require the clearing of native vegetation</p> <p>A23.2 Buildings and structures are not located within a mapped ecological corridor</p>
<b>Protection of watercourses</b>	
P24 The siting of buildings and structures does not impact on ecological or hydrological values of watercourses and water bodies	A24 Buildings and structures are set back a minimum of 100 metres from the top of bank of permanent watercourses (Order 3 Stream or greater) or water bodies and 40 metres from the top of bank of an ephemeral watercourse (Order 1 or 2 Stream)
<b>Vehicular access and parking</b>	

P25 The development has suitable vehicular access	A25 The development is accessed via a single vehicular access point
P26 Vehicular access for dwellings must allow vehicles to enter and leave the site in a forward gear and allow all weather access by two wheel drive vehicle	<p>A26.1 The development site has frontage to a constructed public road</p> <p>A26.2 Vehicles are able to enter and leave the site in a forward direction</p> <p>A26.3 Access, manoeuvring and parking areas are in accordance with the Northern Rivers Local Government Design and Construction Manual, Chapter 8 of the DCP- Site Access and Off- street parking and Council's Property Access and Addressing Management Plan</p>
P27 Vehicles can be accommodated on site and the development will not create unreasonable demand for on-street parking	A27 Each dwelling is provided with at least two car parking spaces
<b>Servicing and infrastructure</b>	
P28 The development makes suitable provision for management of effluent that does not create public health impacts or adversely impact the quality of surface and ground waters	<p><b>Where development site is in a serviced area:</b></p> <p>A28.1 Each dwelling has an independent connection to the reticulated sewer system</p> <p>OR</p> <p><b>Where connection to reticulated sewer is not available:</b></p> <p>A28.2 An effluent management system is provided for each dwelling that meets the requirements of Kyogle On-site Sewerage Management Strategy</p>
P29 The development must make suitable provision for supply of potable water	<p><b>Where development site is in a serviced area:</b></p> <p>A29.1 Dwellings are connected to the reticulated water system</p> <p>OR</p> <p><b>Where connection to reticulated water supply is not available:</b></p> <p>A29.2 Dwellings are self- sufficient for water</p>
P30 Stormwater generated by the development does not cause nuisance to or flooding of adjoining properties	<p><b>Where development site is in a serviced area:</b></p> <p>A30.1 Stormwater is discharged to the stormwater drainage network</p>

	<p>OR</p> <p><b>Where development site is not in a serviced area:</b></p> <p>A30.2 Stormwater is effectively managed on site and does not contribute to flooding or nuisance on adjoining properties</p>
P31 The development must make adequate provision for electrical power without impacting on the amenity of surrounding properties through emissions of noise, fumes or glare through generation of on-site power	A31 Dwellings are connected to the reticulated electricity network
P32 The dwelling must make suitable arrangements for the supply of constant, reliable telecommunications	A32 Dwellings are connected to the fixed line telecommunications network
P33 The development makes satisfactory arrangements for the storage and removal of rubbish	A33 Dwellings are serviced by a domestic waste collection service
<b>Additional guidelines for dual occupancy (attached)</b>	
P34 Development is compliant with the provisions of the Building Code of Australia concerning noise attenuation and fire separation	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria

## APPENDIX C10

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**TABLE C10.1** Recommended minimum buffer distances between dwellings and other land uses on adjoining or surrounding land not associated with the proposal

Existing land use	Distance to dwellings (metres)
Piggeries- Housing and waste storage	500
Piggeries- Waste utilisation area	250
Feedlots- Yards and waste storage	500
Feedlots- Waste utilisation area	250
Poultry Farms- Sheds and waste storage	500
Poultry Farms- Waste utilisation area	250
Dairies- Sheds and waste storage	250
Dairies- Waste utilisation area	250
Other Intensive Livestock Operations	300
Cropping and Horticulture	200
Greenhouse & Controlled Environment Horticulture	200
Macadamia De-husking	300
Bananas	150
Turf Farms	200
Animal boarding and training establishments	500
Rural Industries	500
Abattoirs	1000
Extractive Industries that does not involve blasting	500
Extractive Industry that involves blasting	1000
Waste disposal facility	300
Grazing of stock, cattle yards	50

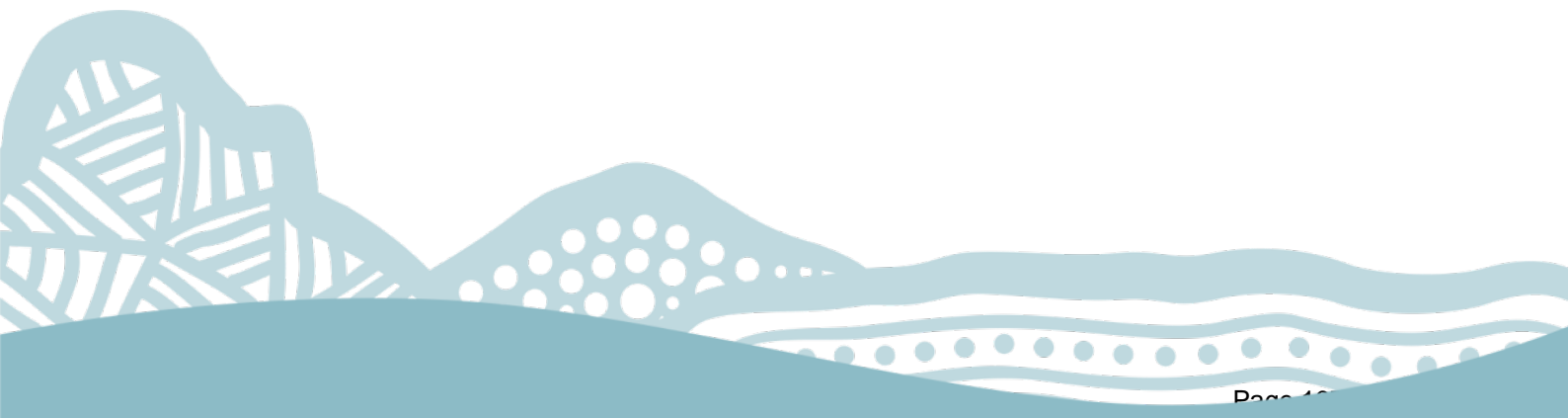
Source: Department of Primary Industries; Living and Working in Rural Areas (2007)

**TABLE C10.2** Minimum front boundary setback for dwellings and ancillary structures in Zones R1, R3, R5 and RU5

Situation	Minimum front boundary setback
Where there are adjoining houses within 40 metres and fronting the same street	4.5 metres or the average of the setback of adjoining houses, whichever is the lesser
Where no adjoining houses within 40 metres	<ul style="list-style-type: none"> <li>• 4.5 metres where lot has an area of at least 300m<sup>2</sup> but less than 900m<sup>2</sup></li> </ul> OR <ul style="list-style-type: none"> <li>• 5.5m where the lot has an area of greater than 900m<sup>2</sup></li> </ul>
Where in Zones RE2 and R5	10 metres or the average of the setback of existing adjoining houses, whichever is the lesser
Garage, carport* or car parking space  <i>*A carport is defined as a roofed structure for the accommodation of a single vehicle with no more than two sides enclosed and no less than 1/3 of its perimeter unenclosed</i>	<ul style="list-style-type: none"> <li>• 5.5 metres where dwelling house has a setback of less than 4.5 metres</li> </ul> OR <ul style="list-style-type: none"> <li>• 1 metre behind front building line of house where the dwelling has a setback of more than 4.5 metres</li> </ul>

## CHAPTER 11 DWELLINGS ON SMALL LOTS

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**TABLE OF CONTENTS**

<b>1</b>	<b>Introduction .....</b>	<b>199</b>
1.1	Application .....	199
1.2	Aims of Chapter 11 .....	199
<b>2</b>	<b>Dwellings in Zones R1 and R3 .....</b>	<b>200</b>
2.1	Application .....	200
2.2	Exempt Development .....	200
2.3	Objectives .....	200
2.4	Development Guidelines .....	201
	<b>APPENDIX C11 .....</b>	<b>209</b>

# 1 Introduction

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## 1.1 APPLICATION

This Chapter applies in preparing and assessing applications for development of **dwelling houses, dual occupancies, attached dwellings, secondary dwellings and semi-detached dwellings** and ancillary development (driveways, garages, carports, sheds, outbuildings, pools, landscaping, stand-alone power systems of domestic scale etc.) **on small lots** (lots that have an area of less than 500m<sup>2</sup>) or **small rear lots** (rear lots that have an area of less than 600m<sup>2</sup>) in any zone where the development is permitted with consent.

## 1.2 AIMS OF CHAPTER 11

- a) To provide development guidelines to assist the design of development proposals and preparation of development applications and the assessment of those applications.
- b) To facilitate the development of dwellings on small lots that is consistent with the applicable zone objectives.



## 2 Dwellings in Zones R1 and R3

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### 2.1 APPLICATION

This section applies to preparation and assessment of applications for development for the purposes of **dwellings on small lots** (lots less than 500m<sup>2</sup> in area, or rear lots less than 600m<sup>2</sup> in area) in Zones R1 and R3. This section also applies to extensions and additions to existing dwellings as well as ancillary buildings and structures.

### 2.2 EXEMPT DEVELOPMENT

Certain development ancillary to dwellings (eg. driveways, carports, garden sheds) may be permitted as Exempt Development (development that does not require development consent, subject to certain requirements). Reference should be made to any relevant State Environmental Planning Policy.

### 2.3 OBJECTIVES

- a) To ensure dwellings and ancillary development on small lots complement the character of their surroundings and contribute to an enhanced streetscape.
- b) To ensure that development delivers a mix of dwelling forms, sizes and types that cater for a range of household types and sizes.
- c) To ensure that development does not impact the amenity of surrounding residential development.
- d) To ensure that dwellings have suitable vehicular access and parking and are appropriately serviced.
- e) To encourage development of well-designed dwellings that deliver good residential amenity and maximise water and energy efficiency.
- f) To encourage development of dwellings that are suitable for older persons, persons with disabilities and smaller household groups or that can be easily adapted to meet the needs of different residents.

## 2.4 DEVELOPMENT GUIDELINES

**Note: the Acceptable Solutions in the table below represent one way to meet the corresponding Performance Criteria. Applicants that choose not to, or that cannot, meet an Acceptable Solution must demonstrate how they meet the corresponding Performance Criteria.**

Performance criteria	Acceptable solution
<b>Size of buildings</b>	
P1 The height of buildings and structures is consistent with houses in the surrounding area and does not create overshadowing or a loss of privacy for adjoining properties	A1 Building height does not exceed maximum height shown on the Height of Buildings Map
P2 The size of buildings and the development footprint allows for the provision of sufficient private open space and landscaping and does not impact on amenity of adjoining properties	A2.1 Site coverage is in accordance with Table C11.1 or C11.2  A2.2 Floor space ratio is in accordance with Table C11.1 or C11.2.
<b>Boundary setbacks of buildings</b>	
P3 Dwellings and ancillary structures have sufficient setback from the front boundary to maintain the character and building line of the street and to allow sufficient area for private open space, car parking and landscaping	A3 The front boundary setback is in accordance with the Table C11.1
P4 Side and rear boundary setbacks are sufficient to maintain privacy, residential amenity and solar access of adjoining properties, permit access for maintenance and meet Building Code of Australia requirements	A4 The side boundary setback is in accordance with Table C11.1 or C11.2
<b>Built to boundary walls</b> (not applicable to development of a single dwelling)	
P5 Built to boundary walls: <ul style="list-style-type: none"> <li>do not adversely impact privacy; residential amenity and solar access of adjoining properties;</li> <li>have appropriate easements for maintenance access and;</li> <li>meet Building Code of Australia requirements.</li> </ul>	A5.1 Built to boundary walls are only established on internal side boundaries of the development site  A5.2 Built to boundary walls are in accordance with Table C11.1 or C11.2.  A6.3 Each lot benefits from an appropriate easement for maintenance access
<b>Corner allotments</b>	

<p>P6 Building setbacks on corner allotments are suitable to ensure safety for pedestrians and vehicles, to maintain the character and building line of the streets and allow for the maintenance of privacy, residential amenity and solar access of adjoining properties</p>	<p>A6.1 Front boundary setback to the principal road frontage is in accordance with Table C11.1</p> <p>A6.2 Setback of buildings and ancillary structures to the secondary road frontage is 3 metres</p> <p>A6.3 Setback of buildings and ancillary structures to side boundaries<sup>1</sup> is 1.5 metres</p> <p><i><sup>1</sup>Corner allotments are not considered to have a rear boundary</i></p> <p>A6.4 Vehicular access points are not closer than 6 metres from the intersection</p>
<p><b>Dwelling diversity</b> (not applicable to development of a single dwelling)</p>	
<p>P7 The development provides a mixture of dwelling sizes and formats that will meet the needs of a variety of household types and people of various ages and physical abilities</p>	<p>No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria</p>
<p><b>Private open space</b></p>	
<p>P8 Residents have access to sufficient private open space</p>	<p>A8.1 Each dwelling has private open space* at the rear or side of the building in accordance with Table C11.1 or 11.2</p> <p>A8.2 Private open space is located adjacent the living room, dining room or kitchen</p> <p><i>*Private open space means an outdoor area that is generally not visible from public areas</i></p>
<p>P9 Private open space is comfortable for use during winter and summer</p>	<p>A9.1 At least 50% of the private open space of each dwelling receives a minimum of 3 hours of direct solar access between 9am and 3pm at the winter solstice (21 June)</p> <p>A9.2 At least 50% of the private open space of each dwelling is shaded between 9am and 3pm at the summer solstice (21 December)</p>
<p>P10 Private open space has good physical and visual connection to the dwelling</p>	<p>A10.1 Private open space is accessed from within the dwelling via a step free path of travel</p> <p>A10.2 Private open space is visible from within the dwelling</p>

P11 Each dwelling makes suitable provision for outdoor clothes drying	<p>A11 Each dwelling has access to private outdoor space* for clothes drying in accordance with Table C11.1 or C11.2</p> <p><i>*Private outdoor space means an outdoor area that is not generally visible from public areas</i></p>
<b>Storage</b>	
P12 Dwellings include sufficient storage areas that are practically located	<p>A12.1 Each dwelling includes at least 6m<sup>3</sup> of internal storage area</p> <p>A12.2 Each dwelling includes at least one external storage area of a minimum 6m<sup>3</sup> that is enclosed or located within a carport or garage</p>
<b>Landscaping</b>	
P13 Landscaping is provided to shade private open space, to soften built form and to make a positive contribution to the streetscape	<p>A13.1 Each dwelling is provided with landscaping in accordance with Table C11.1 or 11.2</p> <p>A13.2 Landscape areas of each dwelling include at least one small to medium sized shade tree</p>
<b>Overlooking and overshadowing</b>	
P14 Development does not result in unreasonable overlooking of habitable rooms and outdoor recreation area on adjoining land	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P15 Development does not result in unreasonable overshadowing of habitable rooms and outdoor recreation areas on adjoining land	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Residential amenity and energy efficiency</b>	
P16 Building design and orientation facilitates passive lighting, heating and cooling	<p>A16.1 Living areas* are orientated to the north or east</p> <p>A16.2 Window and door placement allows internal solar access between May and September and limits internal solar access between October and April</p> <p>A16.3 Eaves are minimum of 450 mm deep</p> <p>A16.4 Internal building layout and location of external openings facilitate internal passage of cooling easterly and southerly breezes</p>

	<i>*Living areas are considered to be kitchen, lounge room, living room or dining room</i>
<b>Livable or adaptable housing principles</b>	
<p>P17 Each dwelling includes the seven core design features* of the 'Livable Housing Design Guidelines' (Livable Housing Australia, 2012)</p> <p><i>*Listed at C11.3 in Appendix C11</i></p>	<p><b>Where development involves construction of a single dwelling:</b></p> <p>A17.1 The dwelling meets either Platinum or Gold performance levels* as defined in the 'Livable Housing Design Guidelines' (Livable Housing Australia, 2012)</p> <p><b>Where development involves construction of more than one dwelling:</b></p> <p>A17.2 At least 50% of dwellings in the development meet either Platinum or Gold performance levels* as defined in the 'Livable Housing Design Guidelines' (Livable Housing Australia, 2012)</p>
<b>Streetscape</b> (not applicable to dwellings on rear lots)	
P18 Development complements and enhances the character of the street or locality	A18 The form and materials of the front façade of dwellings complements the existing character of the street or locality
P19 Development of multiple dwellings does not result in a uniform streetscape	<p><b>Where development involves the construction of more than one dwelling:</b></p> <p>A19.1 The front facades of dwellings feature a mixture of colours, materials and roof profiles</p> <p>A19.2 Dwellings feature a mixture of setbacks</p> <p>A19.3 Adjoining dwellings are not a mirror image of each other</p>
P20 Dwellings address the street and allow for passive surveillance	<p>A20.1 The front door of each dwelling is visible and accessible from the street</p> <p>A20.2 At least one living area* of each dwelling has a window that faces the street</p> <p>A20.3 Solid front fencing higher than 1.2 metres is not used (except where required for noise attenuation where development site fronts a classified road)</p>

	<i>*Living areas are considered to be kitchen, lounge room, living room or dining room</i>
P21 Front façades are not dominated by car accommodation	A21 Vehicular accommodation is recessed a minimum of 1 metre behind the front façade
<b>Where located on the site of a heritage item</b>	
P22 Development does not adversely impact form, fabric, appearance, views or the setting of the heritage item	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Where adjoining a site of a heritage item</b>	
P23 Development does not adversely impact views or the setting of the heritage item	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Where located in a heritage conservation area</b>	
P24 Development complements the scale, form and character of existing development in the conservation area	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
<b>Site slope and earthworks</b>	
P25 Development siting, design and layout utilises natural grades of the land and minimises cut and fill	<p>A25.1 Buildings, structures and vehicular parking and manoeuvring areas are not located on land with a gradient exceeding 20%</p> <p>A25.2 On sloping sites dwellings are stepped down the slope to minimise earthworks</p>
P26 Cut and fill structures (including retaining walls) are structurally sound and do not impact on the amenity or geotechnical stability of adjoining properties	<p>A26.1 Cut batters are a maximum 1 metre in height and no closer than 0.9 metres to property boundary</p> <p>A26.2 Fill batters are a maximum of 0.6 metres in height and no closer than 0.4 metres to property boundary</p> <p>A26.3 Retaining walls higher than 0.6 metres are designed and certified by an appropriately qualified engineer</p>
<b>Natural hazards</b>	

P27 Dwellings, residents, visitors and firefighters are not exposed to unacceptable risk from bushfire	<p>A27.1 The dwellings are not on land that is mapped as bushfire prone land</p> <p>OR</p> <p>A27.2 The dwellings are assessed as having a Bushfire Attack Level (BAL) no greater than 29 and complies with the requirements of PBP 2006 or any superseding guideline and Australian Standard AS3959</p> <p>OR</p> <p>A27.3 A report prepared by a Certified Bushfire Practitioner is provided that demonstrates the dwelling can achieve the requirements of PBP 2006 or any superseding guideline</p>
P28 Buildings, structures and persons on the development site are not exposed to unacceptable risk from flooding	<p>A28.1 The development site is not prone to flooding from inundation or overland flow</p> <p>OR</p> <p><b>Where development is proposed on flood prone land:</b></p> <p>A28.2 a report is submitted by a suitably qualified person that demonstrates the floor level of the development achieves a height of at least the level of a 100 year ARI flood plus 0.5 metres</p>
P29 Buildings, structures and persons on the development site should not be exposed to unacceptable risk from landslip or mass movement	<p>A29.1 The development site is not prone to landslip or mass movement</p> <p>OR</p> <p>A29.2 A report is submitted by suitably qualified person that demonstrates the site is geotechnically stable and suitable to accommodate dwellings</p>
<b>Environmental protection</b>	
P30 Development does not create unacceptable impact on ecological functions or biodiversity values	<p>A30.1 Siting of buildings and structures does not require the clearing of native vegetation</p> <p>A30.2 Buildings and structures are not located within a mapped ecological corridor</p>
<b>Protection of watercourses</b>	

P31 The siting of buildings and structures does not impact on ecological or hydrological values of watercourses and water bodies	A31 Buildings and structures are set back a minimum of 100 metres from the top of bank of permanent watercourses (Order 3 Stream or greater) or water bodies and 40 metres from the top of bank of an ephemeral watercourse (Order 1 or 2 Stream)
<b>Vehicular access and parking</b>	
P32 Dwellings have suitable vehicular access	A32 Each dwelling is accessed via a single vehicular access point
P33 The development will not create unreasonable demand for on-street parking	A33 Each dwelling is provided with at least one car parking space on the development site
<b>Servicing and infrastructure</b>	
P34 The development makes suitable provision for management of effluent that does not create public health impacts or adversely impact the quality of surface and ground waters	A34 Each dwelling has an independent connection to the reticulated sewer system
P35 The development must make suitable provision for supply of potable water	A35 Dwellings are connected to the reticulated water system
P36 Stormwater generated by the development does not cause nuisance to or flooding of adjoining properties	A36 Dwellings are connected to the stormwater drainage network
P37 The development must make adequate provision for electrical power without impacting on the amenity of surrounding properties through emissions of noise, fumes or glare through generation of on-site power	A37 Dwellings are connected to the reticulated electricity network
P38 The dwelling must make suitable arrangements for the supply of constant, reliable telecommunications	A38 Dwellings are connected to the fixed line telecommunications network
P39 The development makes satisfactory arrangements for the storage and removal of rubbish	<p>A39.1 Dwellings are serviced by a domestic waste collection service</p> <p>A39.2 Each dwellings has a dedicated external waste storage area that is practically accessible and does not impact on the amenity of surrounding properties</p>



<b>Additional guidelines for secondary dwellings</b>	
P40 The total size of buildings and the development footprint allows for sufficient private open space and provision of landscaping and does not impact on amenity of adjoining properties	<p>A40.1 The total site coverage of both the principal and secondary dwelling does not exceed the maximum in Tables C11.1 or C11.2</p> <p>A40.2 The total floor space ratio of both the principal and secondary dwelling does not exceed the maximum in Tables C11.1 or C11.2</p>
P41 Development is compliant with the provisions of the Building Code of Australia concerning noise attenuation and fire separation	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria

## APPENDIX C11

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**Table C11.1** Requirements for dwellings on small lots

Lot size	<201m <sup>2</sup>	201-300m <sup>2</sup>	301-400m <sup>2</sup>	401-500m <sup>2</sup>
Minimum front boundary setback	The lesser of 3.5m or the average of adjoining dwellings	The lesser of 4m or average of adjoining	The lesser of 4.5m or the average of adjoining dwellings	The lesser of 4.5m or the average of adjoining dwellings
Minimum side boundary setback	0.9m up to 4.5m high, 0.9m + ¼ of additional height above 4.5m	0.9m up to 4.5m high, 0.9m + ¼ of additional height above 4.5m	0.9m up to 4.5m high, 0.9m + ¼ of additional height above 4.5m	0.9m up to 4.5m high, 0.9m + ¼ of additional height above 4.5m
Minimum rear boundary setback	Up to 4.5m building height=3m  Above 4.5m building height= 6m or average of adjoining, whichever is the lesser	Up to 4.5m building height=3m  Above 4.5m building height= 6m or average of adjoining, whichever is the lesser	Up to 4.5m building height=4m  Above 4.5m building height= 6m or average of adjoining, whichever is the lesser	Up to 4.5m building height=4.5m  Above 4.5m building height= 6m or average of adjoining, whichever is the lesser
Built to boundary walls	Permitted on both sides where lot width <sup>1</sup> <8m. Permitted on one side only where lot width <sup>1</sup> >8m.  <b>Maximum height</b> 3.3m or match adjoining built to boundary wall  <b>Maximum length</b> 50% of lot depth or to match adjoining built to boundary wall	Permitted on both sides where lot width <sup>1</sup> <8m. Permitted on one side only where lot width <sup>1</sup> >8m.  <b>Maximum height</b> 3.3m or match adjoining built to boundary wall  <b>Maximum length</b> 50% of lot depth or to match adjoining built to boundary wall	Permitted on one side only.  <b>Maximum height</b> 3.3m or to match adjoining built to boundary wall  <b>Maximum length</b> 50% of lot depth or to match adjoining built to boundary wall	Permitted on one side only.  <b>Maximum height</b> 3.3m or to match adjoining built to boundary wall  <b>Maximum length</b> 50% of lot depth or to match adjoining built to boundary wall

Maximum site coverage (% of lot area)	65%	60%	55%	50%
Maximum floor space ratio (total floor area: lot area)	0.9:1	0.85:1	0.8:1	0.75:1
Minimum area of private open space	16m <sup>2</sup> (excluding any storage space) with a minimum dimension of 3m	16m <sup>2</sup> (excluding any storage space) with a minimum dimension of 3m	24m <sup>2</sup> (excluding any storage space) with a minimum dimension of 4m	24m <sup>2</sup> (excluding any storage space) with a minimum dimension of 4m
Minimum area of landscaping <sup>2</sup> (% of lot area)	10% (minimum dimension of any landscaped area included in calculation is 1.5 metres)	15% (minimum dimension of any landscaped area included in calculation is 1.5 metres)	15% (minimum dimension of any landscaped area included in calculation is 1.5 metres)	20% (minimum dimension of any landscaped area included in calculation is 1.5 metres)

<sup>1</sup> Lot width is measured across the lot at the midpoint of the longest boundaries.

<sup>2</sup> Landscaping refers to the area of the lot that is planted with trees and shrubs.

**Table C11.2** Requirements for dwellings on small rear lots (rear lots with an area less than 600m<sup>2</sup>)

Lot size <sup>1</sup>	<201m <sup>2</sup>	201-300m <sup>2</sup>	301-400m <sup>2</sup>	401-599m <sup>2</sup>
Minimum front boundary setback	Rear lots have no front boundary	-	-	-
Minimum side boundary setback	0.9m up to 4.5m high, 0.9m + ¼ of additional height above 4.5m	0.9m up to 4.5m high, 0.9m + ¼ of additional height above 4.5m	0.9m up to 4.5m high, 0.9m + ¼ of additional height above 4.5m	0.9m up to 4.5m high, 0.9m + ¼ of additional height above 4.5m
Minimum setback to boundary that adjoins the rear boundary of an adjoining lot	Up to 4.5m building height=3m  Above 4.5m building height= 6m or average of adjoining, whichever is the lesser	Up to 4.5m building height=3m  Above 4.5m building height= 6m or average of adjoining, whichever is the lesser	Up to 4.5m building height=3m  Above 4.5m building height= 6m or average of adjoining, whichever is the lesser	Up to 4.5m building height=3m  Above 4.5m building height= 6m or average of adjoining, whichever is the lesser
Built to boundary walls	Not permitted except where built in conjunction with another built to boundary wall on an adjoining lot  <b>Maximum height</b> 3.3m or match adjoining built to boundary wall  <b>Maximum length</b> 50% of lot depth or to match adjoining built to boundary wall	Not permitted except where built in conjunction with another built to boundary wall on an adjoining lot  <b>Maximum height</b> 3.3m or match adjoining built to boundary wall  <b>Maximum length</b> 50% of lot depth or to match adjoining built to boundary wall	Not permitted except where built in conjunction with another built to boundary wall on an adjoining lot  <b>Maximum height</b> 3.3m or to match adjoining built to boundary wall  <b>Maximum length</b> 50% of lot depth or to match adjoining built to boundary wall	Not permitted except where built in conjunction with another built to boundary wall on an adjoining lot  <b>Maximum height</b> 3.3m or to match adjoining built to boundary wall  <b>Maximum length</b> 50% of lot depth or to match adjoining built to boundary wall
Maximum site coverage (% of lot area)	65%	60%	55%	50%

Maximum floor space ratio (total floor area: lot area)	0.8:1	0.8:1	0.75:1	0.7:1
Minimum area of private open space	16m <sup>2</sup> with a minimum dimension of 3m	16m <sup>2</sup> with a minimum dimension of 3m	24m <sup>2</sup> with a minimum dimension of 4m	24m <sup>2</sup> with a minimum dimension of 4m
Minimum area of landscaping <sup>3</sup> (% of lot area)	10% (minimum dimension of any landscaped area included in calculation is 1.5 metres)	15% (minimum dimension of any landscaped area included in calculation is 1.5 metres)	15% (minimum dimension of any landscaped area included in calculation is 1.5 metres)	20% (minimum dimension of any landscaped area included in calculation is 1.5 metres)

<sup>1</sup> Lot size of rear lots does not include the area of the access handle or right of carriageway.

<sup>2</sup> Lot width is measured across the lot at the midpoint of the longest boundaries.

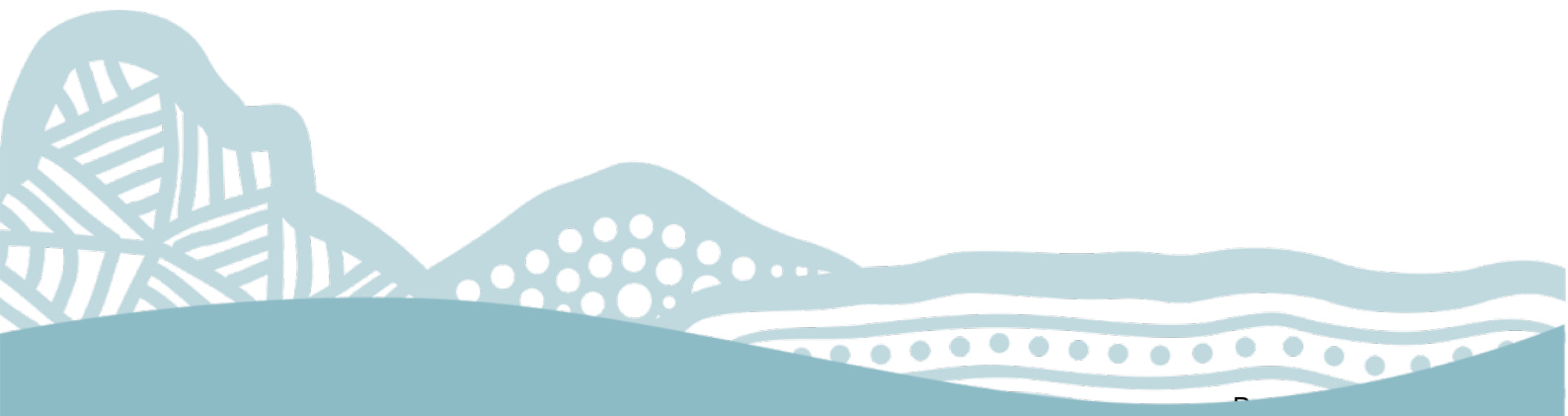
<sup>3</sup> Landscaping refers to the area of the lot that is planted with trees and shrubs.

**C11.3** Seven core design features of the 'Livable Housing Design Guidelines' (Livable Housing Australia, 2012)

1. A safe continuous and step free path of travel from the street entrance and / or parking area to a dwelling entrance that is level.
2. At least one level (step-free) entrance into the dwelling.
3. Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.
4. A toilet on the ground (or entry) level that provides easy access.
5. A bathroom that contains a hobless (step-free) shower recess.
6. Reinforced walls around the toilet, shower and bath to support the safe installation of grab rails at a later date
7. A continuous handrail on one side of any stairway where there is a rise of more than one metre.

## CHAPTER 12 NON-RESIDENTIAL DEVELOPMENT IN KYOGLE TOWN CENTRE (ZONES B2 LOCAL CENTRE AND B4 MIXED USE)

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## ABLE OF CONTENTS

<b>1</b>	<b>Introduction .....</b>	<b>217</b>
1.1	Application .....	217
1.2	Exempt and Complying Development.....	217
1.3	Aim of Chapter 12 .....	217
1.4	Objectives of Chapter 12 .....	217
<b>2</b>	<b>Development Guidelines.....</b>	<b>219</b>
2.1	Building and site design .....	219
2.2	Awnings, active frontages, public realm and footpaths.....	222
2.3	Operations and amenity.....	224
2.4	Servicing and infrastructure .....	225
2.5	Site access, parking, storage and deliveries.....	227
2.6	Heritage conservation .....	228
	<b>Appendix 1 Preferred operational hours.....</b>	<b>230</b>

# 1 Introduction

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## 1.1 APPLICATION

This Chapter applies in preparing and assessing applications for non-residential development in Zones B2 Local Centre and B4 Mixed Use. It does not apply to residential development in the zones. This Chapter does not apply to subdivision of land in Zones B2 and B4; criteria for subdivision are in Chapter 2 Subdivision.

## 1.2 EXEMPT AND COMPLYING DEVELOPMENT

Certain development (including changes of use of premises) is permitted to be established as exempt development (development that does not require development consent, subject to certain requirements). Reference should be made to Schedule 2 of the Kyogle LEP 2012 and any relevant State Environmental Planning Policy.

Certain development (including changes of use of premises) is permitted to be carried out as complying development (development which can be certified by Council or a private certifier as meeting certain criteria). Reference should be made to Schedule 3 of the Kyogle LEP 2012 and any relevant State Environmental Planning Policy.

## 1.3 AIM OF CHAPTER 12

The aim of this chapter is to provide development guidelines to assist the design of development proposals and preparation of development applications for non-residential development within Zones B2 Local Centre and B4 Mixed Use and the assessment of those applications, and to facilitate development in Zones B2 and B4 that is consistent with the applicable zone objectives.

## 1.4 OBJECTIVES OF CHAPTER 12

- d) To ensure that new development supports and enhances the desirable characteristics of the commercial centre of Kyogle.
- e) To ensure that new development is serviced by necessary infrastructure, and that suitable provision is made for site access, car parking, servicing or deliveries.
- f) To preserve the historic character of the Kyogle commercial area by encouraging the protection and use of heritage buildings and ensuring that new development does not adversely impact the character of the area and any nearby heritage items.
- g) To encourage provision of high-quality streetscapes and footpaths and an activated public realm and building frontages.

- h) To ensure the height, mass, scale and form of new buildings and structures is consistent with or complements adjoining buildings and contributes positively to the character of the commercial area.
- i) To ensure that new development does not adversely impact the amenity of its surroundings and is not adversely affected by activities or uses that exist in the surrounding area.

## 2 Development Guidelines

### 2.1 BUILDING AND SITE DESIGN

This section provides development criteria relevant to the design of development sites and new buildings, as well as alterations, additions or extensions to existing sites and buildings.

<b>PERFORMANCE CRITERIA</b>  <i>Assessment against the Performance Criteria is only required if the proposal <b>does not meet</b> the Acceptable Solution</i>	<b>ACCEPTABLE SOLUTION</b>  <i>If the proposal cannot meet the Acceptable Solution assess the proposal against the associated Performance Criteria</i>
<b>Primary road frontage</b>	
<p>P1 The primary road frontage of the development should not compromise the predominant pattern of development in the street</p>	<p><b>Where development site has frontage to Summerland Way:</b> A1.1 The development's primary pedestrian access and building frontage is oriented to Summerland Way</p> <p><b>Where development site has frontage to Bloore Street:</b> A1.2 The development's primary pedestrian access and building frontage is oriented to Bloore Street</p> <p><b>All other sites:</b> A1.3 The orientation of the development's primary pedestrian access and building frontage is consistent with surrounding development</p>
<b>Height of buildings and structures</b>	
<p>P2 The height of new buildings and structures is consistent with the height of adjoining buildings, contributes positively to the character of the commercial area and does not negatively impact significant views</p>	<p>A2 Height of new buildings and structures does not exceed maximum building height shown on LEP Height of Buildings Map</p>

<b>Mass and scale of buildings and structures</b>	
P3 Mass and scale of new buildings and structures should be consistent with, or complement, buildings on adjoining sites and the existing form of development in the street	<i>No Acceptable Solution is provided: demonstrate how the proposal meets the Performance Criteria</i>
<b>Architecture</b>	
P4 Architectural design of new buildings should reflect or complement the architecture of surrounding buildings or be an example of outstanding design that enhances the character of the centre and the sense of place	<i>No Acceptable Solution is provided: demonstrate how the proposal meets the Performance Criteria</i>
P5 New roofs should reflect or complement the built form of existing adjoining development	A5 New roofs are traditional forms that reflect or match rooves present in the locality or on adjoining buildings
<b>Corner lots</b>	
P6 New buildings on corner sites provide a landmark building that positively addresses both streets	<p>A6.1 The main building entrance is at or near the corner</p> <p>A6.2 The building provides active frontages to both streets i.e. windows and building entrances that address the streets and provide passive surveillance</p> <p>A6.3 The street corner is emphasised through a landmark built form element or architectural feature</p>
<b>Boundary setbacks</b>	
P7 Front boundary setback of buildings is consistent with adjoining buildings and/or the existing character of the street and contributes positively to the streetscape	<i>No Acceptable Solution is provided: demonstrate how the proposal meets the Performance Criteria</i>
P8 Side boundary setbacks are consistent with adjoining buildings and/or the existing character of the street	<i>No Acceptable Solution is provided: demonstrate how the proposal meets the Performance Criteria</i>

P9 Rear boundary setbacks should be consistent with adjoining development and should allow sufficient space for external parking, operational areas, servicing and deliveries as required	<i>No Acceptable Solution is provided: demonstrate how the proposal meets the Performance Criteria</i>
<b>Site coverage</b>	
P10 The extent of buildings and structures on the site retains sufficient site area for ancillary functions and operations (e.g. servicing, delivery and storage requirements to be provided on site) and does not adversely impact surrounding areas	<i>No Acceptable Solution is provided: demonstrate how the proposal meets the Performance Criteria</i>
<b>Crime prevention</b>	
P11 Development minimises opportunities for crime	A11 Development incorporates relevant 'Crime Prevention Through Environmental Design' (CPTED) principles
<b>Energy and water efficiency and climate responsive design</b>	
P12 The development is designed to minimise the requirement for artificial lighting, heating and cooling and water use	A12 The development includes energy and water efficiency measures
P13 The development is responsive to the subtropical climate	A13 The development includes appropriate measures to address the intrusive effects of the sub-tropical climate, such as awnings and sun shading devices over building openings, substantial eaves, allowance for cross ventilation and space for shade tree planting
<b>Colours</b>	
P14 External colours of buildings and signage should not significantly adversely affect the character of the commercial centre, the heritage conservation area and any adjacent items of heritage significance	<i>No Acceptable Solution is provided: demonstrate how the proposal meets the Performance Criteria</i>
<b>Signage and advertising</b>	
P15 Signage and advertising is complementary to, and does not adversely affect, the character of the centre	A156 Signage and advertising meets the criteria in DCP Chapter 4 Signage

<b>Landscaping and vegetation</b>	
P16 Development incorporates landscaping to contribute positively to the character development, street and centre	<p>A16.1 Where development is set back from lot boundaries, landscaping is utilised to:</p> <ul style="list-style-type: none"> <li>• provide shade</li> <li>• break up the visual mass and extent of buildings and sealed surfaces</li> <li>• buffer adjoining development from visual impact</li> <li>• enhance the appearance of the development and the character of the centre</li> </ul> <p>A16.2 Landscaping is provided in accordance with a landscape concept plan</p> <p>A16.3 Proposed plant species and design complement the landscape character of the site and its surroundings</p>
P17 The development contributes positively to the landscape character of the site and its surroundings	A17 Existing healthy and/or native mature vegetation of significance is retained and incorporated in the development design
<b>Flooding</b>	
P18 Buildings, structures and persons on the development site are not exposed to unacceptable risk from flooding and the development does not exacerbate flooding of surrounding properties	<p>A18.1 The development site is not prone to flooding from inundation or overland flow</p> <p>OR</p> <p><b>Where development is proposed on a lot within the Flood Planning Area shown on the LEP Flood Planning Map:</b></p> <p>A18.2 The development complies with the provisions of the Development Control Plan in the <i>Kyogle Council Floodplain Risk Management Plan 2009</i></p>

## 2.2 AWNINGS, ACTIVE FRONTAGES, PUBLIC REALM AND FOOTPATHS

This section provides development criteria relevant to the design of those parts of new buildings and development that address public space, footpaths or streets.

<b>PERFORMANCE CRITERIA</b>  <i>Assessment against the Performance Criteria is only required if the proposal <b>does not meet</b> the Acceptable Solution</i>	<b>ACCEPTABLE SOLUTION</b>  <i>If the proposal cannot meet the Acceptable Solution assess the proposal against the associated Performance Criteria</i>
<b>Active frontages</b>	
<p>P19 Development addresses the street and makes a positive contribution to activity in the street</p>	<p>A19.1 The building entrance, shop front, reception or customer service area is oriented to the principal street frontage</p> <p>A19.2 Uses or activities on the ground floor of a building enable the development to provide an active frontage to its principal street frontage</p> <p>A19.3 The design of new or replacement shop fronts should allow for visual connection between the street and premises, be of appropriate character and provide good visual character and interest</p>
<b>Awnings</b>	
<p>P20 Development provides appropriate protection for pedestrians and customers from sun and rain and preserves the pattern of development in the street</p>	<p><b>Where development site has frontage to Summerland Way, Geneva Street and Stratheden Street:</b></p> <p>A20.1 New buildings provide an awning over the footpath/road reserve</p> <p>A20.2 Width and height of awning is consistent with surroundings</p> <p>A20.3 Where abutting an awning on an adjoining site, the development provides a logical and complementary interface</p> <p>OR</p> <p><b>All other sites:</b></p> <p>A20.4 Development provides an awning over the footpath where fronting a street that features development with existing awnings</p>
<b>Footpaths and pedestrian environment</b>	



P21 Development facilitates good pedestrian movement and accessibility	A21 Development does not unacceptably compromise the existing footpath width or function
<b>Retention of significant views</b>	
P22 New development must not adversely impact significant views and vistas	<p><b>Where development site has frontage to Summerland Way:</b></p> <p>A22 Buildings and structures do not adversely impact views of elevated landforms, including the Border Ranges, when viewed north along the Summerland Way</p>

### 2.3 OPERATIONS AND AMENITY

This section provides development criteria relevant to the consideration of potential impacts on surrounding sites and the compatibility of the proposed development with existing activities in the area.

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION
<i>Assessment against the Performance Criteria is only required if the proposal <b>does not meet</b> the Acceptable Solution</i>	<i>If the proposal cannot meet the Acceptable Solution assess the proposal against the associated Performance Criteria</i>
<b>Protection of amenity</b>	
P23 Development does not result in adverse impacts on the amenity of the locality by reason of emission of noise, odour, fumes, dust or light	<p>A23.1 Operation of the development complies with the <i>NSW Noise Policy for Industry 2017</i></p> <p>A23.2 The development does not create offensive odour or fumes</p> <p>A23.3 External lighting is shielded to prevent light spill over the surrounding environment</p> <p>A23.4 Air compressors or other stationary noise generating machinery or plant is enclosed in a noise inhibiting structure</p>

<p>P24 External car parking and operational areas do not have adverse impacts on surrounding properties or the public realm</p>	<p><b>Where development includes off street car parking and/or outdoor operational areas:</b></p> <p>A24.1 Landscaping is provided in accordance with a landscape concept plan in order to mitigate visual and amenity impacts</p> <p>A24.2 Buildings or external areas used for loading, deliveries, waste storage and servicing are designed to minimise the visual impact on the public domain and adjoining sites</p> <p>A24.3 Vehicle manoeuvring and parking areas are provided with a sealed surface</p>
<p>P25 Development mitigates significant impacts from existing uses and activities in the surrounding area</p>	<p>A25 Development can demonstrate that it is not adversely affected by operation of existing lawful development in the surrounding area</p>
<p><b>Hours of operation</b></p>	
<p>P26 Hours of operation of the development do not create unacceptable impact on amenity of surrounding properties</p>	<p><b>Where development is listed in Table C12.1 in Appendix 1:</b></p> <p>A26.1 Hours of operation are in accordance with Table C12.3</p> <p>OR</p> <p><b>Where development is not listed in Table C12.1 in Appendix 1:</b></p> <p>A26.2 Hours of operation are appropriate for the services or products provided and do not create amenity impacts on surrounding properties</p>

## 2.4 SERVICING AND INFRASTRUCTURE

This section provides development criteria relevant to the servicing of, and provision of infrastructure to, development sites and premises.

<b>PERFORMANCE CRITERIA</b>  <i>Assessment against the Performance Criteria is only required if the proposal <b>does not meet</b> the Acceptable Solution</i>	<b>ACCEPTABLE SOLUTION</b>  <i>If the proposal cannot meet the Acceptable Solution assess the proposal against the associated Performance Criteria</i>
<b>Utilities and infrastructure</b>	
P27 Development makes suitable provision for collection, management and treatment of effluent	A27 Development is connected to the sewerage system
P28 Where development generates liquid trade waste development makes suitable provisions for management and disposal of liquid trade waste	A28 Liquid trade waste is disposed of in accordance with Kyogle Council Liquid Trade Waste Policy
P29 The development is adequately serviced by power and telecommunications without impacting on surrounding properties by way of emissions of noise, odour, fumes or light	A29 The development is serviced by reticulated power and telecommunications
P30 The development has adequate water supply	A30 Development is connected to the reticulated water supply system
P31 Appropriate provisions are made for the collection and management of stormwater that does not contribute to flooding or impact on surrounding properties	A31 Stormwater is collected and discharged to the stormwater drainage network
<b>Waste management</b>	
P32 Appropriate arrangements are made for the storage, collection and disposal of solid waste generated by the development	<p>A32.1 The development is serviced by a waste collection service</p> <p>A32. 2 Where the quantity of waste material generated by the development exceeds that capable of being accommodated in a standard wheelie bin, the development is serviced by a commercial waste collection service</p> <p>A32.3 Suitable arrangements are made for storage, collection and disposal of waste other than general waste (e.g. waste oil, cardboard tyres)</p>

P33 Waste storage, collection or disposal areas do not present poor visual amenity to adjoining sites, streets or public land	A33 External waste storage or collection facilities are not visible from public places and adjoining properties or are screened from view
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## 2.5 SITE ACCESS, PARKING, STORAGE AND DELIVERIES

This section provides development criteria relevant to site access, parking, storage, servicing and deliveries of development sites.

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION
<i>Assessment against the Performance Criteria is only required if the proposal <b>does not meet</b> the Acceptable Solution</i>	<i>If the proposal cannot meet the Acceptable Solution assess the proposal against the associated Performance Criteria</i>
<b>Access and parking</b>	
P34 Vehicular access to the development does not create traffic impacts or disrupt pedestrian movement	<p><b>Where development site has frontage to Summerland Way:</b></p> <p>A34.1 The development does not require new vehicular access from Summerland Way</p> <p><b>Where development site has frontage to a rear laneway or road:</b></p> <p>A34.2 The rear laneway is utilised for vehicular access to the site, including on-site car parking</p>
P35 Vehicular and pedestrian access to the site is safe, inclusive and does not create traffic impacts	<p>A35.1 Vehicles are able to enter and leave the site in a forward direction</p> <p>A35.2 Accesses and parking area are designed and constructed in accordance with the <i>Northern Rivers Local Government Development Design and Construction Manual</i></p> <p>A35.3 Access for people with disabilities is provided in accordance with the provisions of AS 1428.1</p>

P36 The development does not create unreasonable demand for on-street parking or adverse impacts on adjoining properties or the character of the street	A36.1 The development provides on-site car parking that meets the requirements of DCP Chapter 8- Off Street Car Parking
<b>External loading and storage</b>	
P37 The development makes suitable arrangements for deliveries and loading	A37 The development allows all loading or unloading of vehicles to occur on the development site
P38 External storage areas do not detract from the visual appearance of the development or the streetscape	<p>A38.1 External storage areas are located behind the building line and preferably behind buildings</p> <p>A38.2 External storage areas are screened from view from the road frontage and adjoining properties</p>

## 2.6 HERITAGE CONSERVATION

Much of the Kyogle commercial centre is located within the Kyogle Town Heritage Conservation Area as scheduled in the LEP. This area also contains numerous buildings and items that are listed as items of local heritage significance in the LEP. Clause 5.10 Heritage conservation in the LEP provides criteria for development of heritage items or within heritage conservation areas. This section provides more specific development criteria relevant to the protection of heritage values in the Kyogle town centre.

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION
<i>Assessment against the Performance Criteria is only required if the proposal <b>does not meet</b> the Acceptable Solution</i>	<i>If the proposal cannot meet the Acceptable Solution assess the proposal against the associated Performance Criteria</i>
<b>Where development site is, or contains, a heritage item (in Schedule 5 of LEP)</b>	
<p>P39 Development does not detract from the heritage significance of the heritage item</p> <p>Development is sympathetic and appropriate to the heritage significance of the heritage item</p>	A39 Development involves retention and re-use of the heritage item including its external form and appearance

<b>Where development site is within the Kyogle town heritage conservation area</b>	
P40 Development does not detract from the heritage significance of the heritage conservation area	A40 The scale, appearance and character of development is consistent with development in the conservation area
<b>Where development site is adjoining a heritage item</b>	
P41 Development does not detract from the heritage significance of adjoining heritage items	<p>A41.1 Development does not adversely impact on views, or the setting, of a heritage item</p> <p>A41.2 The scale of development is consistent with the scale of the heritage item and is not overbearing</p>
<b>Alterations and additions to heritage items</b>	
P42 Development facilitates retention and re-use of the item and does not adversely affect the character or significance of heritage items	<p>A42.1 Alterations and additions are sympathetic to the character of the existing building in terms of scale, materials, design and form</p> <p>A42.2 Subject to appropriate design, alterations and additions may incorporate different architectural style and materials so as to provide a clear differentiation between the original and new building components</p> <p>A42.3 Development retains the principal building façade or other important heritage elements</p> <p>A42.4 Where necessary, demolition is limited to elements of the building essential to allow the proposed extension or addition</p>

## Appendix 1 Preferred operational hours

Table C12.1 Preferred operational or opening hours

<b>Development use or activity</b>	<b>Monday to Friday</b>	<b>Saturday</b>	<b>Sunday and Public Holidays</b>
Retail premises, Food and drink premises (excluding licensed premises)	6am-12am	6am-12am	7am-10pm
Office, Medical Centre, Business premises	7am-9pm	8am-8pm	8am-8pm
Light industry	7am-6pm	7am-6pm	8am-5pm
Service station	6am-12am	6am-12am	6am-12am
Vehicle repair station, Vehicle body repair workshop	7am-6pm	7am-1pm	Not permitted
Entertainment facilities, Registered clubs, Functions centres, Pubs	8am-2am	8am-2am	9am-12am