

Kempsey Shire Development Control Plan

Development Control Plan 2026



Table of amendments

It is intended that Council will review the provisions of this plan periodically. Amendment of the plan is subject to the plan making requirements of the *Environmental Planning and Assessment Act 1979*.

DOCUMENT HISTORY AND STATUS

REVISION NO.	DATE AMENDED	DETAILS, COMMENTS EG RESOLUTION NO.
0	16.06.2026	Kempsey Development Control Plan 2026 - Issue

Table of Contents

Part A – Explanation	5
Part B – Shire Wide Requirements	16
B1 Natural Hazards	19
B2 Environment	24
B3 Utilities, Stormwater and Transportation Infrastructure.....	44
B4 Aboriginal Cultural Heritage	48
B5 Development Contributions	54
Part C – Place Based Requirements	55
C1 Character Places	59
C2 Heritage Items	120
C3 Heritage Conservation Areas	121
C3.1 Bellbrook	122
C3.2 Gladstone Conservation Area	126
C4 Heritage Precincts.....	130
C4.1 Frederickton	131
C4.2 Smithtown	136
C4.3 East Kempsey	140
C4.4 Kempsey Central.....	144
C4.5 West Kempsey	150
Part D – Development Requirements	156
D1 Land Subdivision.....	159
D1.1 Urban Subdivision (R1 and R3 zones).....	160
D1.2 Village Subdivision (RU5 zone)	169
D1.3 Large Lot Subdivision (R5 zone)	178
D1.4 Rural Subdivision	186
D1.5 Business, Commercial and Industrial Subdivision	194
D1.6 Strata and Community Title Subdivision.....	203
D2 Residential Development	208
D2.1 Dwelling Houses	209
D2.2 Large Lot Residential Dwelling Houses	217
D2.3 Dual Occupancy	224
D2.4 Secondary Dwellings	233

D2.5 Multi-dwelling Development	241
D2.6 Shop-top Housing, Residential Flatted Buildings, Tourist and Visitor Accommodation	255
D2.7 Ancillary Development	268
D3 Rural Development	278
D3.1 Rural Dwellings and Rural Workers Accommodation.....	279
D3.2 Rural Buildings and Structures	286
D3.3 Rural Tourism	292
D3.4 Rural Industries	300
D3.5 Agriculture	309
D4 Business and Commercial Development	316
D5 Industrial Development	332
Part E – Appendices	347
Appendix 1 – Glossary	349
Appendix 2 – Heritage Requirements for Heritage Items, Heritage Conservation Areas and Heritage Precincts	385
Appendix 3 – Development Requirements for New Areas	399
West Crescent Head Urban Release Area	399
Yarrahapinni Land Release Area	402
Appendix 4 – Schedule of On-Site Vehicle Parking	404
Appendix 5 – Landscape Information	409
Appendix 6 – On-Site Sewage and Wastewater Management	417



Part A – Explanation

DCP Purpose and Application

PART A - EXPLANATION

Name of the Plan

This Plan is called the *Kempsey Development Control Plan 2026* ('the DCP'). The DCP has been prepared in accordance with Section 3.43 of the *Environmental Planning and Assessment Act 1979*.

Date of commencement

The DCP was adopted by Kempsey Shire Council (KSC) on 16th of June 2026 and came into effect on 1st of July 2026.

Purpose of the Development Control Plan

The purpose of this DCP is to:

- Give effect to the objectives of the *Kempsey Local Environmental Plan*.
- Guide development that is permissible under the *Kempsey Local Environmental Plan*.
- Achieve the objectives of land-use zones prescribed under the *Kempsey Local Environmental Plan*.
- Outline Council's requirements for new development in Kempsey Shire.

The Local Environmental Plan and the Development Control Plan

The *Kempsey Local Environmental Plan* is an Environmental Planning Instrument (EPI), a statutory document, while the *Kempsey Development Control Plan* is a guiding document. Together they provide local land-use planning and development control in Kempsey Shire (refer Fig A.1 below).

Applicants will need to consult the Kempsey Local Environment Plan (and KLEP mapping) to determine the current statutory planning parameters for their subject land/site, such as the Land Use Table; Objectives of zone, Permitted without consent, Permitted with consent, Prohibited activities, minimum lot sizes, floor space ratios and other environmental, locality and land use activity information that may apply.

Applicants are responsible for ascertaining all applicable provisions within the Local Environmental Plan before using this Development Control Plan.

The DCP provides information and guidance on particular aspects of a site, its locality, characteristics and the proposed development type(s), through stated objectives, desired outcomes and development control requirements. These must be considered in preparing development applications.



Figure A.1 – Relationship of the Kempsey Local Environmental Plan (LEP) to the Development Control Plan (DCP)

Application of this DCP

The DCP applies to all land within the **Kempsey Shire** Local Government Area (LGA).



Figure A.2 – Kempsey Shire Local Government Area (LGA) Application of this Development Control Plan

Parts

The DCP is comprised of 5 parts:

Part A – Explanation

Part B – Shire-Wide Requirements

Part C – Place-Based Requirements

Part D – Development Requirements

Part E - Appendices

The Development Control Plan is arranged in a sequence so that all users and applicants follow an order from the beginning with Shire-wide requirements that may apply to any development, through particular locality provisions, to finally development type specific requirements (refer figure A.3) and supplementary information.

Development applications must address all the relevant parts and sections applicable to the proposed development.

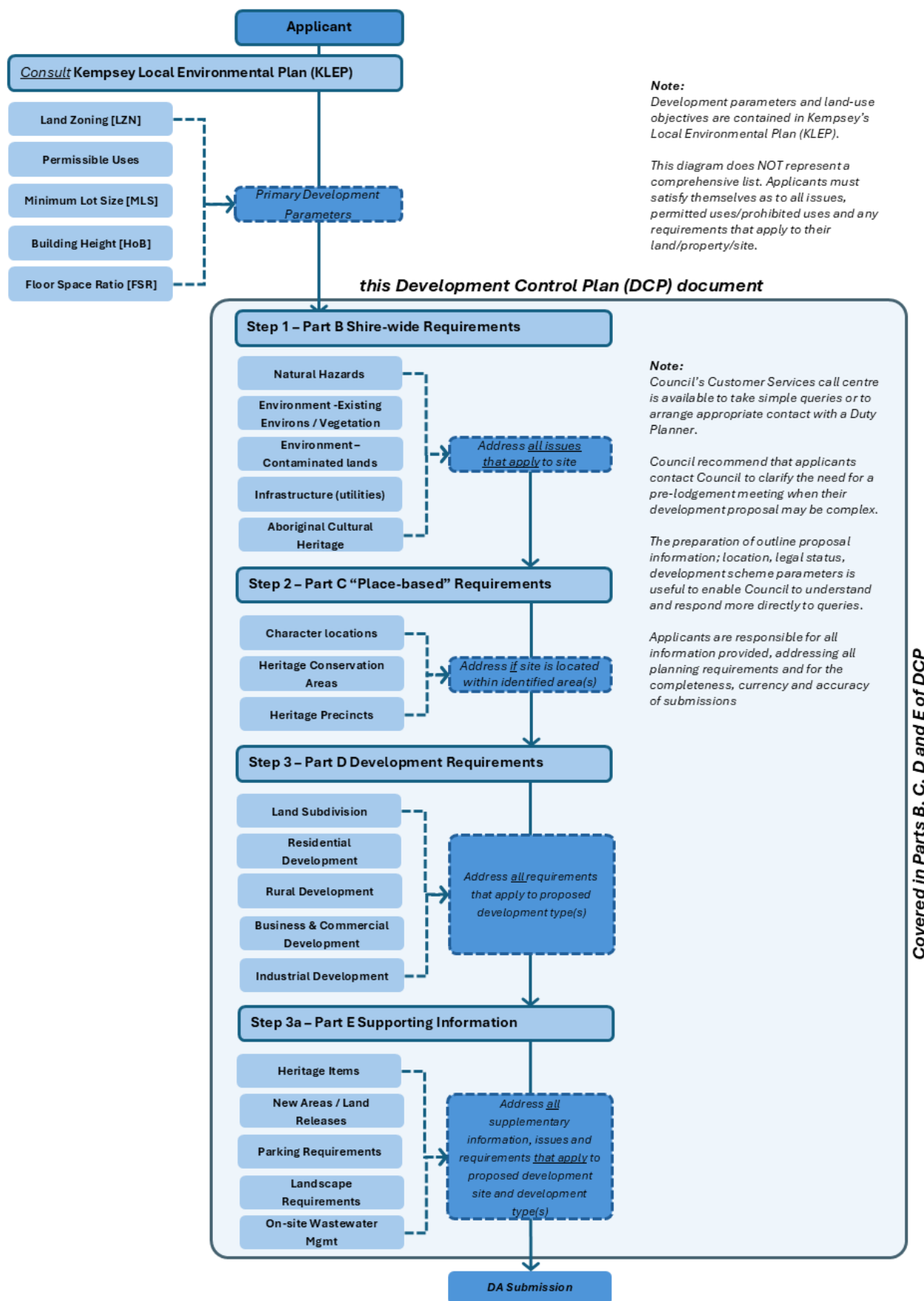


Figure A.3 – Step-by-Step navigation of the Kempsey Shire Development Control Plan

Relationship to other plans, policies and guidelines

The DCP is to be read in conjunction with other environmental planning instruments, standards, policies and specifications that are relevant to specific aspects of a development proposal. To obtain further relevant information:

For NSW State legislation and policy go to ;

legislation.nsw.gov.au/browse/inforce

For local Development Policy and DCP guidance go to ;

www.kempsey.nsw.gov.au, and

“Plan & Build” webpages

For planning maps go to ;

NSW Planning Portal Spatial Viewer

For development applications go to ;

www.planningportal.nsw.gov.au

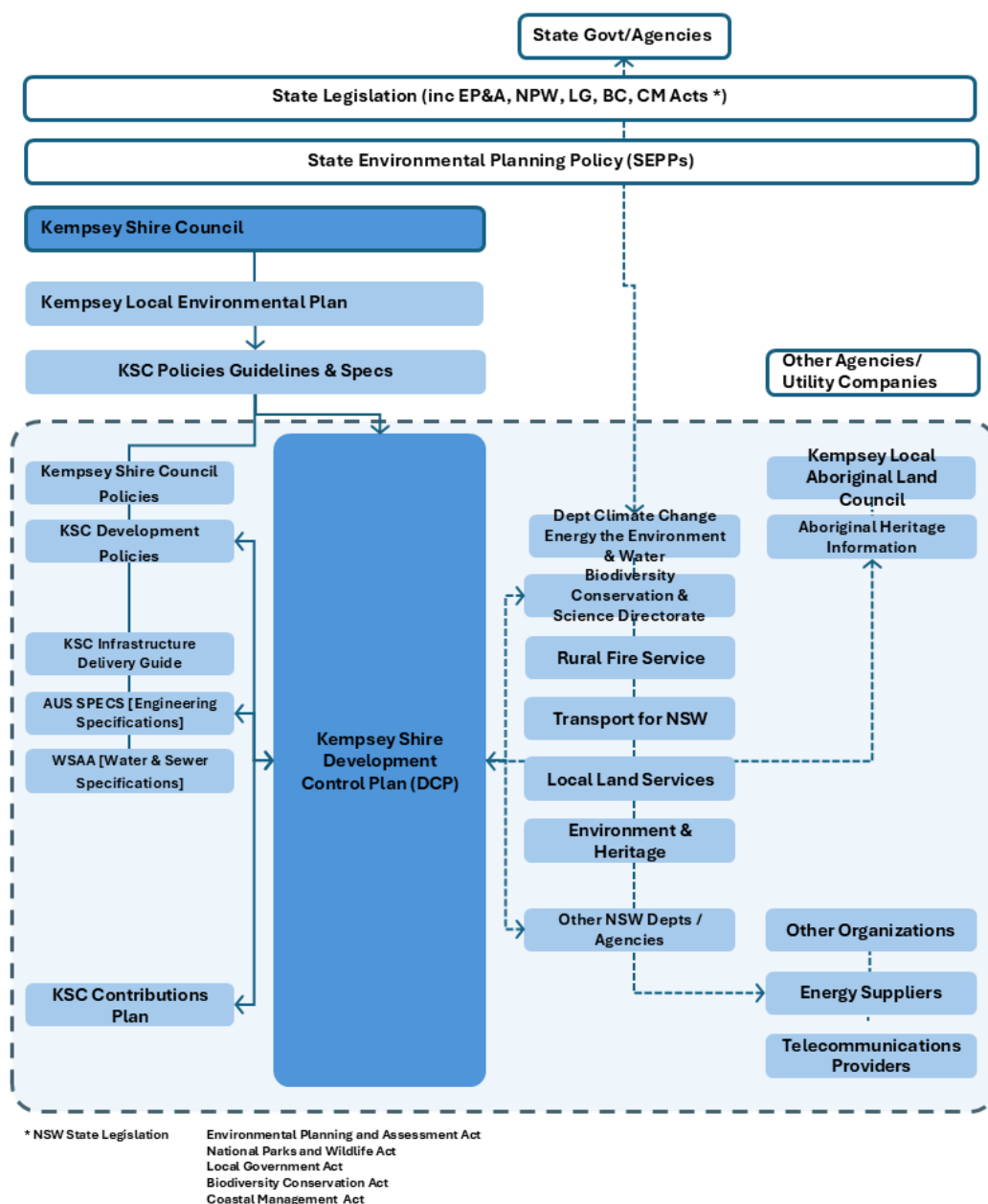


Figure A.4 – Kempsey Shire Development Control Plan “Useful local and external references from the DCP” [Note: Indicative list of Govt Depts, Agencies and Organisations only. Applicants are responsible for checking and verifying any and all necessary Legislative, Policy, Regulation, Codes and Standards compliance]

References in the Development Control Plan (DCP)

Throughout this DCP there are references to external documents and standards. These include but are not limited to State Environmental Planning Policies (SEPPs), KLEP, KSC Infrastructure Delivery Guide, KSC Development Specifications, AUS-SPEC and Water Services Association of Australia (WSAA) specifications and standard drawings and Australian and New Zealand Standards. In all circumstances the reference given is taken to mean the current version of that planning instrument, policy, standard or specification.

In the event of an inconsistency between the DCP and any other statutory environmental planning instrument (e.g. KLEP, SEPPs – refer Figure A.4 above) applying to the same land, the provisions of the other statutory or higher level environmental planning instrument may prevail to the extent of that inconsistency.

Development application guidance

All types of local development, whether subdivision, building, demolition or other type of development requires the submission of a Development Application with Council for assessment and determination unless the development is identified as Exempt Development or Complying Development or is State Significant Development (refer Figure A.5 below).

Information on how to prepare your Development Application can be viewed online from www.kempsey.nsw.gov.au.

Any person wishing to carry out subdivision, building, demolition or other type of development work is invited to consult with Council's Planning staff before submitting a Development Application. This will allow Council staff to provide project specific advice in relation to any development controls that may apply to the land and any other issues that might affect the use of the land.

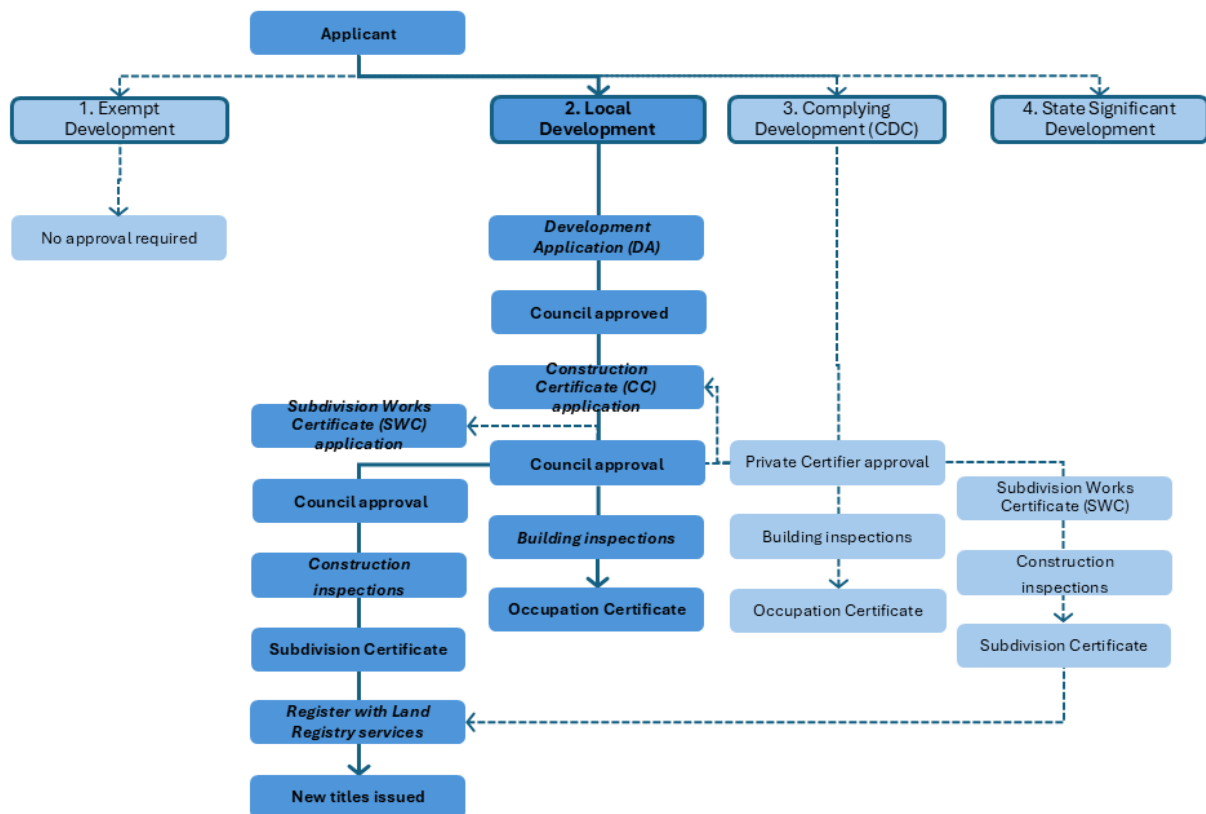


Figure A.5 – Development Approval Pathways (This DCP covers pathway 2. Local Development)

When is a Development Application not required?

A development application is not required for any development specified in any SEPP or KLEP as being permissible without development consent or is 'exempt development'.

When is a Development Application required?

A development application is required for all local development specified in any SEPP or KLEP as being permissible with development consent.

Using the DCP

The DCP has been prepared based on a framework that consists of '**Objectives**' (setting positive overall development aims for the Shire, the locality and its community), '**Desired Outcomes**' (what the DCP seeks to achieve through development) and **Development Control Requirements** (how these outcomes can be achieved), refer Figure A.6 below. There may be instances where a number of development control requirements need to be met in order to achieve the desired outcome.

D2.1 Dwelling Houses

Application

This section applies to dwelling houses and alterations and additions to existing dwelling houses on land in the R1 General Residential, R3 Medium Density Residential and RU5 Rural Village zones under the Kempsey Local Environmental Plan (KLEP).

Objectives

1. Encourage diversity of dwelling houses for residential purposes, recognising the varied needs and demands of the local housing market across Kempsey Shire.
2. Dwelling houses are designed, sited and serviced to optimise residential land use while minimising impacts on the surrounding streetscape and existing residential amenity.
3. To ensure dwelling houses are provided with adequate open space and services to meet the needs of residents.
4. Achieve efficient and sustainable housing designs, which are energy efficient.
5. Provide for adaptable housing, that allows dwelling houses to be retrofitted to meet the changing needs of its occupant/s.

The following desired outcomes and development control requirements in Table D2.1 prescribe how the above objectives can be met.

Table D2.1 – Dwelling Houses – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. Site Design	
Site Coverage	
1.1 The proportion of a lot that is occupied by buildings or structures maintains allowable density and ensures adequate open space, for landscape, amenity and proper drainage of the site.	a. Development must comply with the specified limits for site coverage in accordance with the following Table D2.2 .

Table D2.2 – Site coverage

Lot Size	Maximum site coverage (%)	Set backs (for single storey dwellings to 5.0 metres building height only. Note: 2+ storey dwellings and upper storey setbacks are subject to controls and over shadowing requirements)		
		Front	Side	Rear
< 300 m ²	70	5.00 m	900mm	3.00 m
300 - 500 m ²	65	5.00 m	900mm	3.00 m
500 - 650 m ²	60	5.00 m	900mm	3.00 m
650 - 800 m ²	55	5.00 m	900mm	3.00 m
>800 m ²	50	5.00 m	900mm	3.00 m

Setbacks

- 1.2 Dwelling houses are set back at consistent distances of the immediate adjacent dwellings, to provide adequate space for landscaping, private recreation and off-street parking.

- a. A minimum set back of 5 metres shall be provided to the primary street frontage.
- b. Some non-enclosed elements of a building's front façade may protrude from that facade into the

Part D – Development Requirements – Residential Development

230

Figure A.6 – Kempsey DCP example – Objectives and “the Controls”; Desired Outcomes and Development Control Requirements

The **development control requirements** are set alongside the relevant **desired outcomes** to be read together as forming the controls (Figure A.6). For assessment of local development applications through this Development Control Plan (DCP) the objectives must be met. The controls together provide a clear pathway to meet the objectives.

Variation to a standard

The provisions within this DCP represent Council policy and community expectations, so it is expected that development proposals comply with the provisions of the Development Control Plan as a minimum.

There may be circumstances where a proposed development does not comply with a Development Control Requirement. In such cases the development application must demonstrate how the alternative solution will achieve the Desired Outcome, supported by relevant information and a written justification.

Development Control Requirements will be deemed to have been met where the applicant has demonstrated, to the satisfaction of Council, that the Desired Outcome will be achieved.

This provision enables the development of innovative solutions that meet the particular characteristics of an individual site. **No guarantee of approval can be given for a Development Application proposing a variation to a development control standard.**

Pre-development application consultation

Beyond simple queries, Council also provides Pre-Development Application services, such as a Pre-Lodgement Meeting dependant on the type and scale of development proposed. Before lodging any application proposal to subdivide land, or undertake sensitive, complex or large-scale development for example, within Kempsey Shire, it is recommended that the applicant approach Council to determine the need for a **Pre-Lodgement Meeting**. Such a meeting will be based on the location, scale, infrastructure and complexity of the proposal, for discussion of various aspects with relevant Council Officers.

Please refer to the “Plan & Build” pages of Kempsey Shire Council’s website, or contact Council directly for further information on the services available. Costs for particular detailed consultation such as a Pre-Lodgement Meeting can be found on Council’s website under “Fees and Charges”.

Development stages – the Development Assessment and Consent Process

To facilitate clear and complete development application submissions, Figure A.7 outlines the full extent of the process for local land, property, demolition and building development, planning, approvals construction and occupation.

1. **Development Application Stage:** Planning and Design requirements, and development control requirements (the stage for which this DCP document principally applies).
2. **Approvals and Construction Stage:**
3. **Completion and Occupation Stage:**

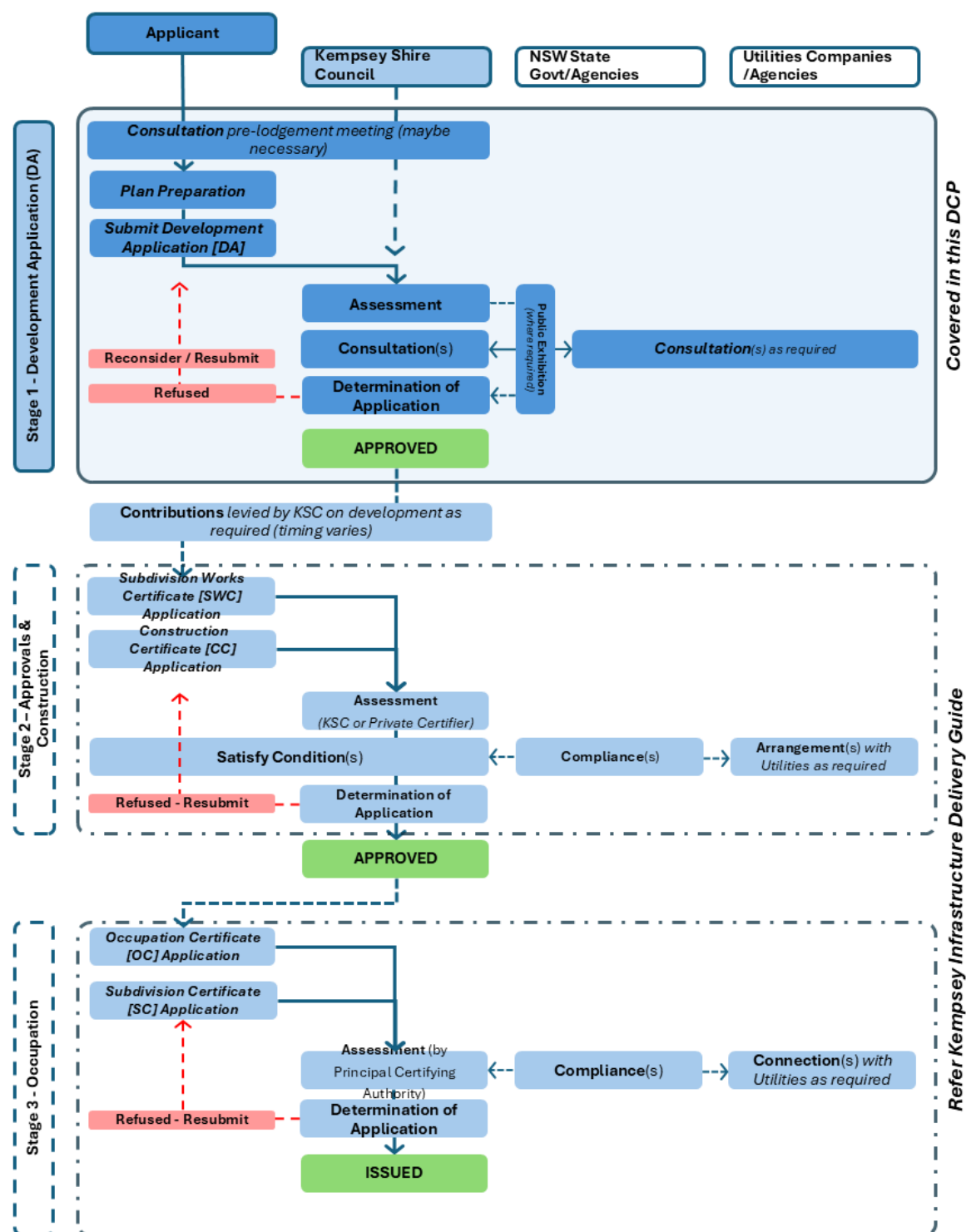


Figure A.7 – Kempsey Shire Local Government Area (LGA) Application of this Development Control Plan within the whole multi-step development process

This **Development Control Plan** (DCP) provides the information applicants need to address in the first stage; making applications, and for Council’s Planners to assess, determine and condition development applications.

Note: All applications are submitted through the NSW Planning Portal (planningportal.nsw.gov.au). Other approvals (under Local Government Act, Roads Act and Water Management Act) may also be required.

Repeal of existing DCPs

In accordance with Clause 22(2) of the *Environmental Planning and Assessment Regulation 2021*, this DCP repeals the Kempsey Development Control Plan 2013.

Transitional provisions relating to development applications

Any Development Application that has been made prior to the commencement of the DCP, on land to which the DCP applies, that has not been determined must be determined under the Kempsey Development Control Plan 2013, and as if the plan has been exhibited but not commenced.

Further information

If you have any enquiries or would like further information about this DCP, please contact Kempsey Shire Council on the following:

Phone	(02) 6566 3200
Email	ksc@kempsey.nsw.gov.au
Web	www.kempsey.nsw.gov.au
Address	22 Tozer Street, West Kempsey, NSW 2440

Disclaimer

The Development Control Plan (DCP) is for use by Council and the general public.

Council provides the information contained in the plan in good faith. In some cases the plan only provides a reference or outline of legislative provisions and technical codes.

References to legislation, policy, regulation and/or codes are taken to be to the current version.

Compliance with the requirements of the DCP will not mean that a Development Application will be approved. Council must assess the proposed development against all of the relevant requirements of the *Environmental Planning and Assessment Act 1979*.

Part B – Shire Wide Requirements

Natural Hazards, Environment, Utilities and Aboriginal Cultural Heritage

PART B - SHIRE WIDE REQUIREMENTS

B1 Natural Hazards

B2 Environment

B2.1 Existing Vegetation Management

B2.2 Vegetation and Tree Management – Land and Prescribed Vegetation to which Chapter 2, State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies

B2.3 – Vegetation and Tree Management – Private Land

B2.4 – Vegetation and Tree Management – Public Land

B2.5 Contaminated Land

B2.6 Conflicting Land Uses

B3 Utilities, Stormwater and Transportation Infrastructure

B4 Aboriginal Cultural Heritage

B5 Development Contributions

Application

This section applies to all development applications within Kempsey Shire. It is a pre-requisite to determining whether a development application is likely to meet the overarching DCP objectives for managing natural hazards, the environment (vegetation management), environmental issues (contaminated land and conflicting land uses), utility services and transportation, infrastructure and Aboriginal cultural heritage.

This section also applies to development where development contributions may be required and outlines a summary of applicable development controls for various zones throughout Kempsey Shire.

Where compliance with the requirements in **Part B** is achievable, a Development Application should then address the applicable Place Based and Land Use provisions addressed in **Part C** and **Part D** of the DCP respectively.

Purpose

Part B provides specific controls aimed at reducing risk from an identified natural hazard such as flooding, bushfire, land and coastal vulnerability, as well as reducing potential impacts from development on the natural environment and Aboriginal cultural heritage and ensuring the sufficient provision of transportation, stormwater and utilities services infrastructure.

A summary of applicable development controls and specific requirements for Development Contributions are also addressed within **Part B**, as these apply across the Shire, irrespective of the development location or development type.

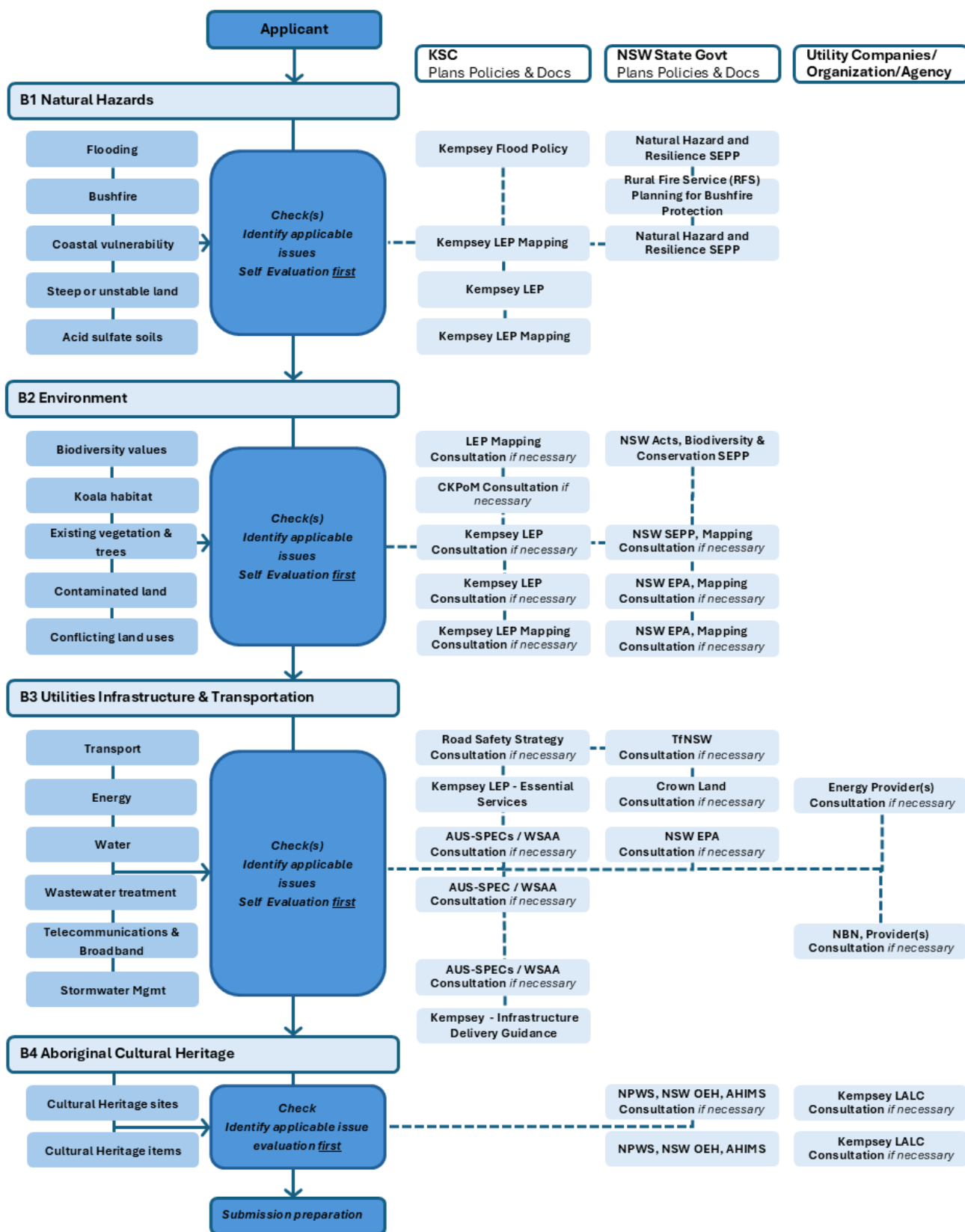


Figure B.1 – DCP Part B – four (4) key aspects that highlight local development feasibility

B1 NATURAL HAZARDS

Application

Part B1 applies to any/all development on a site and identified as being situated or impacted by the issues on the following maps:

1. Flood hazard – refer to flood planning mapping located through Kempsey Shire Council's website
2. Bushfire hazard – refer to maps located on NSW Planning Portal Spatial Viewer and NSW Rural Fire Service (RFS) websites.
3. Coastal vulnerability areas – refer to maps located at NSW Planning Portal Spatial Viewer (web based maps)
4. Steep or unstable land – refer to maps located at NSW Planning Portal Spatial Viewer, and NSW Sharing and Enabling Environmental Data (SEED) websites.
5. Acid sulfate soils – refer to maps located on NSW Planning Portal Spatial Viewer (web based maps).

Objectives

1. Development is responsive to site constraints and opportunities, while minimising exposure to natural hazards, such as flooding, bushfire, coastal vulnerabilities, steep or unstable land or acid sulfate soils.
2. Development complies with the requirements, guidelines and measures of Kempsey Local Environment Plan and Kempsey Policy on all natural hazards.
3. Prevent the creation of new areas of inappropriate urban development in natural hazard risk zones.
4. Development occurs on suitable locations and sites that avoids natural hazards and future natural hazard risk and through mitigation that does not excessively damage, alter or impact the natural and built environment.
5. Complete the clearance of the Kempsey CBD floodway.
6. Recognise the risks and take account of development on sensitive and vulnerable coastal areas now and in the longer term.

The following desired outcomes and development control requirements in **Table B.1** apply:

Table B.1 – Natural Hazards – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. Flooding	
1.1 Development appropriately addresses the constraints of flood prone land .	a. Development is undertaken in accordance with the requirements of the relevant Council Flood Policy, other policies, guidelines, adopted flood studies and Flood Risk Management Plans to address development in flood prone areas.
1.2 Development does not have a significant impact on the natural conveyance of floodwaters.	b. Critical facilities (vulnerable types of developments such sub-stations, hospitals, aged care, kindergartens and schools etc) located in low flood risk (refer to Flood Planning Levels [FPLs] in Kempsey Flood Policy) parts of the Macleay River Floodplain ensure the safety of people, inhabitants and users and ensure an Evacuation Plan is in place, appropriate emergency response provisions are provided and a Flood Response Assessment Plan is prepared.
1.3 Development avoids areas identified as high flood.	c. Development for any critical facilities and emergency response and recovery facilities are located in low risk flood prone area (above the relevant Flood Planning Level [FPL] – in accordance with Kempsey Flood Policy) on the Macleay River Floodplain ensure continued

Desired Outcome	Development Control Requirements
	operation during and after flood events up to and including the Probable Maximum Flood (PMF).
1.4 Subdivision and/or development of land provides flood free building area within lot for habitable buildings and appropriate level areas for rural, commercial and/or industrial buildings in accordance with the relevant land zone, flood risk and requirements of Council Policies, guidelines, adopted flood studies and Flood Risk Management Plans addressing development in flood prone areas. 1.5 Subdivision and/or development of land provides the appropriate refuge and/or physical access in flood situations to give safe access for people and/or stock in accordance with the permissible land zone activities, Council Policies, guidelines and Flood Risk Management Plans.	a. Development must not significantly alter flooding patterns and flood flows. b. Development of internal roads is designed to respond to the natural topography of the site and minimise the extent of cut, fill and embankments, particularly where these would result in adverse visual, drainage, stability or amenity impacts. c. Development of internal roads do not form significant embankments that impeded flood flows. d. Flood mounds where proposed must be approved by Council. Depending on development scale, location and conditions, flood mounding may require site specific flood impact assessment, including hydrological modelling and mitigation measures to Council's requirements. e. Proposed subdivision and/or development must comply with the relevant requirements of Council Flood Policy, other policies, guidelines, adopted flood studies and Flood Risk Management Plans addressing development in flood prone areas.
2. Bushfire	
2.1 Development appropriately mitigates the risks associated with development on bushfire prone land. 2.2 Development ensures that the risks associated with bushfire prone land is managed in accordance with <i>Planning for Bushfire Protection 2019</i> (or as otherwise updated).	a. Development on land classified as bushfire prone on the Rural Fire Service (RFS) mapping and/or NSW Planning Portal Spatial Viewer complies with current Planning for Bushfire Protection provisions. b. A Bushfire Risk Assessment Report, or self-assessment where permitted by current RFS requirements, is lodged in support of the Development Application for development on land classified as bushfire prone. The Bushfire Risk Assessment Report is prepared by a suitably qualified and experienced bushfire consultant (where required) and addresses the proposed development's consistency with current Planning for Bushfire Protection provisions. c. Development is designed so that any bushfire protection measures necessary in accordance with current Planning for Bushfire Protection provisions are able to be implemented / placed wholly within the development site, and not on neighbouring property, including Council reserves, unless suitable legal arrangements, such as an easement, are provided to secure the ongoing management of the bushfire protection measures. d. Any clearing of native vegetation is kept to minimum levels in accordance with the recommendations of the Bushfire Risk Assessment Report and the requirements of

Desired Outcome	Development Control Requirements
	current Planning for Bushfire Protection provisions.
3. Coastal Vulnerability	
3.1 Development is sited, designed and constructed to be compatible with coastal environment, activities and risks and avoids significant adverse impacts from coastal hazards such as storm surges, extreme tides, inundation and erosion. 3.2 Development facilitates adaptive planning for natural hazard and risk of coastline erosion. 3.3 Development mitigates current and future risk from coastal hazards by taking into account the effects of coastal processes and climate change.	a. Development of land identified in Coastal mapping (Kempsey Shire - Coastal Use Area, Coastal Environment Area Mapping) (within NSW - Planning Portal Spatial Viewer) complies with the requirements of the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>. b. Development is not permitted on land identified as a Coastal Vulnerability Area unless— - if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works; and - the proposed development— - is not likely to alter coastal processes to the detriment of the natural environment or other land, and - is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development; and - incorporates appropriate measures to manage risk to life and public safety from coastal hazards; and - measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.
4. Steep and/or Unstable Land	
4.1 Development avoids steeply sloping land (refer Table B2 – Steep and Unstable Lands) for outline guidance. 4.2 Development design responds appropriately to site topography; slope, stability and ground conditions and soils. 4.3 Appropriate measures are adopted during the construction of the development and/or subdivision to avoid soil stability problems.	a. Slope and slope stability issues are given due consideration (refer NSW Land and Soil Capability Mapping) in the preparation of subdivision and/or development layout and design: - Buildings and structures are to be located on land with a slope less than 20% and are not in an area known or likely to be subject to site stability problems. A geotechnical report is provided if requested by Council. - An application for buildings/structures on land with a slope of 20% or greater, or proposed to be located in an area known or likely to be subject to site stability problems, is accompanied by a geotechnical report. b. In areas suspected of containing low strength soils which may require special foundation

Desired Outcome	Development Control Requirements
	design for future building construction, geotechnical investigation will be required to identify land so affected. c. Where in the opinion of Council, the proposed development or construction of the subdivision requires further investigation of a geotechnical nature, the developer will be required to submit a geotechnical report prior to the consideration of the development application. This report is to be prepared by persons suitably qualified and experienced in the field of Geotechnical investigations. d. A geotechnical report, prepared by a suitably qualified and experienced person, may be submitted with any development application involving natural ground slopes of an excessively steep nature. The geotechnical investigation should address the proposed development or subdivision works and the proposed building/s to be erected on the land. Note – This requirement will not apply where intended future development is not to be located on that part of the site containing excessively steep slopes. e. Any geotechnical report is to take into consideration the implications of site regrading in relation to the existing natural environment. f. Site regrading should be minimised.

Table B.2 – Steep and Unstable Lands: Topography

Slope	Potential Hazard	Development suitability
< 1:20 (0-5%)	Flooding, high shrink swell soils, gravelly soils.	Drainage, stormwater reserve, open space. All types of subdivision.
1:20 – 1:10 (5 – 10%)	Shallow soils, stony/gravel soils, overland flow and poor surface. Profile drainage, deep, swelling, erodible or dispersible soils.	All types of subdivision.
1:10 – 1:7 (10 – 15%)	Overland flow, geological constraints – possibility of mass movement, swelling and erodible soils.	Residential subdivisions for detached housing, multiple dwelling housing, residential flat buildings. Industrial subdivision for smaller footprint modular industrial buildings.
1:7 – 1:5 (15 – 20%)	Geological constraints – possibility of mass movement, swelling and erodible soils.	Residential subdivisions for detached housing of a suitable form and construction.
1:5 – 1:4 (20 – 25%)	Geological constraints – possibility of mass movement, high to very high erosion hazard.	Selective residential subdivision only of low density on lots larger than 500m ² .
>1:4	Geological constraints – possibility of	

Desired Outcome		Development Control Requirements
(> 25%)	mass movement, severe erosion hazard.	No type of subdivision is recommended.
5. Acid Sulfate Soils		
5.1 The incidence and level of Acid Sulfate Soils of the development site are identified.	5.2 Appropriate management measures are adopted for any Acid Sulfate Soils identified on the land to be developed.	a. Where required by Council, an Acid Sulfate Soil Management Plan is submitted addressing the relevant requirements of KLEP (based on ASS class of soils, site conditions, proposed development details and ground excavations). Note: Works triggering drainage/ acid sulfate exposure may require WMA approvals (Water Management Act 2000).
		b. Development does not disturb, expose or drain Acid Sulfate Soils and/or cause environmental damage.
		c. Where earthworks are proposed, Clause 7.2 of KLEP is complied with in any development application.

B2 ENVIRONMENT

Application

1. **Parts B2.1 - B2.4** applies to any development on either public or privately owned land, which involves the clearing or disturbance of vegetation, contaminated land, or conflicting land uses.
2. **Part B2.5** applies to any site that contains or is suspected of land, ground and/or soil contamination.
3. **Part B2.6** applies to any site or development that is, contains or is directly adjacent, land uses that produce, create, emit or impact amenity and/or nuisances such as noise, vibrations, dust, other airborne pollutants, wastewater and odour etc, and/or environmental impacts.

Objectives

1. To protect, enhance and maintain key physical, geological, biotic and aquatic features (environmental assets) of the natural environment, and by extension their habitat, and biodiversity values.
2. To facilitate existing landscape as an integral component of urban design and development in general.
3. To ensure that past land use activities that may have contaminated land is identified, considered and addressed in development on that and immediately adjacent land.
4. To ensure that environmental issues of potential public health, nuisance and neighbourhood amenity are identified, considered and addressed in development.

Strategic Context

The Macleay Valley is comprised of a range of terrestrial, aquatic and marine environments. Due to its location, size and topography, the Shire spans both subtropical and temperate climatic zones and contains a diverse array of flora and fauna that have biodiversity and conservation significance.

The settlements across Kempsey Shire are valued places to live for the community, and they are critical to local environmental public health and amenity qualities. These settlements will continue, with different needs for preservation and change.

Both the natural and built environments are key assets that makes Kempsey Shire a highly valued place to live and are critical to the preservation and enhancement of local environmental and amenity qualities.

“Rural” and natural environments

The key threats are native habitat loss or change through weed invasion and pest animals. These threats are often associated with growth and competing land uses. Land clearance and modifications for rural activities can place pressure on environmental values and on local amenity.

The management of the natural environment in Kempsey Shire allows for rural activities and growth for production while protecting, maintaining, restoring and connecting the rich biodiversity and amenity of our rural areas for current and future generations.

“Urban” settlements and built environments

Landscape and vegetation are key visual elements of these settlements, contributing significantly to local character, neighbourhoods, streetscapes and the public domain. These enhance the positive experience of residents and visitors.

The DCP manages appropriate development within the settlements of Kempsey Shire, ensuring that vegetation clearing is permitted only where necessary, whilst ensuring that the environmental qualities and amenity values of those areas are maintained and protected, appropriate to the urban locality.

Effective management of environmental assets is one of the key components of achieving sustainable development and is therefore a fundamental requirement in developing rural and urban land across Kempsey Shire. The DCP encourages appropriate growth in existing, established urban settlements and rural areas that will generally not impinge on the Shire's important natural environment and amenity values. Management of vegetation is fundamental to retaining the unique character of rural areas, adjacent landscapes and urban settlements.

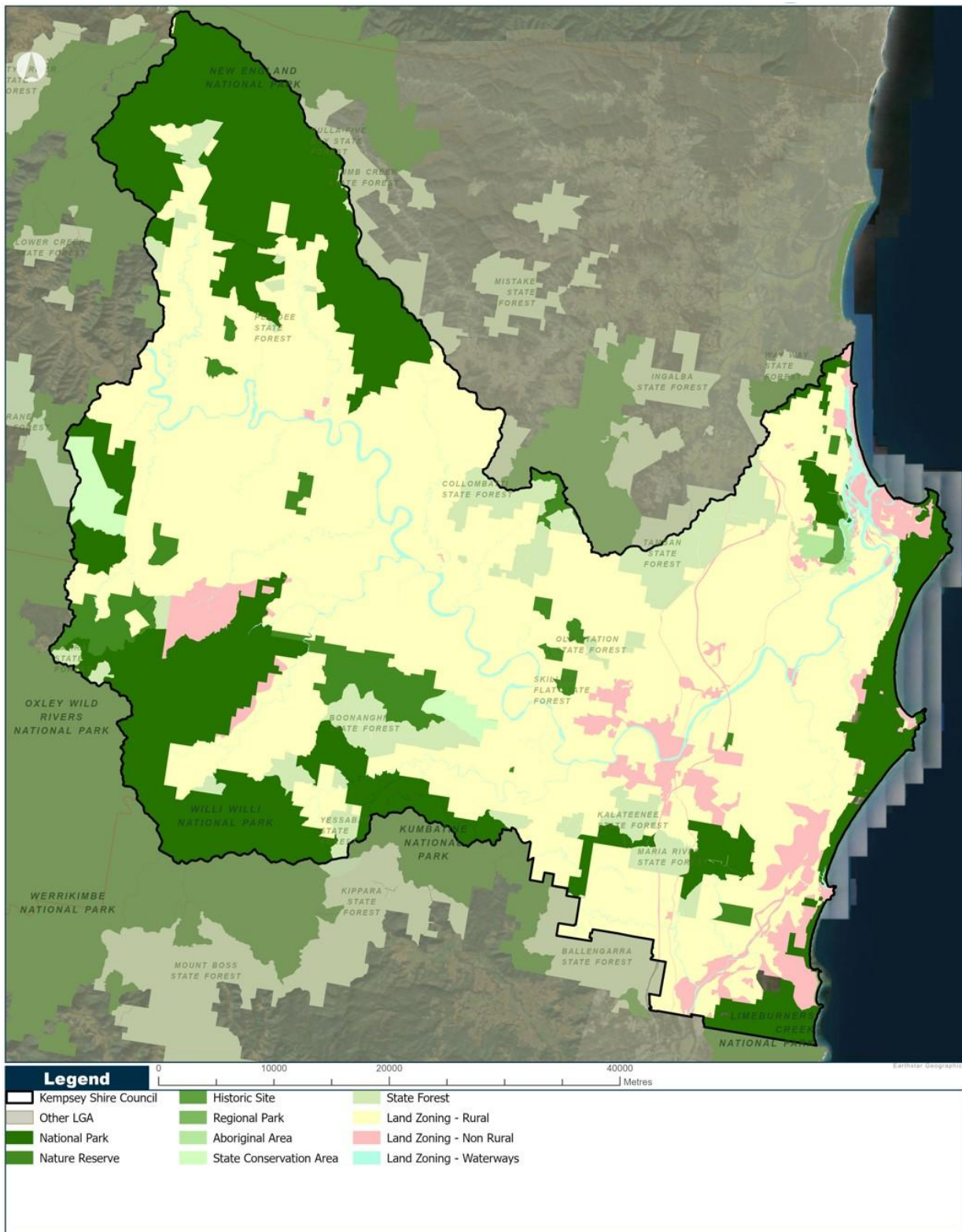


Figure B.2 Kempsey Shire - Macleay Valley vegetation; Rural lands and Non-rural land zones assist in defining how existing vegetation is to be managed through the DCP.

B2.1 Existing Vegetation Management

Application

1. For development on private or public land that includes aspects of proposed vegetation clearing or disturbance, the provisions of the *NSW Biodiversity Conservation Act (2016)*, the Comprehensive Koala Plan of Management (CKPoM), KLEP and this DCP apply.
2. For development that includes aspects of clearing or disturbance of vegetation **on rural zoned lands**, the *NSW Local Land Services Act (2013)* on native vegetation and the RFS guidance on bushfire protection measures also applies.
3. For development that includes aspects of clearing or disturbance of vegetation **on non-rural zoned lands**, *Chapter 2, Vegetation in Non-Rural Areas of State Environmental Planning Policy (SEPP) (Biodiversity and Conservation) 2021* and as identified on the following maps (all available through the NSW Spatial Viewer), also applies:
 - a. Biodiversity Values (BV) Map
 - b. High Environmental Values (HEV)
 - c. Comprehensive Koala Plan of Management (CKPoM) Mapping
4. Where the proposed vegetation and/or tree activities do not form part of a development application or do not require a development application located on rural zoned lands (RU1 – Primary Production, RU2 – Rural Landscape, RU3 – Forestry and RU4 – Rural Small Lot), the provisions under the *Local Land Services Act 2013* apply.
5. For the clearance or disturbance of vegetation and/or trees where a development application (DA) is not required on non-rural zoned lands (R1 – General Residential, R3 – Medium Density Residential, RU5 – Village, R5 – Large Lot Residential, E1 – Local Centre, E2 – Commercial Centre, E3 – Productivity Support, E4 – General Industrial and MU1 – Mixed Use), a tree permit may be required.
6. To understand what situations may apply for the disturbance of vegetation, refer to information, guidance and mapping located on the NSW Planning Portal (Spatial Viewer), the NSW Rural Fire Service, North Coast Local Land Services and Kempsey Shire Council websites.
7. **Table B.3** summarises the development requirements involving the disturbance of trees and vegetation.

Table B.3 – Summary of development requirements involving existing trees and vegetation

Scenario	References	Authority	Submission (documentation may include)
<i>Development Applications - all</i>	<i>Environmental Planning and Assessment Act 1979 Biodiversity & Conservation Act 2016 SEPP Biodiversity and Conservation 2021 Comprehensive Koala Plan of Management (refer also NSW Spatial Viewer to confirm)</i>	NSW State Govt Rural Fire Service Kempsey Shire Council	Development Application: Statement of Environmental Effects Plans and/or maps of existing vegetation and trees with information on species, condition, location and intentions (refer Part D Development Requirements)

Scenario		References	Authority	Submission (documentation may include)
	Development(s) on <u>rural</u> zoned lands	As above and; Bushfire Protection LLS (vegetation, trees and some agricultural aspects) KLEP DCP Part B2, Parts C D3 and E	Rural Fire Service Local Land Services Kempsey Shire Council	Development Application (as above)
	Development(s) on <u>non-rural</u> zoned lands	As above and: Bushfire Protection KLEP DCP Part B2, Parts C D1-5 and E	Kempsey Shire Council Rural Fire Service	Development Application (as above)
Existing tree and vegetation management and/or clearance on rural zoned lands		LLS Act 2013 LLS North Coast Guidance	Local Land Services Rural Fire Service	North Coast LLS requirements
Existing tree and vegetation management and/or clearance on non-rural zoned lands		Kempsey DCP Part B2 , and Council's Tree Permit requirements, www.kempsey.nsw.gov.au	Kempsey Shire Council	Tree Permit Application: Site location plan Tree plan Tree(s) identification Tree value(s), condition Photographs Reason for mgmt/clearance Supporting evidence (Arborist Report – if required)

Note: Sources of information on legislation, policy and guidance may change periodically. It is the responsibility of the applicant to verify and confirm the currency of such information prior to any formal submission and/or application.

Objectives

1. The natural environmental assets that are essential to the amenity and character of Kempsey Shire, and tree canopy cover are protected, as identified on the maps, documents, regulation and policies referenced above.
2. Vegetation prescribed under Chapter 2, Vegetation in Non-Rural Areas of State Environmental Planning Policy (SEPP) (Biodiversity and Conservation) 2021 is preserved (Note: prescribed vegetation is defined in **Table B.5 Prescribed Vegetation (trees) Categories** and in the Significant Tree Register (**Part E - Appendix 5**).
3. To outline the requirements for Council's identified existing vegetation; prescribed trees, various categories of vegetation and trees and "significant trees" that are worthy of preservation.
4. To achieve a balance between facilitating appropriate development (primarily in the urban areas/non-rural areas of Kempsey Shire), whilst conserving the most important biodiversity assets (particularly in the rural parts of the Shire) and maintaining the ecological processes that sustain them, through limited clearing of vegetation.

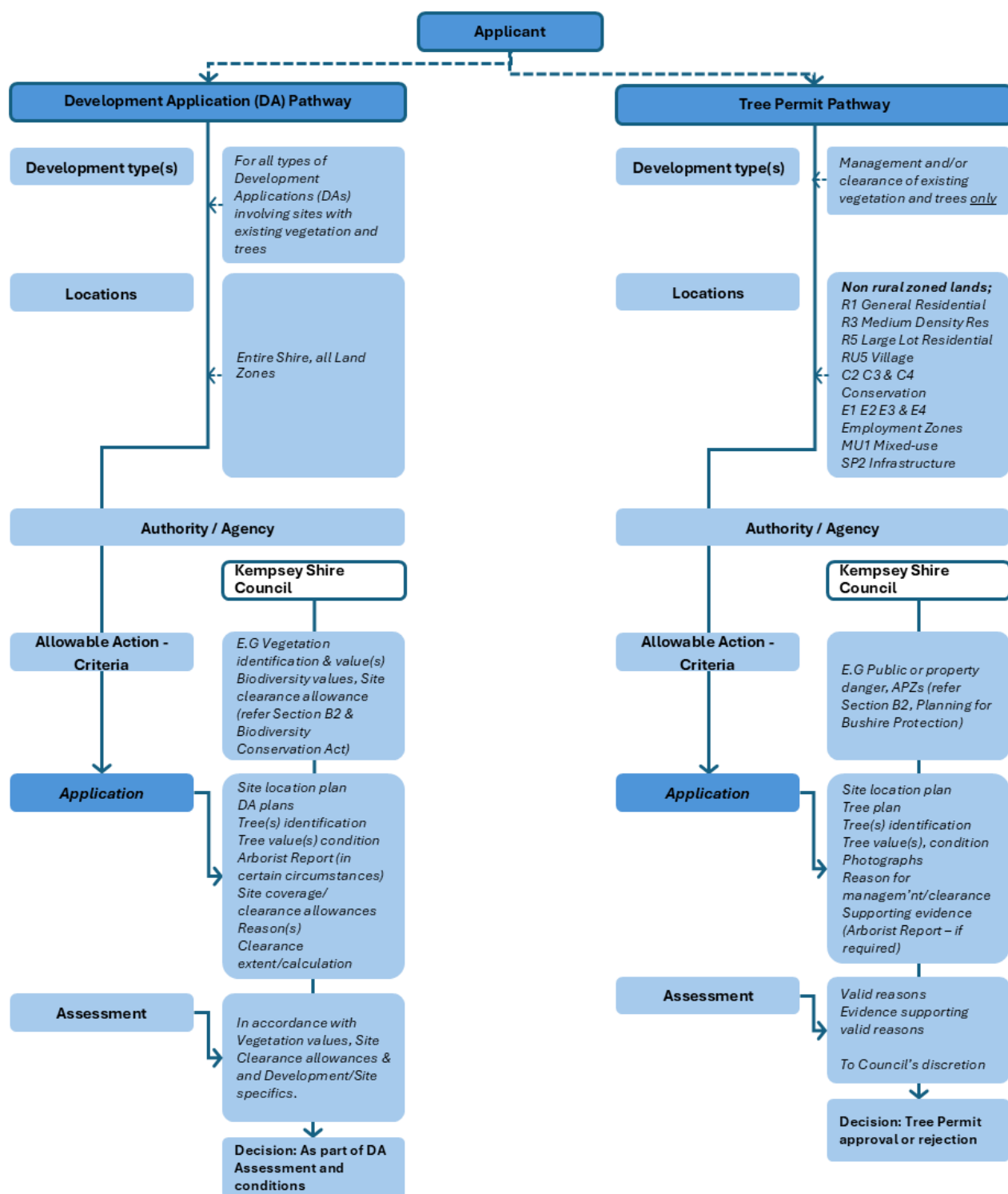


Figure B.3 – Existing Vegetation and Tree Management – approval pathways

B2.2 Vegetation and Tree Management - Land and Prescribed Vegetation to which Chapter 2, State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies

The following desired outcomes and development control requirements in **Table B.4** apply:

Table B.4 – Vegetation and Tree Management – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. All Development – Vegetation and tree management	
1.1 The natural environmental assets that are essential to the amenity and character of Kempsey Shire, and tree canopy cover are protected. 2.1 Vegetation prescribed under Chapter 2, Vegetation in Non-Rural Areas of State Environmental Planning Policy (SEPP) (Biodiversity and Conservation) 2021 is preserved. 3.1 Applications for vegetation removal adhere to the prescribed criteria outlined in the Development Control Requirements.	a. Prescribed vegetation for the purposes of Chapter 2, Vegetation in Non-Rural Areas of the SEPP (Biodiversity and Conservation) 2021 is any tree identified in Table B5. b. The above criteria does not apply to a tree where the nearside trunk is within ten (10) metres from the nearest external wall of an existing, permanent dwelling or manufactured home and is located within the same property. Such trees may be removed without a permit or development consent. This provision does not apply to areas mapped as Core or Preferred Koala Habitat, or areas identified as containing a threatened ecological community. A permit will be required in these instances. Note: - Chapter 2 Vegetation in Non-Rural Areas of SEPP (Biodiversity and Conservation) 2021 provides for Council to declare vegetation that requires a permit for removal in a DCP. - Prescribed vegetation applies to urban and environmental zoned land, or as regulated under the SEPP (Biodiversity and Conservation) 2021. - The 10m distance is measured from the closest point of the trunk to the external wall. - A dwelling does not include a detached garage, pergola, deck or caravan.

Table B.5 – Prescribed Vegetation (trees) Categories

Ref	Categories	Description	Explanation
i.	Trees in, around or associated with Aboriginal cultural heritage artefacts, items or areas.	Aboriginal sites registered on Aboriginal Heritage Information Management System (AHIMS) Diligence Code of Practice for the Protection of Aboriginal	<i>These may include trees on cultural, spiritual sites and/or sites with functional resource purposes.</i>

Table B.5 – Prescribed Vegetation (trees) Categories			
Ref	Categories	Description	Explanation
		Objects in New South Wales (DECCW 2010).	
ii.	Trees modified or traditionally modified trees for or by traditional Aboriginal historic, cultural and heritage practices.	Individual trees or groups of trees outside identified cultural sites that are identified as having cultural or practical resource characteristics through Council records, site assessment or Aboriginal cultural heritage advice. Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW).	<i>These may include trees of cultural, spiritual and/or resource purposes such as birthing or burial trees, scar or marked trees.</i> <i>Consultation with NSW Environment and Heritage and/or Kempsey LALC may be required.</i>
iii.	Significant trees (cultural significance)	Register of trees (individuals and small groups); based on selection criteria (1. Amenity values, 2. Community values and 3. Ecological values), refer Part E, Appendix 5 Common name, botanic name, location, cluster or individual tree	<i>Specific “individual” tree or “groups” that are considered of community importance for their amenity, community, heritage, cultural and/or biological values for preservation. Refer “Significant trees” Register Part E – Appendix 5</i>
iv.	Trees in heritage areas , in or around heritage item(s) or curtilage.	Groups and clusters of trees associated with heritage items; buildings and/or sites.	<i>Trees in Heritage Conservation Areas (HCA). This criteria also covers other trees in historic/heritage situations that are not HCAs or are individually identified within the “Significant trees” register.</i>
v.	Trees by size	Criteria to six (6.0) mtrs height and specs to 150mm diameter (DBH) at base height.	<i>To protect and preserve mature trees where possible. Consistent with the “Code SEPP” (Exempt and Complying Development Codes) 2008.</i>
vi.	Trees – Threatened species or Threatened (fauna) species habitat, hollow bearing trees and/or feed trees	As listed under the <i>Biodiversity Conservation Act 2016 (NSW)</i> or <i>Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)</i> Department of Planning and the Environment - Threatened Species Profiles	<i>Biodiversity Conservation Act Schedules.</i> <i>Local geographic representation maybe assisted by Biodiversity Values (BV) mapping, (which broadly includes High Environmental Values (HEV) and</i>

Table B.5 – Prescribed Vegetation (trees) Categories				
Ref	Categories	Description		Explanation
		Maybe represented within BV mapping, (which will include specific HEV/TEC information) Department of Planning and the Environment - NSW BioNet Atlas of Matters the National Environmental Significance (MNES) search		Threatened Ecological Communities (TEC) information.
vii.	Koala habitat (feed trees) trees	Reference only		Refer directly to the Comprehensive Koala Plan of Management (CKPoM, Chapter 3 & 4 Koala Habitat Protection (Biodiversity & Conservation SEPP) for rural areas outside of the CKPoM area. Refer Table B5.1 for Koala Feed Tree Species
		Table B5.1 – Koala Feed Tree Species		
		Primary food tree species		
		Tallowwood	E. microcorys	
		Forest Red Gum	E. tereticornis*	
		Swamp Mahagony	E. robusta	
		Secondary/supplementary food tree species		
		*Includes the naturally occurring E. tereticornis x E. robusta hybrid, referred to as E. ‘patentinervis’ by Bale (1992)		
		Grey Gum	E. propinqua	
		White Stringybark	E. globoidea	
		Stringybark	E. tindaliae	
viii.	Trees in, on or along riparian zones (Strahler system etc).	Vegetation and/or trees alongside streams and rivers		Applies to all waterways as per the Water Management Act 2000 (NSW). – Guidelines for Riparian Corridors Fisheries Management Act, 1994 for any area within 40m of waterways- Key Fish Habitat maps.

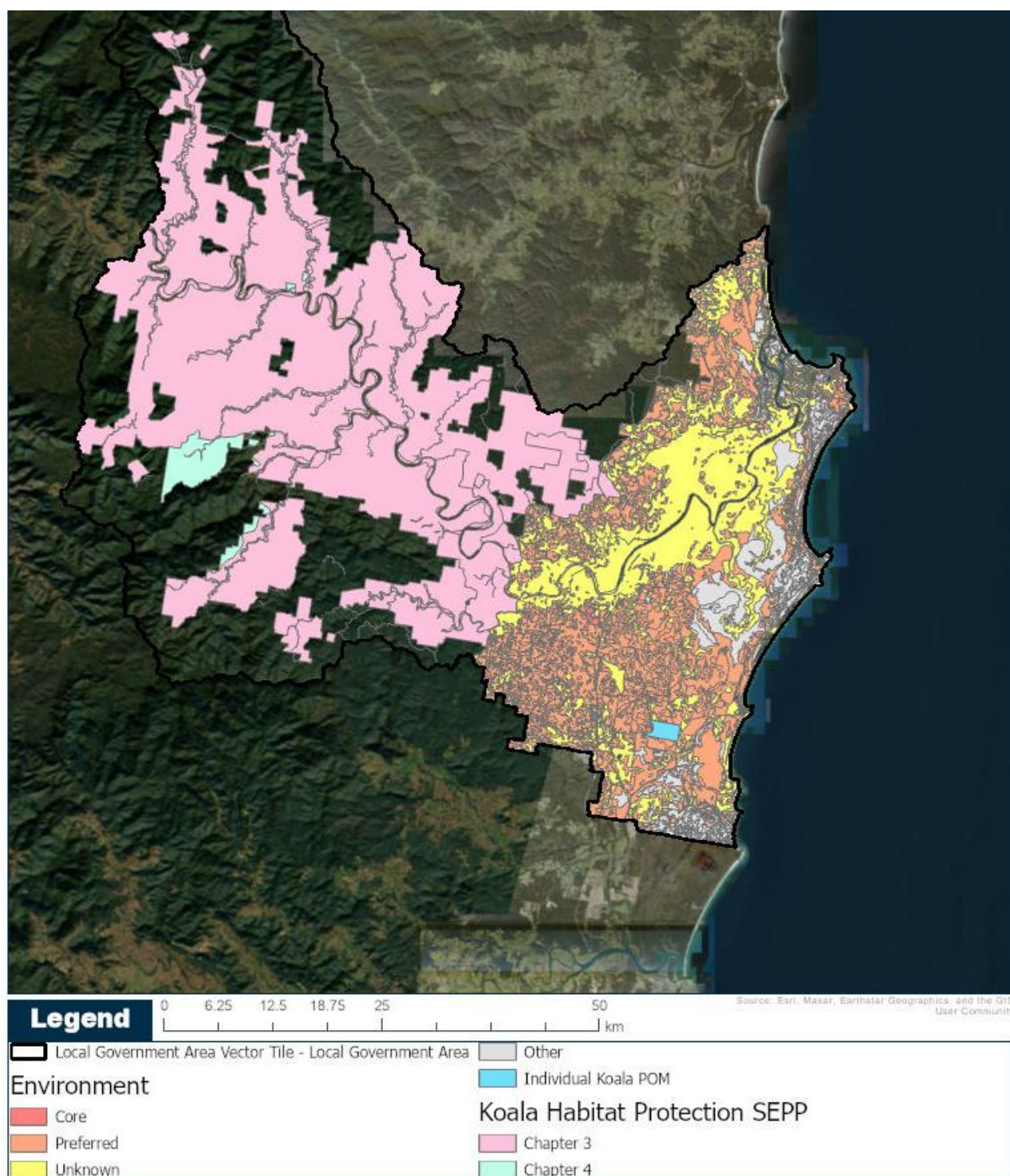


Figure B.4 – Tree preservation category v. “Koala habitat trees” – refer Comprehensive Koala Plan of Management (CKPoM) and mapping for detailed extent, coverage and habitat type

B2.3 Vegetation and Tree Management – Private Land

The following desired outcomes and development control requirements in **Table B.6** apply:

Table B.6 – Private Land – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. All Development – Vegetation and tree activities for private land	
1.1 For the modification, clearance or disturbance of vegetation or trees on non rural zoned lands (R1, R3, R5, RU5, E1, E2, E3, E4, MU1, SP1, SP2, C3 and C4 etc), where the intended vegetation and/or tree activities are part of a development application the provisions under the Biodiversity Conservation Act, KLEP and this DCP apply.	a. Vegetation/clearance must comply with the requirements and allowances of the Biodiversity Conservation Act for biodiversity value mapping, vegetation type, lot size and site clearance percentage. b. To remove vegetation (prescribed, protected or otherwise identified vegetation and/or tree) within a non-rural zone, information submitted as part of the DA to enable Council to assess the submission must include: i. Site location and plan ii. Vegetation mapping (if applicable) iii. Vegetation/tree identification and condition assessment iv. Proposed vegetation actions and reasoning (tree management/removal plan etc) v. Supporting information (photographic evidence etc) if necessary c. The requirement for an Ecologist and/or Arborist report for vegetation clearance, or tree modification or removal associated with a development application will be determined on merit by Council.
1.2 Proper consideration is given to existing trees and native vegetation in designing, planning and constructing development. 1.3 Development minimises injury to or destruction of trees and existing vegetation.	a. Refer to Table B5 Prescribed Vegetation Categories and Part E – Appendix 5 “Significant Trees” Register for the types, categories and specific vegetation and trees that are prescribed for preservation and protection. b. Development must demonstrate the extent of existing vegetation and trees on-site and their proposed preservation, management and removal/clearance.
1.4 Development conserves and enhances high environmental value vegetation, threatened ecological communities and species, and contributes to increased habitat and tree canopy cover.	a. Trees and vegetation are retained, which have an intact structure and complete floristics, wherever practical. b. Development retains healthy individual trees that are a local native species or contribute to local amenity and/or aesthetic value.
1.5 Vegetation removal where allowed, adheres to the prescribed criteria outlined in this Development Control Plan, and Bushfire Protection Requirements.	a. Modification, clearance and/or removal of vegetation and/or trees is for the following reasons; i. Dead or dying ii. Structurally unsound iii. Diseased

Desired Outcome	Development Control Requirements
	iv. Substantial interference with existing private (neighbouring) property, public infrastructure and/or services v. Substantial interference with existing energy generation or solar heating appliance vi. Substantial threat to property or life vii. Within asset protection zones (APZs) for existing or proposed dwellings
1.6 The removal of undesirable exotics, priority weeds, dangerous trees and any other inappropriate plantings is facilitated.	a. Priority weed species trees and vegetation as listed in the current North Coast Regional Strategic Weed Management Plan may be removed and disposed of in accordance with that plan, in order to meet the requirements of the <i>Biosecurity Act</i> .
1.7 Existing trees are appropriately managed for form, shape, safety and maintaining their healthy condition.	a. Removal of dead trees, branches including palm fronds and the selective removal of branches up to and including a diameter of 50mm may be undertaken where the removal: i. Does not alter the canopy of the tree; and ii. Does not destroy the aesthetic appearance of the tree canopy; and iii. Does not alter the growth structure of the tree; and iv. Is carried out in accordance with the relevant Australian Standards for Pruning of Amenity Trees. b. The pruning of any trees or vegetation (as long as not a “Significant tree”), up to six (6.0) metres in height for the purpose of ornamental shaping is permitted without a permit or development consent.
1.8 Management, clearance or disturbance of native vegetation on rural zoned lands (RU1 – Primary Production, RU2 – Rural Landscape, RU3 – Forestry and RU4 – Rural Small Lot) must consider the environmental, ecological and be in accordance with Biodiversity Conservation, Rural Fire Service, Agricultural practices	a. For the clearance or disturbance of native vegetation on rural zoned lands where the intended vegetation and/or tree activities do not form part of a development application or do not require a development application, the provisions under the <i>Local Land Services Act 2013</i> apply.
1.9 Where revegetation, restoration or remediation is required, suitable species of trees are (re)planted that are appropriate to the local environment.	a. Suitable species of trees are planted that are local native species to the North Coast Bioregion, to make a positive contribution to visual and environmental amenity and ecological sustainability. (refer also Part E – Appendix 5).
2. Non DA Tree Activities – Tree Permits and Tree Management	
2.1 For the modification, clearance or disturbance of vegetation and/or trees where a development application (DA) is not required, a tree permit may be required. Refer to Kempsey Shire	a. To remove a tree (prescribed, protected or otherwise notified vegetation and/or tree) within a non-rural zone, a tree permit application must be submitted. Applications must be completed stating the reasons for modification or removal, along with

Desired Outcome	Development Control Requirements
Council's website for existing tree and vegetation clearance guidance.	all supporting information to enable Council to assess such a submission. Legitimate reasons for modification or removal may include that the tree: vi. is dangerous; or vii. is dying and remedial pruning would not improve the deteriorated condition of the tree; or viii. is diseased; or ix. is structurally unsound; or x. has a history of branch fall (documented or photographic evidence to be provided); or xi. is substantially interfering with public infrastructure or services. b. Pruning or removal of trees must be undertaken in accordance with the relevant Australian Standards for Pruning of Amenity Trees and Protection of Trees on Development Sites. Note – The removal of trees to provide or enhance views to or from private property is not permitted. c. The requirement for an Arborist report for tree modification or removal will be determined on merit by Council.
2.2 Trees are appropriately managed for form, shape, safety and maintaining a healthy condition.	a. Removal of dead branches including palm fronds and the selective removal of branches up to and including a diameter of 50mm may be undertaken without a permit or development consent where the removal: i. Does not alter the canopy of the tree; and ii. Does not destroy the aesthetic appearance of the tree canopy; and iii. Does not alter the growth structure of the tree; and iv. Is carried out in accordance with the relevant Australian Standards for Pruning of Amenity Trees. b. The pruning of any trees or vegetation (as long as <u>not</u> a "Significant tree"), up to six (6.0) metres in height for the purpose of ornamental shaping is permitted without a permit or development consent.
2.3 Where replacement or other remedial planting is required, suitable species of trees are planted for the location.	a. Suitable species of trees are planted that are local native species to the North Coast Bioregion, to make a positive contribution to visual and environmental amenity and ecological sustainability.

B2.4 Vegetation and Tree Management – Public Land

The following desired outcomes and development control requirements in **Table B.7** apply:

Table B.7 – Public Land – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. All Development – Vegetation and tree activities for public land	
1.1 Proper consideration is given to trees and native vegetation in designing, planning and constructing development.	a. Development must show the extent of existing vegetation/trees, plant identification, vegetation value(s) and scope of modification and/or removal with supporting reasons, where the proposed vegetation and tree activities are part of a Development Application (DA).
1.2 High environmental value vegetation and threatened ecological communities and species are conserved and enhanced and contribute to increased habitat and tree canopy cover.	a. Development must show the extent of existing vegetation/trees, plant identification, vegetation value(s) to ensure necessary preservation and/or protections where these apply.
1.3 Healthy individual trees are retained that are local native species, or of local amenity and aesthetic value that contribute to vegetated ridgelines and urban cooling, and to mitigate the effects of climate change.	
1.4 Viable native trees and vegetation are retained, which have an intact structure and complete floristics, wherever practical.	
1.5 Injury to or destruction of trees and native vegetation is minimised.	a. Trees on public land shall not be pruned or removed unless: i. Written consent is provided by Council; and ii. They are dead, dying, diseased or dangerous; or iii. They are causing damage to infrastructure on public land; or iv. They are impacting on pedestrian or traffic conditions; or v. They are interfering with services on private property; or vi. They impact on the outlook from historic sites or significant public viewing areas; or vii. The growth habit or mature size of the tree is undesirable in a particular situation, as determined by the General Manager or their delegates; or viii. The trees require removal to fulfil the requirements of section 100C of the Rural Fires Act 1997, as determined by Council.
1.6 The removal of undesirable exotics, priority weeds, dangerous trees and any other inappropriate plantings are facilitated, to replace these with suitable local indigenous species to make a positive contribution to visual and environmental amenity and ecological sustainability.	
1.7 For the disturbance of vegetation and/or trees where a development application (DA) is not required, a tree permit may be required. Refer to Kempsey Shire Council's website for existing tree and vegetation clearance guidance.	
	b. Where a tree removal on public land is approved, the removal may be supervised by an appropriate person from Council, to Council's discretion.
	c. A native tree removed on public land is to be replaced by an approved species in a suitable location as determined by Council.

Desired Outcome	Development Control Requirements
	d. Council will not consider the pruning or removal of trees where the intent is to enhance the views of or from private property. e. Adhoc planting of trees or other vegetation within the road reserve (including public footpaths) is not permitted. Any planting that occurs in this manner will be removed and the road reserve restored at no cost to the Council. f. Council may consider permitting planting on public land by an Incorporated Community Group where accompanied by a detailed report. g. Council has no statutory obligation or onus to treat termites, however where a tree on public land is affected by termites, Council may grant permission for adjoining landowners to enter upon public land to treat termites where treatment does not include the destroying, pruning or removal of trees on public land. h. Any pruning, removal or treatment of any tree on public land must be undertaken in accordance with the relevant Australian Standards for Pruning of Amenity Trees and Protection of Trees on Development Sites. i. Council, or contractors working on behalf of Council, may modify or remove and dispose or priority weed species trees and vegetation as listed in the current North Coast Regional Strategic Weed Management Plan in accordance with that plan, in order to meet the requirements of the <i>Biosecurity Act, 2015</i>.

B2.5 Contaminated Land

Application

1. **Part B2.5** applies where there is the potential for development to occur on or adjoining contaminated land.
2. This part also applies to any/all development on a site and identified as being situated or impacted on Contaminated land - refer to list of notified land - NSW EPA website and information available from Kempsey Shire Council.
3. This part also applies to any/all development on a sites or sites that Council believes may be contaminated land through past activities, whether commercial, industrial or agricultural.

Objectives

1. Development is responsive to site constraints and opportunities, while minimising exposure to contaminated land.

The following desired outcomes and development control requirements in **Table B.8** apply:

Table B.8 – Contaminated Land – desired outcomes and development control requirements

Desired Outcomes	Development Control Requirements
1. All Development - Contaminated land	
1.1 Appropriate investigations are taken for any development on potentially contaminated land or neighbouring polluters on contaminated land.	a. Contaminated land investigations are undertaken for sites that have previously been used for any of the activities identified in Table B.9 below, or that are otherwise identified as being contaminated land.
	Table B.9: Activities that may cause contamination
	Abattoirs, meat and produce processing
	Acid/alkali plant and formulation
	Agricultural/horticultural activities
	Airports
	Asbestos production and disposal
	Banana Plantations; forestry
	Chemicals manufacture and formulation
	Defence works
	Drum re-conditioning works
	Dry cleaning establishments
	Electrical manufacturing (transformers)
	Electroplating and heat treatment premises
	Engine works
	Explosives industry
	Gas works
	Iron and steel works
	Landfill sites and transfer stations/sites
	Metal treatment

Desired Outcomes	Development Control Requirements
1. All Development - Contaminated land	
	Mining, quarrying and extractive industries
	Oil production and storage
	Paint formulation and manufacture
	Pesticide manufacture and formulation
	Power stations
	Railway yards
	Sawmills for wood preservation
	Scrap yards
	Service stations and fuel depots
	Sheep and cattle dips
	Smelting and refining
	Tanning and associated trades
	Waste storage and treatment
	Note: This table is not definitive and is meant as a guide only - a sites contamination status can only be determined after a review of the site history and if required, sampling and analysis. Due to the possibility of leaching and/or transmission of airborne contaminants, sites adjacent to those with an above listed use may also be at risk of contamination and warrant further investigation.
	b. In relation to contaminated land issues, Preliminary Investigations, Detailed Investigations, Remedial Action Plans and Measures for Validation and Monitoring are undertaken in accordance with the relevant legislation, SEPP and Guidelines.
1.2 Development design responds appropriately to any contaminated land identified on the site.	a. The application must demonstrate the achievement of the applicable Desired Outcome.
1.3 Appropriate remediation measures are undertaken for any identified contaminated land.	a. The application must demonstrate the achievement of the applicable Desired Outcome.
1.4 Sufficient amelioration, utilisation and/or buffering shall be included to screen, protect and reduce conflicting land uses from the impacts of contaminated land.	a. The application must demonstrate the achievement of the applicable Desired Outcome.

B2.6 Conflicting Land Uses

Application

1. **Part B2.6** applies to any situation where there may be conflict between different land uses – for example, between residences and offensive or hazardous industries, that are likely to have a negative impact on a use through the emission of noise, odour, dust and other nuisance or pollution effects.
2. This Part also applies where there is the potential for conflicting land uses to occur on sites which are located within proximity to offensive or hazardous uses, such as abattoirs, sewerage treatment works, sawmills, garbage depots, quarries, stock and saleyards and tick dip sites. Both specific sites and generic (potentially problematic) land uses are identified in **Table B.10**.
3. This Part also applies to all lands which are located within the nominated buffer distance from the nominated sites listed in **Table B.11**.

Objectives

1. To protect the level of operation of existing protected land uses from inappropriate development, and inappropriate surrounding development that would lead to the need to reduce the level of operation of such protected land uses.
2. To minimise the potential for conflict between potentially incompatible uses and existing protected land uses, in relation to noise, vibration, odour/smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation, views or other nuisance or pollution conflicts.

To protect community amenity and the reliable operation of Kempsey Shire Council's sewage treatment plants (STPs), Council has set and adopted a policy with clear objectives, requirements and assessment rules that support and supplement development restrictions and requirements. The KSC Sewage Treatment Plant (STP) Buffer Zone Policy (STP Buffer Zone Policy) prevents land-use conflicts, minimises odour/noise impacts on sensitive receivers, and avoids complaint-driven retrofits and regulatory costs being shifted to ratepayers. This Policy applies to all subdivisions and development applications (DAs) affecting land within 400m of the boundary of any Council STP.

Table B.10 – Conflicting Land Use Buffers– desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. Protected Land Uses (those land/sites not specifically nominated)	
1.1 The location and size of any buffers created for protected land uses are based on regulatory authority guidelines and reasonable assessment of the impacts of protected land-uses on existing and potential development that may potentially be incompatible.	a. The location and size of buffers created for an existing protected land-use, that encroaches on adjoining lands in different ownership, are to be designed based on consideration of the following matters: i. the previous long-term use of the site and the potential long-term continuation of the land use, development or activity; ii. the likely nature of and potential for conflict if dwelling houses are permitted in close proximity (as defined by the buffer zones/buffer distances stipulated in this section – refer table B11) to or within the sphere of influence of nuisance emissions from the subject site; iii. the burden any such buffer would place on the ability to develop adjoining lands. Particularly their ability to accommodate a single dwelling house outside of the buffer; iv. any history of complaints;

Desired Outcome	Development Control Requirements
	v. the size, scale and nature of the activity; vi. whether the existing land use, activity or development is of local, shire, regional or state significance and the impact its closure or cessation might have on infrastructure and/or essential services operations, employment opportunities and the economy of the Shire or locality; vii. the identification of a reasonable buffer distance in terms of the particular nuisance being submitted, for example odour, fumes, noise, dust and so on; viii. the extent to which the owners, operators and or managers have endeavoured to reduce emissions from the site and proposed measures to further improve the facility to reduce the impact of nuisance emissions. Note: 1. - The establishment of a buffer will not be accepted as a substitute for proper management, maintenance and continued efforts to minimize any nuisance resulting from the land-use, activity or development. Note: 2. – Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> requires consideration of the environmental impacts of development in the assessment of any development application. Environmental impacts include impacts associated with noise, dust, odour and pollutants generated from development. Note: 3. - Reference NSW Environmental Protection Agency (EPA) policy and guidelines for acoustic and/or odour studies where relevant.
1.2 New development within the vicinity of protected land uses, not specifically nominated in this part, do not have an adverse impact on the operations of the protected land use.	a. The application must demonstrate the achievement of the applicable Desired Outcome.
2. Development Within Nominated Sites/Buffers	
2.1 Residential uses are not sited within nominated buffers in Table B11 unless: i. the residential use is sited to minimise the potential impact of nuisance arising from the protected land use; ii. the residential use has no significant impact on the operation of the land use likely to produce noise, odour, dust, nuisance or pollution conflicts; and iii. where required, appropriate measures to reduce any conflict are provided.	a. The application must demonstrate the achievement of the applicable Desired Outcome.

Desired Outcome	Development Control Requirements
2.2 Non-residential uses are only sited within nominated buffers in Table B11 if it can be demonstrated that it is compatible with the operations of the protected land use. A report must be prepared by a suitably qualified professional demonstrating to Council's satisfaction that the proposed use will not impinge on the continued operation of the protected land use.	a. The application must demonstrate the achievement of the applicable Desired Outcome.
2.3 The removal of existing vegetation within buffer areas is minimized, in order to maximize visual screening of protected land uses. Note - The use of minimum distances for buffers means that nuisance emissions from a protected land use will likely occur outside of the buffer and persons residing outside of buffers should not expect nil or no nuisance from the protected land use.	a. The application must demonstrate the achievement of the applicable Desired Outcome.

Table B.11: Nominated Sites with Conflicting Land Uses

Subject Site	Property Description	Average Buffer Width*
Frederickton Abattoirs	Lot 1713, DP 717943 Parish Yarrabandinni 151 Great North Road, Frederickton	500m
Kempsey Timbers Sawmill	Lot 1 DP 878995 Parish Yarravel 116 Armidale Road, Greenhill	750m
North Street Sewerage Treatment Works	Lots 5/6, Sec 29A, DP758556 Lot 33 DP 752439 Parish Yarravel North Street, West Kempsey	400m
Sewage Treatment Plant (future) – Central Kempsey	Lot 2 DP 565498, West Kempsey	400m
Sewage Treatment Plant (future) – Stuarts Point	Lot 1 DP1284907, Fishermans Reach Road Stuarts Point	400m
Sewage Treatment Plant – South Kempsey	Lot 271 DP 754400, 3A Woolford Crescent South Kempsey	400m
Sewage Treatment Plant – South West Rocks	Lot 503 DP 709042, 50 Belle OConnor Street, South West Rocks	400m
Sewage Treatment Plant – Crescent Head	Lot 1 DP 593105, 40 Belmore Street Crescent Head	400m
Sewage Treatment Plant – Hat Head	Lot 3 DP 217827, Gap Road, Hat Head	400m

Sewage Treatment Plant – Frederickton (Bellimbopinni)	Lot 121 DP 752412, 97 Yarrabandini Road, Bellimbopinni	400m
Sewage Treatment Plant – Gladstone	Lot 2 DP 709045, 54 Darkwater Street, Gladstone	400m
Stock and Saleyards & Agricultural Tick Dip Site 1	Lot 1 DP 530690 Parish Yarravel 42 Saleyards Road, West Kempsey	200m
Central Garbage Depot	Lot 7008 DP96356 Parish Beranghi 638 Crescent Head Road, South Kempsey	750m
Churchill Quarry	Lots 186, 187 & 189 DP754400, Lot 1 DP914805 & Lots 14 & 16 DP1157615 Parish Beranghi Crescent Head Road, South Kempsey	250m
Agricultural Tick Dip Site 2	Lot 18 DP 749161 Parish Yarravel 42 Turners Flat Road, Skillion Flat	200m
Agricultural Tick Dip Site 3	Lot 29 DP 752419 Parish Kullatine 57 Mainneys Road, Turners Flat	200m
Agricultural Tick Dip Site 4	Lot 119 DP 752406 Parish Burragong Fischers Road, Corangula	200m

* **Note** - Buffer dimensions/distances are generally measured from the physical site development/plant rather than from the legal boundary of the site.

B3 UTILITIES, STORMWATER AND TRANSPORTATION INFRASTRUCTURE

Application

1. **Part B3** applies to any development that is required to provide essential utility services, stormwater and transport infrastructure (KLEP, “Essential Services”) and telecommunications to adequately service the development, as identified on the relevant maps and information available from Council’s website (www.kempsey.nsw.gov.au). Other Utility service authorities, suppliers and/or providers information must be obtained directly from them.

Objectives

1. To identify the availability, capacity and feasibility of the provision of essential utilities services, stormwater, transport and telecommunications infrastructure to enable and support sustainable development for the following aspects:
 - Water;
 - Energy;
 - Wastewater treatment;
 - Stormwater;
 - Transport; and
 - Telecommunications.
2. To ensure development can be provided with essential utilities services, stormwater, transport and telecommunications to meet minimum design and regulatory standards.
3. To ensure that development is provided with sufficient essential services, capacity and access in the event of hazards for emergency services response.
4. To provide suitable opportunities for sustainability initiatives to be incorporated in the provision of utilities and transport infrastructure.

The following desired outcomes and development control requirements in **Table B.12** apply:

Table B.12 – Water, Energy, Waste, Stormwater and Transportation Services Infrastructure

Desired Outcome	Development Control Requirements
1. Water	
1.1 Development is provided with an adequate potable water supply, with sufficient capacity for peak usage.	a. Development is connected to reticulated water of sufficient capacity to meet the development demand, in accordance with Council’s Infrastructure Delivery Guide and Council’s AUS-SPEC/Water Supply Code of Australia (Water Services Association of Australia (WSAA)). b. In locations where no reticulated water source is available or connection feasible, a decentralised service to meet essential water quality, volume and pressure requirements is provided. c. Water supply system is designed in accordance with Council’s standards and specifications including Council’s AUS-SPECs, relevant Australian Standards and Water Supply Code of Australia (WSAA). d. Where discrepancies exist between AUS-SPEC or
1.2 Development does not adversely, or negatively affect existing developments.	
1.3 Development caters for the future (total known development).	
1.4 Access to a supply of water with sufficient capacity for fire fighting in accordance with Planning for Bushfire Protection requirements.	

Desired Outcome	Development Control Requirements
	WSAA and Council's standards and specifications, Council's standards and specification shall take precedence unless otherwise agreed in writing. e. Where development is on bushfire prone land, water supply is provided in accordance with current <i>Planning for Bushfire Protection</i> requirements.
2. Energy	
2.1 Development provides an adequate electricity supply.	a. Development is connected to an electrical power supply network of sufficient capacity to meet the development demand, and/or provides new or expanded electricity infrastructure in accordance with the requirements of the relevant energy provider. b. The developer shall meet all costs for the provision of infrastructure to service developments, unless otherwise determined by Council prior to issue of a development consent.
3. Wastewater Treatment	
3.1 Development is provided with adequate sewerage system and function. 3.2 Development does not adversely or negatively affect downstream infrastructure. 3.3 Development caters for the future (total known development).	a. Development is connected to a reticulated sewerage main of sufficient capacity to meet the development demand, where possible, in accordance with Council's Infrastructure Design Guide. b. Where not possible to comply with a. above, effluent disposal provides (refer Part E – Appendix 6) appropriate on-site disposal, designed in accordance with the relevant Australian Standards for On-site Domestic Wastewater Management and an On-site Sewage Management Assessment Report to support sewage treatment proposals is to accompany an application for this type of development. c. Wastewater system is designed in accordance with Council's standards and specifications including Council's AUS-SPECs, relevant Australian Standards and Water Supply Code of Australia (WSAA). d. Where discrepancies exist between AUS-SPEC or WSAA and Council's standards and specifications, Council's standards and specification shall take precedence unless otherwise agreed in writing.
4. Stormwater Management	
4.1 Development provides sustainable stormwater infrastructure integrating water sensitive urban design principles as part of an integrated stormwater management system.	a. Development achieves the integrated management of stormwater to achieve compliance with Council's Infrastructure Delivery Guide and Council's AUS-SPECs to:

Desired Outcome	Development Control Requirements
	i. minimise surface flooding; ii. protect environmental values of receiving waters; iii. maximise the use of water sensitive urban design, including rainwater harvesting and on-site re-use; iv. minimise safety risk to all persons and impacts on neighbouring property; v. maximise the use of natural waterway corridors and natural channel design principles. vi. Consider existing and future use incorporating climate change impacts vii. Council will not permit directly connected stormwater into kerb, gutter or table drains for any development other than that of a minor nature. Note: - Refer also Australian Rainfall and Runoff Guidelines (ARR 2019) and Bureau of Meteorology Intensity-Frequency-Duration (BoM IFD) data for design and modelling (MUSIC) with documented parameters and version, where required.
5. Transport	
5.1 Development is serviced by roads, public transport and active transport networks.	a. All new roads are designed in accordance with Council's AUS-SPEC design specification documents. b. Development provides roads, pathways and cycleways that are designed and constructed in accordance with Council's Infrastructure Design Guide.
5.2 Where development relies on access from or infrastructure within a Crown Road Reserve or other Crown Land then the development shall address all requirements, make all provisions, establish all necessary infrastructure and undertake the transfer of ownership to and for the purposes of that development at its own cost.	a. Transfer of the Crown Road/Land to private (development) control prior to subdivision certificate, construction certificate, or occupation; b. Road widening, drainage, utilities, and environmental works may be required; all costs associated with the transfer are to be borne by the applicant;
6. Telecommunications	
6.1 Development provides adequate telecommunications infrastructure to service the needs of the development.	a. Development is provided with telecommunications service as per the <i>Telecommunications (Consumer Protection and Service Standards) Act 1999</i>. b. Development is provided with access to the National Broadband Network (NBN) in accordance with the requirements of the relevant NBN provider (where available).

Table B.13 shown (next page) contains a summary of the development planning controls.

Table B.13 – Summary of Planning Development Controls – Essential Services

Table B.13 – General Summary of Planning Controls – Utilities Stormwater & Transportation									
Development		Standard		Essential Services					
Land-use Zone	Typical Planning Development parameters <i>(Check LEP for all details)</i>			Water Supply	Electricity	Sewage Treatment	Stormwater	Access (Road & Transport)	Telecommunications
	MLS*	HoB*	FSR*						
R1, R3, RU5	500 m ²	8.5m	As per KLEP	Mains connection to each lot	Mains connection to each lot	Mains connection to each lot	On-site S/W mgmt to specified AEP level Overflow to legal S/W discharge point	To TfNSW relevant adjacent Road Class Standard. Single access point	To each lot Fibre to Premises where available
R3	As per KLEP	8.5m 11.0m	As per KLEP	Mains connection to each lot	Mains connection to each lot	Mains connection to each lot	On-site S/W mgmt to specified AEP level Overflow to legal S/W discharge point	To TfNSW relevant adjacent Road Class Standard. Single access point. Ingress/egress in a forward direction	To each lot Fibre to Premises
R5	1 ha	-	-	Where mains water is available, connection to each lot is required.	Mains connection to each lot	Approved OSMS in accordance with AS 1547- onsite disposal	On-site S/W mgmt to specified AEP level Overflow to legal S/W discharge point/water course	To TfNSW relevant adjacent Road Class Standard. Single Access	To each lot <i>(where physical connection is not available, wireless connection may be considered)</i>
R5 - Arakoon	1 ha	-	-	Where mains water is not available mains connection is not required. Onsite potable water supply	Mains connection to each lot	Approved OSMS in accordance with AS 1547- onsite disposal	On-site S/W mgmt to specified AEP level Overflow to legal discharge point (SW)	To TfNSW relevant adjacent Road Class Standard. Single access point.	To each lot <i>(where physical connection is not available, wireless connection may be considered)</i>
E1 – E3	-	-	As per KLEP (where applicable)	Mains connection to each lot	Mains connection to each lot	Mains connection to each lot	On-site S/W mgmt to specified AEP level Overflow to legal discharge point (SW)	To TfNSW relevant adjacent Road Class Standard. Access. Ingress/egress in a front direction	To each lot Fibre to Premises
	No lot size correlating to zone – Check LEP								
E4	-	-	0.5	Mains connection to each lot	Mains connection to each lot	Mains connection to each lot	On-site S/W mgmt to specified AEP level Overflow to legal discharge point (SW)	To TfNSW relevant adjacent Road Class Standard. Access. Ingress/egress in a front direction	To each lot Fibre to Premises
	No lot size correlating to zone – Check LEP								
RU4	8 ha	-	-	Where mains water is not available mains connection is not required. Onsite potable water supply	To each lot <i>Where mains are not currently available decentralised power may be considered to council’s discretion</i>	Approved OSMS in accordance with AS 1547- onsite disposal	To Council’s Infrastructure Delivery Guide and AUS-SPECs	To TfNSW relevant adjacent Road Class Standard. Single access point. Ingress/egress in a front direction	To each lot <i>(where physical connection is not available, wireless connection may be considered)</i>
RU1, RU2	40 Ha	-	-	Where mains water is not available mains connection is not required. Onsite potable water supply	To each lot <i>Where mains are not currently available decentralised power may be considered to council’s discretion</i>	Approved OSMS in accordance with AS 1547- onsite disposal	To Council’s Infrastructure Delivery Guide and AUS-SPECs	To TfNSW relevant adjacent Road Class Standard. Single access point. Ingress/egress in a front direction	To each lot <i>(where physical connection is not available, wireless connection may be considered)</i>
C2, C3, C4	40 Ha	-	-	Where mains water is not available, mains connection is not required. Onsite potable water supply	To each lot <i>Where mains are not currently available decentralised power may be considered to council’s discretion</i>	Approved OSMS in accordance with AS 1547- onsite disposal	To Council’s Infrastructure Delivery Guide and AUS-SPECs	To TfNSW relevant adjacent Road Class Standard. Single access point, Ingress/egress in a front direction	To each lot <i>(where physical connection is not available, wireless connection may be considered)</i>
*MLS Minimum Lot Size HoB Height of Building FSR Floor Space Ratio Note: This Table is a summary guide only, and does not contain details of other planning instruments such as State Environmental Planning Policies, Regional Environmental Plans and or related Acts that affect development in the Kempsey Shire local government area. All applicants must verify all requirements for their specific location and site from SEPPs and LEP and other regulatory policies, guidelines and codes.									

B4 ABORIGINAL CULTURAL HERITAGE

Application

Part B4 applies to all development in the Kempsey Shire local government area that requires development consent pursuant to Clause 5.10 of KLEP.

Where an inconsistency arises between **Part B4** and any other Part of this DCP, **Part B4** will prevail to the extent of the inconsistency.

Aboriginal Cultural Heritage

Aboriginal cultural heritage refers to places, object and stories which are significant for Aboriginal people and the story of New South Wales.. There are many sites of special significance to Aboriginal communities and these should be preserved for all people, as a part of our collective heritage.

When reviewing whether any landscape features may indicate the potential for Aboriginal objects on the land, it is useful to consider that the coastline in the Macleay has moved over time. Objects, such as shell middens, may be located a considerable distance from the current coastline.

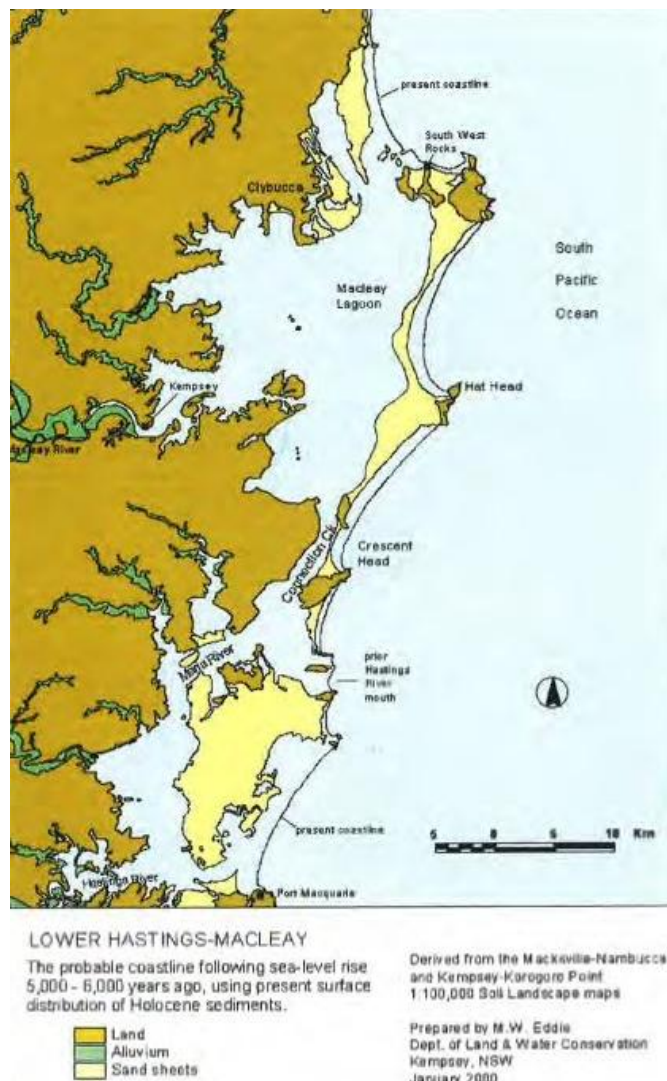


Figure B.5 – Indication of possible coastline within Macleay Valley 5000-6000 years ago

Due Diligence – Search and assessment

NSW Environment and Heritage keeps a register of all recorded Aboriginal objects and Aboriginal places in NSW. The register is called the Aboriginal Heritage Information Management System (AHIMS). Search the AHIMS to discover if an Aboriginal object has been recorded, or an Aboriginal place declared, on a parcel of land. However, surveys for Aboriginal objects have not been carried out in many parts of NSW, so Aboriginal objects may exist on a parcel of land even though they have not been recorded in AHIMS. Further details can be obtained about the AHIMS through the NSW Government website (www.environment.nsw.gov.au).

Note: Current official title of responsible Government entity is the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) and National Parks and Wildlife Service.

A document Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (the Consultation Requirements) focuses on the requirements for consultation with Aboriginal people as part of the heritage assessment process. The Consultation Requirements apply to all activities throughout New South Wales that have the potential to harm Aboriginal objects or places and that require an AHIP. It is also recommended that the Consultation Requirements be used where a proponent may be uncertain on whether or not their proposed activity may have the potential to impact on Aboriginal objects or places, and where the proponent is required to undertake a cultural heritage assessment to establish the potential impact that their proposal may have on Aboriginal cultural heritage. Details of the Consultation Requirements can be obtained from NSW Environment and Heritage.

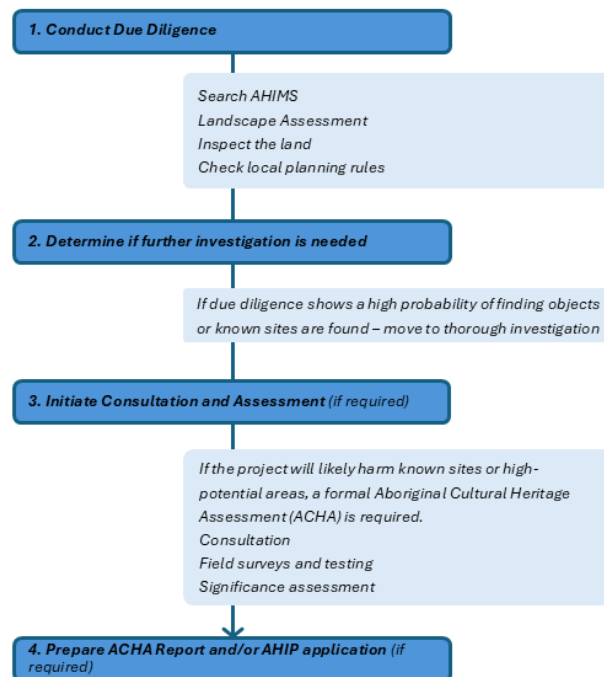


Figure B.6 – Aboriginal Cultural Heritage: Overall due diligence process

If development is going to disturb or excavate land and discovers an Aboriginal object, or disturbs or moves an Aboriginal object, an application for an Aboriginal Heritage Impact Permit (AHIP) from NSW Environment and Heritage (refer also **Figure B.6**) may be required. Further information is available on the OEH website (www.environment.nsw.gov.au).

Application Process – Due Diligence, Assessment and Requirements

Aboriginal objects and places are protected in NSW under the National Parks and Wildlife Act 1974 (NPW Act), administered by NSW Government. The NPW Act makes it an offence to willingly and knowingly harm or desecrate an Aboriginal object or Aboriginal place without a permit. Harm is defined as destroying, defacing, damaging or moving an object from the land.

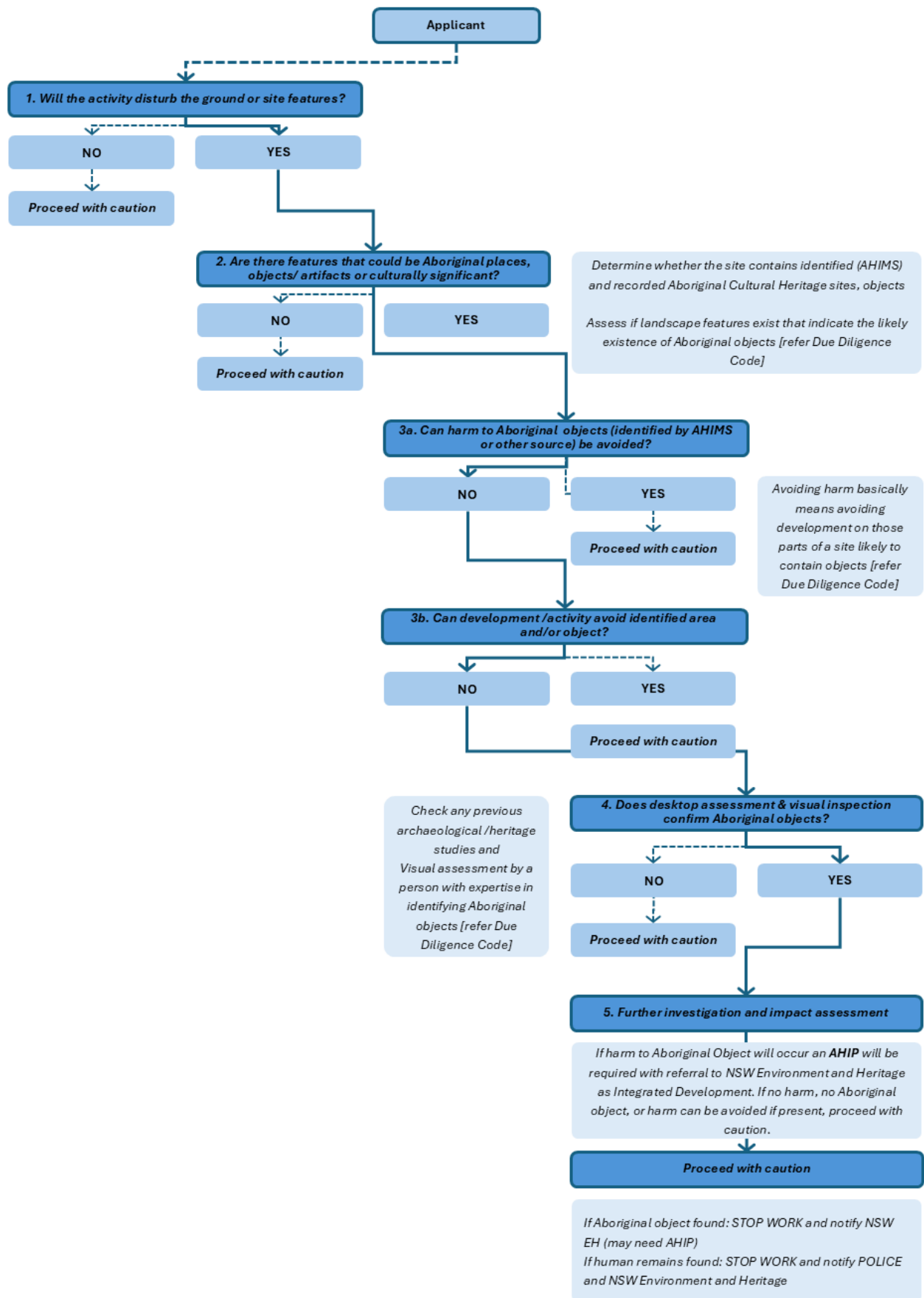


Figure B.7 – Aboriginal Cultural Heritage: Outline of process to identify, check and address impacts – refer NSW Environment and Heritage for full details

Objectives

1. To ensure that Aboriginal objects and places of heritage significance to Aboriginal people within Kempsey Shire are identified, conserved and protected.
2. To ensure development complies with all relevant legislation, policies and documents with respect to the management of Aboriginal cultural heritage.
3. To encourage development planning and design that considers “care for and connection with Country”.

The following desired outcomes and development control requirements in **Table B.14** prescribe how the above objectives can be met.

Table B.14 – Aboriginal Heritage – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. Legislative Requirements	
1.1 Development meets the requirements of all relevant legislation, policies and documents, with respect to the management of Aboriginal Cultural Heritage.	Development meets the following requirements, where applicable: 1. <i>National Parks and Wildlife Act 1974</i>. The Act, administered by Environment and Heritage is the primary legislation for the protection of Aboriginal cultural heritage in New South Wales. The NPW Act provides statutory protection for all Aboriginal places and objects. Note: The provisions of the NPW Act in relation to Aboriginal cultural heritage will apply even in the event no development consent from Council is required. 2. “Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales”, (NSW Environment and Heritage). This Code assists individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects. 3. “Aboriginal Cultural Heritage Consultation Requirements for Proponents”, (NSW Environment and Heritage). These requirements provide guidelines for consulting with the Aboriginal community. 4. “Code of practice for archaeological investigation of Aboriginal objects in NSW”. (NSW Environment and Heritage). 5. “Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW”, (NSW Environment & Heritage). 6. “Applying for an Aboriginal heritage impact permit: guide for applicants 2010”, (NSW Environment & Heritage). 7. All development applications are required to be considered against the provisions of any environmental planning instrument and development control plan, in accordance with section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> (EPA Act). Both KLEP and

Desired Outcome	Development Control Requirements
	this DCP require consideration of the potential impacts of development on Aboriginal cultural heritage. 8. An Aboriginal Heritage Impact Permit (AHIP), issued by the NSW Environment & Heritage, will be required for development that will have an impact on Aboriginal objects or places. Further information is available on the OEH website at www.environment.nsw.gov.au. If an AHIP is required, then the development may constitute Integrated Development in accordance with Division 4.8 of the EP&A Act. Integrated Development will need to be placed on public exhibition and additional development application fees will need to be paid. 9. Development must comply with the relevant development application requirements outlined in KLEP.
2. Due Diligence and Assessment	
2.1 Reasonable actions are undertaken to identify the potential for Aboriginal objects and Aboriginal places of heritage significance on development sites.	a. An Aboriginal Heritage Information Management System (AHIMS) search is undertaken to establish the presence or absence of any identified/ recorded Aboriginal Cultural Heritage sites and/or objects. b. Assess site landscape for features that suggest a high likelihood of Aboriginal occupation such as proximity to water (creeks, rivers and estuaries) ridgelines or rock shelters. c. For development that is located within landscape features that are likely to indicate presence of Aboriginal objects, a due diligence check in accordance with the Due Diligence Code is required to be submitted in support of the application.
3. Protection and Conservation of Aboriginal Heritage	
3.1 An adequate assessment to determine the likely impact on any Aboriginal object or place has been made, including measures required to manage any potential impacts.	a. The requirements of the NSW Environment and Heritage must be considered and addressed in a development application affecting land being of cultural significance to the local Aboriginal community. b. An Aboriginal Heritage Assessment Report is submitted with development applications. i. All development applications must be accompanied by an assessment of the cultural value of the affected land; ii. Each assessment must reflect the particular interests of traditional/tribal owners as well as consider the interest of the local Aboriginal community; iii. Appropriate management and security measures for ongoing protection of sites

Desired Outcome	Development Control Requirements
	must be included; and iv. Development applications must comply with the methodology and requirements of the “Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW”
3.2 Development avoids or minimises harm to Aboriginal objects or Aboriginal places of heritage significance.	a. Any areas of Aboriginal cultural heritage value in, or adjoining, the proposed development (building footprint), including areas in the development site are identified and reasonable steps are taken to avoid harm to that heritage.
3.3 Development retains, conserves and does not detract from the features and cultural values of the Aboriginal object or declared Aboriginal place.	a. Development is appropriately sited to ensure the curtilage and setting of the Aboriginal object or declared Aboriginal place is retained and conserved.
3.4 Development is compatible with the Aboriginal cultural significance of the place.	a. Development avoids land containing high Aboriginal heritage sensitivity.
3.5 Development adjoining, or adjacent to, an Aboriginal object or Aboriginal place should have no physical impact on that object or place.	
4. Connecting with Country	
4.1 Development on Aboriginal heritage impacted site is designed to care for and connection with Country.	a. Development is appropriately designed and sited to ensure the visual and cultural heritage connections and values of native vegetation clusters, waterways, coastal waters, riparian lands and ridgelines are preserved and/or restored.
4.2 Development on Aboriginal heritage impacted site provides high quality Aboriginal cultural heritage interpretation at the site to improve understanding and sense of place within the community.	a. Development provides high quality Aboriginal cultural heritage interpretation at the site, appropriate for the level of heritage significance to improve understanding and connection to Country.

B5 DEVELOPMENT CONTRIBUTIONS

Application

Part B5 applies to any development that is required to provide development contributions.

Council's authority to levy contributions is derived from Section 7.11 or 7.12 (previous s94) of the *Environmental Planning and Assessment Act 1979* (Development Contributions Plans) and Developer Servicing Plans prepared pursuant to the *Water Management Act 2000*. Accordingly, Council's contribution requirements will be in accordance with a "s/b Section 7.11 or 7.12 Contributions Plan" or a Developer Servicing Plan.

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

Objectives

1. To identify Council's requirements for development contributions, as provided for by Sections 7.11 and 7.12 (previous s94) of the *Environmental Planning and Assessment Act 1979* (Development Contributions Plans) and Developer Servicing Plans prepared pursuant to the *Water Management Act 2000*.

The following desired outcomes and development control requirements in **Table B.15** apply:

Table B.15 – Development Contributions

Desired Outcome	Development Control Requirements
1. All Development – Development contributions	
1.1 Development Contributions will be triggered by development applications, through: i. Current Section 7.11 and/or 7.12 (previous s94) Contribution Plans; and ii. Current Section 64 Development Servicing Plans.	a. Applicants/developers contribute towards the augmentation of local and arterial road works, open space, community, cultural and emergency services and centralized parking where upgrading requirements can be attributed to the development, in accordance with the relevant 7.11 and 7.12 (previously Section 94) Plans.
	b. Applicants/developers contribute to water supply and sewerage head works in accordance with relevant Development Servicing Plans.
	c. Where relevant, satisfactory alternatives to paying contributions, in whole or part, are agreed between Council and the applicant/developer. These alternative arrangements include: i. Voluntary Planning Agreements; ii. Works in kind; and/or iii. Dedication of land.

Part C – Place Based Requirements

Character Places and Heritage Areas

PART C – CHARACTER PLACES AND HERITAGE AREAS

This section applies to all development on land or locations within specific place-based localities and to development on or in the identified character areas, listed places, locations, items and within Heritage Conservation Areas or Heritage Precincts within the Kempsey local government area. It applies to:

1. Places within Kempsey Shire, being:
 - South West Rocks, Town Centre
 - Crescent Head Village
 - Dulconghi Heights
 - Stuarts Point
 - Point Plomer Road Precinct
 - Hat Head
 - Mid North Coast Industrial Hub
2. Settlement (European) period heritage only. Aboriginal Cultural heritage is addressed in **Part B4**. Items of Environmental Heritage listed in Schedule 5 - Part 1 – Heritage Items of KLEP.
3. Heritage Conservation Areas as identified in Schedule 5 – Part 2 – Heritage Conservation Area of KLEP. Heritage Conservation Areas are found in:
 - Bellbrook; and
 - Gladstone.
4. The following Heritage Precincts identified in this section:
 - Frederickton;
 - Kempsey - East;
 - Kempsey - Central;
 - Kempsey - West; and
 - Smithtown.

New Release Areas provisions are contained within the DCP **Part E - Appendix 3**, where existing land areas with planning and development requirements have been stipulated and incorporated within Kempsey's Development Controls.

5. New Release Areas;
 - Crescent Head Urban Investigation Area
 - Yarrahapinni

Application

Kempsey Shire has a number of localities with specific “place-based” provisions and development control requirements. These places are urban and rural areas, defined by heritage, their physical environment, visual character, landscape qualities or aspects of all those characteristics. There is a community desire and need to preserve the character of these specific localities to ensure that the values and features which define the identity of these places are maintained through development.

Conservation, heritage and/or character areas are not intended to prevent further growth and development, but to protect and preserve the character values of the place and guide new development and growth in a manner consistent and complementary with these identified values.

Purpose

This part, **Part C** provides information; background, characteristics and locality issues that are essential to the preparation and assessment of development applications in places and areas that contain heritage sites, heritage items, groups of period buildings, identified visual character, open space and/or landscape features. The purpose is to preserve the character of these areas.

Applicants must consider these requirements if and where their development site is located within one of the identified areas as covered in this **Part C** (other heritage items and aspects may be referenced in **Part E – Appendix 2**). Other requirements referenced in **Part D - Development Requirements**, where these apply, must also be considered and addressed;

1. Character Places

A variety of individual places and areas of natural and built environment character, such as South West Rocks Town Centre, Point Plomer, Hat Head and Stuart’s Point warrant specific “place-based” provisions and development control requirements.

2. Heritage Items

This relates to settlement (European) period heritage only. Aboriginal Cultural heritage is addressed in **Part B4**, while Items of Environmental Heritage are listed in Schedule 5 - Part 1 – Heritage Items of KLEP.

3. Heritage Conservation Areas

The Shire also has two existing Heritage Conservation Areas which are listed in the KLEP. These are Bellbrook (which is also National Trust listed) and Gladstone.

4. Heritage Precincts

Council has separately defined Heritage Precincts within Smithtown, Frederickton, parts of Kempsey – East and the town centres of Kempsey and West Kempsey (Note: other localities may be identified and added in future). Understanding their history and built forms assists in identifying their unique qualities and their physical context within which individual sites, buildings and elements can be appreciated.

For each of the identified localities, the following sections (refer **Figure C.1** below) set out the aspects that may apply to development within those areas as defined.

1. **Application** – where the planning requirements apply, through map information (area), a scope defining the extent of area and aspects and references such as studies, strategies, plans and/or community information that have been used to identify and define the locality area, scope and description of character.

2. **Analysis** – a brief background explanation such as history and a definition of the particular character of that location or place, and specific locality issues that should be addressed, where relevant, of proposed development within that locality.
3. **Statement of significance** (where applicable) – a statement of the local and/or state significance of the locality, its features and character, often related to heritage values. These are matters that must be addressed in any development proposal.
4. **Objectives (Desired Outcomes and Development Requirements)** – the broad planning objectives for each place with performance type ‘Desired Outcomes’ alongside the Development Control Requirements that apply and are to be achieved.

Applicants whose proposed development is located in any of these areas must address the particular issues, desired outcomes and development requirements that apply to their proposal.

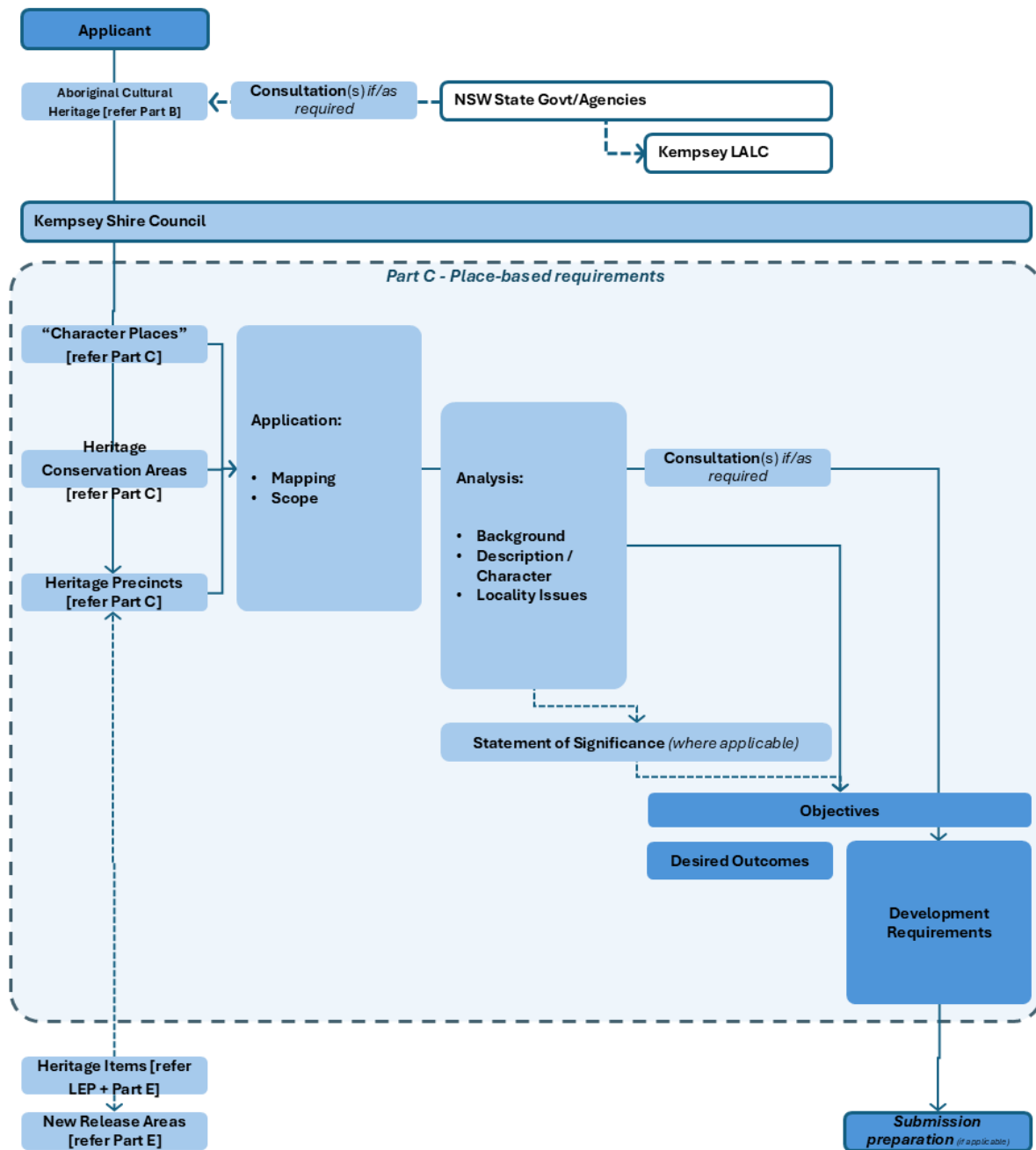


Figure C.1 - "Place-based" Requirements – Navigating the relevant sections

C1 CHARACTER PLACES

C1.1 South West Rocks Town Centre

Additional local provisions for design excellence for development in South West Rocks Town Centre are contained within the KLEP.

Application

1. This section applies to all development of land in the South West Rocks Town Centre, within the area bounded by the bold line described in **Figure C.2** below.



Figure C.2 - Land subject to the provisions of **Part C1.1** – South West Rocks Town Centre

2. This part of the DCP for the South West Rocks Town Centre is also characterised by three (3) precincts, which are (as shown in **Figure C.3** below):
- Precinct P1: Public and Recreation Areas;
 - Precinct P2: Town Centre Commercial; and
 - Precinct P3: Tourist Accommodation Area;

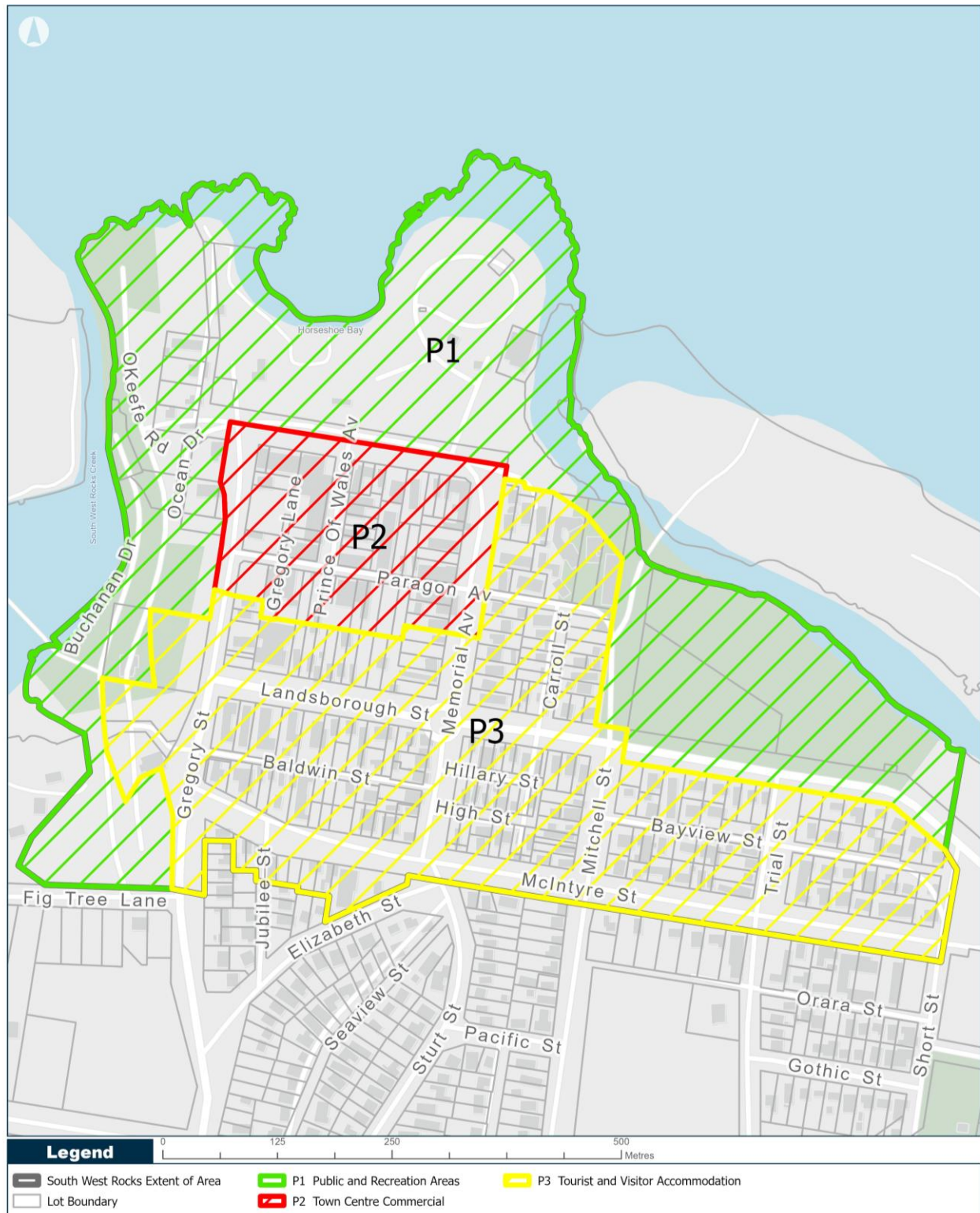


Figure C.3 – Precincts of South West Rocks Town Centre

3. This section also applies to all development of land identified as being part of the South West Rocks Heritage Precinct and Heritage Items shown in **Figure C.4**. Additional provisions are applicable to these

heritage areas as outlined in section C1.1 and **Part E – Appendix 2**.

4. Proposed Development will also require addressing all relevant provisions in **Part B - Shire Wide Requirements, Part D - Development Requirements** and **Part E - Appendices**, where applicable.
5. The provisions of this Part override however the provisions of any other Part of this DCP, to the extent of any inconsistency.

Scope

This part outlines the precinct-specific planning controls applicable to development and use of land in the South West Rocks Town Centre.

C1.1.1 Analysis

Background

South West Rocks' establishment as a Town is a result of its location at the head of the Macleay River, its bay, headland and the river delta hinterland. This history is reflected in the Maritime Precinct (refer Fig C.4) a cluster of heritage buildings on the promontory and ridgeline above Back Creek. Its position as the gateway to the Macleay Valley and the hinterland's natural resources and suitability for grazing allowed it to develop as a shipment point, and later, a holiday destination.

South West Rocks Town Centre is bounded by the Pacific Ocean coastline, natural and modified landscapes including Horse Shoe Cove and Trial Bay. Undulating residential suburban areas lie behind, with low-lying Back Creek, vegetation and flood plain along the western edge. The scenic coastline and environment is a major attraction, with key facilities provided alongside the beaches, estuaries and parks and associated amenities and services. Now Identified as a town within the North Coast region, South West Rocks' Town Centre has strong historical associations and physical remnants of earlier habitation, based on Aboriginal cultural heritage, period settlement and maritime activity. Some of these are recognized as important values for both tourism and the local community (South West Rocks Structure Plan, 2023).

The purpose of this part is to also provide means of implementing the outcomes of the South West Rocks Structure Plan (2023), within the Town Centre area to the extent relevant. A copy of the South West Rocks Structure Plan is available from Council's website. The Horseshoe Bay Master Plan (2019) also applies to that part of the Town Centre generally to the north of Livingstone Street. The Horseshoe Bay Master Plan is available through Council's website.



Figure C.3a – South West Rocks Historic Plan (extract), and aerial photograph of contemporary Town Centre and foreshore

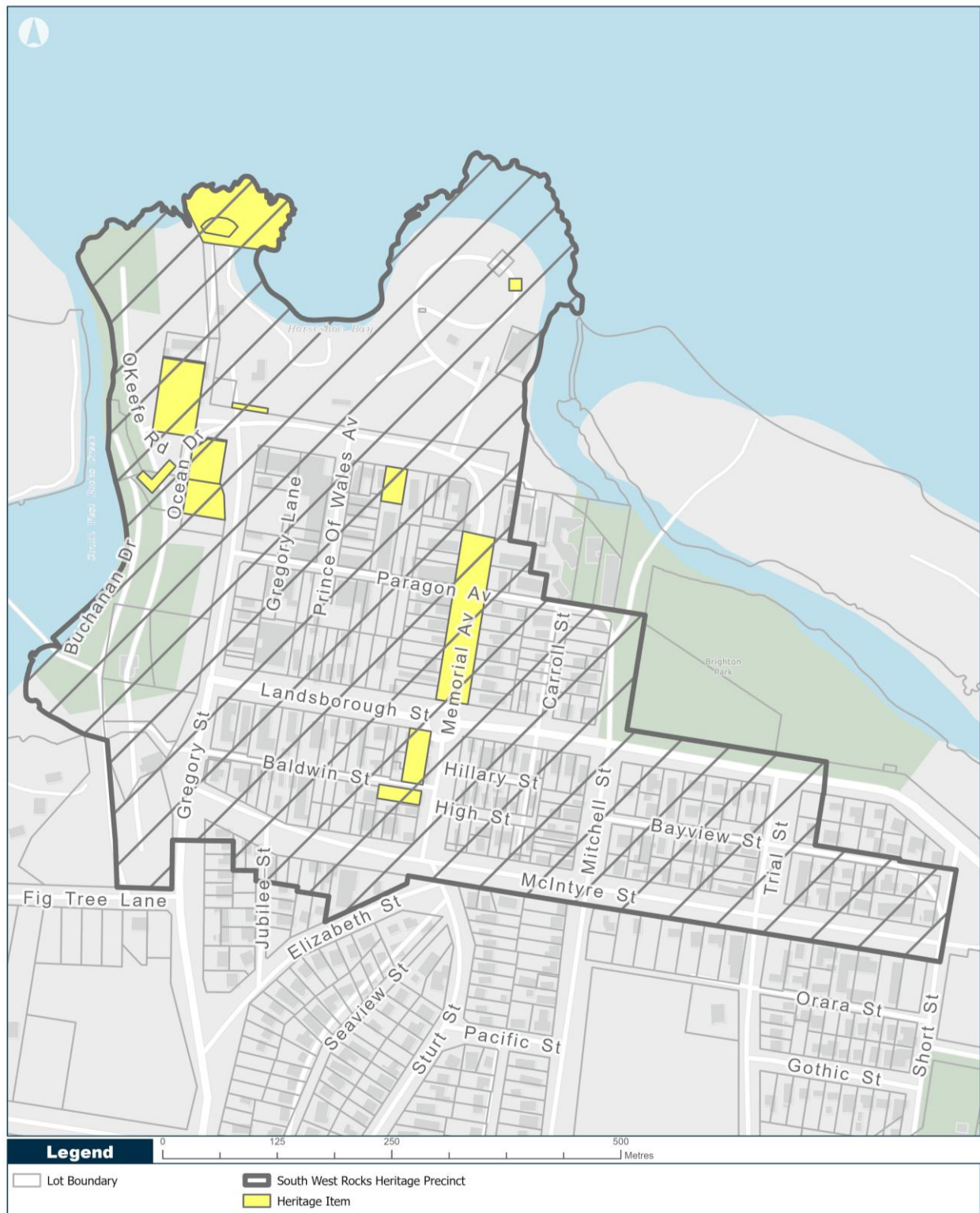


Figure C.4 – South West Rocks Heritage Precinct

Description - Character

South West Rocks rests on a coastal setting, with its compact Town Centre set at the end of a low ridge surrounded on two sides by natural coastal and riverine scenic beauty. It has strong physical and visual links to the ocean and creeks. The town centre slopes downwards to the east and south, limiting ocean views once away from the former Pilot Station Bay area.

The Town Centre is a destination (not enroute to anywhere), offering a casual relaxed lifestyle based on

opportunities offered by the natural coastal surrounds. This is generally reflected in its eclectic mix of residential, human-scale commercial and historic built forms on generally wide streetscapes bounded by parkland and natural foreshore areas. “The town centre is comprised of several precincts with unique characteristics, including the historic town centre, older residential parts of the town north of Hill Street” (LGMS Local Character Statements Review 2022).

The original town is contained within a grid pattern orientated to the major compass points and consists of an east - west distance spanning four blocks and north – south distance spanning three blocks. A group of weatherboard buildings (Maritime Heritage Grouping) defined by the former Pilot Station and Community Hall are on elevated ground around Ocean Drive and Gregory Street with the business centre to the east extending south to Memorial Avenue and west to Paragon Avenue. There are also a small number of buildings within the town centre which have local historical importance. Newer buildings are characterised around shop-top housing and apartment housing blocks. New buildings within the town centre conform to existing plots with generally single dwellings existing around the periphery. Some medium density building is emerging.

The streets in the South West Rocks commercial town centre are characterised by a grid pattern with central and close proximity to facilities, services and public places.

On the west and south are the residential homes and holiday accommodation. Some examples of period development are scattered through this area. The period residential buildings are predominantly small scale and sometimes framed by low level fencing, punctuated by groups of native and introduced trees and having a mixture of street frontages. Most building types are generally single detached dwellings, with some small-scale apartment buildings or shop top housing.

Around the town centre periphery the natural and introduced vegetation on roads and in reserves along with the views to the ocean and bay provides a coastal character to the centre on the eastern and northern edge. The natural and introduced vegetation on roads and in reserves also acts as a positive aesthetic to those parts of the town centre which do not have an outlook to the ocean.

Building sizes within South West Rocks Town Centre are generally lower scale, ranging from 1-2 storeys for detached dwellings and up to three (3) storeys for buildings near or within the commercial core.

The elements making up the character of the South West Rocks Town Centre includes:

- a) Natural coastal edge.
- b) Historic built form items (Maritime Heritage Grouping).
- c) Parklands.
- d) Natural foreshore areas.
- e) Mix of commercial and tourist residential uses which provide for a continuity of scale and building setbacks.
- f) A mix of primarily low and some medium density residential development.
- g) Streetscapes characterised by informally edged streets with verges or footpaths, off-street car parking and vegetation in front and beside buildings.

Locality Issues

South West Rocks maintains a strong relationship with the NSW coast and other towns that are accessible for commuting, lifestyle choices and retirement. Demand and growth in population is anticipated to continue into the foreseeable future.

Locality-specific issues that will need to be addressed through (re)development in South West Rocks Town Centre includes:

1. Traffic circulation
2. Pedestrian and ‘active transport’ accessibility, mobility and safety.
3. Management of coastal areas (including sand mining), watercourses and entrances to the ocean.
4. Provision of housing supply and diverse housing typologies, including more smaller dwellings.
5. Essential services, including water and sewer infrastructure capacity to meet future/increased demand.
6. Streetscapes, incorporating trees, footpaths and existing vegetation and tree management.
7. Development scale, heritage remnants and items.

C1.1.2 Statement of Significance

South West Rocks is culturally significant because:

1. It has historic significance as a record of early settlement of the Macleay Valley coastline and because of its association with Trial Bay and the Gaol;
2. It has aesthetic significance as an example of an Australian “village in a landscape” and its development as a river/seaport and retains a scale of largely intact streetscapes and individual buildings; and,
3. It has social significance for its roles as a centre for commerce and as a holiday destination.

Objectives

- a) To encourage appropriate development, which is sensitive to the scale, character, cultural, social and environmental values of the South West Rocks Town Centre and its surrounds.
- b) To ensure appropriate preservation, protection and management of the particular physical, cultural and environmental elements of each precinct.
- c) To preserve heritage and key scenic and historic items and elements.
- d) To improve urban design and amenity within the South West Rocks Town Centre by:
 - i. Ensuring development is compatible with the size and scale of the existing built form;
 - ii. Facilitating more active street frontages;
 - iii. Ensuring that the design of new buildings in the Town Centre considers the existing character of the South West Rocks Town Centre.
 - iv. To encourage appropriate developments to increase density and functions of the town within the town centre and its precincts.
- e) To facilitate achievement of the vision outlined in the South West Rocks Structure Plan by:
 - i. Enhancing functions, amenity and character for the Town Centre;
 - ii. Supporting innate differences between the varied precincts;
 - iii. Supporting cohesive streetscape works, public and private landscape treatments; and
 - iv. Supporting an integrated pedestrian and multi-modal traffic network along with conveniently located parking areas.
- f) To encourage the retention and commercial use of heritage and period buildings which reflect South West Rocks’ character and history.

C1.1.3 Desired Outcomes/Development Requirements

The following desired outcomes and development control requirements in **Table C.1** prescribe how the above objectives can be met.

Table C.1 – Desired Outcomes and Development Control Requirements – South West Rocks Town Centre

Desired outcomes	Development requirements
1. Preservation	
Protecting Heritage Items	
1.1 Development within the South West Rocks Heritage Items (refer KLEP Schedule 5 and Figure C.4) protects the heritage character of the site and surrounding heritage sites.	a. Development of land within the Heritage Items complies with Part E - Appendix 2 , which contains the requirements for preparing development applications on land identified as containing heritage items or being located within conservation areas and character precincts.
Preserving Character	
	a. The application must demonstrate the achievement of this Desired Outcome

Desired outcomes	Development requirements
1.2 Development maintains the character of the South West Rocks Town Centre, and the precincts built character.	
Precinct 1 – Foreshore, Public and Recreation Areas	
1.3 Development within Precinct 1 open space is to be in accordance with any adopted Plan of Management and Master Plan for these areas (In particular, the Horseshoe Master Plan 2019 generally applies to the north of Livingstone Street). In the absence of such adopted plans, development is to be undertaken in accordance with the intent and directions of the South West Rocks Structure Plan and this Development Control Plan. Note – the Horseshoe Bay Master Plan and Plan of Management will apply to the remaining open space areas.	a. The application must demonstrate the achievement of this Desired Outcome
1.4 Development in Precinct 1 (Back Creek Foreshore Linear Park & Special Uses Area) retains the following elements: i. Retention of substantial areas of dense vegetation and large trees; ii. Large setbacks and low level built forms; iii. Relationship with nearby Maritime Heritage buildings (grouping) and the Arts Hall; and iv. Minimal vehicle access points and informal entry ways.	a. The application must demonstrate the achievement of this Desired Outcome
1.5 Development affecting the Maritime Heritage Grouping (Precinct 1) is carried out in accordance with the recommendations of any relevant Conservation Plan and ensures that even minor maintenance works do not further erode the integrity of the buildings within the grouping.	a. The application must demonstrate the achievement of this Desired Outcome
1.6 Development within the Horseshoe Bay Caravan Park (Precinct 1): i. Does not adversely impact on views and vistas from public areas such as the beach, reserves, roads and public footpaths; ii. Does not adversely impact on views and vistas from restaurants, hotels and shops as well as private areas such as above ground floor residential units facing Livingstone Street; iii. Is consistent and sympathetic to the design and character of the town centre precinct in terms of the location, siting and design of permanent buildings or structures (e.g. amenities buildings and the like);	a. The application must demonstrate the achievement of this Desired Outcome

Desired outcomes	Development requirements
iv. Where appropriate, accommodates and provides direct pedestrian access/pathways between the shops and the beachfront to avoid pedestrians strolling between camping sites; v. Where relevant, relocates or screens cabins or other structures near the War Memorial; and vi. Where relevant, enhances physical and visual amenity with shade tree planting.	
1.7 Development involving building works is low-impact, low-scale and results in minimal negative visual impacts on the views from the Town Centre towards the ocean	a. The application must demonstrate the achievement of this Desired Outcome
1.8 Screen landscape is provided to improve views from the built-up areas of the Town Centre towards the ocean by screening elements such as services and utility areas.	a. The application must demonstrate the achievement of this Desired Outcome
Precinct 2 - Town Commercial Area	
1.9 Development contributes to a vibrant commercial centre accommodating the needs of both community and visitors through mixed use development, which facilitates high levels of pedestrian activity through active frontages, access and circulation and safety.	a. The application must demonstrate the achievement of this Desired Outcome
1.10 Development is designed to be compatible with and reflect the character of the South West Rocks Town Commercial precinct.	a. Development does not exceed a floor space ratio as per the requirements of KLEP. Where no FSR is stipulated within KLEP, this will be at the discretion of Council. b. Development does not exceed a building height limit as per the requirements of KLEP. c. Where no building height is stipulated within KLEP, building facades are limited to a height of four (4) storeys. Maximum allowable heights of buildings may be achieved behind the façade, provided: i. the building does not have an adverse impact on adjoining properties in terms of overshadowing and overlooking; ii. the building achieves greater setbacks; and iii. the building form is articulated to both street frontage and sides.
1.11 Development is compatible with the existing character of the South West Rocks Town Centre and relates positively to the surrounding streetscape and public realm.	a. The application must demonstrate the achievement of this Desired Outcome
1.12 The setbacks of any proposed building within the E1 – Local Centre Zone which is to contain any dwellings must have regard to future potential development of adjoining land. In this regard, it may be necessary to demonstrate that proposed	a. The application must demonstrate the achievement of this Desired Outcome

Desired outcomes	Development requirements
balconies, courtyards and internal living areas will not be adversely impacted upon in the event any adjoining land is developed for commercial purposes in accordance with KLEP, this Development Control Plan and the Building Code of Australia.	
1.13 Development, including alterations and additions: i. Adopts equivalent front and side boundary setbacks as the existing cottages; ii. Is compatible with the scale and bulk of the existing buildings; and iii. Is limited in height to that of any immediately adjoining Heritage Building or Heritage Item. Note- Supporting detail from an appropriately qualified and experienced heritage architect must be provided.	a. Where development comprises a three (3) storey building or higher, development must not overshadow adjoining residential buildings, adjoining private open space, on-site open space and any public areas for more than three (3) hours between 9.00am and 3.00pm on 22 June.
1.14 The rear and/or basements of lots are used or created for parking and access where possible.	a. The application must demonstrate the achievement of this Desired Outcome
Precinct 3 – Tourist, Visitor and Residential Accommodation Area	
1.15 The precinct is developed predominantly with residential and visitor accommodation.	a. The application must demonstrate the achievement of this Desired Outcome
1.16 Residential development complies with the relevant requirements of Part D .	a. The application must demonstrate the achievement of this Desired Outcome
1.17 Development is designed to be compatible with and reflect the character of the South West Rocks Town Centre Tourist Accommodation Area precinct.	a. Development does not exceed a building height limit as per the requirements of KLEP. b. Where no building height is stipulated within KLEP, building facades are limited to a height of three (3) storeys. Maximum allowable heights of buildings may be achieved behind the façade, provided: i. the building does not have an adverse impact on neighbouring properties in terms of overshadowing and overlooking; ii. the building achieves greater setbacks; and iii. the building form is articulated to reduce the visual impact of the building massing.
1.18 Where neighbouring properties contain period buildings or cottages, development adopts, or is compatible with, the existing front and side boundary setbacks of existing buildings.	a. The application must demonstrate the achievement of this Desired Outcome
1.19 Existing cottages are retained for commercial, residential and tourist activities. Note - Uses which provide opportunities to enjoy the	a. The application must demonstrate the achievement of this Desired Outcome

Desired outcomes	Development requirements
breezes and vistas of public foreshore areas, (e.g. cafes and dining areas in the forecourts and front rooms of the cottages) are encouraged.	
1.20 Landscape and streetscape treatments are sympathetic to the cottage setting. Note - Heritage Exemption from, or relaxation of, certain provisions will be considered and incentives offered to encourage the retention and use of the cottages within this precinct.	a. The application must demonstrate the achievement of this Desired Outcome
1.21 Where the allotment has a street front boundary the ground level landscape addresses and positively contributes to the streetscape through appropriate visual and physical access and appropriately scaled planting.	a. The application must demonstrate the achievement of this Desired Outcome
1.22 The rear of lots are used for parking and access where possible.	a. The application must demonstrate the achievement of this Desired Outcome
1.23 Car parking requirements for the use of the cottages may be varied if the use will result in the long-term maintenance of traditional form including, but not limited to, colours, materials, window treatments, open front yards and the like. In this regard, Council may allow a credit for all existing floorspace at the rate applicable to any proposed uses. For the purposes of this clause, “floorspace” must include the area within existing external enclosing walls, but does not include any garage, outbuildings or any unenclosed structures. Any area used to provide seating for diners (either internally or within the front setback) will be excluded when considering the amount of carparking required. The incentives referred to in this section must not apply in respect to proposals which involve removal or demolition of existing cottages.	a. The application must demonstrate the achievement of this Desired Outcome
1.24 Development, including alterations and additions: i. Adopts equivalent front and side boundary setbacks as the existing cottages; and ii. Is compatible with the scale and bulk of the existing cottages. Note - Supporting detail from an appropriately qualified and experienced heritage architect must be provided.	a. Where development comprises a two (2) storey building or higher, development must not overshadow adjoining residential buildings, adjoining private open space, on-site open space and any public areas for more than three (3) hours between 9.00am and 3.00pm on 22 June.
1.25 Development is not to provide overlooking into private internal areas of adjoining residential	a. The application must demonstrate the achievement of this Desired Outcome.

Desired outcomes	Development requirements
developments. Screening may be provided to reduce overlooking.	
2. Visual Impact	
Streetscape and Public Domain	
Public Open Space 2.1 Public open spaces and key streets of the Town Centre receive solar access mid-winter and shade mid-summer.	a. The application must demonstrate the achievement of this Desired Outcome.
Vehicle Paving 2.2 Vehicle paving areas have a particular emphasis on: i. Median treatments being generally consistent with existing median treatments; and ii. Pedestrian dominant areas uses similar paving treatments to existing pedestrian dominant areas iii. Pedestrian dominant areas have a colour contrast to road pavement.	a. The application must demonstrate the achievement of this Desired Outcome.
Pedestrian and Cycle Paving 2.3 Pedestrian areas and pedestrian/cycle path paving complies with the local Active Transport Strategies (Kempsey Shire Bike Plan) and is generally consistent with the existing pedestrian paving in the South West Rocks Town Centre, in terms of: i. Width ii. Connections iii. Safety features iv. Materials.	a. The application must demonstrate the achievement of this Desired Outcome.
Street Furniture 2.4 Seating and picnic tables used in the street reserve and public open spaces is consistent with the slatted timber bench seating and timber picnic tables established in the South West Rocks Town Centre. 2.5 Any bollards provided are consistent with the established theme of bollards used in the street reserves and public open spaces. 2.6 A consistent design and colour for litter bins is provided in the street reserve and public areas of the South West Rocks Town Centre	a. The application must demonstrate the achievement of this Desired Outcome.
Lighting 2.7 Street lighting and lighting within public open spaces contributes to a unified approach for lighting structures within the South West Rocks Town Centre.	a. A consistent design for street lights is used.

Desired outcomes	Development requirements
Landscape	
2.8 Trees are provided along street reserves and public open space areas.	a. The application must demonstrate the achievement of this Desired Outcome
2.9 Trees and shrubs used along streets and within public open space areas reinforce a cohesive landscape for South West Rocks Town Centre.	a. Only one or two species (refer Part E – Appendix 5) are used within each precinct, to establish consistency for maintenance.
2.10 Developers provide, or contribute to the provision of, a reasonable proportion of any required street trees directly in front of their properties.	a. The application must demonstrate the achievement of this Desired Outcome
3. New Development	
Built Form	
Setbacks and Building Heights 3.1 Buildings have appropriate setbacks, height, size and scale which contributes to the character with articulated frontage and strong pedestrian focus.	a. New buildings facing Paragon Avenue are to have setbacks consistent with the adjoining properties to maintain the commercial and active pedestrian street environment. b. Development has a floor space ratio as per the requirements of KLEP. Where no FSR is stipulated within KLEP, this will be at the discretion of Council. c. Development has a maximum building height as per the requirements of KLEP. Where no building height is stipulated within KLEP, this will be at the discretion of Council. d. Building facades and storey articulation are limited to within the KLEP height requirements and the requirements of the particular precinct the site occurs within. e. Where buildings have a third or fourth storey (not including below ground level basement), either: i. The building is set back from the front boundary consistent with adjoining development and the front boundary setback area provided with active street front uses and landscape (which is most appropriate to the precinct) to reduce the visual impact of the building; or ii. The third storey (and above if applicable) is set back significantly from the ground level façade so that the building blends with the predominant scale of the immediate streetscape. Note – Building heights are determined by KLEP Height of Building regulation, not by the number of storeys.
Streetscape Continuity 3.2 Development contributes to the continuity of the streetscape by continuing the following, where practicable and relevant: i. Built forms (period or contemporary); ii. Continuity of verandah /awning of already	a. The application must demonstrate the achievement of this Desired Outcome.

Desired outcomes	Development requirements
- dominant existing style within the town centre; iii. Open / glazed shopfront; iv. Skylines, façade height and building height; v. Any established pattern of side boundary setbacks; vi. Colour and materials.	
New Buildings 3.3 New buildings should optimise heights and density on sites on existing subdivided land. 3.4 New development should optimise density (height of building, floor space ratio) on already subdivided land, with limited impact on surrounding areas such as the opportunity sites identified within the adopted South West Rocks Structure Plan.	a. The application must demonstrate the achievement of this Desired Outcome.
Built Form 3.5 The topography is utilised to work with built form e.g. placing buildings into slopes to reduce height and scale.	a. The application must demonstrate the achievement of this Desired Outcome.
New Development Types	
Shop Top Housing 3.6 Shop Top Housing is designed to suit the coastal character and town centre vernacular.	a. The application must comply with the relevant requirements in Part D for Shop Top Housing.
Opportunity Sites 3.7 Development of vacant and identified “opportunity sites” within the Town Centre meets the development intent as outlined within the South West Rocks Structure Plan.	a. The application must demonstrate the achievement of this Desired Outcome
Tourist and Visitor Accommodation 3.8 Tourist and Visitor Accommodation within mixed use developments does not result in significant amenity conflicts with commercial activities.	a. The application must comply with the relevant requirements in Part D for Tourist and Visitor Accommodation.
Minimising Land Use Conflicts 3.9 Potential conflicts between mixed commercial and residential uses are minimised, whilst recognizing that the area is primarily intended as a commercial and tourist centre.	a. The application must demonstrate the achievement of this Desired Outcome
Access and Traffic	
Shared Pavements 3.10 Shared pavements for active mobility are implemented and connected for healthy mobility, access and walkability as outlined within the South West Rocks Structure Plan and complies with Active Transport Strategies (inc Kempsey Shire Bike Plan).	a. The application must demonstrate the achievement of this Desired Outcome

Desired outcomes	Development requirements
Pedestrian Movement, Linkages & Permeability 3.11 Livingstone Street facilitates pedestrian movement to and from beach side to town side. 3.12 The pedestrian link between Paragon Avenue and Landsborough Street is formalised as outlined within the South West Rocks Structure Plan. 3.13 Pedestrian permeability is increased from Livingstone Street to Horseshoe Bay Beach, as outlined within the South West Rocks Structure Plan.	a. The application must demonstrate the achievement of this Desired Outcome
Town Centre Streets 3.14 Other streets within the Town Centre are developed as civic spaces and provides places for people to meet and interact. 3.15 Development contributes towards the road network improvements as outlined within the South West Rocks Structure Plan.	a. The application must demonstrate the achievement of this Desired Outcome

C1.2 Crescent Head Village Centre

Application

1. This section applies to all development on land located at Crescent Head Village Centre, within the area bounded by the bold line described in the **Figure C.8** below.

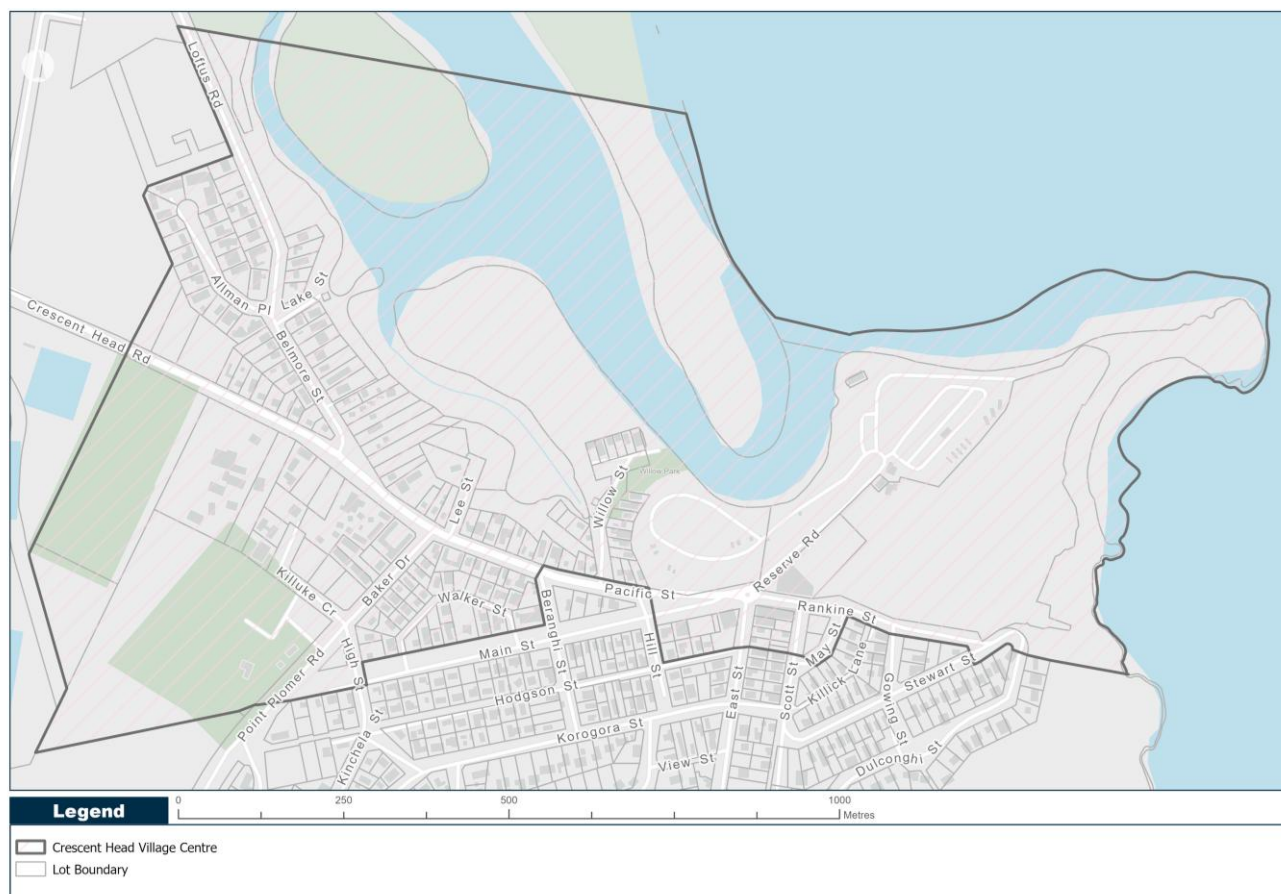


Figure C.8 – Land subject to the provisions of **Part C1.3**

2. Proposed Development will also require addressing all relevant provisions in **Part B - Shire Wide Requirements**, **Part D - Development Requirements** and **Part E - Appendices**, where applicable.
3. The provisions of this Part override however the provisions of any other Part of this DCP, to the extent of any inconsistency.
4. This part of the DCP for Crescent Head is also divided into 6 precincts, which are:
 - Precinct P1: Muddy Arm, Killick Creek Estuary and Main Beach;
 - Precinct P2: Tourist and Reserve Promenade;
 - Precinct P3: Headland and Point;
 - Precinct P4: Lower Residential, Mixed Tourism and Residential;
 - Precinct P5: Central, Local and Commercial; and
 - Precinct P6: Sporting and Community Precinct, Swimming Pool.

The precincts are shown in **Figure C.9** next page:

Scope

This part outlines the precinct-specific planning controls applicable to development and use of land in Crescent Head Village Centre.

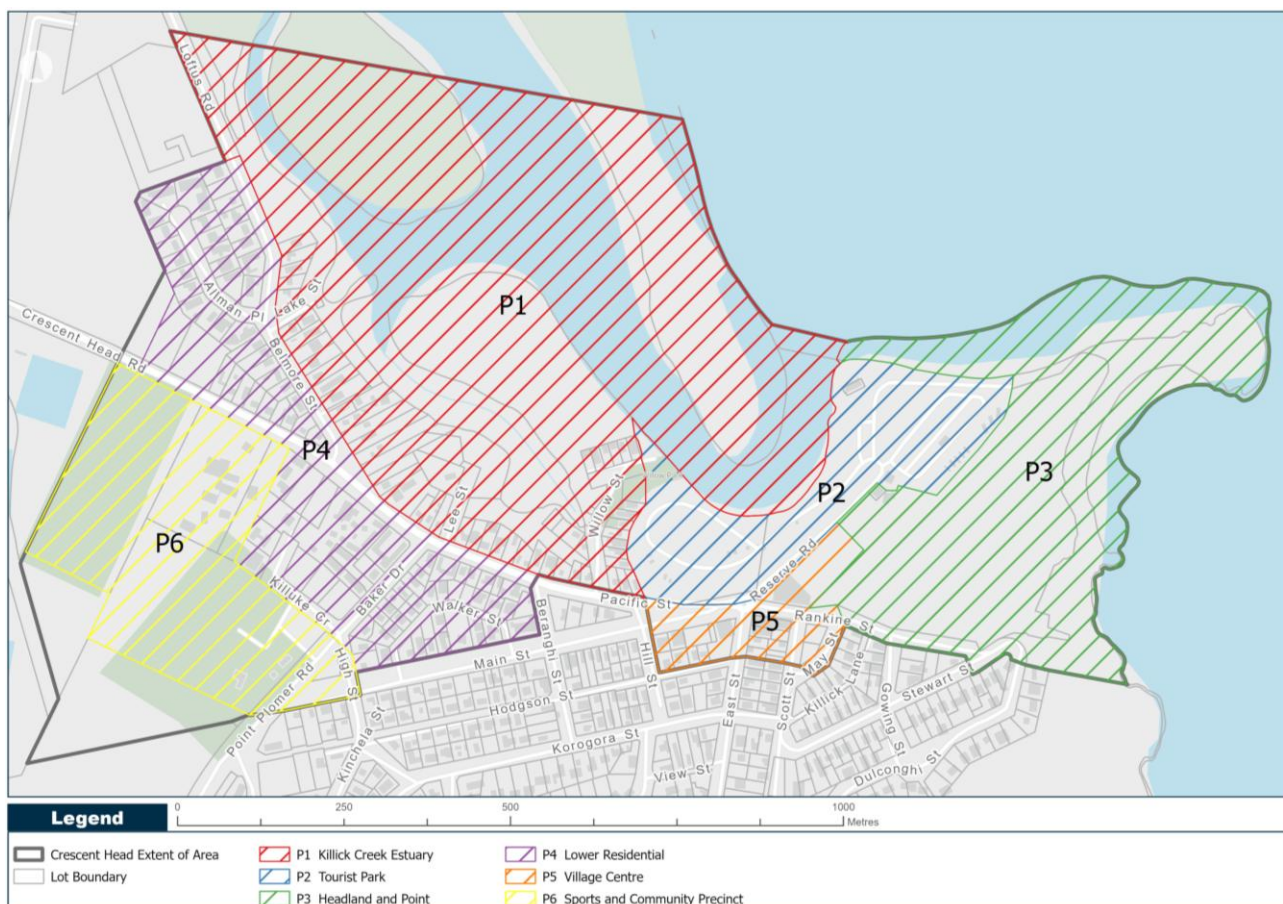


Figure C.9 – Crescent Head Village Centre Precincts (Derived from Crescent Head Master Plan 2017)

C1.2.1 Analysis

Background

Located on Dunghutti Country along the Macleay Valley Coast, Crescent Head experienced previous growth and anticipates ongoing steady demand due to its idyllic coastal location and popularity as a holiday destination. The Crescent Head Village Master Plan (2017) identified a desire for the Village to be developed in a way that:

- Provides improved village public spaces;
- Protects and conserves public lands;
- Guards against inappropriate development;
- Safeguards the character and quality of life in Crescent Head;
- Supports growth and housing solutions that cater to the needs of current and future residents while maintaining the village's unique identity; and
- Achieves improvements to the village centre and surrounding area while retaining the character and feel that is central to its identity.

The importance of public facilities and infrastructure in Crescent Head is a key priority. These facilities not only provide the permanent residents of Crescent Head with an amenable and pleasant village environment but also provide for the significant visitor demand experienced throughout the year, particularly during the summer months and school holiday periods when the population of Crescent Head increases substantially.

The purpose of this section is to provide guidance for implementing the outcomes of the Crescent Head Master Plan (2017) and other applicable plans. It provides relevant context and identifies local issues that may be addressed within the parameters of proposed development. The Crescent Head Master Plan and other plans are available at Kempsey Shire Council or on-line.

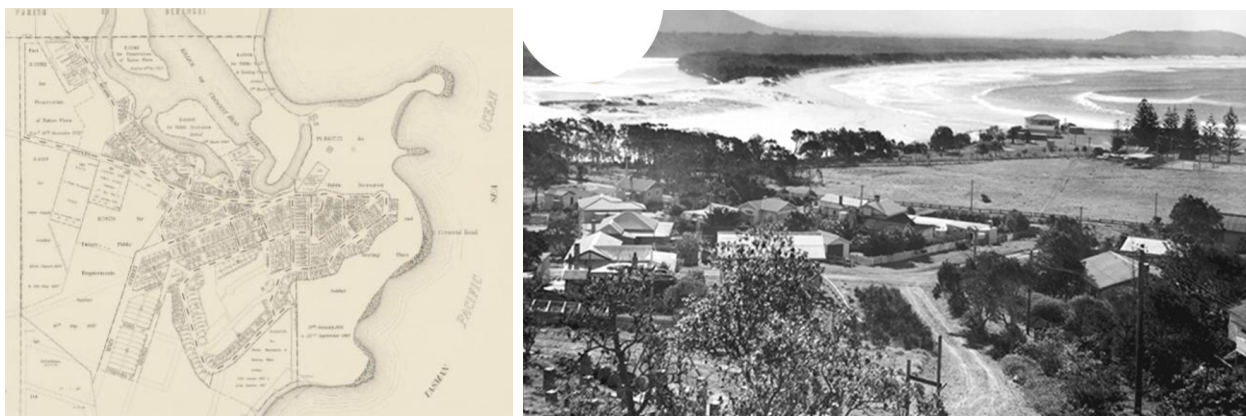


Figure C.10 – Crescent Head, old settlement plan and historic photograph of village centre

Character

Crescent Head is a relaxed coastal village situated on the gently sloping foothills of Big Nobby to the south of Killick Creek. It is renowned for its world class surf break, striking headland and coastal cliffs, beautiful beach and attractive natural backdrop of forested ridgelines and hills.

The character of Crescent Head is expressed through its coastal location and the built form of the small beachside village. The village centre is surrounded by residential development that rises up the side of Big Nobby and development along the low-lying flood plain and meandering Killick Creek.

Within the lower lying parts of the village, housing comprises a diverse mix of older brick, weatherboard and fibro single and two-storey detached dwellings, unit blocks and more contemporary medium density developments. Residential interfaces with the street are characterised by wide grassy verges and fencing is often non-existent, however where present, the materiality and heights are generally in keeping with the dwelling character. Existing lot sizes in the village generally range between 400 to 1000m².

Commercial development extends along the southern side of Main Street and Rankine Street, between Hill Street and Scott Street and recent streetscape upgrades have improved the amenity and accessibility of the eastern part of the village centre. Other dispersed commercial uses also occur throughout the village, particularly along Pacific Street where they are set amongst residential dwellings and short-stay accommodation facilities.

Table C.2 – Character elements of Crescent Head Village Centre

Table C.2: Character Elements of Crescent Head Village Centre		
	Features that Contribute	Features that Detract
Landscape Character	• Trees (vegetation) that dominate the hill • Consistent theme for tree planting • Rooflines below tree canopies across the ridgeline • Vegetation that softens views of dwellings	• Dwellings intruding on the skyline • Overhead power lines • Protruding white roofs • Roof lines along contour connected to make an unbroken line • Cocos Palm Trees
Streetscape Character	• Use of shrubs for screening foreground (native vegetation preferred) • Unobtrusive fencing • Adequate setbacks to achieve desired landscape • Layback kerb and gutter with footpath adjoining, to maximise	• No defined road edge/footpath • Ad hoc home business advertising • Retaining walls with hard/straight edge • Intrusive letter boxes and fences • Poor street stormwater management resulting in poorly

Table C.2: Character Elements of Crescent Head Village Centre

	area for landscaping • Retention of vistas • Rock retaining walls	maintained systems and soil erosion • Encroachments within the road reserve
Building Character and Design	• Large building setbacks • Timber balconies, handrails etc • Wide eaves • Broken or varied rooflines • Timber gables • Recessed garages • Use of verandas projecting from building, not enclosed • Pastel or earthy colours • Pitched roofs • Varied construction materials • Windows and openings in proportion to wall	• Boxy heavy developments • Enclosed balconies • Over use of concrete, excessive width driveways • Intrusive retaining walls • Dominating high brick walls and fencing • Viewing double garages from the street front • Lack of landscaping • Featureless walls facing street • Bright colours for walls or roofs • Modern glass balustrades • Narrow verandahs

Locality issues

The Local Growth Management Strategy and local plans identify the need to address the following issues for Crescent Head:

- Protection of scenic and environmental values.
- Foreshore and village centre public spaces, amenity and access.
- Traffic access, circulation active transport and parking management.
- Flooding, estuarine and coastal vulnerabilities.
- Stormwater management network capacity and future surface water and stormwater vulnerabilities.

C1.2.2 Statement of Significance

Objectives

1. To provide for the development of Crescent Head Village which:
 - a. Maintains its coastal character of the village through the management of development height, scale, density, setbacks, streetscapes and protection of views towards the surrounding environments and scenic landscapes;
 - b. Preserves the natural environmental qualities of the foreshore and estuarine areas.
 - c. Provides a quality public realm and pedestrian (walkable) amenity;
 - d. To ensure that satisfactory arrangements are made regarding stormwater management for development on individual lots and within subject land.
 - e. Ensures the efficient provision of infrastructure to service new and existing development; and
 - f. Ensures the safety of waterfront spaces and amenities for all users.

C1.2.3 Desired Outcomes/Development Requirements

The following desired outcomes and development control requirements in **Table C.3** prescribe how the above objectives can be met.

Table C.3 – Desired Outcomes and Development Control Requirements – Crescent Head Village

Desired outcomes	Development requirements
1. Preservation	
Scenic Amenity – Character	
Protection of Sensitive Locations	
1.1 Development preserves the existing visually sensitive natural locations and characteristics such as the headlands and coastal and riparian edges.	a. The application must demonstrate the achievement of the Resilience and Hazards SEPP requirements (Chapter 2), and applicable Desired Outcomes.
1.2 Development avoids the removal of significant trees and vegetation and protects the coastal vegetated ridgelines and estuarine and riparian edges that define Crescent Head Village Centre.	a. The application must demonstrate the achievement of Part B – B2 - Environment and the applicable Desired Outcomes.
Character	
1.3 Development is consistent with the Crescent Head Master Plan and preserves and promotes the coastal character and beachside built form and scale of Crescent Head Village.	a. Development provides the Features that Contribute and avoids the Features That Detract as outlined in Table C.2 – Character Elements of Crescent Head Village Centre in section C1.2.1.
2. Visual Impact	
Streetscape and Public Domain	
Streetscape	
2.1 Streetscape and public domain improvements are provided to be consistent with the intent of the Crescent Head Master Plan.	a. The application must demonstrate the achievement of this Desired Outcome.
2.2 Front setbacks, fenceless frontages and grassed verges are preserved and new development is consistent with this character.	b. Front setbacks and grassed verges are preserved where existing. New street frontages are developed to be consistent with this predominant village streetscape.
Public Open Space	
2.3 Public open spaces and key streets of the Crescent Head Village Centre receive solar access mid-winter and shade mid-summer.	a. The application must demonstrate the achievement of this Desired Outcome.
Public and Road Pavements	
2.4 Paving areas in the Crescent Head Village, have a particular emphasis on: i. New and extended road, pavement, kerb/gutter treatments being generally consistent with existing adjoining; and ii. New or extended pedestrianised areas providing a colour contrast to road pavement and utilise similar paving treatments to those existing.	a. The application must demonstrate the achievement of this Desired Outcome.
Pedestrian and Cycle Paving	
2.5 Pedestrian areas and pedestrian/ cycle path paving is generally consistent with the existing pedestrian paving in Crescent Head Village, in terms of: i. Width	a. Pedestrian and cycleway routes proposed within the Kempsey Shire Bike Plan (and PAMP) are developed in conjunction with development where adjacent to or crossing the subject development site.

Desired outcomes	Development requirements
ii. Connections iii. Safety features iv. Materials v. Street furniture	
Street furniture 2.6 Any bollards provided are consistent with the established design and materials of bollards used in the street reserves and public open spaces. 2.7 A consistent design and colour for street furniture elements (seats, benches, tables and litter bins etc) is provided in the street reserve and public areas of Crescent Head Village.	a. The application must demonstrate the achievement of this Desired Outcome.
Lighting 2.8 Street lighting and lighting within public open spaces contributes to a unified approach for lighting structures within Crescent Head Village.	a. A consistent design for street lamps and/or lights is used. b. Development complies with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.
Landscape	
Trees and Street Trees 2.9 Trees are provided along street reserves and public open space areas.	a. The application must demonstrate the achievement of this Desired Outcome.
2.10 Trees and shrubs used along streets and within public open space areas reinforce a cohesive landscape theme for Crescent Head.	a. Only one or two tree species are used within each precinct to maintain the softscape character, establish visual consistency and for ease of maintenance.
2.11 Developers provide street trees directly in front of their properties.	a. The application must demonstrate the achievement of this Desired Outcome
Character Analysis 2.12 A character analysis plan demonstrates that the design of the development has considered and responded to the contributing landscape, existing streetscape and building elements that contribute to the character of the area.	a. A Character Analysis is required for development of more than one (1) lot or where the development has a GFA greater than 1500m ² and is located within Crescent Head Village Centre area.
3. New Development	
Built Form	
Setbacks and Building Heights 3.1. Buildings have appropriate setbacks, height, size and scale which contributes to the Coastal character with style and strong pedestrian focus.	a. Development has a floor space ratio as per the requirements of KLEP. b. Development has a maximum building height as per the requirements of KLEP. c. Development has a maximum two storey façade along the front property boundary.
Streetscape Continuity 3.2. Where practicable and relevant, development	a. The application must demonstrate the achievement of this Desired Outcome

Desired outcomes	Development requirements
contributes to the continuity of the streetscape by continuing the following: i. Existing built forms (commercial and village centre); ii. Open and “active frontage” shopfront; iii. Existing built forms (residential); iv. Skylines, façade height and building height; v. Any established pattern of side boundary setbacks; vi. Colour and materials.	
Minimum Lot Size 3.3. Development maintains the density of Crescent Head Village Centre, to preserve the current coastal character and its built environment.	a. Any proposal to develop lot sizes less than 500m² must be accompanied by a design report prepared by suitably qualified professional/s, demonstrating that the proposal is consistent with the Crescent Head Master Plan and the intentions of the particular precinct.
Topography 3.4. The topography is utilised to work with built form e.g. tucking buildings into slopes to reduce height and scale.	a. The application must demonstrate the achievement of this Desired Outcome
New Development Types	
Shop Top Housing and Tourist & Visitor Accommodation 3.5. Shop Top Housing is designed to suit the coastal climate and responds to the coastal character of the built form.	a. The application must comply with the relevant requirements in Part D for Shop Top Housing and Tourist and Visitor Accommodation.
3.6. Tourist and Visitor Accommodation within mixed use developments is designed to be distinct from, and complement commercial areas, aspects and activities of the overall development.	a. The application must comply with the relevant requirements in Part D for Shop Top Housing and Tourist and Visitor Accommodation.
Minimising Land Use Conflicts 3.7. Potential conflicts between mixed commercial and residential uses, and between commercial and residential neighbours are minimised, whilst recognizing that the area (Precincts 2-6) is primarily intended as a commercial and tourist centre.	a. The application must demonstrate the achievement of this Desired Outcome
Access and traffic	
Shared Pavements (Pedestrian & Cycle Links) 3.8. Shared pavements for active mobility are implemented and connected for healthy mobility, access and walkability throughout the Crescent Head Village Centre and its surrounding mixed residential and tourism areas.	a. Development provides pedestrian and cycle linkages which demonstrate pedestrian/ cycle amenity, safety, ease of use, access options throughout the village facilities and businesses as well as practicality and construction costs. Pedestrian and cycle links may be separated (on or off road). b. Pedestrian/cycle pathways must be provided and designed in accordance with the Kempsey Shire

Desired outcomes	Development requirements
	Bike Plan and relevant requirements of KSC Infrastructure Delivery Guide and AUS-SPECs.
3.9. Development provides safe and convenient supporting facilities of pedestrian and cycle links such as bike racks and/or storage.	a. The application must demonstrate the achievement of this Desired Outcome.
Pedestrian Permeability 3.10. Rankine Street and Pacific Street facilitates pedestrian movements and increases pedestrian permeability from the commercial centre to: i. The beach/ waterfront; ii. Reserve Road; iii. Willow Street; and iv. Lake Street.	a. The application must demonstrate the achievement of this Desired Outcome.

C1.3 Dulconghi Heights

Application

1. This section applies to all development on land situated at Neville Morton Drive, Crescent Head, located within Zone R5 - Large Lot Residential, referred to as the Dulconghi Heights Precinct, as shown in **Figure C.10** below.
2. Proposed Development will also require addressing all relevant provisions in **Part B - Shire Wide Requirements, Part D - Development Requirements** and **Part E - Appendices**, where applicable.
3. The provisions of this Part however override the provisions of any other Part of this DCP, to the extent of any inconsistency.

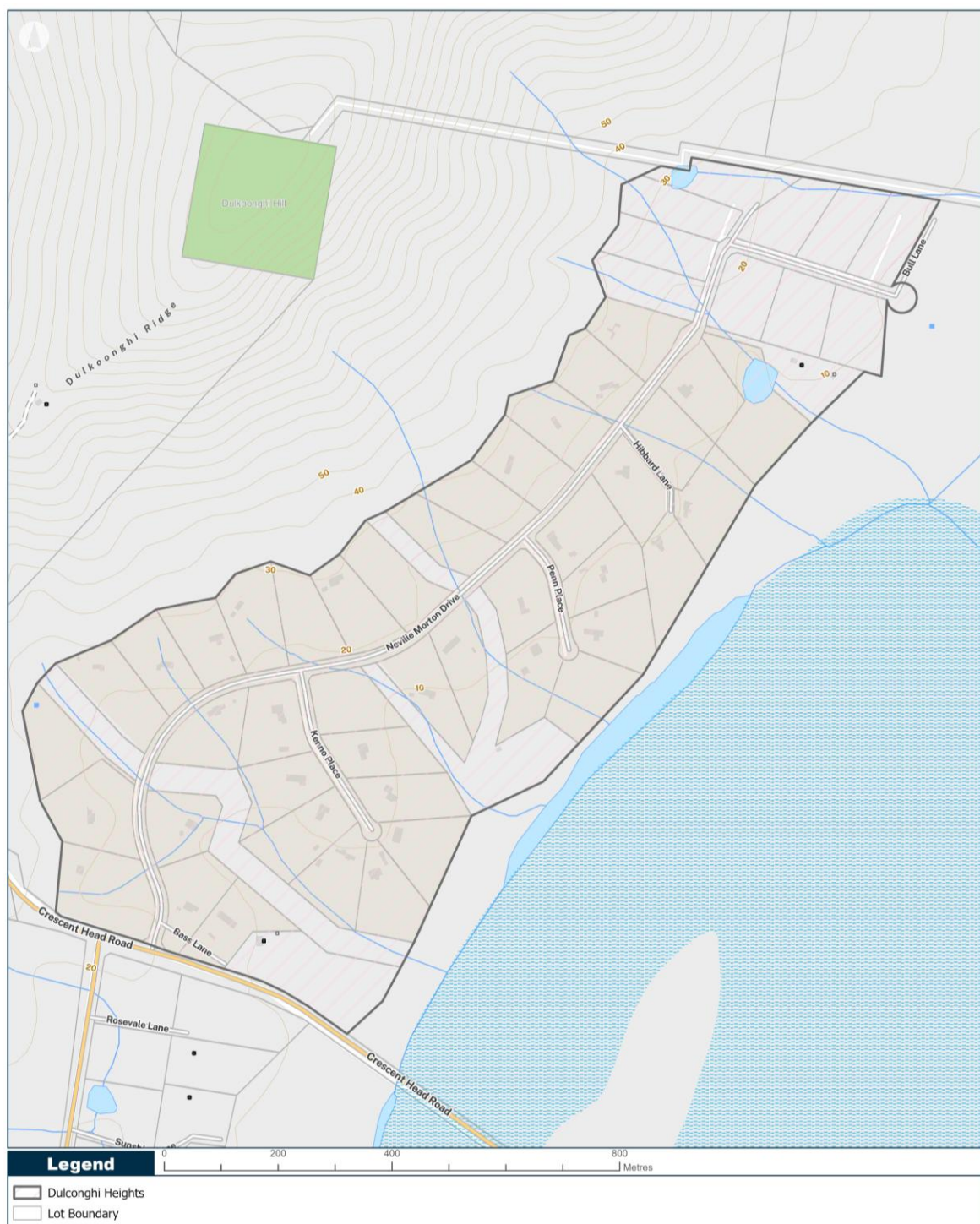


Figure C.10 – Land subject to the provisions of **Part C1.4**

Scope

This part outlines the precinct-specific planning controls applicable to development and use of land in the Dulconghi Heights Precinct.

C1.3.1 Analysis

Background

Dulconghi Heights development is located approximate 3km west of Crescent Head along the lower slope of a north east oriented ridgeline. The topography of the Dulconghi Heights estate slopes gently down between vegetated upper slopes and wetland and flood plain along its eastern edge. The character of the development is derived from the size of lots, dispersed dwellings and preserved vegetation, with a backdrop of native forest covering the low hills behind it.

Objectives

1. To provide guidelines for development to address the specific issues applicable to development on land at Dulconghi Heights within the scope of this section.
2. To provide development requirements to ensure that there are no significant environmental impacts on the C2 “Environmental Conservation” lands; (refer also SEPP (Resilience and Hazards) 2021 wetlands to the east of Dulconghi Heights, hillside forest on the west and significant trees and vegetation within the site and fauna requiring protection within the vicinity of the site.
3. To ensure that buildings are designed so that they do not have an adverse impact on the character of the area.
4. To ensure that satisfactory arrangements are made regarding water supply to development on the subject land.
5. To provide for the preservation of important vegetation and habitats within Dulconghi Heights.
6. To provide appropriate development outcomes which appropriately address hazards such as bushfire and flooding.

C1.3.2 Desired Outcomes/Development Requirements

The following desired outcomes and development control requirements in **Table C.4** prescribe how the above objectives can be met.

Table C.4 – Desired Outcomes and Development Control Requirements – Dulconghi Heights

Desired Outcomes	Development Requirements
1. Development Requirements	
Flora and Fauna Habitat	
1.1 All significant trees on the site are retained and protected, where possible and practicable.	a. No building can be placed within ten (10) metres of any significant vegetation as shown in Figure C.11 .
1.2 Vegetation within drainage reserves is preserved and maintained.	b. No trees indicated on Figure C.11 can be removed without development consent having been obtained from Kempsey Shire Council.
1.3 Development protects and retains physical vegetated links connecting the C2 Zone lands to the east of the subject land to the land zoned C2 and C3 to the west of the subject land.	c. Council must not consent to clearing for purposes other than the erection of a building unless the applicant is able to demonstrate that exceptional circumstances exist. Such circumstances must not include the use of the land for agriculture.
1.4 Development consent or a permit to remove vegetation is obtained in accordance with the relevant requirements of Part B - B2 - Environment .	d. Council must not consent to clearing (whether or not relating to any tree identified by Figure C.11) for the purposes of erecting a building unless it
1.5 The removal of trees and vegetation does not reduce the supply of habitat for identified fauna	

Desired Outcomes	Development Requirements
on the site.	can be demonstrated the building cannot be erected without the necessity for such removal and that no other alternative sites exist. e. Council must not consent to the removal of any trees identified on Figure C.11, unless it is satisfied that satisfactory measures have been employed to ameliorate such tree removal, which must include the establishment of replacement trees. In this regard, a minimum of three (3) trees of the species of tree to be removed are to be planted. As a condition of any development consent, details of the replacement trees will be required, including a plan indicating the location of replacement trees, means of establishing the trees and measures for protecting the trees during establishment. f. Tree or vegetation removal must not remove fauna habitat, in accordance with the following: i. Preferred Koala Food Tree species are to be retained; ii. Trees and ground logs with identified hollows are to be retained, in order to assist the Brushtail Phascogale, Squirrel Glider, bat species and Glossy Black Cockatoo; iii. Allocasuarina species are to be maintained, and regenerated where possible, in order to assist the Glossy Black Cockatoo; and iv. Acacia species are to be retained, and planted where possible, to assist the Squirrel Glider.
Bushfire Hazard Reduction	
1.6 Each dwelling house is located within an allotment so as to allow bushfire hazard reduction works to be contained within the allotment boundaries. 1.7 Development complies with the relevant current requirements of Planning for Bushfire Protection (NSW RFS).	a. Dwellings are to be located in existing clearings or in areas of low habitat and/or scenic value. b. Development complies with the requirements of Part B - B1 - Natural Hazards.
Building Criteria	
1.8 Building materials and colours help to blend buildings into their natural environment. 1.9 The character, location, siting, bulk, scale, shape, size, height, design and external appearance of any building or structure that will result from carrying out the development is such as to minimise the visual impact of the development and blend into the natural setting, as much as practicable.	a. The application must demonstrate the achievement of this Desired Outcome.

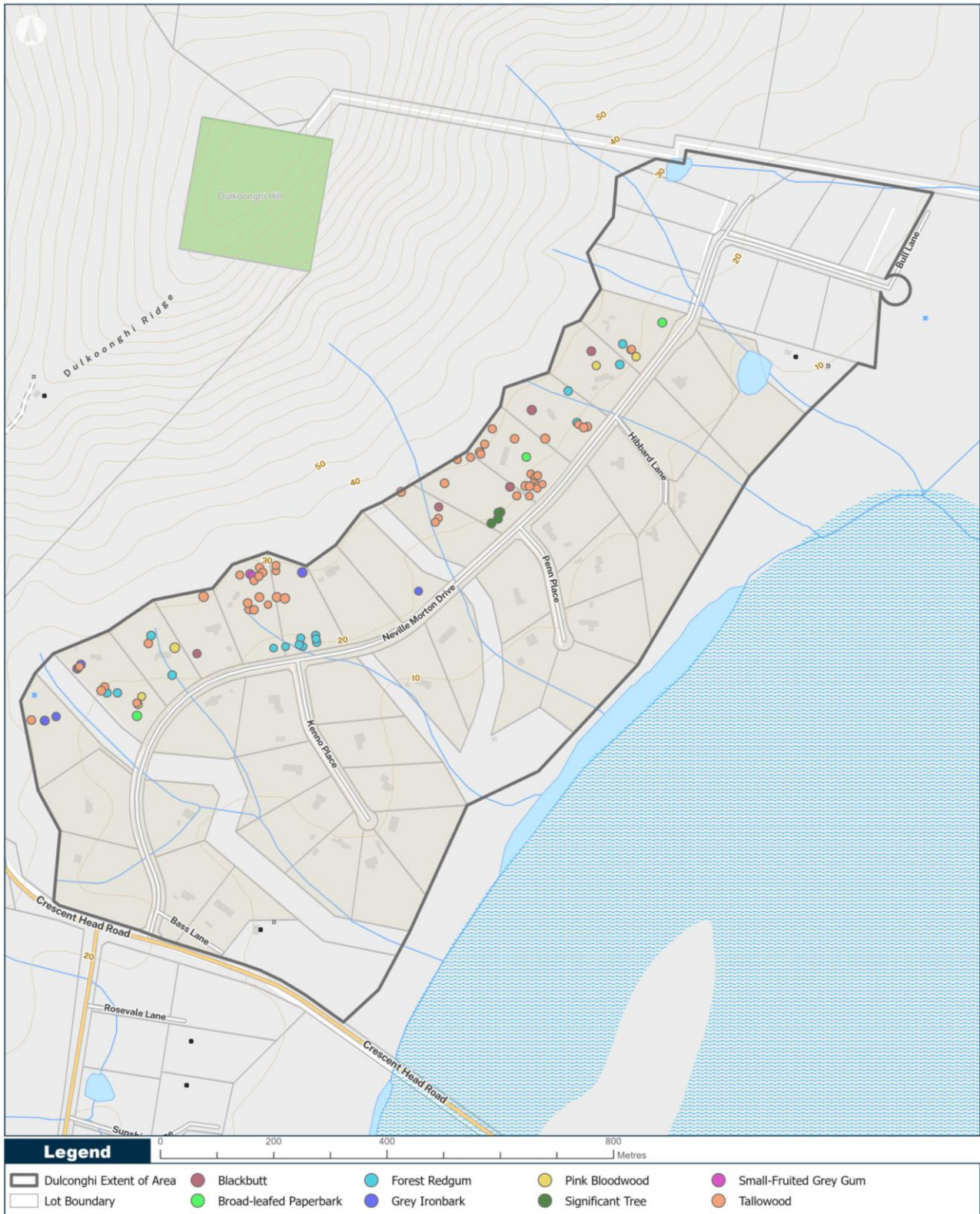


Figure C.11 – Designated trees for preservation (Source information from original planning agreement.)

C1.4 Stuarts Point

Application

1. This chapter applies to all development on land within the Stuarts Point Village Urban Growth Boundary (NSW government), as shown in **Figure C.12**.
2. This part of the DCP for Stuarts Point covers both the existing village extent, the Industrial zoned land (E4 General Industry) and the “Urban Expansion Investigation Area” (UEIA) as shown in **Figures C.13** below and **C14**. This area is also identified by different land zones and character precincts, which are broadly characterised as follows:
 - Existing Village Precinct
 - Neighbourhood Commercial Precincts
 - Foreshore Precinct, and
 - Urban Expansion Investigation Area (UEIA)

The character precincts are outlined in **Figure C.13** on the following page. The Stuarts Point Structure Plan which provides the overall framework to guide development both with the existing village area, and potential development within the UEIA is available from Council’s website.

3. Proposed specific development will also require addressing all relevant provisions in **Part B - Shire Wide Requirements, Part D - Development Requirements** and **Part E - Appendices**, where applicable.
4. The provisions of this Part override the provisions of any other Part of this DCP, to the extent of any inconsistency.

Scope

This part outlines the overall and precinct-specific planning controls applicable to development and use of land in Stuarts Point. Development specific planning controls (for specific development types or activities, such as residential, commercial, industrial etc) may be referenced in **Part D - Development Requirements**.

C1.4.1 Analysis

Background

Stuarts Point is a quiet coastal village situated on low-lying land on the banks of the pristine northern arm of the Macleay River. While once the Macleay River entered the ocean nearby and some historic maritime activities occurred here, the relocation of the river mouth in the late Nineteenth Century reduced the significance of the settlement. Now sheltered from the ocean beach by a narrow sandy spit and estuary, the current village is surrounded by lowland forest and coastal scrub vegetation of the estuary and foreshore of low-lying lands that support nature conservation, nature-based recreation and agricultural uses.

Located on Dunghutti Country approximately 32km northeast of Kempsey, Stuarts Point is relatively isolated from Kempsey town and its services. While there is potential for some future residential growth this will be subject to local environmental, natural hazard and utility infrastructure issues being addressed to the requirements of both local and state government. Any future proposed greenfield development within the Stuarts Point Urban Growth Boundary, noted as the UEIA area (refer NSW North Coast Regional Plan and the Stuarts Point Structure Plan), will be subject to capacity assessment, provision of infrastructure, utility services and appropriate staging.

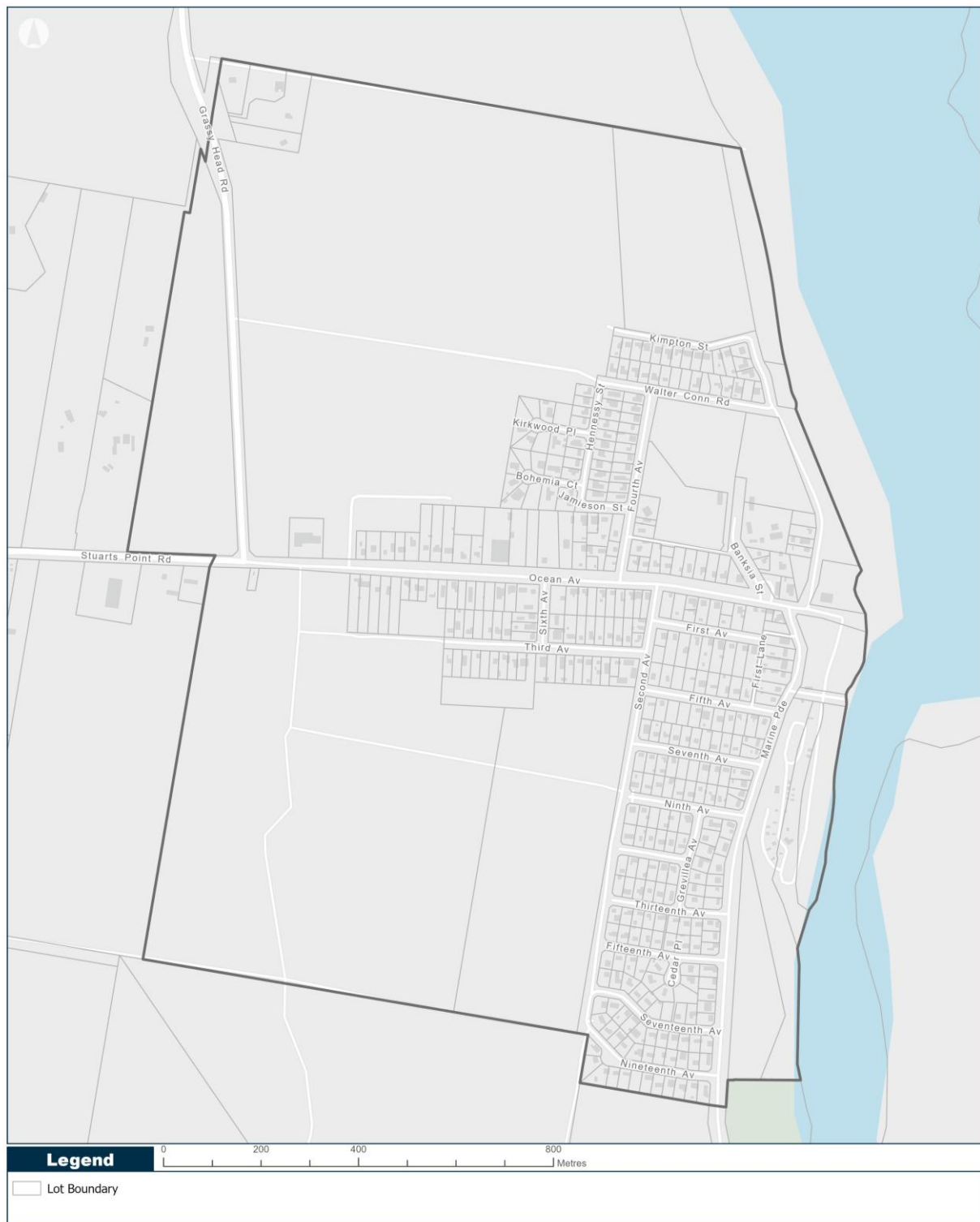


Figure C.12 – Stuarts Point Locality

Description

Stuarts Point is a compact low rise coastal village centred on Ocean Avenue on the edge of the Macleay Arm with a laid back informal character. The village is accessed via Stuarts Point Road, which provides access to Kempsey in the west and Grassy Head Road, which provides access to the Stuarts Point Convention Centre, Grassy Head, Scotts Head and the scenic Yarriabini National Park in the north.

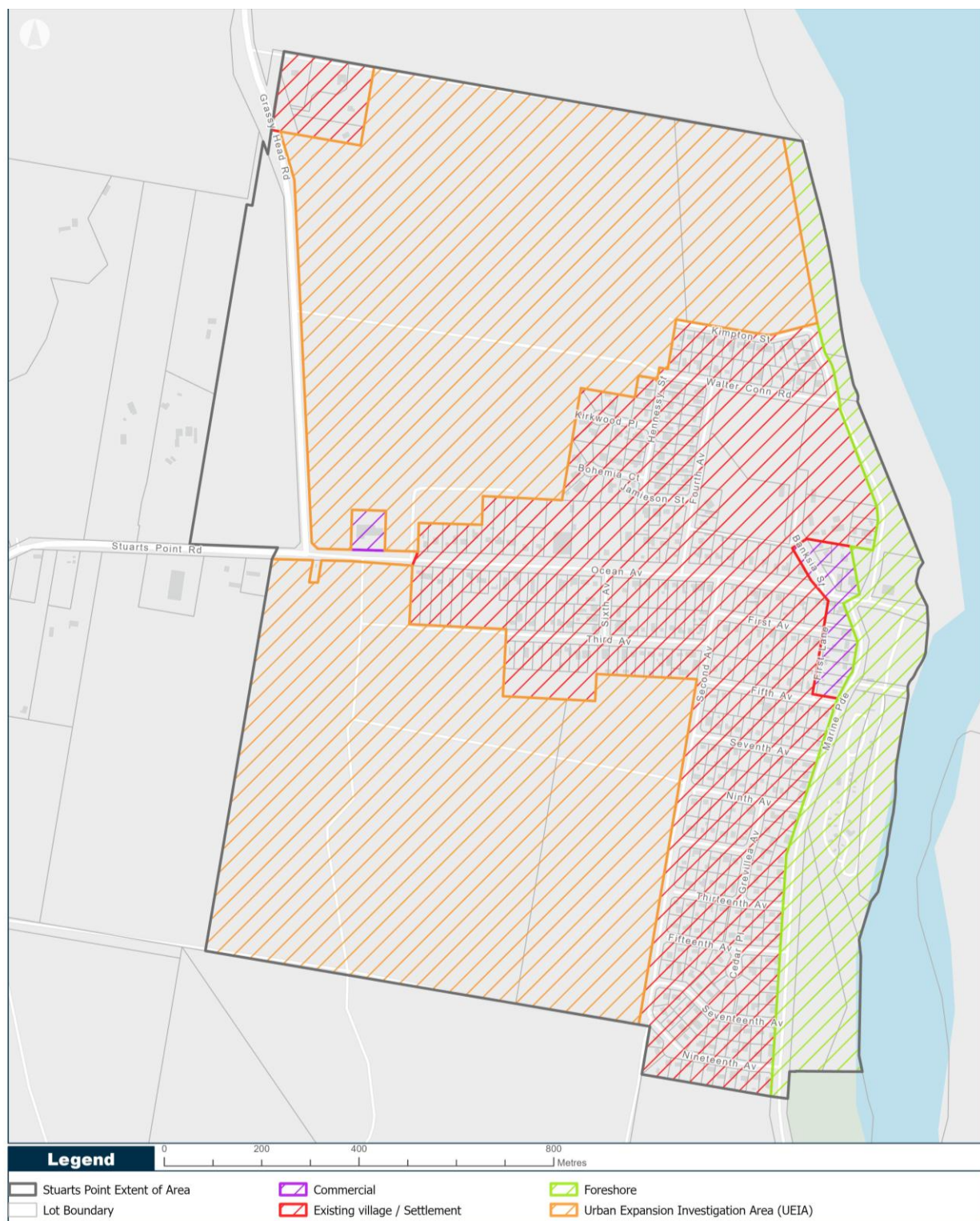


Figure C.13 – Stuarts Point Existing Precincts & Areas

Housing within the village typically comprises one and two-storey coastal shacks, holiday homes and permanent dwellings on lots between 600m² to 1200m², though some large lots around 2000m² also occur along Ocean Avenue. Throughout the village, some vacant and undeveloped lots also exist, which reflects its quieter character compared to other coastal settlements in Kempsey Shire. The age of housing stock varies, with a distinct juxtaposition of old and new dwellings constructed of weatherboard, fibro, brick and, more recently, cement render. Both older and newer two-storey dwellings tend to have balconies overlooking the street.

Residential interfaces with the street are characterised by wide grassy verges and generally fences are absent, however, where fences are present, they are typically low and afford a high level of visual permeability to the street.

The village centre (neighbourhood commercial precinct) is focused around the intersection of Ocean Avenue, Marine Parade and Banksia Street, nearby the Stuarts Point Foreshore Reserve and Holiday Park, a visitor attractor. This key precinct is reinforced by commercial development and key community infrastructure library and sports courts. Other commercial and community uses including the Stuarts Point Workers' Recreation and Bowls Club also occur throughout the village, set amongst residential development which is located to the north and south of Ocean Avenue. Another neighbourhood commercial precinct is the

Large areas of undeveloped private land surrounding the village and an area of undeveloped industrial land at the village entrance currently contribute to the forested coastal landscape setting and visual amenity of Stuarts Point.

Locality (Place) issues

The following issues effect the existing Stuarts Point settlement and need addressing within future development:

- Biodiversity values, flora and fauna habitat of the area and surroundings are protected and preserved;
- Natural hazards, such as bushfire, flood risk and inundation, which could impact development and limit further residential development;
- Ground conditions of the low-lying aspect, including a high water table that experiences drainage and groundwater issues and different classes of acid sulfate soils;
- Maintaining the quiet, low-rise coastal character (development height, scale and density) of the settlement and locality which preserves views and visually significant vegetation;
- Limitations to growth in relation to current wastewater treatment (which is being addressed through the medium term development of the Stuarts Point Sewerage Scheme), and utility infrastructure such as for stormwater management and electricity supply;
- The quality of the public realm, pedestrian amenity and street tree provision which would contribute to the sense of place and experience of Stuarts Point;
- The commercial/neighbourhood services of the village that defines and supports it's local identity, and sustains the community and their coastal lifestyle;
- The road network that service local, visitor access and circulation and heavy vehicle traffic servicing agricultural enterprises through the main street of Stuarts Point.

C1.5.2 Character

Stuarts Point is a compact coastal village on the edge of the Macleay Arm. Largely residential the settlement possesses a low rise scale grid pattern of detached dwellings generally below the canopy line of the coastal forest and scrub vegetation surrounding it. Several commercial neighbourhood nodes exist that provide retail and community services from buildings not dissimilar to the nearby housing in scale and form. The foreshore precinct contains natural estuarine embankment along which holiday park development exists. The overall feature of Stuarts Point is its laid back well spaced informal character.

The Stuarts Point Structure Plan addresses the need to retain the village character while setting out the parameters and process to guide appropriately located and scaled development. This structure plan will facilitate orderly development both within the RU5 Rural Village and potentially zoned areas (UEIA) around the village if/as environmental issues are addressed and servicing and infrastructure becomes available.

Objectives

1. To enhance development within the village of Stuarts Point while preserving its character,
2. To promote urban consolidation through the encouragement of high quality, residential development, including the potential for some medium density development.

3. To identify, enhance and protect biodiversity values of the existing area and its native vegetation,
4. To provide the planning framework including the utilization of a Structure Plan (which must be in place) for guiding appropriate development of vacant RU5 and identifying the need for industrial E4 zoned (UEIA) lands when and if such proceeds,
5. To facilitate appropriate agricultural and horticultural industrial development that supports local enterprise and employment
6. To preserve and enhance the key elements of Stuarts Point's foreshore and estuarine waterfront for environmental and recreational purposes.

C1.4.3 Desired Outcomes and Development Requirements

The following desired outcomes and development control requirements in **Table C.5** prescribe how the above objectives can be met.

Table C.5 – Stuarts Point – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
Structure Plan	
The Stuarts Point Structure Plan addresses the conditions, needs and development potential of the settlement in two respects: 1. Broadly within the existing footprint of the settlement (identified precincts refer Fig C.13), providing information to guide “gentle growth” through infill type development that retains the unique coastal village character (refer also 1, Preservation and 2 Visual Impact sections), and 2. Within the urban growth boundary (broadly the UEIA areas refer Fig C.14) to guide suitable development where the constraints of the location, site, services and natural qualities, conditions and hazards can be acceptably addressed (refer also 3. New Development section).	a. The Structure Plan addresses the following requirements: i. Planning controls to protect Stuart Point's landscape and environmental character values; ii. Ensure future primarily residential development potential (including height and density) retains the coastal village character; iii. Facilitate orderly development by consolidating and enhancing the village centre (neighbourhood commercial precincts) amenities and services for the current and potential expansion of residential development; iv. Sets out the broad requirements for potential expansion of residential areas to meet environmental, servicing and infrastructure and staging issues; v. Identify and realise opportunities to improve the movement (roads, service vehicle, emergency access, cycle and pedestrian) networks and accommodate the movement needs of any future expanded residential areas; vi. Improving the quality of the public realm, pedestrian amenity and streetscape provision which contributes to the sense of place and experience of Stuarts Point;
1. Preservation	
1.1 The natural, coastal landscape and built character of Stuarts Point should be maintained.	a. The application must demonstrate the achievement of this Desired Outcome.
Foreshore Precinct	
1.2 The Foreshore Precinct is preserved in its natural	a. The Foreshore Precinct is to remain largely in its

Desired Outcome	Development Control Requirements
state, as far as is practicable.	existing state. b. Any buildings erected within the existing caravan park are to be designed so as to minimise any visual impact and are to make provision for suitable landscaping, which should minimise any impacts on topography, soil stability and water quality. c. Any new landscape within the Foreshore Precinct is to incorporate locally occurring native species. d. Buildings, other than those required for the caravan park, are to be restricted to picnic shelters of open timber pole construction.
Existing Village Precinct	
1.3 Infill residential development is consistent with the character of the Neighbourhood.	a. Development is in accordance with KLEP for height of buildings. b. The design of buildings within the Neighbourhood Precinct is to be compatible with the existing built character of Stuarts Point. c. Sufficient details are to be submitted with Development Applications to enable Council to fully evaluate the proposed appearance of buildings.
Neighbourhood Commercial Precincts	
1.4 Commercial development is consolidated into/ onto one of the Neighbourhood Commercial Precincts.	a. Development for the purpose of commercial premises, are to be generally confined to within the Neighbourhood Commercial Precincts. b. The design of buildings within the Neighbourhood Commercial Precinct is to be compatible with the existing architectural character of Stuarts Point. c. Sufficient details are to be submitted with Development Applications to enable Council to fully evaluate the proposed appearance of buildings. d. Vehicle parking and service vehicle delivery areas are to be provided on site, in accordance with Part E – Appendix 4, and KSC Infrastructure Delivery Guide.
1.5 Commercial development contributes to the establishment of a future “integrated shopping complex”.	a. A supermarket and specialty shops is provided as an “integrated shopping complex” within a Neighbourhood Commercial Precinct. b. Parking is to be provided on site as outlined in Part E - Appendix 4. c. A plan of survey prepared and endorsed by a registered surveyor is to be submitted with Development Applications identifying the location of all trees on site. d. Building design is to be compatible with the existing architectural character of Stuarts Point.

Desired Outcome	Development Control Requirements
	e. Pole signs are not to exceed 6.2 metres in height and must not contain advertising signs other than business identification signs. f. Applications are to be accompanied by a traffic study prepared by a qualified traffic engineer, indicating that proposals will not have any long term or short term adverse impacts on traffic movements in the area. g. The disposal of effluent will be accommodated and connected to an operational sewage system (connection to Council's sewerage system when available), and have no adverse impacts on adjoining property).
1.6 Single neighbourhood shops are accommodated throughout the village.	a. Council will consider proposals for shops outside of the Neighbourhood Commercial Precinct (not being an integrated shopping complex), provided the following criteria have been met: i. The store is to comply with the definition of "neighbourhood shops" under the provisions of KLEP. ii. The neighbourhood shop is to comply with the relevant requirements of KLEP. iii. No more than one (1) such store is to be contained within the building. iv. Council is to be satisfied that the proposal will not reduce the viability of the Neighbourhood Commercial Precinct. v. The proposal must not reduce the amenity of any adjoining residence.
Industrial Zoned Area	
1.7 Further investigations are required to establish the need for, and the suitability of the current E4 – General Industrial land to the western side of Grassy Head Road. 1.8 Industrial development does not detract from the amenity of existing and future residents. 1.9 Potential traffic conflict is reduced. 1.10 Development has minimal impact on the visual and environmental amenity of the locality	a. Development for the purpose of industrial activity. Note - Industrial Development is prohibited in Zone RU5 – Village. b. A strip not less than 25 metres wide running parallel to Grassy Head Road is to be set aside as a scenic/visual buffer. i. Lands required for the scenic buffer between Grassy Head Road and the industrial area must be retained by means of an appropriate instrument within the ownership of the land zoned E4 General Industrial. The instrument will be required for any development of the E4 zoned parcel and must specify that the care and maintenance of the area is to be the responsibility of the owners and that no trees are to be removed. c. Development of all lands zoned E4 General Industrial fronting Grassy Head Road is to provide for only two (2) points of access. Any proposed development must demonstrate how access to

Desired Outcome	Development Control Requirements
	future development via this single means of access can be achieved. d. Vehicle parking and service vehicle delivery areas are to be provided on site, in accordance with Part E – Appendix 4 and KSC Infrastructure Delivery Guide. e. Landscaping is to be provided within the area fronting Grassy Head Road using native species which complement the required scenic/visual buffer.
2. Visual Impact	
Streetscape and Public Domain	
Streetscapes 2.1 Streetscape and public domain improvements are provided to be consistent with the intent of the Stuarts Point Structure Plan.	a. The application must demonstrate the achievement of this Desired Outcome
Solar Access 2.2 Public open spaces and key streets of the Stuarts Points receive solar access mid-winter and shade mid-summer.	a. The application must demonstrate the achievement of this Desired Outcome
Vehicle Paving Areas 2.3 Vehicle paving areas in Stuarts Point, have a particular emphasis on: i. New and extended treatment to be generally consistent with existing treatments; and, ii. New or extended pedestrian dominant areas utilise similar paving treatments to similar existing pedestrian dominant areas and must provide a colour contrast to road pavement.	a. The application must demonstrate the achievement of this Desired Outcome
Pedestrian and Cycle Paving 2.4 Pedestrian areas and pedestrian/cycle path paving is generally consistent with the existing pedestrian paving in Stuarts Point village, in terms of: i. Width ii. Connections iii. Safety features iv. Materials.	a. The application must demonstrate the achievement of this Desired Outcome
Street furniture 2.5 Any bollards provided are consistent with the established theme of bollards used in the street reserves and public open spaces. 2.6 A consistent design and colour for street furniture; seats, benches table and litter bins etc is provided in the street reserve and public areas	a. The application must demonstrate the achievement of this Desired Outcome

Desired Outcome	Development Control Requirements
of Stuarts Point Village.	
Lighting 2.7 Street lighting and lighting within public open spaces contributes to a unified approach for lighting structures within Stuarts Point Village.	a. A consistent design for street lamps and bollard type lights is used. b. Development complies with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.
Landscape	
Trees – Public and Private 2.8 Trees are provided along street reserves and public open space areas.	a. The application must demonstrate the achievement of this Desired Outcome
2.9 Trees used along streets and within public open space areas are suitable species for this coastal location and provide a cohesive public landscape for Stuarts Point.	a. Generally, only one or two species are used within each precinct in order to establish consistency for maintenance.
2.10 Developers provide street trees directly in front of their properties.	a. The application must demonstrate the achievement of this Desired Outcome
3. New Development	
Residential Development	
Appropriate Land Uses 3.1 Residential and Tourist and Visitor Accommodation is the dominant form of development within the village. 3.2 Development complies with the relevant requirements of Part D , as applicable to the specific use(s) being developed.	a. Development protects the future amenity of residents, having regard to the proximity of existing and future commercial and industrial development, as well as the proposed sewerage treatment plant.
Visual Impacts 3.3 Development does not have an adverse impact on visually sensitive areas.	a. New development is compatible in terms of height, scale and form with the adjoining buildings and buildings within the locality. b. Buildings fronting Marine Parade are to: - minimise their visual impact on the adjoining reserve and the Macleay River; - use materials which are of a low reflective colour and which complement the natural colours found in the adjoining reserve; and - be screened from Marine Parade by densely planted landscape consisting of locally occurring native species.
Natural Hazards 3.4 Development appropriately addresses the constraints of flood prone land and high water table and does not have a significant impact on ground conditions or the natural conveyance of floodwaters.	a. Development is undertaken in accordance with the requirements of Council Flood Policy, State policies, guidelines, adopted flood studies and risk management plans addressing development in flood prone areas. b. Development of critical facilities (e.g. aged care, kindergartens etc) located in the low flood risk (above 1% AEP Flood) parts of the Macleay River Floodplain ensure the safety of people and

Desired Outcome	Development Control Requirements
	ensure an Evacuation Plan is in place, appropriate emergency response provisions are provided and a Flood Response Assessment Plan is prepared. c. Development for any critical emergency response and recovery facilities located in a low risk flood prone area (above the 1% AEP Flood) on the Macleay River Floodplain ensure continued operation during and after flood events up to and including the PMF event scenario.
Subdivision 3.5 The efficient provision of public services is achieved by: i. Preventing premature and sporadic subdivisions; and ii. Ensuring new development is consolidated in existing urban areas.	a. Residential subdivision must only occur on land located immediately adjacent to existing or approved residential subdivisions. b. Existing land holdings must not be further subdivided where fragmentation is likely to prevent the orderly and economic future subdivision of land for residential purposes. c. Development for residential purposes will not be approved unless adequate regard has been paid to the likely impact on flora and fauna. d. Council will not approve any plan of subdivision of: i. Lot 1422, DP 533781, Ocean Avenue; ii. Lot 143, DP 653554, Second Avenue; iii. Lot 37, DP 604990, Kimpton Street; or iv. Lot 103, DP 857881, Grassy Head Rd. as indicated in Figure C.14, unless: 1. a comprehensive groundwater and management drainage strategy has been formulated for all affected lands including the relationship with the proposed subdivision and all proposed drainage works; 2. Council is satisfied that each proposed lot is connected to a sewerage system or satisfactory arrangements have been made for the future provision of a sewerage service to each lot; 3. a detailed study of native flora and fauna has been carried out by a suitably qualified ecological consultant identifying areas of native habitat to be retained; 4. a statement is prepared outlining the likely impact on any flora and fauna identified as endangered or threatened under the: 5. <i>National Parks and Wildlife Act 1974</i>; 6. <i>Biodiversity Conservation Act 2016</i>; and 7. <i>Fisheries Management Act 1994</i>; a. and the statement outlines appropriate measures to minimise any such impacts. 8. a traffic study by a suitably qualified

Desired Outcome	Development Control Requirements
	Traffic Engineer has been prepared, which identifies a road hierarchy strategy and the relationship of the proposed subdivision to that strategy, including provision for a proposed Tourist Drive linking to the south.
Open Space 3.6 Local park/open space/reserve is provided in accordance with the relevant provisions of Part D – Urban Residential Subdivision , in addition to the relevant requirements in this section.	a. In addition to the matters identified in Part D – D1 - Land Subdivision , any Open Space Management Strategy submitted with a residential subdivision application is to demonstrate compliance with the following requirements: i. Drainage areas form part of multi-purpose spaces utilised for drainage and open space and other green corridor functions; ii. Areas required for habitat protection, excluding land required for drainage purposes, may be offset against land required to be dedicated for open space, provided adequate useable open space has been provided in the vicinity; iii. Areas required to provide for bushfire trails and radiation buffers must not be offset against land required to be dedicated for open space; and iv. Allow for wider road corridors which incorporates open spaces, drainage, cycleways and vegetation corridors.

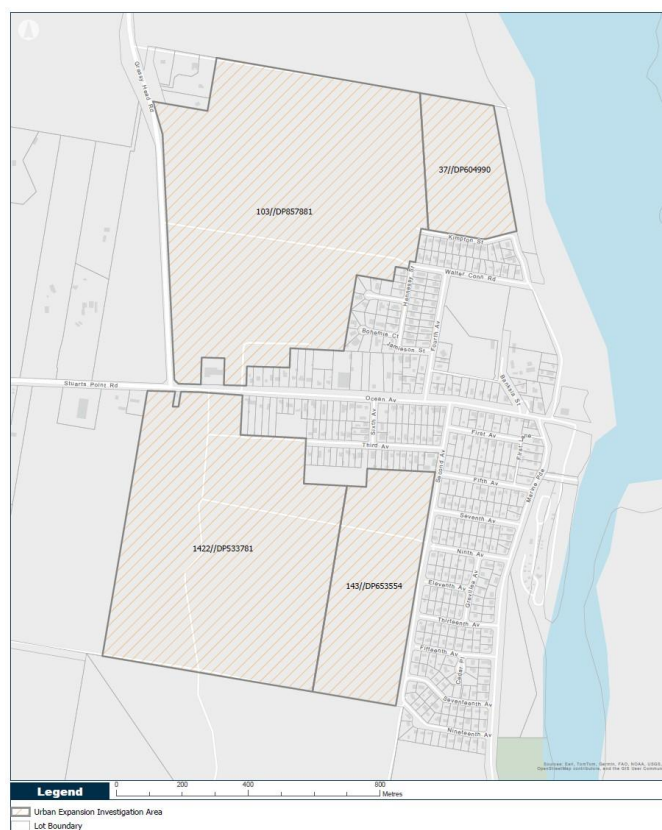


Figure C.14 – UEIA Lot Boundaries

C1.5 Hat Head

Application

1. This section applies to all development in the Hat Head Precinct as shown in the area bounded by the bold line in **Figure C.15** below.

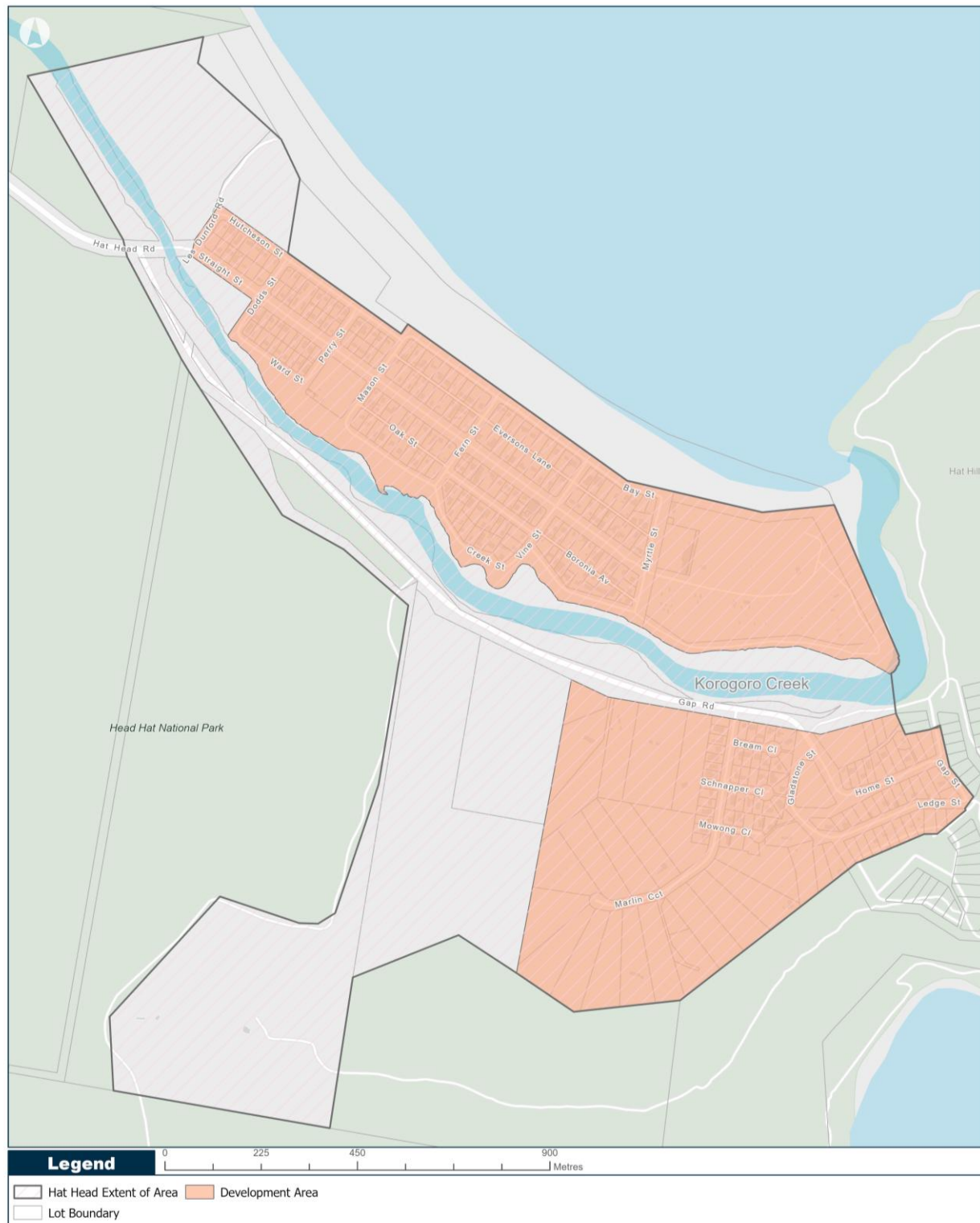


Figure C.15 – Hat Head Area

2. It applies to all proposals which are likely to generate an increased demand for sewerage and water services, including:
 - a. Dual occupancy;
 - b. Multi dwelling housing;
 - c. Dwellings houses and additions;
 - d. Hotel or motel accommodation;
 - e. Shops;
 - f. Commercial premises;
 - g. Subdivision; and
 - h. Tourist and visitor accommodation
3. Proposed Development will also require addressing all relevant provisions in **Part B - Shire Wide Requirements**, **Part D - Development Requirements** and **Part E - Appendices**, where applicable.
4. The provisions of this Part however override the provisions of any other Part of this DCP, to the extent of any inconsistency.
5. Applicants should discuss proposals with Council at the earliest opportunity to assist in identifying Council's requirements and any site specific issues.

Scope

This part outlines the precinct-specific planning controls applicable to development and use of land in Hat Head.

C1.5.1 Analysis

Background

Hat Head is a coastal hamlet located within a stunning diverse natural landscape. Because of its relatively isolated wetland location and limited access the settlement only started to develop in the early twentieth century and grew slowly as a holiday retreat. The village now experiences large seasonal fluctuations in population related to holiday-makers drawn to the village's natural features including beaches, headlands and the creek.

Surrounded by National Park, Hat Head has limited availability of suitable developable land, and restricted services capacity and infrastructure. Though there is scarcity of coastal land, regional demographic shifts and local demands means there is likely to be continue being development pressure despite the limitations.

Description

The village is nestled below Hat Head headland at the mouth of Korogoro Creek, sheltered from the ocean beach by a narrow bar of sand and surrounded by scenic rolling and forested hills, coastal dunes and wetlands.

Hat Head is a coastal village characterized by low density single and two-storey development. Residential interfaces with the street are characterised by wide grassy verges. Many lots have dual access, provided via both formed roads and unformed lanes. Fencing is often non-existent, however, where present, the materiality and heights vary and are generally in keeping with the dwelling character. This historic form of housing and lot presentation defines the local character of the area and should be preserved.

The majority of the development is centred on Straight Street, which provides access to the Hat Head Holiday Park, Hat Head Surf Life Saving Club and Hat Head Bowling Club at the eastern most end of the village.

Some additional residential and rural properties are located to the south of Korogoro Creek, nestled into the foothills of Connors Hill and surrounded by visually significant coastal vegetation that contributes to the village's natural landscape setting and provides many opportunities for nature-based recreation.

Hat Head does not contain a distinct village core, and commercial properties are dispersed throughout the northern part of the village, occurring primarily along the southern side of Straight Street. The limited nature of commercial development within the village contributes to Hat Head's laid back and quiet beachside residential community and 'coastal village' character.



Figure C.16 – Hat Head Topography

Locality (Place) issues

Hat Head is a low-rise coastal village with limited further residential or commercial development opportunities. The water and sewer system was primarily designed to cater for the needs of the existing village and the large seasonal fluctuations in the population. The Hat Head water and sewerage infrastructure currently services around 300 residential lots and 80 hectares of residential area with a few commercial buildings and a caravan park. There is no allowance for any increase in the density of development.

There is a need to ensure that if any development is feasible, it proceeds in an orderly manner, within the design capacity of the water and sewerage scheme and without any diminution of the characteristics which make the village special. Any further development of Hat Head must protect the existing street trees, surrounding scenic landscape and supports low impact nature-based tourism and recreation activities.

- Natural hazards, flooding, coastal inundation and bushfire

- Sedimentation in waterways and water quality
- Vegetation clearance and tree loss
- Limited capacity for development including infill development.

Objectives

1. To identify and preserve the important natural and man-made features which comprise the character of the Hat Head village.
2. Ensure that development is in keeping with the existing character of the Hat Head village.
3. Development does not exceed the capacity of the infrastructure and topographical constraints of the Hat Head village.
4. Achieve innovative building design and site usage in keeping with the existing character of the Hat Head village.
5. Protect Korogoro Creek from any adverse effects due to stormwater runoff.
6. Minimise the amount of clearing required for development.
7. Protect and preserve the native vegetation and landform of the Connors Hill, ridgeline and area.

C1.5.2 Desired Outcomes/Development Requirements

The following desired outcomes and development control requirements in **Table C.6** prescribe how the above objectives can be met.

Table C.6 – Desired Outcomes and Development Control Requirements – Hat Head

Desired outcomes	Development requirements
1. Preservation	
Character	
1.1 The beachside community character of Hat Head should be maintained.	a. The application must demonstrate the achievement of this Desired Outcome. b. No further expansion of the existing RU5 – Village zone extent will be permitted.
Environmental and Ecological Impacts	
1.2 The development does not create risk of adverse environmental health or ecological impacts.	a. The application must demonstrate the achievement of this Desired Outcome
Natural Hazards	
1.3 Any future development of the area should give adequate consideration to responding to natural hazards.	a. Development complies with the relevant requirements of Part B - B1 – Natural Hazards . b. Development demonstrate safe access points and routes; ingress and egress for evacuation and/or emergency services in the event of natural hazard events. c. Development should comply with the requirements of Planning for Bushfire Protection, as applicable.
Residential Densities	
Density and Scale	
1.4 The density and scale of development is to be compatible with the low-density residential character of development within the Hat Head village.	a. Development is generally low density and meets the minimum lot size and building heights in KLEP. Development density and landscape requirements outlined in Table C.7 . *Per additional bedroom

Desired outcomes	Development requirements		
	Table C.7: Density & Landscape Requirements		
	Dwelling Size	Site Area (m2)	Landscaped Area (m2)
	1 bedroom	300	100
	2 bedroom	400	150
	3 bedroom	500	200
	4 bedroom +	100*	20*
Private Open Space 1.5 The provision of open space on property frontages, along the side boundaries and within the rear yard areas is to contribute to the open low-density character of the village of Hat Head.	a. The application must demonstrate the achievement of this Desired Outcome.		
Water and Sewer Infrastructure			
1.6 Development can be serviced by the current design capacity of the Hat Head village water and sewerage scheme.	a. Development does not exceed a maximum of 1 dwelling or 1 Equivalent Tenement (ET)* on each existing allotment within the Hat Head water and sewerage scheme area (Figure C.15 –Hat Head Boundary [extent of RU5 zone]) b. Council will permit one additional uninhabitable structure (i.e. outbuilding, shed, etc) per lot to contain one separate toilet and shower, where it is satisfied that the structure is ancillary to the core purpose of a dwelling house. Note - Council staff will undertake an onsite facilities assessment to confirm existing approved facilities for any new Section 68 approvals. c. Development does not incorporate an on-site disposal of effluent system or propose an increase in capacity of an existing approved on-site disposal system. *ET is a measure of the demand or loading a development places on infrastructure in terms of water consumption or sewage discharge.		
2. Visual Impact			
Streetscape and Public Domain			
Solar Access 2.1 Public open spaces and streets receive solar access mid-winter and shade mid-summer.	a. The application must demonstrate the achievement of this Desired Outcome		
Vehicle Paving 2.2 Vehicle paving areas in Hat Head utilise similar treatments to existing pedestrian areas and must not increase stormwater runoff to streets.	a. The application must demonstrate the achievement of this Desired Outcome		
Pedestrian and Cycle Paths 2.3 Pedestrian areas and pedestrian/cycle path paving is generally consistent with the existing pedestrian paving in Hat Head, in terms of: i. Width	a. The application must demonstrate the achievement of this Desired Outcome		

Desired outcomes	Development requirements
ii. Connections iii. Safety features iv. Materials.	
Street furniture 2.4 Any bollards provided are consistent with the established theme of bollards used in the street reserves and public open spaces. 2.5 A consistent design and colour for seats, benches, tables and litter bins etc is provided in the street reserve and public areas of Hat Head.	a. The application must demonstrate the achievement of this Desired Outcome
Lighting 2.6 Street lighting and lighting within public open spaces contributes to a unified approach for lighting structures within Hat Head.	a. A consistent design for street lamps and bollard type lights is used. b. Development complies with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.
Visual Amenity and Key Landscape Elements	
Landscape	
Trees 2.7 Trees are provided along street reserves and public open space areas. 2.8 Trees used along streets and within public open space areas reinforce the cohesive coastal landscape (<i>Melaleuca</i> spp) of Hat Head. 2.9 Development provides street trees directly in front of the property(ies) if no mature tree exists.	a. The application must demonstrate the achievement of this Desired Outcome. b. Generally, only one or two species are used within each precinct in order to establish consistency for maintenance.
Landscape Elements – Korogoro Creek 2.10 Development protects the scenic qualities (shared views and existing visual character) and environmental sustainability of Korogoro Creek, including its aquatic ecosystems and riparian and estuarine vegetation.	a. All buildings north of Korogoro Creek are to be sited and designed so that no part of any building (including roof structures) will be visible when viewed from any part of Hat Head Beach. Where necessary, information (e.g site elevation) prepared by a Registered Surveyor may need to be provided to demonstrate compliance. b. Buildings fronting Korogoro Creek must not result in unacceptable impacts on existing passive recreational activities within the creek and foreshore areas. Note - A Visual Analysis of the proposed development will be required to be submitted with a Development Application to demonstrate compliance with the above development controls.
Landscape Elements – Hat Head Beach and O’Connors Hill 2.11 Development protects the scenic qualities and environmental sustainability of Hat Head Beach, including its dune system and the largely undeveloped slopes of O’Connors Hill. 2.12 Vegetative screening and low roof heights minimize the impact of buildings erected on the slopes of O’Connors Hill.	a. Buildings are not to be erected on the upper slopes of O’Connors Hill (above 20m contour). b. Buildings and associated access driveways on the lower and mid slopes of O’Connors Hill are sited and designed to minimize any visual impacts when viewed from the main village area or Hat Head Beach. c. Buildings are designed to be compatible with the existing character of Hat Head village.

Desired outcomes	Development requirements
	d. Existing trees and other vegetation must be preserved on and immediately below the ridge of O'Connors Hill, so that no cleared areas are visible on the ridgeline when viewed from the main village area, any public road or Hat Head Beach. e. Clearing on O'Connors Hill, including clearing to meet bushfire hazard reduction requirements, must not significantly reduce the existing tree and other vegetation cover when viewed from the main village area, public road or Hat Head Beach. f. All existing large native trees within the Hat Head village area are to be protected and preserved where practicable. Note - A Visual Analysis of the proposed development will be required to be submitted with a Development Application to demonstrate compliance with the above development controls.
General Development Requirements 2.13 Development protects: a. Low residential densities; b. Existing street and open space / park trees; c. Lack of kerb and guttering / grassed swales; d. Large undeveloped public reserve and camping area; and e. Retention of existing dominant building forms.	a. Permanent immovable structures should not be erected within the public reserve and camping area.
Stormwater	
2.14 Stormwater complies with the relevant provisions of Parts B and D.	a. Developments must be designed so as to minimize the amount of hardstand areas required to provide driveways (where possible, access to developments should be via a single access point), parking and boat storage areas, paved courtyards, etc. b. Grassed swales, in lieu of kerb and guttering, are to be used for stormwater drainage in street reserves. c. New developments must be designed so as to ensure runoff will not increase pre-development flow rates during a 1 in 5 year (20% AEP) storm event in accordance with Australian Rainfall and Run Off guidelines. All stormwater must be collected and disposed of wholly on-site. d. Stormwater runoff from the development is to have no adverse environmental impact on water quality within adjacent estuaries, or road easements or swales. i. A description of the intended method of achieving this requirement must be included with the plans for the required development application.

Desired outcomes	Development requirements
	ii. Where it is proposed to satisfy this requirement by on-site storage in rainwater tanks, the means proposed to maintain the capacity of the system must be provided, including a contingency for any overflows. e. Where an allotment contains existing buildings, provision must be made to ensure that runoff from existing roof and hardstand areas are directed to the required disposal system. f. The design of the required disposal system must have regard to the fact that Council does not intend providing or requiring the construction of any kerb and guttering.

C1.6 Point Plomer Road Precinct

Application

1. This section applies to all development in the Point Plomer Road Precinct as shown in the area bounded by the bold line in **Figure C.17** below.
2. Proposed Development will also require addressing all relevant provisions in **Part B - Shire Wide Requirements, Part D - Development Requirements** and **Part E - Appendices**, where applicable.
3. The provisions of this Part override the provisions of any other Part of this DCP, to the extent of any inconsistency.

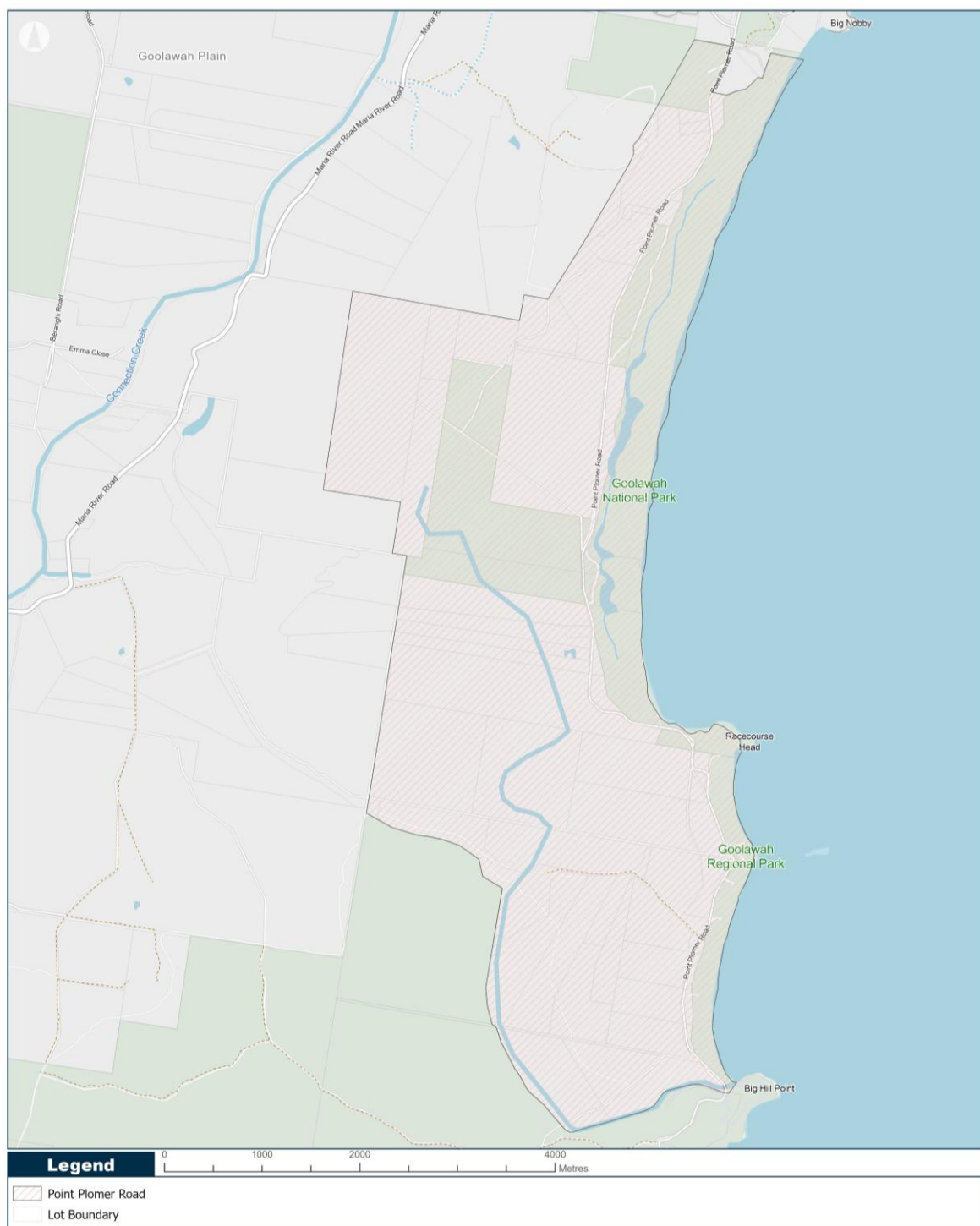


Figure C.17 – Point Plomer Road Precinct

Scope

This part outlines the precinct-specific planning controls applicable to development and use of land in the Point Plomer Road Precinct.

C1.6.1 Analysis

Background

Located on the traditional Country of the Dunghutti Aboriginal peoples, the Point Plomer Coastline extends south from Crescent Head to Point Plomer, which is located within the adjacent Port Macquarie-Hastings Local Government Area. The coastline to the south of Point Plomer that extends to the mouth of the Hastings River north of Port Macquarie is known as North Shore.

Future development on freehold land along the coastline is limited due to its majority zoning as C2 'Environmental Conservation' C3 'Environmental Management' and C4 'Environmental Living'. Where zoning allows for low-impact residential development and tourist and visitor accommodation these must avoid adverse impacts on the identified special values of the area.

Description - Character

The Point Plomer coastline is a scenic and largely undeveloped stretch of rocky headlands, sandy beaches and dunal landscapes along the coast, with lowlands and outstanding natural beauty that attracts visitors eager to unwind and enjoy low-impact, nature-based recreation experiences.

The coastline is recognised as being of outstanding scenic and natural beauty, and contains a diverse range of landscape features, including:

- Striking headlands with rocky cliffs that provide opportunities for elevated views along the coastline, such as Big Hill Point and Racecourse Head;
- Long sandy beaches with intact dune systems;
- Small rocky islands, such as the Delicate Nobby islands;
- Tidal flats, coastal swamps and pristine waterways;
- Goolawah Lagoon (an inter-barrier lagoon).

A number of scenic vantage points are located within the protected estate and provide panoramic views across these landscapes.



Figure C.18 –Point Plomer Road Precinct - scenic views

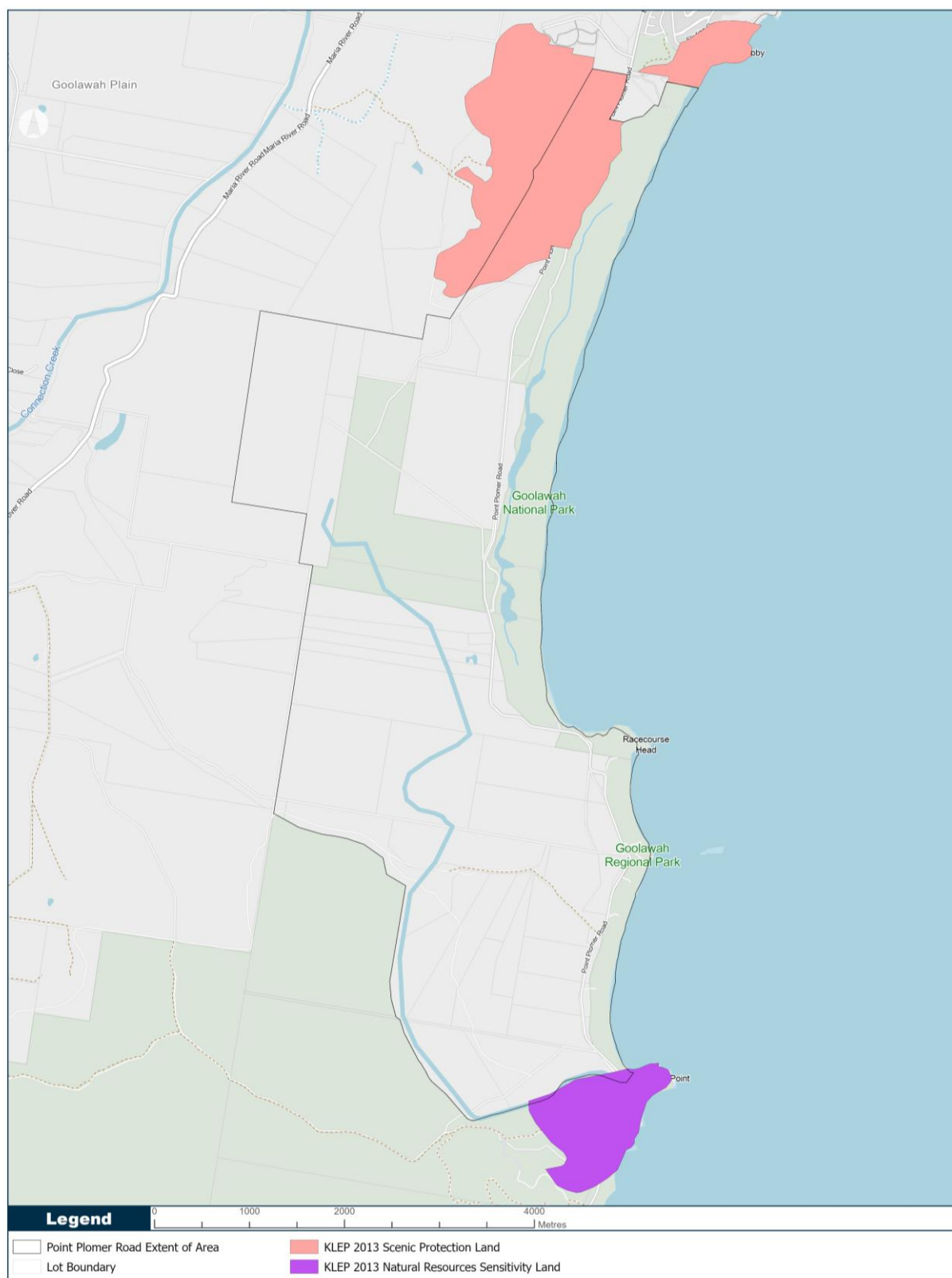


Figure C.19 – Point Plomer Road Precinct - designations

Locality (Place) issues

The scenic and culturally significant Point Plomer coastline contains a diverse range of largely undisturbed coastal landscapes and ecosystems of high ecological and biodiversity value, which must be protected.

However, the area is also subject to constraints from acid sulfate soils and flooding, as well as limitations on road access and safety.

These landscapes retain strong and continuous physical and spiritual associations for the Dunghutti and Birpai Aboriginal peoples and also support sustainable low-impact nature-based recreation activities.

In recognition of the significant values of this coastline, the majority of land to the east of Point Plomer Road is protected within Goolawah National Park, Goolawah Regional Park and Limeburners Creek National Park and managed by the NSW National Parks and Wildlife Service.

Objectives

1. To enhance the natural character and identity of the Point Plomer Road Precinct.
2. Encourage appropriate development, which is sensitive to the scenic, ecological and environmental values of the land within the Point Plomer Road Precinct.
3. Ensure all new development makes a positive contribution to the preservation and protection of the Precinct's character.
4. Protect and enhance the area's natural beauty, low key scale and significant flora and fauna communities and habitat.
5. Protect, conserve and enhance evidence of Aboriginal cultural heritage, including period heritage.
6. Allow for the protection and appropriate management of relics, trees or places which have identified heritage significance, including potential archaeological sites.
7. Ensure development satisfies the principles of ecologically sustainable development having regard to environmental, social and economic impacts.
8. Existing and new tourist and visitor accommodation are and remain environmentally sustainable.
9. Development protects existing residential amenity.
10. To ensure the number of dwellings and design details for housing and tourism is appropriate for the site and surrounding area.

C1.6.2 Desired Outcomes/Development Requirements

The following desired outcomes and development control requirements in **Table C.8** prescribe how the above objectives can be met.

Table C.8 – Desired Outcomes and Development Control Requirements – Point Plomer Road Precinct

Desired outcomes	Development requirements
1. Preservation	
<i>Aboriginal and Natural Heritage</i>	
1.1 Significant items or areas of Aboriginal and Natural Heritage Significance are adequately protected, or suitable measures are adopted to minimise adverse impacts where disturbance is proposed.	a. Development complies with the relevant requirements in Part B - B4 - Aboriginal Cultural Heritage and Part E - Appendix 2 .
<i>Character</i>	
1.2 Development is of a low-scale and a low-impact nature (being development that does not have a significant negative impact on the ecology of its location, or on the character, amenity or scenic value of the area).	a. The application must demonstrate the achievement of this Desired Outcome

Desired outcomes	Development requirements
Flora and Fauna Protection	
1.3 The proposed development is ecologically sustainable in terms of impacts on: i. local flora and fauna ii. significant habitat and wetlands iii. local koalas. 1.4 The development is to have minimal environmental impact on: i. Land managed by the State government in respect to Environment and Heritage ii. Wilderness areas iii. Recognised areas of high conservation value, and iv. Scenic landscape protection areas	a. The development application must demonstrate compliance with the following, where relevant: i. <i>Biodiversity Conservation Act 2016; and</i> ii. <i>State Environmental Planning Policy Biodiversity and Conservation 2021.</i> iii. <i>State Environmental Planning Policy Resilience and Hazards 2021</i> b. Any significant trees or native vegetation are to be retained as far as practicable, including any locally significant koala feed tree species.
2. Visual Impact	
Visual Amenity and Landscape	
2.1 Development does not adversely affect the visual amenity or landscape setting of the Point Plomer Road Precinct.	a. All buildings are designed to respect the low scale and natural landscape character of the area. b. Building setbacks comply with the relevant requirements of Part D. c. The height of any proposed building is to be equal to or lower than: i. vegetation canopies on the subject land; and ii. ridge lines forming part of the viewshed of the proposed development. d. Adequate landscape is to be incorporated into the proposed development to provide screening of buildings, in accordance with the relevant requirements of Part D. e. Development respects the topography and setting of the site by locating buildings on those parts of the site with least slope. f. Any proposed vehicular entry is to be designed to restrict direct views of the development from the road. g. External building materials are to have a low-reflectivity, low-gloss and are to utilise natural colours so that they are generally compatible with the natural setting and are not visually obtrusive. Note – Council may require the submission of a visual impact assessment, including photomontages from various vantage points, to demonstrate that the proposed development will not have an adverse impact on the visual amenity and landscape setting of the Point Plomer Road Precinct.

Desired outcomes	Development requirements
3. New Development	
<i>Geotechnical Issues</i>	
3.1 Development is appropriately designed in response to local soil stability issues. 3.2 Sediment and erosion control is undertaken in a manner that prevents silt entering wetlands, watercourses and water bodies or onto neighbouring land/ properties. 3.3 Development incorporates measures to identify, manage, and mitigate the impacts of acid sulfate soils to protect surrounding ecological systems and water quality.	a. Earthworks complies with the relevant requirements of Part B and Part D and is designed in accordance with KSC Infrastructure Delivery Guide.
<i>Coastal Processes</i>	
3.4 Development minimizes impacts on coastal processes and complies with the relevant provisions in Part B.	a. The application must demonstrate the achievement of this Desired Outcome
<i>Bushfire</i>	
3.5 Bushfire protection measures comply with the relevant provisions in Part B – B2 – Natural Hazards.	a. The application must demonstrate the achievement of this Desired Outcome.

C1.7 Mid North Coast Industrial Hub

Application

1. This section applies to all development on or in the vicinity of the Mid North Coast Industrial Hub (formerly known as 'South Kempsey Industrial' precinct as outlined in bold in **Figure C.20** below.
2. Proposed Development will also require addressing all relevant provisions in **Part B - Shire Wide Requirements, Part D - Development Requirements** and **Part E - Appendices**, where applicable.
3. The provisions of this Part override the provisions of any other Part of this DCP, to the extent of any inconsistency.

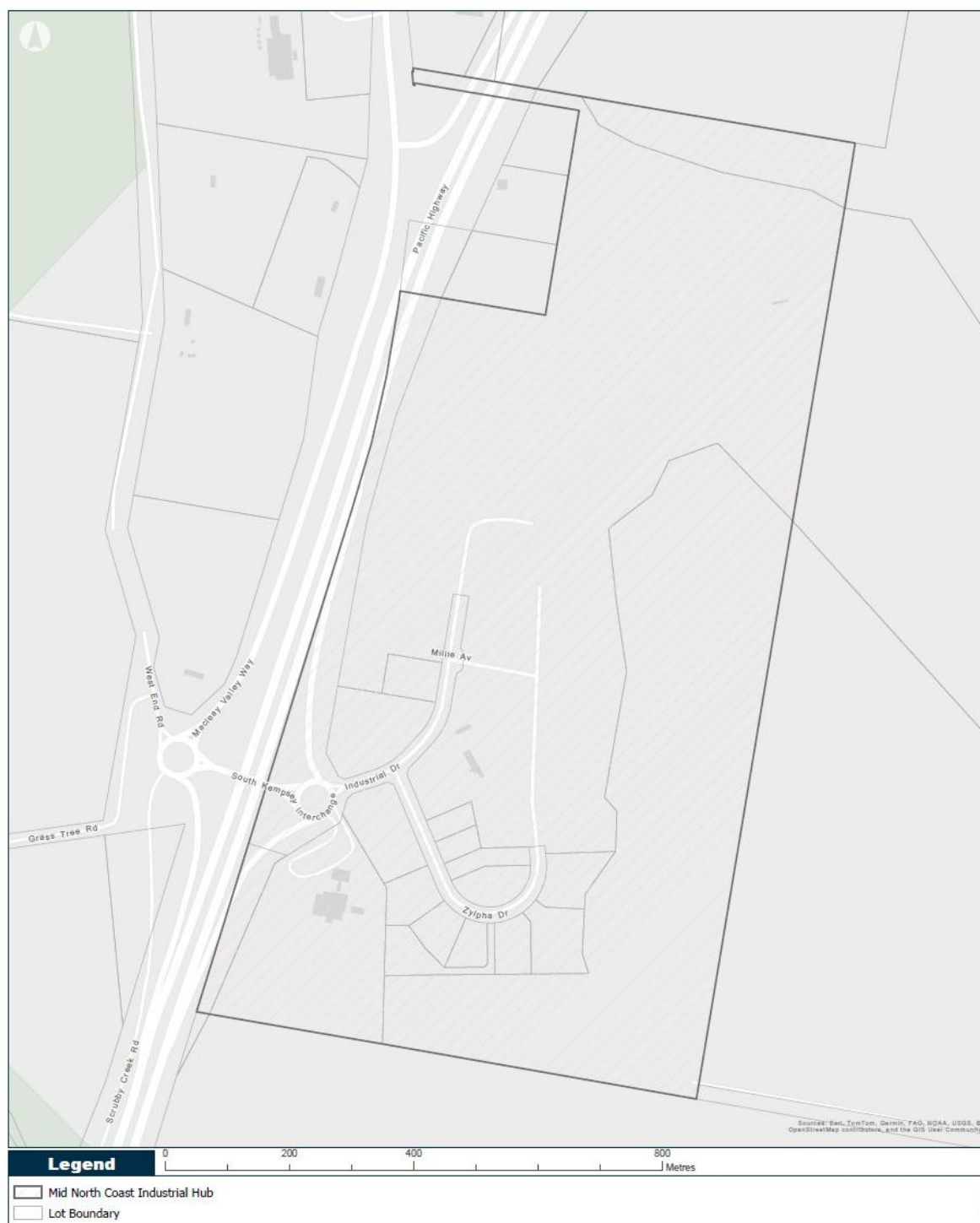


Figure C.20 – Mid North Coast Industrial Hub (formerly known as South Kempsey Industrial precinct)

Scope

This part outlines the specific planning controls applicable to development and use of land in South Kempsey as identified in the Application above.

C1.7.1 Analysis

Background

South Kempsey is a locally significant mixed area of residential community and the key industrial centre of Kempsey Shire, comprising several distinct areas of commercial and industrial land use. Within this wider area, and due to its position directly adjacent the major NSW north-south Highway midway between Sydney and Brisbane the Mid North Coast Industrial Hub provides current services and potential for further logistical, commercial and industrial land uses and activities.

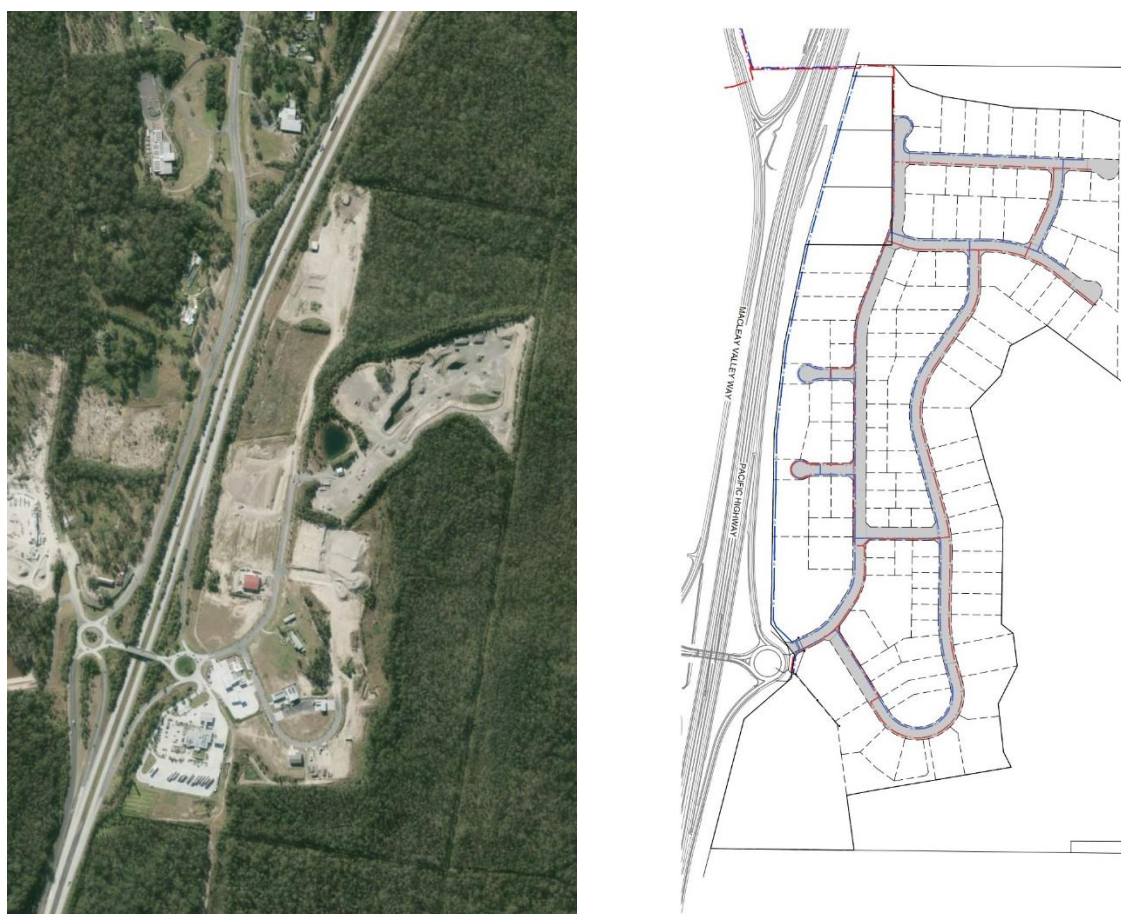


Figure C.21 – South Kempsey Pacific Highway Interchange (aerial), and Mid North Coast Industrial Hub - outline masterplan (2025)

Description

The Mid North Coast Industrial Hub is orientated north-south along the eastern edge of the Pacific Highway, and south of Macleay Valley Way on the interchange access to Kempsey. It contains some existing industrial development, including the Highway Service Centre. The terrain is highly modified in part, being relatively flat along the western half containing both occupied and vacant lots. On the eastern portion two blocks of native bushland remain with a C2 “Environmental Conservation” zoning, separated by a current operational quarry.

Locality (Place) Issues

Implementation of essential water and sewer services to the Mid North Coast Hub now provides opportunities to investigate increasing the amount of larger industrial allotments, should the need arise to accommodate these uses in future. Its role will be as a major industrial site which will be a significant employment generator that serves the industrial needs of Kempsey Shire.

Issues facing the locality and industrial estate specifically include:

- Existing vegetation on and surrounding the area and bushfire risk
- Proximity to the Pacific Highway and the need for addressing and mitigation of impacts
- Site water and stormwater management

Objectives

Mid North Coast Industrial Hub is developed to:

- Provide for employment generating development including industrial, commercial and business development in a manner which is consistent with the location, services and transport infrastructure, environment and capability of the site.
- Preserve the functional and visual integrity of the Pacific Highway corridor as a national highway.
- Facilitate the long term conservation and management of land within that part of the site zoned C2 - Environmental Conservation.
- Facilitate staged development of the site consistent with infrastructure capacity and in acknowledgement of the existing approved quarry operations.

C1.7.2 Desired Outcomes/Development Requirements

The following desired outcomes and development control requirements in **Table C.9** prescribe how the above objectives can be met.

Table C.9 – Desired Outcomes and Development Control Requirements – South Kempsey Industrial

Desired outcomes	Development requirements
1. Preservation	
Environmental Conservation Zone Management	
Buffers 1.1 Buffers are provided to the C2 – Environmental Conservation Zone part of the subject site that: i. Satisfy the remaining Desired Outcomes in this section; and ii. Accommodate the Asset Protection Zones complying with Planning for Bushfire Protection; and iii. Provide an appropriate level of acoustic attenuation between noise generating uses and the Zone C2 land.	a. No building must be located within 35 metres of the boundary of the C2 - Environmental Conservation Zones or such distance required to establish any bushfire APZ to E2 zones. b. Where a building is proposed to have an opening facing the Zone C2 – Environmental Conservation land (other than a pedestrian access door or fire escape door) applications must demonstrate that an additional buffer width is not required to meet the acoustic objectives of the setback to the environmental protection land.
Management Strategies 1.2 The following management strategies are implemented, where relevant and practicable, in relation to land zoned C2 – Environmental Conservation.	a. A Habitat Management Plan is to be submitted which demonstrates achievement of the applicable Desired Outcome, that includes the following: ii. A protective management regime that includes appropriate actions for the protection of Hunter-Macleay Dry Sclerophyll Forest; iii. Appropriate fire regimes (in areas that do not conflict with asset protection) to allow build up

Desired outcomes	Development requirements
	of grass and litter layers to facilitate conservation of flora and fauna; iv. Management regimes that promote the movement of fauna between connected landscape elements; v. Appropriate procedures to manage identified noxious weeds, namely Lantana spp; vi. Appropriate fire regimes in the peripheral asset protection zone to meet the required fuel standards for inner and outer protection areas in accordance with relevant bushfire protection legislation; vii. Where possible, the retention of on-ground refuge consisting of rocks and logs, and wherever appropriate, dense under-storey native vegetation; viii. Strategies for reducing erosion; ix. A habitat management plan is implemented in order to stabilise and protect existing wildlife habitat; x. Grazing animals, such as cattle, are removed from the area to promote natural regeneration; xi. Protective barriers are installed, as required, to promote the recovery of habitat for native fauna and flora species; xii. Threatening processes are identified and, where required and as far as practicable, reduced or eliminated; xiii. Non indigenous vegetation is removed using bush regeneration techniques, in order to improve the structure and ecological integrity of vegetation; xiv. Any works within C2 Zone areas are designed to facilitate movement of fauna in an east-west movement; xv. A maintenance plan is adopted and actioned for the control of weed species colonising the C2 zone; xvi. Stormwater is generally discharged away from bushland areas, but where discharge to bushland is unavoidable, measures are incorporated to mitigate the impacts of sediment and nutrient loads entering bushland and erosion; xvii. Soil erosion impacts are reduced through application of best practice controls on soil movement, transport and protection during any development works and increased vegetation cover; - xviii. Establishment and maintenance of a bushfire trail and asset protections zones along the boundary of the C2 zone; and xix. Minimise illegal tree felling activities within the C2 zone.

2. New Development

Desired outcomes	Development requirements
Development Staging	
2.1 Development provides appropriate site access.	a. Site access is gained at only two points from the roundabout at the intersection of Macleay Valley Way and the Pacific Highway and development is staged to ensure that temporary access is not required. b. Access construction complies with the requirements of the KSC Infrastructure Delivery Guide.
2.8 Development is staged so that transport access and infrastructure is provided and maintained.	a. The application must demonstrate the achievement of this Desired Outcome: i. Is consistent with any infrastructure servicing plan; ii. Is consistent with the availability of services; and iii. Delays future development of the quarry site for subdivision and/or industrial purposes until all quarry operations have ceased and the land fully restored in accordance with the terms of any development consent for the quarry.
2.3 Subdivision stages are provided with adequate sewer and water services to meet the needs of estimated future development within that stage.	a. Appropriate easements are provided to facilitate the future provision of water and sewerage services. b. Development applications for subdivision, must demonstrate that the provision of water and sewerage services is an integral part of that subdivision proposal.
2.4 Roads are provided with each stage of subdivision commensurate with the needs of the proposed stages of subdivision and to facilitate connections to future subdivision stages.	a. Stages of development must also take account of Site Master Plan (refer to Figure C.21a) and must include construction of such road(s) access where relevant to that particular subdivision stage.
2.5 Buildings are provided with essential infrastructure, prior to occupation.	b. Notwithstanding development requirement a. above, the lot layout and road pattern presented in Site Master Plan (refer to Figure C.21a) may be varied as part of a development application where an alternative Masterplan is presented as part of the application and that alternative Masterplan demonstrates provision of suitable access for further stages of development and consistency with the objectives of this chapter.
Pacific Highway Frontage	
Acoustic Requirements	
2.6 Subdivision and development is undertaken in a manner that mitigates adverse acoustic impacts on buildings from the Pacific Highway, to an acceptable level.	a. No buildings are to be located closer than: i. 65 metres to the nearest travelling lane of the upgraded Pacific Highway; and ii. 35 metres to the remaining industrial area boundaries.

Desired outcomes	Development requirements
	b. Development, including building and subdivision, achieves the following acoustic mitigation requirements: i. Heavy industrial activities are avoided in the most eastern precincts of the industrial area to limit noise impacts the land within Zone C2 Environmental Conservation; ii. Compliance with the NSW Industrial Noise Policy; and iii. Compliance with the NSW Environmental Criteria for Road Traffic Noise. c. Allotments created by subdivision are to be sized to accommodate both: i. Sufficient land to accommodate projected development of the site; and ii. Acoustic buffer area.
Visual Impacts 2.7 Development does not have an adverse visual impact as viewed from public areas and the Pacific Highway.	a. Storage of materials and goods in external areas must not occur within the front (to road/street) setback of any industrial lots nor in areas of any lot which are visible from the Pacific Highway, other than where the storage and display of such materials or goods is an integral component of the proposed use and Council is satisfied that the outcome will not detract from the visual amenity of the locality.
Landscape 2.8 Where development is visible from the upgraded Pacific Highway, landscaping is provided to reduce the visual impact of future development adjacent to the highway corridor.	a. Where industrial allotments are affected by an acoustic buffer requirement a minimum of 10 metres width of screen landscaping must be provided along the front setback area and must be indicated by a restriction on title under the relevant Act.
Traffic Management	
Site Access 2.9 No allotment has direct access to the upgraded Pacific Highway. All access to the subject area is gained from the 2 accesses from the Pacific Highway (interchange) Macleay Valley Way roundabout.	a. All access for development (refer to Figure C.21a) must be via the link road to the Pacific Highway and Macleay Valley Way roundabout. All other development on the site must have access via the core road to this roundabout. b. All allotments are to have direct access to a public road.
Roads and Carparking 2.10 Road and property access, carparking, movement aisles, driveways and loading areas provides for safe movements of all vehicles and pedestrians and minimises any conflicts.	a. Roads are to be laid generally as shown in Site Master Plan (refer to Figure C.21a) b. Roads and intersections must be designed in accordance with KSC Infrastructure Delivery Guide but also with geometry which complies with engineering standards required for access by B-double trucks.

Desired outcomes	Development requirements
Hazards Management	
Asset Protection Zones 2.11 Development complies with the relevant requirements of Planning for Bushfire Protection. 2.12 Developments adopt appropriate evacuation muster points and procedures for emergency situations.	a. Asset Protection Zones (APZs) must be provided and maintained in accordance with recommendations of Planning for Bushfire Protection. b. Any perimeter fire trail must be a minimum 6 metres wide and must form an integral part of the APZ and must be located adjoining the potential fire source with the remainder of the required APZ located between the fire trail and any buildings. c. APZ areas within industrial lots or the Highway Service Centre lots must be secured by a restriction on title. d. Where development is proposed on an industrial lot which is affected by or encompasses an APZ area, the development application must include a hazard and risk assessment to determine whether the proposed development would unacceptably increase the risk of bushfire beyond that assessed at the subdivision stage. e. No APZ or any other fire protection measures must be located within Zone C2 – Environmental Conservation. f. Development is to comply with the relevant recommendations from Planning for Bushfire Protection, as applicable.
Industrial Hazards Management	
2.13 All developments are to have muster points for evacuation procedures.	a. Where hazardous materials are involved, the subject business premises are to have a written premises-specific emergency evacuation procedure, prepared in accordance with AS3745: Planning for Emergencies in Facilities. b. A perimeter fire trail for emergency access must be provided around the interface between development on the site and the land within Zone C2 – Environmental Conservation. Access must be provided to this fire trail from any proposed subdivision roads consistent with the Site Master Plan (refer to Figure C.21a) c. The fire trail must be located within a 10m Fire Trail Corridor. It must not be located on land zoned C2 – Environmental Conservation and must form an integral part of the required APZ to adjoining development. d. Stages of the development which may occur on cessation of quarry operations on the site, must incorporate provision for an additional access to the Pacific Highway for emergency purposes only.

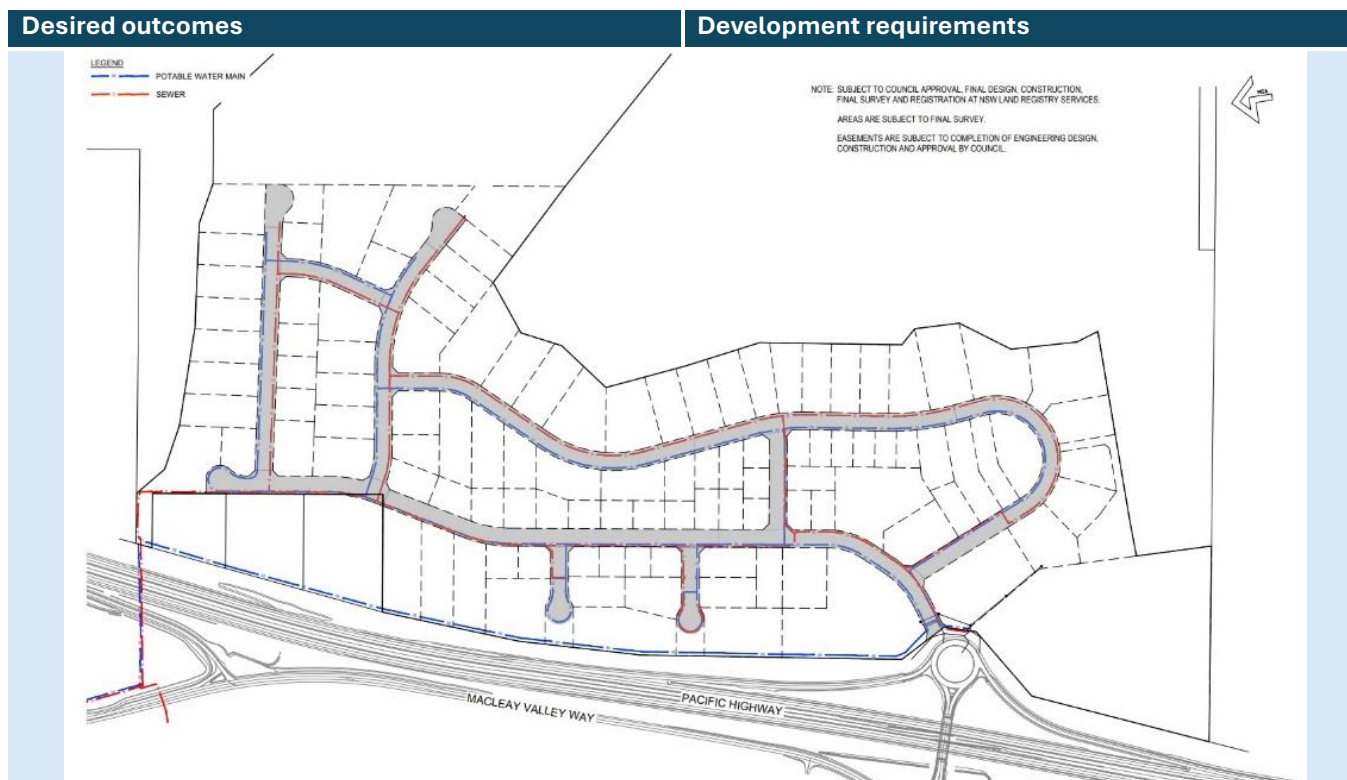


Figure C.21a – Indicative Site Master Plan

Lot Sizes and Boundaries

2.14 Allotments in industrial zones are designed to accommodate development that meets the relevant requirements of **Part B** and **Part D**.

- a. The subject land is subdivided generally refer to Site Master Plan (refer to **Figure C.21a**)
- b. A variety of lot sizes must be provided for development on the site with larger lots where additional land is required for buffers or to address site constraints generally.
- c. All industrial lots must have a minimum frontage of 25 metres.
- d. Lot sizes must generally be sufficient to ensure that all car parking, loading and unloading and manoeuvring of vehicles will occur on site.
- e. The useable area of any lot exclusive of areas affected by requirements for buffers under this Part must be not less than 1200 m².
- f. Minimum lot sizes must be determined having regard to the requirements of **Part B** and **Part D**.

Public Domain Requirements

2.15 Street trees are provided in accordance with:

- i. a Street Tree Site Master Plan; and
- ii. the relevant requirements of **Part B** and **Part D**.

2.16 On-site landscaping, particularly to the front of buildings and within large car parking areas, is provided in accordance with **Part D**.

- a. A Street Tree Master Plan is to be submitted with the first application for subdivision development of the site and approved by Council.
- b. Street trees must be provided at a minimum average spacing of:
 - i. one per 20 metres of frontage along the core roads shown on Site Master Plan (refer to **Figure C.21a**)

Desired outcomes	Development requirements
	ii. one per 30 metres of frontage for all other industrial subdivision roads.
Industrial Buildings	
2.17 Industrial development complies with the relevant requirements of Part B and Part D , unless amended by the applicable Development Control Requirements.	a. Street setbacks for buildings must be a minimum of 5 metres. b. There must be no setback concessions for secondary street frontages. c. Where a building is proposed which will exceed a height of 10 metres, the development application must demonstrate that the building will not be visible from the Pacific Highway or alternatively, provide evidence to the satisfaction of Council that the visible building elements will be visually acceptable in their context.
Advertising Signage	
2.18 Advertising signs within the land comply with the relevant requirements of Part D , unless amended by the applicable Development Control Requirements.	a. Individual site pole signs are only to be provided for development on lots: i. where the site is greater than 2000 m²; and ii. the sign is no more than 8 metres in height. b. Signage greater than 8 metres in height is restricted to signs relating to the Highway Service Centre and any combined directory sign for development which Council is satisfied will constitute a business park style development of industrial lots. c. Nothing in this plan prevents the erection of permanent estate entry signage within the road reserve entering the industrial subdivision from the roundabout provided the estate entry sign forms an integral part of landscaping of the entry road and details are submitted to and approved by the Council.

C2 HERITAGE ITEMS

For identification of heritage items (places, buildings and/or objects etc) refer to Kempsey Local Environmental Plan (KLEP)

For requirements related to Items of Environmental Heritage listed in Schedule 5 - Part 1 – Heritage Items of KLEP or Heritage Items within the Kempsey local government area that may be listed in other planning instruments and legislation, refer to **Part E - Appendix 2**.

C3 HERITAGE CONSERVATION AREAS

The Shire has two existing Heritage Conservation Areas which are identified in the Kempsey LEP 2013. These are;

- Bellbrook (which is also National Trust listed), and
- Gladstone.

Factors in defining the sense of place may be the original subdivision pattern, a consistency in building form or building materials, the density of development or the mix of land uses which reflect a particular period or periods in the history and growth of the area. Loss of, or unsympathetic alteration to, any one of these areas or buildings can erode the significance of the place as a whole.

Heritage Conservation Areas aim to protect and preserve the core values of a place while guiding new development in a manner consistent and complementary with these core values. Heritage conservation areas identify and conserve significant built and landscape heritage, including buildings, monuments, streetscapes, parks, and gardens that link us to our past and help define our identity. Recognising heritage conservation areas, precincts, and items ensures their heritage significance is maintained. Development and growth are not restricted but should respect and align with the identified heritage values of a place.

Objectives and planning controls for the conservation of environmental heritage are set out in KLEP. Development consent is required for most proposed changes to a heritage item or building, work, relic or tree in a heritage conservation area listed in Schedule 5 of KLEP.

Heritage conservation areas have a statement of heritage significance identifying the elements making it significant in heritage terms. The NSW Office of Environment and Heritage set the criteria for these statements as outlined in the NSW Heritage Manual, and based on the Burra Charter's principles and processes.

Development on land in or within the vicinity of a heritage conservation area is to be designed and based on the site / spatial specific detail provided in this section.

C3.1 Bellbrook

Application

1. This section applies to all development on or in the vicinity of the Heritage Conservation Areas of Bellbrook as identified in Schedule 5 – Part 2 – Heritage Conservation Area of KLEP and as outlined in bold in **Figure C.22** below.
2. **Part E - Appendix 2** also contains requirements that may be relevant to Heritage Conservation Areas, in terms of provisions related to application requirements, general provisions etc.
3. Proposed Development will also require addressing all relevant provisions in **Part B - Shire Wide Requirements**, and **Part D - Development Requirements**, where applicable.
4. The provisions of this Part override the provisions of any other Part of this DCP, to the extent of any inconsistency.

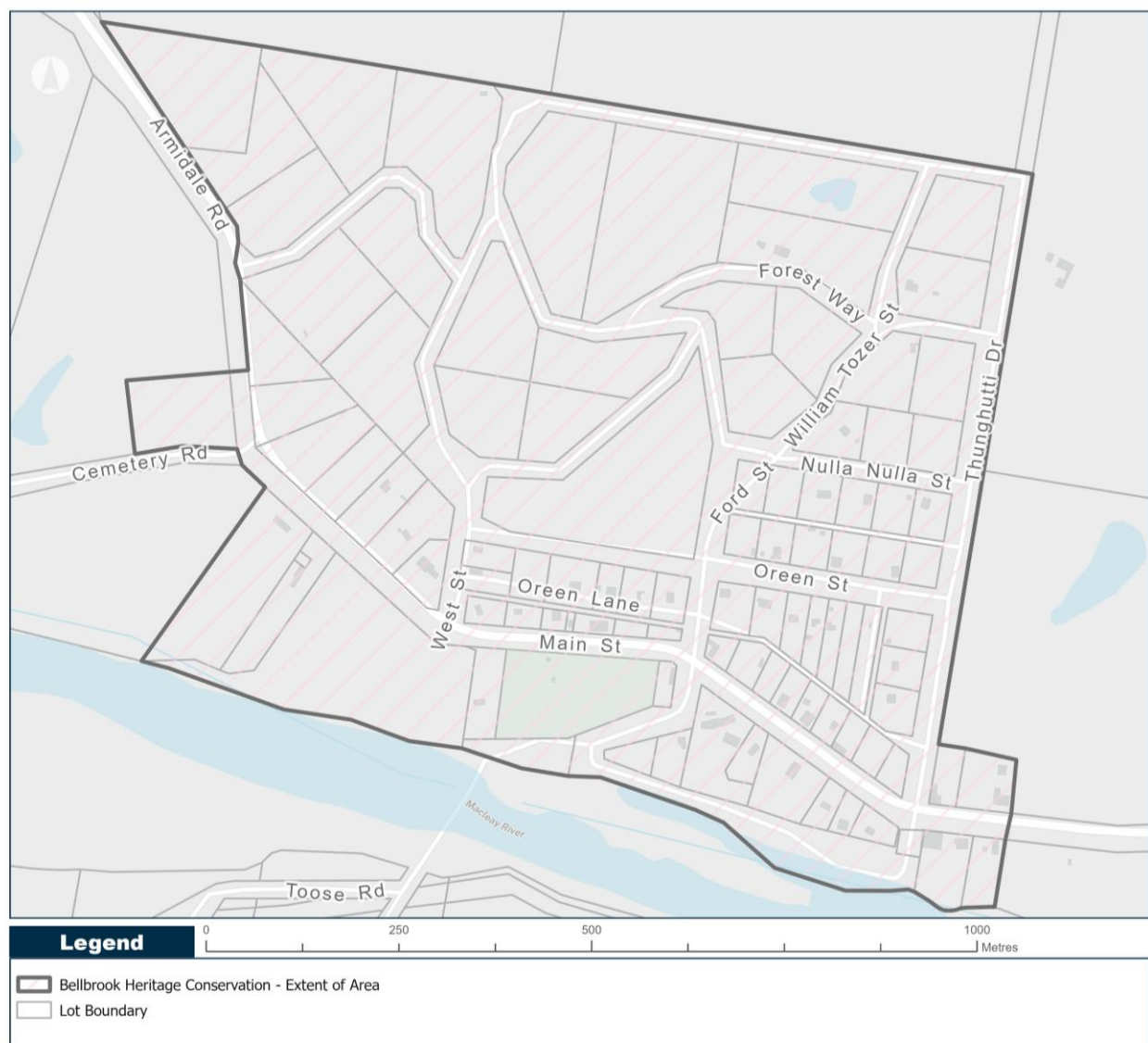


Figure C.22 – Bellbrook Heritage Conservation Area

Scope

This part outlines the specific planning controls applicable to development and use of land in Bellbrook that is a Heritage Conservation Area as identified in the Application above.

C3.1.1 Analysis

Background

Located in the Upper Macleay Valley Bellbrook a small rural village has a rich Aboriginal and European significance. The Bellbrook area was settled by timber cutters and graziers in the mid-1830s. Robert McKenzie, a sheep grazier is recorded as being the first squatter in 1837. By 1865 there were 25 squatting licences issued, covering 170,000 hectares of Thungutti land.

Situated high above the banks of the Macleay River on a ridgeline, the picturesque village is surrounded by scenic hinterland landscapes, including the culturally and visually significant Burrell Bulai (Barralbarayi/ Anderson's Sugarloaf Mountain). Bellbrook also acts as a small service centre for the Thungutti Community and nearby rural farmsteads, which contribute to the character of the surrounding rural landscape.

Description - Character

Housing within the village typically comprises single-storey, early to mid-20th century weatherboard buildings on larger lots (1000m² to 2500m²). Many of these are constructed out of local timber milled in the area, referencing the village's colonial past. Some smaller lots (500m²) and larger lot rural residential properties also occur throughout the village, with rural residential properties well setback from the road.

Despite its intact heritage character, there is some newly constructed single-storey contemporary weatherboard homes throughout the village and on its periphery.

Residential interfaces with the street are characterised by wide grassy verges. Where fences are present, fence materials and heights vary and are generally in keeping with the rural dwelling character. Mature trees and established gardens contribute to Bellbrook's vegetated character.

This historic rural character is further reinforced by surrounding residential development that extends north on rising topography associated with Ngurra Mungan, and west along Main Street towards the Bellbrook Cemetery. Areas north of the Main Street are primarily accessed via Thungutti Drive, which also provides access to the Thungutti community located to the north on the banks of Nulla Nulla Creek.

The quiet and historic village character of Bellbrook is reinforced by the limited and scattered nature of commercial development and community buildings on both sides of Main Street, to the north of the Macleay River. The restored Bellbrook Hotel and Bellbrook School of Arts (Bellbrook Hall) are key landmarks. These buildings, along with the Police Station, old Bellbrook General Store, Bellbrook Public School, St. Patrick's Catholic Church and St. James Anglican Church contribute to the village's early 20th century character.

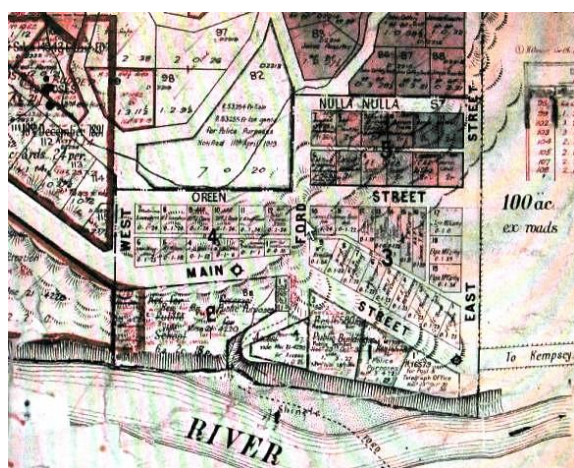


Figure C.23 – Bellbrook Village layout early 20th Century and Bellbrook Hotel, c1940s

Locality (Place) Issues

The current extent of the village, which is currently zoned RU5 – Village will be retained and not extended. This will help to maintain and enhance the rural character, heritage and culture. The area is expected to experience

limited growth pressure, which will also be constrained by the lack of sewerage capacity. Bellbrook does not have sewerage collection and treatment services and Council does not plan to provide sewage services at Bellbrook in the immediate future.

Character Statement

Bellbrook's establishment as a village is a result of its location beside the Macleay River, its position between Kempsey and Armidale as a coach stop, and the area's natural resources and suitability for grazing. Its transformation from natural bush to pastoral and then semi-urban character is evident in the aesthetic entry to the village particularly from the east. The road is at grade on a gentle curve, in open landscape with the village announced by a group of early 20th century weatherboard buildings that include the Hotel.

The established trees located within the road reserve of Main Street, noted in all previous descriptions of the village remain clearly evident and are prominent features of the town gateway. The distant views from the more elevated, western portion of the village can still be appreciated. In addition, the overall rural settlement pattern (as viewed from the town entry roads) has been retained, reflecting the historical homestead and clearing patterns.

Within the village the natural and introduced vegetation cocoons the buildings and structures masking the legibility of the subdivision pattern and provides an expansive feel to the village. The original village is essentially contained within an east - west grid pattern of two sections on Main Street.

A group of weatherboard buildings defined by the General Store (Ford Street) and Community Hall (Main Street) are on elevated ground. Further west is the former Post Office. To the north on the lane and Oreen Street (off Ford Street) are the Roman Catholic and Anglican Churches.

Within the village core (on the north side of Main Street) are a group of late 19th century dwellings. While on the south side is the Police Station and a number of significant trees within the road reserve.

The buildings are predominantly small scale and sited on large allotments about 2000m². Identification of individual dwellings is by picket, paling or rural style fencing. Buildings are separated by large gaps of 10m or more and surrounded by informal gardens containing extensive grassed areas with plantings of native and introduced trees and shrubs.

C3.1.2 Statement of Significance

Bellbrook is culturally significant because:

1. It has historic significance as a record of early settlement of the upper Macleay Valley and because of its association with early pioneer families.
2. It has aesthetic significance as a good example of an Australian "town in a landscape" and retains intact streetscapes and many individual buildings.
3. It has social significance for its roles as a centre for administration, cultural activities including community support facilities and religious worship.
4. It has technical/scientific significance because of its association with the development of inter-regional transport links and communication.

Objectives

1. To maintain Bellbrook's existing, tranquil rural character, heritage and cultural values;
2. To encourage development that celebrates the Thunggutti culture and opportunities for appropriate nature-based and cultural tourism experiences;
3. To maintain Bellbrook's position as the 'Gateway to Gorge Country' with the crossing of Nulla Nulla Creek contributing to a sense of arrival to the village; and
4. To continue as a through location to provide access to Kempsey and Willawarrin in the east and the Upper Macleay Valley and Armidale in the west.

C3.1.3 Desired Outcomes/Development Requirements

The following desired outcomes and development control requirements in **Table C.10** prescribe how the above objectives can be met.

Table C.10 – Desired Outcomes and Development Control Requirements – Bellbrook

Desired outcomes	Development requirements
1. Preservation	
1.1. Development retains and maintains the unique rural village character.	a. The application must demonstrate the achievement of this Desired Outcome. b. Development complies with the relevant requirements in Part B - B4 - Aboriginal Cultural Heritage and Part E - Appendix 2.
1.2. Development protects Bellbrook's heritage, landscape and character values.	a. Development respects and preserves the heritage character, form and features of heritage items within the Bellbrook Heritage Conservation Area. b. Development respects the heritage character of the whole designated area through sympathetic and complementary building form, scale and material use. c. Significant trees (refer Part E - Appendix 5) are to be protected and preserved. d. The application must demonstrate the achievement of this Desired Outcome.
2. New Development	
2.1 New development supports appropriate cultural and eco-tourism opportunities within the Bellbrook area.	a. The application must demonstrate the achievement of this Desired Outcome. b. Development complies with heritage provisions of Part E - Appendix 2. c. Development complies with the relevant requirements of Part D where applicable.
2.2 New development provides a visual connection between the village (development site) and the river.	a. The application must demonstrate the achievement of this Desired Outcome.

C3.2 Gladstone Conservation Area

Application

1. This section applies to all development on or in the vicinity of the Heritage Conservation Area of Gladstone as identified in Schedule 5 – Part 2 – Heritage Conservation Area of KLEP and as outlined in bold in **Figure C.24** below.
2. **Part E - Appendix 2** also contains requirements that may be relevant to Heritage Conservation Areas.
3. Proposed Development will also require addressing all relevant provisions in **Part B - Shire Wide Requirements**, and **Part D - Development Requirements**, where applicable.
4. The provisions of this Part override the provisions of any other Part of this DCP, to the extent of any inconsistency.

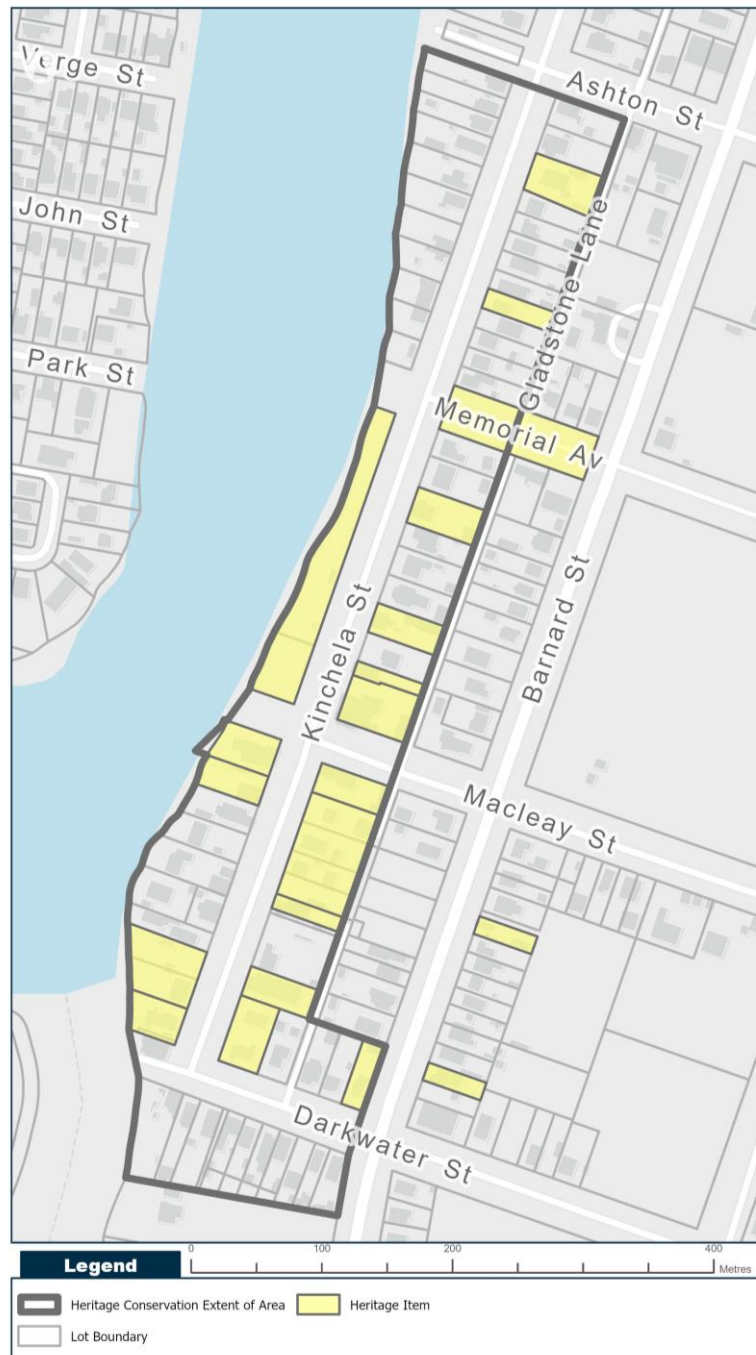


Figure C.24 – Gladstone Heritage Conservation Area

Scope

This part outlines the specific planning controls applicable to development and use of land in the Gladstone Heritage Conservation Area as identified in the Application above.

C3.2.1 Analysis

Background

Gladstone is one of two villages located opposite each other and separated by the Macleay River (the other is Smithtown). Gladstone settlement is a largely intact river village situated on the eastern bank of the Macleay River. It's establishment as a village is a result of its location on the Macleay River, its position between Kempsey and South West Rocks surrounded by low-lying plains, which support grazing on modified pastures and wetland marking the area's previous suitability for dairying, cropping and grazing.

Located on Dunghutti Country, Gladstone is approximately 12km northeast of Kempsey with a population of around four hundred. While Gladstone is known as the cultural heart of the Macleay Valley Coast future growth within Gladstone is anticipated to be limited and constrained due to significant flood risk.



Figure C.25 – Gladstone Village Plan and Kinchela Street early 20th Century

Description - Character

Gladstone is a small historic rural village which includes the Gladstone Conservation Area, situated to the west of Barnard Street along the Macleay River's edge at the confluence of the Macleay and Belmore Rivers. The village is centred around a quaint and revitalised 'heritage' centre along Kinchela Street, and is accessed from the north and south via South West Rocks Road. This is part of Tourist Drive 12 and provides access to South West Rocks in the east and South Kempsey in the west.

Gladstone, whilst geographically smaller than Smithtown directly across the Macleay River, acts as the primary service centre for the two villages and supports more commercial and retail development. The historic village centre is focused on Kinchela Street to the south of Memorial Avenue, and contains boutique shops, cafés and accommodation options that cater for tourists and visitors. The Heritage Hotel of Gladstone and The Gladstone Hub are key landmarks located across the road from Gladstone War Memorial Park that is situated on the river's edge and contributes to the unique setting and amenity of the village.

The small village heritage conservation area is surrounded by residential development which follows an established narrow grid that runs parallel to the Macleay River. Outside the heritage area some additional commercial development also occurs along Barnard Street in the northern part of the village.

The age and typology of housing varies within Gladstone, housing is typically single-storey, weatherboard and brick detached dwellings dating from the 19th century and early 20th century on lots that vary between 600m² and 1500m². Typical older dwelling character features include verandahs addressing the street and corrugated iron roofs, while more contemporary dwellings also occur outside of the Heritage Conservation Area.

Residential interfaces with the street are characterised by wide grassy verges and fences are often absent. However, where present, low fences that correspond with the materiality of the associated residential dwelling are common and provide strong visual connectivity between residential properties and the street. Despite the low-lying situation of the village, the influence of flooding on the built form character of Gladstone is limited. Relatively few dwellings have an elevated ground floor and stair access or have been raised, which is common across the river in Smithtown.

Locality (Place) Issues

Gladstone seeks to maintain its laid-back residential and quaint heritage charm and character, whilst supporting economic growth and revitalisation of the heritage village centre and the riverfront. It also needs to provide a quality public realm and pedestrian amenity which benefits the community and tourists alike. Local issues also include:

- Flood risk
- River foreshore stability

Character Statement

The main street of Gladstone is not the through road of town and this is a distinctive feature. The views across the river and flood plain from the roads and village are back dropped by the distant hills.

The original village is essentially contained within a north - south grid pattern of two blocks wide and three blocks long. Kinchela Street is the central core of the town with stronger developmental emphasis in the south than north, even though potentially the oldest developments are in the north.

Within the village core (on both sides of Kinchela Street, south of Memorial Avenue) is a highly interesting mix of 19th century and early 20th century dwellings, mixed with ecclesiastical, commercial and government (Police Station) buildings. The landscape setting features are the water side reserve and the Memorial Avenue.

The buildings in the town are predominantly small scale and framed in the main by timber style fencing, punctuated by roads and side setbacks and complemented by groups of native and introduced trees and shrubs.

C3.2.2 Statement of Significance

Gladstone is culturally significant because:

1. It has historic significance as a record of early river settlement on the Macleay River and floodplain and because of its association with pioneering families.
2. It has aesthetic significance as a good example of an Australian “town in a landscape” and retains intact streetscapes and many individual buildings.
3. It has social significance for its roles as a centre for administration and commerce, and because of its association with the development of intra-regional transport links and communication and for cultural activities including community and religion.

Objectives

1. To maintain Gladstone’s quaint heritage charm and character, whilst supporting economic growth and revitalisation of the heritage village centre and the riverfront.
2. To provide a quality public realm and pedestrian amenity which supports and benefits the community and visitors alike.

C3.2.3 Desired Outcomes/Development Requirements

The following desired outcomes and development control requirements in **Table C.11** prescribe how the above objectives can be met.

Table C.11 – Desired Outcomes and Development Control Requirements – Gladstone

Desired outcomes	Development requirements
1. Preservation	
1.1 Development retains and maintains the existing unique heritage and landscape character elements of the village.	a. The application must demonstrate the achievement of this Desired Outcome. b. Building heights comply with the requirements of KLEP. Where no building height is stipulated, this will be at the discretion of Council. c. Significant trees (refer Part E - Appendix 5) are to be protected and preserved.
1.2 Development protects Gladstone’s heritage items and character values.	a. Development complies with the relevant requirements here Part C, and in Part E - Appendix 2.
2. New Development	
2.1 Development protects Gladstone’s unique heritage, rural village and river character and elements.	a. Development complies with KSC’s Flood Policy (refer also Part B). b. Development complies with the relevant requirements of Part D where applicable. c. Development complies with heritage provisions of Part E - Appendix 2. d. Significant trees (refer Part E - Appendix 5) are to be protected and preserved.

C4 HERITAGE PRECINCTS

Council has defined additional Heritage Precincts for South West Rocks (refer section C1.2), Frederickton, Smithtown, part of East Kempsey and the town centres of Kempsey and West Kempsey. The purpose of these areas is to preserve their character and identified qualities while allowing for appropriate development.

This section provide an understanding of the area's history and diversity, to identify their special local qualities and to provide a thematic and historic context within which individual sites and/or buildings can be appreciated. Identifying this "sense of place" or context and background is essential to the preparation and assessment of development applications in places that contain, character areas, heritage sites, landscapes, heritage items and individual or groups of period buildings.

Factors in defining the "sense of place" may be the original subdivision pattern, a consistency in building form or building materials, the density of development or the mix of land uses which reflect a particular period or periods in the history and growth of the area. Loss of, or unsympathetic alteration to, any one of these areas or buildings can erode the significance of the place as a whole.

Heritage Precincts are not intended to sterilise an area to further growth and development, but to protect and preserve the core values of the place (special local qualities "sense of place") and guide new development and growth in a manner consistent and complementary with these depicted core physical and associated values.

Heritage Precincts identify and seek to conserve significant built and landscape character. They include buildings, monuments, trees, streetscapes, and landscapes such as parks and gardens, linking us to our past and helping define our identity. The main aim of identifying heritage items and character precincts is to ensure we recognise and maintain the heritage significance of items and places. This does not necessarily mean development is limited or cannot occur but that changes respect the identified special local qualities and/or "sense of place". Heritage precincts may have a statement of significance identifying the elements making it significant in physical environmental terms.

Development on land in or within the vicinity of a Heritage Precinct is to be designed and based on the site / spatial specific detail provided in this section. Provisions in **DCP Parts A, B and D** may also apply.

C4.1 Frederickton

Application

1. This section applies to all development on or in the vicinity of the Heritage Precinct of Frederickton as outlined in bold in **Figure C.26** below.
2. **Part E - Appendix 2** also contains requirements that may be relevant to Heritage Items and overall location character within this Heritage Precinct.
3. Proposed Development will also require addressing all relevant provisions in **Part B - Shire Wide Requirements**, and **Part D - Development Requirements**, where applicable.
4. The provisions of this Part override the provisions of any other Part of this DCP, to the extent of any inconsistency.

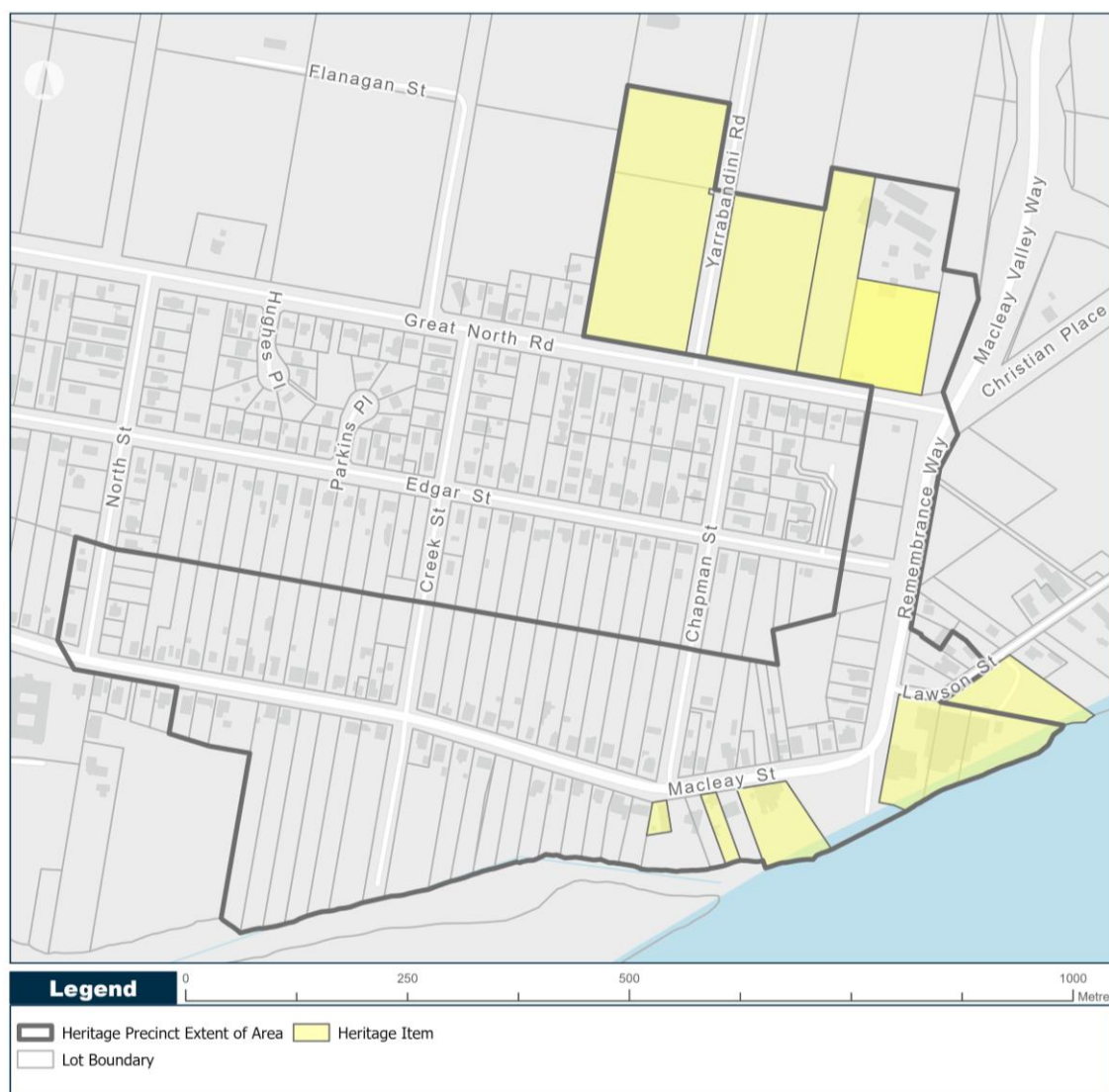


Figure C.26 – Frederickton Heritage Precinct Area

Scope

This part outlines the specific planning controls applicable to development and use of land in Frederickton that is a Heritage Precinct as identified in the Application above.

C4.1.1 Analysis

Background

Frederickton is an established residential community and small heritage village centre situated to the north of Christmas Creek on a series of ridges alongside a gentle bend of the Macleay River, downstream of Kempsey. It is surrounded by low-lying plains associated with the Macleay River floodplain, which support grazing on modified pastures and wetlands and provide a rural setting to the village.

Europeans first settled the area around Frederickton in the late 1820s when cedar cutters moved into the district. The first recorded European settler was Captain A.C. Innes, who at the time was the commandant at Port Macquarie. He sent a cedar cutting party to the Macleay River in 1827.

Located on Dunghutti Country, Frederickton is approximately 6km northeast of Kempsey with a population of around 1,400. The area could experience ongoing steady growth pressure if infrastructure capacity is increased, due to the settlement's proximity to Kempsey, the Pacific Highway and the availability of potential residential land above traditional flood risk levels. Most potential future growth would be anticipated in the north of the village, within identified growth areas.

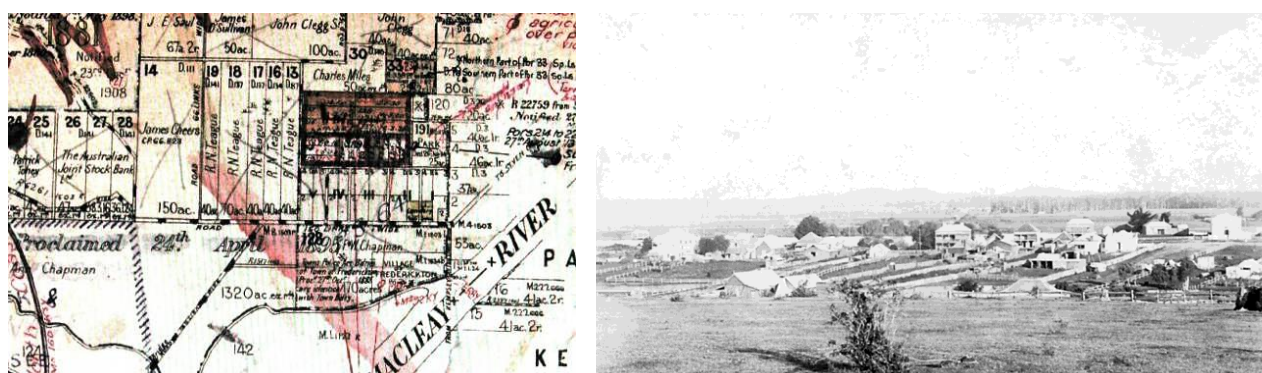


Figure C.27 – Frederickton Plan early 20th Century and historic image of Frederickton Village

Description - Character

The age and typology of housing varies throughout the village, including intact character buildings dating from the late 19th and early 20th century. Older properties are typically on larger lots (2000m² plus) and comprise single-storey weatherboard and brick cottages, with verandas addressing the street, corrugated iron roofs and carports and garages located at the rear of the property. Fences to these properties typically correspond with the materiality of the dwelling and provide strong visual connectivity to the street.

Surrounding residential development follows an established grid and is located on gently undulating terrain that rises to the north from the Macleay River. The layout of lots and location of dwellings is strongly informed by the local topography, including a small drainage line that flows through the settlement.

Frederickton was historically a major commercial activity and shipping centre. While the settlement is now primarily a residential community and there is a weakly defined business precinct within the village. This heritage is reflected today by the presence of mixed commercial and retail development located close to the river's edge at the corner of Remembrance Way and Macleay Street, which provides access via Macleay Valley Way to Kempsey in the south and to the Pacific Highway to the east.

Key buildings in the village centre include the General Store, former Post Office, the Macleay River Hotel, former Old Cheese Factory and older timber cottages, some of which are heritage listed and enhance the village's historic character. West of the village centre, several commercial and community buildings, including the heritage-listed Frederickton Community Arts Hall, extend along Macleay Street and contribute to the village's dispersed layout and character.

North of Great North Road, which was the historic entry road into the village prior to the provision of the Pacific Highway, the cemetery and the heritage-listed Frederickton Public School and War Memorial are located on a small hill in a commanding position above the village. Industrial and agricultural uses provide a transition between the village and the surrounding rural landscape.

Locality (Place) Issues

The area has flooding impacts around the village and within the creek valleys that define this settlement's locality. Sewage capacity is currently constraining growth for residential development. This will be addressed through a future structure plan to be prepared for Frederickton, as identified within the Local Strategic Planning Statement (LSPS) and service infrastructure strategies, which outlines priorities for upgrading in subsequent years.

A future Structure Plan should also address land use, appropriate land zoning, access and the provision of utility infrastructure in more detail, with a specific action being to prepare a water and sewer servicing strategy for the village.

- Stormwater drainage and management
- Flood risk
- At capacity sewage treatment services

Character Statement

Frederickton's establishment as a village is a result of its location on the Macleay River, and its surrounding fertile plain. Its location on a ridge and transformation from natural bush to pastoral and urban character is evident in the aesthetic entry to the town from both the south and north.

In addition, the rural settlement patterns as viewed from the village entry roads present a change in context with the change in elevation when approaching from the south or the sudden arrival at the village when approaching from the north. Both entries provide immediate evidence of earlier times, from the south the row of period dwellings on the northern side just past the sweeping bend and from the north the Public School on the hill to the west.

The town layout comprises an east - west grid pattern of streets bounded by the Great North Road and Macleay Street. Most of the town was sparsely developed in earlier times and is on higher ground than the core precinct in the south east (on the banks of the river). The buildings are predominantly small scale and framed in the main by post and rail fencing, border gardens in simple patterns and narrow width street frontages.

A small group of two storey buildings and a few of single storey define this core which reflects the association with the river. Macleay Street contains a number of period dwellings. The greater number are on the north side from the southern arrival to the village in the west to village core and a more tightly grouped, smaller number are on the southern side from North Street to the core. With the advent of the previous Pacific Highway and the establishment of its route along Macleay Street this street became the most developed street in the town whereas the historic town entry road – Great North Road is almost forgotten. The Great North Road's separation from the town's commercial core suggests a different emphasis may have existed in the late 19th century, particularly as the school is located on this road, as is the cemetery.

C4.1.2 Statement of Significance

Frederickton is culturally significant because:

1. It has historic significance as a record of early settlement of the Macleay Valley flood plain and because of its association with early pioneer families.
2. It has aesthetic significance as containing good examples of intact late 19th and early 20th century village streetscapes and individual buildings.
3. It has social significance for its role as a centre for commerce for local agriculture.

Objectives

1. To maintain the Frederickton heritage precinct:
 - as a relaxed, low-rise residential village which embraces its character and heritage features.
 - in a way that supports economic growth and revitalisation of the heritage precinct's village centre.

- to capitalise on its proximity to Kempsey, which signifies it as an important growth area that provides residential lifestyle options in close proximity to the Kempsey town centre.

C4.1.3 Desired Outcomes/Development Requirements

The following desired outcomes and development control requirements in **Table C.12** prescribe how the above objectives can be met.

Table C.12 – Desired Outcomes and Development Control Requirements – Frederickton

Desired outcomes	Development requirements
1. Preservation	
1.1 Development supports the retention of the unique rural village character and any heritage elements.	a. Development complies with the relevant requirements in Part E - Appendix 2 . b. Significant trees (refer Part E - Appendix 5) are to be protected and preserved. c. The application must demonstrate the achievement of this Desired Outcome.
2. New Development	
2.1 New development contributes to the consolidation of a more defined business core with surrounding residential precincts.	a. Council may consider planning proposals to introduce the E1: Local centre zone and R1: General residential zones, where appropriate. b. Building heights comply with the requirements of KLEP. Where no building height is stipulated, this will be at the discretion of Council. c. Development complies with KSC's Flood Policy (refer also Part B). d. Development complies with the relevant requirements of Part D where applicable.
2.2 Allow for the minor expansion of E4: General Industrial zone land to accommodate future employment growth to 2041.	a. Council may consider planning proposals for future industrial development to the north-west of the existing industrial zoned land, which could act to attract additional freight and logistics operators to the region, given its location adjacent to the Pacific Highway and within proximity to the railway line.
2.3 Provide for further residential, commercial and/or industrial zoned land to be brought on to cater for dwelling and potential business related growth.	a. Any planning proposal for additional or new residential, commercial and/or industrial zoned land will be subject to investigations confirming that the land is able to be adequately serviced with sewerage infrastructure.
Streetscapes and Public Realm	
Streetscapes	
2.4 Streetscape and public domain improvements are provided to be consistent with the treatments of the immediate street (or the intent of the Frederickton Structure Plan, once developed).	a. The application must demonstrate the achievement of this Desired Outcome.
2.5 Streets within the main street/village centre are developed as civic spaces and provides places for people to meet and interact.	

Desired outcomes	Development requirements
Pedestrian and Cycle Paving 2.6 Pedestrian areas and pedestrian/cycle path paving is generally consistent with the existing pedestrian paving in Frederickton, in terms of: i. Width ii. Connections iii. Safety features iv. Materials.	a. The application must demonstrate the achievement of this Desired Outcome.
Street furniture 2.7 Any bollards provided are consistent with the established theme of bollards used in the street reserves and public open spaces. 2.8 A consistent design and colour for seats, benches, tables and litter bins etc is provided in the street reserve and public areas of Frederickton.	a. The application must demonstrate the achievement of this Desired Outcome.
Lighting 2.9 Street lighting and lighting within public open spaces contributes to a unified approach for lighting structures within Frederickton.	a. A consistent design for street lamps and bollard type lights is used. b. Development complies with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.
Street Trees 2.10 Existing street trees and Significant Trees in the public realm are to be preserved. 2.11 New street trees are provided in accordance with the relevant requirements of Part D .	a. Existing Street trees and Significant Trees are to be protected and preserved in accordance with the relevant requirements of Part B and Part E – Appendix 5 . b. New street trees must be provided at a minimum average spacing of one per 20 metres of frontage.
Road Network	
Road Network Improvements 2.12 Development contributes towards road network improvements and treatments in accordance with the Infrastructure Delivery Guide (and a Frederickton Structure Plan once developed).	a. The application must demonstrate the achievement of this Desired Outcome.

C4.2 Smithtown

Application

1. This section applies to all development on or in the vicinity of the Heritage Precinct of Smithtown as outlined in bold in **Figure C.28** below.
2. **Part E - Appendix 2** also contains requirements that may be relevant to Heritage Precincts and items.
3. Proposed Development will also require addressing all relevant provisions in **Part B - Shire Wide Requirements**, and **Part D - Development Requirements**, where applicable.
4. The provisions of this Part override the provisions of any other Part of this DCP, to the extent of any inconsistency.

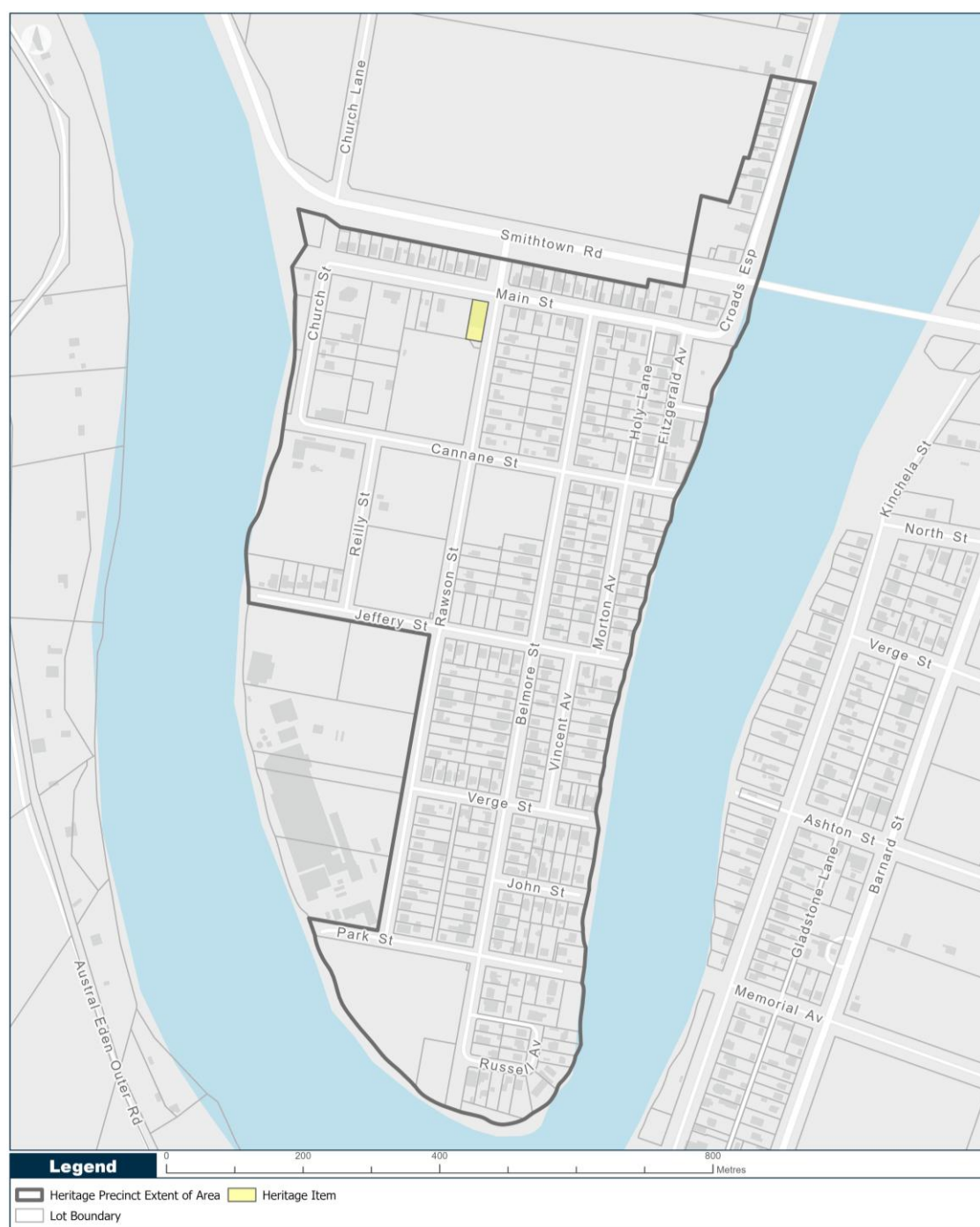


Figure C.28 – Smithtown Heritage Precinct

Scope

This part outlines the specific planning controls applicable to development and use of land in the Smithtown Heritage Precinct as identified in the Application above.

C4.2.1 Analysis

Background

Smithtown is one of two towns located opposite each other and separated by the Macleay River (the other is Gladstone). Located on the west bank, Smithtown was known for some time as West Gladstone. When the member for Hastings-Macleay, Robert Burdett Smith, secured a Post Office for the township it was as a tribute to him that the name Smithtown was gazetted in 1877.

Smithtown is a laid-back residential community and working rural village situated on a narrow peninsula of the Macleay River. The village is surrounded by low-lying plains associated with the Macleay River floodplain, which supports grazing and cropping on modified pastures and wetlands creating an attractive rural setting. The Nestlé factory producer of the “Milo” brand of chocolate flavoured malted powdered drink is a key local landmark and employment centre.

Located on Dunghutti Country, Smithtown is approximately 12km northeast of Kempsey with a population of around six hundred. Future growth within Smithtown is anticipated to be limited and constrained due to the significant flood risk.

Description - Character

Whilst located directly across the river from Gladstone, Smithtown possesses its own distinct character and is primarily a residential community. The residential character of Smithtown has been strongly influenced by eras of successive flood events. Single-storey dwellings typically have an elevated ground floor and stair access, whilst many of the older weatherboard cottages have been lifted and filled in underneath with brick or concrete masonry blocks. Within the village, residential lot sizes typically vary between 400m² and 1000m², with small lots occurring along Main Street adjacent to Smithtown Road. Residential development is focused in the eastern part of the settlement and follows an established grid along the peninsula, with western parts of the town supporting more rural, industrial and open space uses.

Fences are often absent, however, where present, low fences that correspond with the materials of the associated dwelling are common and provide strong visual connection to the street. In addition to residential development within the village, there is also some development along Croads Esplanade to the north.

The heritage precinct's centre is located along Main Street, and, whilst the Smithtown Hall located at the entrance to the village reinforces the arrival experience, the village lacks a distinctive neighbourhood core. The limited retail and commercial development along Main Street is interspersed by character residential dwellings.

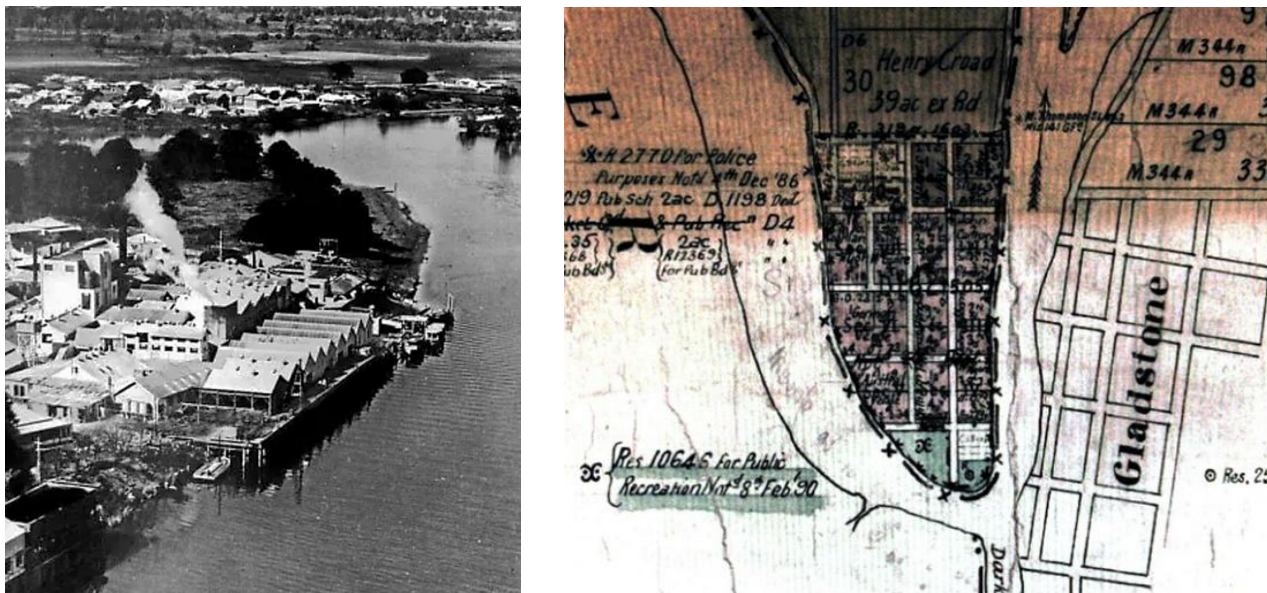


Figure C.29 – Smithtown, Park and Nestle Factory along the Macleay River c 1950s and early Smithtown plan.

Locality (Place) Issues

Flood hazard restricts and limits any growth potential within Smithtown. Should any growth be deemed appropriate however, the provision of adequate infrastructure (e.g. water and sewerage) to service this would be required. In addition, other important transport and community infrastructure may be required to service the needs of the community.

- Regular flood events and high future flood risk.
- Service, transport and community infrastructure.

Character Statement

There is a strong distinction between the character of Smithtown and Gladstone. Smithtown's establishment as a village is a result of its location on the Macleay River, its position between Kempsey and South West Rocks and the area's suitability for cropping, grazing and dairying. Its transformation from natural bush to pastoral and then urban character is evident in the defined edge between river/rural and settlement. The main street has never been the through road of the town and this is a distinctive feature created by the previous punt crossing to and from Gladstone (now replaced by a high level bridge). The bridge across the river dramatically altered the entry aesthetic to the town from the north and east and also the way the main street is accessed. The views across the river and flood plain from the roads and village are back dropped by the distant hills.

The original village is essentially contained within a north - south grid pattern of three blocks wide and five blocks long. The main commercial core is along Main Street and Fitzgerald Streets with stronger residential developmental emphasis in the south.

A distinctive feature of the town is the extent of flood proofing of dwellings that has occurred by raising the original cottages. Other features are the water side reserves, the sports ground and, park landscape areas around the school and the factory.

Within the village core (on both sides of Main Street) is a mix of 19th century and 20th century dwellings, mixed with ecclesiastical, commercial and government buildings.

The buildings in the town are predominantly small scale and framed in the main by timber style fencing, punctuated by roads and side setbacks and complemented by groups of native and introduced trees and shrubs and lack of concrete pathways or driveways.

C4.2.2 Statement of Significance

Smithtown is culturally significant because:

1. It has historic significance as a record of early settlement of the Macleay Valley and flood plain and because of its association with early pioneer families and its association with Nestle;
2. It has aesthetic significance as a good example of an Australian “town in a landscape” and retains intact streetscapes and many individual buildings;
3. It has social significance for its roles as a centre for administration, cultural activities including community and religion; and
4. It has technical/scientific significance because of its association with the development of inter-regional transport links and communication.

Objectives

1. To maintain Smithtown’s laid-back residential and quaint heritage charm and character, whilst supporting economic growth and revitalisation of the heritage village centre and the riverfront.
2. To facilitate the continued development of a quality public realm and pedestrian amenity which benefits the community and visitors alike.

C4.2.3 Desired Outcomes/Development Requirements

The following desired outcomes and development control requirements in **Table C.13** prescribe how the above objectives can be met.

Table C.13 – Desired Outcomes and Development Control Requirements – Smithtown

Desired outcomes	Development requirements
1. Preservation	
1.1 Development retains the existing Village built environment to protect the unique period (arts and crafts) heritage and character elements of the village.	a. The application must demonstrate the achievement of this Desired Outcome. b. Development protects and preserves ‘significant trees’ refer Part E - Appendix 5. c. Building heights comply with the requirements of KLEP. Where no building height is stipulated, this will be at the discretion of Council.
1.2 Development protects Smithtown’s heritage and character values.	a. Development complies with the relevant requirements in Part E - Appendix 2.
2. New Development	
2.1 Development protects Smithtown’s unique rural and river character elements.	a. Development complies with KSC’s Floodplain Management Policy. b. Development complies with the relevant requirements of Part D where applicable.
2.2 Development contributes to the creation of a distinctive commercial and retail core for Smithtown.	a. The application must demonstrate the achievement of this Desired Outcome

C4.3 East Kempsey

Application

1. This section applies to all development on or in the vicinity of the Heritage Precinct of East Kempsey as outlined in bold in **Figure C.30** below.
2. **Part E - Appendix 2** also contains requirements that may be relevant to sites and places within Heritage Precincts and Heritage Items.
3. Proposed Development will also require addressing all relevant provisions in **Part B - Shire Wide Requirements**, and **Part D - Development Requirements**, where applicable.
4. The provisions of this Part however override the provisions of any other Part of this DCP, to the extent of any inconsistency.

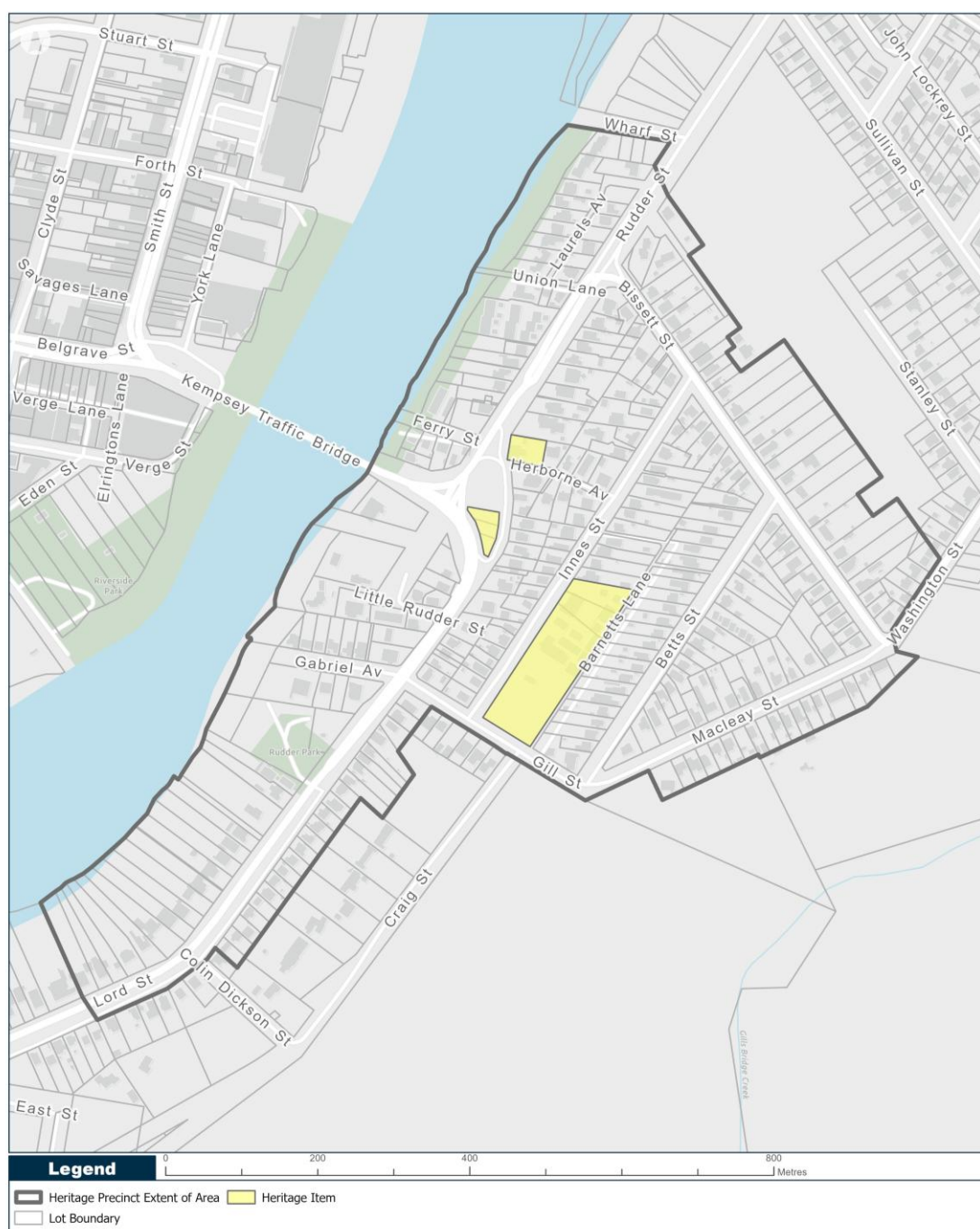


Figure C.30 – East Kempsey Heritage Precinct

Scope

This part outlines the specific planning controls applicable to development and use of land in the East Kempsey Heritage Precinct as identified in the Application above.

C4.3.1 Analysis

Background

With a population of around 1400, East Kempsey is primarily a residential community focused around a small local centre located at the intersection of Lord Street (the old Pacific Highway) and Rudder Street, directly across the river from the main commercial centre of Kempsey.

Access from the north is via the bridge crossing of the Macleay River, which provides vehicular and pedestrian connectivity to Kempsey, whilst access from the south is via Lachlan Street and South Kempsey. An alternative entry to East Kempsey is provided from the east via South West Rocks Road which connects to the settlements of Gladstone and South West Rocks.

Located on Dunghutti Country, East Kempsey has historical associations, aesthetic qualities and social value as a residential area supporting the commercial centre of Kempsey.



Figure C.31 – East Kempsey along the Macleay River 1949. Town plan

Description - Character

Residential development surrounds a small local centre precinct, following an established pattern that runs parallel to the Macleay River. This pattern is bordered on north by a large drainage corridor along Bissett Street that provides definition, visual relief and contributes to the rural character of the locality.

The age and typology of housing varies throughout East Kempsey and includes a mixture of dwellings dating from early-late 19th century until the present day on lots between 500m² and 1200m². Larger lots also occur where terrain is challenging (such as along Lord Street where lots extend down to the river's edge) and on the outskirts of East Kempsey.

Residential buildings are generally one and two-storey weatherboard and brick detached dwellings, with brick chimneys and verandas addressing the street. Some low-rise apartment blocks are also located throughout East Kempsey. Although more contemporary homes do exist, the materiality and scale of these dwellings is generally sympathetic to the heritage character of the area.

Residential interfaces to the street are characterised by grass verges and low fences that provide a visual connectivity between properties and the street. However, taller, more visually dominant fences are present along more trafficked road corridors.

The historic local centre comprises the neighbourhood's primary services and amenities offering for East Kempsey.

Locality (Place) Issues

Due to the lack of available flood immune land, East Kempsey is anticipated to experience limited future residential growth pressure. Opportunities to facilitate further infill residential growth maybe encouraged, where constraints can be appropriately managed.

The local centre could be developed into a local village heart for East Kempsey, which will support its local identity and character as distinct from the Kempsey Central CBD. Subject to investigations, there may be an opportunity for mixed use development to be provided along the river frontage on Rudder Street between the Bridge and Union Lane to the north.

Active transport infrastructure continues to be an essential element to promote accessibility, walkability and safe bike routes throughout East Kempsey, particularly linking schools, open space along the Macleay River and town centre. Such opportunities should be encouraged.

Character Statement

East Kempsey was developed on the crest of a ridge in an otherwise low lying and flat landscape. It falls to the river in the west and the farmland/ floodplain in the north and east. East Kempsey enjoys vistas to the north and west of hilly and undulating vegetated terrain and to the north and east of alluvial floodplain. East Kempsey was the hub of initial settlement on the Macleay River, the site of the formal river crossings via punt, then a timber and later a steel vehicular bridge.

The buildings are predominantly small-scaled single storey with the allotments defined by a variety of fencing types, border gardens and brick dwarf walls. High courtyard walls have not been nor become an element in any of the streetscapes.

The residential streetscape has a spacious quality with a mixture of dwellings from early-late 19th century to the present. The precinct has many opportunities for views to the expanse of surrounding pastoral land. The dwellings from the early 20th century until World War Two are in groups possibly reflecting the date of sale of the properties and phases in development. Due to the river and town outlook, the buildings on the east side of Rudder Street and highest on the knoll are the more expansive and have been constructed in brickwork, some with tiled roof.

East Kempsey is a settlement area developed to service Kempsey from the late 19th to the present day. Development has been limited by the extent of flood free land available. Any intrusive elements are recent and are highly visible amidst the housing stock.

C4.3.2 Statement of Significance

East Kempsey is culturally significant because:

1. It has historic significance as being the first area of settlement of the town of Kempsey and its association with the early European pioneers of the area.
2. It is a suburban area of the Macleay Valley containing a mix of the earlier forms and styles of buildings with the newer residential buildings. It is a well layered example of rural town development.
3. It has aesthetic significance as an example of an Australian “town in a rural landscape” and retains relatively intact streetscapes and individual and groups of period buildings. Its wide spectrum of landscape surrounds include the town’s business district, the river and the alluvial plains, all with a backdrop of the Great Dividing Range to the west.
4. It has social significance for its roles as a residential area supporting the commercial area.
5. It has technical/scientific significance because of its association with the development as a river port and the site of the first formal river crossing.

Objectives

East Kempsey is developed to:

- Maintain its character as a relaxed residential community defined by low-rise residential development.

- Maintain the established pattern of housing for East Kempsey, with some opportunity to reduce minimum lot sizes, whilst generally retaining current land use zones and densities.
- Be focused on its historic small neighbourhood precinct on Rudder Street.
- Take advantage of the visual and lifestyle amenity offered by its location overlooking the Macleay River.
- Be defined by the unique character and heritage of buildings and streetscapes which are enhanced by improved accessibility and pedestrian amenity, including through enhanced connections and additional street tree plantings.

C4.3.3 Desired Outcomes/Development Requirements

The following desired outcomes and development control requirements in **Table C.14** prescribe how the above objectives can be met.

Table C.14 – Desired Outcomes and Development Control Requirements – East Kempsey

Desired outcomes	Development requirements
1. Preservation	
1.1 Development protects East Kempsey's existing and unique heritage, heritage items and character values.	a. Building heights and floor space ratios comply with the requirements of KLEP. Where no building height or FSR is stipulated, this will be at the discretion of Council. b. Existing heritage and character buildings and features are maintained and preserved. c. Development complies with the relevant requirements in Part E - Appendix 2.
1.2 Development protects East Kempsey's landscape character.	a. Development implements street tree planting in accordance with KSC Infrastructure Delivery Guide. b. Development protects and preserves 'significant trees' refer Part E - Appendix 5.
1.3 Development promotes accessibility and walkability, while protecting important vistas to the river and maintaining the unique character of East Kempsey.	c. The application must demonstrate the achievement of this Desired Outcome
2. New Development	
2.1 East Kempsey facilitates further infill development to provide for greater housing diversity and affordability.	a. Council may consider planning proposals to reduce the minimum lot size in the R1- General residential zone to 400m², whilst generally retaining current land use zones, densities and scale. b. Development complies with the relevant requirements of Part D where applicable.
2.2 Development contributes to the creation of a local village heart for East Kempsey on Rudder Street, which will help to define its unique character and local identity.	a. Development complies with the relevant requirements of Part D where applicable. b. The application must demonstrate the achievement of this Desired Outcome

C4.4 Kempsey Central

Application

1. This section applies to all development on or in the vicinity of the Heritage Precinct of Kempsey Central as outlined in bold in **Figure C.32** below.
2. **Part E - Appendix 2** also contains requirements that may be relevant to Heritage Precincts.
3. Proposed Development will also require addressing all relevant provisions in **Part B - Shire Wide Requirements**, and **Part D - Development Requirements**, where applicable.
4. The provisions of this Part override the provisions of any other Part of this DCP, to the extent of any inconsistency.



Figure C.32 – Central Kempsey Heritage Precinct

Scope

This part outlines the specific planning controls applicable to development and use of land in Kempsey Central Heritage Precinct as identified in the Application above.

C4.4.1 Analysis

Background

The Kempsey Central forms the hub of the whole shire, offering the widest range of commercial, retail and other community services and facilities. One of the main features of the Central area is that the main street is the through-road of the Kempsey CBD. The views across the river from Kempsey Central are a significant feature.

Located on Dunghutti Country, Kempsey is approximately equidistant from Sydney and Brisbane, however the major Pacific Highway diversion reduced some travelling visitor stop-offs. While there is a small residential component within Kempsey Central its primary function remains as the key commercial and service centre for the Shire and tourism of the Macleay Valley.



Figure C.33 – Smith Street Kempsey c1900 and part of 20th Century town plan

Description - Character

Within the Kempsey Central Heritage Precinct commercial and retail development is primarily focused along Smith Street and Belgrave Street. This comprises an eclectic mix of uses contained within two storey heritage and contemporary buildings with small frontages. The high street function of Smith Street is supported by additional commercial development along Savages and York Lanes providing 'back of house' functions access and additional carparking.

Extending north along Smith Street and west along Belgrave Street, the fine-grained heritage town centre gives way to larger lot commercial development, including short stay accommodation facilities. These developments typically have off street parking and the streetscape character is reflective of the car-focused development, with wider streets, fewer street trees and less public realm embellishments.

Traditionally the town turned its back to the river, so the intersection of Smith Street, Belgrave Street and the bridge (Lord Street) forms the key focal point of the town centre. This node is reinforced by landmark features including the Post Office and significant Red Cedars (*Toona ciliata*) which contribute to the heritage character of the town.

Locality (Place) Issues

Activation of the town centre in the evenings is desired but is currently limited due to the trading hours of local businesses. Population increase and associated employment opportunities will facilitate the shift to a greater night-time economy for Kempsey CBD.

There are opportunities for more medium density residential to be provided within Kempsey Central. More small dwellings and better housing choice, diversity and affordability can be achieved through:

- Actively encouraging more shop top housing and mixed-use development opportunities within the E2: Commercial centre zone.
- Continued monitoring and management of social issues within the town centre.
- Increased flood resilience measures which protect buildings from flood inundation, through appropriate design measures.

The provision of essential services infrastructure to service the growth of Kempsey. Any new growth opportunities should be capable of being serviced by necessary transport, water and sewerage infrastructure.

Active transport infrastructure continues to be an essential element in promoting accessibility, walkability and safe bike routes throughout Kempsey town centre and to the Macleay River. Opportunities to promote increased active transport to and through the heritage precinct will be positively considered.

Character Statement

The Kempsey Central Heritage Precinct contains a mix of single and two storey commercial and public sector buildings, constructed in the 19th and 20th centuries. It is characterised by the facade and verandah arrangements directly addressing the main streets rather than facing the Macleay River which runs along the eastern side of the CBD. The main entries to the CBD are from the bridge over the Macleay River to the south, from Belmore Street to the west and from the Macleay Valley Way from the north.

The streetscape of Kempsey Central is characterised by a consistent two storey commercial building form to the footpath edge, relatively consistent awnings and glass windowed shopfronts facing the street. The buildings are a mixture of styles and ages.

Buildings that contribute to the character of Kempsey Central areas are typically constructed of: timber, corrugated iron, stone block or brickwork. Large areas of glazing at ground level are common features in shopfronts. Within Kempsey Central, the consistent two storey facade, capped with a parapet rather than a gutter line, is a common element. Facades typically include:

- Detailed embellishments of brick patterns;
- Projections;
- Raised pediments; and
- Vertical window proportions.

Some buildings have colonial central arched entrances. Some of the buildings have timber framed and post supported awnings over the street.

C4.4.2 Statement of Significance

Kempsey Central is culturally significant because:

1. It has historic significance as being one of the first areas of settlement of the town of Kempsey and its association with the early European pioneers of the area and because of its association with the development as a river port and the site of the first formal river crossing.
2. It is an urban area of the Macleay Valley containing a mix of the earlier forms and styles of buildings with the newer residential buildings. It is a well layered example of rural town development.
3. It has aesthetic significance as an example of an Australian “town in a rural landscape” and retains relatively intact walkable streets and individual and grouped period buildings. Its wide spectrum of landscape surrounds include the town’s business district, the river and the alluvial plains, all with a backdrop of the Great Dividing Range to the west.

4. It has social significance for its roles as the Shire's principal commercial area.

Objectives

Kempsey Central Heritage Precinct is developed to:

- Be the cultural and business heart of Kempsey Shire, through the active preservation, use and adaption of historic, heritage and period buildings in the precinct;
- Have an attractive and vibrant rural town punctuated with attractive heritage buildings;
- Promote the accessibility, visibility, amenity and lifestyle opportunities afforded by its location near the northern bank of the Macleay River with better connections.
- Be the central business district and the primary focus of retail activity, commercial and mixed use residential, providing essential facilities and services for Kempsey Shire as a whole;
- Provide various types of appropriate medium density residential such as shop top housing that offer a complimentary and diversity of options that meet the needs of members of the community and businesses; and
- Have a quality public realm and pedestrian amenity, with active transport opportunities providing important connections and accessibility to and through the Kempsey town centre.

C.4.4.3 Desired Outcomes/Development Requirements

The following desired outcomes and development control requirements in **Table C.15** prescribe how the above objectives can be met.

Table C.15 – Desired Outcomes and Development Control Requirements – Kempsey Central

Desired outcomes	Development requirements
1. Preservation	
1.1 Development protects Kempsey Central Heritage Precinct's existing and historic, heritage and character buildings.	a. Building heights and floor space ratios comply with the requirements of KLEP. Where no building height or FSR is stipulated, this will be at the discretion of Council.
1.2 Development promotes a more active and vibrant town centre with a thriving and activated night time economy.	b. Development complies with the relevant requirements in Part E - Appendix 2 .
1.3 Development preserves and adapts the existing stock of heritage buildings for business, social, community and residential re-use	c. Existing heritage and character buildings and their features are restored, maintained and preserved. d. Development provides active frontages through shopfronts, windows and displays directly addressing the street. e. Development complies with the relevant requirements of Part D where applicable.
1.4 Development protects Kempsey Central Heritage Precinct's town character.	a. Development protects and preserves 'significant trees' refer Part E - Appendix 5 . b. Development implements street tree planting in accordance with KSC Infrastructure Delivery Guide.
1.5 Development protects important physical links and vistas to the river and maintains the unique riverside character of Kempsey Central.	a. The application must demonstrate the achievement of this Desired Outcome

Desired outcomes	Development requirements
1.6 Development achieves a quality public realm and pedestrian amenity, with public and active transport opportunities providing important connections and accessibility to the Kempsey CBD.	a. The application must demonstrate the achievement of this Desired Outcome
2. New Development	
2.1 The CBD continues as a vibrant town centre which is the heart of the Shire, that is thriving and activated.	a. Building heights and floor space ratios comply with the requirements of KLEP. Where no building height or FSR is stipulated, this will be at the discretion of Council.
2.2 New businesses operate and locate within the town centre on existing E2 zoned land.	b. The application must demonstrate the achievement of this Desired Outcome
2.3 Infill development provides complimentary business and residential (mixed-use) components for choice, diversity and affordability within Kempsey Central.	a. Development in the E2 – Commercial Centre zone comprises medium density housing such as shop top housing and other small dwellings. b. Development complies with the relevant requirements of Part D where applicable.
Connectivity	
2.4 Development protects and enhances the visibility, amenity and lifestyle opportunities afforded by its proximity to the northern bank of the Macleay River.	a. Development complies with the Kempsey Flood Policy.
Streetscapes and Public Realm	
Streetscapes	
2.5 Streetscape and public domain improvements are provided.	a. Development implements street tree planting in accordance with KSC Infrastructure Delivery Guide.
2.6 Streets within the main street/town centre are developed as civic spaces and provides places for people to meet and interact.	b. The application must demonstrate the achievement of this Desired Outcome
Pedestrian and Cycle Paving	
2.7 Pedestrian areas and pedestrian/cycle path paving is generally consistent with the existing pedestrian paving in Kempsey Central, in terms of: i. Width ii. Connections iii. Safety features iv. Materials.	a. The application must demonstrate the achievement of this Desired Outcome
Street furniture	
2.8 Any bollards provided are consistent with the established theme of bollards used in the street reserves and public open spaces.	a. The application must demonstrate the achievement of this Desired Outcome
2.9 A consistent design and colour for seats, benches, tables and litter bins etc is provided in the street reserve and public areas.	

Desired outcomes	Development requirements
Lighting 2.10 Street lighting and lighting within public open spaces contributes to a unified approach for lighting structures.	a. A consistent design for street lamps and bollard type lights is used. b. Development complies with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.
Street Trees 2.11 Street trees are provided in accordance with the relevant requirements of Part B and Part D .	a. Development protects and preserves 'significant trees' refer Part E - Appendix 5 . b. Street trees must be provided at a minimum average spacing of one per twenty (20) metres of frontage.

C4.5 West Kempsey

Application

1. This section applies to all development on or in the vicinity of the Heritage Precinct of West Kempsey as outlined in bold in **Figure C.34** below.
2. **Part E - Appendix 2** also contains requirements that may be relevant to Heritage Precincts.
3. Proposed Development will also require addressing all relevant provisions in **Part B - Shire Wide Requirements**, and **Part D - Development Requirements**, where applicable.
4. The provisions of this Part however override the provisions of any other Part of this DCP, to the extent of any inconsistency.

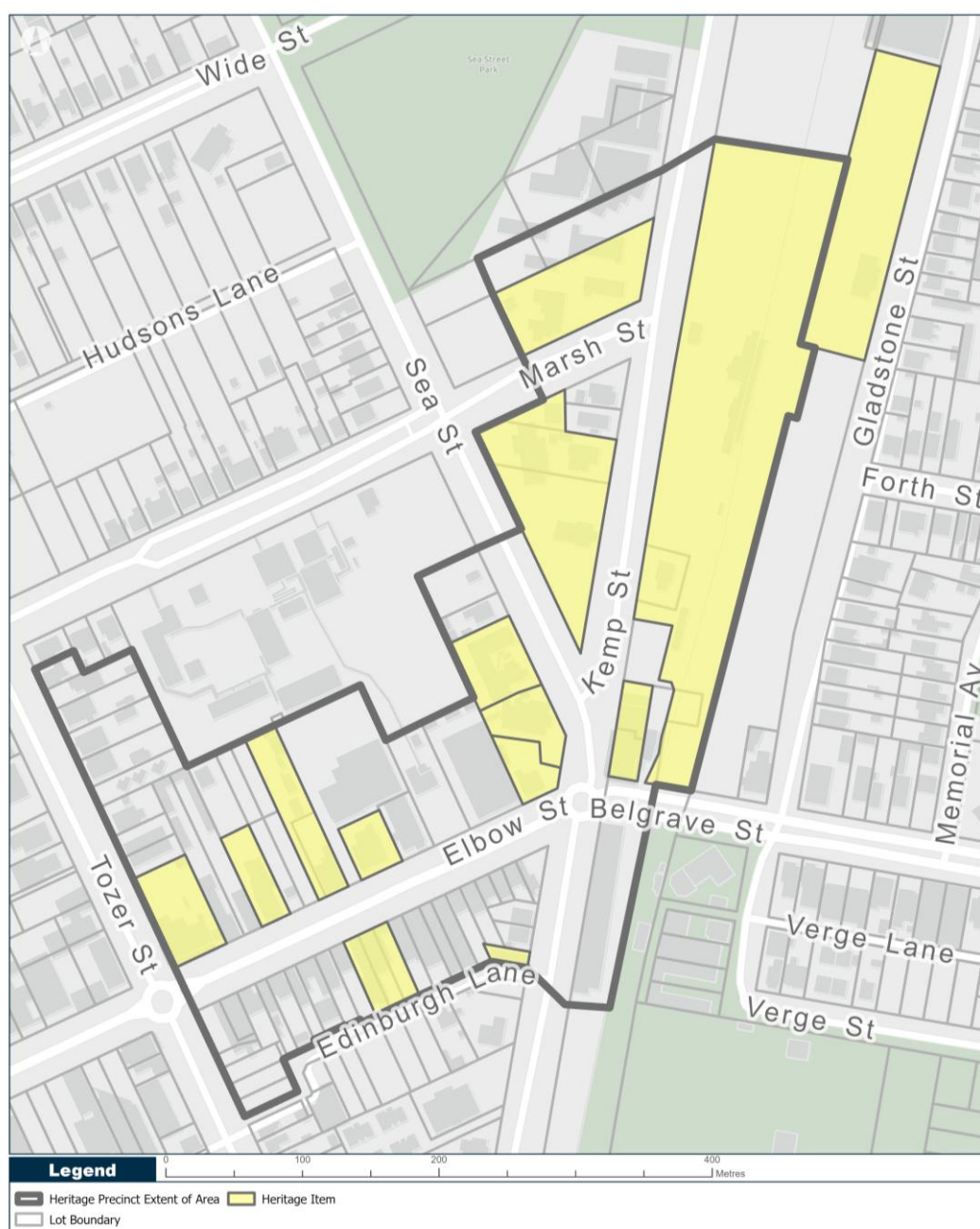


Figure C.34 – West Kempsey Heritage Precinct

Scope

This part outlines the specific planning controls applicable to development and use of land in the West Kempsey Heritage Precinct as identified in the Application above.

C.4.5.1 Analysis

Background

Located on Dunghutti Country, West Kempsey is located to the west of the Kempsey CBD and is a major suburban residential area with a defined neighbourhood commercial centre and civic precinct. The whole locality is bounded by the Macleay River to the west and low-lying plains that still support grazing on modified pastures, which contribute to its pleasant setting.

The broader West Kempsey area has a population of around 5,000 and is anticipated to accommodate additional residential and commercial development in future. The Heritage Precinct itself includes key civic and community facilities, including the Police, courthouse, churches, railway station, with Council, Government and civil services; ambulance and fire nearby.

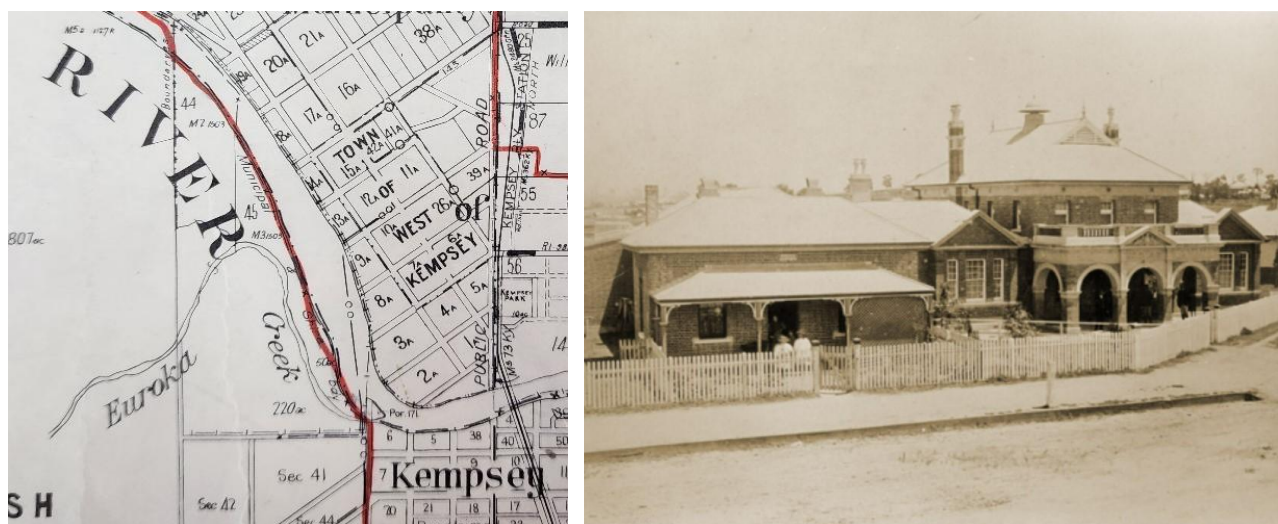


Figure C.35 – West Kempsey c1900 and historic picture of Elbow Street and Courthouse

Description - Character

The Heritage Precinct is made up of commercial, retail and community facilities focused in the southern part of West Kempsey along Elbow Street (which functions as the local ‘main street’), Tozer Street, Kemp Street and the southern end of Sea Street. This centre presents as a functional, vibrant and cohesive precinct and is serviced by road transport infrastructure and the Kempsey Railway Station.

Within the Heritage Precinct’s commercial centre, many premises are set right to the street edge with a variety of verandahs that reinforce the ‘main street’ character of the precinct. On Elbow Street’s southern side this is coherent, however on the northern side existing development is more mixed between single and multi-storey, new and heritage buildings and varied setbacks with some open space.

A small section of residential development which follows Tozers Street on an established grid extending westward from the commercial centre of West Kempsey. Residential dwellings here merge into community facilities.

In the outer areas of the precinct low fences corresponding with the materials of the residential dwellings are common, providing strong visual connectivity between residential properties and the street. However, fences are less common and often non-existent in other parts of the area and taller, more visually obtrusive fences, are present around large community and education facilities.

Locality (Place) Issues

Broader West Kempsey leverages its strength in health and social assistance employment to attract professionals to the area in order to expand service offerings, which will eventually be used to service the ageing population in the region.

The topography of the immediately surrounding area and the dispersed development pattern create challenges for West Kempsey Heritage Precinct's visibility and accessibility to and from the wider area. Potential facilities such as the railway station are not visible or well connected from the commercial centre. The area would benefit from improved connections and accessibility to services and infrastructure which will be essential to support growth. Locality issues include:

- Care and maintenance of heritage buildings
- Quality and extent of active transport and the pedestrian environment
- Accessibility and connection of and between civic, community facilities and transportation
- The use and activation of heritage buildings and commercial vitality and activity levels generally

Character Statement

West Kempsey is a smaller centre and started growing as a centre after Kempsey CBD was established. Elbow Street is the main through road of West Kempsey. It contains the Shire's main civic buildings and services and other key community facilities such as historic Courthouse and Kempsey Railway Station. West Kempsey is set on higher ground than the CBD and the views to the mountains to the west are significant.

The streetscape is influenced by commercial government buildings, with a mixture of heights, building materials, and ages.

Buildings that contribute to the character of the heritage area are constructed of either: timber, corrugated iron, stone block or brickwork. Large areas of glazing at ground level is a common feature in shopfronts.

C4.5.2 Statement of Significance

West Kempsey is culturally significant because:

- It has historic significance as one of the earliest settled areas of Kempsey and is associated with the early European pioneers of the railway development.
- It is an urban area of the Macleay Valley containing a mix of the earlier forms and styles of buildings with the newer residential buildings. It is a well layered example of rural town development.
- It has aesthetic significance as an example of an Australian "town in a rural landscape" and retains relatively intact streetscapes and individual and groups of period buildings. Its wide spectrum of landscape surrounds includes the town's business district, the river and the alluvial plains, all with a backdrop of the Great Dividing Range to the west.
- It has social significance for its roles as a neighbourhood, civic and commercial centre.

Objectives

West Kempsey Heritage Precinct is developed to:

- Enhance its functions, preserves its character and continues to provide opportunities for business, education, community and residential development.
- Continue to be a key commercial neighbourhood centre which celebrates and enhances its local heritage and character.
- Provide the focus for West Kempsey's community and provide good accessibility and pedestrian amenity through enhanced connections between residential surrounds and the commercial centre.

- Enhance connectivity by improving active transport links; walkability and cycling to and from the Railway Station, Kempsey Town Centre and the Showgrounds.
- Support complementary commercial and residential opportunities in mixed-use, shop-top and multi-dwelling type housing encouraging a mix of options that cater to different needs while maintaining the area's character.

C4.5.3 Desired Outcomes/Development Requirements

The following desired outcomes and development control requirements in **Table C.16** prescribe how the above objectives can be met.

Table C.16 – Desired Outcomes and Development Control Requirements – West Kempsey

Desired outcomes	Development requirements
1. Preservation	
1.1 Development protects West Kempsey's existing and unique heritage and character buildings.	a. Building heights and floor space ratios comply with the requirements of KLEP. Where no building height or FSR is stipulated, this will be at the discretion of Council. b. Existing heritage and character buildings and features are restored, maintained and preserved. c. Development complies with the relevant requirements in Part E - Appendix 2. d. 'Main Street' development provides active frontages through shopfronts, windows and displays directly addressing the street. e. Development complies with the relevant requirements of Part D where applicable.
1.2 Development protects West Kempsey Heritage Precinct's commercial centre and landscape character.	a. Development implements street tree planting in accordance with KSC Infrastructure Delivery Guide. b. Development protects and preserves 'significant trees' refer Part E - Appendix 5.
1.3 Development protects important vistas to the river, mountains and maintains the character of West Kempsey.	a. The application must demonstrate the achievement of this Desired Outcome
1.4 Development protects and enhances the amenity and lifestyle opportunities afforded by the streetscape, public realm and open spaces.	a. Development complies with the relevant requirements of Part D where applicable. b. Development complies with Kempsey's Flood Policy.
2. New Development	
2.1 Infill development provides appropriate housing choice, diversity and affordability within West Kempsey Heritage Precinct.	a. Council may consider planning proposals to reduce the minimum lot size in the R1- General residential zone to 400m², as outlined within the Kempsey LGMS. b. Development complies with the relevant requirements of Part D where applicable.
2.2 Development links the retail businesses, civic and community facilities of West Kempsey'	a. The application must demonstrate the achievement of this Desired Outcome

Desired outcomes	Development requirements
Heritage Precinct with the wider West Kempsey community and the Kempsey CBD and develops connectivity between the centres.	
2.3 Commercial and industrial development meets the needs of West Kempsey and the Shire as a whole.	a. Council may consider planning proposals for a minor expansion of employment land zones to accommodate future business, commercial and/or industrial employment growth.
2.4 Development provides adequate infrastructure to service the proposal.	a. The application must demonstrate the achievement of this Desired Outcome.
Connectivity	
2.5 Development achieves a quality public realm and pedestrian amenity, with active transport opportunities providing important connections and accessibility to the surrounding neighbourhood, showgrounds, railway station and Kempsey CBD.	a. The application must demonstrate the achievement of this Desired Outcome
2.6 Development enhances the pedestrian experience in the Elbow Street shopping precinct and facilitates safe cycling connections.	
Streetscapes and Public Realm	
Streetscapes	a. The application must demonstrate the achievement of this Desired Outcome
2.7 Streetscape and public domain improvements are provided.	
2.8 Streets within the ‘main street’/ commercial centre are developed as civic spaces and provides places for people to meet and interact.	
Pedestrian and Cycle Paving	a. The application must demonstrate the achievement of this Desired Outcome
2.9 Pedestrian areas and pedestrian/cycle path paving is generally consistent with the existing pedestrian paving in West Kempsey, in terms of: a. Width b. Connections c. Safety features d. Materials.	
Street furniture	a. The application must demonstrate the achievement of this Desired Outcome
2.10 Any bollards provided are consistent with the established theme of bollards used in the street reserves and public open spaces.	
2.11 A consistent design and colour for seats, benches, table and litter bins etc is provided in the street reserve and public areas	
Lighting	a. A consistent design for street lamps and bollard type lights is used. b. Development complies with AS 4282-2019

Desired outcomes	Development requirements
2.12 Street lighting and lighting within public open spaces contributes to a unified approach for lighting structures.	Control of the obtrusive effects of outdoor lighting.
Street Trees	
2.13 Street trees are provided in accordance with the relevant requirements of Part B and Part D .	a. Street trees must be provided at a minimum average spacing of one per 20 metres of frontage.

Part D – Development Requirements

Land Subdivision, Residential, Rural, Business, Commercial and Industrial

PART D – DEVELOPMENT REQUIREMENTS

Application of Part D

This section applies to any development applications made within Kempsey Shire which may have specific land use development requirements for one or more of the following components:

- D1 - Land Subdivision
- D2 - Residential Development
- D3 - Rural Development
- D4 – Business and Commercial Development
- D5 - Industrial Development

Development applications that comply with the requirements in **Part B** need to address the applicable provisions in this section, concurrently with the applicable place-based provisions in **Part C**.

Purpose

Part D provides specific controls which apply to particular land use development types, including land subdivision, residential development, rural development, business and commercial development and industrial development. All development applications must demonstrate compliance with these development requirements, to the extent applicable.

Contents

D1 Land Subdivision:

- D1.1 Urban Subdivision (R1 and R3 zones)
- D1.2 Village Subdivision (RU5 zone)
- D1.3 Large Lot Subdivision (R5 zone)
- D1.4 Rural Subdivision (RU1, RU2, RU3, RU4, C2, C3 and C4 zones)
- D1.5 Business, Commercial and Industrial Subdivision (E1, E2, E3, E4 and MU1 zones)
- D1.6 Strata and Community Title Subdivision

D2 Residential Development:

- D2.1 Dwelling Houses
- D2.2 Large Lot Residential Dwelling Houses
- D2.3 Dual Occupancy
- D2.4 Secondary Dwellings
- D2.5 Multi-dwelling Development
- D2.6 Shop-top Housing, Residential Flat Buildings & Tourist and Visitor Accommodation
- D2.7 Ancillary Development

D3 Rural Development:

- D3.1 Rural Dwellings and Rural Workers Accommodation
- D3.2 Rural Buildings and Structures
- D3.3 Rural Tourism
- D3.4 Rural Industries
- D3.5 Agriculture

D4 Business and Commercial Development

D5 Industrial Development

D1 LAND SUBDIVISION

Relationship to Other Documents

KLEP contains certain requirements for subdivision, including stipulating the minimum lot size. The development requirements of this Part should be addressed in conjunction with the subdivision requirements of the KLEP. A copy of KLEP is available on Council's website at www.kempsey.nsw.gov.au.

The issues associated with the design and construction of subdivision developments are addressed by Council Policies and Guidelines. References to Council Guidelines and Policies are made throughout this Part.

Detailed engineering design and construction requirements for subdivision are contained in the KSC Infrastructure Delivery Guide and AUS SPEC Design and Construction Specifications (available on Council's website).

Development Contributions will be triggered by development applications, through:

- Sections 7.11 and 7.12 (formerly Section 94 and 94A respectively) of the *Environmental Planning and Assessment Act 1979*; and
- Current Section 64 Development Service Plans under the *Local Government Act 1993*.

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

Pre-Lodgement Meetings

For large scale subdivisions (generally > 50 lots), the applicant is to have a pre-lodgement meeting with Council to come to an agreement in relation to the content and details to be included in the Development Application, including the need (or otherwise) for an Open Space Management Strategy, Landscape Plan, Street Tree Master Plan, Stormwater Quality and Quantity Strategy etc.

For smaller subdivisions, a pre-lodgement meeting may also be beneficial and can be held at Council's discretion.

Objectives

1. Give effect to the subdivision requirements contained in KLEP and other Parts of this DCP, and provide greater certainty of the subdivision requirements to be applied in Kempsey Shire.
2. Ensure that subdivision development is designed to respond by avoidance or mitigation to natural hazards and physical constraints, such as bushfire, flooding, topography, steep and unstable land etc.
3. Facilitate safe vehicular and active transport access from the public road system to and through the land development and to each new lot.
4. Ensure that the potential impacts of all subdivisions and subsequent development facilitate the principles of environmental sustainability, existing landscape preservation, minimised earthworks and energy efficient enabling infrastructure.
5. Ensure that subdivision preserves the character of the area in which it is located.
6. Ensure that subdivision development employs ameliorating measures to reduce the impact of development on the existing natural and built environments.
7. Encourage more innovative subdivision design, efficient site usage and minimise the cost of infrastructure and servicing that still maintains reasonable access to public infrastructure.
8. Facilitate different subdivision land title systems that best enable appropriate development and the management of a site's environmental characteristics and issues.

D1.1 Urban Residential Subdivision (R1 and R3 zones)

Application of Part D1.1

Part D1.1 applies to subdivision of land zoned R1 General Residential and R3 Medium Density Residential under the KLEP.

Objectives

1. Ensure urban residential subdivision design provides housing lot choice and is safe, practical, efficient and consistent with the dominant street patterns in the surrounding neighbourhood.
2. Ensure urban residential subdivision is provided with adequate services and infrastructure, including public transport access and green space connectivity, to meet the needs of residents.
3. Urban residential subdivision minimises the need for significant earthworks and is designed to be in keeping with the natural topography of the land, where possible.

The following desired outcomes and development control requirements in **Table D1.1** prescribe how the above objectives can be met.

Table D1.1 – Urban Residential Subdivision Controls (R1 and R3 zones) – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. Site Design	
Subdivision and Street Layout	
1.1 Street layout is designed and oriented to provide lot access, safe legible connections and thoroughfares to neighbouring development and the existing road network.	a. Street Layouts: i. Configure streets in a “grid-like” layout for ease of access and safe road alignment. ii. Align streets east-west and north-south wherever possible. iii. Aim for north-south streets within 20 degrees west and 30 degrees east of true north. iv. Aim for east-west streets within 30 degrees south and 20 degrees north of true east.
1.2 Street layout facilitates lot configuration to provide for a variety of lot sizes, shapes, development envelopes and orientation and views/solar access.	a. Where streets are within the acceptable orientation range, lots are to be of a regular shape and designed to provide suitable property access, including for emergency vehicles. b. Development creates as many long lot boundaries as possible within the permissible orientation range. c. Where the street is not within the orientation range, lots which are positioned to achieve the acceptable orientation relative to the street may be used. d. Corner lot design incorporates four (4) metre splays parallel of the corner allotment, and enables the construction of a future dwelling that can comply with the setback standards for both street frontages. e. Lots facing a cul-de-sac are to have a minimum frontage width of ten (10) metres.

Desired Outcome	Development Control Requirements
	f. The subdivision design provides for “shared paths” through connections at the end of the cul-de-sac, where physical connections can be made. The shared path has a minimum reserve width of four (4) metres and is sufficient to accommodate a pavement width that meets the requirements of AUS-SPEC. g. Battle-axe allotments are discouraged in greenfield development. h. Battle-axe lots are only permitted for infill sites where there is no other means of gaining access to a public road and compliance with the following is achieved: i. The lot meets the minimum lot size for the zone in KLEP, exclusive of the access handle. ii. Lots are of sufficient width to accommodate a dwelling house. i. The access handle for battle-axe shaped lots shall be in accordance with the requirements of AUS-SPEC. j. Access handles shall be sited away from noise and visually sensitive components of existing and future dwelling houses. k. Adequate provision is made for the collection of waste on the public street. l. Adequate provision is made for the manoeuvring of vehicles, including the ability to enter and exit the lot in a forward direction. m. For inaccessible infill sites, only two (2) battle-axe shaped lots are permitted.
Public Open Space 1.3 Subdivision creates a street layout which facilitates the provision of public open space (where the scale of development warrants this), including access, continuity/ connection with other landscape/open space/water courses and visibility.	a. Public open space, or public open space contributions are considered as part of the subdivision design, where the scale of development requires this (refer Table D1.2). b. Public open space is provided for the benefit, use and enjoyment of the immediate neighbourhood community. c. Where public open space is not provided and where required, a contribution towards its future provision is made, as agreed with Council.
Social Desired Outcomes 1.4 Development of public open spaces ensures that it can be accessed, used and enjoyed for activities by people in a range of different age groups and abilities, and is designed to take account of: i. Surveillance ii. Public safety iii. Practical visible connections	a. Development complies with Crime Prevention Through Environmental Design (CPTED) principles contained in Crime Prevention and the Assessment of Development Applications Guideline (NSW Police). b. Subdivision development provides an open space network of streetscapes that connects through the entire site with: i. Shared path connections throughout. c. Clear visibility of paths and connections.

Desired Outcome	Development Control Requirements
	d. Inclusive spaces and facilities (where these are provided) e. Street trees and associated landscape are provided where appropriate, that assists movement, navigation and passive social activities.
Allotment Design 1.5 Subdivision creates lots that are sized and shaped to provide for a serviceable street frontage, practical site building envelopes and safe physical access.	a. Subdivision design is consistent with the dominant lot size configuration along the street, or within the immediate vicinity of the development site.
Lot Size and Area 1.6 Site and lot design size complies with the relevant provisions of KLEP and other applicable standards.	a. The subdivision meets the Minimum Lot Size stated within KLEP and enables the construction of a future dwelling/s and likely outbuildings, private open space, vehicle access and parking areas.
Lot Shape & Orientation 1.7 Lots are conducive to the development of future dwelling houses on individual allotments. 1.8 Lots are oriented and sized (dimensioned) to maximise solar access.	a. Lots are regular in shape and contain a building platform (development envelope) sufficient to cater for the proposed lot size and type. Lots facing east-west streets: b. If the street runs east-west (so the lots face north or south): i. North-facing lots (street on the south side): minimum width 13.5 m. ii. South-facing lots (street on the north side): minimum width 15.5 m (wider to allow for car access to the sunny side). iii. The narrowest lots should be on the north side of the street. iv. The south side lots should be wider. Lots facing north-south streets: c. If the street runs north-south (so the lots face east or west): i. Lots should be at least 16 m wide. ii. These lots generally need to be wider. iii. Corner or open-space lots can be narrower if they get sun from the north.
Lot aspect and site topography 1.9 Lot design works with the natural topography to optimise the aspect for views, maximising solar access, site drainage, and useability, while minimising site disturbance.	a. Sloping sites are generally suitable for medium to large lots only (refer also Part B – B1 - Natural Hazards). On sites of slopes >25%, subdivision is discouraged. b. Concentrate smaller lots on north facing slopes with gradients of less than 15% or adjacent to lightly treed public open space. c. Locate larger lots, non-residential uses or public open space where solar access is poorer, such as south facing slopes. d. Where significant vegetation is to be retained on the site, the size of the lot may need to be

Desired Outcome	Development Control Requirements
	increased to allow solar access.
Topography (earthworks) 1.10 Earthworks maintains the natural topography and minimises ground levels changes. Where essential earthworks are required, these are achieved through balanced cut and fill on-site. 1.11 Earthworks associated with development does not negatively impact on the surrounding streetscape, adjoining properties or public assets.	a. Street layouts and lot configuration; aspects, levels and grades are sympathetic to the natural topography of the site. b. Where possible, existing vegetation (trees) are preserved on-site. c. Development minimises the use of retaining walls, where possible. d. Cut or fill does not exceed +/- 2.0 metres from natural ground level within the development (building) envelope. e. Cut or fill does not exceed +/- 0.50 metre within two (2) metres of any external boundary. f. Cut and fill batters shall not exceed a slope of 1:3 (volume:height). g. Earthworks complies with the requirements of the KSC Infrastructure Delivery Guide and AUS-SPEC.
2. Road Design	
2.1 The road design for subdivision: i. is of sufficient width and design to safely accommodate: a. all modes of transport (vehicle, pedestrian, cycling and mobility devices where required); b. underground services; c. street trees; d. on-street parking; and e. street lighting; ii. ensures the lot layout can cater for a range of uses and occupants; iii. provides for flow of through traffic with least disruption, including access, multiple routes and connectivity; iv. establishes widths of roads in accordance with function and usage; v. provides a variation in alignment (road widths) to allow for existing natural features and to create interest in the streetscape; vi. responds to the natural topography of the land and minimises the provision of earthworks and retaining walls; vii. provides a network of safe “shared paths” (pedestrian, cycle and mobility); viii. reflects the role of the road and the needs of road users; ix. provides public roads rather than private roads.	a. The subdivision road design is in accordance with the KSC Infrastructure Delivery Guide and meets relevant KSC AUS-SPEC Design Specifications for road network hierarchy, configuration and layout. b. Roads, including all infrastructure, street trees, footpaths, cycleways and lighting are designed in accordance with KSC AUS-SPEC Design Specifications. c. Road easements provide for “shared pavements” (footpath and/or cycleways) within the road reserve (but separate to the main vehicle carriageway), to connect with existing and proposed networks, and in accordance with KSC “Active Transport” strategies and policies. d. Provide fully serviced subdivisions including sealed road system with drainage provision (such as kerb and gutter) to adequately and safely provide both vehicular and pedestrian access to each allotment. e. Road layouts should avoid downhill cul-de-sacs. f. Where access handles for battle-axe lots are permitted, these are of sufficient width to allow for the minimum driveway width and any emergency access that is required (such as rural fire service) to accommodate landscape and underground services along the driveway.

Desired Outcome	Development Control Requirements
2.2 The number of vehicle crossovers is generally limited to one (1) per residential property.	a. Vehicle crossovers are designed and constructed in accordance with KSC AUS-SPEC Design Specifications. b. Where lots have a slope of > 1 in 6 (approx. 16%), a driveway grade must be shown on the plans.
2.3 The naming of roads as part of a subdivision are compliant with the applicable NSW guidelines and policies.	a. Development Applications for subdivisions involving dedication of a public road are accompanied by a statement suggesting a minimum of three (3) names for the new road. b. Proposed street names are to be submitted with the development application and are in accordance with the NSW Address Policy and User Manual and are to be consistent with the NSW Geographical Names Board Guidelines for the Naming of Roads. c. Council reserves the right to not accept a suggested road name / change a road name, where deemed appropriate. d. The developer is responsible for the installation of street signs in accordance with the approved street name. e. Street name signs are erected at the junction of all roads in the subdivision.

3. Landscape, Open Space and Amenity

Public Open Space

3.1 Public Open Space:

- a. Retains significant vegetation and important landscape features;
- b. Is sympathetic to the local landscape and/or neighbourhood character;
- c. Invites positive community social interactions, active, passive activities and safety;
- d. Forms part of the network of pedestrian/cycle linkages within the area;
- e. Integrates with Water Sensitive Urban Design treatments where possible;
- f. Integrates with green linear corridors, which provides multiple functions, including open space, urban cooling, vegetated habitat linkages, stormwater management, pedestrian and cycle connections and the like; and
- g. Provides for practical and sustainable management and maintenance.

Note:

Public open space may include reserves, local parks, playgrounds, sports fields, drainage swales, nature/green corridors, parkways and boulevards etc.

- a. Public open space must be provided in a manner that:
 - i. Is highly accessible to surrounding residential neighbourhoods (within five hundred (500) metres of all lots).
 - ii. Has a minimum of two frontages to a public street, where possible.
 - iii. Provides for adequate surveillance, public safety and practical, visible connections.
 - iv. Is responsive to emerging trends and technologies (i.e. Public Wi-Fi, and digital access in public parks and recreational areas).
 - v. Has been designed to incorporate any natural or cultural features of the land.
 - vi. Integrates with pedestrian and cycle links, community facilities and other recreational precincts.
 - vii. Integrates with major drainage networks and water quality facilities, where these are compatible and do not pose a public safety risk.
 - viii. Can be maintained efficiently and effectively.
 - ix. Complies with the requirements stipulated in **Table D1.2**.

Desired Outcome	Development Control Requirements
This is to be determined based on location, site, existing natural features and/or community requirements.	b. In special cases, where physical open space provision within the subdivision is not deemed desirable, the public open space provision may be provided in the form of a contribution to the wider neighbourhood/ area open space requirements, as determined by KSC.

Table D1.2 – Subdivision Open Space Provision

Sub-division Size	Requirement	Submission
>300 lots	Public Open Space	Pre-lodgement Meeting Open Space Strategy Management & Maintenance Strategy Staging Plan
>50 – 300 lots	To KSC discretion	TBD
<50 lots	Contribution	TBD
Open Space - Local Parks 3.2 Local parks are provided at a size, location and quality commensurate with the size and nature of the subdivision. 3.3 Local parks are provided in accordance with any approved Master Plan.		a. Local parks are designed with reference to relevant Council Strategies (e.g. Community Infrastructure Facilities, Biodiversity, Bike Plan, Sport Strategy, Sustainability and Resilience etc.). b. Where required by Council, an Open Space Management Strategy is submitted with the development application and approved by Council for any proposed local parks, which shall include the following: - A maintenance strategy; - Identification of the point in the development process that the local park will be handed over to Council; and - Whether the local park will be developed in stages.
Open Space – Reserves and Nature Corridors etc (other than ‘Local Park’) 3.4 The public reserve (e.g. natural reserve, bike path, sports field or nature corridor etc.) is provided at a size, location, connection and quality commensurate with the size and nature of the development. 3.5 Public open space(s) are provided in accordance with any approved Master Plan.		a. Public open space is designed with reference to relevant Council Strategies (e.g. Community Infrastructure Facilities, Biodiversity, Bike Plan, Sport Strategy, Sustainability and Resilience etc.). b. An Open Space Management Strategy is submitted with the development application and approved by Council for any proposed local parks, which shall include the following: - A maintenance strategy; - Identification of the point in the development process that the public open space will be handed over to Council; and - Whether the public open space will be developed in stages.
Landscape 3.6 Landscape within urban residential subdivision protects, enhances and maintains key features of the natural environment.		a. Landscape is designed in accordance with a site-specific landscape plan prepared by a suitably

Desired Outcome	Development Control Requirements
3.7 Soft landscape: a. Incorporates plant selection that is sensitive to local climate, soils, topography, natural features, local environmental conditions and its intended function. b. Is an integral component of urban design. c. Establishes low maintenance species.	a. qualified person and prepared in accordance with KSC AUS-SPEC Design Specifications. b. A landscape masterplan is required for all subdivision where a road network is proposed. c. Street tree species are to be in accordance with Council's guidance (refer Part E – Appendix 5) and consultation. d. Detailed landscape plans are required prior to issue of a Subdivision Works Certificate, or with the development application, if determined by Council. e. Public reserves / open space must be maintained by the applicant for a minimum period of twelve (12) months. f. Landscape must be installed prior to the issue of a Subdivision Certificate. Works-as-Executed drawings may be requested prior to the issue of the relevant certificate or following the required maintenance period to Council's discretion.
4. Stormwater Management	
Stormwater Management 4.1 Stormwater is managed on-site to an acceptable, practical level, or otherwise properly drained to a legal point of discharge without causing adverse impacts on public drainage infrastructure, downslope properties or the quality of receiving waters.	a. Application for subdivision shall be accompanied by a Stormwater Quality and Quantity Strategy including detailed modelling outlining the flows and characteristics by a certified practicing engineer in accordance with KSC AUS-SPEC. b. The strategy shall adopt the Major/Minor Concept as well as conservation of pre-existing flows to post development flow. c. Stormwater drainage systems shall be designed using the relevant Australian Rainfall and Runoff standards, where the minor system shall be capable of carrying the controlling flows from frequent runoff events, while the major system shall provide safe, well-defined overland flow paths for rare and extreme storm runoff events. d. Stormwater management should maximise the use of natural infiltration solutions to minimise the costs of maintaining man-made systems. e. Subdivision development considers the stormwater management requirements of the whole site / stormwater drainage system, including stormwater from upslope areas in the catchment that is based on a fully developed scenario, and considers downstream and adjoining land/property impacts. f. Existing stormwater management infrastructure abutting the subdivision development, including road drainage and drainage reserves are upgraded / replaced where they do not meet the requirements of the KSC Infrastructure Delivery Guide.

Desired Outcome	Development Control Requirements
	g. Where no legal point of discharge is available the development may need to provide up infiltration design up to all events. h. All upgrading works, works in kind or contributions will be at Council's discretion, in accordance with KSC's upgrading programmes and works scheduling. i. Suitable easements are provided for public stormwater infrastructure that occur or are necessary within properties.
Water quality (>6 lots or any lot >2500m²) 4.2 Point sources of pollution in the catchment are identified and their impacts minimised. 4.3 The stormwater management system optimises the interception, retention and removal of water borne pollutants before their discharge to receiving waters. 4.4 Water quality improvement devices are provided for the treatment of stormwater run-off before discharge from the site and are located to minimise negative impacts on both the natural and built (including traffic management) environments.	a. The development shall incorporate water quality treatment mechanisms designed in accordance with AUS-SPEC to ensure targets for the following are met: i. Total Suspended Solids (TSS) ii. Total Nitrogen (TN) iii. Total Phosphorous (TP) iv. Litter b. Development complies with sediment and erosion control requirements. c. The design of any bio-swales, or similar green/blue stormwater infrastructure has regard to the ongoing operations, responsibility, maintenance and management required into the future.
5. Utilities	
5.1 Infrastructure is adequate to service the needs of the subdivision and, where required, are upgraded or provide new infrastructure to meet the increase in demand generated by the development.	a. All utilities and services are to be provided in accordance with relevant statutory requirements, including KSC Infrastructure Delivery Guide and KSC AUS-SPEC. b. Existing utilities and services infrastructure capacity is sufficient to cater for the proposed demand.
5.2 Suitable water services are provided for the development.	a. Development is connected to a reticulated water supply main where available via a minimum service to KSC requirements and KSC Water Meter. b. Suitable easements are provided for public water infrastructure within properties. c. The developer meets the full cost of water reticulations, connections to existing services, and any required alterations or extensions to Council's existing infrastructure to service the lots.
5.3 Suitable electricity services are provided for the development.	a. Electricity services are provided to the development in accordance with requirements of the relevant authority and at the full cost of the developer. b. Electricity services are provided underground wherever possible. c. Applicants provide a letter from the electricity

Desired Outcome	Development Control Requirements
	provider, stating that satisfactory arrangements have been made to service each lot, prior to the issue of a Subdivision Certificate. d. Where new roads are proposed, subdivisions are provided with street lighting in accordance with the relevant Australian Standards for Lighting for roads and public spaces.
5.4 Suitable sewerage services are provided for the development.	a. Development is connected to a reticulated sewer main where available. b. Subdivision is not permitted to rely on on-site sewage management systems. c. Suitable easements are provided for public sewerage infrastructure within properties. d. Development is designed to facilitate connection to existing or planned sewerage infrastructure. e. The developer meets the full cost of water reticulations, connections to existing services, and any required alterations or extensions to Council's existing infrastructure to service the lots.
5.5 Suitable telecommunication services are provided for the development.	a. Telecommunication services are provided to each lot, where available. b. Where a telecommunications network is available to the site, applicants provide written confirmation from the relevant network provider stating that satisfactory arrangements have been made for connection, prior to the lots being created.

D1.2 Village Subdivision (RU5 zone)

Application of Part D.1

Part D1.2 applies to subdivision of land zoned RU5 Village under KLEP.

Objectives

Subdivision design for residential purposes in the RU5 Village zone, provides housing choice which is suited to the village character of the zone and is consistent with the dominant street patterns in the surrounding neighbourhood.

Provide for subdivision for any other purpose in the RU5 Village zone, which meets the needs of users and is compatible with surrounding development patterns.

Ensure subdivision in the RU5 Village zone is provided with adequate services and infrastructure to meet the needs of users.

The following desired outcomes and development control requirements in **Table D1.3** prescribe how the above objectives can be met.

Table D1.3 – Village Subdivision Controls (RU5 zone) – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. Site Design	
Subdivision and Street Layout	
1.1 Street layout is designed and oriented to provide lot access, safe legible connections and thoroughfares to neighbouring development and the existing road network.	a. Street Layouts: i. Configure streets in a “grid-like” layout for ease of access and safe road alignment. ii. Align streets east-west and north-south wherever possible. iii. Aim for north-south streets within 20 degrees west and 30 degrees east of true north. iv. Aim for east-west streets within 30 degrees south and 20 degrees north of true east.
1.2 Street layout facilitates lot configuration to provide for a variety of lot sizes, shapes, development envelopes and orientation and views/solar access.	a. Where streets are within the acceptable orientation range, lots are to be of a regular shape and designed to provide suitable property access, including for emergency vehicles. b. Development creates as many long lot boundaries as possible within the permissible orientation range. c. Where the street is not within the orientation range, lots which are positioned to achieve the acceptable orientation relative to the street may be used. d. Corner lot design incorporates four (4) metre splays parallel of the corner allotment and enables the construction of a future dwelling that can comply with the setback standards for both street frontages. e. Lots facing a cul-de-sac are to have a minimum frontage width of ten (10) metres.

Desired Outcome	Development Control Requirements
	f. The subdivision design provides for “shared paths” through connections at the end of the cul-de-sac, where physical connections can be made. The shared path has a minimum reserve width of four (4) metres and is sufficient to accommodate a pavement width that meets the requirements of AUS-SPEC. g. Battle-axe allotments are discouraged in greenfield development. h. Battle-axe lots are only permitted for infill sites where there is no other means of gaining access to a public road and compliance with the following is achieved: i. The lot meets the minimum lot size for the zone in KLEP, exclusive of the access handle. ii. Lots are of sufficient width to accommodate a dwelling house. i. The access handle for battle-axe shaped lots shall be in accordance with the requirements of AUS-SPEC. j. Access handles shall be sited away from noise and visually sensitive components of existing and future dwelling houses. k. Adequate provision is made for the collection of waste on the public street. l. Adequate provision is made for the manoeuvring of vehicles, including the ability to enter and exit the lot in a forward direction. m. For inaccessible infill sites, only two (2) battle-axe shaped lots are permitted.
Public Open Space 1.3 Subdivision creates a street layout which facilitates the provision of public open space (where the scale of development warrants this), including access, continuity/ connection with other landscape/open space/water courses and visibility.	a. Public open space, or public open space contributions are considered as part of the subdivision design, where the scale of development requires this (refer Table D1.4). b. Public open space is provided for the benefit, use and enjoyment of the immediate neighbourhood community. c. Where public open space is not provided and where required, a contribution towards its future provision is made, as agreed with Council.
Social Desired Outcomes 1.4 Development of public open spaces ensures that it can be accessed, used and enjoyed for activities by people in a range of different age groups and abilities, and is designed to take account of: a. Surveillance b. Public safety c. Practical visible connections	a. Development complies with Crime Prevention Through Environmental Design (CPTED) principles contained in Crime Prevention and the Assessment of Development Applications Guideline (NSW Police). b. Subdivision development provides an open space network of streetscapes that connects through the entire site with: i. Shared path connections throughout. ii. Clear visibility of paths and connections. c. Inclusive spaces and facilities (where these are provided)

Desired Outcome	Development Control Requirements
	d. Street trees and associated landscape are provided where appropriate, that assists movement, navigation and passive social activities.
Allotment Design 1.5 Subdivision creates lots that are sized and shaped to provide for a serviceable street frontage, practical site building envelopes and safe physical access.	a. Subdivision design is consistent with the dominant lot size configuration along the street, or within the immediate vicinity of the development site.
Lot Size and Area 1.6 Site and lot design size complies with the relevant provisions of KLEP and other applicable standards and preserves the village character of the zone.	a. The subdivision meets the Minimum Lot Size stated within KLEP and enables the construction of a future dwelling/s and likely outbuildings, open space, vehicle access and parking areas for residential lots; and future buildings, open space, vehicle access and parking areas for non-residential lots.
Lot Shape & Orientation 1.7 Lots are conducive to the development of future dwelling houses or other non-residential development on individual allotments. 1.8 Lots are oriented and sized (dimensioned) to maximise solar access.	a. Lots are regular in shape and contain a building platform (development envelope) sufficient to cater for the proposed lot size and type. Lots facing east-west streets: b. If the street runs east-west (so the lots face north or south): i. North-facing lots (street on the south side): minimum width 13.5 m . ii. South-facing lots (street on the north side): minimum width 15.5 m (wider to allow for car access to the sunny side). iii. The narrowest lots should be on the north side of the street. iv. The south side lots should be wider. Lots facing north-south streets: c. If the street runs north-south (so the lots face east or west): i. Lots should be at least 16 m wide . ii. These lots generally need to be wider. iii. Corner or open-space lots can be narrower if they get sun from the north.
Lot aspect and site topography 1.9 Lot design works with the natural topography to optimise the aspect for views, maximising solar access, site drainage, and useability, while minimising site disturbance.	a. Sloping sites are generally suitable for medium to large lots only (refer also Part B – B1 - Natural Hazards). On sites of slopes >25%, subdivision is discouraged. b. Concentrate smaller lots on north facing slopes with gradients of less than 15% or adjacent to lightly treed public open space. c. Locate larger lots, non-residential uses or public open space where solar access is poorer, such as south facing slopes. d. Where significant vegetation is to be retained on the site, the size of the lot may need to be increased to allow solar access.

Desired Outcome	Development Control Requirements
Topography (earthworks) 1.10 Earthworks maintains the natural topography and minimises ground levels changes. Where essential earthworks are required, these are achieved through balanced cut and fill on-site. 1.11 Earthworks associated with development does not negatively impact on the surrounding streetscape, adjoining properties or public assets.	a. Street layouts and lot configuration; aspects, levels and grades are sympathetic to the natural topography of the site. b. Where possible, existing vegetation (trees) are preserved on-site. c. Development minimises the use of retaining walls, where possible. d. Cut or fill does not exceed +/- 2.0 metres from natural ground level within the development (building) envelope. e. Cut or fill does not exceed +/- 0.50 metre within two (2) metres of any external boundary. f. Cut and fill batters shall not exceed a slope of 1:3 (volume: height). g. Earthworks complies with the requirements of the KSC Infrastructure Delivery Guide and AUS-SPEC.
2. Road Design	
2.1 The road design for subdivision: i. is of sufficient width and design to safely accommodate: a. all modes of transport (vehicle, pedestrian, cycling and mobility devices where required); b. underground services; c. street trees; d. on-street parking; and e. street lighting; ii. ensures the lot layout can cater for a range of uses and occupants; iii. provides for flow of through traffic with least disruption, including access, multiple routes and connectivity; iv. establishes widths of roads in accordance with function and usage; v. provides a variation in alignment (road widths) to allow for existing natural features and to create interest in the streetscape; vi. responds to the natural topography of the land and minimises the provision of earthworks and retaining walls; vii. provides a network of safe “shared paths” (pedestrian, cycle and mobility); viii. reflects the role of the road and the needs of road users; ix. provides public roads rather than private roads.	a. The subdivision road design is in accordance with the KSC Infrastructure Delivery Guide and meets relevant KSC AUS-SPEC Design Specifications for road network hierarchy, configuration and layout. b. Roads, including all infrastructure, street trees, footpaths, cycleways and lighting are designed in accordance with KSC AUS-SPEC Design Specifications. c. Road easements provide for “shared pavements” (footpath and/or cycleways) where required within the road reserve (but separate to the main vehicle carriageway), to connect with existing and proposed networks, and in accordance with KSC “Active Transport” strategies and policies. d. Provide fully serviced subdivisions including sealed road system with drainage provision (including kerb and gutter if required in the RU5 zone by KSC), to adequately and safely provide both vehicular and pedestrian access to each allotment. e. Road layouts must avoid downhill cul-de-sacs. f. Where access handles for battle-axe lots are permitted, these are of sufficient width to allow for the minimum driveway width and any emergency access that is required (such as rural fire service) to accommodate landscape and underground services along the driveway.
2.2 The number of vehicle crossovers is generally limited to one (1) per residential property. 2.3 The number of vehicle crossovers for non-	a. Vehicle crossovers are designed and constructed in accordance with KSC AUS-SPEC Design Specifications.

Desired Outcome	Development Control Requirements
residential lots will be at the discretion of Council.	b. Where lots have a slope of 1 in 6 (approx. >16%), a driveway grade must be shown on the plans.
2.4 The naming of roads as part of a subdivision are compliant with the applicable NSW guidelines and policies.	a. Development Applications for subdivisions involving dedication of a public road are accompanied by a statement suggesting a minimum of three (3) names for the new road. b. Proposed street names are to be submitted with the development application and are in accordance with the NSW Address Policy and User Manual and are to be consistent with the NSW Geographical Names Board Guidelines for the Naming of Roads. c. Council reserves the right to not accept a suggested road name / change a road name, where deemed appropriate. d. The developer is responsible for the installation of street signs in accordance with the approved street name. e. Street name signs are erected at the junction of all roads in the subdivision.
3. Landscape, Open Space and Amenity	
Public Open Space 3.1 Public Open Space: i. Retains significant vegetation and important landscape features; ii. Is sympathetic to the local landscape and/or neighbourhood character; iii. Invites positive community social interactions, active, passive activities and safety; iv. Forms part of the network of pedestrian/cycle linkages within the area; v. Integrates with Water Sensitive Urban Design treatments where possible; vi. Integrates with green linear corridors, which provides multiple functions, including open space, urban cooling, vegetated habitat linkages, stormwater management, pedestrian and cycle connections and the like; and vii. Provides for practical and sustainable management and maintenance. Note: Public open space may include reserves, local parks, playgrounds, sports fields, drainage swales, nature/green corridors, parkways and boulevards etc. This is to be determined based on location, site, existing natural features and/or community requirements.	a. Public open space must be provided in a manner that: i. Is highly accessible to surrounding neighbourhoods. ii. Has a minimum of two frontages to a public street, where possible. iii. Provides for adequate surveillance, public safety and practical, visible connections. iv. Is responsive to emerging trends and technologies (i.e. Public Wi-Fi, and digital access in public parks and recreational areas). v. Has been designed to incorporate any natural or cultural features of the land. vi. Integrates with pedestrian and cycle links, community facilities and other recreational precincts. vii. Integrates with major drainage networks and water quality facilities, where these are compatible and do not pose a public safety risk. viii. Can be maintained efficiently and effectively. ix. Complies with the requirements stipulated in D1.4. b. In special cases, where physical open space provision within the subdivision is not deemed desirable, the public open space provision may be provided in the form of a contribution to the wider neighbourhood/ area open space

Desired Outcome		Development Control Requirements
		requirements, as determined by KSC.
Table D1.4 – Subdivision Open Space Provision		
Sub-division Size	Requirement	Submission
>300 lots	Public Open Space	Pre-lodgement Meeting Open Space Strategy Management & Maintenance Strategy Staging Plan
>50 – 300 lots	To KSC discretion	TBD
<50 lots	Contribution	TBD
Open Space - Local Parks 3.2 Local parks are provided at a size, location and quality commensurate with the size and nature of the subdivision. 3.3 Local parks are provided in accordance with any approved Master Plan.		a. Local parks are designed with reference to relevant Council Strategies (e.g. Community Infrastructure Facilities, Biodiversity, Bike Plan, Sport Strategy, Sustainability and Resilience etc.). b. Where required by Council, an Open Space Management Strategy is submitted with the development application and approved by Council for any proposed local parks, which shall include the following: i. A maintenance strategy; ii. Identification of the point in the development process that the local park will be handed over to Council; and iii. Whether the local park will be developed in stages.
Open Space – Reserves and Nature Corridors etc (other than ‘Local Park’) 3.4 The public reserve (e.g. natural reserve, bike path, sports field or nature corridor etc.) is provided at a size, location, connection and quality commensurate with the size and nature of the development. 3.5 Public open space(s) are provided in accordance with any approved Master Plan.		a. Public open space is designed with reference to relevant Council Strategies (e.g. Community Infrastructure Facilities, Biodiversity, Bike Plan, Sport Strategy, Sustainability and Resilience etc.). b. An Open Space Management Strategy is submitted with the development application and approved by Council for any proposed local parks, which shall include the following: i. A maintenance strategy; ii. Identification of the point in the development process that the public open space will be handed over to Council; and iii. Whether the public open space will be developed in stages.
Landscape 3.6 Landscape within subdivision protects, enhances and maintains key features of the natural environment. 3.7 Soft landscape: a. Incorporates plant selection that is sensitive to local climate, soils, topography, natural features, local environmental conditions and its intended function. b. Is an integral component of urban design.		a. Landscape is designed in accordance with a site-specific landscape plan prepared by a suitably qualified person and prepared in accordance with KSC AUS-SPEC Design Specifications. b. A landscape masterplan is required for all subdivision where a road network is proposed. c. Street tree species are to be in accordance with Council’s guidance (refer Part E – Appendix 5) and consultation.

Desired Outcome	Development Control Requirements
c. Establishes low maintenance species.	d. Detailed landscape plans are required prior to issue of a Subdivision Works Certificate, or with the development application, if determined by Council. e. Public reserves / open space must be maintained by the applicant for a minimum period of twelve (12) months. f. Landscape must be installed prior to the issue of a Subdivision Certificate. Works-as-Executed drawings may be requested prior to the issue of the relevant certificate or following the required maintenance period to Council's discretion.

4. Stormwater Management

Stormwater Management

4.1 Stormwater is managed on-site to an acceptable, practical level, or otherwise properly drained to a legal point of discharge without causing adverse impacts on public drainage infrastructure, downslope properties or the quality of receiving waters.

- a. Application for subdivision shall be accompanied by a Stormwater Quality and Quantity Strategy including detailed modelling outlining the flows and characteristics by a certified practicing engineer in accordance with KSC AUS-SPEC.
- b. The strategy shall adopt the Major/Minor Concept as well as conservation of pre-existing flows to post development flow.
- c. Stormwater drainage systems shall be designed using the relevant Australian Rainfall and Runoff standards, where the minor system shall be capable of carrying the controlling flows from frequent runoff events, while the major system shall provide safe, well-defined overland flow paths for rare and extreme storm runoff events.
- d. Stormwater management should maximise the use of natural infiltration solutions to minimise the costs of maintaining man-made systems.
- e. Subdivision development considers the stormwater management requirements of the whole site / stormwater drainage system, including stormwater from upslope areas in the catchment that is based on a fully developed scenario, and considers downstream and adjoining land/property impacts.
- f. Existing stormwater management infrastructure abutting the subdivision development, including road drainage and drainage reserves are upgraded / replaced where they do not meet the requirements of the KSC Infrastructure Delivery Guide.
- g. Where no legal point of discharge is available the development may need to provide up infiltration design up to all events.
- h. All upgrading works, works in kind or contributions will be at Council's discretion, in accordance with KSC's upgrading programmes and works scheduling.
- i. Suitable easements are provided for public stormwater infrastructure that occur or are

Desired Outcome	Development Control Requirements
	necessary within properties.
Water quality (>6 lots or any lot >2500m²) 4.2 Point sources of pollution in the catchment are identified and their impacts minimised. 4.3 The stormwater management system optimises the interception, retention and removal of water borne pollutants before their discharge to receiving waters. 4.4 Water quality improvement devices are provided for the treatment of stormwater run-off before discharge from the site and are located to minimise negative impacts on both the natural and built (including traffic management) environments.	a. The development shall incorporate water quality treatment mechanisms designed in accordance with AUS-SPEC to ensure targets for the following are met: - Total Suspended Solids (TSS) - Total Nitrogen (TN) - Total Phosphorous (TP) - Litter b. Development complies with sediment and erosion control requirements. c. The design of any bio-swales, or similar green/blue stormwater infrastructure has regard to the ongoing operations, responsibility, maintenance and management required into the future.
5. Utilities	
5.1 Infrastructure is adequate to service the needs of the subdivision and, where required, are upgraded or provide new infrastructure to meet the increase in demand generated by the development.	a. All utilities and services are to be provided in accordance with relevant statutory requirements, including KSC Infrastructure Delivery Guide and KSC AUS-SPEC. b. Existing utilities and services infrastructure capacity is sufficient to cater for the proposed demand.
5.2 Suitable water services are provided for the development.	a. Development is connected to a reticulated water supply main where available via a minimum service to KSC requirements and KSC Water Meter. b. Suitable easements are provided for public water infrastructure within properties. c. The developer meets the full cost of water reticulations, connections to existing services, and any required alterations or extensions to Council's existing infrastructure to service the lots.
5.3 Suitable electricity services are provided for the development.	a. Electricity services are provided to the development in accordance with requirements of the relevant authority and at the full cost of the developer. b. Electricity services are provided underground wherever possible. c. Applicants provide a letter from the electricity provider, stating that satisfactory arrangements have been made to service each lot, prior to the issue of a Subdivision Certificate. d. Where new roads are proposed, subdivisions are provided with street lighting in accordance with the relevant Australian Standards for Lighting for roads and public spaces.
5.4 Suitable sewerage services are provided for the	a. Development is connected to a reticulated

Desired Outcome	Development Control Requirements
development.	sewer main where available. If unsewered, an on-site effluent management system is installed that complies with the following: i. Relevant Australian Standards for On-site Domestic Wastewater Management. ii. NSW Environment and Health Protection Guidelines. iii. . b. Suitable easements are provided for public sewerage infrastructure within properties. c. Where the development is in near proximity to an existing sewerage area or where in the opinion of the State government or Council, the land is unsuitable for onsite disposal of effluent, connection to the existing sewerage system will be required. d. An On-site Sewage Management Assessment Report to support sewage treatment proposals is to accompany an application for this type of development (refer also Part E – Appendix 6 and KSC policy strategies and guidelines for relevant information). e. Development is designed so that an area remote from any watercourse and downhill of potential home sites is available for effluent disposal. f. The developer meets the full cost of water reticulations, connections to existing services, and any required alterations or extensions to Council’s existing infrastructure to service the lots.
5.5 Suitable telecommunication services are provided for the development.	a. Telecommunication services are provided to each lot, where available. b. Where a telecommunications network is available to the site, applicants provide written confirmation from the relevant network provider stating that satisfactory arrangements have been made for connection, prior to the lots being created.

D1.3 Large Lot Subdivision (R5 zone)

Application of Part D1.3

Part D1.3 applies to subdivision of land zoned R5 Large Lot Residential under KLEP.

Objectives

Ensure large lot residential subdivision design provides for generous lots sizes to provide for houses on smaller lots in a rural setting.

Maintain the rural landscape character of the locality.

Large lot residential subdivision is provided with adequate services and infrastructure to meet the needs of residents.

The following desired outcomes and development control requirements in Table D1.5 prescribe how the above objectives can be met.

Table D1.5 – Large Lot Residential Subdivision Controls (R5 zone) – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. Site Design	
Subdivision and Street Layout	
1.1 Street layout is designed and oriented to provide lot access, safe legible connections and thoroughfares to neighbouring development and the existing road network.	a. Street layouts: i. Configure streets in a “grid-like” layout for ease of access and safe road alignment. ii. Align streets east-west and north-south wherever possible. iii. Aim for north-south streets within 20 degrees west and 30 degrees east of true north. iv. Aim for east-west streets within 30 degrees south and 20 degrees north of true east.
1.2 Street layout facilitates lot configuration to provide for a variety of large lot sizes, shapes, development envelopes and orientation and views/solar access.	a. Where streets are within the acceptable orientation range, lots are to be of a regular shape and designed to provide suitable property access, including for emergency vehicles. b. Development creates as many long lot boundaries as possible within the permissible orientation range. c. Where the street is not within the orientation range, lots which are positioned to achieve the acceptable orientation relative to the street may be used. d. Corner lot design incorporates four (4) metre splays parallel of the corner allotment and enables the construction of a future dwelling that can comply with the setback standards for both street frontages. e. Lots facing a cul-de-sac are to have a minimum frontage width of ten (10) metres.

Desired Outcome	Development Control Requirements
	f. The subdivision design provides for “shared paths” through connections at the end of the cul-de-sac, where physical connections can be made. The shared path has a minimum reserve width of four (4) metres and is sufficient to accommodate a pavement width that meets the requirements of AUS-SPEC. g. Adequate provision is made for the collection of waste on the public street. h. Adequate provision is made for the manoeuvring of vehicles, including the ability to enter and exit the lot in a forward direction.
Allotment Design 1.3 Subdivision creates lots that are sized and shaped to provide for a serviceable street frontage, practical site building envelopes and safe physical access. 1.4 Large lot residential subdivisions are designed to provide for a range of land-use opportunities permitted in the R5 zone, without causing impacts on sensitive natural environments. 1.5 The configuration of the subdivision has consideration for natural features such as rivers, creeks, topography of the land, tree groupings/vegetation and prominent natural features.	a. Subdivision design is consistent with the dominant lot size configuration along the street, or within the immediate vicinity of the development site. b. Subdivision avoids environmentally sensitive areas, such as estuarine wetlands, rainforests, dunal areas and steep slopes. c. Development for subdivision complies with the relevant provisions of Part B – B1-B4 for Tree Management. d. Corner allotments are designed to enable the construction of a dwelling that can comply with the required setback requirements along both frontages.
Lot Size and Area 1.6 Site and lot design size complies with the relevant provisions of KLEP and other applicable standards and preserves the rural and large lot character of the zone.	a. The subdivision meets the Minimum Lot Size stated within KLEP and enables the construction of a future dwelling/s and likely outbuildings, open space, vehicle access and parking areas. b. Allotments are to be sized and configured to accommodate a suitable front boundary setback for intended future development of allotments.
Lot Shape & Orientation 1.7 Lots are conducive to the development of future dwelling houses or other non-residential development on individual allotments. 1.8 Lots are oriented and sized (dimensioned) to maximise solar access.	a. Lots are regular in shape and contain a building platform (development envelope) sufficient to cater for the proposed lot size and type.
Lot aspect and site topography 1.9 Lot design works with the natural topography to optimise the aspect for views, maximising solar access, site drainage, and useability, while minimising site disturbance. 1.10 Lot layouts minimise adverse impacts on views and vistas from public areas, roads and from nearby properties.	a. Sloping sites are generally suitable for medium to large lots only (refer also Part B – B1 - Natural Hazards). On sites of slopes >25%, subdivision is discouraged. b. Concentrate smaller lots on north facing slopes with gradients of less than 15% or adjacent to lightly treed public open space. c. Locate larger lots, non-residential uses or public open space where solar access is poorer, such as south facing slopes. d. Where significant vegetation is to be retained on the site, the size of the lot may need to be

Desired Outcome	Development Control Requirements
	increased to allow solar access.
Topography (earthworks) 1.11 Earthworks maintains the natural topography and minimises ground levels changes. Where essential earthworks are required, these are achieved through balanced cut and fill on-site. 1.12 Earthworks associated with development does not negatively impact on the surrounding streetscape, adjoining properties or public assets.	a. Street layouts and lot configuration; aspects, levels and grades are sympathetic to the natural topography of the site. b. Where possible, existing vegetation (trees) are preserved on-site. c. Development minimises the use of retaining walls, where possible. d. Cut or fill does not exceed +/- 2.0 metres from natural ground level within the development (building) envelope. e. Cut or fill does not exceed +/- 0.50 metre within two (2) metres of any external boundary. f. Cut and fill batters shall not exceed a slope of 1:3 (volume:height). g. Earthworks complies with the requirements of the KSC Infrastructure Delivery Guide and AUS-SPEC.
2. Road Design	
2.1 The road design for subdivision: a. is of sufficient width and design to safely accommodate: i. all modes of transport (vehicle, pedestrian, cycling and mobility devices where required); ii. underground services; iii. street trees; and iv. on-street parking; b. ensures the lot layout can cater for a range of uses and occupants; c. provides for flow of through traffic with least disruption, including access, multiple routes and connectivity; d. establishes widths of roads in accordance with function and usage; e. provides a variation in alignment (road widths) to allow for existing natural features and to create interest in the streetscape; f. responds to the natural topography of the land and minimises the provision of earthworks and retaining walls; g. reflects the role of the road and the needs of road users; h. provides public roads rather than private roads; i. creates an all-weather road system which achieves legal, functional and safe vehicular access to each allotment.	a. The subdivision road design is in accordance with the KSC Infrastructure Delivery Guide and meets relevant KSC AUS-SPEC Design Specifications for road network hierarchy, configuration and layout. b. Roads are designed in accordance with KSC AUS-SPEC Design Specifications, to provide safe access to each allotment. c. Road layouts must avoid downhill cul-de-sacs. d. Sealing of the road pavement is required: i. For any new road to be provided in conjunction with the proposed subdivision; and ii. For the extension of any road which will be an extension of an existing sealed road; iii. On all new roads and existing roads which will be an extension of existing sealed roads.
2.2 Access to subdivisions are designed/planned to: a. Minimise future conflicts over maintenance	e. Minor subdivision of less than three (3) lots require all-weather 2 wheel drive access roads suitable for all year round access for essential services (e.g. school bus, ambulance, fire vehicle etc). Each proposal will be assessed on its merits and the following guidelines: i. The status of the road; ii. Existing road surface conditions; iii. Flooding frequency and hazards of creek or river crossings; and iv. Potential population catchment.

Desired Outcome	Development Control Requirements
and access; and b. Avoid reliance on non-dedicated public roads (e.g. Crown and Forestry roads etc).	
2.3 The number of vehicle crossovers is generally limited to one (1) per large lot residential property.	a. Vehicle crossovers are designed and constructed in accordance with KSC AUS-SPEC Design Specifications. b. Where lots have a slope of 1 in 6 (approx. >16%), a driveway grade must be shown on the plans.
2.4 Battle-axe lots and access handles are discouraged in the R5 zone.	a. Council may only consider battle-axe lots and access handles where a dedicated public road is not feasible. Such a case is to be considered on its merits; only where access handles would be used to minimise the number of access points to a main or arterial road, compared to alternative access arrangements. b. Where permitted, any access handles used in large lot residential lots are to: i. Have a minimum width of 10m; ii. Meet the relevant requirements of Planning for Bushfire Protection; iii. Provide for emergency access and service vehicle access; iv. Be located to minimise impacts on the front dwelling; v. Serve no more than two (2) allotments not having dedicated road access; vi. Link directly to an existing or proposed dedicated road; vii. Ensure that the road within the access handle is constructed to the standards and requirements of the Rural Fire Service and KSC Development Specifications; viii. Ensure that stormwater drainage must not increase overland flows to affected and adjacent properties; ix. Be constructed in accordance with the minimum design requirements of KSC Development Specifications; and x. Are to be in the form of a “Right of Access”, as defined by the Conveyancing Act 1919, where the conveyance of animals is unlikely but maintenance rights need to be provided or a “Right of Carriageway”, where the conveyance of animals is likely to be required. c. Suitable arrangements are to be provided for the maintenance of the access handle (e.g. which party will maintain it). These arrangements will be included in the terms of any instruments applying to the land.

Desired Outcome	Development Control Requirements
	Note – Council has no obligation or rights for ongoing maintenance of any access handles. Any ongoing maintenance issues are to be resolved between affected land owners.
2.5 The naming of roads as part of a subdivision are compliant with the applicable NSW guidelines and policies.	a. Development Applications for subdivisions involving dedication of a public road are accompanied by a statement suggesting a minimum of three (3) names for the new road. b. Proposed street names are to be submitted with the development application and are in accordance with the NSW Address Policy and User Manual and are to be consistent with the NSW Geographical Names Board Guidelines for the Naming of Roads. c. Council reserves the right to not accept a suggested road name / change a road name, where deemed appropriate. d. The developer is responsible for the installation of street signs in accordance with the approved street name. e. Street name signs are erected at the junction of all roads in the subdivision.
3. Landscape, Open Space and Amenity	
Landscape 1.1 Landscape within subdivision protects, enhances and maintains key features of the natural environment. 1.2 Soft landscape: i. Incorporates plant selection that is sensitive to local climate, soils, topography, natural features, local environmental conditions and its intended function. ii. Is an integral component of urban design. iii. Establishes low maintenance species.	a. Landscape is designed in accordance with a site-specific landscape plan prepared by a suitably qualified person and prepared in accordance with KSC AUS-SPEC Design Specifications. b. A landscape masterplan is required for all subdivision where a road network is proposed. c. Street tree species are to be in accordance with Council's guidance (refer Part E – Appendix 5) and consultation. d. Detailed landscape plans are required prior to issue of a Subdivision Works Certificate, or with the development application, if determined by Council. e. Public reserves / open space must be maintained by the applicant for a minimum period of twelve (12) months. f. Landscape must be installed prior to the issue of a Subdivision Certificate. Works-as-Executed drawings may be requested prior to the issue of the relevant certificate or following the required maintenance period to Council's discretion.
4. Stormwater Management	
Stormwater Management 4.1 Stormwater is managed on-site to an acceptable, practical level, or otherwise properly drained to a legal point of discharge without causing adverse impacts on public drainage infrastructure, downslope properties or the quality of receiving	a. Application for subdivision shall be accompanied by a Stormwater Quality and Quantity Strategy including detailed modelling outlining the flows and characteristics by a certified practicing engineer in accordance with KSC AUS-SPEC.

Desired Outcome	Development Control Requirements
waters.	b. The strategy shall adopt the Major/Minor Concept as well as conservation of pre-existing flows to post development flow. c. Stormwater drainage systems shall be designed using the relevant Australian Rainfall and Runoff standards, where the minor system shall be capable of carrying the controlling flows from frequent runoff events, while the major system shall provide safe, well-defined overland flow paths for rare and extreme storm runoff events. d. Stormwater management should maximise the use of natural infiltration solutions to minimise the costs of maintaining man-made systems. e. Subdivision development considers the stormwater management requirements of the whole site / stormwater drainage system, including stormwater from upslope areas in the catchment that is based on a fully developed scenario, and considers downstream and adjoining land/property impacts. f. Existing stormwater management infrastructure abutting the subdivision development, including road drainage and drainage reserves are upgraded / replaced where they do not meet the requirements of the KSC Infrastructure Delivery Guide. g. Where no legal point of discharge is available the development may need to provide up infiltration design up to all events. h. All upgrading works, works in kind or contributions will be at Council's discretion, in accordance with KSC's upgrading programmes and works scheduling. i. Suitable easements are provided for public stormwater infrastructure that occur or are necessary within properties.
Water quality (>6 lots or any lot >2500m²) 4.2 Point sources of pollution in the catchment are identified and their impacts minimised. 4.3 The stormwater management system optimises the interception, retention and removal of water borne pollutants before their discharge to receiving waters. 4.4 Water quality improvement devices are provided for the treatment of stormwater run-off before discharge from the site and are located to minimise negative impacts on both the natural and built (including traffic management) environments.	a. The development shall incorporate water quality treatment mechanisms designed in accordance with AUS-SPEC to ensure targets for the following are met: i. Total Suspended Solids (TSS) ii. Total Nitrogen (TN) iii. Total Phosphorous (TP) iv. Litter b. Development complies with sediment and erosion control requirements. c. The design of any bio-swales, or similar green/blue stormwater infrastructure has regard to the ongoing operations, responsibility, maintenance and management required into the future.
5. Utilities	

Desired Outcome	Development Control Requirements
5.1 Infrastructure is adequate to service the needs of the subdivision and, where required, are upgraded or provide new infrastructure to meet the increase in demand generated by the development.	a. All utilities and services are to be provided in accordance with relevant statutory requirements, including KSC Infrastructure Delivery Guide and KSC AUS-SPEC. b. Existing utilities and services infrastructure capacity is sufficient to cater for the proposed demand.
5.2 Suitable water services are provided for the development.	a. Development is connected to a reticulated water supply main where available via a minimum service to KSC requirements and KSC Water Meter. b. Suitable easements are provided for public water infrastructure within properties. c. The developer meets the full cost of water reticulations, connections to existing services, and any required alterations or extensions to Council's existing infrastructure to service the lots.
5.3 Suitable electricity services are provided for the development.	a. Electricity services are provided to the development in accordance with requirements of the relevant authority and at the full cost of the developer. b. Electricity services are provided underground wherever possible. c. Applicants provide a letter from the electricity provider, stating that satisfactory arrangements have been made to service each lot, prior to the issue of a Subdivision Certificate.
5.4 Suitable sewerage services are provided for the development.	a. Development is connected to a reticulated sewer main where available. If unsewered, an on-site effluent management system is installed that complies with the following: i. Relevant Australian Standards for On-site Domestic Wastewater Management. ii. NSW Environment and Health Protection Guidelines. b. Suitable easements are provided for public sewerage infrastructure within properties. c. Where the development is in near proximity to an existing sewerage area or where in the opinion of the State government or Council, the land is unsuitable for onsite disposal of effluent, connection to the existing sewerage system will be required. d. An On-site Sewage Management Assessment Report to support sewage treatment proposals is to accompany an application for this type of development (refer also Part E – Appendix 6 and KSC policy strategies and guidelines for relevant information). e. Development is designed so that an area remote from any watercourse and downhill of

Desired Outcome	Development Control Requirements
	potential home sites is available for effluent disposal. f. The developer meets the full cost of water reticulations, connections to existing services, and any required alterations or extensions to Council's existing infrastructure to service the lots.
5.5 Suitable telecommunication services are provided for the development.	a. Telecommunication services are provided to each lot, where available. b. Where a telecommunications network is available to the site, applicants provide written confirmation from the relevant network provider stating that satisfactory arrangements have been made for connection, prior to the lots being created.

D1.4 Rural Subdivision

Application of Part D1.4

Part D1.4.1 applies to subdivision of land zoned RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry, RU4 Primary Production Small Lots, C2 Environmental Conservation, C3 Environmental Management and C4 Environmental Living, under KLEP.

Objectives

Ensure rural subdivision design provides for lot sizes that are appropriate to maintain the primary industry production values of the land and to maintain the rural and scenic character of rural zones.

Rural subdivision is provided with adequate services and infrastructure which is appropriate for the rural setting.

The following desired outcomes and development control requirements in **Table D1.7** prescribe how the above objectives can be met.

Table D1.7 – Rural Subdivision Controls – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. Site Design	
Subdivision and Street Layout	
1.1 Street layout is designed and oriented to provide lot access, safe legible connections and thoroughfares to neighbouring development and the existing road network.	a. Street layouts: i. Provide for efficient access and circulation, and avoid multiple single route cul-de-sacs; and ii. Align streets east-west and north-south wherever possible.
1.2 Street layout facilitates lot configuration to provide for a variety of large rural lot sizes, shapes, development envelopes and orientation and views/solar access.	a. Regular shaped lots are developed where possible. b. Adequate provision is made for the collection of waste on the public street. c. Adequate provision is made for the manoeuvring of vehicles, including the ability to enter and exit the lot in a forward direction.
Allotment Design	
1.3 Subdivision creates lots that are sized and shaped to provide for a serviceable street frontage, practical site building envelopes and safe physical access.	a. Subdivision design is consistent with the dominant lot size configuration along the street, or within the immediate vicinity of the development site.
1.4 Rural subdivisions are designed to provide for a range of land-use opportunities permitted in the rural zones, without causing impacts on sensitive agricultural sustainability and environmentally sensitive lands.	b. Subdivision avoids environmentally sensitive areas, such as estuarine wetlands, rainforests, dunal areas and steep slopes.
1.5 Site and lot design size preserves the rural character of the zones.	c. Development for subdivision complies with the relevant provisions of Part B – B1-B4 for Tree Management.
1.6 The configuration of the subdivision has consideration for natural features such as rivers, creeks, topography of the land, tree	d. Corner allotments are designed to enable the construction of a dwelling that can comply with the required setback requirements along both frontages.

Desired Outcome	Development Control Requirements
groupings/vegetation and prominent natural features. 1.7 Rural subdivision is designed to appropriately respond to: i. Protecting the productive rural values of the rural zones; ii. Satisfactory road access; iii. Bushfire risk; iv. Flooding; v. Slope and stability of the land; vi. Adjoining land usage; vii. Mineral resources; and viii. Suitability of the land for agriculture.	e. Subdivisions do not lead to fragmentation / alienation of Important Agricultural Land (IAL) identified in the DPI Agricultural Land Use Mapping Resources in NSW - User Guide and State Environmental Planning Policy (Primary Production) 2021. f. Subdivision design minimises disturbance to the natural environment, including the preservation of scenic amenity values. g. Subdivision design protects land from inappropriate land-uses which has been identified as being environmentally sensitive in KLEP.
Lot Size and Area 1.8 Site and lot design size complies with the relevant provisions of KLEP and other applicable standards and preserves the rural and large lot character of the zone. 1.9 Adequate frontages to main or arterial roads are provided to ensure adequate separation of property accesses to minimise traffic impacts and retain rural character of the area.	a. The subdivision meets the Minimum Lot Size stated within KLEP and enables the construction of a future dwelling/s and likely outbuildings, open space, vehicle access and parking areas. b. Allotments are to be sized and configured to accommodate a suitable front boundary setback for intended future development of allotments. c. Where a lot proposed to be created by subdivision has frontage to a main or arterial road, that frontage is not less than 400 metres.
Lot Shape & Orientation 1.10 Lots are conducive to the development of future dwelling houses or other non-residential development on individual allotments. 1.11 Lots are oriented and sized (dimensioned) to maximise solar access.	a. Lots are regular in shape and contain a building platform (development envelope) sufficient to cater for the proposed lot size and type.
Lot aspect and site topography 1.12 Lot design works with the natural topography to optimise the aspect for views, maximising solar access, site drainage, and useability, while minimising site disturbance. 1.13 Lot layouts minimise adverse impacts on views and vistas from public areas, roads and from nearby properties.	a. Sloping sites are generally suitable for medium to large lots only (refer also Part B – B1 - Natural Hazards). On sites of slopes >25%, subdivision is discouraged. b. Concentrate smaller lots on north facing slopes with gradients of less than 15% or adjacent to lightly treed public open space. c. Locate larger lots, non-residential uses or public open space where solar access is poorer, such as south facing slopes. d. Where significant vegetation is to be retained on the site, the size of the lot may need to be increased to allow solar access.
Topography (earthworks) 1.14 Earthworks maintains the natural topography and minimises ground levels changes. Where essential earthworks are required, these are achieved through balanced cut and fill on-site. 1.15 Earthworks associated with development does not negatively impact on the surrounding streetscape, adjoining properties or public assets.	a. Street layouts and lot configuration; aspects, levels and grades are sympathetic to the natural topography of the site. b. Where possible, existing vegetation (trees) are preserved on-site. c. Development minimises the use of retaining walls, where possible.

Desired Outcome	Development Control Requirements
	d. Cut or fill does not exceed +/- 2.0 metres from natural ground level within the development (building) envelope. e. Cut or fill does not exceed +/- 0.50 metre within two (2) metres of any external boundary. f. Cut and fill batters shall not exceed a slope of 1:3 (volume: height). g. Earthworks complies with the requirements of the KSC Infrastructure Delivery Guide and AUS-SPEC.
2. Road Design	
2.1 The road design for subdivision: i. is of sufficient width and design to safely accommodate: a. all modes of transport (vehicle, pedestrian, cycling and mobility devices where required); and b. underground services. ii. ensures the lot layout can cater for a range of uses and occupants; iii. provides for flow of through traffic with least disruption, including access, multiple routes and connectivity; iv. establishes widths of roads in accordance with function and usage; v. provides a variation in alignment (road widths) to allow for existing natural features and to create interest in the streetscape; vi. responds to the natural topography of the land and minimises the provision of earthworks and retaining walls; vii. reflects the role of the road and the needs of road users; viii. provides public roads rather than private roads; ix. creates an all-weather road system which achieves legal, functional and safe vehicular access to each allotment. 2.2 Access to subdivisions are designed/planned to: i. Minimise future conflicts over maintenance and access; ii. Minimise the burden on the community (e.g. maintenance) commensurate with the number of potential new rate payers; and iii. Avoid reliance on non-dedicated public roads (e.g. Crown and Forestry roads etc).	a. The subdivision road design is in accordance with the KSC Infrastructure Delivery Guide and meets relevant KSC AUS-SPEC Design Specifications for road network hierarchy, configuration and layout. b. Roads and associated infrastructure are designed in accordance with KSC AUS-SPEC Design Specifications. c. Road layouts must avoid downhill cul-de-sacs. d. Sealing of the road pavement is required: i. For any new road to be provided in conjunction with the proposed subdivision; and ii. For the extension of any road which will be an extension of an existing sealed road; iii. On all new roads and existing roads which will be an extension of existing sealed roads. e. Minor subdivision of less than three (3) lots in isolated rural areas require all-weather 2 wheel drive access roads suitable for all year round access for essential services (e.g. school bus, ambulance, fire vehicle etc). Each proposal will be assessed on its merits and the following guidelines: i. The status of the road; ii. Existing road surface conditions; iii. Flooding frequency and hazards of creek or river crossings; and iv. Potential population catchment.
2.3 The number of vehicle crossovers is generally limited to one (1) per rural property.	a. Vehicle crossovers are designed and constructed in accordance with KSC AUS-SPEC Design Specifications.

Desired Outcome	Development Control Requirements
	b. Where lots have a slope of >1 in 6 (approx. 16%), a driveway grade must be shown on the plans.
2.4 Battle-axe lots and access handles are discouraged in the rural zones.	a. Council may only consider battle-axe lots and access handles where a dedicated public road is not feasible. Such a case is to be considered on its merits; only where access handles would be used to minimise the number of access points to a main or arterial road, compared to alternative access arrangements. b. Where permitted, any access handles used in large lot residential lots are to: i. Have a minimum width of 10m; ii. Meet the relevant requirements of Planning for Bushfire Protection; iii. Provide for emergency access and service vehicle access; iv. Be located to minimise impacts on the front dwelling; v. Serve no more than two (2) allotments not having dedicated road access; vi. Link directly to an existing or proposed dedicated road; vii. Ensure that the road within the access handle is constructed to the standards and requirements of the Rural Fire Service and KSC Development Specifications; viii. Ensure that stormwater drainage must not increase overland flows to affected and adjacent properties; ix. Be constructed in accordance with the minimum design requirements of KSC Development Specifications; and x. Are to be in the form of a “Right of Access”, as defined by the Conveyancing Act 1919, where the conveyance of animals is unlikely but maintenance rights need to be provided or a “Right of Carriageway”, where the conveyance of animals is likely to be required. c. Suitable arrangements are to be provided for the maintenance of the access handle (e.g. which party will maintain it). These arrangements will be included in the terms of any instruments applying to the land. Note – Council has no obligation or rights for ongoing maintenance of any access handles. Any ongoing maintenance issues are to be resolved between affected land owners.

Desired Outcome	Development Control Requirements
2.5 The naming of roads as part of a subdivision are compliant with the applicable NSW guidelines and policies.	a. Development Applications for subdivisions involving dedication of a public road are accompanied by a statement suggesting a minimum of three (3) names for the new road. b. Proposed street names are to be submitted with the development application and are in accordance with the NSW Address Policy and User Manual and are to be consistent with the NSW Geographical Names Board Guidelines for the Naming of Roads. c. Council reserves the right to not accept a suggested road name / change a road name, where deemed appropriate. d. The developer is responsible for the installation of street signs in accordance with the approved street name. e. Street name signs are erected at the junction of all roads in the subdivision.
3. Landscape, Open Space and Amenity	
Protection of Bushfire Prone Land 3.1 Rural subdivision appropriately mitigates the risks associated with development on bushfire prone land.	a. Subdivisions on land classified as bushfire prone on the Rural Fire Service (RFS) Bushfire Prone Land Map complies with the RFS Planning for Bushfire Protection. b. A Bushfire Risk Assessment Report is lodged with the Statement of Environmental Effects in support of the Development Application for a subdivision that relates to an existing or proposed dwelling purpose. The Bushfire Risk Assessment Report is prepared by a suitably qualified and experienced bushfire consultant and addresses the proposed development's consistency with Planning for Bushfire Protection. c. The subdivision is designed so that any bushfire protection measures necessary in accordance with Planning for Bushfire Protection are able to be implemented / placed wholly within the development site, and not on neighbouring property (including Council reserves).
Protecting Environmental Qualities 3.2 Existing vegetation and habitats are preserved as part of the rural subdivision, to protect the environmental quality, ecological and scenic amenity values of the rural zones.	a. Any clearing of native vegetation is kept to minimum levels in accordance with the recommendations of the Bushfire Risk Assessment Report and the requirements of Planning for Bushfire Protection. Native vegetation is protected under the BCA, up to the clearance thresholds of the BCA. b. Existing trees are protected on site as part of the rural subdivision, unless clearing has been undertaken in accordance with existing exemptions or approval has been granted for tree clearing under another permit.

Desired Outcome	Development Control Requirements
	c. The scenic values of the rural zone are protected through the rural subdivision.
4. Stormwater Management	
Stormwater Management 4.1 Stormwater is managed on-site, or otherwise properly drained without causing adverse impacts on downslope properties or the quality of receiving waters.	a. Application for subdivision shall be accompanied by a Stormwater Quality and Quantity Strategy including detailed modelling outlining the flows and characteristics by a certified practicing engineer in accordance with KSC AUS-SPEC. b. The strategy shall adopt the Major/Minor Concept as well as conservation of pre-existing flows to post development flow. c. Stormwater drainage systems shall be designed using the relevant Australian Rainfall and Runoff standards, where the minor system shall be capable of carrying the controlling flows from frequent runoff events, while the major system shall provide safe, well-defined overland flow paths for rare and extreme storm runoff events. d. Stormwater management should maximise the use of natural infiltration solutions to minimise the costs of maintaining man-made systems. e. Subdivision development considers the stormwater management requirements of the whole site / stormwater drainage system, including stormwater from upslope areas in the catchment that is based on a fully developed scenario, and considers downstream and adjoining land/property impacts. f. Existing stormwater management infrastructure abutting the subdivision development, including road drainage and drainage reserves are upgraded / replaced where they do not meet the requirements of the KSC Infrastructure Delivery Guide. g. Where no legal point of discharge is available the development may need to provide up infiltration design up to all events. h. All upgrading works, works in kind or contributions will be at Council's discretion, in accordance with KSC's upgrading programmes and works scheduling. i. Suitable easements are provided for public stormwater infrastructure that occur or are necessary within properties.
Water quality (>6 lots or any lot >2500m²) 4.2 Point sources of pollution in the catchment are identified and their impacts minimised. 4.3 The stormwater management system optimises the interception, retention and removal of water borne pollutants before their discharge to receiving waters. 4.4 Water quality improvement devices are provided	a. The development shall incorporate water quality treatment mechanisms designed in accordance with AUS-SPEC to ensure targets for the following are met: i. Total Suspended Solids (TSS) ii. Total Nitrogen (TN) iii. Total Phosphorous (TP) iv. Litter

Desired Outcome	Development Control Requirements
for the treatment of stormwater run-off before discharge from the site and are located to minimise negative impacts on both the natural and built (including traffic management) environments.	b. Development complies with sediment and erosion control requirements. c. The design of any bio-swales, or similar green/blue stormwater infrastructure has regard to the ongoing operations, responsibility, maintenance and management required into the future.
5. Utilities	
5.1 Infrastructure is adequate to service the needs of the subdivision and, where required, are upgraded or provide new infrastructure to meet the increase in demand generated by the development.	a. All utilities and services are to be provided in accordance with relevant statutory requirements, including KSC Infrastructure Delivery Guide and KSC AUS-SPEC. b. Existing utilities and services infrastructure capacity is sufficient to cater for the proposed demand.
5.2 Suitable water services are provided for the development.	a. Development is connected to a reticulated water supply main where available via a minimum service to KSC requirements and KSC Water Meter. b. Suitable easements are provided for public water infrastructure within properties. c. The developer meets the full cost of water reticulations, connections to existing services, and any required alterations or extensions to Council's existing infrastructure to service the lots.
5.3 Suitable electricity services are provided for the development.	a. Electricity services are provided to the development in accordance with requirements of the relevant authority and at the full cost of the developer. b. Electricity services are provided underground wherever possible. c. Applicants provide a letter from the electricity provider, stating that satisfactory arrangements have been made to service each lot, prior to the issue of a Subdivision Certificate.
5.4 Suitable sewerage services are provided for the development.	a. Development is connected to a reticulated sewer main where available. If unsewered, an on-site effluent management system is installed that complies with the following: i. AS/NZ Relevant Australian Standards for On-site Domestic Wastewater Management. ii. NSW Environment and Health Protection Guidelines. iii. . b. Suitable easements are provided for public sewerage infrastructure within properties. c. Where the development is in near proximity to an existing sewer area or where in the opinion of the State government or Council, the land is unsuitable for onsite disposal of effluent,

Desired Outcome	Development Control Requirements
	connection to the existing sewerage system will be required. d. An On-site Sewage Management Assessment Report to support sewage treatment proposals is to accompany an application for this type of development (refer also Part E – Appendix 6 and KSC policy strategies and guidelines for relevant information). e. Development is designed so that an area remote from any watercourse and downhill of potential home sites is available for effluent disposal. f. The developer meets the full cost of water reticulations, connections to existing services, and any required alterations or extensions to Council’s existing infrastructure to service the lots.
5.5 Suitable telecommunication services are provided for the development.	a. Telecommunication services are provided to each lot, where available. b. Where a telecommunications network is available to the site, applicants provide written confirmation from the relevant network provider stating that satisfactory arrangements have been made for connection, prior to the lots being created.

D1.5 Business, Commercial and Industrial Subdivision

Application of Part D1.5

Part D1.5 applies to subdivision of land zoned E1 – Local Centre, E2 – Commercial Centre, E3 – Productivity Support, E4 – General Industrial and MU-1 Mixed Use, under KLEP.

Objectives

1. Ensure commercial and industrial subdivision design provides a range of lot sizes suited to the development of business, commercial and industrial uses and is practical, efficient and consistent with the dominant street patterns in developed surrounding areas.
2. Business, commercial and industrial subdivision is provided with adequate services and infrastructure to meet the needs of users.
3. Encourage and facilitate employment and economic activity, through the creation of lots that are fit-for-purpose and meet the specific needs of business, commercial or industrial businesses.

The following desired outcomes and development control requirements in **Table D1.8** prescribe how the above objectives can be met.

Table D1.8 – Commercial and Industrial Subdivision Controls – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. Site Design	
Subdivision and Street Layout	
1.1 Street layout is designed and oriented to provide lot access, safe legible connections and thoroughfares to neighbouring development and the existing road network.	a. Street Layouts: i. Configure streets in a “grid-like” layout for ease of access and safe road alignment.
1.2 Street layout facilitates lot configuration to provide for a variety of lot sizes, shapes, development envelopes and orientation and views/solar access.	a. Where possible streets alignment and configuration produces regular shaped lots. b. Development creates lots that are fit for the scale and purpose of business, commercial land industrial uses. c. Corner lot design incorporates four (4) metre splays parallel of the corner allotment, and enables the construction of future business, commercial or industrial buildings/structures that can comply with the setback standards for both street frontages. d. Lots facing a cul-de-sac are to have a minimum frontage width for appropriate lot and (future) building access. e. The subdivision design provides for “shared paths” connecting through the development, where physical connections can be made. The shared path has a minimum reserve width of four (4) metres and is sufficient to accommodate a pavement width that meets the requirements of AUS-SPEC. f. Battle-axe lots are only permitted for infill sites where there is no other means of gaining access

Desired Outcome	Development Control Requirements
	to a public road and compliance with the following is achieved: i. Where a minimum lot size applies, the lot meets the minimum lot size for the zone in KLEP, exclusive of the access handle. ii. Where no minimum lot size applies, the lot is of sufficient area and dimension to accommodate permissible development under the zone, having regard to any applicable floor space ratio or other relevant controls. iii. Lots are of sufficient width and configuration to accommodate permissible development under the zone. g. The access handle for battle-axe shaped lots shall be in accordance with the requirements of AUS-SPEC. h. Access handles shall be sited away from noise and visually sensitive components of any existing adjoining residential land. i. Adequate provision is made for the collection of waste on the public street. j. Adequate provision is made for the manoeuvring of vehicles, including the ability to enter and exit the lot in a forward direction. k. For infill sites, only two (2) battle-axe shaped lots are permitted.
Social Desired Outcomes 1.3 Development ensures that it can be accessed and used for related business, commercial and/or industrial activities by people and is designed to take account of: a. Surveillance b. Public safety c. Practical visible connections	a. Development complies with Crime Prevention Through Environmental Design (CPTED) principles contained in Crime Prevention and the Assessment of Development Applications Guideline (NSW Police). b. Subdivision development provides a safe street network in the public realm.
Allotment Design 1.4 Subdivision creates lots that are sized and shaped to provide for a serviceable street frontage, practical site building envelopes and safe physical access.	a. Subdivision design is consistent with the dominant lot size configuration along the street, or within the immediate vicinity of the development site. b. The subdivision design creates lots that are regular in shape and are of sufficient size and shape to enable the siting of future commercial or industrial buildings and ancillary structures, vehicle access and on-site parking. c. The subdivision design creates lots that are sized and dimensioned to accommodate the business, commercial or industrial operations and buildings envisaged for the area, allowing for possible future expansion and the proper and efficient functioning of the site, taking into account:

Desired Outcome	Development Control Requirements
	i. The need for provision of safe ingress for staff / visitors/ customer service. ii. The need for the provision of safe ingress and egress for heavy vehicles. iii. The need for efficient vehicular movement within the new commercial or industrial lots (i.e. delivery vehicles, service vehicles and customers). iv. The need to accommodate on-site car parking. v. The need to provide storage and bin areas. vi. The provision of buffer areas between future commercial or industrial activities and adjacent or nearby sensitive land-uses. vii. The need to accommodate building setback requirements.
Lot Size and Area 1.5 Site and lot design complies with the relevant provisions of KLEP and other applicable standards. 1.6 A range of lot sizes catering for the needs of development is provided. 1.7 Any lot should be large enough for parking and external space as well as the specific industrial or commercial use.	a. The subdivision meets the Floor Space Ratio (FSR) as stated within KLEP and enables the construction of a future commercial or industrial building/s and likely outbuildings, open space, vehicle access and parking areas. b. Allotments in commercial and industrial zones are designed to accommodate development that meets the requirements of: i. Part D4 – Commercial Development; and ii. Part D5 – Industrial Development.
Topography (earthworks) 1.8 Earthworks maintains the natural topography and minimises ground levels changes. Where essential earthworks are required, these are achieved through balanced cut and fill on-site. 1.9 Earthworks associated with development does not negatively impact on the surrounding streetscape, adjoining properties or public assets.	a. Street layouts and lot configuration; aspects, levels and grades are sympathetic to the natural topography of the site. b. Where possible, existing vegetation (trees) are preserved on-site. c. Development minimises the use of retaining walls, where possible. d. Cut or fill does not exceed +/- 2.0 metres from natural ground level within the development (building) envelope. e. Cut or fill does not exceed +/- 0.50 metre within two (2) metres of any external boundary. f. Cut and fill batters shall not exceed a slope of 1:3 (volume: height). g. Earthworks complies with the requirements of the KSC Infrastructure Delivery Guide and AUS-SPEC.
2. Road Design	
2.1 The street network has been designed to facilitate the safe movement of all road users, particularly heavy vehicle traffic	a. The road system that is required to service the proposed subdivision is designed to respond to the appropriate road hierarchy (e.g. arterial, collector, local road or minor access road) as outlined in KSC Infrastructure Delivery Guide and KSC AUS_SPECs. b. Subdivisions involving the creation of new public

Desired Outcome	Development Control Requirements
	roads, or the extension of an existing public road, comply with KSC Development Specifications. c. Kerb and gutter are provided to all classes of roads. d. Public roads, street lights, street trees, street signs and other road furniture are accommodated within existing / proposed road reserves in accordance with KSC Development Specifications.
2.2 The road design for subdivision: i. is of sufficient width and design to safely accommodate: a. all modes of transport (vehicle, pedestrian, cycling and mobility devices where required); b. underground services; c. street trees; d. on-street parking; and e. street lighting; ii. ensures the lot layout can cater for a range of uses, occupants and vehicles; iii. provides for flow of through traffic with least disruption, including access, multiple routes and connectivity; iv. establishes widths of roads in accordance with function and usage; v. provides a variation in alignment (road widths) to allow for existing natural features and to create interest in the streetscape vi. responds to the natural topography of the land and minimises the provision of earthworks and retaining walls; vii. provides a network of safe “shared paths” (pedestrian, cycle and mobility); viii. reflects the role of the road and the needs of road users; ix. provides public roads rather than private roads.	a. The subdivision road design including all infrastructure, street trees, footpaths, cycleways and lighting are designed in accordance with the KSC Infrastructure Delivery Guide and meets relevant KSC AUS-SPEC Design Specifications for road network hierarchy, configuration and layout. b. Road easements provide for “shared pavements” (footpath and/or cycleways) within the road reserve (but separate to the main vehicle carriageway), to connect with existing and proposed networks, and in accordance with KSC “Active Transport” strategies and policies. c. Provide fully serviced subdivisions including sealed road system with drainage provision (such as kerb and gutter) to adequately and safely provide both vehicular and pedestrian access to each allotment. d. The subdivision minimises the amount of new access points to the public road system by combining entrances where possible. e. Roads provide for safe turning and manoeuvring, taking account of projected traffic patterns. f. Where cul-de-sacs are permitted road layouts must avoid downhill cul-de-sacs. g. Where access handles for battle-axe lots are permitted, these are of sufficient width to allow for the minimum driveway width and any emergency access that is required (such as rural fire service) to accommodate and underground services and stormwater drainage along the driveway.
2.3 Road design and pavement design caters for heavy vehicle conditions, as relevant. 2.4 Roads are designed to minimise the impact of business, commercial and industrial traffic on the new and existing constructed road pavements.	a. The road system that is required to service the proposed subdivision is designed to the appropriate speed limit for the area (e.g. 40km/hr, 50km/hr or 60km/hr) in accordance with KSC AUS-SPECs and Infrastructure Delivery Guide. a. Existing roads, kerb and gutter and concrete footpaths abutting the subdivision are to be upgraded / replaced where they are assessed to be in poor condition, or do not meet KSC Infrastructure Delivery Guide, and AUS-SPEC Specifications.
2.5 The street network has been designed to facilitate the safe movement of all road users, particularly	a. The road system that is required to service the proposed subdivision is designed to respond to

Desired Outcome	Development Control Requirements
heavy vehicle traffic.	the appropriate road hierarchy (e.g. arterial, collector, local road or minor access road) as outlined in KSC Infrastructure Delivery Guide and KSC Development Specifications. b. Subdivisions involving the creation of new public roads, or the extension of an existing public road, comply with KSC Development Specifications. c. Kerb and gutter is provided to all classes of roads. d. Public roads, street lights, street trees, street signs and other road furniture are accommodated within existing / proposed road reserves in accordance with KSC Development Specifications.
2.6 The number of vehicle crossovers is generally limited to one (1) per residential property.	a. Vehicle crossovers are designed and constructed in accordance with KSC AUS-SPEC Design Specifications.
2.7 The naming of roads as part of a subdivision are compliant with the applicable NSW guidelines and policies.	a. Development Applications for subdivisions involving dedication of a public road are accompanied by a statement suggesting a minimum of three (3) names for the new road. b. Proposed street names are to be submitted with the development application and are in accordance with the NSW Address Policy and User Manual and are to be consistent with the NSW Geographical Names Board Guidelines for the Naming of Roads. c. Council reserves the right to not accept a suggested road name / change a road name, where deemed appropriate. d. The developer is responsible for the installation of street signs in accordance with the approved street name. e. Street name signs are erected at the junction of all roads in the subdivision.
3. Landscape, Open Space and Amenity	
3.1 Development:	
i. Retains significant vegetation and important landscape features; ii. Is sympathetic to the local landscape iii. Forms part of the network of pedestrian/cycle linkages within the area; iv. Integrates with Water Sensitive Urban Design treatments where possible; v. Integrates with green linear corridors, which provides multiple functions, including open space, urban cooling, vegetated habitat linkages, stormwater management, pedestrian and cycle connections and the like; and vi. Provides for practical and sustainable management and maintenance.	a. Development must be provided in a manner that: i. Is highly accessible to surrounding neighbourhoods. ii. Provides for adequate surveillance, public safety and practical, visible connections. iii. Is responsive to emerging trends and technologies (i.e. Public Wi-Fi, and digital access in public areas). iv. Has been designed to incorporate any natural or cultural features of the land. v. Integrates with pedestrian and cycle links, to community facilities or adjoining neighbourhoods. vi. Integrates with major drainage networks and water quality facilities, where these

Desired Outcome	Development Control Requirements
	are compatible and do not pose a public safety risk. vii. Can be maintained efficiently and effectively.
3.2 Development integrates stormwater and environmental management wherever possible and enhances the visual and environmental quality of the whole subdivision.	a. Street landscape must contribute to stormwater management.
Landscape 3.3 Landscape protects, enhances and maintains key features of the natural environment. 3.4 Soft landscape: i. Incorporates plant selection that is sensitive to local climate, soils, topography, natural features, local environmental conditions and its intended function. ii. Is an integral component of urban design. iii. Establishes low maintenance species.	a. Landscape is designed in accordance with a site-specific landscape plan prepared by a suitably qualified person and prepared in accordance with KSC AUS-SPEC Design Specifications. b. A landscape masterplan is required for all subdivision where a road network is proposed. c. Street tree species are to be in accordance with Council's guidance (refer Part E – Appendix 5) and consultation. d. Detailed landscape plans are required prior to issue of a Subdivision Works Certificate, or with the development application, if determined by Council. e. Public reserves / open space must be maintained by the applicant for a minimum period of twelve (12) months. f. Landscape must be installed prior to the issue of a Subdivision Certificate. Works-as-Executed drawings may be requested prior to the issue of the relevant certificate or following the required maintenance period to Council's discretion.
4. Stormwater Management	
Stormwater Management 4.1 Stormwater is managed on-site to an acceptable, practical level, or otherwise properly drained to a legal point of discharge without causing adverse impacts on public drainage infrastructure, downslope properties or the quality of receiving waters.	a. Application for subdivision shall be accompanied by a Stormwater Quality and Quantity Strategy including detailed modelling outlining the flows and characteristics by a certified practicing engineer in accordance with KSC AUS-SPEC. b. The strategy shall adopt the Major/Minor Concept as well as conservation of pre-existing flows to post development flow. c. Stormwater drainage systems shall be designed using the relevant Australian Rainfall and Runoff standards, where the minor system shall be capable of carrying the controlling flows from frequent runoff events, while the major system shall provide safe, well-defined overland flow paths for rare and extreme storm runoff events. d. Stormwater management should maximise the use of natural infiltration solutions to minimise the costs of maintaining man-made systems. e. Subdivision development considers the stormwater management requirements of the

Desired Outcome	Development Control Requirements
	whole site / stormwater drainage system, including stormwater from upslope areas in the catchment that is based on a fully developed scenario, and considers downstream and adjoining land/property impacts. f. Existing stormwater management infrastructure abutting the subdivision development, including road drainage and drainage reserves are upgraded / replaced where they do not meet the requirements of the KSC Infrastructure Delivery Guide. g. Where no legal point of discharge is available the development may need to provide up infiltration design up to all events. h. All upgrading works, works in kind or contributions will be at Council's discretion, in accordance with KSC's upgrading programmes and works scheduling. i. Suitable easements are provided for public stormwater infrastructure that occur or are necessary within properties.
Water quality (>6 lots or any lot >2500m²) 4.2 Point sources of pollution in the catchment are identified and their impacts minimised. 4.3 The stormwater management system optimises the interception, retention and removal of water borne pollutants before their discharge to receiving waters. 4.4 Water quality improvement devices are provided for the treatment of stormwater run-off before discharge from the site and are located to minimise negative impacts on both the natural and built (including traffic management) environments.	a. The development shall incorporate water quality treatment mechanisms designed in accordance with AUS-SPEC to ensure targets for the following are met: i. Total Suspended Solids (TSS) ii. Total Nitrogen (TN) iii. Total Phosphorous (TP) iv. Litter b. Development complies with sediment and erosion control requirements. c. The design of any bio-swales, or similar green/blue stormwater infrastructure has regard to the ongoing operations, responsibility, maintenance and management required into the future.
5. Utilities	
5.1 Infrastructure is adequate to service the needs of the subdivision and, where required, are upgraded or provide new infrastructure to meet the increase in demand generated by the development.	a. All utilities and services are to be provided in accordance with relevant statutory requirements, including KSC Infrastructure Delivery Guide and KSC AUS-SPECs. b. Existing utilities and services infrastructure capacity is sufficient to cater for the proposed demand.
5.2 Suitable water services are provided for the development.	a. Development is connected to a reticulated water supply main where available via a minimum service to KSC requirements and KSC Water Meter. b. Suitable easements are provided for public water infrastructure within properties. c. The developer meets the full cost of water reticulations, connections to existing services,

Desired Outcome	Development Control Requirements
	and any required alterations or extensions to Council's existing infrastructure to service the lots.
5.3 Suitable electricity services are provided for the development.	a. Electricity services are provided to the development in accordance with requirements of the relevant authority and at the full cost of the developer. b. Electricity services are provided underground wherever possible. c. Applicants provide a letter from the electricity provider, stating that satisfactory arrangements have been made to service each lot, prior to the issue of a Subdivision Certificate. d. Where new roads are proposed, subdivisions are provided with street lighting in accordance with the relevant Australian Standards for Lighting for roads and public spaces.
5.4 Suitable sewerage services are provided for the development.	a. Development is connected to a reticulated sewer main where available. If unsewered, an on-site effluent management system is installed that complies with the following: i. Relevant Australian Standards for On-site Domestic Wastewater Management. ii. NSW Environment and Health Protection Guidelines iii. . b. Suitable easements are provided for public sewerage infrastructure within properties. c. Where the development is in near proximity to an existing sewered area or where in the opinion of the State government or Council, the land is unsuitable for onsite disposal of effluent, connection to the existing sewerage system will be required. d. An On-site Sewage Management Assessment Report to support sewage treatment proposals is to accompany an application for this type of development (refer also Part E – Appendix 6 and KSC policy strategies and guidelines for relevant information). e. Development is designed so that an area remote from any watercourse and downhill of potential home sites is available for effluent disposal. d. The developer meets the full cost of water reticulations, connections to existing services, and any required alterations or extensions to Council's existing infrastructure to service the lots.
5.5 Suitable telecommunication services are provided for the development.	a. Telecommunication services are provided to each lot, where available. b. Where a telecommunications network is available to the site, applicants provide written

Desired Outcome	Development Control Requirements
	confirmation from the relevant network provider stating that satisfactory arrangements have been made for connection, prior to the lots being created.

D1.6 Strata and Community Title Subdivision

Application of Part D1.6

Part D1.6 applies to strata and community title subdivision of land in any zone where such development is permitted under KLEP.

Objectives

1. To ensure strata and community title subdivisions comply with relevant building codes and other relevant legislation, *including the Strata Schemes Development Act 2015 and Community Land Development Act 2021*.
2. Ensure land is not fragmented by subdivisions that would create additional dwelling entitlements.
3. Subdivision design for residential, commercial and/or industrial purposes provides development choice which is suited to the purpose of the zone and is consistent with the dominant landscape, street and/or lot patterns in the surrounding area.
4. Ensure strata and community title subdivision complies with the requirements of KLEP.
5. Ensure strata and community title subdivision is provided with adequate services and infrastructure to meet the needs of users.
6. Provide for the effective and efficient management of common or shared facilities.
7. Allow separate titles to be created for parts of a development, where not otherwise provided for as complying development by *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

The following desired outcomes and development control requirements in **Table D1.9** prescribe how the above objectives can be met.

Table D1.9 – Strata and Community Subdivision Controls (zone) – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1.Site Design	
Lot Design	
1.1 Strata and community title subdivisions comply with relevant building codes.	a. The strata or community title subdivision will not result in an existing building contravening the provisions of the Building Code of Australia.
1.2 Subdivision layout responds to the natural site features including topography, vegetation, and watercourses.	a. Subdivision must identify and protect significant environmental features. b. Bushfire Asset Protection Zones must be incorporated as applicable. c. Earthworks should be integrated with the natural landform and minimised.
Lot Size and Area	
1.3 Lots maintain and enhance the character of the surrounding locality/neighbourhood.	a. Lot sizes comply with the requirements of KLEP. b. Land is not fragmented by subdivisions that would create additional dwelling entitlements.
Lot Orientation	
1.4 Development promotes energy-efficient lot orientation and passive solar design.	a. Building envelopes must be located to maximise solar access and privacy.
Topography (earthworks)	
1.5 Earthworks maintains the natural topography and minimises ground levels changes. Where essential	a. Street layouts and lot configuration; aspects, levels and grades are sympathetic to the natural topography of the site.

Desired Outcome	Development Control Requirements
earthworks are required, these are achieved through balanced cut and fill on-site. 1.6 Earthworks associated with development does not negatively impact on the surrounding streetscape, adjoining properties or public assets.	b. Where possible, existing vegetation (trees) are preserved on-site. c. Cut or fill does not exceed +/- 2.0 metres from natural ground level within the development (building) envelope. d. Cut or fill does not exceed +/- 0.50 metre within two (2) metres of any external boundary. e. Cut and fill batters shall not exceed a slope of 1:3 (volume: height). f. Earthworks complies with the requirements of the KSC Infrastructure Delivery Guide and AUS-SPEC.
2. Road Design	
2.1 The development road network provides safe, legible, and efficient access and circulation for vehicles, pedestrians and cyclists. 2.2 Development roads are designed to accommodate emergency and service vehicles. 2.3 Minimise infrastructure costs through efficient layout and connectivity.	a. Practical, legal and safe access is provided to each strata or community title lot in accordance with Kempsey Infrastructure Delivery Guide. b. The road layout must connect logically to existing networks and support future development. c. Shared driveways and internal roads must be designed for safe access and turning movements. d. "Shared pathways" (pedestrian and/or cycleways) must be provided where appropriate, with lighting for safety. e. Roads must comply with Council's AUS-SPEC engineering specifications and Austroads Guide to Road Design.
3. Landscape Open Space and Amenity	
Landscape 3.1 Landscape protects, enhances and maintains key features of the natural environment. 3.2 Soft landscape: - Incorporates plant selection that is sensitive to local climate, soils, topography, natural features, local environmental conditions and its intended function. - Is an integral component of urban design. - Establishes low maintenance species.	a. Landscape is designed in accordance with a site-specific landscape plan prepared by a suitably qualified person and prepared in accordance with KSC AUS SPEC Design Specifications. b. Detailed landscape plans are to be provided with the development application or, where required, prior to issue of a Subdivision Certificate.
3.3 Development preserves vegetation and is designed to retain and/or protect the natural topography, geographical features, water courses and riparian zones by being sited away from such elements on the site.	a. Development retains existing trees, vegetation and other environmental features such as natural watercourses etc. on site.
3.4 Communal open space is accessible and usable to support recreation and community interaction.	a. Communal open space must be centrally located, accessible, and designed for both passive and active use. b. A minimum of 10% of the site area should be dedicated to communal open space. c. Shared facilities (e.g. BBQ areas, playgrounds) must be designed for durability and safety.

Desired Outcome	Development Control Requirements
3.5 Open space integrates stormwater and environmental management wherever possible and enhances the visual and environmental quality of the whole subdivision.	a. Open space and street landscaping must include hardy native species to contribute to biodiversity and urban cooling.
4. Stormwater Management	
Stormwater Management 4.1 Stormwater is managed on-site to an acceptable, practical level, or otherwise properly drained to a legal point of discharge without causing adverse impacts on public drainage infrastructure, downslope properties or the quality of receiving waters.	a. Application for subdivision shall be accompanied by a Stormwater Quality and Quantity Strategy including detailed modelling outlining the flows and characteristics by a certified practicing engineer in accordance with KSC AUS-SPEC. b. The strategy shall adopt the Major/Minor Concept as well as conservation of pre-existing flows to post development flow. c. Stormwater drainage systems shall be designed using the relevant Australian Rainfall and Runoff standards, where the minor system shall be capable of carrying the controlling flows from frequent runoff events, while the major system shall provide safe, well-defined overland flow paths for rare and extreme storm runoff events. d. Stormwater management should maximise the use of natural infiltration solutions to minimise the costs of maintaining man-made systems. e. Subdivision development considers the stormwater management requirements of the whole site / stormwater drainage system, including stormwater from upslope areas in the catchment that is based on a fully developed scenario, and considers downstream and adjoining land/property impacts. f. Existing stormwater management infrastructure abutting the subdivision development, including road drainage and drainage reserves are upgraded / replaced where they do not meet the requirements of the KSC Infrastructure Delivery Guide. g. Where no legal point of discharge is available the development may need to provide up infiltration design up to all events. h. All upgrading works, works in kind or contributions will be at Council's discretion, in accordance with KSC's upgrading programmes and works scheduling. i. Suitable easements are provided for public stormwater infrastructure that occur or are necessary within properties.
Water quality (>6 lots or any lot >2500m²) 4.2 Point sources of pollution in the catchment are identified and their impacts minimised. 4.3 The stormwater management system optimises the interception, retention and removal of water borne	a. The development shall incorporate water quality treatment mechanisms designed in accordance with AUS-SPEC to ensure targets for the following are met: i. Total Suspended Solids (TSS)

Desired Outcome	Development Control Requirements
pollutants before their discharge to receiving waters. 4.4 Water quality improvement devices are provided for the treatment of stormwater run-off before discharge from the site and are located to minimise negative impacts on both the natural and built (including traffic management) environments.	ii. Total Nitrogen (TN) iii. Total Phosphorous (TP) iv. Litter b. Development complies with sediment and erosion control requirements. c. The design of any bio-swales, or similar green/blue stormwater infrastructure has regard to the ongoing operations, responsibility, maintenance and management required into the future.
5. Utilities	
5.1 Infrastructure is adequate to service the needs of the subdivision and, where required, are upgraded or provide new infrastructure to meet the increase in demand generated by the development.	a. All utilities and services are to be provided in accordance with relevant statutory requirements, including KSC Infrastructure Delivery Guide and KSC AUS-SPEC. b. Existing utilities and services infrastructure capacity is sufficient to cater for the proposed demand.
5.2 Suitable water services are provided for the development.	a. Development is connected to a reticulated water supply main where available via a minimum service to KSC requirements and KSC Water Meter. b. Suitable easements are provided for public water infrastructure within properties. c. The developer meets the full cost of water reticulations, connections to existing services, and any required alterations or extensions to Council's existing infrastructure to service the lots.
5.3 Suitable electricity services are provided for the development.	a. Electricity services are provided to the development in accordance with requirements of the relevant authority and at the full cost of the developer. b. Electricity services are provided underground wherever possible. c. Applicants provide a letter from the electricity provider, stating that satisfactory arrangements have been made to service each lot, prior to the issue of a Subdivision Certificate. d. Where new roads are proposed, subdivisions are provided with street lighting in accordance with the relevant Australian Standards for Lighting for roads and public spaces.
5.4 Suitable sewerage services are provided for the development.	a. Development is connected to a reticulated sewer main where available. If unsewered, an on-site effluent management system is installed that complies with the following: i. Relevant Australian Standards for On-site Domestic Wastewater Management.

Desired Outcome	Development Control Requirements
	ii. NSW Environment and Health Protection Guidelines. b. Suitable easements are provided for public sewerage infrastructure within properties. c. Where the development is in near proximity to an existing sewerage area or where in the opinion of the State government or Council, the land is unsuitable for onsite disposal of effluent, connection to the existing sewerage system will be required. d. An On-site Sewage Management Assessment Report to support sewage treatment proposals is to accompany an application for this type of development (refer also Part E – Appendix 6 and KSC policy strategies and guidelines for relevant information). e. Development is designed so that an area remote from any watercourse and downhill of potential home sites is available for effluent disposal. f. The developer meets the full cost of water reticulations, connections to existing services, and any required alterations or extensions to Council’s existing infrastructure to service the lots.
5.5 Suitable telecommunication services are provided for the development.	a. Telecommunication services are provided to each lot, where available. b. Where a telecommunications network is available to the site, applicants provide written confirmation from the relevant network provider stating that satisfactory arrangements have been made for connection, prior to the lots being created.

D2 RESIDENTIAL DEVELOPMENT

Application

Part D2 applies to development of land for residential purposes, which occurs on any zoned land under KLEP.

This section applies to all development applications made for:

- D2.1 Dwelling Houses
- D2.2 Large Lot Residential Dwelling Houses
- D2.3 Dual Occupancy
- D2.4 Secondary Dwellings
- D2.5 Multi-dwelling development
- D2.6 Shop-top Housing, Residential Flat Buildings, Tourist and Visitor Accommodation
- D2.7 Ancillary Development

D2.1 Dwelling Houses

Application

This section applies to dwelling houses and alterations and additions to existing dwelling houses on land in the R1 General Residential, R3 Medium Density Residential and RU5 Rural Village zones under the Kempsey Local Environmental Plan (KLEP).

Objectives

1. Encourage diversity of dwelling houses for residential purposes, recognising the varied needs and demands of the local housing market across Kempsey Shire.
2. Dwelling houses are designed, sited and serviced to optimise residential land use while minimising impacts on the surrounding streetscape and existing residential amenity.
3. To ensure dwelling houses are provided with adequate open space and services to meet the needs of residents.
4. Achieve efficient and sustainable housing designs, which are energy efficient.
5. Provide for adaptable housing, that allows dwelling houses to be retrofitted to meet the changing needs of its occupant/s.

The following desired outcomes and development control requirements in **Table D2.1** prescribe how the above objectives can be met.

Table D2.1 – Dwelling Houses – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. Site Design	
Site Coverage 1.1 The proportion of a lot that is occupied by buildings or structures maintains allowable density and ensures adequate open space, for landscape, amenity and proper drainage of the site.	a. Development must comply with the specified limits for site coverage in accordance with the following Table D2.2 .

Table D2.2 – Site coverage

Lot Size	Maximum site coverage (%)	Set backs <i>(Note: 2+ storey dwellings and upper storey setbacks are subject to controls and over shadowing requirements)</i>		
		Front	Side	Rear
< 300 m ²	70	5.00 m	900mm	3.00 m
300 - 500 m ²	65	5.00 m	900mm	3.00 m
500 - 650 m ²	60	5.00 m	900mm	3.00 m
650 - 800 m ²	55	5.00 m	900mm	3.00 m
>800 m ²	50	5.00 m	900mm	3.00 m
Setbacks 1.1 Dwelling houses are set back at consistent distances with the immediate adjacent dwellings, to provide adequate space for landscaping, private recreation and off-street parking. 1.2 Dwelling houses are set back at consistent distances to minimise negative impacts		a. A minimum set back of 5 metres shall be provided to the primary street frontage. b. Some non-enclosed elements of a building's front façade may protrude from that facade into the front boundary setback, to a maximum of 1.50 metres and not exceeding 25% of the building frontage width.		

Desired Outcome	Development Control Requirements
related to streetscape, privacy and overshadowing.	c. On a corner allotment, the setback to the secondary street frontage must be consistent with adjoining setbacks, but must not be less than 3 metres. d. A minimum absolute setback of 900mm for side boundaries is achieved for single storey dwellings up to 5 metres in height (at the highest point of the roof). e. A minimum setback of 1.5 metres for side boundaries shall apply to the second storey and above. f. A minimum absolute setback of 3 metres for rear boundaries is achieved for single storey dwellings up to 5 metres in height (at the highest point of the roof). g. Development is designed so that attached garages are setback a minimum 6 metres from the property boundary or 1 metre behind the house façade (whichever is the greater).
Topography (earthworks) 1.4 Dwellings are sited and designed to accommodate the natural slope and orientation of the site and immediately adjacent land. 1.5 Earthworks associated with development do not negatively impact on the surrounding streetscape, adjoining properties or public assets.	a. Earthworks must not alter the existing ground level/natural topography where there are existing vegetation and trees to be preserved. b. Where existing trees are preserved, no earthworks are permitted closer to the trunk or main stem than the drip-line (canopy extent) of the tree. c. Earthworks must not exceed a cut or fill of greater than 1.50 metres depth/height from the existing ground level/natural topography of the site, or be assessed by a suitably qualified engineer. d. Cut and fill batters shall not exceed a slope of 1:3 (volume: height). e. Cut and fill batters and retaining walls outside the building footprint must be landscaped to mitigate visual impacts. f. Earthworks must comply with KSC Infrastructure Delivery Guide and KSC AUS-SPECS requirements.
2. Development Design	
Building Form 2.1 Building siting, height, scale and roof form must not negatively impact the surrounding development, streetscape, topography and character.	a. Where a Height of Building Map applies, building height complies with the relevant height limit under the KLEP. b. The continuous length of a building wall or retaining wall greater than 1.8m in height shall be no more than fifteen (15) metres. c. Where building external wall/façade is longer than fifteen (15) metres in length, they must be articulated. The articulation of the external wall must be of minimum one (1) metre in depth and three (3) metres in length.
Passive Design 2.2 Dwelling houses are designed and constructed to maximise their liveability, amenity and sustainability through their orientation, sustainable building fabrics, thermal performance, energy	a. Dwelling houses should be designed and sited so that the living areas and major part of their private open space have a northern orientation and receive the maximum amount of sunlight in winter and provide the opportunity for planting trees for summer shading and amenity value.

Desired Outcome	Development Control Requirements
generation/consumption and water collection, use and reuse. 2.3 Development achieves energy efficiency, through dwelling orientation, access to sunlight (generally: maximise in Winter, minimise in Summer), natural ventilation and the use of sustainable building fabrics.	b. Development should be designed for energy efficiency by: i. minimising the overall surface area through which heat gains and losses can occur and providing for insulation of the dwelling; ii. avoiding large expanses of glazing on south and west facing walls; iii. Maximising natural ventilation for summer cooling in summer by building orientation and width, and windows to funnel air flow and breezes. c. Windows on the northern side of dwellings (north facing habitable rooms or external living spaces of the dwelling house) should be designed to maximise winter sun access and minimise summer sun access. d. Dwelling houses should utilise sun protection devices, (i.e. deep eaves, screens, verandahs, pergolas, etc.) along western-facing walls to produce a comfortable microclimate in and around dwellings. e. A BASIX certificate is to be submitted for BASIX affected development.
Over-shadowing 2.4 Dwelling houses minimise overshadowing of adjoining properties.	Demonstrate that: a. Building design achieves at least 3 hours of solar access to key living spaces/ private open spaces of the adjoining dwellings on 21 June. b. For all dwellings where overshadowing may impact adjoining land, an applicant must prepare shadow diagrams showing solar access to neighbouring dwellings, private open space, solar collectors and panels on adjoining land and property. In complex and constricted situations Council may require hourly shadow simulations to be produced for detailed evaluation. Note - Such diagrams should be prepared by an architect, surveyor, engineer, or town planner and be based on a survey of the relevant site, development model and adjoining development.
Private open space (POS) 2.5 Developments must provide adequate private open space which ensures that the occupant has access to a private outdoor area for their sole use and enjoyment.	a. Development must be provided with a minimum private open space area in accordance with Table D2.3, which shall be directly accessible from the living areas of the dwelling. b. Private open space is to include a useable area that is not steeper than 1 in 8 and, where site conditions permit, contains a rectangle area with minimum dimensions of 4m by 4m. c. Any area within a side or rear setback less than 2 metres in width shall not be included when considering the area provided for private open space. d. Private open space (POS) areas enable an extension of the function of the dwelling for relaxation, dining, entertainment, recreation and children's play. e. The location and design of private open space takes into account the outlook and natural features of the site.

Desired Outcome	Development Control Requirements												
	f. The orientation of private open space should provide for maximum year-round use by receiving a minimum of three hours of sunlight between 9am and 3pm on 22 June. An applicant must prepare shadow diagrams showing solar access to private open space. In complex and constricted situations Council may require hourly shadow simulations to be produced for detailed evaluation. Note - Such diagrams should be prepared by an architect, surveyor, engineer, or town planner and be based on a survey of the relevant site, development model and adjoining development. g. Enclosing screen walls or fences ensure privacy for dwellings and courtyards by minimising overlooking from other dwellings. h. Private open space may be located within the front setback where: - front door access is provided; and - adequate provision is made for additional intensive landscaping within the property.												
	Table D2.3 – Private Open Space <table> <tr> <th>Lot Area</th><th>Private Open Space (POS) m²</th></tr> <tr> <td>< 300m²</td><td>30m²</td></tr> <tr> <td>300-500m²</td><td>40m²</td></tr> <tr> <td>500-650m²</td><td>50m²</td></tr> <tr> <td>650-800m²</td><td>60m²</td></tr> <tr> <td>> 800m²</td><td>70m²</td></tr> </table>	Lot Area	Private Open Space (POS) m ²	< 300m ²	30m ²	300-500m ²	40m ²	500-650m ²	50m ²	650-800m ²	60m ²	> 800m ²	70m ²
Lot Area	Private Open Space (POS) m ²												
< 300m ²	30m ²												
300-500m ²	40m ²												
500-650m ²	50m ²												
650-800m ²	60m ²												
> 800m ²	70m ²												
Storage and utility function 2.6 Building design incorporates appropriate functional and storage spaces and areas for waste storage, transfer and disposal purposes.	a. Wall mounted air-conditioning units are not located higher than 1.8 metres above existing ground level and are to be set back a minimum of 450 millimetres from any boundary. b. Development is provided with suitable waste bin storage behind the building frontage. c. Waste storage and collection is to be managed wholly within the site. Waste bins and bulk waste storage areas are not to be located within the road reserve for collection purposes. d. Building utilities components, such as solar panels and solar collectors are suitably incorporated into the roof design and hot water tanks are enclosed within the building fabric.												
2.7 Development includes space and systems for waste management that ensures waste is collected, transported and/or disposed of in a lawful manner.	a. Development is provided with suitable waste bin storage, which is appropriately incorporated and screen from street view. b. Waste management facilities proposed as part of the development shall be clearly illustrated on the plans of the proposed development.												
3. Landscape and Public Realm													
Views and View Sharing													

Desired Outcome	Development Control Requirements																							
3.1 Where existing development enjoys desired views (e.g. water, ocean views, views of forest, hills and mountains etc), new development is designed and sited so that at least a part of the desired view is visible from the existing development, where practicable. 3.2 Development provides for reasonably equitable sharing of views, between neighbouring properties, of water, ocean, forest, hills/mountains.	a. Development is to allow for the reasonable sharing of views with neighbouring dwellings and/or development. b. The built form of development is to provide a transition to adjacent residential development, including reasonable setbacks from side and rear boundaries, particularly at the first floor level to allowed for view sharing. c. An assessment of current view(s), viewpoints and impact (refer Part E – Appendix 1 “View Sharing”) along with graphic / modelled simulations may be necessary to support the application to Council’s requirements.																							
Landscape 3.3 Development incorporates landscape features to enhance the dwelling’s function and appearance. 3.4 Existing mature trees should be preserved. 3.5 Landscape design is complementary to the building design and surroundings.	a. Development provides a landscaped area that complements the design of the dwelling house, including trees and vegetation for privacy, shade and amenity. b. Development provides for external clothes drying area. This should not be visible from the street. c. The landscape design is complementary to the building design and surrounding streetscape, and provides landscape as outlined in Table D2.4. d. Landscaping requirements are in addition to private open space. <table><tr><th colspan="3">Table D2.4 –Landscape requirements</th></tr><tr><th rowspan="2">Lot Area</th><th colspan="2">Landscape Site Area</th></tr><tr><th>Landscaped Area minimum (% of lot)</th><th>Deep Soil Zone (DSZ) Minimum (% of lot)</th></tr><tr><td>< 300m²</td><td>25</td><td>20</td></tr><tr><td>300-500m²</td><td>30</td><td>25</td></tr><tr><td>500-650m²</td><td>35</td><td>30</td></tr><tr><td>650-800m²</td><td>40</td><td>35</td></tr><tr><td>> 800m²</td><td>45</td><td>40</td></tr></table>	Table D2.4 –Landscape requirements			Lot Area	Landscape Site Area		Landscaped Area minimum (% of lot)	Deep Soil Zone (DSZ) Minimum (% of lot)	< 300m ²	25	20	300-500m ²	30	25	500-650m ²	35	30	650-800m ²	40	35	> 800m ²	45	40
Table D2.4 –Landscape requirements																								
Lot Area	Landscape Site Area																							
	Landscaped Area minimum (% of lot)	Deep Soil Zone (DSZ) Minimum (% of lot)																						
< 300m ²	25	20																						
300-500m ²	30	25																						
500-650m ²	35	30																						
650-800m ²	40	35																						
> 800m ²	45	40																						
Deep Soil Zones 3.6 Deep soil zones are provided to allow for landscape planting (trees), the infiltration of rainwater to the groundwater table and to reduce site stormwater runoff.	a. Deep soil zones must have soft landscape applied, and cannot be covered by impervious surfaces; courts, buildings or other structures, nor can they be located on-structure such as over basements or as planter boxes.																							
Public Realm – primary street elevation 3.7 Development incorporates features which enhance privacy for the dwelling house, while maximising street surveillance.	a. Development is designed to provide street elevations that feature at least 1 main entry door and 1 major window to a living area or bedroom, to provide for visibility and street surveillance. b. Laundry or bathroom windows are not prominent features of the primary street elevation. c. Development allows appropriate passive surveillance to the public realm.																							

Desired Outcome	Development Control Requirements
4. Access and Vehicle Parking	
Access and Parking 4.1 Development provides appropriate access to the public road network and off-street parking.	a. Driveway locations, dimensions and finished levels comply with the KSC Infrastructure Delivery Guide and AUS-SPECs. b. Driveways adjoining a primary or secondary street must be designed to avoid roadside stormwater encroaching onto private property. c. On-site parking at the appropriate rate (refer Part E – Appendix 4). At least one (1) car parking space shall be behind the building line. d. Vehicle parking spaces are designed to comply with the KSC Infrastructure Delivery Guide and AUS-SPECs. Note: A separate application is required to be lodged with Council and approved for the construction of any layback and cross over of the road verge in accordance with the <i>Roads Act 1993</i>.
5 Amenity and Environment	
Privacy 5.1 Development enhances visual privacy of the dwelling house and mitigates visual impacts on the directly adjacent properties.	a. Windows on dwellings on sloping sites are offset from windows of adjacent dwelling houses. b. Second storey windows, balconies and decks are not situated directly opposite windows of primary living rooms in any adjoining dwellings or private open space areas of adjoining dwellings, unless treated. c. Where the window is less than 6 metres from a side or rear boundary adjacent to a residential property, a privacy screen or obscure glass must be provided for any part of a second storey window that is less than 1.5 metres above the second storey finished floor level.
Noise 5.2 Development mitigates noise impacts on directly adjacent properties.	a. The application must demonstrate the achievement of this Desired Outcome.
Environment 5.3 Development protects the environmental features, values and amenity qualities of the site and immediate surrounds.	a. Development minimises the removal of existing trees and vegetation on site. b. Existing street trees are retained wherever possible (small trees may be relocated within the property frontage street verge, on approval of Council).
6. Stormwater Management	
Stormwater Management 6.1 Stormwater from development is managed onsite to an acceptable, practical level. Stormwater in excess of this level must be properly drained to a legal point of discharge without causing adverse impacts on public drainage infrastructure, downslope properties or the quality of receiving waters.	a. Development shall be accompanied by a Stormwater Management Plan. b. The Stormwater Management Plan shall adopt the Major/Minor Concept as well as conservation of pre-existing flows to post development flow. c. Stormwater drainage systems shall be designed using the relevant Australian Rainfall and Runoff standards, where the minor system shall be capable of carrying the controlling flows from frequent runoff events, while the major system shall provide safe, well-

Desired Outcome	Development Control Requirements
	defined overland flow paths for rare and extreme storm runoff events. d. All stormwater overflow generated by development must be managed on-site for up to an AEP of 10%. Stormwater from events in excess of that must be drained to a legal point of discharge. e. Where no legal point of discharge is available the development may need to provide infiltration design or on-site detention. f. Stormwater management should maximise the use of natural infiltration solutions to minimise the costs of maintaining man-made systems. g. The use of such infiltration solutions such as deep soils zones, rain gardens and soakaway pits, permeable surfaces or other similar treatments for stormwater management are encouraged. h. Development that incorporates a water tank(s), detention ponds, into the stormwater management system must comply with the following: - The water tank system, including roof area, tank inlet pipe size, tank storage capacity and tank outlet pipe size, must be suitably sized to accommodate stormwater in a 5% AEP, with all overflow being directed to a legal point of discharge, suitably sized rubble drain or properly constructed drainage channel, at least 3 metres clear of buildings. - Stormwater from driveways and hardstand areas is directed away from the water tank(s) and is properly managed to a legal point of discharge in accordance with this Part. - Tanks and fittings comply with Planning for Bushfire Protection, as applicable. i. Suitable easements are provided for public stormwater infrastructure within properties.
7. Utilities	
7.1 Infrastructure is adequate to service the needs of the development and, where required, are upgraded or provide new infrastructure to meet the increase in demand generated by the development.	a. All utilities and services are to be designed in accordance with relevant statutory requirements, including KSC Infrastructure Delivery Guide and KSC AUS-SPECs.
7.2 Suitable water services are provided for the development.	a. Development is connected to a reticulated water supply main where available via a minimum service to KSC requirements and KSC Water Meter. b. Suitable easements are provided for public water infrastructure within properties. c. The developer meets the full cost of water reticulations, plus the cost of connecting to the existing services.
7.3 Suitable electricity services are provided to service the development.	a. Electricity services are provided to the development in accordance with requirements of the relevant authority and at the full cost of the developer.

Desired Outcome	Development Control Requirements
	b. Electricity services are provided underground wherever possible.
7.4 Suitable sewerage services are provided for the development.	a. Development is connected to a reticulated sewer main where available. If unsewered, an on-site effluent management system is installed that complies with the following: i. Relevant Australian Standards for On-site Domestic Wastewater Management. ii. NSW Environment and Health Protection Guidelines. b. Suitable easements are provided for public sewerage infrastructure within properties. c. Where the development is in near proximity to an existing sewered area or where in the opinion of the State government or Council, the land is unsuitable for onsite disposal of effluent, connection to the existing sewerage system will be required. d. An On-site Sewage Management Assessment Report to support sewage treatment proposals is to accompany an application for this type of development (refer also Part E – Appendix 6 and KSC policy strategies and guidelines for relevant information). e. Development is designed so that an area remote from any watercourse and downhill of potential home sites is available for effluent disposal. f. The developer meets the full cost of sewer reticulations, plus the cost of connecting to the existing services.
7.5 Suitable telecommunication services are provided for the development.	a. Telecommunication services are provided to each dwelling, where available. b. Where a telecommunications network is available to the site, applicants provide written confirmation from the relevant network provider stating that satisfactory arrangements have been made for connection, prior to the commencement of the use.

D2.2 Large Lot Residential Dwelling Houses

Application

This section applies to large lot residential dwelling houses and alterations and additions to existing large lot residential dwelling houses on land in the R5 Large Lot Residential zone under the Kempsey Local Environmental Plan (KLEP).

Objectives

1. Encourage diversity of large lot residential dwelling houses for residential purposes, recognising the varied needs and demands of the local housing market across Kempsey Shire.
2. Provide for dwelling houses on large residential lots in a peri-urban, urban periphery or rural setting.
3. Large lot residential dwelling houses are designed, sited and serviced to minimise impacts on the surrounding streetscape and existing residential amenity.
4. Achieve efficient and sustainable housing designs, which are energy efficient.
5. Provide for adaptable housing, that allows large lot residential dwelling houses to be retrofitted to meet the changing needs of its occupant/s.

The following desired outcomes and development control requirements in **Table D2.5** prescribe how the above objectives can be met.

Table D2.5 – Large Lot Residential Dwelling Houses – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. Site Design	
Site Coverage 1.1 The proportion of a lot that is occupied by buildings or structures maintains allowable density and ensures adequate open space, for landscape, amenity and proper drainage of the site.	a. The maximum area covered by all buildings and structures, does not exceed 50% of the lot area.
Setbacks 1.2 Large lot residential dwelling houses and alterations and additions to existing dwellings are properly located and ensure there is adequate separation between agricultural activities, environmentally sensitive land, neighbouring properties and public roads.	a. A minimum setback of ten (10) metres shall be provided to the primary street frontage. b. On a corner allotment, the setback to the secondary street frontage may be reduced to not less than five (5) metres. c. Development provides a minimum setback of five (5) metres to the side boundaries and ten (10) metres to the rear boundary.
Topography (earthworks) 1.3 Dwellings are sited and designed to accommodate the natural slope and orientation of the site and immediately adjacent land. 1.4 Earthworks associated with development do not negatively impact on the surrounding landscape, adjoining properties or public assets.	a. Earthworks must not alter the existing ground level/natural topography where there are existing vegetation and trees to be preserved. b. Where existing trees are preserved, no earthworks are permitted closer to the trunk or main stem than the drip-line (canopy extent) of the tree. c. Earthworks must not exceed a cut or fill of greater than 1.50 metres depth/height from the existing ground level/natural topography of the site, or be assessed by a suitably qualified engineer.

Desired Outcome	Development Control Requirements
	d. Cut and fill batters shall not exceed a slope of 1:3 (volume: height). e. Cut and fill batters and retaining walls outside the building footprint must be landscaped to mitigate visual impacts. f. Earthworks must comply with KSC Infrastructure Delivery Guide and KSC AUS-SPECS requirements.
2. Development Design	
Building Form 2.1 Building siting, height, scale and roof form must not negatively impact the surrounding development, streetscape, topography and character.	a. The continuous length of a building wall or retaining wall greater than 1.8m in height shall be no more than fifteen (15) metres. b. Where building external wall/façade is longer than fifteen (15) metres in length, they must be articulated. The articulation of the external wall must be of minimum one (1) metre in depth and three (3) metres in length.
Passive Design 2.2 Large lot dwelling houses are designed and constructed to maximise their liveability, amenity and sustainability through their orientation, sustainable building fabrics, thermal performance, energy generation/consumption and water collection, use and reuse. 2.3 Development achieves energy efficiency, through dwelling orientation, access to sunlight (generally: maximise in Winter, minimise in Summer), natural ventilation and the use of sustainable building fabrics.	a. Large lot dwelling houses should be designed and sited so that the living areas and major part of their private open space have a northern orientation and receive the maximum amount of sunlight in winter and provide the opportunity for planting trees for summer shading and amenity value. b. Development should be designed for energy efficiency by: i. minimising the overall surface area through which heat gains and losses can occur and providing for insulation of the dwelling; ii. avoiding large expanses of glazing on south and west facing walls; iii. Maximising natural ventilation for summer cooling in summer by building orientation and width, and windows to funnel air flow and breezes. c. Windows on the northern side of dwellings (north facing habitable rooms or external living spaces of the dwelling house) should be designed to maximise winter sun access and minimise summer sun access. d. Dwelling houses should utilise sun protection devices, (i.e. deep eaves, screens, verandahs, pergolas, etc.) along western-facing walls to produce a comfortable microclimate in and around dwellings. e. A BASIX certificate is to be submitted for BASIX affected development.
Over-shadowing 2.4 Dwelling houses do not cause overshadowing of adjoining properties.	Demonstrate that: a. Building design achieves at least 3 hours of solar access to key living spaces/ private open spaces of the adjoining dwellings on 21 June. b. Where overshadowing may impact adjoining land, an applicant must prepare shadow diagrams

Desired Outcome	Development Control Requirements
	showing solar access to neighbouring dwellings, private open space, solar collectors and panels on adjoining land and property. In complex and constricted situations Council may require hourly shadow simulations to be produced for detailed evaluation. Note - Such diagrams should be prepared by an architect, surveyor, engineer, or town planner and be based on a survey of the relevant site, development model and adjoining development.
Private open space (POS) 2.5 Developments must provide adequate private open space which ensures that the occupant has access to a private outdoor area for their sole use and enjoyment.	a. Development must be provided with a minimum private open space area of at least 70m², which shall be directly accessible from the living areas of the dwelling. b. Private open space is to include a useable area that is not steeper than 1 in 8 and, where site conditions permit, contains a rectangle area with minimum dimensions of 4m by 4m. c. Any area within a side or rear setback less than 2 metres in width shall not be included when considering the area provided for private open space. d. Private open space (POS) areas enable an extension of the function of the dwelling for relaxation, dining, entertainment, recreation and children's play. e. The location and design of private open space takes into account the outlook and natural features of the site. i. The orientation of private open space should provide for maximum year-round use by receiving a minimum of three hours of sunlight between 9am and 3pm on 22 June. An applicant must prepare shadow diagrams showing solar access to private open space. In complex and constricted situations Council may require hourly shadow simulations to be produced for detailed evaluation. Note - Such diagrams should be prepared by an architect, surveyor, engineer, or town planner and be based on a survey of the relevant site, development model and adjoining development. f. Enclosing screen walls or fences ensure privacy for dwellings by minimising overlooking from adjoining dwellings. g. Private open space may be located within the front setback where: i. front door access is provided; and ii. adequate provision is made for additional intensive landscaping within the property.
Storage and utility function	a. Wall mounted air-conditioning units are not located higher than 1.8 metres above existing ground level

Desired Outcome	Development Control Requirements
2.6 Building design incorporates appropriate functional and storage spaces and areas for waste storage, transfer and disposal purposes.	and are to be set back a minimum of 450 millimetres from any boundary. b. Development is provided with suitable waste bin storage behind the building frontage . c. Waste storage and collection is to be managed wholly within the site. Waste bins and bulk waste storage areas are not to be located within the road reserve for collection purposes. d. Building utilities components, such as solar panels and solar collectors are suitably incorporated into the roof design and hot water tanks are enclosed within the building fabric.
2.7 Development includes space and systems for waste management that ensures waste is collected, transported and/or disposed of in a lawful manner.	a. Development is provided with suitable waste bin storage, which is appropriately incorporated and screen from street view. b. Waste management facilities proposed as part of the development shall be clearly illustrated on the plans of the proposed development.
3. Landscape and Public Realm	
Views and View Sharing 3.1 Where existing development enjoys desired views (e.g. water, ocean views, views of forest, hills and mountains etc), new development is designed and sited so that at least a part of the desired view is visible from the existing development, where practicable. 3.2 Development provides for reasonably equitable sharing of views, between neighbouring properties, of water, ocean, forest, hills/mountains.	a. Development is to allow for the reasonable sharing of views with neighbouring dwellings and/or development. b. The built form of development is to provide a transition to adjacent residential development, including reasonable setbacks from side and rear boundaries, particularly at the first floor level to allowed for view sharing. c. An assessment of current view(s), viewpoints and impact (refer Part E – Appendix 1 “View Sharing”) along with graphic / modelled simulations may be necessary to support the application to Council’s requirements.
Landscape 3.3 Development incorporates landscape features to enhance the dwelling’s function and appearance. 3.4 Existing mature trees should be preserved. 3.5 Landscape design is complementary to the building design and surroundings.	4 Development provides a landscaped area that complements the design of the dwelling house, including trees and vegetation for privacy, shade and amenity. 5 Development provides for external clothes drying area. This should not be visible from the street. 6 Development provides a minimum landscaped area of 5% of the site and maintains the remaining areas to be free from weed and pest species. 7 Landscaping requirements are in addition to private open space.
Public Realm – primary street elevation 7.1 Development incorporates features which enhance privacy for the dwelling house, while maximising street surveillance.	a. Development is designed to provide street elevations that feature at least 1 main entry door and 1 major window to a living area or bedroom, to provide for visibility and street surveillance. b. Laundry or bathroom windows are not prominent features of the primary street elevation. c. Development allows appropriate passive surveillance to the public realm.

Desired Outcome	Development Control Requirements
4. Access and Vehicle Parking	
Access and Parking 4.1 Development provides appropriate access to the public road network and off-street parking.	a. Driveway locations, dimensions and finished levels comply with the KSC Infrastructure Delivery Guide and AUS-SPECs. b. Driveways adjoining a primary or secondary street must be designed to avoid roadside stormwater encroaching onto private property. c. All development is to provide on-site parking at the appropriate rate (refer Part E – Appendix 4). At least one (1) car parking space shall be behind the building line. d. Vehicle parking spaces are designed to comply with the KSC Infrastructure Delivery Guide and AUS-SPECs. Note: A separate application is required to be lodged with Council and approved for the construction of any layback and cross over of the road verge in accordance with the <i>Roads Act 1993</i>.
5. Amenity and Environment	
Privacy 5.1 Development enhances visual privacy of the large lot residential dwelling house and mitigates visual impacts on the directly adjacent properties.	a. Windows on dwelling houses on sloping sites are offset from windows of adjacent dwelling houses. b. Second storey windows, balconies and decks are not situated directly opposite windows of primary living rooms in any adjoining dwellings or private open space areas of adjoining dwellings. c. Where the window is less than 6 metres from a side or rear boundary adjacent to a residential property, a privacy screen or obscure glass must be provided for any part of a second storey window that is less than 1.5 metres above the second storey finished floor level.
Noise 5.2 Development mitigates noise impacts on directly adjacent properties.	a. The application must demonstrate the achievement of this Desired Outcome.
Environment 5.3 Development protects the environmental features, values and amenity qualities of the site and immediate surrounds.	a. Development minimises the removal of existing trees and vegetation on site. b. Existing street trees are retained wherever possible (small trees may be relocated within the property frontage street verge, on approval of Council).
6. Stormwater Management	
Stormwater Management 6.1 Stormwater from development is managed onsite to an acceptable, practical level. Stormwater in excess of this level must be properly drained to a legal point of discharge without causing adverse impacts on public drainage infrastructure, downslope properties or the quality of receiving waters.	a. Development shall be accompanied by a Stormwater Management Plan. b. The Stormwater Management Plan shall adopt the Major/Minor Concept as well as conservation of pre-existing flows to post development flow.

Desired Outcome	Development Control Requirements
	c. Stormwater drainage systems shall be designed using the relevant Australian Rainfall and Runoff standards, where the minor system shall be capable of carrying the controlling flows from frequent runoff events, while the major system shall provide safe, well-defined overland flow paths for rare and extreme storm runoff events. d. All stormwater overflow generated by development must be managed on-site for up to an AEP of 10%. Stormwater from events in excess of that must be drained to a legal point of discharge. e. Where no legal point of discharge is available the development may need to provide infiltration design or on-site detention. f. Stormwater management should maximise the use of natural infiltration solutions to minimise the costs of maintaining man-made systems. g. The use of such infiltration solutions such as deep soils zones, rain gardens and soakaway pits, permeable surfaces or other similar treatments for stormwater management are encouraged. h. Development that incorporates a water tank(s), detention ponds, into the stormwater management system must comply with the following: i. The water tank system, including roof area, tank inlet pipe size, tank storage capacity and tank outlet pipe size, must be suitably sized to accommodate stormwater in a 5% AEP, with all overflow being directed to a legal point of discharge, suitably sized rubble drain or properly constructed drainage channel, at least 3 metres clear of buildings. ii. Stormwater from driveways and hardstand areas is directed away from the water tank(s) and is properly managed to a legal point of discharge in accordance with this Part. iii. Tanks and fittings comply with Planning for Bushfire Protection, as applicable. i. Suitable easements are provided for public stormwater infrastructure within properties.
7. Utilities	
7.1 Infrastructure is adequate to service the needs of the development and, where required, are upgraded or provide new infrastructure to meet the increase in demand generated by the development.	a. All utilities and services are to be designed in accordance with relevant statutory requirements, including KSC Infrastructure Delivery Guide and KSC AUS-SPECs.
7.2 Suitable water services are provided for the development.	a. Development is connected to a reticulated water supply main where available via a minimum service to KSC requirements and KSC Water Meter. b. Suitable easements are provided for public water infrastructure within properties. c. The developer meets the full cost of water reticulations, plus the cost of connecting to the

Desired Outcome	Development Control Requirements
	existing services.
7.3 Suitable electricity services are provided to service the development.	a. Electricity services are provided to the development in accordance with requirements of the relevant authority and at the full cost of the developer. b. Electricity services are provided underground wherever possible.
7.4 Suitable sewerage services are provided for the development.	a. Development is connected to a reticulated sewer main where available. If unsewered, an on-site effluent management system is installed that complies with the following: i. Relevant Australian Standards for On-site Domestic Wastewater Management. ii. NSW Environment and Health Protection Guidelines. b. Suitable easements are provided for public sewerage infrastructure within properties. c. Where the development is in near proximity to an existing sewered area or where in the opinion of the State government or Council, the land is unsuitable for onsite disposal of effluent, connection to the existing sewerage system will be required. d. An On-site Sewage Management Assessment Report to support sewage treatment proposals is to accompany an application for this type of development (refer also Part E – Appendix 6 and KSC policy strategies and guidelines for relevant information). e. Development is designed so that an area remote from any watercourse and downhill of potential home sites is available for effluent disposal. f. The developer meets the full cost of sewer reticulations, plus the cost of connecting to the existing services.
7.5 Suitable telecommunication services are provided for the development.	a. Telecommunication services are provided to each dwelling, where available. b. Where a telecommunications network is available to the site, applicants provide written confirmation from the relevant network provider stating that satisfactory arrangements have been made for connection, prior to the commencement of the use.

D2.3 Dual Occupancy

Application

This section applies to dual occupancy (attached and detached) on land in the urban zones, being R1 General Residential, R3 Medium Density, R5 Large Lot Residential; and on land in the rural and conservation zones, being RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, C3 Environmental Management and C4 Environmental Living zones, under KLEP.

Objectives

Dual occupancy is designed, sited and serviced to:

1. Optimise land use and provide for additional affordable dwelling options on single allotments.
2. Ensure dual occupancy are compatible with existing housing and protect the local environment and the amenity of adjacent residents.
3. Facilitate the efficient utilisation of land for residential purposes and accommodate housing choice in residential zones that can meet the needs of all households.
4. Facilitate development of dual occupancy in rural and conservation zones only where consistent with the KLEP and where it does not impede the rural productive capabilities of the land.

The following desired outcomes and development control requirements in Table D2.6 prescribe how the above objectives can be met.

Table D2.6 – Dual Occupancy – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements	
1. Site Design		
Dual occupancy in the R1, R3 and R5 Zones		
Site Coverage 1.1 The proportion of a lot that is occupied by buildings or structures maintains allowable density and ensures adequate open space, for landscape, amenity and proper drainage of the site.	a. Development must comply with the specified limits for site coverage in accordance with the following Table D2.7 .	
	Table D2.7 – Site Coverage	
	Lot Size	Maximum site coverage (%)
	<300m ²	70
	300 - 500 m ²	65
	500 - 650 m ²	60
	650 - 800 m ²	55
>800 m ²	50	
Setbacks 1.2 Dual occupancy is set back at consistent distances of the immediately adjacent dwellings, to provide adequate space for landscaping, private recreation and off-street parking. 1.3 Dual occupancy is set back at consistent distances to minimise negative impacts	a. A minimum set back of five (5) metres shall be provided to the primary street frontage.	
	b. Some non-enclosed elements of a building’s front façade may protrude from that facade into the front boundary setback, to a maximum of one and a half (1.50) metres and not exceeding 25% of the building frontage width.	

Desired Outcome	Development Control Requirements
related to streetscape, privacy and overshadowing.	c. On a corner allotment, the setback to the secondary street frontage must be consistent with adjoining setbacks, but must not be less than three (3) metres. d. A minimum absolute setback of 900mm for side boundaries is achieved for single storey dual occupancy up to 5 metres in height (at the highest point of the roof). e. A minimum setback of one and a half (1.5) metres for side boundaries shall apply to the second storey and above. f. A minimum absolute setback of three (3) metres for rear boundaries is achieved for single storey dual occupancy up to 5 metres in height (at the highest point of the roof). g. Development is designed so that attached garages are setback a minimum six (6) metres from the property boundary or one (1) metre behind the house façade (whichever is the greater).
Dual occupancy in the RU1, RU2, RU4, C3 and C4 zones	
Site Coverage 1.4 The proportion of a lot that is occupied by buildings or structures maintains allowable density and ensures adequate open space, for landscape, amenity and proper drainage of the site.	a. The maximum area covered by all buildings and structures, does not exceed 50% of the lot area.
Setbacks 1.5 Dual occupancy has an appropriate setback from the street frontage to maintain safety and privacy.	a. Dual occupancy is set back a minimum eighteen (18) metres from the primary road frontage so as not to cause a visual intrusion on the rural or conservation area. b. A minimum setback of one and a half (1.5) metres for side boundaries and three (3) metres for rear boundaries shall apply.
Battle Axe Lots 1.6 Dual occupancy development is not permitted on battle-axe lots.	a. The application must demonstrate the achievement of this Desired Outcome.
Suitability of Use 1.7 Development will not impair the use of the land for agriculture or rural industries. 1.8 Development occurring within the C3 or C4 zones will not compromise the environmental, biodiversity, scenic landscape or natural character values of the land.	a. The application must demonstrate the achievement of this Desired Outcome
The below provisions apply to dual occupancy in any zone	
Topography (earthworks) 1.9 Development is sited and designed to accommodate the natural slope and	a. Earthworks must not alter the existing ground level/natural topography where there are existing vegetation and trees to be preserved.

Desired Outcome	Development Control Requirements
orientation of the site and immediately adjacent land. 1.10 Earthworks associated with development do not negatively impact on the surrounding streetscape, adjoining properties or public assets.	b. Where existing trees are preserved, no earthworks are permitted closer to the trunk or main stem than the drip-line (canopy extent) of the tree. c. Earthworks must comply with KSC Infrastructure Delivery Guide and KSC AUS-SPECS requirements.
2. Development Design	
Building Form 2.1 Building siting, height, scale and roof form must not negatively impact the surrounding development, streetscape, topography and character. 2.2 Dual occupancies have the appearance of a single, integrated dwelling when viewed from the road.	a. Where a Height of Building Map applies, building height complies with the relevant height limit under the KLEP. b. The continuous length of a building wall or retaining wall greater than 1.8m in height shall be no more than fifteen (15) metres. c. Where building external wall/façade is longer than fifteen (15) metres in length, they must be articulated. The articulation of the external wall must be of minimum one (1) metre in depth and three (3) metres in length.
Passive Design 2.3 Dual occupancy is designed and constructed to maximise their liveability, amenity and sustainability through their orientation, sustainable building fabrics, thermal performance, energy generation/consumption and water collection, use and reuse. 2.4 Development achieves energy efficiency, through dwelling orientation, access to sunlight (generally: maximise in Winter, minimise in Summer), natural ventilation and the use of sustainable building fabrics.	a. Development should be designed and sited so that the living areas and major part of their private open space have a northern orientation and receive the maximum amount of sunlight in winter and provide the opportunity for planting trees for summer shading and amenity value. b. Development should be designed for energy efficiency by: - minimising the overall surface area through which heat gains and losses can occur and providing for insulation of the dwelling; - avoiding large expanses of glazing on south and west facing walls; - Maximising natural ventilation for summer cooling in summer by building orientation and width, and windows to funnel air flow and breezes. c. Windows on the northern side of dwellings (north facing habitable rooms or external living spaces of the dual occupancy) should be designed to maximise winter sun access and minimise summer sun access. d. Development should utilise sun protection devices, (i.e. deep eaves, screens, verandahs, pergolas, etc.) along western-facing walls to produce a comfortable microclimate in and around dwellings. e. A BASIX certificate is to be submitted for BASIX affected development.
Over-shadowing	Demonstrate that:

Desired Outcome	Development Control Requirements
2.5 Dual occupancy does not cause overshadowing of adjoining properties.	a. Building design achieves at least 3 hours of solar access to key living spaces/ private open spaces of the adjoining dwellings on 21 June. b. Where overshadowing may impact adjoining land, an applicant must prepare shadow diagrams showing solar access to neighbouring dwellings, private open space, solar collectors and panels on adjoining land and property. In complex and constricted situations Council may require hourly shadow simulations to be produced for detailed evaluation. Note - Such diagrams should be prepared by an architect, surveyor, engineer, or town planner and be based on a survey of the relevant site, development model and adjoining development.
Private open space (POS) 2.6 Developments must provide adequate private open space which ensures that the occupant has access to a private outdoor area for their sole use and enjoyment.	a. Development must be provided with a minimum private open space area in accordance with Table D2.8, which shall be directly accessible from the living areas of the dual occupancy. b. Private open space is to include a useable area that is not steeper than 1 in 8 and, where site conditions permit, contains a rectangle area with minimum dimensions of 4m by 4m. c. Any area within a side or rear setback less than 2 metres in width shall not be included when considering the area provided for private open space. d. Private open space (POS) areas enable an extension of the function of the dwelling for relaxation, dining, entertainment, recreation and children's play. e. The location and design of private open space takes into account the outlook and natural features of the site. j. The orientation of private open space should provide for maximum year-round use by receiving a minimum of three hours of sunlight between 9am and 3pm on 22 June. An applicant must prepare shadow diagrams showing solar access to private open space. In complex and constricted situations Council may require hourly shadow simulations to be produced for detailed evaluation. Note - Such diagrams should be prepared by an architect, surveyor, engineer, or town planner and be based on a survey of the relevant site, development model and adjoining development. f. Enclosing screen walls or fences ensure privacy for dwellings and courtyards by minimising overlooking from adjoining communal open space or accessways and other dwellings. g. Private open space may be located within the front setback where: i. front door access is provided; and ii. adequate provision is made for additional intensive landscaping within the property.

Desired Outcome	Development Control Requirements	
	Table D2.8 – Private Open Space	
	Lot Area	Private Open Space (POS) m ²
	< 300m ²	30m ²
	300-500m ²	40m ²
	500-650m ²	50m ²
	650-800m ²	60m ²
	> 800m ²	70m ²
Storage and utility function 2.7 Building design incorporates appropriate functional and storage spaces and areas for waste storage, transfer and disposal purposes.	a. Wall mounted air-conditioning units are not located higher than 1.8 metres above existing ground level and are to be set back a minimum of 450 millimetres from any boundary. b. Development is provided with suitable waste bin storage behind the building frontage . c. Waste storage and collection is to be managed wholly within the site. Waste bins and bulk waste storage areas are not to be located within the road reserve for collection purposes. d. Building utilities components, such as solar panels and solar collectors are suitably incorporated into the roof design and hot water tanks are enclosed within the building fabric.	
2.8 Development includes space and systems for waste management that ensures waste is collected, transported and/or disposed of in a lawful manner.	a. Development is provided with suitable waste bin storage, which is appropriately incorporated and screen from street view. b. Waste management facilities proposed as part of the development shall be clearly illustrated on the plans of the proposed development.	
3. Landscape and Public Realm		
Views and View Sharing 3.1 Where existing development enjoys desired views (e.g. water, ocean views, views of forest, hills and mountains etc), new development is designed and sited so that at least a part of the desired view is visible from the existing development, where practicable. 3.2 Development provides for reasonably equitable sharing of views, between neighbouring properties, of water, ocean, forest, hills/mountains.	a. Development is to allow for the reasonable sharing of views with neighbouring dwellings and/or development. b. The built form of development is to provide a transition to adjacent residential development, including reasonable setbacks from side and rear boundaries, particularly at the first floor level to allowed for view sharing. c. An assessment of current view(s), viewpoints and impact (refer Part E – Appendix 1 “View Sharing”) along with graphic / modelled simulations may be necessary to support the application to Council’s requirements.	
Landscape	a. Development provides a landscaped area that complements the design of the dual occupancy.	

Desired Outcome	Development Control Requirements		
3.3 Development incorporates landscape features to enhance the dual occupancy’s function and appearance.	including trees and vegetation for privacy, shade and amenity.		
3.4 Existing mature trees should be preserved.	b. Development provides for external clothes drying area. This should not be visible from the street.		
3.5 Landscape design is complementary to the building design and surroundings.	c. Development provides a minimum landscaped area as outlined in Table D2.9 and maintains the remaining areas to be free from weed and pest species.		
	d. Landscaping requirements are in addition to private open space.		
	Table D2.9 –Landscape requirements		
	Lot Area	Landscape Site Area	
		Landscaped Area minimum (%) of lot)	Deep Soil Zone DSZ Minimum (%) of lot)
	< 300m²	25	20
	300-500m²	30	25
	500-650m²	35	30
	650-800m²	40	35
	> 800m²	45	40
Deep Soil Zones			
3.6 Deep soil zones are provided to allow for landscape planting (trees), the infiltration of rainwater to the groundwater table and to reduce site stormwater runoff.	a. Deep soil zones must have soft landscape applied, and cannot be covered by impervious surfaces; courts, buildings or other structures, nor can they be located on-structure such as over basements or as planter boxes.		
Public Realm – primary street elevation			
3.7 Development incorporates features which enhance privacy for the dwelling house, while maximising street surveillance.	a. Development is designed to provide street elevations that feature at least 1 main entry door and 1 major window to a living area or bedroom, to provide for visibility and street surveillance.		
	b. Laundry or bathroom windows are not prominent features of the primary street elevation.		
	c. Development allows appropriate passive surveillance to the public realm.		
4. Access and Vehicle Parking			
Access and Parking			
4.1 Development provides appropriate access to the public road network and off-street parking.	a. Driveway locations, dimensions and finished levels comply with the KSC Infrastructure Delivery Guide and AUS-SPECs.		
	b. Development will use the same vehicular access to and from a public road.		
	c. Driveways adjoining a primary or secondary street must be designed to avoid roadside stormwater encroaching onto private property.		
	d. All development is to provide on-site parking at the appropriate rate (refer Part E – Appendix 4). At least one (1) car parking space shall be behind the building line.		

Desired Outcome	Development Control Requirements
	e. Vehicle parking spaces are designed to comply with the KSC Infrastructure Delivery Guide and AUS-SPECs. Note: A separate application is required to be lodged with Council and approved for the construction of any layback and cross over of the road verge in accordance with the <i>Roads Act 1993</i>.
5. Amenity and Environment	
Privacy 5.1 Development enhances visual privacy of the dual occupancy and mitigates visual impacts on the directly adjacent properties.	a. Windows on dual occupancies on sloping sites are offset from windows of adjacent dwelling houses. b. Second storey windows, balconies and decks are not situated directly opposite windows of primary living rooms in any adjoining dwellings or private open space areas of adjoining dwellings. c. Where the window is less than 6 metres from a side or rear boundary adjacent to a residential property, a privacy screen or obscure glass must be provided for any part of a second storey window that is less than 1.5 metres above the second storey finished floor level.
Noise 5.2 Development mitigates noise impacts on directly adjacent properties.	a. The application must demonstrate the achievement of this Desired Outcome.
Environment 5.3 Development protects the environmental features, values and amenity qualities of the site and immediate surrounds. 5.4 Development in a rural zone will not have a significant adverse impact on the scenic amenity or character of the rural environment.	a. Development minimises the removal of existing trees and vegetation on site. b. Existing street trees are retained wherever possible (small trees may be relocated within the property frontage street verge, on approval of Council).
6. Stormwater Management	
Stormwater Management 6.1 Stormwater from development is managed onsite to an acceptable, practical level. Stormwater in excess of this level must be properly drained to a legal point of discharge without causing adverse impacts on public drainage infrastructure, downslope properties or the quality of receiving waters.	a. Development shall be accompanied by a Stormwater Management Plan. b. The Stormwater Management Plan shall adopt the Major/Minor Concept as well as conservation of pre-existing flows to post development flow. c. Stormwater drainage systems shall be designed using the relevant Australian Rainfall and Runoff standards, where the minor system shall be capable of carrying the controlling flows from frequent runoff events, while the major system shall provide safe, well-defined overland flow paths for rare and extreme storm runoff events. d. All stormwater overflow generated by development after stormwater management on site must be managed on-site where possible for an AEP of 10%.

Desired Outcome	Development Control Requirements
	Stormwater from events in excess of that must be drained to a legal point of discharge. e. Where no legal point of discharge is available the development may need to provide infiltration design or on-site detention. f. Stormwater management should maximise the use of natural infiltration solutions to minimise the costs of maintaining man-made systems. g. The use of such infiltration solutions such as deep soils zones, rain gardens and soakaway pits, permeable surfaces or other similar treatments for stormwater management are encouraged. h. Development that incorporates a water tank(s), detention ponds, into the stormwater management system must comply with the following: i. The water tank system, including roof area, tank inlet pipe size, tank storage capacity and tank outlet pipe size, must be suitably sized to accommodate stormwater in a 5% AEP, with all overflow being directed to a legal point of discharge, suitably sized rubble drain or properly constructed drainage channel, at least 3 metres clear of buildings. ii. Stormwater from driveways and hardstand areas is directed away from the water tank(s) and is properly managed to a legal point of discharge in accordance with this Part. iii. Tanks and fittings comply with Planning for Bushfire Protection, as applicable. i. Suitable easements are provided for public stormwater infrastructure within properties.
7. Utilities	
7.1 Infrastructure is adequate to service the needs of the development and, where required, are upgraded or provide new infrastructure to meet the increase in demand generated by the development.	a. All utilities and services are to be designed in accordance with relevant statutory requirements, including KSC Infrastructure Delivery Guide and KSC AUS-SPECs.
7.2 Suitable water services are provided for the development.	a. Development is connected to a reticulated water supply main where available via a minimum service to KSC requirements and KSC Water Meter. b. Suitable easements are provided for public water infrastructure within properties. c. The developer meets the full cost of water reticulations, plus the cost of connecting to the existing services.
7.3 Suitable electricity services are provided to service the development.	a. Electricity services are provided to the development in accordance with requirements of the relevant authority and at the full cost of the developer. b. Electricity services are provided underground

Desired Outcome	Development Control Requirements
	wherever possible.
7.4 Suitable sewerage services are provided for the development.	a. Development is connected to a reticulated sewer main where available. If unsewered, an on-site effluent management system is installed that complies with the following: i. Relevant Australian Standards for On-site Domestic Wastewater Management. ii. NSW Environment and Health Protection Guidelines. b. Suitable easements are provided for sewerage infrastructure within properties. c. Where the development is in near proximity to an existing sewerage area or where in the opinion of the State government or Council, the land is unsuitable for onsite disposal of effluent, connection to the existing sewerage system will be required. d. An On-site Sewage Management Assessment Report to support sewage treatment proposals is to accompany an application for this type of development (refer also Part E - Appendix 6 and KSC policy strategies and guidelines for relevant information). e. Development is designed so that an area remote from any watercourse and downhill of potential home sites is available for effluent disposal. f. The developer meets the full cost of sewer reticulations, plus the cost of connecting to the existing services.
7.5 Suitable telecommunication services are provided for the development.	a. Telecommunication services are provided to each dwelling, where available. b. Where a telecommunications network is available to the site, applicants provide written confirmation from the relevant network provider stating that satisfactory arrangements have been made for connection, prior to the commencement of the use.

D2.4 Secondary Dwellings

Application

This section applies to secondary dwellings on land in the urban zones, being R1 General Residential, R3 Medium Density and R5 Large Lot Residential; and on land in the rural and conservation zones, being RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, C3 Environmental Management and C4 Environmental Living zones, under KLEP.

Objectives

Secondary dwellings are designed, sited and serviced to:

1. Optimise land use and provide for additional affordable dwelling options where a secondary dwelling is subordinate to and located on the same lot as an existing dwelling house.
2. Ensure secondary dwellings are compatible with existing housing and protect the local environment and the amenity of adjacent residents.
3. Facilitate the efficient utilisation of land for residential purposes and accommodate housing choice in residential zones that can meet the needs of all households.
4. Facilitate development of secondary dwellings in rural and conservation zones consistent with the KLEP and only where it does not impede the rural productive capabilities of the land.

The following desired outcomes and development control requirements in Table D2.10 prescribe how the above objectives can be met.

Table D2.10 – Secondary Dwelling – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. Site Design	
Site Coverage	
1.1 The proportion of a lot that is occupied by buildings or structures maintains allowable density and ensures adequate open space, for landscape, amenity and proper drainage of the site.	a. The total GFA of the secondary dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater— i. 60m²; or ii. 30% of the total GFA of the principal dwelling.
Setbacks	
1.2 Secondary dwelling is set back at consistent distances of the immediately adjacent dwellings, to provide adequate space for landscaping, private recreation and off-street parking. 1.3 Secondary dwelling is set back at consistent distances to minimise negative impacts related to streetscape, privacy and overshadowing.	a. Secondary dwelling maintains a setback to the primary street frontage that is consistent with the principal dwelling on the site. b. On a corner allotment, the setback to the secondary street frontage must be consistent with adjoining setbacks, but must not be less than 3 metres. c. A minimum absolute setback of 900mm for side boundaries is achieved for single storey secondary dwelling up to 5 metres in height (at the highest point of the roof). d. A minimum setback of 1.5 metres for side boundaries shall apply to the second storey and above. e. A minimum setback of 3 metres for rear boundaries is achieved. f. Development is designed so that attached garages are setback a minimum 6 metres from the property

Desired Outcome	Development Control Requirements
	boundary or 1 metre behind the house façade (whichever is the greater).
Suitability of Use 1.4 Where within a rural zone, development will not impair the use of the land for agriculture or rural industries. 1.5 Development occurring within the C3 or C4 zones will not compromise the environmental, biodiversity, scenic landscape or natural character values of the land.	a. The application must demonstrate the achievement of this Desired Outcome.
Topography (earthworks) 1.6 Development is sited and designed to accommodate the natural slope and orientation of the site and immediately adjacent land. 1.7 Earthworks associated with development do not negatively impact on the surrounding streetscape, adjoining properties or public assets.	a. Earthworks must not alter the existing ground level/natural topography where there are existing vegetation and trees to be preserved. b. Where existing trees are preserved, no earthworks are permitted closer to the trunk or main stem than the drip-line (canopy extent) of the tree. c. Earthworks must not exceed a cut or fill of greater than 1.50 metres depth/height from the existing ground level/natural topography of the site, or be assessed by a suitably qualified engineer. d. Cut and fill batters shall not exceed a slope of 1:3 (volume: height). e. Cut and fill batters and retaining walls outside the building footprint must be landscaped to mitigate visual impacts. f. Earthworks must comply with KSC Infrastructure Delivery Guide and KSC AUS-SPECS requirements.
2. Development Design	
Building Form 2.1 Building siting, height, scale and roof form must not negatively impact the surrounding development, streetscape, topography and character.	a. Where a Height of Building Map applies, building height complies with the relevant height limit under the KLEP. b. The continuous length of a building wall or retaining wall greater than 1.8m in height shall be no more than fifteen (15) metres. c. Where building external wall/façade is longer than fifteen (15) metres in length, they must be articulated. The articulation of the external wall must be of minimum one (1) metre in depth and three (3) metres in length.
2.2 Secondary dwellings have the appearance of a single, integrated dwelling with the principal dwelling, when viewed from the road.	a. Secondary dwellings are located behind the building line of the principal dwelling on the site. b. A secondary dwelling development appears part of the principal dwelling when viewed from the road. c. Both the secondary dwelling and the principal dwelling are generally either: i. Under one roof; or

Desired Outcome	Development Control Requirements
	ii. Are within 5 metres of each other and joined by a patio or breezeway covered by a roof. The roof shall extend for the full length of one of the two attached dwellings. d. Both dwellings share a common driveway crossover at the property frontage. Driveways to each dwelling may diverge within the property boundaries.
Passive Design 2.3 Secondary dwellings are designed and constructed to maximise their liveability, amenity and sustainability through their orientation, sustainable building fabrics, thermal performance, energy generation/consumption and water collection, use and reuse. 2.4 Development achieves energy efficiency, through dwelling orientation, access to sunlight (generally: maximise in Winter, minimise in Summer), natural ventilation and the use of sustainable building fabrics.	a. Development should be designed and sited so that the living areas and major part of their private open space have a northern orientation and receive the maximum amount of sunlight in winter and provide the opportunity for planting trees for summer shading and amenity value. b. Development should be designed for energy efficiency by: i. minimising the overall surface area through which heat gains and losses can occur and providing for insulation of the dwellings; ii. avoiding large expanses of glazing on south and west facing walls; iii. Maximising natural ventilation for summer cooling in summer by building orientation and width, and windows to funnel air flow and breezes. c. Windows on the northern side of dwellings (north facing habitable rooms or external living spaces of the secondary dwelling) should be designed to maximise winter sun access and minimise summer sun access. d. Development should utilise sun protection devices, (i.e. deep eaves, screens, verandahs, pergolas, etc.) along western-facing walls to produce a comfortable microclimate in and around dwellings. e. A BASIX certificate is to be submitted for BASIX affected development.
Over-shadowing 2.5 Secondary dwellings do not cause overshadowing of adjoining properties.	Demonstrate that: a. Building design achieves at least 3 hours of solar access to key living spaces/ private open spaces of dwellings on adjoining land on 21 June. b. Where overshadowing may impact adjoining land, an applicant must prepare shadow diagrams showing solar access to neighbouring dwellings, private open space, solar collectors and panels on adjoining land and property. In complex and constricted situations Council may require hourly shadow simulations to be produced for detailed evaluation.

Desired Outcome	Development Control Requirements
	Note - Such diagrams should be prepared by an architect, surveyor, engineer, or town planner and be based on a survey of the relevant site, development model and adjoining development.
Private open space (POS) 2.6 Developments must provide adequate private open space which ensures that the occupant has access to a private outdoor area for their sole use and enjoyment.	a. Development must be provided with a private open space area, which shall be directly accessible from the living areas of the dwelling. b. Private open space is to include a useable area that is not steeper than 1 in 8 and, where site conditions permit, contains a rectangle area with minimum dimensions of 4m by 4m. c. Any area within a side or rear setback less than 2 metres in width shall not be included when considering the area provided for private open space. d. Private open space (POS) areas enable an extension of the function of the dwelling for relaxation, dining, entertainment, recreation and children's play. e. The location and design of private open space takes into account the outlook and natural features of the site. f. The orientation of private open space should provide for maximum year-round use by receiving a minimum of three hours of sunlight between 9am and 3pm on 22 June. An applicant must prepare shadow diagrams showing solar access to private open space. In complex and constricted situations Council may require hourly shadow simulations to be produced for detailed evaluation. Note - Such diagrams should be prepared by an architect, surveyor, engineer, or town planner and be based on a survey of the relevant site, development model and adjoining development. g. Enclosing screen walls or fences ensure privacy for dwellings and courtyards by minimising overlooking from adjoining communal open space or accessways and other dwellings. h. Private open space may be located within the front setback where: i. front door access is provided; and ii. adequate provision is made for additional intensive landscaping within the property.
Storage and utility function 2.7 Building design incorporates appropriate functional and storage spaces and areas for waste storage, transfer and disposal purposes.	a. Wall mounted air-conditioning units are not located higher than 1.8 metres above existing ground level and are to be set back a minimum of 450 millimetres from any boundary. b. Development is provided with suitable waste bin storage behind the building frontage .

Desired Outcome	Development Control Requirements
	c. Waste storage and collection is to be managed wholly within the site. Waste bins and bulk waste storage areas are not to be located within the road reserve for collection purposes. d. Building utilities components, such as solar panels and solar collectors are suitably incorporated into the roof design and hot water tanks are enclosed within the building fabric.
2.8 Development includes space and systems for waste management that ensures waste is collected, transported and/or disposed of in a lawful manner.	a. Development is provided with suitable waste bin storage, which is appropriately incorporated and screen from street view. b. Waste management facilities proposed as part of the development shall be clearly illustrated on the plans of the proposed development.
3. Landscape and Public Realm	
Views and View Sharing 3.1 Where existing development enjoys desired views (e.g. water, ocean views, views of forest, hills and mountains etc), new development is designed and sited so that at least a part of the desired view is visible from the existing development, where practicable. 3.2 Development provides for reasonably equitable sharing of views, between neighbouring properties, of water, ocean, forest, hills/mountains.	a. Development is to allow for the reasonable sharing of views with neighbouring dwellings and/or development. b. The built form of development is to provide a transition to adjacent residential development, including reasonable setbacks from side and rear boundaries, particularly at the first floor level to allowed for view sharing. c. An assessment of current view(s), viewpoints and impact (refer Part E - Appendix 1 "View Sharing") along with graphic / modelled simulations may be necessary to support the application to Council's requirements.
Landscape 3.3 Development incorporates landscape features to enhance the secondary dwelling's function and appearance. 3.4 Existing mature trees should be preserved. 3.5 Landscape design is complementary to the building design and surroundings.	a. Development provides a landscaped area that complements the design of the secondary dwelling, including trees and vegetation for privacy, shade and amenity. b. Development provides for external clothes drying area. This should not be visible from the street. c. Development provides a minimum landscaped area of 25% of the GFA of the secondary dwelling or 20m², whichever is the greater and maintains the remaining areas to be free from weed and pest species. d. Landscaping requirements are in addition to private open space.
Public Realm – primary street elevation 3.6 Development incorporates features which enhance privacy for the secondary dwelling, while maximising street surveillance.	a. Laundry or bathroom windows are not prominent features of the primary street elevation. b. Development allows appropriate passive surveillance to the public realm, where possible.

Desired Outcome	Development Control Requirements
4. Access and Vehicle Parking	
Access and Parking 4.1 Development provides appropriate access to the public road network and off-street parking.	a. Driveway locations, dimensions and finished levels comply with the KSC Infrastructure Delivery Guide and AUS-SPECs. b. Development will use the same vehicular access as the principal dwelling to and from a public road. c. Driveways adjoining a primary or secondary street must be designed to avoid roadside stormwater encroaching onto private property. d. All development is to provide on-site parking at the appropriate rate (refer Part E – Appendix 4). At least one (1) car parking space shall be behind the building line. e. Vehicle parking spaces are designed to comply with the KSC Infrastructure Delivery Guide and AUS-SPECs. Note: A separate application is required to be lodged with Council and approved for the construction of any layback and cross over of the road verge in accordance with the <i>Roads Act 1993</i>.
5. Amenity and Environment	
Privacy 5.1 Development enhances visual privacy of the secondary dwelling and mitigates visual impacts on the directly adjacent properties.	a. The application must demonstrate the achievement of this Desired Outcome.
Noise 5.2 Development mitigates noise impacts on directly adjacent properties.	a. The application must demonstrate the achievement of this Desired Outcome.
Environment 5.3 Development protects the environmental features, values and amenity qualities of the site and immediate surrounds. 5.4 Development of a secondary dwelling in a rural zone will not have a significant adverse impact on the scenic amenity or character of the rural environment.	a. Development minimises the removal of existing trees and vegetation on site. b. Existing street trees are retained wherever possible (small trees may be relocated within the property frontage street verge, on approval of Council).
6. Stormwater Management	
Stormwater Management 6.1 Stormwater from development is managed onsite to an acceptable, practical level. Stormwater in excess of this level must be properly drained to a legal point of discharge without causing adverse impacts on public drainage infrastructure, downslope properties or the quality of receiving waters.	a. Development shall be accompanied by a Stormwater Management Plan. b. The Stormwater Management Plan shall adopt the Major/Minor Concept as well as conservation of pre-existing flows to post development flow. c. Stormwater drainage systems shall be designed using the relevant Australian Rainfall and Runoff standards, where the minor system shall be capable of carrying the controlling flows from frequent runoff events, while the major system shall provide safe, well-defined overland flow paths for rare and extreme storm runoff events.

Desired Outcome	Development Control Requirements
	d. All stormwater overflow generated by development after stormwater management on site must be managed on-site where possible for an AEP of 10%. Stormwater from events in excess of that must be drained to a legal point of discharge. e. Where no legal point of discharge is available the development may need to provide infiltration design or on-site detention. f. Stormwater management should maximise the use of natural infiltration solutions to minimise the costs of maintaining man-made systems. g. The use of such infiltration solutions such as deep soils zones, rain gardens and soakaway pits, permeable surfaces or other similar treatments for stormwater management are encouraged. h. Development that incorporates a water tank(s), detention ponds, into the stormwater management system must comply with the following: i. The water tank system, including roof area, tank inlet pipe size, tank storage capacity and tank outlet pipe size, must be suitably sized to accommodate stormwater in a 5% AEP, with all overflow being directed to a legal point of discharge, suitably sized rubble drain or properly constructed drainage channel, at least 3 metres clear of buildings. ii. Stormwater from driveways and hardstand areas is directed away from the water tank(s) and is properly managed to a legal point of discharge in accordance with this Part. iii. Tanks and fittings comply with Planning for Bushfire Protection, as applicable. i. Suitable easements are provided for public stormwater infrastructure within properties.
7. Utilities	
7.1 Infrastructure is adequate to service the needs of the development and, where required, are upgraded or provide new infrastructure to meet the increase in demand generated by the development.	a. All utilities and services are to be designed in accordance with relevant statutory requirements, including KSC Infrastructure Delivery Guide and KSC AUS-SPECs
7.2 Suitable water services are provided for the development.	a. Development is connected to a reticulated water supply main where available via a minimum service to KSC requirements and KSC Water Meter. b. Suitable easements are provided for public water infrastructure within properties. c. The developer meets the full cost of water reticulations, plus the cost of connecting to the existing services.
7.3 Suitable electricity services are provided to service the development.	a. Electricity services are provided to the development in accordance with requirements of the relevant authority and at the full cost of the developer.

Desired Outcome	Development Control Requirements
	b. Electricity services are provided underground wherever possible.
7.4 Suitable sewerage services are provided for the development.	a. Development is connected to a reticulated sewer main where available. If unsewered, an on-site effluent management system is installed that complies with the following: i. Relevant Australian Standards for On-site Domestic Wastewater Management. ii. NSW Environment and Health Protection Guidelines. b. Suitable easements are provided for sewerage infrastructure within properties. c. Where the development is in near proximity to an existing sewer area or where in the opinion of the State government or Council, the land is unsuitable for onsite disposal of effluent, connection to the existing sewerage system will be required. d. An On-site Sewage Management Assessment Report to support sewage treatment proposals is to accompany an application for this type of development (refer also Part E – Appendix 6 and KSC policy strategies and guidelines for relevant information). e. Development is designed so that an area remote from any watercourse and downhill of potential home sites is available for effluent disposal. f. The developer meets the full cost of sewer reticulations, plus the cost of connecting to the existing services.
7.5 Suitable telecommunication services are provided for the development.	a. Telecommunication services are provided to each dwelling, where available. b. Where a telecommunications network is available to the site, applicants provide written confirmation from the relevant network provider stating that satisfactory arrangements have been made for connection, prior to the commencement of the use.

D2.5 Multi-dwelling Development

Application

This section applies to multi-dwelling housing; attached dwellings, semi-detached dwellings and any alterations and additions to any of the above which occurs on lands in R1 General Residential and R3 Medium Density Residential under the Kempsey Local Environmental Plan (KLEP).

Objectives

1. Multi-dwelling development is designed, sited and serviced to optimise land use and dwelling yields for more efficient and effective use of land, infrastructure and services, whilst protecting residential amenity and maintaining residential areas as desirable places to live.
2. Multi-dwelling development optimises land use and provides for additional affordable dwelling options.
3. Multi-dwelling development provides for wider housing choices in residential zones where there are minimal development constraints.
4. Development encourages site usage and innovative and energy efficient building design.

The following desired outcomes and development control requirements in Table D2.11 prescribe how the above objectives can be met.

Note: The residential densities specified in the table below will be a fundamental determinant of the dwelling yield achievable on an individual lot. Multi-dwelling developments shall, for each 1, 2, 3, 4 or 5+ bedroom dwelling proposed, have a site area of not less than that indicated in Column 3 of the following table. The accommodation/site area table is calculated on the number of bedrooms per dwelling (attached dwellings, semi-detached dwellings or detached dwellings).

b) Private landscaped area of not less than that indicated in Columns 4 and 5 of Table D2.12 is to be provided on each development site. Note – The site area for every individual dwelling must accommodate the minimum landscape, private open space and deep soil zone (DSZ) areas.

c) A common landscape area or areas such as shared driveway, storage, service and/or utility areas may be necessary for the functioning of the proposed multi-dwelling development. Such area or areas shall not be counted as forming any part of the Landscape private open space (POS) or deep soil zone (DSZ) requirements for each dwelling (each dwelling's site area). Such areas may be utilized for on-site stormwater management purposes.

Table D2.11 – Multi-dwelling Developments – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. Site design	
Site Coverage	
1.1 The scale of multi-dwelling development is appropriate for the size of the site.	a. Site lot frontage is not less than eighteen (18) metres at the building line. b. Site area complies with the requirements of KLEP and the following requirements in Table D2.12 .

Table D2.12 – Residential Density Requirements

Residential Density	Each Dwelling Size	Minimum Site Area (for each dwelling)	Landscape (Lasc), private open space (POS) & Deep Soil Zone (DSZ)/on-site stormwater management requirements (for each dwelling's site area)	
Multi-dwelling	1 Bedroom	170 m ²	Min (%)	20%
			Lasc/POS	3.0 X 3.0m (9.0 m ²)
			Deep Soil Zone	7.0m ²

Desired Outcome			Development Control Requirements			
development type/ no.	2 Bedrooms	240 m ²	Min (%)	25%		
			Lasc/POS	4.0 X 4.0m (16.0 m ²)		
			Deep Soil Zone	14.0m ²		
	3 Bedrooms	330 m ²	Min (%)	25%		
			Lasc/POS	5.0 X 5.0m (25.0 m ²)		
			Deep Soil Zone	25.0m ²		
	4 Bedrooms	420 m ²	Min (%)	30%		
			Lasc/POS	5.0 X 5.0m (25.0 m ²)		
			Deep Soil Zone	80.0m ²		
	5+ Bedrooms	500 m ²	Min (%)	40%		
			Lasc/POS	5.0 X 6.0m (30 m ²)		
			Deep Soil Zone	140.0m ²		
Setbacks						
1.2 Development is set back at consistent distances to minimise impacts related to streetscape, overshadowing and privacy and to provide adequate space for landscaping and private recreation.			a. Building setbacks comply with Table D2.13 .			
			Table D2.13 - Setbacks			
			Boundary	Scenario	<600m² lot	>600m² lot
			Primary Road	Single storey	Average building line or 4.5m	Average building line or 6m
				> single storey	6m, or as approved by Council	6m, or as approved by Council
			Side boundary	Single storey	0.9m or BCA	0.9m or BCA
				> single storey	1.5m or BCA	1.5m or BCA
			Rear boundary	Single storey	3m	5m
				> single storey	5m	8m
Topography (earthworks)						
1.3 Dwellings are sited and designed to accommodate the natural slope and orientation of the site and immediately adjacent land.			a. Earthworks must not alter the existing ground level/natural topography where there are existing vegetation and trees to be preserved.			
1.4 Earthworks associated with development do not negatively impact on the surrounding streetscape, adjoining properties or public assets.			b. Where existing trees are preserved, no earthworks shall be permitted closer to the trunk or main stem than the drip-line (canopy extent) of the tree.			
			c. Earthworks must not exceed a cut or fill of greater than 1.50 metres depth/height from the existing ground level/natural topography of the site, or be assessed by a suitably qualified engineer.			
			d. Cut and fill batters shall not exceed a slope of 1:3 (volume: height).			

Desired Outcome	Development Control Requirements
	e. Cut and fill batters and retaining walls outside the building footprint shall be landscaped to mitigate visual impacts f. Earthworks must comply with KSC Infrastructure Delivery Guide and KSC AUS-SPECS requirements.
2. Development Design	
Building form 2.1 Building siting, height, scale and roof form must not negatively impact the surrounding development, streetscape, topography and character.	a. A site analysis plan must be prepared, demonstrating that development considers and addresses the contributing landscape, streetscape and neighbouring building elements that contribute to the area. b. Where a Height of Building Map applies, building height complies with the relevant height limit under the KLEP. c. The continuous length of a building wall or retaining wall greater than 1.8m in height shall be no more than twenty (20) metres. d. Where building external wall/façade is longer than fifteen (15) metres in length, they must be articulated. The articulation of the external wall must be of minimum one (1) metre in depth and three (3) metres in length.
Passive Design 2.2 Development is designed and constructed to maximise their liveability, amenity and sustainability through their orientation, sustainable building fabrics, thermal performance, energy generation/consumption and water collection, use and reuse. 2.3 Development achieves energy efficiency, through dwelling orientation, access to sunlight (generally: maximise in Winter, minimise in Summer), natural ventilation and the use of sustainable building fabrics.	a. Development should be designed and sited so that the living areas and major part of their private open space have a northern orientation and receive the maximum amount of sunlight in winter and provide the opportunity for planting trees for summer shading and amenity value. b. Development should be designed for energy efficiency by: i. minimising the overall surface area through which heat gains and losses can occur and providing for insulation of the dwellings; ii. avoiding large expanses of glazing on south and west facing walls; iii. maximising natural ventilation for summer cooling in summer by building orientation and width, and windows to funnel air flow and breezes. c. Windows on the northern side of dwellings (north facing habitable rooms or external living spaces of the multi-dwelling development) should be designed to maximise winter sun access and minimise summer sun access. d. Development should utilise sun protection devices, (i.e. deep eaves, screens, verandahs, pergolas, etc.) along western-facing walls to

Desired Outcome	Development Control Requirements
	produce a comfortable microclimate in and around dwellings. e. A BASIX certificate is to be submitted for BASIX affected development.
Over-shadowing 2.4 Development does not cause overshadowing of adjoining properties.	Demonstrate that: a. Building design achieves at least 3 hours of solar access to key living spaces/ private open spaces of the adjoining dwellings on 21 June. b. Where overshadowing may impact adjoining land, an applicant must prepare shadow diagrams showing solar access to neighbouring dwellings, private open space, solar collectors and panels on adjoining land and property. In complex and constricted situations Council may require hourly shadow simulations to be produced for detailed evaluation. Note - Such diagrams should be prepared by an architect, surveyor, engineer, or town planner and be based on a survey of the relevant site, development model and adjoining development.
Private open space (POS) 2.5 Developments must provide adequate private open space which ensures that the occupant has access to a private outdoor area for their sole use and enjoyment.	a. Private open space (POS) areas enable an extension of the function of the dwelling for relaxation, dining, entertainment, recreation and children's play. b. The location and design of private open space takes into account the outlook and natural features of the site. c. The orientation of private open space should provide for maximum year-round use by receiving a minimum of three hours of sunlight between 9am and 3pm on 22 June. An applicant must prepare shadow diagrams showing solar access to private open space. In complex and constricted situations Council may require hourly shadow simulations to be produced for detailed evaluation. Note - Such diagrams should be prepared by an architect, surveyor, engineer, or town planner and be based on a survey of the relevant site, development model and adjoining development. d. Enclosing screen walls or fences ensure privacy for dwellings and courtyards by minimising overlooking from adjoining communal open space or accessways and other dwellings. e. Private open space may be located within the front setback where: - front door access is provided; and - adequate provision is made for additional intensive landscaping within the property.

Desired Outcome	Development Control Requirements
	f. Clothes drying areas must not be visible from the street. Ground Level g. Each ground floor dwelling is to be provided with a minimum private open space area as per Table D2.12, which shall be directly accessible from the living areas of dwellings. h. Private open space is to include a useable area that is not steeper than 1 in 8 and, where site conditions permit, contains a rectangle area with minimum dimensions of 4m by 4m. i. Any area within a side or rear setback less than 2 metres in width shall not be included when considering the area provided for private open space. Above Ground Level j. Where the dwelling is located wholly above ground level, roof decks, balconies and verandahs for each dwelling can contribute to private open space requirements provided: i. each roof deck or balcony is not less than 15m² in area; ii. the minimum width of a roof deck or balcony is greater than 2 metres for more than 80% of its area; and iii. The roof deck (or balcony) immediately adjoins, and is directly accessible from, the living area of the unit at the same level where possible. k. All balconies are designed to be accessible/ useable.
Communal open space 2.6 Development provides suitably sized communal open space to enhance the amenity of residents and is designed to maximise and promote safety and social interaction between residents.	a. Where 10 or more dwellings are proposed, provide active communal open space with a minimum area of 5% of the site area and with a minimum dimension of 8m. b. The active communal open space area receives at least two hours of direct sunlight between 9am and 3pm at the winter solstice to 50% of the required area. c. Communal open spaces are visible from habitable rooms and private open space while maintaining visual privacy for dwellings. d. Public through site links have direct line of sight between public streets. e. Daylight and natural ventilation are provided to all common circulation spaces above ground. f. Lighting is provided to common spaces.
Storage and utility function	

Desired Outcome	Development Control Requirements
2.7 Building design incorporates appropriate functional and storage spaces and areas for waste storage, transfer and disposal purposes.	a. Wall mounted air-conditioning units are not located higher than 1.8 metres above existing ground level and are to be set back a minimum of 450 millimetres from any boundary. b. Wall mounted air-conditioning units and water cylinders are appropriately screened/insulated. c. . d. Development is provided with suitable waste bin storage behind the building frontage. e. Waste storage and collection is to be managed wholly within the site. Waste bins and bulk waste storage areas are not to be located within the road reserve for collection purposes. f. Where shared or bulk waste containers are proposed, the site is to provide suitable access and manoeuvring areas to allow waste collection vehicles to enter and leave the site in a forward direction. g. Building utilities components, such as solar panels and solar collectors are suitably incorporated into the roof design and hot water tanks are enclosed within the building fabric. h. Development is provided with letter boxes (unit number and street numbering) for each dwelling in accordance with the relevant Australian Standards. i. Where communal entry spaces are provided for Multi-dwelling development, these are to be highly visible and accessible to visitors.
2.8 Development includes systems for waste management that ensures waste is collected, transported and/or disposed of in a lawful manner.	a. A development application must be accompanied by a Statement of Environmental Effects (SEE), which includes a Site Waste Management Plan (SWMP) as the information detailing compliance with waste management requirements. The SWMP is to outline measures to minimise and manage waste generated by and through ongoing use of the site/ premises/ development including: i. volume and type of waste and recyclables to be generated; ii. storage and treatment of waste and recyclables on site; iii. disposal of residual waste and recyclables; and iv. operational procedures for ongoing waste management for the completed development. b. The SWMP identifies the method of recycling or disposal and the waste management service provider. c. Waste management facilities proposed as part of the development shall be clearly illustrated on the plans of the proposed development, accompanying the development application (DA).
2.9 Development provides space, storage, amenity and management of waste management facilities.	
2.10 Development includes waste management systems are compatible with collection services.	

Building Design and safety

- 2.11 Development incorporates design features which reduces the opportunity for crimes to be committed against people and property.

- a. Development incorporates features which enhance privacy for residential dwellings, while maximising appropriate street surveillance.

Car Parking

- b. Landscaping/vegetation shall enhance safety by maximising the visibility of cars.
- c. Paths between buildings and car parks should be well lit and obvious to ensure safe pedestrian access.
- d. Lighting utilised in car parks should be in accordance with relevant Australian Standards.
- e. Car parks should be sited to permit maximum opportunities for surveillance from both users of the current development and passers-by.
- f. Where possible, sites should be planned to avoid the creation of remote and potentially unsafe areas e.g. isolated and obscured car parking at the rear of a site.

Landscape

- g. Landscape should not block opportunities for surveillance or provide opportunities for concealment (e.g. ground covers and well maintained shrubs) and afford shade and comfort without limiting observation opportunities (e.g. tall trees with low branches removed to a height of 1.8m).

Blind corners should be avoided (e.g. by installing mirrors, by building corners from clear materials or by designing curves or angles in place of 90 degree corners).

Private spaces

- h. Private spaces such as court yards, stairwells and parking bays should be clearly identified to reduce use by undesirable users and may include the use of pavers, varied textured paths, fencing, log barriers, landscaping and others.
- i. Private spaces should be clearly distinguished from public areas.
- j. Accommodation units should be designed to allow people within the units to observe and monitor communal areas within the development and the street area, eg. car parks, swimming pool areas, gardens etc.

Lighting

- k. Lighting should be provided within the site. Areas requiring lighting should include driveways, property entrances, parking areas, footpaths, communal service areas (eg. rubbish bin bays, letterboxes, clothes lines), lobbies and stairwells.
- l. Lighting in communal areas and areas accessible by the public should be illuminated in hours of darkness or should be sensor/movement sensitive.
- m. Development provides an adequate lighting plan to ensure that surveillance of the site is also

possible during the hours of darkness.

Walkways and Pathways

- n. Safe walkways and pathways should be sufficiently well lit at all times to avoid use of unsafe routes (e.g. underpasses).
- o. Good sightlines and signage are used to assist people along paths. Where possible, pathways to be overlooked from residential properties.
- p. Paths should be located near activity generators and areas with natural surveillance.
- q. Walkways and pathways, including walkways provided between allotments and subdivisions, should be designed and located such that they do not become potential assault sites.
- r. Walkways and pathways should be designed to have at least one clearly marked “exit” sign to an area of traffic (vehicular, pedestrian or residential) every 50 metres.

Entrances and Exits

- s. Main entrances/exits should be located in view of the street where possible.
- t. Developments should have a limited number of entrances and exits which should be obvious, well lit, sign posted, free from obscuring landscaping and signage, etc.
- u. Where multiple entrances are required, less frequently used entrances should be secured at night with signs clearly indicating at what time these entrances will be closed (the above should not impact or restrict the number of fire exits required).
- v. Recessed doorways which restrict opportunities for natural surveillance of building entrances and which may constitute a concealment opportunity should be avoided.
- w. Where recessed doorways exist, they should be well lit, mirrored, have angled approaches or have gates to counteract the recess.
- x. Entrances and exits should have a logical relationship to car parking.

Desired Outcome	Development Control Requirements
3. Landscape and Public Realm	
Views and View Sharing 3.1 Where existing development enjoys desired views (e.g. water, ocean views, views of forest, hills and mountains etc), new development is designed and sited so that at least a part of the desired view is visible from the existing development, where practicable. 3.2 Development provides for reasonably equitable sharing of views, between neighbouring properties, of water, ocean, forest, hills/mountains.	a. Development is to allow for the reasonable sharing of views with neighbouring dwellings and/or development. b. The built form of development is to provide a transition to adjacent residential development, including reasonable setbacks from side and rear boundaries, particularly at the first floor level to allowed for view sharing. c. An assessment of current view(s), viewpoints and impact (refer Part E – Appendix 1 “View Sharing”) along with graphic / modelled simulations may be necessary to support the application to Council’s requirements.
Landscape 3.3 Development incorporates landscaping features to enhance the whole development and each individual dwelling’s function and appearance. 3.4 Existing mature trees should be preserved. 3.5 Landscape design is complementary to the building design and surroundings.	a. Landscaping is provided in accordance with a site specific landscape plan prepared by a suitably qualified Landscape Architect. b. Detailed Landscape Plans are required prior to issue of a Construction Certificate, or with the development application, if determined by Council. c. If common areas (e.g. shared driveway, utility area) are necessary and/or proposed they must be identified on the site plan and their ownership status and ongoing management shall be detailed to the satisfaction of Council (Note common areas cannot be counted as part of the required POS for each dwelling). d. Development provides a minimum landscaped area of 10% of the site area and maintains the remaining areas to be free from weed and pest species. The minimum landscaping requirements for each dwelling are as per Table D2.12. e. Landscaping requirements are in addition to private open space.
Deep Soil Zones 3.6 Deep soil zones are provided to allow for landscape planting (trees), the infiltration of rainwater to the groundwater table and to reduce site stormwater runoff.	a. Deep soil zones must have soft landscape applied, and cannot be covered by impervious surfaces; courts, buildings or other structures, nor can they be located on-structure such as over basements or as planter boxes.
Public Realm – Primary street elevation 3.7 Development incorporates features which enhance privacy, while maximising street surveillance.	a. Development is designed to provide street elevations that feature at least 1 main entry door and 1 major window to a living area or bedroom, to provide for visibility and street surveillance. b. Kitchen, laundry or bathroom windows are not prominent features of the street elevation(s).

Desired Outcome	Development Control Requirements
	c. Development provides for clothes drying areas which are not visible from the street. d. Variation of building design and / or materials used on external facades is provided where more than 3 dwelling units face a public primary or secondary road. e. Development incorporates external fencing which provides for privacy and security. f. The height of a fence should be a maximum of 1.8 metres. Areas adjacent to access ways to public lands may have semi-transparent fences up to 1.8 metres high. g. Fencing should be designed to consider opportunities for surveillance and monitoring.
4. Access and Vehicle Parking	
Access and Parking 4.1 Multi-dwelling development is provided with appropriate access to the public road network and off-street parking.	Driveways a. Driveway locations, dimensions and finished levels comply with the Austroads Guide to Road Design. b. The number of driveways provided from any site to any one street frontage is limited to one (1) ingress and one (1) egress, except for larger developments (>50 dwelling units) where this may not be practical. c. Safe sight distance of driveways complies with the Austroads Guide to Road Design. Car Parking and Vehicle Movements d. All development is to provide on-site parking at the appropriate rate (refer Part E – Appendix 4). e. Car parks are not accessed directly from arterial roads. If there is no other practical means of gaining access to a public road, some deviation may be considered if access and car park ingress and egress are appropriately designed subject to council approval. f. The potential for on-street queuing is eliminated by the provision of sufficient standing area for vehicles entering parking areas. g. Off-street car parks and internal roads are designed/ constructed in accordance with the relevant Australian Standards. h. Car parks servicing three (3) or more dwellings are line-marked to indicate the layout and circulation pattern of traffic. i. Vehicle movement areas are designed to allow all vehicles, including larger vehicles such as emergency vehicles and service vehicles to safely enter and exit the site in a forward direction. j. Car parks incorporate the use of appropriately graded footpaths to optimise access to and within the development.

Desired Outcome	Development Control Requirements
	k. On-site visitor car parking areas are not located within the front setback area to the primary road servicing the development site. l. On-site resident and visitor car parking areas are screened by landscaping or other suitable means when they are highly visible from the public domain and are covered for weather protection.
5. Amenity and Environment	
Privacy	
5.1 Development enhances visual privacy and mitigates visual impacts on the directly adjacent properties.	a. Windows, balconies and decks are not situated directly opposite windows of primary living rooms in any adjoining dwellings, unless the building design incorporates measures to reduce visibility impacts. b. Visual privacy of existing neighbouring dwellings is achieved by using narrow, translucent or obscured finishes for windows that are in elevated positions. c. Where the window is less than six (6) metres from a side or rear boundary adjacent to a residential property, a privacy screen or obscure glass must be provided for any part of a second storey window that is less than 1.5 metres above the second storey finished floor level. d. Acoustic privacy between individual dwelling units is preserved both within and between properties by utilising one or more of the following: i. Use of sound insulating wall material between attached units; ii. Use of sound insulating wall materials on the exterior walls of units; and iii. Increasing the minimum building setback to increase the distance between dwellings on adjoining properties. e. Fences and screen walls are encouraged to designate private open space areas adjoining both the front and rear of individual dwellings and/or sites. f. Enclosing screen walls or fences shall be designed to ensure privacy, both from adjoining communal open space or accessways and from adjacent dwellings and their courtyards. g. Operational plant and equipment including air conditioning units and for swimming pools, spas and the like shall be adequately enclosed/ sited to minimise acoustic disturbance to neighbours.
Noise	
5.2 Development mitigates noise impacts on directly adjacent properties.	a. The application must demonstrate the achievement of this Desired Outcome.

Desired Outcome	Development Control Requirements
Environment 5.3 Development protects the environmental features, values and amenity qualities of the site and immediate surrounds.	a. Development minimises the removal of existing trees and vegetation on site. b. Existing street trees are retained wherever possible (small trees may be relocated within the property frontage street verge, on approval of Council).
6. Stormwater Management	
Stormwater Management 6.1 Stormwater from development is managed onsite to an acceptable, practical level. Stormwater in excess of this level must be properly drained to a legal point of discharge without causing adverse impacts on public drainage infrastructure, downslope properties or the quality of receiving waters.	a. Development shall be accompanied by a Stormwater Management Plan. b. The Stormwater Management Plan shall adopt the Major/Minor Concept as well as conservation of pre-existing flows to post development flow. c. Stormwater drainage systems shall be designed using the relevant Australian Rainfall and Runoff standards, where the minor system shall be capable of carrying the controlling flows from frequent runoff events, while the major system shall provide safe, well-defined overland flow paths for rare and extreme storm runoff events. d. All stormwater overflow generated by development must be managed on-site for up to an AEP of 10%. Stormwater from events in excess of that must be drained to a legal point of discharge. e. Where no legal point of discharge is available the development may need to provide infiltration design or on-site detention. f. The use of such infiltration solutions such as deep soils zones, rain gardens and soakaway pits, permeable surfaces or other similar treatments for stormwater management are encouraged. g. Development that incorporates a water tank(s), detention ponds, into the stormwater management system must comply with the following: i. The water tank system, including roof area, tank inlet pipe size, tank storage capacity and tank outlet pipe size, must be suitably sized to accommodate stormwater in a 5% AEP, with all overflow being directed to a legal point of discharge, suitably sized rubble drain or properly constructed drainage channel, at least 3 metres clear of buildings. ii. Stormwater from driveways and hardstand areas is directed away from the water tank(s) and is properly managed to a legal point of discharge in accordance with this Part.

Desired Outcome	Development Control Requirements
	iii. Tanks and fittings comply with Planning for Bushfire Protection, as applicable. h. Suitable easements are provided for public stormwater infrastructure within properties.
7. Utilities	
7.1 Infrastructure is adequate to service the needs of the development and, where required, are upgraded or provide new infrastructure to meet the increase in demand generated by the development.	a. All utilities and services are to be designed in accordance with relevant statutory requirements, including KSC Infrastructure Delivery Guide and KSC AUS-SPECS.
7.2 Suitable water services are provided for the development.	a. Development is connected to a reticulated water supply main where available via a minimum service to KSC requirements and KSC Water Meter. b. Suitable easements are provided for public water infrastructure within properties. c. The developer meets the full cost of water reticulations, plus the cost of connecting to the existing services.
7.3 Suitable electricity services are provided to service the development.	a. Electricity services are provided to the development in accordance with requirements of the relevant authority and at the full cost of the developer. b. Electricity services are provided underground wherever possible.
7.4 Suitable sewerage services are provided for the development.	a. Development is connected to a reticulated sewer main where available. If unsewered, an on-site effluent management system is installed that complies with the following: i. Relevant Australian Standards for On-site Domestic Wastewater Management. ii. NSW Environment and Health Protection Guidelines. b. Suitable easements are provided for public sewerage infrastructure within properties. c. Where the development is in near proximity to an existing sewerage area or where in the opinion of the State government or Council, the land is unsuitable for onsite disposal of effluent, connection to the existing sewerage system will be required. d. An On-site Sewage Management Assessment Report to support sewage treatment proposals is to accompany an application for this type of development (refer also Part E – Appendix 6 and KSC policy strategies and guidelines for relevant information). e. Where public sewerage infrastructure within properties exist, suitable easements are provided for this infrastructure.

Desired Outcome	Development Control Requirements
	f. Development is designed so that an area remote from any watercourse and downhill of potential home sites is available for effluent disposal. g. The developer meets the full cost of sewer reticulations, plus the cost of connecting to the existing services.
7.5 Suitable telecommunication services are provided for the development.	a. Telecommunication services are provided to each dwelling, where available. b. Where a telecommunications network is available to the site, applicants provide written confirmation from the relevant network provider stating that satisfactory arrangements have been made for connection, prior to the commencement of the use.

D2.6 Shop Top Housing, Residential Flat Buildings and Tourist and Visitor Accommodation

Application

This section applies to shop top housing, residential flat buildings and tourist and visitor accommodation and any alterations and additions to those existing uses on land in any zone where it is permitted with consent under the KLEP.

Objectives

1. To establish a high quality residential and accommodation environment, where shop top housing, residential flat buildings and tourist and visitor accommodation have an acceptable level of access and amenity.
2. Shop top housing is designed, sited and serviced to be co-located as part of mixed-use buildings that activate commercial areas.
3. Shop top housing, residential flat buildings and tourist and visitor accommodation provide for diverse housing and accommodation choices in both commercial and residential zones (as appropriate), providing efficient access to essential services and facilities.
4. Shop top housing encourages more diverse and dynamic commercial developments which are complemented by residential living options above the primary use of the site for commercial purposes.
5. To ensure residential and commercial components share complementary functions and separate facilities to minimise conflict.

Note: The residential densities specified in the table below apply to shop top housing, residential flat buildings and tourist and visitor accommodation and will be a fundamental determinant of the dwelling yield achievable on an individual lot. Development for each 1, 2, 3, 4 or 5+ bedroom dwelling proposed, shall have a site area of not less than that indicated in Column 2 of Table D2.15. The accommodation/site area table is calculated on the number of bedrooms per dwelling/accommodation unit.

b) Private landscaped area of not less than that indicated in Column 4 of Table D2.15 is to be provided on each development site. Note – The site area for every individual dwelling must accommodate the minimum landscape, private open space and deep soil zone (DSZ) areas.

c) A common landscape area or areas such as shared driveway, storage, service and/or utility areas may be necessary for the functioning of the proposed development. Such area or areas shall not be counted as forming any part of the Landscape private open space (POS) or deep soil zone (DSZ) requirements for each dwelling (each dwelling's site area). Such areas may be utilized for on-site stormwater management purposes.

The following desired outcomes and development control requirements in Table D2.14 prescribe how the above objectives can be met.

Table D2.14 – Shop Top Housing, Residential Flat Buildings and Tourist and Visitor Accommodation – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. Site Design	
Site Coverage	
1.1 The scale of development is appropriate for the size of the site.	a. Site lot frontage is not less than eighteen (18) metres at the building line.
1.2 The commercial and/or retail element of any development is also designed to	b. Site area complies with the requirements of KLEP and the following requirements in Table D2.15 .

Desired Outcome	Development Control Requirements
address Part D4 – Commercial Development.	

Table D2.15 – Site Coverage Density and Provisions

Each Dwelling Size	Minimum Site Area (for each dwelling)	Landscape/open space requirements (for each dwelling’s site area)		
1 Bedroom	70 m²	40 %		
2 Bedrooms	95 m²	40 %		
3 Bedrooms	130 m²	40 %		
4 Bedrooms	165 m²	40 %		
+5 Bedrooms		40%		
Setbacks 1.3 Development is set back at consistent distances to minimise impacts related to streetscape, overshadowing and privacy and to provide adequate space for landscaping and private recreation.	a. Building setbacks comply with Table D2.16 .			
	Table D2.16 - Setbacks			
	Boundary	Scenario	<600m² lot	>600m² lot
	Primary Road	Single storey	Average building line or 4.5m	Average building line or 6m
		> single storey	6m, or as approved by Council	6m, or as approved by Council
	Side boundary	Single storey	0.9m or BCA	0.9m or BCA
		> single storey	1.5m or BCA	1.5m or BCA
	Rear boundary	Single storey	3m	5m
		> single storey	5m	8m

Desired Outcome	Development Control Requirements
Topography (earthworks) 1.4 Dwellings are sited and designed to accommodate the natural slope and orientation of the site and immediately adjacent land. 1.5 Earthworks associated with development do not negatively impact on the surrounding streetscape, adjoining properties or public assets.	a. Earthworks must not alter the existing ground level/natural topography where there are existing vegetation and trees to be preserved. b. Where existing trees are preserved, no earthworks shall be permitted closer to the trunk or main stem than the drip-line (canopy extent) of the tree. c. Earthworks must not exceed a cut or fill of greater than 1.50 metres depth/height from the existing ground level/natural topography of the site, or be assessed by a suitably qualified engineer. d. Cut and fill batters shall not exceed a slope of 1:3 (volume:height). e. Cut and fill batters and retaining walls outside the building footprint shall be landscaped to mitigate visual impacts f. Earthworks must comply with KSC Infrastructure Delivery Guide and KSC AUS-SPECS requirements.
2. Development Design	
Building form - General 2.1 Building siting, height, scale and roof form must not negatively impact the surrounding development, streetscape, topography and character.	a. A site analysis plan must be prepared, demonstrating that development considers and addresses the contributing landscape, streetscape and neighbouring building elements that contribute to the area. b. Where a Height of Building Map applies, building height complies with the relevant height limit under the KLEP. c. The continuous length of a building wall or retaining wall greater than 1.8m in height shall be no more than twenty (20) metres. d. Where building external wall/façade is longer than fifteen (15) metres in length, they must be articulated. The articulation of the external wall must be of minimum one (1) metre in depth and three (3) metres in length.
Building Form - Shop Top Housing 2.2 Shop top housing development is designed to complement the commercial development over which it is located and to integrate its design, providing clearly separate entrance points. 2.3 The interface between development and any associated commercial development on site is managed to keep the two components separate and independent of one another. 2.4 The applicant demonstrates that other uses on the site will not significantly impact on residential amenity or will	a. Shop top housing provides a separate and easily distinguishable entrance point to the commercial component of the development.

Desired Outcome	Development Control Requirements
provide ways to mitigate any impacts.	
Passive Design 2.5 Development is designed and constructed to maximise their liveability, amenity and sustainability through their orientation, sustainable building fabrics, thermal performance, energy generation/consumption and water collection, use and reuse. 2.6 Development achieves energy efficiency, through dwelling orientation, access to sunlight (generally: maximise in Winter, minimise in Summer), natural ventilation and the use of sustainable building fabrics.	a. Development should be designed and sited so that the living areas and major part of their private open space have a northern orientation and receive the maximum amount of sunlight in winter and provide the opportunity for planting trees for summer shading and amenity value. b. Development should be designed for energy efficiency by: - minimising the overall surface area through which heat gains and losses can occur and providing for insulation of the dwellings; - avoiding large expanses of glazing on south and west facing walls; - maximising natural ventilation for summer cooling in summer by building orientation and width, and windows to funnel air flow and breezes. c. Windows on the northern side of development (north facing habitable rooms or external living spaces of the development) should be designed to maximise winter sun access and minimise summer sun access. d. Development should utilise sun protection devices, (i.e. deep eaves, screens, verandahs, pergolas, etc.) along western-facing walls to produce a comfortable microclimate in and around dwellings. e. A BASIX certificate is to be submitted for BASIX affected development.
Over-shadowing 2.7 Development does not cause overshadowing of adjoining properties.	Demonstrate that: - Building design achieves at least 3 hours of solar access to key living spaces/ private open spaces of the adjoining dwellings on 21 June. - Where overshadowing may impact adjoining land, an applicant must prepare shadow diagrams showing solar access to neighbouring dwellings, private open space, solar collectors and panels on adjoining land and property. In complex and constricted situations Council may require hourly shadow simulations to be produced for detailed evaluation. Note - Such diagrams should be prepared by an architect, surveyor, engineer, or town planner and be based on a survey of the relevant site, development model and adjoining development.
Private open space (POS) 2.8 Developments must provide adequate private open space which ensures that the occupant has access to a private outdoor area for their sole use and enjoyment.	- Private open space (POS) areas enable an extension of the function of the dwelling for relaxation, dining, entertainment, recreation and children's play. - The location and design of private open space takes into account the outlook and natural features of the site. - The orientation of private open space should provide for maximum year-round use by receiving a minimum of three hours of sunlight between 9am and 3pm on 22

Desired Outcome	Development Control Requirements
	June. An applicant must prepare shadow diagrams showing solar access to private open space. In complex and constricted situations Council may require hourly shadow simulations to be produced for detailed evaluation. Note - Such diagrams should be prepared by an architect, surveyor, engineer, or town planner and be based on a survey of the relevant site, development model and adjoining development. e. Enclosing screen walls or fences ensure privacy for dwellings and courtyards by minimising overlooking from adjoining communal open space or accessways and other dwellings. f. Private open space may be located within the front setback where: i. front door access is provided; and ii. adequate provision is made for additional intensive landscaping within the property. g. Clothes drying areas must not be visible from the street. Ground Level h. Each ground floor dwelling is to be provided with a minimum private open space area of 30m², which shall be directly accessible from the living areas of dwellings. i. Private open space is to include a useable area that is not steeper than 1 in 8 and, where site conditions permit, contains a rectangle area with minimum dimensions of 4m by 4m. j. Any area within a side or rear setback less than 2 metres in width shall not be included when considering the area provided for private open space. Above Ground Level k. Where the dwelling is located wholly above ground level, roof decks, balconies and verandahs for each dwelling can contribute to private open space requirements provided: i. each roof deck or balcony is not less than 15m² in area; ii. the minimum width of a roof deck or balcony is greater than 2 metres for more than 80% of its area; and iii. The roof deck (or balcony) immediately adjoins, and is directly accessible from, the living area of the unit at the same level where possible. l. All balconies are designed to be accessible/ useable.
Communal open space 2.9 Development provides suitably sized communal open space to enhance the amenity of residents and is designed to maximise and promote safety and social interaction between residents.	a. Where ten (10) or more dwellings are proposed, provide active communal open space with a minimum area of 5% of the site area and with a minimum dimension of 8m. b. The active communal open space area receives at least two hours of direct sunlight between 9am and 3pm at the winter solstice to 50% of the required area.

Desired Outcome	Development Control Requirements
	c. Communal open spaces are visible from habitable rooms and private open space while maintaining visual privacy for dwellings. d. Public through site links have direct line of sight between public streets. e. Daylight and natural ventilation are provided to all common circulation spaces above ground. f. Lighting is provided to common spaces.
Storage and utility function 2.10 Building design incorporates appropriate functional and storage spaces and areas for waste storage, transfer and disposal purposes.	a. Wall mounted air-conditioning units are not located higher than 1.8 metres above existing ground level and are to be set back a minimum of 450 millimetres from any boundary. b. Wall mounted air-conditioning units and water cylinders are appropriately screened/insulated. c. Development is provided with suitable waste bin storage behind the building frontage. d. Waste storage and collection is to be managed wholly within the site. Waste bins, skip bins and bulk waste storage areas are not to be located within the road reserve for collection purposes. e. Where collection is undertaken by a private contractor or bulk waste collection vehicle, the site is to provide suitable access and manoeuvring areas to allow vehicles to enter and leave the site in a forward direction. f. Building utilities components, such as solar panels and solar collectors are suitably incorporated into the roof design and hot water tanks are enclosed within the building fabric. g. Development is provided with letter boxes (unit number and street numbering) for each dwelling in accordance with the relevant Australian Standards. h. Where communal entry spaces are provided for Multi-dwelling development, these are to be highly visible and accessible to visitors.
2.11 Development includes systems for waste management that ensures waste is collected, transported and/or disposed of in a lawful manner. 2.12 Development provides space, storage, amenity and management of waste management facilities. 2.13 Development includes waste management systems are compatible with collection services.	a. A development application must be accompanied by a Statement of Environmental Effects (SEE), which includes a Site Waste Management Plan (SWMP) as the information detailing compliance with waste management requirements. The SWMP is to outline measures to minimise and manage waste generated by and through ongoing use of the site/ premises/ development including: i. volume and type of waste and recyclables to be generated; ii. storage and treatment of waste and recyclables on site; iii. disposal of residual waste and recyclables; and iv. operational procedures for ongoing waste management for the completed development.

Desired Outcome	Development Control Requirements
	b. The SWMP identifies the method of recycling or disposal and the waste management service provider. c. Waste management facilities proposed as part of the development shall be clearly illustrated on the plans of the proposed development, accompanying the development application (DA).
Building Design and safety 2.14 Development incorporates design features which reduces the opportunity for crimes to be committed against people and property.	a. Development incorporates features which enhance privacy for residential dwellings, while maximising appropriate street surveillance. Car Parking b. Landscape/ vegetation shall enhance safety by maximising the visibility of cars. c. Paths between buildings and car parks should be well lit and obvious to ensure safe pedestrian access. d. Lighting utilised in car parks should be in accordance with relevant Australian Standards. e. Car parks should be sited to permit maximum opportunities for surveillance from both users of the current development and passers-by. f. Where possible, sites should be planned to avoid the creation of remote and potentially unsafe areas e.g. isolated and obscured car parking at the rear of a site. Landscape g. Landscape should not block opportunities for surveillance or provide opportunities for concealment (e.g. ground covers and well maintained shrubs) and afford shade and comfort without limiting observation opportunities (e.g. tall trees with low branches removed to a height of 1.8m). h. Blind corners should be avoided (e.g. by installing mirrors, by building corners from clear materials or by designing curves or angles in place of 90-degree corners). Private spaces i. Private spaces such as court yards, stairwells and parking bays should be clearly identified to reduce use by undesirable users and may include the use of pavers, varied textured paths, fencing, log barriers, landscaping and others. j. Private spaces should be clearly distinguished from public areas. k. Accommodation units should be designed to allow people within the units to observe and monitor communal areas within the development and the street area, e.g. car parks, swimming pool areas, gardens etc. Lighting l. Lighting should be provided within the site. Areas requiring lighting should include driveways, property entrances, parking areas, footpaths, communal service areas (e.g. rubbish bin bays, letterboxes, clothes lines), lobbies and stairwells.

Desired Outcome	Development Control Requirements
	m. Lighting in communal areas and areas accessible by the public should be illuminated in hours of darkness or should be sensor/movement sensitive. n. Development provides an adequate lighting plan to ensure that surveillance of the site is also possible during the hours of darkness. Walkways and Pathways o. Safe walkways and pathways should be sufficiently well lit at all times to avoid use of unsafe routes (e.g. underpasses). p. Good sightlines and signage are used to assist people along paths. Where possible, pathways to be overlooked from residential properties. q. Paths should be located near activity generators and areas with natural surveillance. r. Walkways and pathways, including walkways provided between allotments and subdivisions, should be designed and located such that they do not become potential assault sites. s. Walkways and pathways should be designed to have at least one clearly marked “exit” sign to an area of traffic (vehicular, pedestrian or residential) every 50 metres. Entrances and Exits t. Main entrances/exits should be located in view of the street where possible. u. Developments should have a limited number of entrances and exits which should be obvious, well lit, sign posted, free from obscuring landscaping and signage, etc. v. Where multiple entrances are required, less frequently used entrances should be secured at night with signs clearly indicating at what time these entrances will be closed (the above should not impact or restrict the number of fire exits required). w. Recessed doorways which restrict opportunities for natural surveillance of building entrances and which may constitute a concealment opportunity should be avoided. x. Where recessed doorways exist, they should be well lit, mirrored, have angled approaches or have gates to counteract the recess. y. Entrances and exits should have a logical relationship to car parking.
3. Landscape and Public Realm	
Landscape	
3.1 Development incorporates landscaping features to enhance the whole development and each individual dwelling’s function and appearance.	a. Landscaping is provided in accordance with a site specific landscape plan prepared by a suitably qualified Landscape Architect. b. Detailed Landscape Plans are required prior to issue of a Construction Certificate, or with the development application, if determined by Council.
3.2 Existing mature trees should be preserved.	

Desired Outcome	Development Control Requirements
3.3 Landscape design is complementary to the building design and surroundings.	c. If common areas (e.g. shared driveway, utility area) are necessary and/or proposed they must be identified on the site plan and their ownership status and ongoing management shall be detailed to the satisfaction of Council (Note common areas cannot be counted as part of the required POS for each dwelling). d. Development provides a minimum landscaped area of 10% of the site area and maintains the remaining areas to be free from weed and pest species. The minimum landscaping requirements for each dwelling are as per Table D2.15. e. Landscaping requirements are in addition to private open space.
Deep Soil Zones 3.4 Deep soil zones are provided to allow for landscape planting (trees), the infiltration of rainwater to the groundwater table and to reduce site stormwater runoff.	a. Deep soil zones must have soft landscape applied, and cannot be covered by impervious surfaces; courts, buildings or other structures, nor can they be located on-structure such as over basements or as planter boxes.
Public Realm – Primary street elevation 3.5 Development incorporates features which enhance privacy, while maximising street surveillance.	a. Development is designed to provide street elevations that feature at least 1 main entry door and 1 major window to a living area or bedroom, to provide for visibility and street surveillance. b. Kitchen, laundry or bathroom windows are not prominent features of the street elevation(s). c. Development provides for clothes drying areas which are not visible from the street. d. Variation of building design and / or materials used on external facades is provided where more than 3 dwelling units face a public primary or secondary road. e. Development incorporates external fencing which provides for privacy and security. f. The height of a fence should be a maximum of 1.8 metres. Areas adjacent to access ways to public lands may have semi-transparent fences up to 1.8 metres high. g. Fencing should be designed to consider opportunities for surveillance and monitoring.
4. Access and Vehicle Parking	
Access and Parking 4.1 Development is provided with appropriate access to the public road network and off-street parking.	Driveways a. Driveway locations, dimensions and finished levels comply with the Austroads Guide to Road Design. b. The number of driveways provided from any site to any one street frontage is limited to one (1) ingress and one (1) egress, except for larger developments (>50 dwelling units) where this may not be practical. c. Safe sight distance of driveways complies with the Austroads Guide to Road Design.

Desired Outcome	Development Control Requirements
	Car Parking and Vehicle Movements d. All development is to provide on-site parking at the appropriate rate (refer Part E – Appendix 4). e. Car parks are not accessed directly from arterial roads. If there is no other practical means of gaining access to a public road, some deviation may be considered if access and car park ingress and egress are appropriately designed subject to council approval. f. The potential for on-street queuing is eliminated by the provision of sufficient standing area for vehicles entering parking areas. g. Off-street car parks and internal roads are designed/constructed in accordance with the relevant Australian Standards. h. Car parks servicing three (3) or more dwellings are line-marked to indicate the layout and circulation pattern of traffic. i. Vehicle movement areas are designed to allow all vehicles, including larger vehicles such as emergency vehicles and service vehicles to safely enter and exit the site in a forward direction. j. Car parks incorporate the use of appropriately graded footpaths to optimise access to and within the development. k. On-site visitor car parking areas are not located within the front setback area to the primary road servicing the development site. l. On-site resident and visitor car parking areas are screened by landscaping or other suitable means when they are highly visible from the public domain and are covered for weather protection.
5. Amenity and Environment	
Privacy 5.1 Development enhances visual privacy and mitigates visual impacts on the directly adjacent properties.	a. Windows, balconies and decks are not situated directly opposite windows of primary living rooms in any adjoining dwellings, unless the building design incorporates measures to reduce visibility impacts. b. Visual privacy of existing neighbouring dwellings is achieved by using narrow, translucent or obscured finishes for windows that are in elevated positions. c. Where the window is less than six (6) metres from a side or rear boundary adjacent to a residential property, a privacy screen or obscure glass must be provided for any part of a second storey window that is less than 1.5 metres above the second storey finished floor level. d. Acoustic privacy between individual dwelling units is preserved both within and between properties by utilising one or more of the following: i. Use of sound insulating wall material between attached units; ii. Use of sound insulating wall materials on the exterior walls of units; and

Desired Outcome	Development Control Requirements
	iii. Increasing the minimum building setback to increase the distance between dwellings on adjoining properties. e. Fences and screen walls are encouraged to designate private open space areas adjoining both the front and rear of individual dwellings and/or sites. f. Enclosing screen walls or fences shall be designed to ensure privacy, both from adjoining communal open space or accessways and from adjacent dwellings and their courtyards. g. Operational plant and equipment including air conditioning units and for swimming pools, spas and the like shall be adequately enclosed/ sited to minimise acoustic disturbance to neighbours.
Noise 5.2 Development mitigates noise impacts on directly adjacent properties.	a. The application must demonstrate the achievement of this Desired Outcome.
Environment 5.3 Development protects the environmental features, values and amenity qualities of the site and immediate surrounds.	a. Development minimises the removal of existing trees and vegetation on site. b. Existing street trees are retained wherever possible (small trees may be relocated within the property frontage street verge, on approval of Council).
Views and View Sharing 5.4 Where existing development enjoys desired views (e.g. water, ocean views, views of forest, hills and mountains etc), new development is designed and sited so that at least a part of the desired view is visible from the existing development, where practicable. 5.5 Development provides for reasonably equitable sharing of views, between neighbouring properties, of water, ocean, forest, hills/mountains.	a. Development is to allow for the reasonable sharing of views with neighbouring dwellings and/or development. b. The built form of development is to provide a transition to adjacent residential development, including reasonable setbacks from side and rear boundaries, particularly at the first floor level to allowed for view sharing. c. An assessment of current view(s), viewpoints and impact (refer Part E – Appendix 1 “View Sharing”) along with graphic / modelled simulations may be necessary to support the application to Council’s requirements.
6. Stormwater Management	
Stormwater Management 6.1 Stormwater from development is managed onsite to an acceptable, practical level. Stormwater in excess of this level must be properly drained to a legal point of discharge without causing adverse impacts on public drainage infrastructure, downslope properties or the quality of receiving waters.	a. Development shall be accompanied by a Stormwater Management Plan. b. The Stormwater Management Plan shall adopt the Major/Minor Concept as well as conservation of pre-existing flows to post development flow. c. Stormwater drainage systems shall be designed using the relevant Australian Rainfall and Runoff standards, where the minor system shall be capable of carrying the controlling flows from frequent runoff events, while the major system shall provide safe, well-defined overland flow paths for rare and extreme storm runoff events.

Desired Outcome	Development Control Requirements
	d. All stormwater overflow generated by development must be managed on-site for up to an AEP of 10%. Stormwater from events in excess of that must be drained to a legal point of discharge. e. Where no legal point of discharge is available the development may need to provide infiltration design or on-site detention. f. The use of such infiltration solutions such as deep soils zones, rain gardens and soakaway pits, permeable surfaces or other similar treatments for stormwater management are encouraged. g. Development that incorporates a water tank(s), detention ponds, into the stormwater management system must comply with the following: i. The water tank system, including roof area, tank inlet pipe size, tank storage capacity and tank outlet pipe size, must be suitably sized to accommodate stormwater in a 5% AEP, with all overflow being directed to a legal point of discharge, suitably sized rubble drain or properly constructed drainage channel, at least 3 metres clear of buildings. ii. Stormwater from driveways and hardstand areas is directed away from the water tank(s) and is properly managed to a legal point of discharge in accordance with this Part. iii. Tanks and fittings comply with Planning for Bushfire Protection, as applicable. h. Suitable easements are provided for public stormwater infrastructure within properties.
7. Utilities	
7.1 Infrastructure is adequate to service the needs of the development and, where required, are upgraded or provide new infrastructure to meet the increase in demand generated by the development.	a. All utilities and services are to be designed in accordance with relevant statutory requirements, including KSC Infrastructure Delivery Guide and KSC AUS-SPECS.
7.2 Suitable water services are provided for the development.	a. Development is connected to a reticulated water supply main where available via a minimum service to KSC requirements and KSC Water Meter. b. Suitable easements are provided for public water infrastructure within properties. c. The developer meets the full cost of water reticulations, plus the cost of connecting to the existing services.
7.3 Suitable electricity services are provided to service the development.	a. Electricity services are provided to the development in accordance with requirements of the relevant authority and at the full cost of the developer. b. Electricity services are provided underground wherever possible.

Desired Outcome	Development Control Requirements
7.4 Suitable sewerage services are provided for the development.	a. Development is connected to a reticulated sewer main where available. If unsewered, an on-site effluent management system is installed that complies with the following: i. Relevant Australian Standards for On-site Domestic Wastewater Management. ii. NSW Environment and Health Protection Guidelines. b. Suitable easements are provided for public sewerage infrastructure within properties. c. Where the development is in near proximity to an existing sewered area or where in the opinion of the State government or Council, the land is unsuitable for onsite disposal of effluent, connection to the existing sewerage system will be required. d. An On-site Sewage Management Assessment Report to support sewage treatment proposals is to accompany an application for this type of development (refer also Part E – Appendix 6 and KSC policy strategies and guidelines for relevant information). e. Where public sewerage infrastructure within properties exist, suitable easements are provided for this infrastructure. f. Development is designed so that an area remote from any watercourse and downhill of potential home sites is available for effluent disposal. g. The developer meets the full cost of sewer reticulations, plus the cost of connecting to the existing services.
7.5 Suitable telecommunication services are provided for the development.	a. Telecommunication services are provided to each dwelling, where available. b. Where a telecommunications network is available to the site, applicants provide written confirmation from the relevant network provider stating that satisfactory arrangements have been made for connection, prior to the commencement of the use.

D2.7 Ancillary Development

Application

This section applies to ancillary development, such as but not limited to swimming pools; sports courts, dams and waterbodies; garages, car ports and sheds; retaining walls; fencing and shipping containers, where development consent is required and, on any land where the proposed activity is permissible.

Objectives

1. To provide for ancillary development within Kempsey Shire, which is complementary to the primary development on site.
2. Ancillary development is designed to be consistent with the amenity and character of the locality in which it is situated.

The following desired outcomes and development control requirements in **Table D2.17** prescribe how the above objectives can be met.

Table D2.17 – Ancillary Development – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. Site Design	
Site Coverage	
1.1 The scale of ancillary development is appropriate for the size of the site.	a. Development has a site area which is consistent with the primary use of the site and will be determined in agreement with Council.
Topography (earthworks)	
1.2 Dwellings are sited and designed to accommodate the natural slope and orientation of the site and immediately adjacent land.	a. Earthworks must not alter the existing ground level/natural topography where there are existing vegetation and trees to be preserved.
1.3 Earthworks associated with development does not negatively impact on the surrounding streetscape, adjoining properties or public assets.	b. Where existing trees are preserved, no earthworks are permitted closer to the trunk or main stem than the drip-line (canopy extent) of the tree. c. Earthworks must not exceed a cut or fill of greater than 1.50 metres depth/height from the existing ground level/natural topography of the site, or be assessed by a suitably qualified engineer. d. Cut and fill batters shall not exceed a slope of 1:3 (volume: height). e. Cut and fill batters and retaining walls outside the development footprint must be landscaped to mitigate visual impacts. f. Earthworks must comply with KSC Infrastructure Delivery Guide and KSC AUS-SPECS requirements. g. Excavations for and within the extent of swimming pools only must not exceed a cut of 2.00 metres h. Earthworks, fill or excavation must not be undertaken within 900mm of any external legal boundary.

Desired Outcome	Development Control Requirements
2. Development Design	
Building form and general requirements 2.1 Ancillary development siting, height, scale and roof form must not negatively impact the surrounding development, streetscape, topography and character.	a. Attached structures have a ridge height that matches, or is below, the ridge height of the dwelling to which it is attached. b. Detached structures do not have a wall height exceeding four (4) metres and a ridge height that matches, or is below, the ridge height of adjoining or nearby structures. c. The design of the structure complements the appearance of any existing/ approved dwelling and does not adversely impact on the streetscape or surroundings. e. Development (habitable) achieves at least 3 hours of solar access to key living spaces / private open spaces of the adjoining dwellings at the winter solstice (21 June) between 9am and 3pm, where relevant. An applicant must prepare shadow diagrams showing solar access to private open space. In complex and constricted situations Council may require hourly shadow simulations to be produced for detailed evaluation. Note - Such diagrams should be prepared by an architect, surveyor, engineer, or town planner and be based on a survey of the relevant site, development model and adjoining development. d. Development does not necessitate an additional driveway (i.e. more than one) connection/ crossing to be constructed to a public road. e. Development gains access to the local road network and not directly onto a classified road. f. Vehicle access from a secondary road or laneway is permitted where it can be demonstrated that: i. There are no practical alternate options of gaining access to the public road network. ii. The secondary road or laneway is in a safe condition and suitable for ongoing vehicle access. iii. The structure is setback a minimum of 3.0 metres from any boundary shared with a laneway to facilitate ease of vehicle access.
Retaining walls 2.2 Retaining walls are constructed in a manner that maintains the safety and stability of the wall. 2.3 Retaining walls do not have an adverse impact on the visual amenity of the site and immediate adjacent neighbouring properties. 2.4 Retaining structures do not have an adverse impact on soil stability through excessive cut and fill.	a. Retaining walls are limited to 1.5 metres in height above finished ground level and are to be constructed of materials that are compatible with the existing streetscape and site landscape and in a manner which will not adversely impact on any adjoining property. b. Where the height of the retaining wall and fence exceeds 1.5 metres – the retaining wall is to be

Desired Outcome	Development Control Requirements
	set back a minimum of 1m from the property boundary. The 1m setback is to be landscaped in a manner to contribute to screening/reducing the visual impact of the retaining wall. c. Retaining walls may exceed 1.5m if: d. internal or under the proposed house; e. geotechnical report assesses site as able to maintain stability; f. engineer to certify wall; and g. volume of overburden to be subject to contributions to transport off-site. h. A maximum length of 12 metres will generally apply to retaining walls greater than 1.8m in height. i. Where building external wall/façade is longer than fifteen (15) metres in length, they must be articulated. The articulation of the external wall must be of minimum one (1) metre in depth and three (3) metres in length.
Dams and Water Bodies (Artificial/Created) 2.5 Dams are stable, have minimal environmental impact and do not adversely affect surrounding properties, either by ponding water back onto upstream properties or by concentrating the flow of water to any downstream properties.	a. Dams should not be sited near roads, utility installations or neighbouring dwellings, to avoid potential impacts of seepage, bywash/spillway overflow and the potential for the embankments to break. b. All dam construction should comply with the requirements of the KSC Infrastructure Delivery Guide. Note: Building and maintenance of dams may be subject to licence from the Department of Primary Industries Water. However, some categories of dams do not require licence for building and maintenance from the Department. The Applicant should contact the Department to confirm requirements.
Swimming Pools 2.6 Swimming pools that require consent ameliorate any potential impacts on the streetscape, residential amenity or building improvements on adjoining properties. 2.7 Swimming pools are safe and secured areas with all necessary equipment and operational plant to maintain a healthy and safe private amenity.	a. The swimming pool must be for private use and associated with a dwelling house. b. The swimming pool must be located behind the building line of the dwelling house (i.e. opposite any road frontage). c. Excavation must not exceed a maximum depth, measured from existing ground level, of 2 metres. d. Earthworks more than 600mm above or below existing ground level must have finished ground surface levels of no less than 1:2 or take the form of a retaining wall or other structural support that is certified as structurally sound by a professional engineer. e. Stormwater from impervious areas around the swimming pool, including paving, retaining walls and other structural support, shall be properly drained to a legal point of stormwater discharge

Desired Outcome	Development Control Requirements
	(e.g. inter-allotment drainage pipes, street gutter system or drainage reserve) or a minimum 3 metres away from the pool structure and other buildings if the lot is not connected to public stormwater drainage infrastructure. f. Water from the swimming pool must be discharged to the reticulated sewerage system or in accordance with an approval under the Local Government Act 1993 if the lot is not connected to a sewer main. g. The swimming pool pump must be housed in an enclosure that is soundproofed and at a location that noise generated from the unit is not audible in habitable rooms of adjoining residences. h. Height of coping around the swimming pool must not be more than: i. 1.5 metres above existing ground level. ii. 300mm wide if the coping is more than 600mm above existing ground level. iii. Decking around a swimming pool must not be more than 1.5 metres above existing ground level. i. The swimming pool coping outer edge must have a setback of at least 1 metre from a side or rear boundary. Note: The Swimming Pools Act 1992, Local Government Act 1993 and the Building Code of Australia contain provisions that must be complied with in relation to the design, installation, registration and operation of swimming pools and spa pools in NSW.
Garages, Carports and Sheds 2.8 Garages, carports and sheds are compatible with the significance and character of any Heritage Item/ Conservation Area/ Heritage Precinct in terms of location, design and materials	a. Garages are located at the rear or set well back at the side of a building behind the rear building line. b. Garages and carports are to make reference to any established historic patterns in the street. c. The height and width of the carport or garage is to be substantially less than the main building. d. Double garages are to be detached buildings set behind the rear building line. e. Colours and materials should blend into the surrounding landscape. Custom orb steel roof profile and timber board profile cladding wall are common materials used. f. The materials should reflect the style and colours of the main building or dwelling on the land. g. The primary building's detailing and ornamentation in the design of the carport or garage is reflected. h. Garages should have simple hipped, gable or skillion roofs or be comparable to the design of the existing main building or dwelling.

Desired Outcome	Development Control Requirements
	i. Existing outbuildings should be maintained and reused, wherever possible. j. The pitch of a single garage roof should, in most cases, be comparable or slightly lower than that of the main building – generally 25 – 30°. k. Prefabricated and Colorbond steel sheds are inappropriate in Conservation Areas and in association with Heritage Items and are to be avoided.
Self-contained dwellings 2.9 Ancillary development for a self-contained dwelling is an appropriate use of the site and compatible with any existing development on the site.	a. Any ancillary development for a self-contained dwelling (e.g. manufactured home, tiny home or moveable dwelling), must comply with the relevant parts of the DCP, being either Part D2 - D2.1 – Dwelling Houses, or Part D2 – D2.4 – Secondary Dwellings.
Shipping Containers 2.10 Shipping containers are compatible with the significance and character of any Heritage Item/ Conservation Area/ Heritage Precinct in terms of location, design and materials. 2.11 Shipping containers are compatible with the neighbourhood amenity, streetscape of the immediate location in terms of location, scale, material finish and appearance.	a. Shipping containers must comply with the criteria specific to the zone of the property and meet the requirements of the National Construction Code-Building Code of Australia (BCA). b. Shipping containers must not be located within a front setback area or forward of the main building line, including a secondary street frontage. The container must not be installed or closer to any boundary than that allowed for a dwelling building. c. Shipping containers must be appropriately secured to the ground above the flood planning level for that site. They must be suitably installed, which may include being tied-down to a concrete slab or plinth, footings, foundations capable of supporting the combined weight of the container and its contents. The method of tie-down, foundation bearing capacity and slab/foundation design may need to be certified by a practicing structural engineer depending on location, to Council requirements. d. Shipping containers must be in a good condition, free of major rust, corrosion or rot and be in a structurally stable condition. Painted to suitable standard to complement the surrounding area or as specifically required by the Council. e. Shipping containers shall not be located over any easements, septic tanks, drains or other essential infrastructure. f. Shipping containers are not permitted to be used for or in conjunction with any permanent advertising signs, unless the advertising sign is of a temporary nature associated with its use. g. Additional works or measures other than those already mentioned to properly address any

Desired Outcome	Development Control Requirements
	amenity issues arising from the location of a shipping container may be required by Council. This will be based on the circumstances of the case and may include cladding the shipping container, installation of specific landscape screening or the employment of a false roof or blades so as to minimise the visual appearance of the development.
Sports (tennis etc) courts 2.12 Sports courts are designed and sited to minimise visual, noise and drainage impacts on neighbours.	a. Setbacks must be at minimum two (2) metres from any external legal boundary. b. Courts must be located behind the building line of any primary street frontage. c. Surface and drainage must be designed to adequately accommodate drainage requirements within the site and shall have a no worsening effect on neighbouring properties. d. Chainwire or mesh fences are to be of an appropriate colour and designed to reduce visual impact. e. Court fencing is to be screened by landscape planting. f. Solid fence enclosures must not be higher than 1.50 metres in height.
Fencing - residential 2.13 Fencing is designed to be in keeping with the existing streetscape and is visually unobtrusive.	a. Fencing must be constructed of masonry, timber or low reflective painted or coated metal materials to manufacturer's specifications. b. Fencing must not incorporate barbed or razor wire in its construction or be electrified or topped with sharp edged materials. c. Entrance gates in fencing shall not open outwards onto a public road reserve. d. Fencing must be designed so as not to restrict/redirect the flow of any floodwater or overland drainage flow-path within a legal drainage easement. e. Fencing has a maximum height of: I. 1.5 metres along a front boundary; II. 1.8 metres for a side boundary; and III. 1.8 metres for a rear boundary. f. Fencing on a sloping site must be stepped to accommodate the fall in the land so that fencing is no higher than 2.0 metres above existing ground level at each step. g. Return fences (the side fence between the front boundary and front elevation of the house/building are to be the same height and design as the front fence. h. Fencing for ancillary development such as sports courts and swimming pools is of an appropriate

Desired Outcome	Development Control Requirements
	height and transparency and meets the relevant legislation or regulations.
Fencing – commercial and industrial 2.14 Fencing is designed to be in keeping with the existing streetscape and is visually unobtrusive.	a. Fencing must be constructed of masonry or metal railing, rigid frame and netting or low reflective painted metal materials to manufacturer's specifications. b. Rear and side fencing only may incorporate barbed or razor wire in part of its construction or be electrified. c. Entrance gates in fencing shall not open outwards onto a public road reserve. d. Fencing must be designed so as not to restrict/redirect the flow of any floodwater or overland drainage flow-path within a legal drainage easement. e. Fencing has a maximum height of: 1.8 metres for a front boundary; 2.4 metres for a side boundary; and 2.4 metres for a rear boundary. f. Fencing on a sloping site must be stepped to accommodate the fall in the land so that fencing is no higher than 2.8 metres above existing ground level at each step.
3. Landscape and Public Realm	
3.1 Development preserves vegetation and is designed to retain and/or protect the natural topography, geographical features, riparian zones by being sited away from such elements on the site.	a. The application must demonstrate the achievement of this Desired Outcome.
4. Access and Vehicle Parking	
4.1 Safe appropriate access is provided to all ancillary development.	a. All access and vehicle parking is designed and constructed to comply with KSC Infrastructure Delivery Guide and AUS-SPEC.
5. Amenity and Environment	
Privacy	
5.1 Ancillary development maintains visual and acoustic privacy in relation to neighbouring properties, dwellings and land uses.	a. Ancillary development is not situated directly opposite windows of primary living rooms in any adjoining dwellings, unless the design incorporates measures to reduce impacts.
Noise	
5.2 Ancillary development does not produce inappropriate noise intrusion.	a. All noise generating equipment such as mechanical plant or equipment, air conditioning units, shed shutters, or similar, must be designed to protect the acoustic privacy of neighbouring residential uses and screened from view. b. All such noise generating equipment must be acoustically treated with appropriate measures.

Desired Outcome	Development Control Requirements
	c. Wall mounted air-conditioning units are located as far as possible from the bedroom areas of adjoining residences and in a manner that noise generated from the unit is not audible in habitable rooms of adjoining residences. d. Noise levels at the property/unit boundary of residential development must not exceed a LAeq, 15 minute of 5dB above background noise.
Environment 5.3 Ancillary structures protect the environmental values and physical natural features of a site.	a. Development retains existing trees and vegetation on site.
Light Pollution 5.4 Ancillary development is protected from, and does not emit light intrusion to nearby development.	a. Development complies with AS 4282-2019 <i>Control of the obtrusive effects of outdoor lighting</i>.
6. Stormwater Management	
Stormwater Management 6.1 Stormwater from development is managed onsite to an acceptable, practical level. Stormwater in excess of this level must be properly drained to a legal point of discharge without causing adverse impacts on public drainage infrastructure, downslope properties or the quality of receiving waters.	a. Development shall be accompanied by a Stormwater Management Plan, where deemed necessary by Council. b. Stormwater management for ancillary development is considered in accordance with the specific site's land zone, size, site coverage and conditions. c. Stormwater drainage systems shall be designed using the relevant Australian Rainfall and Runoff standards, where the minor system shall be capable of carrying the controlling flows from frequent runoff events, while the major system shall provide safe, well-defined overland flow paths for rare and extreme storm runoff events. d. All stormwater overflow generated by development must be managed on-site for up to an AEP of 10%. Stormwater from events in excess of that must be drained to a legal point of discharge. e. Where no legal point of discharge is available the development may need to provide infiltration design or on-site detention. f. Stormwater management should maximise the use of natural infiltration solutions to minimise the costs of maintaining man-made systems. g. The use of such infiltration solutions such as deep soils zones, rain gardens and soak-away pits, permeable surfaces or other similar treatments for stormwater management are encouraged. h. Development that incorporates a water tank(s), detention ponds, into the stormwater

Desired Outcome	Development Control Requirements
	management system must comply with the following: i. The water tank system, including roof area, tank inlet pipe size, tank storage capacity and tank outlet pipe size, must be suitably sized to accommodate stormwater in a 5% AEP, with all overflow being directed to a legal point of discharge, suitably sized rubble drain or properly constructed drainage channel, at least 3 metres clear of buildings. ii. Stormwater from driveways and hardstand areas is directed away from the water tank(s) and is properly managed to a legal point of discharge in accordance with this Part. iii. Tanks and fittings comply with Planning for Bushfire Protection, as applicable.
7. Utilities	
7.1 Infrastructure is adequate to service the needs of the development (both existing and ancillary/ additional) and, where required, are upgraded or provide new infrastructure to meet the increase in demand generated by the development.	a. All utilities and services for ancillary development must demonstrate and provide site utilities capacity sufficient for all new/ additional demands and/or loads of the ancillary development to Council's satisfaction. b. All utilities and services are to be designed in accordance with relevant statutory requirements, including KSC Infrastructure Delivery Guide and relevant AUS-SPECs. Note - Refer to the relevant development type section (Parts D2 – D6) for further relevant utilities requirements if and where required.
7.2 Suitable water services are provided for the development.	a. Where habitable, the development is connected to a reticulated water supply main where available via a minimum service to KSC requirements and KSC Water Meter.
7.3 Suitable electricity services are provided to service the development.	a. Electricity services are provided to habitable development in accordance with requirements of the relevant authority and at the full cost of the developer. b. Electricity services are provided underground wherever possible.
7.4 Suitable sewerage services are provided for the development.	a. Where development is habitable it must be connected to a reticulated sewer main where available. If unsewered, an on-site effluent management system is installed that complies with the following: i. Relevant Australian Standards for On-site Domestic Wastewater

Desired Outcome	Development Control Requirements
	Management. ii. NSW Environment and Health Protection Guidelines.
7.5 Suitable telecommunication services are provided for the development.	a. Telecommunication services are provided to ancillary development where this is habitable and where available. b. Where a telecommunications network is available to the site, applicants provide written confirmation from the relevant network provider stating that satisfactory arrangements have been made for connection, prior to the commencement of the use.

D3 RURAL DEVELOPMENT

Application

This section generally applies to developments permitted on land zoned RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry, RU4 Primary Production Small Lots, C2 Environmental Conservation, C3 Environmental Management and C4 Environmental Living under KLEP.

This section applies to development applications for:

- D3.1 Rural Dwellings (dwelling houses) and Rural Workers Dwellings
- D3.2 Rural Buildings and Structures
- D3.3 Rural Tourism
- D3.4 Rural Industries
- D3.5 Agriculture

D3.1 Rural Dwellings and Rural Workers Dwellings

Application

This section applies to rural dwellings (dwelling houses) and rural workers dwellings and any alterations and additions to any of the above on land zoned RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry, RU4 Primary Production Small Lots, C3 Environmental Management and C4 Environmental Living under KLEP.

Objectives

1. To provide for rural dwelling houses and rural workers dwellings, ensuring that their development avoids fragmentation and inappropriate development on rural land.
2. To ensure rural dwelling houses and rural workers dwellings support the primary purpose of land in the rural zones for primary production, rural industry and agricultural purposes.

The following desired outcomes and development control requirements in **Table D3.1** prescribe how the above objectives can be met.

Table D3.1 – Rural Dwellings – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. Site Design	
Site Coverage 1.1 The proportion of a lot that is occupied by rural dwellings, rural workers dwelling and ancillary development maintains allowable density and is subordinate to the primary purpose of the land being used for primary production, rural industry and agricultural purposes.	a. The combined site coverage of a new rural dwelling or rural workers dwelling on a lot that has an area of less than 4,000m² must not be more than 30 per cent. b. The combined floor area of a new rural dwelling or rural workers dwelling on a lot that has an area of less than 4,000m² must not be more than 430m².
Setbacks 1.2 Rural dwellings and rural workers dwellings are located to ensure there is adequate separation between agricultural activities, environmentally sensitive areas, neighbouring properties, public roads and infrastructure.	Environmentally Sensitive Areas a. Development is setback from certain land-uses as per Table D3.2. Setbacks from Watercourses b. Development is setback a minimum distance of forty (40) metres from the top of the bank of any permanent/perennial water course, creek or drainage channel. Setbacks from Roads c. A rural dwelling and rural workers dwelling must have a setback from the boundary with a primary road of at least eighteen (18) metres. d. A rural dwelling and rural workers dwelling must have a setback from the boundary with a secondary road of at least ten (10) metres. e. If a lot fronts a classified road, a rural dwelling and rural workers dwelling must have a setback from the boundary with the classified road of whichever is the greater of – i. if another environmental planning instrument applying to that lot specifies a setback for those circumstances, the

Desired Outcome	Development Control Requirements																				
	setback specified by the other instrument; or ii. the setback specified by c and d above. Side Setbacks f. A rural dwelling and rural workers dwelling must have a setback from the side boundary of at least 10m. Rear Setbacks g. A rural dwelling and rural workers dwelling must have a setback from the rear boundary of at least 15m.																				
	Table D3.2 -Setback Distances <table> <tr> <th>Setback</th><th>Land Use Activity</th></tr> <tr> <td>1000m</td><td>Neighbouring abattoirs, feedlots, feed-pad dairies, piggeries, poultry farms, potentially hazardous or offensive industries, mines and extractive industries that involve blasting</td></tr> <tr> <td>1000m</td><td>Neighbouring effluent irrigation application areas.</td></tr> <tr> <td>500m</td><td>Neighbouring dairies, rural industries, mines and extractive industries that don't involve blasting.</td></tr> <tr> <td>500m</td><td>Neighbouring large scale rural industries involving wet plant or potentially noisy operations</td></tr> <tr> <td>400m</td><td>Sewage Treatment Plants</td></tr> <tr> <td>150m</td><td>Neighbouring land used for cropping, cultivation, horticulture, viticulture, turf farms, rabbit farms</td></tr> <tr> <td>100m</td><td>Railway corridor</td></tr> <tr> <td>50m</td><td>Heritage items listed under KLEP or State Heritage Register.</td></tr> <tr> <td>40m</td><td>Sheds, yards, sheep dips, livestock burial pits, effluent management ponds, open storage areas or the like that may pose a potential chemical contamination risk as a result of past activities</td></tr> </table>	Setback	Land Use Activity	1000m	Neighbouring abattoirs, feedlots, feed-pad dairies, piggeries, poultry farms, potentially hazardous or offensive industries, mines and extractive industries that involve blasting	1000m	Neighbouring effluent irrigation application areas.	500m	Neighbouring dairies, rural industries, mines and extractive industries that don't involve blasting.	500m	Neighbouring large scale rural industries involving wet plant or potentially noisy operations	400m	Sewage Treatment Plants	150m	Neighbouring land used for cropping, cultivation, horticulture, viticulture, turf farms, rabbit farms	100m	Railway corridor	50m	Heritage items listed under KLEP or State Heritage Register.	40m	Sheds, yards, sheep dips, livestock burial pits, effluent management ponds, open storage areas or the like that may pose a potential chemical contamination risk as a result of past activities
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100m	Railway corridor																				
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40m	Sheds, yards, sheep dips, livestock burial pits, effluent management ponds, open storage areas or the like that may pose a potential chemical contamination risk as a result of past activities																				
	Note: The separation distances represent best practice minimum buffer distances. Where a rural dwelling or rural workers dwelling is proposed and the adjoining land is being used, is likely to be used, or is capable of being used for more																				

Desired Outcome	Development Control Requirements
	than one type of primary industry activity included in the setback tables in this section, then the greatest of the setback distances is to be implemented. Development applications involving a variation to the minimum setback distances shown in the setback tables in this section will be considered by Council if they are accompanied by appropriate studies/ investigations/ justification provided by an appropriately qualified and experienced practitioner to confirm that the dwelling could be appropriately located without causing significant constraint on nearby rural or agricultural activities. Where replacement dwellings are proposed, the setback of the dwelling should not be less than the setback of the lawfully erected dwelling which is intended to be replaced, and the dwelling should not create any additional adverse impacts on any neighbouring land use activity.
Topography (Earthworks) 1.3 Rural dwellings and rural workers dwellings are sited and designed to accommodate the natural slope and orientation of the site and immediately adjacent land. 1.4 Earthworks associated with development does not negatively impact on the surrounding streetscape, adjoining properties or public assets. 1.5 Development siting and layout utilises natural grades of the land and minimises cut and fill.	- Earthworks shall not alter the existing ground level/natural topography unless there are existing vegetation and trees to be preserved. - Where existing trees are preserved, no earthworks are permitted closer to the trunk or main stem than the drip-line (canopy extent) of the tree. - Earthworks must not exceed a cut or fill of greater than 2.0 metres depth/height from the existing ground level/natural topography of the site. - Cut and fill batters shall not exceed a slope of 1:3 (volume:height). - Cut and fill batters and retaining walls outside the building footprint must be landscaped to mitigate visual impacts. - Earthworks must comply with KSC AUS-SPECS requirements. - Buildings, structures and operational areas are not constructed on land with a gradient exceeding 15%. - Cut or fill does not exceed +/-1 metre from natural ground level, within two (2.0) metres of any boundary. - Cut or fill of +/- 2.0 metres must not be exceeded within the development envelope for buildings and/or basements. - Excavation shall not expose or activate classes 1-4 Acid Sulfate Soils (refer also Part B).
2. Development Design	
Building form 2.1 Building siting, height, scale and roof form must not negatively impact the surrounding development, streetscape, topography and character.	Rural dwellings and rural workers dwellings are designed so that the elevation facing the road resembles a traditional or modern dwelling structure. This is generally achieved with architectural features such as verandas, porticos, entry door features, windows to habitable rooms, pitched roofs, appropriate building materials (masonry/rendered blue-board/weatherboard walls and tile/corrugated metal roofing) or combinations of these elements.

Desired Outcome	Development Control Requirements
	b. Rural workers dwellings are designed so that the design is complementary to the main dwelling on the site. c. Rural dwellings and rural workers dwellings are located close to other outbuildings to form a “homestead group” of buildings, where applicable and practical. d. Materials are selectively used so that a glare nuisance is not caused to surrounding neighbours or public roads.
2.2 Rural dwellings and rural workers dwellings are integrated with the surrounding landscape when viewed from a public road.	a. The height of a rural dwelling or rural workers dwelling or the alterations and additions to an existing dwelling house must not be more than 10m above ground level (existing). b. The highest point of the rural dwelling or rural workers dwelling or the alterations and additions to an existing dwelling must be at least 5m below the highest ridgeline of any hill within 100m of the dwelling or alteration when viewed from adjacent public road.
Passive Design 2.3 Rural dwellings and rural workers dwellings are designed and constructed to maximise their liveability, amenity and sustainability through their orientation, sustainable building fabrics, thermal performance, energy generation/consumption, water collection, use and reuse.	a. Rural dwellings and rural workers dwellings are designed and sited so that the living areas and major part of their private open space have a northern orientation and receive the maximum amount of sunlight in winter and provide the opportunity for planting trees for summer shading and amenity value. b. Development should be designed for energy efficiency by: i. minimising the overall surface area through which undesirable heat gains and losses can occur and providing for insulation of the rural dwellings and rural workers dwellings; ii. avoiding large expanses of glazing on south and west facing walls; iii. maximising natural ventilation for summer cooling in summer by building orientation and width, and windows to funnel air flow and breezes; iv. providing for insulation of dwellings; c. Rural dwellings and rural workers dwellings should utilise sun protection devices, (i.e. deep eaves, screens, verandahs, pergolas, etc.) along western-facing walls to produce a comfortable microclimate in and around dwellings.
Storage and Utility Function 2.4 Building design incorporates appropriate functional and storage spaces and areas for waste storage, transfer and disposal purposes.	a. Building utilities components, such as solar panels and solar collectors are suitably incorporated into the roof design and hot water tanks are enclosed within the building fabric. b. Development is provided with suitable waste bin storage behind the building frontage .

Desired Outcome	Development Control Requirements
	c. Waste storage and collection is to be managed wholly within the site. Waste bins and bulk waste storage areas are not to be located within the road reserve for collection purposes. d. Development is provided with a rural address number in accordance with Kempsey Shire Council's requirements.
Appropriateness of Use – Rural Workers Dwellings 2.5 The rural workers dwelling meets the requirements of KLEP and is an appropriate use of the land.	a. The application must demonstrate the achievement of this Desired Outcome.
3. Landscape and Public Realm	
3.1 Rural Dwellings and Rural Workers Dwellings do not adversely impact views, significant vistas, the landscape character or surrounding properties.	a. Rural Dwellings and Rural Workers Dwellings are not located in visually prominent locations such as on ridgelines, hilltops or in prominent locations when viewed from public vantage points. a. Rural Dwellings and Rural Workers Dwellings are positioned on the land to limit the amount of clearing of any remnant native trees or other native understorey vegetation, especially along the perimeter of the site.
4. Access and Vehicle Parking	
4.1 Safe vehicle access and parking are provided to all rural dwellings and rural workers dwellings.	a. Development is serviced by a practical and legal access that connects to the public road network. b. Development gains access to the local road network and not directly onto a classified road. c. Development gains access to the public road network via the same entrance as the primary dwelling house on site. d. Driveway locations, dimensions and finished levels comply with Austroads Guide to Road Design. e. All vehicle access and parking is designed and constructed to comply with the relevant Australian Standards. f. Car parking is provided at the rates identified within Part E – Appendix 4.
5. Amenity and Environment	
5.1 Development preserves native vegetation and is designed to retain and/or protect the natural topography, geographical features, water courses and riparian zones by being sited away from such elements on the site.	a. Where possible, development retains existing trees, vegetation and other environmental features such as natural watercourses etc. on site.
6. Stormwater Management	
Stormwater Management 6.1 Stormwater from development is managed	

Desired Outcome	Development Control Requirements
onsite to an acceptable, practical level, or otherwise properly drained to a legal point of discharge or appropriate receiving waters, without causing adverse impacts on public drainage infrastructure, downslope properties or the quality of receiving waters.	a. All stormwater overflow generated by development must be managed on-site for an AEP of 5%, or otherwise drained to a legal point of discharge or appropriate receiving waters. b. Stormwater drainage systems are designed using the relevant Australian Rainfall and Runoff standards, where the minor system shall be capable of carrying the controlling flows from frequent runoff events, while the major system shall provide safe, well-defined overland flow paths for rare and extreme storm runoff events. c. Stormwater volumes and characteristics are estimated in accordance with relevant Australian Rainfall and Runoff standards by a suitably qualified engineer. d. Stormwater management maximises the use of natural infiltration solutions to minimise the costs of maintaining man-made systems. e. Development that incorporates a water tank(s) and/or detention ponds must comply with the following: i. The water tank system, including roof area, tank inlet pipe size, tank storage capacity and tank outlet pipe size, must be suitably sized to accommodate stormwater in a 5% AEP, with all overflow being directed to a legal point of discharge, suitably sized rubble drain or properly constructed drainage channel, at least 3 metres clear of buildings. ii. Stormwater from driveways and hardstand areas is directed away from the water tank(s) and is properly managed to a legal point of discharge in accordance with this Part. iii. Tanks and fittings comply with Planning for Bushfire Protection, as applicable. f. Development takes into account the stormwater management requirements of the whole site / stormwater drainage system, including stormwater from upslope areas in the catchment that is based on a fully developed scenario, and is based on the preexisting condition to provide and be the same volume of runoff at the lot outlet or less where possible.
7. Utilities	
7.1 Infrastructure is adequate to service the needs of the development and, where required, are upgraded or provide new infrastructure to meet the increase in demand generated by the development.	a. All utilities and services are to be designed in accordance with relevant statutory requirements, including KSC Infrastructure Delivery Guide and KSC AUS-SPECs.
7.2 Suitable water services are provided for the development.	a. Development is connected to a reticulated water supply main via a minimum service to KSC requirements and KSC Water Meter where available. b. Suitable easements are provided for public water

Desired Outcome	Development Control Requirements
	infrastructure within properties. c. The developer meets the full cost of water reticulations, plus the cost of connecting to the existing services where these are available. d. Where reticulated water supply is not available, water tanks may be provided to service development, and these must comply with relevant standards. e. Provision of bushfire mitigation complies with the requirements of Part B – B1 - Natural Hazards.
7.3 Suitable electricity services are provided for the development.	a. Electricity services are provided to the development in accordance with requirements of the relevant authority and at the full cost of the developer. b. Electricity services are provided underground where possible.
7.4 Suitable sewerage services are provided for the development.	a. Development is connected to a reticulated sewer main where available. If unsewered, an on-site effluent management system is installed that complies with the following: i. Relevant Australian Standards for On-site Domestic Wastewater Management. ii. NSW Environment and Health Protection Guidelines. b. Suitable easements are provided for public sewerage infrastructure within properties. c. Where the development is in near proximity to an existing sewer area or where in the opinion of the State government or Council, the land is unsuitable for onsite disposal of effluent, connection to the existing sewerage system will be required. d. An On-site Sewage Management Assessment Report to support sewage treatment proposals is to accompany an application for this type of development. e. Development is designed so that an area remote from any watercourse and downhill of potential home sites is available for effluent disposal. f. The developer meets the full cost of sewer reticulations, plus the cost of connecting to the existing services.

D3.2 Rural Buildings and Structures

Application

This section applies to all rural buildings and structures (such as farm buildings and agricultural structures) on land zoned RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry, RU4 Primary Production Small Lots, C3 Environmental Management and C4 Environmental Living under KLEP, which require consent.

Objectives

1. Rural buildings and structures are designed to make a positive contribution to rural production.
2. Rural buildings and structures do not negatively impact rural amenity, landscape character or public roads and utilities.
3. Rural buildings and structures are ancillary to an agricultural use of the landholding on which it is situated.
4. Rural buildings and structures do not impact on the ecological or hydrological values or features of the site on which it is located.
5. Rural buildings and structures are accessible, functional, efficient and resilient.

The following desired outcomes and development control requirements in **Table D3.3** prescribe how the above objectives can be met.

Table D3.3 – Rural Buildings and Structures – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. Site Design	
Site Coverage 1.1 The proportion of a lot that is occupied by rural buildings or structures ensures that it is subordinate to the primary purpose of the land being used for primary production, rural industry and agricultural purposes.	a. The total floor area of all new rural buildings or structures on a lot that has an area of less than 4,000m ² must not be more than the following— i. 500m², if the only purpose of the rural buildings or structures are for an agricultural use; ii. 100m², in any other case. b. The combined site coverage of rural buildings or structures with any rural dwelling and/or rural workers dwelling on a lot that has an area of less than 4,000m ² must not be more than 30 per cent.
Setbacks 1.2 Rural buildings and structures are located to ensure there is adequate separation between agricultural activities, environmentally sensitive areas, neighbouring properties, public roads and infrastructure.	Setbacks from Watercourses a. Development is setback a minimum distance of forty (40) metres from the top of the bank of any permanent/perennial water course, creek or drainage channel. Setbacks from Roads b. Development must have a setback from the boundary with a primary road of at least eighteen (18) metres. c. Development must have a setback from the boundary with a secondary road of at least ten (10) metres. d. If a lot fronts a classified road, development must have a setback from the boundary with the classified road of whichever is the greater of – i. if another environmental planning instrument applying to that lot specifies

Desired Outcome	Development Control Requirements
	a setback for those circumstances, the setback specified by the other instrument; or ii. the setback specified by b and c above. Setbacks from side and rear boundaries e. Development must have a setback from a side or rear boundary of at least— i. if the only purpose of the rural building or structure is for agricultural use— ten (10) metres; or ii. in any other case— five (5) metres.
Topography (Earthworks) 1.3 Buildings and structures are sited and designed to accommodate the natural slope and orientation of the site and immediately adjacent land. 1.4 Earthworks associated with development does not negatively impact on the surrounding streetscape, adjoining properties or public assets. 1.5 Development siting and layout utilises natural grades of the land and minimises cut and fill.	a. Earthworks shall not alter the existing ground level/natural topography unless there are existing vegetation and trees to be preserved. b. Where existing trees are preserved, no earthworks are permitted closer to the trunk or main stem than the drip-line (canopy extent) of the tree. c. Earthworks must not exceed a cut or fill of greater than 2.0 metres depth/height from the existing ground level/natural topography of the site. d. Cut and fill batters shall not exceed a slope of 1:3 (volume:height). e. Cut and fill batters and retaining walls outside the building footprint must be landscaped to mitigate visual impacts. f. Earthworks must comply with KSC Infrastructure Delivery Guide and KSC AUS-SPECS requirements. g. Buildings, structures and operational areas are not constructed on land with a gradient exceeding 15%. h. Cut or fill does not exceed +/-1 metre from natural ground level, within two (2.0) metres of any boundary. i. Cut or fill of +/- 2.0 metres must not be exceeded within the development envelope for buildings and/or basements. j. Excavation shall not expose or activate classes 1-4 Acid Sulfate Soils (refer also Part B – B1 – Natural Hazards).
2. Development Design	
Building Form 2.1 Building siting, height, scale and roof form must not negatively impact the surrounding development, streetscape, topography and character. 2.2 Rural buildings and structures are designed and located so as not to be the predominant built	a. Rural buildings and structures are designed so that the design is complementary to a rural dwelling or rural workers dwelling on site. b. Materials are selectively used so that a glare nuisance is not caused to surrounding neighbours or public roads.

Desired Outcome	Development Control Requirements
form element viewed from the public road or vantage point.	c. The height of a rural building or structure, or of the alterations and additions to an existing rural building or structure, must not be more than— i. 4.8m above ground level (existing) if the rural building or structure is not a farm building or shed; or ii. if the rural building or structure is a farm building or shed—7m above ground level (existing).
Storage and Utility Function 2.3 Building design incorporates appropriate functional and storage spaces and areas for waste storage, transfer and disposal purposes.	a. Building utilities components, such as solar panels and solar collectors are suitably incorporated into the roof design and hot water tanks are enclosed within the building fabric. b. Development is provided with suitable waste bin storage behind the building frontage . c. Waste storage and collection is to be managed wholly within the site. Waste bins and bulk waste storage areas are not to be located within the road reserve for collection purposes.
Appropriateness of Use 2.4 Rural buildings and structures are non-habitable structures and are an appropriate use of the land which supports the primary function of the property for agricultural uses.	a. Rural buildings or structures are ancillary to an agricultural use of the landholding on which they are situated. b. Development will not impair the use of the land for agriculture or rural industries.
3. Landscape and Public Realm	
3.1 Rural buildings and structure do not adversely impact views, significant vistas, the landscape character or surrounding properties.	a. Rural buildings and structures are not located in visually prominent locations such as on ridgelines, hilltops or in prominent locations when viewed from public vantage points. b. Rural buildings and structures are positioned on the land to limit the amount of clearing of any remnant native trees or other native understorey vegetation, especially along the perimeter of the site.
4. Access and Vehicles	
4.1 Safe vehicle access and manoeuvring areas are provided to all rural buildings and structures.	a. Development is serviced by a practical and legal access that connects to the public road network. b. Development gains access to the public road network via the same entrance as the primary dwelling house on site. c. Driveway locations, dimensions and finished levels comply with Austroads Guide to Road Design. d. All vehicle access and parking is designed and constructed to comply with the relevant Australian Standards.

Desired Outcome	Development Control Requirements
	e. Where required by the function of the rural building or structure, adequate vehicle manoeuvring space shall be provided for access, servicing, loading and unloading activities for the largest design vehicle. f. Vehicles are capable of entering and exiting the site in a forward direction. g. Car parking is provided at the rates identified within Part E – Appendix 4.
5. Amenity and Environment	
5.1 Development preserves vegetation and is designed to retain and/or protect the natural topography, geographical features, water courses and riparian zones by being sited away from such elements on the site.	a. Where possible, development retains existing trees, vegetation and other environmental features such as natural watercourses etc. on site.
6. Stormwater Management	
Stormwater Management	
6.1 Stormwater from development is managed onsite to an acceptable, practical level, or otherwise properly drained to a legal point of discharge or appropriate receiving waters, without causing adverse impacts on public drainage infrastructure, downslope properties or the quality of receiving waters.	a. All stormwater overflow generated by development must be managed on-site for an AEP of 5%, or otherwise drained to a legal point of discharge or appropriate receiving waters. b. Stormwater drainage systems are designed using the relevant Australian Rainfall and Runoff standards, where the minor system shall be capable of carrying the controlling flows from frequent runoff events, while the major system shall provide safe, well-defined overland flow paths for rare and extreme storm runoff events. c. Stormwater volumes and characteristics are estimated in accordance with relevant Australian Rainfall and Runoff standards by a suitably qualified engineer. d. Stormwater management maximises the use of natural infiltration solutions to minimise the costs of maintaining man-made systems. e. Development that incorporates a water tank(s) and/or detention ponds, must comply with the following: i. The water tank system, including roof area, tank inlet pipe size, tank storage capacity and tank outlet pipe size, must be suitably sized to accommodate stormwater in a 5% AEP, with all overflow being directed to a legal point of discharge, suitably sized rubble drain or properly constructed drainage channel, at least 3 metres clear of buildings. ii. Stormwater from driveways and hardstand areas is directed away from the water tank(s) and is properly managed to a legal point of discharge in accordance with this Part.

Desired Outcome	Development Control Requirements
	iii. Tanks and fittings comply with Planning for Bushfire Protection, as applicable. f. Development takes into account the stormwater management requirements of the whole site / stormwater drainage system, including stormwater from upslope areas in the catchment that is based on a fully developed scenario, and is based on the preexisting condition to provide and be the same volume of runoff at the lot outlet or less where possible.
7. Utilities	
7.1 Infrastructure is adequate to service the needs of the development and, where required, are upgraded or provide new infrastructure to meet the increase in demand generated by the development.	a. All utilities and services are to be designed in accordance with relevant statutory requirements, including KSC Infrastructure Delivery Guide and KSC AUS-SPECs.
7.2 Suitable water services are provided for the development	a. Development is connected to a reticulated water supply main via a minimum service to KSC requirements and KSC Water Meter, where available. b. Water tanks may be provided to service development and must comply with relevant standards. c. Suitable easements are provided for public water infrastructure within properties. d. The developer meets the full cost of water reticulations, plus the cost of connecting to the existing services where these are available. e. Provision of bushfire mitigation complies with the requirements of Part B – B1 - Natural Hazards – Bushfire.
7.3 Suitable electricity services are provided for the development.	a. Electricity services are provided to the development in accordance with requirements of the relevant authority and at the full cost of the developer. b. Electricity services are provided underground where possible.
7.4 Suitable sewerage services are provided for the development.	a. Development is connected to a reticulated sewer main where available. If unsewered, an on-site effluent management system is installed that complies with the following: i. Relevant Australian Standards for On-site Domestic Wastewater Management. ii. NSW Environment and Health Protection Guidelines. b. Suitable easements are provided for public sewerage infrastructure within properties. c. Where the development is in near proximity to an existing sewer area or where in the opinion of the State government or Council, the land is

Desired Outcome	Development Control Requirements
	unsuitable for onsite disposal of effluent, connection to the existing sewerage system will be required. d. An On-site Sewage Management Assessment Report to support sewage treatment proposals is to accompany an application for this type of development. e. Development is designed so that an area remote from any watercourse and downhill of potential home sites is available for effluent disposal. f. The developer meets the full cost of sewer reticulations, plus the cost of connecting to the existing services.

D3.3 Rural Tourism

Application

This section applies to rural tourism, being tourism in rural and natural areas for agritourism (being farm gate and farm experience premises), farm stay accommodation, bed and breakfast accommodation and eco-tourist facilities, where permitted by KLEP. Particular zones permit different types of rural tourism uses, however this section covers tourism and related development within lands zoned RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry, RU4 Primary Production Small Lots, C3 Environmental Management and C4 Environmental Living, where not otherwise regulated by other environmental planning instruments or policies.

Objectives

The following desired outcomes and development control requirements in **Table D3.4** prescribe how the above objectives can be met.

1. Rural tourism development is well designed and serviced to provide a range of visitor experiences, tourist accommodation, facilities and opportunities in the rural and natural parts of Kempsey Shire.
2. To facilitate small scale tourism development opportunities to grow and diversify Kempsey's visitor economy.
3. To provide development guidelines and controls for various forms of sustainable rural and nature-based tourism development.
4. Rural tourism provides a diversity of accommodation types and activity offerings, which are compatible with the rural and natural setting in which they are located.
5. Development increases local economic activity and expands/increases the local visitor service network for the rural and natural parts of Kempsey Shire.
6. To preserve and protect the natural physical and biodiversity features, characteristics and qualities of Kempsey Shire's rural, natural, riverine and coastal landscape and environment.
7. Provides tourist development opportunities where these activities do not conflict with or constrain the primary purpose(s) of land zoning.

Table D3.4 – Rural Tourism – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. Site Design	
Site Coverage 1.1 The proportion of a lot that is occupied by rural tourism is subordinate to the primary purpose of the land being used for primary production, rural industry and agricultural purposes. 1.2 Development occurring within the C3 or C4 zones will not compromise the environmental, biodiversity, scenic landscape or natural character values of the land.	a. The total floor area of all buildings associated with rural tourism uses is: i. Maximum 200m² gross floor area for each building to maximum 500m² for all uses other than where for farm stay accommodation, bed and breakfast accommodation and eco-tourist facility; ii. Maximum 60m² gross floor area for a new building or use up to 60m² of an existing building for farm stay premises or bed and breakfast accommodation and eco-tourist facility, where a maximum of 6 buildings are developed on site and use up to 25m² of an existing building to provide communal amenities or facilities.
Setbacks 1.3 Rural tourism development is located to ensure there is adequate separation between agricultural activities, environmentally sensitive	Setbacks from Watercourses a. Development is setback a minimum distance of forty (40) metres from the top of the bank of any

Desired Outcome	Development Control Requirements
areas, neighbouring properties, public roads and infrastructure.	permanent/perennial water course, creek or drainage channel. Setbacks from Roads b. Development must have a setback from the boundary with a primary road of at least eighteen (18) metres. c. Development must have a setback from the boundary with a secondary road of at least ten (10) metres. d. If a lot fronts a classified road, development must have a setback from the boundary with the classified road of whichever is the greater of – i. if another environmental planning instrument applying to that lot specifies a setback for those circumstances, the setback specified by the other instrument; or ii. the setback specified by b and c above. Setbacks from side and rear boundaries e. Development must have a setback from a side or rear boundary of at least ten (10) metres.
Topography (Earthworks) 1.4 Buildings and structures are sited and designed to accommodate the natural slope and orientation of the site and immediately adjacent land. 1.5 Earthworks associated with development does not negatively impact on the surrounding streetscape, adjoining properties or public assets. 1.6 Development siting and layout utilises natural grades of the land and minimises cut and fill.	a. Earthworks shall not alter the existing ground level/natural topography where there are existing vegetation and trees to be preserved. b. Where existing trees are preserved, no earthworks are permitted closer to the trunk or main stem than the drip-line (canopy extent) of the tree. c. Earthworks must not exceed a cut or fill of greater than 2.0 metres depth/height from the existing ground level/natural topography of the site. d. Cut and fill batters shall not exceed a slope of 1:3 (volume:height). e. Cut and fill batters and retaining walls outside the building footprint must be landscaped to mitigate visual impacts. f. Earthworks must comply with KSC Infrastructure Delivery Guide and KSC AUS-SPECS requirements. g. Buildings, structures and operational areas are not constructed on land with a gradient exceeding 15%. h. Cut or fill does not exceed +/-1 metre from natural ground level, within two (2.0) metres of any boundary. i. Cut or fill of +/- 2.0 metres must not be exceeded within the development envelope for buildings and/or basements. j. Excavation shall not expose or activate classes 1-4 Acid Sulfate Soils (refer also Part B – B1 – Natural Hazards).

Desired Outcome	Development Control Requirements
2. Development Design	
Building Form 2.1 Rural tourism structures appear as visually sympathetic architectural structures in the rural landscape when viewed from a public road.	a. Development is designed to be complementary to a rural and/or natural landscape; through form, scale, material use and colour. b. The peak height of any building or structures associated with rural industries must not protrude above the ridgeline of the highest hill within 100 metres of the subject development. c. A maximum of one (1) identification sign is provided on the wall of the dwelling, front fence, or other similar structure. It only includes those details necessary to identify the establishment, its proprietor and contact numbers. Such sign may be illuminated, provided that it does not cause a lighting nuisance to motorists or nearby properties. For bed and breakfast accommodation, eco-tourist facility and farm stay accommodation: d. At least one bathroom/ toilet facility per 3 bedrooms is provided for use by paying guests that is in addition to those facilities used or dedicated to the permanent residents of the site. e. All areas of the accommodation facility available to guests complies with Disability (Access to Premises – Buildings) Standards, as applicable. f. Smoke detectors are installed in accordance with the Building Code of Australia and the relevant Australian Standards for Smoke Alarms. g. Deadlocks which require internal key release are not to be provided on doors to guest rooms or external rooms. h. Cooking facilities for the preparation of meals are not provided in guest rooms of bed and breakfast accommodation or farm stay accommodation.
Storage and Utility Function 2.2 Building design incorporates appropriate functional and storage spaces and areas for waste storage, transfer and disposal purposes.	a. Building utilities components, such as solar panels and solar collectors are suitably incorporated into the roof design and hot water tanks are enclosed within the building fabric. b. Development is provided with suitable waste bin storage behind the building frontage . c. Waste storage and collection is to be managed wholly within the site. Waste bins and bulk waste storage areas are not to be located within the road reserve for collection purposes.

Desired Outcome	Development Control Requirements
	d. Development is provided with a rural address number in accordance with Kempsey Shire Council's requirements.
2.3 Development includes systems for waste management that ensures waste is collected, transported and/or disposed of in a lawful manner. 2.4 Development provides space, storage, amenity and management of waste management facilities. 2.5 Development includes waste management systems are compatible with collection services.	a. A development application must be accompanied by a Statement of Environmental Effects (SEE), which includes a Site Waste Management Plan (SWMP) as the information detailing compliance with waste management requirements. The SWMP is to outline measures to minimise and manage waste generated by and through ongoing use of the site/ premises/ development including: i. volume and type of waste and recyclables to be generated; ii. storage and treatment of waste and recyclables on site; iii. disposal of residual waste and recyclables; and iv. operational procedures for ongoing waste management for the completed development. b. The SWMP identifies the method of recycling or disposal and the waste management service provider. c. Waste management facilities proposed as part of the development shall be clearly illustrated on the plans of the proposed development, accompanying the development application (DA).
Appropriateness of Use 2.6 Rural tourism is an appropriate use of the land which supports the primary function of the rural area for agricultural uses.	a. Rural tourism is ancillary to the agricultural use of the landholding on which it is situated. b. Development will not impair the use of the land for agriculture or rural industries. c. Development will not impair the use of neighbouring land, including land within the C3 and C4 zones. d. One roadside stall is permitted per rural tourism use as follows: i. Located on the property ii. Cannot be located on land adjacent to a freeway, tollway or highway iii. Maximum 9m² footprint iv. Parking on the property (or on the road verge subject to requirements)
Hours of Operation and Maximum Numbers 2.7 Development protects the reasonable amenity expectations of surrounding areas, through appropriate hours of operation and number of persons on site at any one time.	a. The following maximum number of people apply, unless otherwise approved by Council: i. Farm gate premises 1) 100 visitors at any one time; ii. Farm experience premises

Desired Outcome	Development Control Requirements
	1) 50 visitors at any one time (excluding school visits, farm tours and horse riding tours). 2) Total 100 guests at any one time (excluding tours and school visits). 3) Maximum 52 days per year (excluding school visits, farm tours and horse riding tours). iii. Farm stay accommodation, bed and breakfast accommodation or eco-tourist facility 1) Maximum 20 guests in tents, caravans and campervans. 2) Maximum 6 caravans and campervans. 3) Maximum 21 consecutive days of stay. 4) Minimum landholding of 15ha for camping/caravans. 5) Use up to 60m² gross floor area of an existing residential accommodation or manufactured home
3. Landscape and Public Realm	
3.1 Rural tourism buildings and structures do not adversely impact views, significant vistas, the landscape character or surrounding properties.	a. Rural tourism buildings and structures are not located in visually prominent locations such as on ridgelines, hilltops or in prominent locations when viewed from public vantage points. b. Rural tourism buildings and structures are positioned on the land to limit the amount of clearing of any remnant native trees or other native understorey vegetation, especially along the perimeter of the site.
4. Access and Vehicles	
4.1 Safe vehicle access and manoeuvring areas are provided to service the rural tourism development.	a. Development is serviced by a practical and legal access that connects to the public road network. b. Development gains access to the public road network via the same entrance as the primary rural dwelling house on site, where applicable. c. Driveway locations, dimensions and finished levels comply with Austroads Guide to Road Design. d. All vehicle access and parking is designed and constructed to comply with the relevant Australian Standards. e. Where required by the function of the use, adequate vehicle manoeuvring space shall be provided for access, servicing, loading and unloading activities for the largest design vehicle.

Desired Outcome	Development Control Requirements
	f. Vehicles are capable of entering and exiting the site in a forward direction. g. Car parking is provided at the rates identified within Part E – Appendix 4.
5. Amenity and Environment	
Vegetation 5.1 Development preserves vegetation and is designed to retain and/or protect the natural topography, geographical features, water courses and riparian zones by being sited away from such elements on the site.	a. Where possible, development retains existing trees, vegetation and other environmental features such as natural watercourses etc. on site.
Noise 5.2 Development achieves a satisfactory level of amenity including noise control and acoustic privacy.	a. All noise generating equipment such as mechanical plant or equipment, air conditioning units, fixed vacuum systems, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar, as well as delivery areas, must be designed to protect the acoustic privacy of neighbouring uses. b. All such noise generating equipment must be acoustically treated/mitigated. c. Exterior facades are designed to minimise the opportunity for sound transmission. Depending on surrounding land uses and the nature of the proposal, an acoustic report may be requested demonstrating how sound transmission is minimised. d. Operation of/within the rural tourism buildings and structures complies with the NSW Industrial Noise Policy. e. Suppresses external noise sources likely to be generated in a rural setting. f. All stationary noise generating machinery is located within insulated and enclosed buildings. g. Deliveries and heavy vehicle transport are undertaken during reasonable hours and generally only between the hours of 7am to 6pm weekdays and 7am to 1pm Saturdays, unless otherwise approved by Council.
Light Pollution 5.3 Development protects adjoining sites from light intrusion.	a. Development complies with <i>AS 4282-2019 Control of the obtrusive effects of outdoor lighting</i>.
6. Stormwater Management	
Stormwater Management 6.1 Stormwater from development is managed onsite to an acceptable, practical level, or otherwise properly drained to a legal point of	a. All stormwater overflow generated by development must be managed on-site for an

Desired Outcome	Development Control Requirements
discharge or appropriate receiving waters, without causing adverse impacts on public drainage infrastructure, downslope properties or the quality of receiving waters.	AEP of 5%, or otherwise drained to a legal point of discharge or appropriate receiving waters. b. Stormwater drainage systems are designed using the relevant Australian Rainfall and Runoff standards, where the minor system shall be capable of carrying the controlling flows from frequent runoff events, while the major system shall provide safe, well-defined overland flow paths for rare and extreme storm runoff events. c. Stormwater volumes and characteristics are estimated in accordance with relevant Australian Rainfall and Runoff standards by a suitably qualified engineer. d. Stormwater management maximises the use of natural infiltration solutions to minimise the costs of maintaining man-made systems. e. Development that incorporates a water tank(s) and/or detention ponds, must comply with the following: i. The water tank system, including roof area, tank inlet pipe size, tank storage capacity and tank outlet pipe size, must be suitably sized to accommodate stormwater in a 5% AEP, with all overflow being directed to a legal point of discharge, suitably sized rubble drain or properly constructed drainage channel, at least 3 metres clear of buildings. ii. Stormwater from driveways and hardstand areas is directed away from the water tank(s) and is properly managed to a legal point of discharge in accordance with this Part. iii. Tanks and fittings comply with Planning for Bushfire Protection, as applicable. f. Development takes into account the stormwater management requirements of the whole site / stormwater drainage system, including stormwater from upslope areas in the catchment that is based on a fully developed scenario, and is based on the preexisting condition to provide and be the same volume of runoff at the lot outlet or less where possible.
7. Utilities	
7.1 Infrastructure is adequate to service the needs of the development and, where required, are upgraded or provide new infrastructure to meet the increase in demand generated by the development.	a. All utilities and services are to be designed in accordance with relevant statutory requirements, including KSC Infrastructure Delivery Guide and KSC AUS-SPECs.
7.2 Suitable water services are provided for the development.	a. Development is connected to a reticulated water supply main via a minimum service to KSC requirements and KSC Water Meter, where available.

Desired Outcome	Development Control Requirements
	b. Water tanks may be provided to service the development and must comply with relevant standards. c. Suitable easements are provided for public water infrastructure within properties. d. The developer meets the full cost of water reticulations, plus the cost of connecting to the existing services where these are available. e. Provision of bushfire mitigation complies with the requirements of Part B – B1 - Natural Hazards – Bushfire.
7.3 Suitable electricity services are provided for the development.	a. Electricity services are provided to the development in accordance with the requirements of the relevant authority and at the full cost of the developer. b. Electricity services are provided underground where possible.
7.4 Suitable sewerage services are provided for the development.	a. Development is connected to a reticulated sewer main where available. If unsewered, an on-site effluent management system is installed that complies with the following: i. Relevant Australian Standards for On-site Domestic Wastewater Management. ii. NSW Environment and Health Protection Guidelines. b. Suitable easements are provided for public sewerage infrastructure within properties. c. Where the development is in near proximity to an existing sewer area or where in the opinion of the State government or Council, the land is unsuitable for onsite disposal of effluent, connection to the existing sewerage system will be required. d. An On-site Sewage Management Assessment Report to support sewage treatment proposals is to accompany an application for this type of development. e. Development is designed so that an area remote from any watercourse and downhill of potential home sites is available for effluent disposal. f. The developer meets the full cost of sewer reticulations, plus the cost of connecting to the existing services.

D3.4 Rural Industries

Application

This section applies to rural industries on land zoned RU1 Primary Production, RU2 Rural Landscape and RU3 Forestry Lots under KLEP.

Objectives

1. To ensure the location, design and operation of rural industries makes a positive contribution to the economic growth and employment opportunities of Kempsey Shire.
2. Rural industries support rural production,
3. Rural industry is not detrimental to the rural landscape character, amenity and ecological diversity of the surrounding area.
4. Ensure appropriate environmental assessment of rural industries development permitted with consent, in accordance with KLEP.
5. Create effective site planning, layout, functionality and amenity for operators and users.
6. Appropriately manage amenity impacts such as noise, air and dust pollution, odour, waste dispersal, light intrusion and pest and weed proliferation.
7. Development minimises the risks from and impacts of natural hazards.

The following desired outcomes and development control requirements in **Table D3.5** prescribe how the above objectives can be met.

Table D3.5 – Rural Industries – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. Site Design	
Site Coverage 1.1 Rural industries occupies a proportion of the site (lot) that is complementary to the immediate pattern of surrounding rural land use . 1.2 Rural industry ensures that the site's development coverage meets all required setbacks, space for screening/buffer treatments, on-site stormwater management, access and parking and ancillary development.	a. The total floor area of all buildings associated with rural industry uses does not exceed; i. For sites <4,000m² - 30% of site area ii. For sites >4,000m² - 25% of site area, or 2000 m² GFA, whichever is the lesser iii. For sites >8,000m², 20% of site area or 2,500m² GFA, whichever is the lesser.
Setbacks and Site Selection 1.3 Rural industries are designed and located to be complementary to the rural purposes, character and amenity of the surrounding area.	Setbacks from Sensitive Land Uses a. The location of the rural industry activity will not encroach any sensitive land use ¹ on a neighbouring property by the relevant distances shown in Table D3.6 . Setbacks from Watercourses b. Buildings, structures and operational areas are set back a minimum of 100 metres from permanent watercourses or water bodies and 40 metres from an ephemeral watercourse. Setbacks from Roads and Side and Rear Boundaries

¹ Sensitive land use has the meaning prescribed in Appendix 1 – Glossary of Part E

Desired Outcome	Development Control Requirements										
	c. Notwithstanding the setbacks from sensitive land uses outlined in Table D3.6, rural industries shall otherwise be setback from all roads and side and rear boundaries at the minimum required for the specific building typology (refer Part D), or as otherwise required by Council, and shall take into consideration the nature of the proposed use, the frequency of use of the road that it fronts, whether that road is sealed and whether landscape is proposed.										
	Table D3.6 - Setback Distances (measured from the boundary of the subject lot) to Sensitive Land Uses <table> <tr> <th>Setback</th><th>Rural Industry Land Use Activity</th></tr> <tr> <td>1000m</td><td>Abattoirs, agricultural produce industries, livestock processing industries, composting facilities and works (including the production of mushroom substrate)</td></tr> <tr> <td>500m</td><td>Feedmill, stock and saleyards, sawmills or log processing works and mining / extractive industries</td></tr> <tr> <td>150m</td><td>Cropping and horticulture</td></tr> <tr> <td>Site specific</td><td>Other rural industries not listed. (refer also Table D3.2 – Setback Distances).</td></tr> </table>	Setback	Rural Industry Land Use Activity	1000m	Abattoirs, agricultural produce industries, livestock processing industries, composting facilities and works (including the production of mushroom substrate)	500m	Feedmill, stock and saleyards, sawmills or log processing works and mining / extractive industries	150m	Cropping and horticulture	Site specific	Other rural industries not listed. (refer also Table D3.2 – Setback Distances).
Setback	Rural Industry Land Use Activity										
1000m	Abattoirs, agricultural produce industries, livestock processing industries, composting facilities and works (including the production of mushroom substrate)										
500m	Feedmill, stock and saleyards, sawmills or log processing works and mining / extractive industries										
150m	Cropping and horticulture										
Site specific	Other rural industries not listed. (refer also Table D3.2 – Setback Distances).										
Topography (Earthworks) 1.4 Development is sited and designed to accommodate the natural slope and orientation of the site and immediately adjacent land. 1.5 Earthworks associated with development does not negatively impact on the surrounding streetscape, adjoining properties or public assets. 1.6 Development siting and layout utilises natural grades of the land and minimises cut and fill.	a. Earthworks shall not alter the existing ground level/natural topography unless there are existing vegetation and trees to be preserved. b. Where existing trees are preserved, no earthworks are permitted closer to the trunk or main stem than the drip-line (canopy extent) of the tree. c. Earthworks must not exceed a cut or fill of greater than 1.50 metres depth/height from the existing ground level/natural topography of the site. d. Cut and fill batters shall not exceed a slope of 1:3 (volume:height). e. Cut and fill batters and retaining walls outside the building footprint must be landscaped to mitigate visual impacts. f. Earthworks must comply with KSC Infrastructure Delivery Guide and KSC AUS-SPECS requirements. g. Buildings, structures and operational areas are not constructed on land with a gradient exceeding 15%.										

Desired Outcome	Development Control Requirements
	h. Cut or fill does not exceed +/-1 metre from natural ground level, within two (2.0) metres of any boundary. i. Cut or fill of +/- 3.0 metres must not be exceeded within the development envelope for buildings and/or basements. j. Excavation shall not expose or activate classes 1-4 Acid Sulfate Soils (refer also Part B – B1 – Natural Hazards).
2. Development Design	
Building Form	
2.1 Rural industry structures appear as visually sympathetic architectural structures in the rural landscape when viewed from a public road.	a. The peak height of any building or structures associated with rural industries must not protrude above the ridgeline of the highest hill within 100 metres of the subject development. b. Buildings limit the amount of clearing of any remnant native trees or other native understorey vegetation, especially along the perimeter of the site, so as to retain a visual buffer from the rural industry to adjoining sites. c. Rural industry structures shall minimise any potential adverse visual impact upon the rural landscape or scenic environmental quality of the surrounding locality and incorporate limited and selective use of reflective building materials.
2.2 Rural industry is designed and sited to incorporate principles of sustainability.	a. Rural industry incorporates environmentally sustainable design, including measures which reduce resource consumption, waste, and pollution, while promoting energy efficiency, water conservation, and the use of sustainable materials.
Storage and Utility Function	
2.3 Building design incorporates appropriate functional and storage spaces and areas for waste storage, transfer and disposal purposes.	a. Development is provided with suitable waste bin storage behind the building frontage . b. Waste storage and collection is to be managed wholly within the site. Waste bins and bulk waste storage areas are not to be located within the road reserve for collection purposes. c. Where collection is undertaken by a private contractor or bulk waste collection vehicle, the site is to provide suitable access and manoeuvring areas to allow vehicles to enter and leave the site in a forward direction. d. Building utilities components, such as solar panels and solar collectors are suitably incorporated into the roof design and hot water tanks are enclosed within the building fabric. e. Development is provided with a rural address number in accordance with Kempsey Shire Council's requirements.

Desired Outcome	Development Control Requirements
2.4 Development includes systems for waste management that ensures waste is collected, transported and/or disposed of in a lawful manner. 2.5 Development provides space, storage, amenity and management of waste management facilities. 2.6 Development includes waste management systems are compatible with collection services.	a. A development application must be accompanied by a Statement of Environmental Effects (SEE), which includes a Site Waste Management Plan (SWMP) as the information detailing compliance with waste management requirements. The SWMP is to outline measures to minimise and manage waste generated by and through ongoing use of the site/ premises/ development including: - volume and type of waste and recyclables to be generated; - storage and treatment of waste and recyclables on site; - disposal of residual waste and recyclables; and - operational procedures for ongoing waste management for the completed development. b. The SWMP identifies the method of recycling or disposal and the waste management service provider. c. Waste management facilities proposed as part of the development shall be clearly illustrated on the plans of the proposed development, accompanying the development application (DA).
Appropriateness of Use 2.7 Rural industry is an appropriate use of the land which supports the primary function of the rural area for agricultural uses.	a. Site selection for rural industries avoids land that contains biodiversity values, high environmental values or wetlands as identified under the relevant SEPP.
3. Landscape and Public Realm	
3.1 Rural industries do not adversely impact on scenic qualities, views, environmental quality, biodiversity, landscape character or surrounding properties.	a. Existing vegetation and landscaping is provided to screen or minimise the visual impact of the development from surrounding properties and significant public vantage points. b. Rural industry buildings and structures are not located in visually prominent locations such as on ridgelines, hilltops or in prominent locations when viewed from public vantage points. c. Rural industry buildings and structures are positioned to limit the amount of clearing of any remnant native trees or other native understorey vegetation, especially along the perimeter of the site. d. Where new rural industry development adjoins a sensitive land use the design is to incorporate methods to protect visual privacy and acoustic amenity on the adjoining use. This may be achieved by using landscaping, mounding, barrier (solid mass) and/or screening, suitable location of delivery areas, appropriate delivery hours and/or limiting after hours deliveries.

Desired Outcome	Development Control Requirements
4. Access and Vehicles	
4.1 Safe vehicle access and manoeuvring areas are provided to service the rural tourism development.	a. Development is serviced by a practical and legal access that connects to the public road network. b. Development gains access to the local road network and not directly onto a classified road. c. Driveway locations, dimensions and finished levels comply with Austroads Guide to Road Design. d. All vehicle access and parking is designed and constructed to comply with the relevant Australian Standards. e. Adequate vehicle manoeuvring space shall be provided for access, servicing, loading and unloading activities for the largest design vehicle. f. Vehicles are capable of entering and exiting the site in a forward direction. g. Roads, parking, loading and manoeuvring areas are not within 100 metres of a dwelling on an adjoining property. h. Car parking is provided at the rates identified within Part E – Appendix 4.
5. Amenity and Environment	
Vegetation	
5.1 Development preserves vegetation and is designed to retain and/or protect the natural topography, geographical features, water courses and riparian zones by being sited away from such elements on the site.	a. Where possible, development retains existing trees, vegetation and other environmental features such as natural watercourses etc. on site. b. Rural industries: i. make a positive contribution towards the protection of sensitive ecological habitats; ii. preserves/restores the site's natural topography and the riparian edges of watercourses; and iii. provide for mitigation through additional establishment of vegetation plantings.
Noise	
5.2 Development achieves a satisfactory level of amenity including noise control and acoustic privacy.	a. All noise generating equipment such as mechanical plant or equipment, air conditioning units, fixed vacuum systems, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar, as well as delivery areas, must be designed to protect the acoustic privacy of neighbouring uses. b. All noise generating equipment must be acoustically treated/mitigated. c. Exterior facades are designed to minimise the opportunity for sound transmission. Depending on surrounding land uses and the nature of the

Desired Outcome	Development Control Requirements
	proposal, an acoustic report may be requested demonstrating how sound transmission is minimised. d. Operation of rural industries complies with the NSW Industrial Noise Policy. e. Suppresses external noise sources likely to be generated in a rural setting. f. All stationary noise generating machinery is located within insulated and enclosed buildings.
Light Pollution 5.3 The rural industry does not include external lighting which has the potential to cause adverse visual impacts on adjoining properties, or public spaces.	a. Development complies with AS 4282-2019 <i>Control of the obtrusive effects of outdoor lighting</i>.
Environment Management Plan 5.4 Development details and mitigates negative impacts on the amenity and environment of the immediate area.	a. An Environmental Management Plan detailing compliance with the relevant industry best practice guidelines for; i. noise pollution; ii. air pollution; iii. odour; iv. light spill/pollution; v. hazardous goods storage; and vi. contamination management must be provided for any rural industry development.
Environment - Storage of Hazardous Substances 5.5 Development avoids the storage of hazardous substances.	a. The storage of hazardous goods, materials or wastes is not carried out in areas that adjoin sensitive land-uses, or areas that are generally accessible to the public.
6. Stormwater Management	
Stormwater Management 6.1 Stormwater from development is managed onsite to an acceptable, practical level (1 in 20 year event), or otherwise properly drained to a legal point of discharge or appropriate receiving waters, without causing adverse impacts on public drainage infrastructure, downslope properties or the quality of receiving waters.	a. Development shall be accompanied by a Stormwater Management Plan. The plan shall adopt the Major/Minor Concept as well as conservation of pre-existing flows to post development flow. b. All stormwater overflow generated by development must be managed on-site for an AEP of 5%, or otherwise drained to a legal point of discharge or appropriate receiving waters. c. Stormwater drainage systems are designed using the relevant Australian Rainfall and Runoff standards, where the minor system shall be capable of carrying the controlling flows from frequent runoff events, while the major system shall provide safe, well-defined

Desired Outcome	Development Control Requirements
	overland flow paths for rare and extreme storm runoff events. d. Stormwater volumes and characteristics are estimated in accordance with relevant Australian Rainfall and Runoff standards by a suitably qualified engineer. e. Stormwater management maximises the use of natural infiltration solutions to minimise the costs of maintaining man-made systems. f. Development that incorporates a water tank(s) and/or detention ponds, must comply with the following: g. The water tank system, including roof area, tank inlet pipe size, tank storage capacity and tank outlet pipe size, must be suitably sized to accommodate stormwater in a 5% AEP, with all overflow being directed to a legal point of discharge, suitably sized rubble drain or properly constructed drainage channel, at least 3 metres clear of buildings. h. Stormwater from driveways and hardstand areas is directed away from the water tank(s) and is properly managed to a legal point of discharge in accordance with this Part. i. Tanks and fittings comply with Planning for Bushfire Protection, as applicable. j. Development takes into account the stormwater management requirements of the whole site / stormwater drainage system, including stormwater from upslope areas in the catchment that is based on a fully developed scenario, and is based on the preexisting condition to provide and be the same volume of runoff at the lot outlet or less where possible.
Water quality (sites > 2500m²) 6.2 Point sources of pollution in the catchment are identified and their impacts minimised. 6.3 The stormwater management system optimises the interception, retention and removal of water borne pollutants before their discharge to receiving waters. 6.4 Water quality improvement devices are provided for the treatment of stormwater run-off before discharge from the site and are located to minimise negative impacts on both the natural and built (including traffic management) environments.	a. The development shall incorporate water quality treatment mechanisms designed in accordance with “Urban Stormwater Best Practice Management Guidelines” or equivalent to ensure targets for the following are met: i. Total Suspended Solids (TSS) ii. Total Nitrogen (TN) iii. Total Phosphorous (TP) iv. Litter (>50mm) b. Development complies with sediment and erosion control requirements. The design of any bio-swales, or similar green/blue stormwater infrastructure has regard to the ongoing operations, responsibility, maintenance and management required into the future.
7. Utilities	

Desired Outcome	Development Control Requirements
7.1 Infrastructure is adequate to service the needs of the development and, where required, are upgraded or provide new infrastructure to meet the increase in demand generated by the development.	a. All utilities and services are to be designed in accordance with relevant statutory requirements, including KSC Infrastructure Delivery Guide and KSC AUS-SPECs.
7.2 Suitable water services are provided for the development.	a. Development is connected to a reticulated water supply main via a minimum service to KSC requirements and KSC Water Meter, where available. b. Water tanks may be provided to service the development and must comply with relevant standards. c. Suitable easements are provided for public water infrastructure within properties. d. The developer meets the full cost of water reticulations, plus the cost of connecting to the existing services where these are available. e. Provision of bushfire mitigation complies with the requirements of Part B – B1 - Natural Hazards – Bushfire .
7.3 Suitable electricity services are provided for the development.	a. Electricity services are provided to the development in accordance with the requirements of the relevant authority and at the full cost of the developer. b. Electricity services are provided underground where possible.
7.4 Suitable sewerage services are provided for the development.	a. Development is connected to a reticulated sewer main where available. If unsewered, an on-site effluent management system is installed that complies with the following: - Relevant Australian Standards for On-site Domestic Wastewater Management. - NSW Environment and Health Protection Guidelines. b. Suitable easements are provided for public sewerage infrastructure within properties. c. Where the development is in near proximity to an existing sewer area or where in the opinion of the State government or Council, the land is unsuitable for onsite disposal of effluent, connection to the existing sewerage system will be required. d. An On-site Sewage Management Assessment Report to support sewage treatment proposals is to accompany an application for this type of development. e. Development is designed so that an area remote from any watercourse and downhill of potential home sites is available for effluent disposal.

Desired Outcome	Development Control Requirements
	f. The developer meets the full cost of sewer reticulations, plus the cost of connecting to the existing services.

D3.5 Agriculture

Application

This section applies to agriculture, being agritourism, aquaculture, extensive agriculture, intensive livestock agriculture, and intensive plant agriculture where permitted with consent in the RU1 Primary Production, RU2 Rural Landscape, RU3 Forestry and RU4 Primary Production Small Lots under KLEP.

Objectives

1. To ensure the location, design and operation of agriculture makes a positive contribution to the economic growth and employment opportunities of Kempsey Shire.
2. Agriculture protects, manages and sustainably utilises productive land.
3. Support the rural amenity, landscape character and ecological diversity of the surrounding area.
4. Agriculture responds to, reinforces and sensitively relates to the natural environment and avoids or minimises the impacts of natural hazards.
5. Ensure appropriate environmental assessment of agriculture that is permitted with consent in accordance with KLEP.
6. Create effective development site planning, layout, functionality and amenity for operators and users.
7. Appropriately manage environmental and amenity impacts such as noise, air and dust pollution, odour, waste dispersal, light intrusion and pest and weed proliferation.
8. To ensure that buildings and structures/installations associated with agriculture do not create adverse impacts on the rural landscape, or nearby dwellings.
9. Preserve and maintain the rural amenity and landscape character by incorporating sustainable development principles in the design and operation.

The following desired outcomes and development control requirements in **Table D3.7** prescribe how the above objectives can be met.

Table D3.7 – Agriculture – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. Site Design	
Site Coverage 1.1 Agriculture occupying the site ensures that the development coverage meets all required setbacks, space for buffer treatments, ground activities, operations and stormwater management are achieved.	a. The application must demonstrate the achievement of this Desired Outcome.
Setbacks and Site Selection 1.2 Agriculture is designed and located to be complementary to the rural purposes, character and amenity of the surrounding area.	Setbacks from Sensitive Land Uses a. The location of the agricultural activity will not encroach on any sensitive land use ² on a neighbouring property by the relevant distances shown in Table D3.8 . Setbacks from Watercourses b. Buildings, structures and operational areas are set back a minimum of 100 metres from permanent watercourses or water bodies and 40 metres from an ephemeral watercourse. Setbacks from Roads and Side and Rear Boundaries

² Sensitive land use has the meaning prescribed in Appendix 1 – Glossary of Part E

Desired Outcome	Development Control Requirements								
	c. Notwithstanding the setbacks from sensitive land uses outlined in Table D3.8, agriculture shall otherwise be setback from all roads and side and rear boundaries at the minimum required for the specific building typology (refer Part D), or as otherwise required by Council, and shall take into consideration the nature of the proposed use, the frequency of use of the road that it fronts, whether that road is sealed and whether landscaping is proposed. Table D3.8 - Setback Distances (measured from the boundary of the subject lot) to Sensitive Land Uses <table> <tr> <th>Setback</th><th>Agriculture Activity</th></tr> <tr> <td>1000m</td><td>Piggeries, feedlots, feedpad dairies, poultry farms</td></tr> <tr> <td>500m</td><td>Non-feedpad dairies</td></tr> <tr> <td>Site specific</td><td>Other agriculture operations not listed (refer also Table D3.2 – Setback Distances).</td></tr> </table>	Setback	Agriculture Activity	1000m	Piggeries, feedlots, feedpad dairies, poultry farms	500m	Non-feedpad dairies	Site specific	Other agriculture operations not listed (refer also Table D3.2 – Setback Distances).
Setback	Agriculture Activity								
1000m	Piggeries, feedlots, feedpad dairies, poultry farms								
500m	Non-feedpad dairies								
Site specific	Other agriculture operations not listed (refer also Table D3.2 – Setback Distances).								
Topography (Earthworks) 1.3 Development is sited and designed to accommodate the natural slope and orientation of the site and immediately adjacent land. 1.4 Earthworks associated with development does not negatively impact on the surrounding streetscape, adjoining properties or public assets. 1.5 Development siting and layout utilises natural grades of the land and minimises cut and fill.	a. Earthworks shall not alter the existing ground level/natural topography unless there are existing vegetation and trees to be preserved. b. Where existing trees are preserved, no earthworks are permitted closer to the trunk or main stem than the drip-line (canopy extent) of the tree. c. Earthworks must not exceed a cut or fill of greater than 1.50 metres depth/height from the existing ground level/natural topography of the site. d. Cut and fill batters shall not exceed a slope of 1:3 (volume:height). e. Cut and fill batters and retaining walls outside the building footprint must be landscaped to mitigate visual impacts. f. Earthworks must comply with KSC Infrastructure Delivery Guide and KSC AUS-SPECS requirements. g. Buildings, structures and operational areas are not constructed on land with a gradient exceeding 15%. h. Cut or fill does not exceed +/-1 metre from natural ground level, within two (2.0) metres of any boundary. i. Cut or fill of +/- 1.5 metres must not be exceeded within the development envelope for buildings and/or basements. j. Excavation shall not expose or activate classes 1-4 Acid Sulfate Soils (refer also Part B – B1 – Natural Hazards).								
2. Development Design									

Desired Outcome	Development Control Requirements
Building Form 2.1 Agriculture structures appear as visually sympathetic architectural structures in the rural landscape when viewed from a public road.	a. The peak height of any building or structures associated with agriculture must not protrude above the ridgeline of the highest hill within 100 metres of the subject development. b. Buildings and land development limit the amount of clearing of any remnant native trees or other native understorey vegetation, especially along the perimeter of the site, so as to retain a visual buffer from the agriculture or rural industry to adjoining sites. c. Agriculture structures shall minimise any potential adverse visual impact upon the rural landscape or scenic environmental quality of the surrounding locality and incorporate limited and selective use of reflective building materials.
2.2 Agriculture is designed and sited to incorporate principles of sustainability.	a. Agriculture incorporates environmentally sustainable design, including measures which reduce resource consumption, waste and pollution, while promoting energy efficiency, water conservation, and the use of sustainable materials.
Storage and Utility Function 2.3 Building design incorporates appropriate functional and storage spaces and areas for waste storage, transfer and disposal purposes.	a. Building utilities components, such as solar panels and solar collectors are suitably incorporated into the roof design and hot water tanks are enclosed within the building fabric. b. Development is provided with suitable waste bin storage behind the building frontage . c. Waste storage and collection is to be managed wholly within the site. Waste bins and bulk waste storage areas are not to be located within the road reserve for collection purposes. d. Where collection is undertaken by a private contractor or bulk waste collection vehicle, the site is to provide suitable access and manoeuvring areas to allow vehicles to enter and leave the site in a forward direction. e. Development is provided with a rural address number in accordance with Kempsey Shire Council's requirements.
3. Landscape and Public Realm	
3.1 Agriculture does not adversely impact on scenic qualities, views, environmental quality, biodiversity, landscape character or surrounding properties.	a. Existing vegetation and landscaping is provided to screen or minimise the visual impact of the development from surrounding properties and significant public vantage points. b. Agriculture buildings and structures are not located in visually prominent locations such as on ridgelines, hilltops or in prominent locations when viewed from public vantage points.

Desired Outcome	Development Control Requirements
	c. Agriculture buildings and structures are positioned on the land to limit the amount of clearing of any remnant native trees or other native understorey vegetation, especially along the perimeter of the site. d. Where new agriculture development adjoins a sensitive land use the design is to incorporate methods to protect visual privacy and acoustic amenity on the adjoining use. This may be achieved by using landscaping, mounding, barrier (solid mass) and/or screening, suitable location of delivery areas, appropriate delivery hours and/or limiting after hours deliveries.
4. Access and Vehicles	
4.1 Safe vehicle access and manoeuvring areas are provided to service the development.	a. Development is serviced by a practical and legal access that connects to the public road network. b. Development gains access to the local road network and not directly onto a classified road. - c. d. Adequate vehicle manoeuvring space shall be provided for access, servicing, loading and unloading activities for the largest design vehicle. e. Vehicles are capable of entering and exiting the site in a forward direction. f. Roads, parking, loading and manoeuvring areas are not within 100 metres of a dwelling on an adjoining property. g. Car parking is provided at the rates identified within Part E – Appendix 4.
5. Amenity and Environment	
Vegetation	
5.1 Development preserves vegetation and is designed to retain and/or protect the natural topography, geographical features, water courses and riparian zones by being sited away from such elements on the site.	a. Where possible, development retains existing trees, vegetation and other environmental features such as natural watercourses etc. on site. b. Agriculture: i. makes a positive contribution towards the protection of sensitive ecological habitats; ii. preserves/restores the site's natural topography and the riparian edges of watercourses; and iii. provides for mitigation through additional establishment of vegetation plantings.
Noise	
5.2 Development achieves a satisfactory level of amenity including noise control and acoustic privacy.	a. All noise generating equipment such as mechanical plant or equipment, air conditioning units, fixed vacuum systems, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar, as well as delivery areas, must be designed to protect the acoustic privacy of neighbouring uses. b. All noise generating equipment must be

Desired Outcome	Development Control Requirements
	acoustically treated/mitigated. c. Exterior facades are designed to minimise the opportunity for sound transmission. Depending on surrounding land uses and the nature of the proposal, an acoustic report may be requested demonstrating how sound transmission is minimised. d. Operation of agriculture complies with the NSW Industrial Noise Policy. e. Suppresses external noise sources likely to be generated in a rural setting. f. All stationary noise generating machinery is located within insulated and enclosed buildings.
Light Pollution 5.3 Agriculture does not include external lighting which has the potential to cause adverse visual impacts on adjoining properties, or public spaces.	a. Development complies with <i>AS 4282-2019 Control of the obtrusive effects of outdoor lighting</i>.
Environment - Storage of Hazardous Substances 5.4 Development avoids the storage of hazardous substances.	a. The storage of hazardous goods, materials or wastes is not carried out in areas that adjoin sensitive land-uses, or areas that are generally accessible to the public.
6. Stormwater Management	
Stormwater Management 6.1 Stormwater from development is managed onsite to an acceptable, practical level, or otherwise properly drained to a legal point of discharge or appropriate receiving waters, without causing adverse impacts on public drainage infrastructure, downslope properties or the quality of receiving waters.	a. Development shall be accompanied by a Stormwater Management Plan. The plan shall adopt the Major/Minor Concept as well as conservation of pre-existing flows to post development flow. b. All stormwater overflow generated by development must be managed on-site for an AEP of 5%, or otherwise drained to a legal point of discharge or appropriate receiving waters. c. Stormwater drainage systems are designed using the relevant Australian Rainfall and Runoff standards, where the minor system shall be capable of carrying the controlling flows from frequent runoff events, while the major system shall provide safe, well-defined overland flow paths for rare and extreme storm runoff events. d. Stormwater volumes and characteristics are estimated in accordance with relevant Australian Rainfall and Runoff standards by a suitably qualified engineer. e. Stormwater management maximises the use of natural infiltration solutions to minimise the costs of maintaining man-made systems. f. Development that incorporates a water tank(s) and/or detention ponds must comply with the following:

Desired Outcome	Development Control Requirements
	i. The water tank system, including roof area, tank inlet pipe size, tank storage capacity and tank outlet pipe size, must be suitably sized to accommodate stormwater in a 5% AEP, with all overflow being directed to a legal point of discharge, suitably sized rubble drain or properly constructed drainage channel, at least 3 metres clear of buildings. ii. Stormwater from driveways and hardstand areas is directed away from the water tank(s) and is properly managed to a legal point of discharge in accordance with this Part. iii. Tanks and fittings comply with Planning for Bushfire Protection, as applicable. g. Development takes into account the stormwater management requirements of the whole site / stormwater drainage system, including stormwater from upslope areas in the catchment that is based on a fully developed scenario, and is based on the preexisting condition to provide and be the same volume of runoff at the lot outlet or less where possible.
Water quality (sites > 2500m²) 6.2 Point sources of pollution in the catchment are identified and their impacts minimised. 6.3 The stormwater management system optimises the interception, retention and removal of water borne pollutants before their discharge to receiving waters. 6.4 Water quality improvement devices are provided for the treatment of stormwater run-off before discharge from the site and are located to minimise negative impacts on both the natural and built (including traffic management) environments.	a. The development shall incorporate water quality treatment mechanisms designed in accordance with “Urban Stormwater Best Practice Management Guidelines” or equivalent to ensure targets for the following are met: i. Total Suspended Solids (TSS) ii. Total Nitrogen (TN) iii. Total Phosphorous (TP) iv. Litter (>50mm) b. Development complies with sediment and erosion control requirements. The design of any bio-swales, or similar green/blue stormwater infrastructure has regard to the ongoing operations, responsibility, maintenance and management required into the future.
7. Utilities	
7.1 Infrastructure is adequate to service the needs of the development and, where required, are upgraded or provide new infrastructure to meet the increase in demand generated by the development.	a. All utilities and services are to be designed in accordance with relevant statutory requirements, including KSC Infrastructure Delivery Guide and KSC AUS-SPECs.
7.2 Suitable water services are provided for the development.	a. Development is connected to a reticulated water supply main via a minimum service to KSC requirements and KSC Water Meter, where available. b. Water tanks may be provided to service the development and must comply with relevant standards. c. Suitable easements are provided for public water

Desired Outcome	Development Control Requirements
	infrastructure within properties. d. The developer meets the full cost of water reticulations, plus the cost of connecting to the existing services where these are available. e. Provision of bushfire mitigation complies with the requirements of Part B – B1 - Natural Hazards.
7.3 Suitable electricity services are provided for the development.	a. Electricity services are provided to the development in accordance with the requirements of the relevant authority and at the full cost of the developer. b. Electricity services are provided underground where possible.
7.4 Suitable sewerage services are provided for the development.	a. Development is connected to a reticulated sewer main where available. If unsewered, an on-site effluent management system is installed that complies with the following: iii. Relevant Australian Standards for On-site Domestic Wastewater Management. iv. NSW Environment and Health Protection Guidelines. b. Suitable easements are provided for public sewerage infrastructure within properties. c. Where the development is in near proximity to an existing sewer area or where in the opinion of the State government or Council, the land is unsuitable for onsite disposal of effluent, connection to the existing sewerage system will be required. d. An On-site Sewage Management Assessment Report to support sewage treatment proposals is to accompany an application for this type of development. e. Development is designed so that an area remote from any watercourse and downhill of potential home sites is available for effluent disposal. f. The developer meets the full cost of sewer reticulations, plus the cost of connecting to the existing services.

D4 BUSINESS AND COMMERCIAL DEVELOPMENT

D4 BUSINESS AND COMMERCIAL DEVELOPMENT

Application of Part D4

Part D4.1 applies to development of land for business and commercial purposes, which will generally be on land zoned E1 Local Centre, E2 Commercial Centre, E3 Productivity Support, MU1 Mixed Use and RU5 Rural Village, under KLEP.

Objectives

1. To ensure the location, design and operation of business and commercial uses makes a positive contribution and enables a range of social, economic and employment opportunities within Kempsey Shire.
2. Facility is designed to support the character, amenity and safety of the site and surrounding area for all users.
3. Business and commercial development provides effective site planning, layout, functionality, and amenity for operators and users.
4. Development preserves and maintains the unique commercial main streets within Kempsey Shire's various towns and villages, supporting Kempsey CBD as the principal centre servicing the Shire.
5. Public safety and security is achieved through efficient and sustainable site design.

The following desired outcomes and development control requirements in **Table D4.1** prescribe how the above objectives can be met.

Table D4.1 – Business and Commercial Development Controls – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. Site Design	
Site Coverage	
1.1 The proportion of a lot that is occupied by buildings or structures ensures adequate space for vehicular and pedestrian movements, car parking, open space, landscaping and proper drainage of the site.	a. Development complies with the Floor Space Ratios (FSR) stipulated within the FSR Maps under KLEP. b. Where no FSR Map applies to land, buildings are permitted to occupy the whole of the allotment if used for the purpose of carrying out a commercial or business activity in commercial or business land zones.
Setbacks	
1.2 Development enables the full functions of the business or commercial activity operations on the site.	For the E1 Local Centre Zone and E2 Commercial Centre Zone a. Buildings are constructed with frontages that extend to the street alignment (i.e. zero front setback) and provide for awnings over the footpath, except that the building should have a front setback that matches any on-site or adjacent heritage building. b. Buildings are constructed with setbacks that: i. Comply with the requirements of the Building Code of Australia. ii. Allow for adequate servicing of the development, including loading and unloading operations, vehicle manoeuvrability and waste storage to the side and rear. iii. Front setback areas are not used for the storage of equipment / merchandise, waste material, excessive advertising

Desired Outcome	Development Control Requirements
	signage or loading and unloading operations. For the MU1 Mixed Use Zone c. Buildings are constructed with a front setback that: i. Reinforces the dominant pattern, character and function of the immediately adjoining properties. ii. Is the average of the two nearest existing buildings on the immediately adjoining allotments, except that the building should have a front setback that matches any on-site or adjacent heritage building. iii. Is appropriate for the level of pedestrian activity and proposed land-use/ development activity. d. Front setback areas are not used for the storage of equipment / merchandise, waste material, excessive advertising signage or loading and unloading operations, unless otherwise approved by Council (e.g. licensed for footpath dining etc.). e. Buildings are constructed with setbacks that: i. Comply with the requirements of the Building Code of Australia. ii. Provide adequate room for the servicing of the development, including loading and unloading operations and waste storage, which is to be located within side or rear setbacks only. iii. Provide adequate room for the servicing of the development, including managing vehicle manoeuvrability and pedestrian circulation safely throughout the site. iv. Provide a minimum separation of six (6) metres from an adjoining property that is being used for a residential purpose. For the RU5 Village Zone f. Buildings are constructed with a front setback that: i. Reinforces the dominant existing street pattern, character and function. ii. Is five (5) metres from the front property boundary, or is the average of the two nearest existing buildings on the immediately adjoining allotments, except that the building should have a front setback that matches any on-site or adjacent heritage building.

Desired Outcome	Development Control Requirements
	g. Front setback areas are not used for the storage of waste material, more than one (1) advertising sign or loading and unloading operations. h. Buildings are constructed with setbacks that: i. Comply with the requirements of the Building Code of Australia. ii. Provide a minimum separation of six (6) metres from an adjoining property that contains an existing dwelling. i. Provide adequate room to the side and rear, for the servicing of the development, including loading and unloading operations, vehicle manoeuvrability and waste storage.
Setbacks from Sensitive Land Uses 1.3 Development is located to ensure there is adequate separation between business and commercial activities, environmentally sensitive areas and sensitive land uses.	a. Development provides a minimum separation of ten (10) metres from an adjoining property that is a sensitive land use.
Topography (Earthworks) 1.4 Buildings and structures are sited and designed to accommodate the natural slope and orientation of the site and immediately adjacent land. 1.5 Earthworks associated with development does not negatively impact on the surrounding streetscape, adjoining properties or public assets.	a. Earthworks shall not alter the existing ground level/natural topography unless there are existing vegetation and trees to be preserved. b. Where existing trees are preserved, no earthworks are permitted closer to the trunk or main stem than the drip-line (canopy extent) of the tree. c. Earthworks must not exceed a cut or fill of greater than 1.50 metres depth/height from the existing ground level/natural topography of the site. d. Cut and fill batters shall not exceed a slope of 1:3 (volume:height). e. Cut and fill batters and retaining walls outside the building footprint must be landscaped to mitigate visual impacts. f. Earthworks must comply with KSC Infrastructure Delivery Guide and KSC AUS-SPECS requirements.
1.6 Development siting and layout utilises natural grades of the land and minimises cut and fill.	a. Buildings, structures and operational areas are not constructed on land with a gradient exceeding 15%. b. Cut or fill does not exceed +/-1 metre from natural ground level, within two (2.0) metres of any boundary. c. Cut or fill of +/- 3.0 metres must not be exceeded within the development envelope for buildings and/or basements.

Desired Outcome	Development Control Requirements
2. Development Design	
Building Form 2.1 Development contributes positively to the streetscape in terms of building height, bulk and scale, streetscape, topography and character. 2.2 Building resilience and sustainability is enhanced through durable and vandal resistant materials and cladding.	a. Where a Height of Building Map applies, building height complies with the relevant height limit under the KLEP. b. Where there are significant variations in height between existing buildings on neighbouring properties, the new building has a height that transitions between the height of neighbouring buildings and/or follows the average roof line/height of adjoining premises. c. The height of new buildings is appropriate to minimise adverse overshadowing impacts on adjoining sites, particularly where used for a sensitive land use. d. Street elevations feature customer service areas and advertising/identification of public entrances towards the primary street frontage. e. Where appropriate for the proposed business or commercial use, provision is made for outdoor dining to enhance the amenity of external spaces. f. Development: i. incorporates a sensitive mix of colours, materials, treatments and finishes that are sympathetic to the site's business or commercial context and surrounds; ii. avoids visually dominating features; iii. uses durable and energy efficient materials; and iv. minimises noise transmission. g. Business or commercial buildings on corner allotments are designed to address both street frontages. h. Building entrances are in prominent and easily recognisable locations with directional signage and lighting used where necessary / appropriate. i. Long blank walls facing streets are avoided by incorporating one or more of the following techniques into the building facades: i. Wall place projections or recesses; ii. Windows; iii. Variation of wall heights; and iv. Material changes.
Accessibility and Legibility 2.3 Buildings and pathways are easily accessible and legible, making it easy for users to navigate their way from public areas to the building entrance.	a. Premises provide high levels of building accessibility, from on-site car parks and to the public footpath/street network in accordance with the access provisions of the Building Code of Australia.

Desired Outcome	Development Control Requirements
	b. Pathways are direct and follow pedestrian desired lines and avoid blind corners / dark spaces. c. Development complies with <i>Crime Prevention and the Assessment of Development Applications Guidelines under section 79C of the Environmental Planning and Assessment Act 1979 (Department of Urban Affairs and Planning)</i>.
Storage and Utility Functions 2.4 Building design incorporates appropriate functional and storage spaces and areas for waste storage, transfer and disposal purposes.	a. Development is provided with suitable waste bin storage behind the building frontage. b. Waste storage and collection is to be managed wholly within the site. Waste bins and bulk waste storage areas are not to be located within the road reserve for collection purposes. c. Where shared or bulk waste containers are proposed, the site is to provide suitable access and manoeuvring areas to allow waste collection vehicles to enter and leave the site in a forward direction.
2.5 Development includes systems for waste management that ensures waste is collected, transported and/or disposed of in a lawful manner. 2.6 Development provides space, storage, amenity and management of waste management facilities. 2.7 Development includes waste management systems are compatible with collection services.	a. A development application must be accompanied by a Statement of Environmental Effects (SEE), which includes a Site Waste Management Plan (SWMP) as the information detailing compliance with waste management requirements. The SWMP is to outline measures to minimise and manage waste generated by and through ongoing use of the site/ premises/ development including: i. volume and type of waste and recyclables to be generated; ii. storage and treatment of waste and recyclables on site; iii. disposal of residual waste and recyclables; and iv. operational procedures for ongoing waste management for the completed development. b. The SWMP identifies the method of recycling or disposal and the waste management service provider. c. Waste management facilities proposed as part of the development shall be clearly illustrated on the plans of the proposed development, accompanying the development application (DA).
Function of External Spaces 2.8 External spaces and areas are designed to maximise the function of the space that enhances the user experience on site.	a. Development features customer service areas, merchandise displays and advertising towards the primary street frontages. b. Sufficient space is provided on-site (side and rear) for the loading and unloading of materials and other stored items.

Desired Outcome	Development Control Requirements
	c. Loading and unloading activities are not carried out on any public space or within the front building line. d. Premises are clearly displayed with a street number that is made of durable materials (preferable reflective or luminous) in a position that is unobstructed from users in the public realm. External storage areas and yards are well lit and secured by fencing and lockable gates on side and rear access ways. e. Emergency access points on site are well lit and easily identifiable by all users.
Amenity of External Spaces 2.9 External building spaces and storage areas are designed to contribute towards high amenity of the overall development.	a. External storage areas are screened and not exposed to view from primary roads. b. Roof mounted air-conditioning units and solar panels are not visible from primary roads and are adequately screened. c. Wall mounted air-conditioning units are not located higher than 1.8 metres above existing ground level and are to be set back a minimum of 450 millimetres from any boundary. d. Building utilities components, such as solar panels and solar collectors are suitably incorporated into the roof design and hot water tanks are enclosed within the building fabric.
Environmental Safety 2.10 Development is designed and managed to prevent any spillages or emissions that could have an adverse impact on the environment.	a. The storage of hazardous goods, materials or wastes is not carried out in areas that adjoin residential land-use or other sensitive land-uses, or areas that are generally accessible to the public. b. Setbacks, buffers and/or distances must be in accordance Part B – B2.6 - Conflicting Land Uses and public health regulation.

Desired Outcome	Development Control Requirements
Signage 2.11 Advertising signage associated with the business or commercial development is compatible with the desired amenity and visual character of the locality.	a. Signage must only advertise the lawful use of the building or site. b. Where it is proposed to service multiple tenancies in the one building, advertising signage is appropriately co-ordinated and designed. c. Advertising signage is of a scale and form that is proportionate to the building, streetscape, setting or landscape on or within which it is proposed to be placed. d. Advertising signage is not to protrude above the apex roof height of the building on which it is located. e. Advertising signage is not illuminated to such an extent that will cause unacceptable glare for pedestrians, motor vehicles or aircraft, or that will significantly impact nearby residential areas. f. Signage structures are contained wholly within the site and do not overhang any public space or land. g. Freestanding signage is not permitted on a business or commercial development site.
3. Landscape and Public Realm	
Views and View Sharing 3.1 Where existing development enjoys desired views (e.g. water, ocean views, views of forest, hills and mountains etc), new development is designed and sited so that at least a part of the desired view is visible from the existing development, where practicable. 3.2 Development provides for reasonably equitable sharing of views, between neighbouring properties, of water, ocean, forest, hills/mountains.	a. Development is to allow for the reasonable sharing of views with neighbouring dwellings and/or development. b. The built form of development is to provide a transition to adjacent residential development, including reasonable setbacks from side and rear boundaries, particularly at the first floor level to allowed for view sharing. c. An assessment of current view(s), viewpoints and impact (refer Part E – Appendix 1 “View Sharing”) along with graphic / modelled simulations may be necessary to support the application to Council’s requirements.
Landscape 3.3 Development provides landscape which softens the impact of scale and bulk of existing built forms and prevents over-dominance of buildings on the streetscape.	a. The landscape design is complementary to the building design and surrounding streetscape, and provides landscaping for at least ten (10) % of the site area. b. Business and commercial developments adjoining a property zoned for a residential purpose are to include a six (6) metre wide landscaping strip, between the shared boundary, that incorporate suitable vegetation to provide privacy, screening and dust suppression. c. All parts of the site not built upon or paved (i.e. the usable open space area) are to be landscaped with grass, groundcovers, shrubs and/or trees and comprise deep soil planting. d. Landscape is provided in accordance with a site specific landscape plan prepared by a suitably

Desired Outcome	Development Control Requirements
	qualified Landscape Architect. e. Detailed Landscape Plans are required with the development application, if determined by Council. f. Landscape must be installed prior to the issue of an Occupation Certificate. In the case of larger scale development, Council may require Works-as-Executed drawing prior to the issue of the relevant certificate or following a reasonable (to Council's discretion) maintenance period.
Deep Soil Zones 3.4 Deep soil zones are provided, to allow infiltration of rain water to the water table and reduce stormwater runoff.	a. Where the development site is on a lot of >650m², five (5) % of the site should be provided as a deep soil zone. b. Where the development site is on a lot of 650m² - 1,500m², 10% of the site should be provided as a deep soil zone. c. Where the development site is on a lot of >1,500m², 15% of the site should be provided as a deep soil zone.
Fencing 3.5 Development incorporates landscape features, including fencing, to enhance its function and appearance.	a. Front boundary fencing of business and commercial premises facing a primary or secondary road is restricted to businesses which primarily relate to the external display of goods and/or services. b. Where front fencing is permitted, it is to be visually permeable and finished in materials and colours that complement the building and streetscape. Solid sheet metal fencing, including Colourbond-style fencing, is not permitted along primary or secondary frontages. Front fences are to be no higher than 1.8 metres. c. Side and rear boundary security fencing of business and commercial premises shall be no higher than 2.4 metres.
Preservation and treatments 3.6 Existing landscape elements, mature trees and other vegetation should be preserved.	a. Existing trees on-site are retained where possible and are incorporated into the landscape design.
3.7 Landscape design is complementary to the building design and surroundings.	a. The landscape design includes species that are appropriate for site conditions such as soil, aspect, drainage and micro-climate.
Activation 3.8 Development creates active frontages to encourage positive business and commercial and community interactions.	a. Development provides a seamless connection with the adjoining premises, by creating an active frontage¹. b. Business and commercial premises are highly visible and provide active frontages to allow

¹ Active Frontage refers to the street frontages or edges that allow a visual or physical engagement between the street users and the ground floors of buildings. Frequent openings and windows with few blank walls; narrow-frontage buildings that give vertical rhythm to the street edge; facade articulation; transparency that promotes eyes on the street; and uses spilling onto the street contribute to active frontages. Making building edges "active" to the street adds interest and vitality to the street environment ([Key Terms - Global Designing Cities Initiative](#)).

Desired Outcome	Development Control Requirements
	overlooking of the street (public realm footpath).
4. Access and Vehicle Parking	
Access 4.1 Development provides a safe and appropriate level of driveway access/es to service all vehicles using the site.	a. Driveway locations, dimensions and finished levels comply with Austroads Guide to Road Design. b. All vehicle access and parking is designed and constructed to comply with the relevant Australian Standards. c. Semi-circle driveways (i.e. drive-in / drive-out arrangements via separate accesses to a primary or secondary street) are to be assessed on merit and will generally be restricted to the following land-uses: i. Service stations. ii. Driveway take away food shops. iii. Vehicle sales and hire premises. iv. Childcare facility d. Where permitted, semi-circle driveways must comply with (a) above, and in a manner that allows for the turning radius on private property and not on the public road reserve. e. Driveways crossing an existing footpath are at right angles to the centre line of the road and kerb. f. Driveways adjoining a primary or secondary street are designed to avoid roadside stormwater encroaching onto private property. g. Driveways do not, wherever possible, require removal of established street trees.
Vehicle Parking 4.2 All vehicle parking areas and access ways are designed to facilitate ready access for all people with diverse mobility requirements.	a. All vehicle parking is constructed in accordance with KSC Infrastructure Delivery Guide and AUS-SPECs. b. Development provides on-site parking at the rate set out in Part E – Appendix 4, unless otherwise approved by Council. c. Where visitor / staff car parks are required to be provided as part of a development the vehicle parking must meet CPTED principles by: i. Being well illuminated to improve safety. ii. Avoiding the creation of hidden recesses, where intruders could hide. iii. Being capable of observation by adjoining users. iv. Being designed with the least number of entry and exit points as is practical. v. Incorporating the use of security cameras, where possible.

Desired Outcome	Development Control Requirements
	d. Car parks are not accessed directly from high volume and/or high speed roads unless there is no other practical means of gaining access to a public road and the car park's ingress and egress are appropriately designed. e. Car park design allowing queuing is eliminated by the provision of sufficient standing area for vehicles entering parking and loading areas. f. Car park design must allow vehicles to enter and leave the site in a forward facing direction. g. Car parks are line marked to indicate the layout and circulation pattern of traffic, and sign posted to indicate entry and exit locations. h. The potential for on-street gates provides appropriate lighting where it is anticipated that the area will receive night-time use by customers or staff. i. The car park design makes provision for the manoeuvring of rigid and articulated heavy vehicles, where necessary. j. Car park design incorporates the use of shade devices and/or shade trees to improve the amenity and visual appearance of large all weather surfaces, and improve the relationship of the site to adjoining uses. k. Car park design incorporates a rational circulation pattern. Dead-end parking aisles are not permitted except in areas reserved for a specific low turnover (e.g. staff parking areas).
Active Transport 4.3 Development maximises opportunities for walking, cycling and mobility devices.	a. Development creates pedestrian access from the street frontage and provides individual identity to buildings so that they are easily identified by the user. b. Development provides footpaths for the full width of any site frontage. The proposed footpath is to match the width of any existing, adjoining footpath width. c. Development of the footpath network complies with KSC Infrastructure Delivery Guide. d. Development provides access throughout the building and to the public footpath / street network in accordance with the Building Code of Australia. e. Development exceeding twenty (20) employees provides for end-of-trip facilities, which includes: i. Showers ii. Bike racks iii. Lockers

Desired Outcome	Development Control Requirements
Loading and Unloading Areas 4.4 All loading and unloading areas are contained wholly on-site and are sited and designed to minimise conflicts with pedestrians and other vehicles using the site.	a. The off-street car park incorporates appropriate loading and unloading facilities, which will have regard to the nature and scale of the proposed development, the estimated frequency of deliveries and/or receiving vehicles and the type of vehicles to be involved with deliveries and receiving. b. Where loading and unloading facilities are provided, they are designed to enable a service vehicle to stand entirely within the site during loading and unloading operations, and not over a Council footpath or roadway. c. Loading space and/or facility is designed for temporary waste storage and disposal.
5. Amenity and Environment	
Amenity 5.1 Development is designed to ameliorate any amenity impacts on adjoining development.	a. Where new business or commercial development adjoins a sensitive land use, the design is to incorporate methods to reduce visual privacy and acoustic impacts on the adjoining use. This may be achieved by using; - landscape; - mounding, barrier (solid mass) - and/or screening, - a suitable location of delivery areas, - appropriate delivery hours and/or limiting after hours deliveries. b. Building design achieves at least three (3) hours of solar access to key living spaces/ private open spaces of the adjoining dwellings at the winter solstice (21 June) between 9am and 3pm. c. Where there is likely to be an adverse impact as a result of overshadowing on adjoining dwellings, shadow diagrams showing solar access to dwellings, private open space and solar panels on land to which the development application relates to an adjoining properties must be submitted with the development application. Note - Such diagrams should be prepared by an architect, surveyor, engineer, or town planner and be based on a survey of the relevant site and adjoining development.
Privacy 5.2 Development maintains the visual privacy of neighbouring land uses.	a. Development does not directly overlook windows, balconies and decks of primary living rooms in any adjoining dwellings, unless the building design incorporates measures to reduce impacts. a. Roof mounted air-conditioning units are not located on the roof facing a primary street and are screened from view through the use of roof top parapets and/or other visual screening.

Desired Outcome	Development Control Requirements
Noise 5.3 Development achieves a satisfactory level of amenity including noise control and acoustic privacy	a. All noise generating equipment such as mechanical plant or equipment, air conditioning units, fixed vacuum systems, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar, as well as delivery areas, must be designed to protect the acoustic privacy of neighbouring uses. b. All such noise generating equipment must be acoustically treated/mitigated. c. Noise levels at the property/unit boundary of residential development must not exceed a LAeq, 15 minute of 5dB above background noise. d. Exterior facades are designed to minimise the opportunity for sound transmission. Depending on surrounding land uses and the nature of the proposal, an acoustic report may be requested demonstrating how sound transmission is minimised.
Light Pollution 5.4 Development protects adjoining sites from light intrusion.	a. Development complies with AS 4282-2019 <i>Control of the obtrusive effects of outdoor lighting</i> .
Environment Management Plan 5.5 Development details and mitigates negative impacts on the amenity and environment of the immediate area.	a. An Environmental Management Plan detailing compliance with the relevant industry best practice guidelines for; - noise pollution, - air pollution, - odour, - light spill/pollution, - hazardous goods storage and - contamination management b. must be provided for any business or commercial development proposed to operate 24 hours a day, or as otherwise identified by Council.
Environment 5.6 Development protects the environmental features, values and amenity qualities of the site and immediate surrounds.	a. Development minimises the removal of existing trees and vegetation on site. b. Existing street trees are retained wherever possible (small trees may be relocated within the property frontage street verge, on approval of Council).
6. Stormwater Management	
Stormwater Management 6.1 Stormwater from development is managed onsite to an acceptable, practical level. Stormwater in excess of this level must be properly drained to a legal point of discharge without causing adverse impacts on public drainage infrastructure, downslope properties or the quality of receiving waters.	a. Development shall be accompanied by a Stormwater Management Plan. b. The plan shall adopt the Major/Minor Concept as well as conservation of pre-existing flows to post development flow. c. Stormwater drainage systems shall be designed using the relevant Australian Rainfall and Runoff standards, where the minor system shall be capable of carrying the controlling flows from frequent runoff events, while the major system shall provide safe, well-defined overland flow paths for rare and extreme storm runoff events.

Desired Outcome	Development Control Requirements
	d. All stormwater overflow generated by development must be managed on-site for up to an AEP of 10%. Stormwater from events in excess of that must be drained to a legal point of discharge. e. Where no legal point of discharge is available the development may need to provide infiltration design or on-site detention. f. Stormwater management should maximise the use of natural infiltration solutions to minimise the costs of maintaining man-made systems. g. The use of such infiltration solutions such as deep soils zones, rain gardens and soakaway pits, permeable surfaces or other similar treatments for stormwater management are encouraged. h. Development that incorporates a water tank(s), detention ponds, into the stormwater management system must comply with the following: i. The water tank system, including roof area, tank inlet pipe size, tank storage capacity and tank outlet pipe size, must be suitably sized to accommodate stormwater in a 5% AEP, with all overflow being directed to a legal point of discharge, suitably sized rubble drain or properly constructed drainage channel, at least 3 metres clear of buildings. ii. Stormwater from driveways and hardstand areas is directed away from the water tank(s) and is properly managed to a legal point of discharge in accordance with this Part. iii. Tanks and fittings comply with Planning for Bushfire Protection, as applicable. i. Suitable easements are provided for public stormwater infrastructure within properties.
Water quality (sites > 2500m²) 6.2 Point sources of pollution in the catchment are identified and their impacts minimised. 6.3 The stormwater management system optimises the interception, retention and removal of water borne pollutants before their discharge to receiving waters. 6.4 Water quality improvement devices are provided for the treatment of stormwater run-off before discharge from the site and are located to minimise negative impacts on both the natural and built (including traffic management) environments.	a. The development shall incorporate water quality treatment mechanisms designed in accordance with “Urban Stormwater Best Practice Management Guidelines” or equivalent to ensure targets for the following are met: i. Total Suspended Solids (TSS) ii. Total Nitrogen (TN) iii. Total Phosphorous (TP) iv. Litter (>50mm) b. Development complies with sediment and erosion control requirements. The design of any bio-swales, or similar green/blue stormwater infrastructure has regard to the ongoing operations, responsibility, maintenance and management required into the future.

Desired Outcome	Development Control Requirements
7. Utilities	
7.1 Infrastructure is adequate to service the needs of the development and, where required, are upgraded or provide new infrastructure to meet the increase in demand generated by the development.	a. All utilities and services are to be designed in accordance with relevant statutory requirements, including KSC Infrastructure Delivery Guide and AUS-SPECs.
7.2 Suitable water services are provided for the development.	a. Development is connected to a reticulated water supply main via a minimum 25mm service and KSC Water Meter, where available. b. Suitable easements are provided for public water infrastructure within properties. c. The developer meets the full cost of water reticulations, plus the cost of connecting to the existing services. d. Provision of bushfire mitigation which comply with the requirements of Part B – B1 - Natural Hazards .
7.3 Suitable electricity services are provided for the development.	a. Electricity services are provided to the development in accordance with requirements of the relevant authority and at the full cost of the developer. b. Electricity services are provided underground where possible.
7.4 Suitable water and sewerage services are provided for the development.	a. Development is connected to a reticulated sewer main where available. If unsewered, an on-site effluent management system is installed that complies with the following: i. Relevant Australian Standards for On-site Domestic Wastewater Management. ii. NSW Environment and Health Protection Guidelines. b. Suitable easements are provided for public sewerage infrastructure within properties. c. Where the development is in near proximity to an existing sewer area or where in the opinion of the State government or Council, the land is unsuitable for onsite disposal of effluent, connection to the existing sewerage system will be required. d. An On-site Sewage Management Assessment Report to support sewage treatment proposals is to accompany an application for this type of development. e. Development is designed so that an area remote from any watercourse and downhill of potential home sites is available for effluent disposal. f. The developer meets the full cost of sewer reticulations, plus the cost of connecting to the existing services.

Desired Outcome	Development Control Requirements
7.5 Suitable telecommunication services are provided for the development.	a. Telecommunication services are provided, where available. b. Where a telecommunications network is available to the site, applicants provide written confirmation from the relevant network provider stating that satisfactory arrangements have been made for connection, prior to the commencement of the use.

D5 INDUSTRIAL DEVELOPMENT

D5 INDUSTRIAL DEVELOPMENT

Application of Part D5

Part D5 applies to development of land for industrial purposes, which will generally be on land zoned E3 Productivity Support, E4 General Industry, MU1 Mixed Use and SP2 Infrastructure, under KLEP.

Objectives

1. To ensure the location, design and operation of industrial development makes a positive contribution to the economy and enables a range of employment opportunities within Kempsey Shire.
2. Industrial development is designed to support and protect the character and amenity of the surrounding area without having negative impacts on sensitive land uses.
3. Effective site planning, layout and functionality achieves a high level of amenity for industrial operators and users.
4. Development preserves and maintains the industrial areas across Kempsey Shire, and in particular, supports Kempsey South as the principal industrial area servicing the entire Shire and beyond.

The following desired outcomes and development control requirements in **Table D5.1** prescribe how the above objectives can be met.

Table D5.1 – Industrial Development Controls – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. Site Design	
Site Coverage 1.1 The proportion of a lot that is occupied by buildings or structures ensures adequate space for vehicular and pedestrian movements, car parking, open space, landscaping and proper drainage of the site.	a. Where a Floor Space Ratio (FSR) Map applies, development complies with the applicable FSR Map under KLEP.
Setbacks from Other Industrial Uses 1.2 Development enables the full functions of the industrial activity operations on the site.	a. Buildings are constructed with a front setback that: i. Reinforces the existing industrial street pattern, character and function. ii. Is the average of the two nearest existing buildings on the immediately adjoining allotments. iii. Is appropriate for the level of pedestrian activity and proposed industrial land-use. b. Front setback areas are not used for the storage of equipment / merchandise, waste material, excessive advertising signage or loading and unloading operations. c. Buildings are constructed with side and rear setbacks that: i. Comply with the requirements of the Building Code of Australia. ii. Provide adequate room for the servicing of the development, including loading and unloading operations, vehicle manoeuvrability and waste storage.

Desired Outcome	Development Control Requirements
	d. Development has regard to Planning for Bushfire Protection and any required asset protection measures, as applicable.
Setbacks – Particular Industrial Areas 1.3 Development provides appropriate setbacks in accordance with the specific location of the industrial use within Kempsey Shire.	a. Industrial development provides the following front boundary setbacks: - South Street, South Kempsey fifteen (15) metres; - Akubra Place, South Kempsey six (6) metres; - Woolford Crescent South Kempsey four (4) metres; - Nance Road, South Kempsey twelve (12) metres; - Sandstock Road, South Kempsey twelve (12) metres; and - Six (6) metres where not otherwise specified above.
Setbacks from Sensitive Land Uses 1.4 Development is located to ensure there is adequate separation between industrial activities, environmentally sensitive areas and sensitive land uses.	a. Development provides a minimum separation distance of ten (10) metres from an adjoining property that is a sensitive land use, unless the industrial use is identified in Table D5.2 below. b. Where identified in Table D5.2 below, development is setback from sensitive land uses and environmentally sensitive areas.
Table D5.2 -Setback Distances	
Setback from environmentally sensitive area or sensitive land use	Industrial Land Use Activity
1000m	Abattoirs, potentially hazardous or offensive industries, mines and extractive industries that involve blasting
400m	Rural industries, sewerage treatment plants, mines and extractive industries that don't involve blasting.
500m	Industries involving wet plant or potentially noisy operations
100m	Railway corridor
50m	Heritage items KLEP or State Heritage Register.
40m	Effluent management ponds, open storage areas or the like that may pose a potential chemical contamination risk as a result of past activities.

Desired Outcome	Development Control Requirements	
	20m	Road corridors.
	Note: The separation distances represent best practice minimum buffer distances. Where there is more than one type of industrial activity included in the setback tables in this section, then the greatest of the setback distances is to be implemented. Development applications involving a variation to the minimum setback distances shown in the setback tables in this section will be considered by Council if they are accompanied by appropriate studies/ investigations/ justification provided by an appropriately qualified and experienced practitioner to confirm that the development could be appropriately located without causing significant constraint on nearby sensitive land uses.	
Topography (Earthworks) 1.5 Earthworks associated with development does not negatively impact on the surrounding streetscape, adjoining properties or public assets.	a. Earthworks shall not alter the existing ground level/natural topography unless there are existing vegetation and trees to be preserved. b. Where existing trees are preserved, no earthworks are permitted closer to the trunk or main stem than the drip-line (canopy extent) of the tree.	
1.6 Development siting and layout utilises natural grades of the land and minimises cut and fill.	a. Buildings, structures and operational areas are not constructed on land with a gradient exceeding 15%. b. Cut or fill does not exceed +/- 6.0 metres from natural ground level within the development (building) envelope. c. Cut or fill does not exceed +/- 1.0 metre within two (2) metres of any boundary. d. Cut and fill batters shall not exceed a slope of 1:3 (volume:height). e. Cut and fill batters and retaining walls outside the building footprint must be landscaped to mitigate visual impacts. f. Earthworks must comply with KSC Infrastructure Delivery Guide and KSC AUS-SPECS requirements.	
2. Development Design		
Building Form 2.1 Development contributes positively to the streetscape in terms of building height, bulk and scale, streetscape, topography and character. 2.2 Development resilience and sustainability is enhanced through durable and vandal resistant materials and cladding.	a. Where a Height of Building Map applies, building height complies with the relevant height limit under the KLEP. b. Where there are significant variations in height between existing buildings on neighbouring properties, the new building has a height that transitions between the height of neighbouring buildings and/or follows the average roof line/height of adjoining premises. c. The height of new buildings is appropriate to minimise adverse overshadowing impacts on adjoining sites, particularly where used for a sensitive land use.	

Desired Outcome	Development Control Requirements
	d. Street elevations feature customer service areas and advertising/identification of public entrances towards the primary street frontage. e. Development: i. incorporates a sensitive mix of colours, materials, treatments and finishes that are sympathetic to the site's industrial context and surrounds; ii. avoids visually dominating features; iii. uses durable and energy efficient materials; and iv. minimises noise transmission. f. Industrial buildings on corner allotments are designed to address both street frontages. g. Building entrances are in prominent and easily recognisable locations with directional signage and lighting used where necessary / appropriate. h. Building materials are vandal resistant. i. Long blank walls facing streets are avoided by incorporating one or more of the following techniques into the building facades: i. Wall place projections or recesses; ii. Windows; iii. Variation of wall heights; and iv. Material changes.
Accessibility and Legibility 2.3 Buildings and pathways are easily accessible and legible, making it easy for users to navigate their way from public areas to the building entrance	a. Premises provide high levels of building accessibility, from on-site car parks and to the public footpath/street network in accordance with the access provisions of the Building Code of Australia. b. Pathways are direct and follow pedestrian desired lines and avoid blind corners / dark spaces. c. Development complies with <i>Crime Prevention and the Assessment of Development Applications Guidelines under section 79C of the Environmental Planning and Assessment Act 1979 (Department of Urban Affairs and Planning)</i>.
Storage and Utility Functions 2.4 Building design incorporates appropriate functional and storage spaces and areas for waste storage, transfer and disposal purposes.	a. Development is provided with suitable waste bin storage behind the building frontage. b. Waste storage and collection is to be managed wholly within the site. Waste bins and bulk waste storage areas are not to be located within the road reserve for collection purposes. c. Where collection is undertaken by a private contractor or bulk waste collection vehicle, the site is to provide suitable access and manoeuvring areas to allow vehicles to enter and leave the site in a forward direction.

Desired Outcome	Development Control Requirements
2.5 Development includes systems for waste management that ensures waste is collected, transported and/or disposed of in a lawful manner. 2.6 Development provides space, storage, amenity and management of waste management facilities. 2.7 Development includes waste management systems are compatible with collection services.	a. A development application must be accompanied by a Statement of Environmental Effects (SEE), which includes a Site Waste Management Plan (SWMP) as the information detailing compliance with waste management requirements. The SWMP is to outline measures to minimise and manage waste generated by and through ongoing use of the site/ premises/ development including: i. volume and type of waste and recyclables to be generated; ii. storage and treatment of waste and recyclables on site; iii. disposal of residual waste and recyclables; and iv. operational procedures for ongoing waste management for the completed development. b. The SWMP identifies the method of recycling or disposal and the waste management service provider. c. Waste management facilities proposed as part of the development shall be clearly illustrated on the plans of the proposed development, accompanying the development application (DA).
Function of External Spaces 2.8 External spaces and areas are designed to maximise the function of the space that enhances the user experience on site.	a. Development features customer service areas, merchandise displays and advertising towards the primary street active frontages. b. Sufficient space is provided on-site (side and rear) for the loading and unloading of materials and other stored items. c. Loading and unloading activities are not carried out on any public space or within the front building line. d. Premises are clearly displayed with a street number that is made of durable materials (preferable reflective or luminous) in a position that is unobstructed from users in the public domain. e. External storage areas and yards are well lit and secured by fencing and lockable gates on side and rear access ways. f. Emergency access points on site are well lit and easily identifiable by all users.
Amenity of External Spaces 2.9 External building spaces and storage areas are designed to contribute towards high amenity of the overall development.	a. External storage areas are screened and not exposed to view from primary roads. b. Roof mounted air-conditioning units and solar panels are not visible from a primary roads and are adequately screened. c. Wall mounted air-conditioning units are not located higher than 1.8 metres above existing ground level and are to be set back a minimum of 450 millimetres from any boundary.

Desired Outcome	Development Control Requirements
	d. Building utilities components, such as solar panels and solar collectors are suitably incorporated into the roof design and hot water tanks are enclosed within the building fabric.
Environmental Safety 2.10 Development is designed and managed to prevent any spillages or emissions that could have an adverse impact on the environment.	a. The storage of hazardous goods, materials or wastes is not carried out in areas that adjoin residential land-use or other sensitive land-uses, or areas that are generally accessible to the public. b. Set backs, buffers and/or distances must be in accordance Part B - B2.6 Conflicting Land Uses and public health regulation.
Signage 2.11 Advertising signage associated with the industrial development is compatible with the desired amenity and visual character of the locality.	a. Signage must only advertise the lawful use of the building or site. b. Where it is proposed to service multiple tenancies in the one building, advertising signage is appropriately co-ordinated and designed. c. Advertising signage is of a scale and form that is proportionate to the building, streetscape, setting or landscape on or within which it is proposed to be placed. d. Advertising signage is not to protrude above the apex roof height of the building on which it is located. e. Advertising signage is not illuminated to such an extent that will cause unacceptable glare for pedestrians, motor vehicles or aircraft, or that will significantly impact nearby residential areas. f. Signage structures are contained wholly within the site and do not overhang any public space or land. g. Freestanding signage is not permitted on an industrial development site.
3. Landscape and Public Realm	
Views and View Sharing 3.1 Where existing development enjoys desired views (e.g. water, ocean views, views of forest, hills and mountains etc), new development is designed and sited so that at least a part of the desired view is visible from the existing development, where practicable. 3.2 Development provides for reasonably equitable sharing of views, between neighbouring properties, of water, ocean, forest, hills/mountains.	a. Development is to allow for the reasonable sharing of views with neighbouring dwellings and/or development. b. The built form of development is to provide a transition to adjacent residential development, including reasonable setbacks from side and rear boundaries, particularly at the first floor level to allowed for view sharing. c. An assessment of current view(s), viewpoints and impact (refer Part E – Appendix 1 “View Sharing”) along with graphic / modelled simulations may be necessary to support the application to Council’s requirements.
Landscape 3.3 Development provides landscape which is	a. The landscape design is complementary to the building design and surrounding streetscape, and

Desired Outcome	Development Control Requirements
used to soften the impact of scale and bulk of existing built forms and to prevent over-dominance of buildings on the streetscape.	provides landscaping for at least 10% of the site area. b. Industrial developments adjoining a property zoned for a residential purpose are to include a 6 metre wide landscaping strip, between the shared boundary, that incorporate suitable vegetation to provide privacy and noise / dust suppression. c. All parts of the site not built upon or paved (i.e. the usable open space area) are to be landscaped with grass, groundcovers, shrubs and/or trees and comprise deep soil planting. d. Landscaping is provided in accordance with a site specific landscape plan prepared by a suitably qualified Landscape Architect. e. Detailed Landscape Plans are required with the development application, if determined by Council. f. Landscaping will need to be installed prior to the issue of an Occupation Certificate. In the case of larger scale development, Council may ask for a Works-as-Executed drawing prior to the issue of the relevant certificate or following a reasonable maintenance period.
Deep Soil Zones 3.4 Deep soil zones are provided, to allow infiltration of rain water to the water table and reduce stormwater runoff.	a. Where the development site is on a lot of >650m², 5% of the site should be provided as a deep soil zone. b. Where the development site is on a lot of 650m² - 1,500m², 10% of the site should be provided as a deep soil zone. c. Where the development site is on a lot of >1,500m², 15% of the site should be provided as a deep soil zone.
Fencing 3.5 Development incorporates landscaping features, including fencing, to enhance its function and appearance.	a. Front boundary fencing of industrial premises facing a primary or secondary road is restricted to businesses which primarily relate to the external display of goods and/or services. b. Where front fencing is permitted, it is to be visually permeable and finished in materials and colours that complement the building and streetscape. Solid sheet metal fencing, including Colourbond-style fencing, is not permitted along primary or secondary frontages. Front fences are to be no higher than 1.8 metres. c. Side and rear boundary security fencing of industrial premises shall be no higher than 2.4 metres.
Preservation and Treatments 3.6 Existing landscape elements, mature trees and other vegetation should be preserved.	a. Existing trees on-site are retained where possible and are incorporated into the landscape design.
3.7 Landscape design is complementary to the building design and surroundings.	a. The landscape design includes species that are appropriate for site conditions such as soil, aspect, drainage and micro-climate.

Desired Outcome	Development Control Requirements
Activation 3.8 Development creates active frontages to encourage positive business and commercial and community interactions.	a. Development provides a seamless connection with the adjoining premises, by creating an active frontage ¹ . b. Industrial premises are highly visible and provide active frontages to allow overlooking of the street.
4. Access and Vehicle Parking	
Access 4.1 Development provides a safe and appropriate level of driveway access/es to service all vehicles using the site.	a. Driveway locations, dimensions and finished levels comply with Austroads Guide to Road Design. b. All vehicle access and parking is designed and constructed to comply with the relevant Australian Standards. c. Semi-circle driveways (i.e. drive-in / drive-out arrangements via separate accesses to a primary or secondary street) are to be assessed on merit and will generally be restricted to the following land-uses: i. Service stations. ii. Driveway take away food shops. iii. Vehicle sales and hire premises. d. Where permitted, semi-circle driveways must comply with (a) above, and in a manner that allows for the turning radius on private property and not on the public road reserve. e. Driveways adjoining a primary or secondary street are designed to avoid roadside stormwater encroaching onto private property. f. Driveways do not require removal of established street trees.
Vehicle Parking 4.2 All vehicle parking areas and access ways are designed to facilitate ready access for all people with diverse mobility requirements.	a. All vehicle parking is constructed in accordance with KSC Infrastructure Delivery Guide and AUS-SPECs. b. Development provides on-site parking at the rate set out in Part E – Appendix 4 , unless otherwise approved by Council. c. Car parks are not accessed directly from high volume and/or high speed roads unless there is no other practical means of gaining access to a public road and the car park's ingress and egress are appropriately designed.

¹ Active Frontage refers to the street frontages or edges that allow a visual or physical engagement between the street users and the ground floors of buildings. Frequent openings and windows with few blank walls; narrow-frontage buildings that give vertical rhythm to the street edge; facade articulation; transparency that promotes eyes on the street; and uses spilling onto the street contribute to active frontages. Making building edges “active” to the street adds interest and vitality to the street environment ([Key Terms - Global Designing Cities Initiative](#)).

Desired Outcome	Development Control Requirements
	d. Car park design allowing queuing is eliminated by the provision of sufficient standing area for vehicles entering parking and loading areas. e. Car park design must allow vehicles to enter and leave the site in a forward facing direction. f. Car parks are line marked to indicate the layout and circulation pattern of traffic, and sign posted to indicate entry and exit locations. g. The potential for on-street gates provides appropriate lighting where it is anticipated that the area will receive night-time use by customers or staff. h. The car park design makes provision for the manoeuvring of rigid and articulated heavy vehicles, where necessary. i. Car park design incorporates the use of shade devices and/or shade trees to improve the amenity and visual appearance of large all weather surfaces, and improve the relationship of the site to adjoining uses. j. Car park design incorporates a rational circulation pattern. Dead-end parking aisles are not permitted except in areas reserved for a specific low turnover (e.g. staff parking areas). k. Where visitor / staff car parks are required to be provided as part of a development the vehicle parking must meet CPTED principles by: i. Being well illuminated to improve safety. ii. Avoid the creation of hidden recesses, where intruders could hide. iii. Being capable of observation by adjoining users. iv. Being designed with the least number of entry and exit points as is practical. v. Incorporates the use of security cameras, where possible.
Active Transport 4.3 Development maximises opportunities for walking and cycling.	a. Development creates pedestrian access from the street frontage and provides individual identity to buildings so that they are easily identified by the user. b. Development provides footpaths for the full width of any site frontage. The proposed footpath is to match the width of any existing, adjoining footpath width. c. Development of the footpath network complies with KSC Infrastructure Delivery Guide. d. Development provides access throughout the building and to the public footpath / street

Desired Outcome	Development Control Requirements
	network in accordance with the Building Code of Australia. e. Development exceeding twenty (20) employees provides for end-of-trip facilities, which includes: i. Showers ii. Bike racks iii. Lockers
Loading and Unloading Areas 4.4 All loading and unloading areas are contained wholly on-site and are sited and designed to minimise conflicts with pedestrians and other vehicles using the site.	a. The off-street car park incorporates appropriate loading and unloading facilities, which will have regard to the nature and scale of the proposed development, the estimated frequency of deliveries and/or receiving vehicles and the type of vehicles to be involved with deliveries and receiving. b. Where loading and unloading facilities are provided, they are designed to enable a service vehicle to stand entirely within the site during loading and unloading operations, and not over a Council footpath or roadway.
5. Amenity and Environment	
Amenity 5.1 Development is designed to ameliorate any amenity impacts on adjoining development.	a. Where new industrial development adjoins a sensitive land use the design is to incorporate methods to reduce visual privacy and acoustic impacts on the adjoining use. This may be achieved by using landscaping, mounding, barrier (solid mass) and/or screening, suitable location of delivery areas, appropriate delivery hours and/or limiting after hours deliveries. b. Building design achieves at least 3 hours of solar access to key living spaces/ private open spaces of the adjoining dwellings at the winter solstice (21 June) between 9am and 3pm. c. Where there is likely to be an adverse impact as a result of overshadowing on adjoining dwellings, shadow diagrams showing solar access to dwellings, private open space and solar panels on land to which the development application relates to an adjoining properties must be submitted with the development application. Note - Such diagrams should be prepared by an architect, surveyor, engineer, or town planner and be based on a survey of the relevant site and adjoining development.
Privacy 5.2 Development maintains the visual and acoustic privacy of neighbouring land uses.	a. Development does not directly overlook windows, balconies and decks of primary living rooms in any adjoining dwellings, unless the building design incorporates measures to reduce impacts. b. Roof mounted air-conditioning units are not located on the roof facing a primary street and are

Desired Outcome	Development Control Requirements
	screened from view through the use of roof top parapets and/or other visual screening.
Noise 5.3 Development achieves a satisfactory level of amenity including noise control and acoustic privacy.	a. All noise generating equipment such as mechanical plant or equipment, air conditioning units, fixed vacuum systems, mechanical ventilation from car parks, driveway entry shutters, garbage collection areas or similar, as well as delivery areas, must be designed to protect the acoustic privacy of neighbouring uses. b. All such noise generating equipment must be acoustically treated/mitigated. c. Noise levels at the property/unit boundary of residential development must not exceed a LAeq, 15 minute of 5dB above background noise. d. Exterior facades are designed to minimise the opportunity for sound transmission. Depending on surrounding land uses and the nature of the proposal, an acoustic report may be requested demonstrating how sound transmission is minimised.
Light Pollution 5.4 Development protects adjoining sites from light intrusion.	a. Development complies with <i>AS 4282-2019 Control of the obtrusive effects of outdoor lighting</i> .
Environment Management Plan 5.5 Development details and mitigates negative impacts on the amenity and environment of the immediate area	a. An Environmental Management Plan detailing compliance with the relevant industry best practice guidelines for; - noise pollution, - air pollution, - odour, - light spill/pollution, - hazardous goods storage and - contamination management must be provided for any business or commercial development proposed to operate 24 hours a day, or as otherwise identified by Council.
Environmental Safety 5.5 Development is designed and managed to prevent any spillages or emissions that could have an adverse impact on the environment.	a. The storage of hazardous goods, materials or wastes is not carried out in areas that adjoin sensitive land-uses, or areas that are generally accessible to the public.
Environment – existing values 5.6 Development protects the environmental features, values and amenity qualities of the site and immediate surrounds.	a. Development minimises the removal of existing trees and vegetation on site. b. Existing street trees are retained wherever possible (small trees may be relocated within the property frontage street verge, on approval of Council).

Desired Outcome	Development Control Requirements
6. Stormwater Management	
Stormwater Management 6.1 Stormwater from development is managed onsite to an acceptable, practical level. Stormwater in excess of this level must be properly drained to a legal point of discharge without causing adverse impacts on public drainage infrastructure, downslope properties or the quality of receiving waters.	Development shall be accompanied by a Stormwater Management Plan. a. The plan shall adopt the Major/Minor Concept as well as conservation of pre-existing flows to post development flow. i. Development is designed to accommodate all stormwater in the 10% Annual Exceedance Probability (AEP) (as a minimum) via underground drainage infrastructure. ii. Development is designed to accommodate all stormwater above the 10% AEP up to the 1% AEP via roads and drainage reserves. b. Stormwater drainage systems shall be designed using the relevant Australian Rainfall and Runoff standards, where the minor system shall be capable of carrying the controlling flows from frequent runoff events, while the major system shall provide safe, well-defined overland flow paths for rare and extreme storm runoff events c. Development complies with the relevant Australian Standards for Plumbing and Drainage, unless otherwise specified in this Part. d. All stormwater overflow generated by development must be managed on-site for up to an AEP of 10%. Stormwater from events in excess of that must be drained to a legal point of discharge. e. Where no legal point of discharge is available the development may need to provide infiltration design or on-site detention. f. Stormwater management maximises the use of natural infiltration solutions to minimise the costs of maintaining man-made systems. g. The use of such infiltration solutions such as deep soils zones, rain gardens and soakaway pits, permeable surfaces or other similar treatments for stormwater management are encouraged. h. Development that incorporates a water tank(s), detention ponds, into the stormwater management system must comply with the following: i. The water tank system, including roof area, tank inlet pipe size, tank storage capacity and tank outlet pipe size, must be suitably sized to accommodate stormwater in a 5% AEP, with all overflow being directed to a legal point of discharge, suitably sized rubble drain or properly constructed drainage channel, at least 3 metres clear of buildings. ii. Stormwater from driveways and hardstand areas is directed away from the water tank(s) and is properly managed to a legal point of discharge in accordance with this Part. iii. Tanks and fittings comply with Planning for Bushfire Protection, as applicable.

Desired Outcome	Development Control Requirements
	i. Suitable easements are provided for public stormwater infrastructure within properties. j. The use of rain gardens and infiltration deep wells or other similar treatments for stormwater managements are encouraged. k. Stormwater drainage systems are designed using the relevant Australian Rainfall and Runoff standards, where the minor system shall be capable of carrying the controlling flows from frequent runoff events, while the major system shall provide safe, well-defined overland flow paths for rare and extreme storm runoff events. l. Stormwater volumes and characteristics are estimated in accordance with relevant Australian Rainfall and Runoff standards by a suitably qualified engineer. m. Development takes into account the stormwater management requirements of the whole site / stormwater drainage system, including stormwater from upslope areas in the catchment that is based on a fully developed scenario, and is based on the preexisting condition to provide and be the same volume of runoff at the lot outlet or less where possible. n. Existing stormwater management infrastructure abutting the development, including road drainage and drainage reserves are upgraded / replaced where they do not meet the requirements of the KSC Infrastructure Delivery Guide and AUS-SPEC #2 Stormwater Drainage.
Water quality (sites > 2500m²) 6.2 Point sources of pollution in the catchment are identified and their impacts minimised. 6.3 The stormwater management system optimises the interception, retention and removal of water borne pollutants before their discharge to receiving waters. 6.4 Water quality improvement devices are provided for the treatment of stormwater run-off before discharge from the site and are located to minimise negative impacts on both the natural and built (including traffic management) environments.	a. The development shall incorporate water quality treatment mechanisms designed in accordance with “Urban Stormwater Best Practice Management Guidelines” or equivalent to ensure targets for the following are met: i. Total Suspended Solids (TSS) ii. Total Nitrogen (TN) iii. Total Phosphorous (TP) iv. Litter (>50mm) b. Development complies with sediment and erosion control requirements. The design of any bio-swales, or similar green/blue stormwater infrastructure has regard to the ongoing operations, responsibility, maintenance and management required into the future.
7. Utilities	
7.1 Infrastructure is adequate to service the needs of the development and, where required, are upgraded or provide new infrastructure to meet the increase in demand generated by the development.	a. All utilities and services are to be designed in accordance with relevant statutory requirements, including KSC Infrastructure Delivery Guide and AUS-SPECs.

Desired Outcome	Development Control Requirements
7.2 Suitable water services are provided for the development.	a. Development is connected to a reticulated water supply main via appropriately sized service with KSC Water Meter to KSC requirements. b. Suitable easements are provided for public water infrastructure within properties. c. The developer meets the full cost of water reticulations, plus the cost of connecting to the existing services. d. Provision of bushfire mitigation which comply with the requirements of Part B – B1 - Natural Hazards.
7.3 Suitable electricity services are provided for the development.	a. Electricity services are provided to the development in accordance with requirements of the relevant authority and at the full cost of the developer. b. Electricity services are provided underground where possible.
7.4 Suitable sewerage services are provided for the development.	a. Development is connected to a reticulated sewer main where available. If unsewered, an on-site effluent management system is installed that complies with the following: i. Relevant Australian Standards for On-site Domestic Wastewater Management. ii. NSW Environment and Health Protection Guidelines b. Suitable easements are provided for public sewerage infrastructure within properties. c. Where the development is in near proximity to an existing sewer area or where in the opinion of the State government or Council, the land is unsuitable for onsite disposal of effluent, connection to the existing sewerage system will be required. d. An On-site Sewage Management Assessment Report to support sewage treatment proposals is to accompany an application for this type of development. e. Development is designed so that an area remote from any watercourse and downhill of potential home sites is available for effluent disposal. f. The developer meets the full cost of sewer reticulations, plus the cost of connecting to the existing services.
7.5 Suitable telecommunication services are provided for the development.	a. Telecommunication services are provided, where available. b. Where a telecommunications network is available to the site, applicants provide written confirmation from the relevant network provider stating that satisfactory arrangements have been made for connection, prior to the commencement of the use.

Part E – Appendices

Supplementary Information

Glossary, Heritage Requirements, New Areas, Vehicle Parking,
Landscape and On-site Sewage and Wastewater Management

PART E – APPENDICES

Application

This section provides supporting information and documentation to support the interpretation and application of the Kempsey DCP.

It is structured as follows:

Appendix 1 – Glossary

Appendix 2– Heritage Requirements Items, Heritage Conservation Areas and Heritage Precincts

Appendix 3 – Development Requirements for New Areas

West Crescent Head

Yarrahapinni

Appendix 4 – Schedule of On-Site Vehicle Parking Rates

Appendix 5 – Landscape Information

Significant Tree Register

Tree Suitability Schedule

Appendix 6 – On-site Sewage and Wastewater Management

APPENDIX 1 - GLOSSARY

This plan adopts the terms and definitions of the *Kempsey Local Environment Plan*, applicable State Environmental Planning Policies, and the *Environmental Planning and Assessment Act 1979*. Additional terms used in this DCP are defined below. Where there is an inconsistency, the higher order instrument prevails. **[Note:** terms and acronyms may change over time – current 2025]

Table E.1 – Abbreviations/ Acronyms Used in this DCP

AEP	Annual Exceedance Probability
AHD	Australian Height Datum
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
AMCORD	Australian Model Code for Residential Development
ANEF	Australian Noise Exposure Forecast
APZ	Asset Protection Zone
ARI	Annual Recurrence Interval
AS	Australian Standards
AUS-SPECs	Australian Specifications
BASIX	Building Sustainability Index
BCA	Building Code of Australia
BCA 2016	<i>Biodiversity Conservation Act 2016</i>
BV	Biodiversity Values
CBD	Central Business District
CC	Construction Certificate
CDC	Complying Development Certificate
CIV	Capital Investment Value
CKPoM	Comprehensive Koala Plan of Management
CMP	Conservation Management Plan
CPTED	Crime Prevention through Environmental Design
DA	Development Application
DBH	Diameter at breast height
DCP	Development Control Plan
DCP	also refers to any Development Control Plan prepared in accordance with the <i>Environmental Planning and Assessment Act 1979</i> .
DDA	<i>Disability Discrimination Act 1992</i>
DECCW 2010	Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales
DPIRD	Department of Primary Industries and Regional Development
DPHI	NSW Department of Planning, Housing and Infrastructure
DSZ	Deep Soil Zone
EEC	Endangered Ecological Community
EPA	Environment Protection Authority
EP&A	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
ESD	Ecologically Sustainable Development
ET	Equivalent Tenement
FPL	Flood Planning Level
FSR	Floor Space Ratio

GFA	Gross Floor Area
GPT	Gross Pollutant traps
HBT	Hollow Bearing Tree
HEV	High Environmental Values
HoB	Height of Building
IAL	Important Agricultural Land
IDG	Kempsey Shire Infrastructure Delivery Guide
IWCM	Integrated Water Cycle Management
KSC	Kempsey Shire Council
KLEP	Kempsey Local Environmental Plan 2013
LALC	Local Aboriginal Land Council
Lasc	Landscape
LEP	also refers to any Local Environment Plan prepared in accordance with the <i>Environmental Planning and Assessment Act 1979</i> .
LES	Local Environmental Study
LGA	Local Government Area
LGA 1993	<i>Local Government Act 1993</i>
LGMS	Local Growth Management Strategy
LLS	Local Land Services
LSPS	Local Strategic Planning Statement
mgmt	Management
MLS	Minimum Lot Size
MNCRS	Mid North Coast Regional Strategy (current version)
MNES	Matters of National Environmental Significance
MUSIC	Model for Urban Stormwater Improvement Conceptualisation
NBN	National Broadband Network
NCRP	North Coast Regional Plan (current version)
NGL	Natural Ground Level
NPW Act	<i>National Parks and Wildlife Act 1974</i>
NPW Regulation	<i>National Parks and Wildlife Regulation 2009</i>
NPWS	National Parks and Wildlife Service
NSW	New South Wales
OC	Occupation Certificate
OEH	Office of Environment and Heritage – Now (2026) NSW Environment and Heritage
OSMS	On-site Sewage Management Systems
PCT	Kempsey Plant Community Types
PMF	Probable Maximum Flood
PP	Planning Proposal
PBP	Planning for Bushfire Protection
POS	Private open space
RFS	Rural Fire Service
SC	Subdivision Certificate
SEE	Statement of Environmental Effects
SEED	Sharing and Enabling Environmental Data
SEPP	State Environmental Planning Policy

SES	State Emergency Service
SHI	Statement of Heritage Impact
STP	Sewerage Treatment Plant
SWC	Subdivision Works Certificate
SWMP	Soil and Water Management Plan
SWMCP	Stormwater Management Concept Plan
SWMMP	Site Waste Minimisation and Management Plan
TBD	To be determined
TEC	Threatened Ecological Species
TfNSW	Transport for New South Wales
TN	Total Nitrogen
TP	Total Phosphorous
TSS	Total Suspended Solids
UEIA	Urban Expansion Investigation Area
VMP	Vegetation Management Plan
WSAA	Water Services Association of Australia
WSUD	Water Sensitive Urban Design

Table E.2 – Definitions of Terms Used in this DCP

[**Note:** terms, agencies, organisations, references, sources and information may change over time – current 2026]

Term	Description/ Explanation	Reference/Source
“Aboriginal Cultural Heritage Consultation Requirements for Proponents”	This document is produced by the Office of Environment and Heritage and the purpose of this document is to establish the requirements for consultation with the registered Aboriginal parties as part of the heritage assessment process to determine potential impacts for the proposed activities on Aboriginal cultural heritage and to inform decision making for any application for an Aboriginal Heritage Impact Permit (AHIP).	See: www.environment.nsw.gov.au
Aboriginal Culturally Modified Tree	Means a tree that, before or concurrent with (or both) the occupation of the area in which the tree is located by persons of non-Aboriginal extraction, has been scarred, carved or modified by an Aboriginal person by: • The deliberate removal, by traditional methods, of bark or wood from the tree, or • The deliberate modification, by traditional methods of bark or wood of the tree.	
Aboriginal Heritage Impact Permit (AHIP)	Statutory instrument issued by the Office of Environment and Heritage (OEH) under section 90 of the <i>National Parks and Wildlife Act 1974</i> (NPW Act) to manage harm or potential harm to Aboriginal objects and places.	See: www.environment.nsw.gov.au
Aboriginal Heritage Information Management System (AHIMS)	Aboriginal Heritage Information Management System is a search engine managed by OEH which contains information about Aboriginal objects that are reported to the Director General and registered and also provides information about Aboriginal Places. Please note that this AHIMS list is not exhaustive and further research may be required.	See: www.environment.nsw.gov.au
Aboriginal Objects	Means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains. Examples of Aboriginal Objects include: • Human skeletal remains; • Aboriginal culturally modified tree; • Middens; • Rock art (painting and engravings); • Stone artefacts/tools; • Raised earth rings; • Grinding grooves; • Rock shelters; • Earth mounds; • Hearths; and • Stone arrangements.	See: www.environment.nsw.gov.au <i>Refer: Appendix 1 of the Due Diligence Code for examples of these objects.</i>
Aboriginal Places	A statutory term meaning any place declared to be an Aboriginal place (under s.84 of the NPW Act) by the	See: <i>National Parks and Wildlife Act 1974</i>

Term	Description/ Explanation	Reference/Source
	Minister administering the NPW Act, by order published in the Gazette, because the Minister is of the opinion that the place is or was of special significance with respect to Aboriginal culture. It may or may not contain Aboriginal objects.	
Aboriginal place of heritage significance	Means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is: (a) The site of one or more Aboriginal objects or a place of that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or (b) A natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long- standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.	<i>National Parks and Wildlife Act 1974</i> <i>Note: The term may include (but is not limited to) places that are declared under section 84 of the National Parks and Wildlife Act 1974 to be Aboriginal places for the purpose of that Act.</i>
Above awning sign	Means an advertising sign attached to the upper side of an awning (other than the fascia or return end).	
Access handle	A strip of land forming part of a site which has the main function of providing a property access.	
Activity <i>(also in relation to Aboriginal Objects and Places)</i>	Means a project, development, activity or work (this term is used in its ordinary meaning, and does not just refer to an activity as defined in Part 5 of the EPA Act).	<i>Environmental Planning and Assessment Act 1979</i> <i>Kempsey Local Aboriginal Land Council.</i>
Adaptation	Means modification of an item or place (generally heritage related) to suit a proposed, compatible use.	
Adjacent land or Adjoining Land	Generally means land which abuts the site or is separated from it by a pathway, driveway, roadway or similar thoroughfare.	
Advertisement/ Advertising Signage	Has the same meaning as in the EPA Act. The EPA Act defines an Advertisement as: “...a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.”	<i>Refer also: SEPP (Industry and Employment) 2021 Chpt 3</i>
Advertising (for public notification)	Means the placement of public notice on Council’s website and, where required, in a newspaper or other publication circulating at least once a week in the locality.	

<i>Term</i>	<i>Description/ Explanation</i>	<i>Reference/Source</i>
Advertising Display Area	Of an Advertising structure that contains advertising on two or more sides is to be calculated separately for each side and is not the sum of display areas on all sides.	
Advertising structure	Means a structure used or to be used principally for the display of an advertisement.	
Aesthetic Significance	Means an item having this value is significant because it has visual or sensory appeal, landmark qualities and/or creative or technical excellence.	
Alter	In relation to: a) a heritage item means to: • make structural changes to the outside of the heritage item, or • make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, other than changes ensuing from the maintenance of the existing detail, fabric, finish or appearance of the outside of the item. b) a building or work within a heritage conservation area means to: • make structural changes to the outside of the building or work; or • make non-structural changes to the detail, fabric, finish or appearance of the outside of the building or work, not including changes resulting from painting previously painted surfaces, providing the same colour scheme and paint type is used.	
Alternative solution	Means another method which achieves the same Desired Outcome as a Development Control Requirement.	
Amenity	The liveability or quality of a place which makes it pleasant and agreeable to be in for individuals and the community. Amenity includes elements such as sunlight, views, privacy, ambiance and the like.	
Ancillary Buildings/ Structures	Buildings or structures used for a variety of purposes, that support the function of the main or central building/structure. Ancillary buildings are used for a variety of purposes, providing support to essential services or for a central function.	
Annex	Means an attachment to a movable dwelling used as an extension of the liveable area of that dwelling and which is capable of being erected or removed from a site within 24 hours.	
Annual Exceedance Period (AEP)	The probability that a given rainfall total accumulated over a given duration will be exceeded in any one year. Statistical reference used to describe the likelihood of a certain flooding level in and over time. Expressed as a	www.environment.nsw.gov.au <i>Floodplain-risk-management-manual</i>

Term	Description/ Explanation	Reference/Source
	percentage; e.g a 5% AEP flood event would mean the estimated chance of that level of flooding would be 5% in a year, but very likely to occur over a twenty year period.	<i>Cross reference also (ARI) Average Recurrence Interval</i>
Application Site	Means the land (specific location) to which an application relates and includes any easement or right of way pertaining to the site.	
Approval	Includes an authority or consent or permission.	
Arborist	Means a suitably qualified specialist in the cultivation and care of trees including tree surgery and the identification and assessment of tree health and condition and prevention of tree diseases.	<i>Arboriculture Australia - National Industry body for arboriculture.</i> safework.nsw.gov.au
Archaeological Assessment	Means a study undertaken to establish the archaeological significance (research potential) of a particular site and to propose appropriate management actions.	<i>Heritage Act 1977</i> environment.nsw.gov <i>Heritage Council of NSW Guidelines</i>
Archival and Photographic Record	Means measured drawings, written descriptions and photographs sufficient to provide a clear understanding of the heritage significance of a building, work, relic, tree or place and its context.	
Australian Heritage Committee (AHC)	An independent statutory authority which is responsible to the Commonwealth Minister for the Environment. It administers the AHC Act and maintains the Register of the National Estate.	<i>Australian Heritage Council Act 2003</i>
Australia ICOMOS	The national committee of the International Council on Monuments and Sites.	australia.icomos.org
Australian Standards	Published documents setting out specifications and procedures designed to ensure products, services and systems are safe, reliable and consistently perform the way they were intended to. They establish a common language which defines quality and safety criteria.	
Average Recurrence Interval (ARI)	Means the long-term average number of years between the occurrence of a flood as big as, or larger than, the selected event. For example, floods with a discharge as great as, or greater than, the 20 year ARI flood event will occur on average once every 20 years. ARI is another way of expressing the likelihood of occurrence of a flood event.	bom.gov.au <i>DCP refers to Standardised term now (AEP) Annual Exceedance Period</i>
Awning	A predominantly horizontal structure that projects over a footpath from the host building to provide weather protection for pedestrians.	
Awning fascia sign	A sign on the fascia of an awning or verandah.	

<i>Term</i>	<i>Description/ Explanation</i>	<i>Reference/Source</i>
Balcony	An outdoor, open or partially enclosed area that is either partially integrated into or protrudes entirely from the outer enclosing walls of a building as a means of providing private open space.	
Basement	A space of a building where the floor level of that space is predominantly below ground and where the floor level of the storey immediately above is less than 1-metre above finished ground level.	
BASIX	Introduced as part of the NSW planning system, BASIX (the Building Sustainability Index), is a web based planning tool that measures the potential performance of residential development against sustainability indices, including new residential dwellings and swimming pools or spas with a capacity greater than 40,000 litres.	<i>planningportal.nsw.gov.au</i> <i>Development & Assessment BASIX</i>
Battleaxe	Refers to an allotment that relies on an access handle as a means of access to a public street and as such the lot does not have a frontage to the street.	
Bed and breakfast accommodation	As defined in Kempsey LEP 2013.	<i>legislation.nsw.gov.au</i>
Bedroom	Means a room which is designated, used, or Council considers is capable of being used or adapted for sleeping in whether or not building alterations are involved or it is the current owner's intention to do so.	
Biodiversity	The variety of living animal and plant life from all sources, including diversity within and between species and diversity of ecosystems. For local specifics, refer to the Kempsey Shire Biodiversity Strategy.	<i>Biodiversity Conservation Act 2016 No 63 - NSW Legislation</i> <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021 - NSW Legislation</i>
Brownfield Development	Means development on a site that has previously been developed or used for urban purposes, including residential, commercial or industrial land uses.	
Buffer and Buffer zone	Refers to the area surrounding the protected land use, generated using a radial width in metres from the protected land use or associated property. Refer to KSC Sewage Treatment Plant (STP) Buffer Zone Policy.	<i>KSC Sewage Treatment Plant (STP) Buffer Zone Policy</i>
Building	Has the same meaning as it has in the Environmental Planning and Assessment Act 1979. "Building" includes part of a building, and also includes any structure or part of a structure (including any	<i>Environmental Planning and Assessment Act 1979 No 203</i> <i>National Construction</i>

Term	Description/ Explanation	Reference/Source
	temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure within the meaning of the Local Government Act 1993. “Building” can and does mean and refer to a number of different classes (1- 10) of structure, as defined in the National Construction Code (NCC) E.g - Class 10a Building is a building defined under the National Construction Code as a non-habitable building being a private garage, carport, shed or the like.	<i>Code (NCC) / Building Code of Australia (BCA)</i>
Building elevation	The external walls of a building. Also, the graphic representation of the external face(s) of a building.	
Building height (Height of Building – HoB)	Means the vertical distance between the natural ground level at any point to highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like. Refer to State Environmental Planning Policy (Housing) 2021 Low and Mid-Rise Housing Policy and State Environmental Planning Policy (Exempt and Complying Codes) 2008 for related information. For further detail regarding the determination of the height of a building refer to Kempsey LEP.	<i>Kempsey Local Environmental Plan 2013</i>
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, the nature of the business and a logo or other symbol that identifies the business, but that does not include general advertising of products, goods or services.	<i>SEPP (Industry and Employment) 2021 Chpt 3 Advertising and Signage.</i>
Building line (setback)	Means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and: - a building wall, or - the outside face of any balcony, deck or the like, or - the supporting posts of a carport or veranda roof, whichever distance is the shortest.	
Building wrap advertisement	Means an advertisement used in association with the covering or wrapping of: (a) a building or land, or (b) a building that is under construction, renovation, restoration or demolition, but does not include a wall advertisement.	<i>SEPP (Industry and Employment) 2021 Chpt 3 Advertising and Signage.</i>
Burra Charter (and its guidelines)	Adopted by Australia ICOMOS which establishes the nationally accepted principles for the conservation of places of cultural significance.	<i>Burra Charter 2013 (Adopted 31.10.2013)</i>

Term	Description/ Explanation	Reference/Source
Business identification sign	Means a sign: (a) that indicates: - the name of the person or business, and - the nature of the business carried on by the person at the premises or place at which the sign is displayed, and (b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not include any advertising relating to a person who does not carry on business at the premises or place.	<i>SEPP (Industry and Employment) 2021 Chpt 3 Advertising and Signage.</i>
Ceiling Height	Is the height from either Finished Floor Level (FFL) or natural ground level to the underside of the ceiling.	
Change of Building Use	Means a change of use of a building from one class of building as identified in the Building Code of Australia to a different class of building.	
Character	Distinctive visual identity of a place, formed by a combination of natural and built elements, land use, history and culture. A concept that defines what makes an element, place or neighbourhood unique and different it from others. Existing character is sometimes used to define and guide the desired future visual appearance of new development, while preserving what is valued by the community.	
Commercial Area	Means an area or place used for commercial purposes whether or not zoned for such purposes.	
Community Facility	means a building or place— (a) owned or controlled by a public authority or non-profit community organisation, and (b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation. As defined in KLEP.	<i>Kempsey Local Environmental Plan 2013</i>
Compatible Use	Means a use for a heritage item which involves no change to its culturally significant fabric, changes which are substantially reversible or changes which make a minimal impact.	
Compensatory Setback	Means the area of land on which no buildings are erected, or are proposed to be erected, which is in excess of the specified minimum average setback applying to the extent of the geometric centre line.	

Term	Description/ Explanation	Reference/Source
Conservation (heritage)	Means all the processes of looking after a place so as to retain its cultural significance. It includes maintenance and may according to circumstances include preservation, restoration, reconstruction and adaptation in any one place and will be commonly a combination of more than one of these.	Refer also: KLEP, Heritage NSW, Heritage Council of NSW environment.nsw.gov.au
Conservation Management Plan	Means a document prepared in accordance with the provisions of the NSW Heritage Manual. It should establish the heritage significance of the item, place or heritage conservation area and should identify conservation policies and management mechanisms that are appropriate to enable that significance to be retained.	
Conservation Plan	Means a document prepared in accordance with the NSW Heritage Manual to establish the heritage significance of a building, structure, work, relic, tree or place and to identify conservation policies and management mechanisms that are appropriate to enable that significance to be retained.	
Conservation Policy	Means a proposal to conserve a heritage item arising out of the opportunities and constraints presented by the Statement of Heritage Significance and other considerations.	<i>The Heritage Act 1977</i>
Construction Certificate	A Construction Certificate (CC) essentially certifies that the detailed construction plans and specifications for the development are consistent with development consent, and comply with the Building Code of Australia (BCA) and other adopted industry standards. This Certificate is required prior to commencing work. Refer also Subdivision Works Certificate (SWC). As above for land subdivision works.	
Country ("Connection to Country")	<u>Country represents the deep connection to land, water and sky which is important for spiritual, cultural, family, and economic wellbeing of Aboriginal communities.</u> <u>Aboriginal people refer to the word Country to describe family origins and associations with parts of Australia. The collective identity of Aboriginal communities is also linked to place. The community itself is part of Country as well as each person in it</u>	Refer NSW Environment and Heritage definition and explanation
Council	Means Kempsey Shire Council . Reference in this plan to the Council may include Council staff properly exercising authority delegated by the Council.	
Crime Prevention through Environmental Design	(CPTED) is a multi-disciplinary approach to deterring criminal behaviour through environmental design. CPTED principles relate to surveillance, access control, territorial reinforcement and space management aspects of development. CPTED strategies focus on the ability to influence potential offender decisions, in order to deter criminal acts.	Refer also: police.nsw.gov.au <i>Safety and policing in the community</i> <i>Safer by design</i>

Term	Description/ Explanation	Reference/Source
Cultural Landscapes	Means those areas of the landscape which have been significantly modified by human activity (Aboriginal, period and contemporary). They include ritual sites, rural lands such as farms, villages and mining sites, as well as country towns.	
Cultural significance (1)	Means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups.	
Cultural Significance (2)	A term frequently used to encompass all aspects of significance, particularly in guidelines documents such as the Burra Charter. Also one of the categories of significance listed in the Heritage Act 1977. (See also Heritage Significance)	
Curtilage (heritage)	The geographical area that provides the physical context for an item, and which contributes to its heritage significance. Land title boundaries and heritage curtilages do not necessarily coincide.	
Dangerous tree	Means a tree that has lost stability or structural integrity to a point that it poses a threat to life that no remedial works can mitigate. Also refers to vegetation that interferes with the safe flight path of aircraft or sight lines for traffic.	
Dead tree	Means a tree where all processes within all of the vascular tissue has ceased.	
Deck	Refers to an external platform, usually elevated, located alongside and accessible from an interior space.	
Deep soil zones	Areas of natural ground retained within a development, uninhibited by artificial structures and with relatively natural soil profiles. Deep soil zones (DSZs) have important environmental benefits, including; • promoting healthy growth of larger trees and canopies, • protecting existing mature trees, and • allowing infiltration of rainwater to the water table and reduction of stormwater runoff.	
Demolition	Means the complete or partial dismantling of a building or structure including damage, defacement or the relocation of a building or structure.	
Desired Outcome (DO)	A statement of outcome (finished state) that describes certain required development characteristics or performance(s). <u>What</u> is to be achieved. Desired	

Term	Description/ Explanation	Reference/Source
	Outcomes are usually matched with more specific Development Control Requirement(s), or Requirements, but not necessarily so. Refer also "Development Control Requirements" DCRs	
Destroy (a tree)	Includes killing, clearing, removing, cutting, burning, ring barking, knocking over, poisoning, lopping, topping or cutting of living branches of a tree, or root system, or damaging a trees root system by compaction, excavation or asphyxiation including unauthorised filling or stockpiling of materials.	
Development	Has the same meaning as it has in the Environmental Planning and Assessment Act 1979. Note: Under the EPA Act, development is defined as: a) the used of land, and b) the subdivision of land, and c) the erection of a building, and d) the carrying out of a work, and e) the demolition of a building or work, and f) any other act, matter or thing referred to in section 26 that is controlled by an environmental planning instrument, but does not include any development of a class or description prescribed by the regulations for the purposes of this definition.	<i>Environmental Planning and Assessment Act 1979</i>
Development Lot (1)	Means a parcel of land that is identified for future development subject to separate planning approval.	
Development Lot (2)	Are defined as lots that are not yet developed or subdivided for their ultimate yield. It does not include lots where the proposed subdivision is to separate nonurban land from urban zoned land.	
Development Control Requirements / Development Requirements (DCR)	Are one way of achieving a Desired Outcome (DO). <u>How</u> the DO's may be achieved. They are generally a more specific measure to achieve the performance oriented Desired Outcome. Refer also "Desired Outcome" DO.	
Disturbed Land (or Land already disturbed by previous activity)	Means land is disturbed if it has been the subject of human activity that has changed the land's surface, being changes that remain clear and observable. Examples include ploughing, construction of rural infrastructure (such as dams and fences), construction of roads, trails and tracks (including fire trails and tracks and walking tracks), clearing vegetation, construction of buildings and the erection of other structures, construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure) and construction of earthworks.	

Term	Description/ Explanation	Reference/Source
Dual Occupancy	Means a development comprising of no more than two (2) dwellings, be they attached or detached on a single lot.	<i>Refer KLEP for fuller definition</i>
Due Diligence	Taking reasonable and practical steps to determine whether a person's actions will harm an Aboriginal object and, if so, what measures can be taken to avoid that harm.	
Dwelling	Means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.	
Dwelling house (or single dwelling house)	Means a building and allotment containing only one dwelling.	
Dying (tree)	Means a tree that has declined to a point that no remedial action will prevent death.	
Endangered Ecological Community (EEC)	Means an assemblage of species which can include flora, fauna and other living organisms that occur together in a particular area. An Endangered Ecological Community is an ecological community that is listed as facing a very high risk of extinction in NSW under the Biodiversity Conservation Act 2016.	
Endemic Species	Means species which naturally occur on the NSW Mid-North Coast or cultivars of such species.	
Environmental heritage	Means those places, buildings, works, relics, movable objects and precincts of State or local heritage significance.	
Environmental Planning and Assessment Act 1979 (EP&A Act)	The statutory framework within which State Government and local government guide and control land use and development.	<i>legislation.nsw.gov.au</i>
Environmental Weed	Means a plant determined to be an Environmental Weed by the NSW Department of Primary Industries and/or North Coast Weeds Advisory Committee.	Refer <i>weeds.dpi.nsw.gov.au</i> <i>Refer also Local Land Services</i> <i>lls.nsw.gov.au</i> <i>Advice on weeds and plant diseases, weed identification and management</i>
Excavation	Means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.	

Term	Description/ Explanation	Reference/Source
Fabric	Means all the physical material of the place (“built fabric”). Can also mean building fabric, the outer form and/or skin of the building.	
Façade	The elevation of a building generally facing the street, but may also refer to other external elevations of the building that are visible.	
Fascia Sign	Means an advertising sign attached to the fascia or return of an awning.	
Flood Planning Level (FPL)	A series of datum levels that are used to define the level at which different development must be built relative to the flooding risk in that location and for particular/sensitive development types. Very generally this means the level of 1% AEP + 0.50 mtrs freeboard (also expressed as 1:100 ARI (average recurring interval) flood level plus 0.5m freeboard. However specific FPL guidance must be sought in relation to both location and proposed development type.	<i>Kempsey Flood Policy</i>
Flood prone land	Synonymous with flood liable and floodplain, it is the area of land which is subject to inundation by the probable maximum flood (PMF).	<i>State Environmental Planning Policy Amendment (Flood Planning) 2021</i> <i>Kempsey Flood Policy</i>
Floor	Refers to the space within a building that is situated between one floor level and the next level above or, if there is no floor above, the ceiling of or roof above.	
Floor Space Ratio (FSR)	Means the ratio of the gross floor area of the building to the site area of the land on which the building is or is proposed to be erected. Means the ratio of the gross floor area of <u>all buildings</u> on a site to the site area. Refer also “site coverage”.	<i>Refer KLEP for fuller definition</i>
Flush Wall Sign	Means an advertising sign attached to the wall of a building (other than the transom of a doorway or display window).	
Freestanding advertisement	Means an advertisement that is displayed on an advertising structure that is mounted on the ground on one or more supports. Freestanding advertisements include pole and pylon signs.	<i>SEPP (Industry and Employment) 2021 Chpt 3 Advertising and Signage</i>
Front fences and walls	Refers to fences and walls situated forward of the building façade or within the nominated front building line (setback), whichever is the greater, that are located on the site.	

<i>Term</i>	<i>Description/ Explanation</i>	<i>Reference/Source</i>
Frontage or primary frontage	Refers to the area of abutment between a boundary line between a site and a public street. In the case of a multi-frontage site, the boundary at which the property is addressed.	
Greenfield Development	Means development on a site that has not previously been used for residential, commercial, industrial or other urban land uses.	
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 or the outer face of the external wall; (ii) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air conditioning ducts; (iii) car parking needed to meet any requirements of the Council and any internal access thereto; and (iv) space for the loading and unloading of goods.	
Gross Leasable Floor Area (GLFA)	The sum of the area of each floor of a building where the area of each floor is taken to be the area within the internal faces of the walls, excluding stairs, amenities, lifts, corridors and other public areas but including stock storage area.	
Habitable room	Means a space, room or any combination of areas used for domestic activities including: • bedroom, living room, dining room, recreation room, theatre room, study room, sun room, home office or the like, but does not include: • bathroom, laundry, water closet, pantry, walk in wardrobe, lobby, or any other like room or space of a specialised nature that is not occupied frequently or for extended periods.	
Harm (for Aboriginal Objects)	• Destroy, deface, damage and object; • Move an object from the land on which it is situated; and • Cause or permit an object to be harmed.	
Height	Generally distance above ground. Refer to the definition of “Building height.” (Height of Building - HoB)	<i>KLEP definition and KLEP HoB mapping</i>
Heritage Act 1977	The statutory framework for the identification and conservation of heritage in New South Wales. The Act also describes the composition and powers of the Heritage Council.	

Term	Description/ Explanation	Reference/Source
Heritage Branch	The State Government agency responsible for providing policy advice to the Minister, administrative services to the Heritage Council and specialist advice to the community on heritage matters.	
Heritage Conservation Area	An area identified in an environmental planning instrument or a State heritage register as having a particular heritage significance. Examples of Heritage Conservation Areas include the Bellbrook and the Gladstone Heritage Conservation Areas.	<i>Definitions and mapping under KLEP</i>
Heritage Council	The New South Wales Government's heritage advisory body established under the Heritage Act 1977. It provides advice to the Minister for Planning and others on heritage issues.	
Heritage Curtilage	The area of land and any associated structures surrounding a heritage item that is considered important for understanding and maintaining that item's heritage significance. The curtilage may include immediate grounds, gardens, and site features necessary to give the item context and function, whether it's a single building or a larger precinct. The curtilage may extend beyond the item's legal/property boundary to include surrounding visual elements that contribute to the item's historical and aesthetic integrity.	
Heritage Fabric	All the physical material of an item, including surroundings and contents which contribute to its heritage significance. Refer also "curtilage" and "heritage curtilage".	
Heritage Impact Statement	Identifies the significance of the item, property or relic; assesses the impact that the proposed work will have on this significance and identifies the measures which are proposed to minimise this impact. The Heritage Impact Statement is prepared in accordance with the provisions of the NSW Heritage Manual and its companion documents.	
Heritage Item	Means a building, work, relic, tree or place or a group of buildings, works, relics or trees which is described in Schedule 5 of Kempsey Local Environmental Plan 2013 and shown by heavy edging and hatching on the HER map series accompanying KLEP 2013.	<i>Definitions and mapping under KLEP</i>
Heritage Map	Means the map series identified by the term "Heritage Map" and the reference "HER" forming part of Kempsey Local Environmental Plan 2013.	<i>Definitions and mapping under KLEP</i>

Term	Description/ Explanation	Reference/Source
Heritage Precinct	An area or part of an area which has a consistent heritage character, but is not identified or defined as a Heritage Conservation Area. Heritage Precincts are only defined/identified in the DCP and no other planning instruments or legislation. Whereas Heritage Conservation Areas are defined/identified in environmental planning instruments and State government heritage registers. Examples of Heritage Precincts are found in Frederickton, Smithtown, and Kempsey.	
Heritage Significance	Means historic, scientific, social, cultural, archaeological, architectural, moveable, natural or aesthetic significance for past, present or future generations.	
Historic Houses Trust	The State Government organisation responsible for maintaining and managing house museums.	
Historical Significance	An item having this value is significant because of the importance of its relationship to an historical event, period and/or the evolving pattern of our cultural history.	
Illuminated sign	Means a sign which is internally or externally lit by artificial lighting whether that lighting is integral to or separate from the sign, include signs that have flashing or sequenced lighting, spotlighting, directional, and projected or laser lighting.	
Infrastructure Delivery Guide	Kempsey Shire Council's guide for the requirements of new and upgraded infrastructure associated with public and private development. Based on the legislative Acts requirements, SEPP and LEP requirements, AUS-SPEC standards and modified for local conditions and requirements. For Council's purposes, used for the design and construction of infrastructure and related matters (this largely supersedes the <i>Engineering Guidelines for Subdivision and Development</i>). To be read and used in conjunction with AUS-SPEC suite of design and construction standards and drawings.	<i>KSC Infrastructure Delivery Guide.</i> <i>Refer also KSC AUS-SPECs</i>
Impervious area	Means a surface area that does not allow rainwater to penetrate through into the underlying ground.	
Important Vegetation	Means vegetation that has either been identified by an ecological study as being important to the survival of any native flora or fauna or is required to preserve the existing natural character of the locality.	
Indigenous species	Refers to a plant or animal species that occurs at a place within its historically known natural range and that forms part of the natural biological diversity of a place.	
Industrial area or premises	Means an area or place used for industrial or business purposes, whether or not zoned for such purposes.	

Term	Description/ Explanation	Reference/Source
Infill	Infill development is any allotment that is neighboured or adjoins a property that supports a building, including sites within new subdivisions, where that development has already occurred.	
Initial Subdivision Plan (for Part D1)	Means a plan of subdivision without physical works to create super-lots generally.	
Integrated Development	Means development (not being complying development) that, in order for it to be carried out, requires development consent and one or more of the approvals set out in Section 91 of the Environmental Planning & Assessment Act, 1979 (as amended).	<i>s4.46 Environmental Planning and Assessment Act 1979 (EP&A Act)</i>
Integrity	A Heritage Item is said to have integrity if its assessment and statement of significance is supported by sound research and analysis, and its fabric and curtilage are still largely intact.	
Land	Land includes: (a) The sea or an arm of the sea, (b) A bay, inlet, lagoon, lake or body of water, whether inland or not and whether tidal or non-tidal, and (c) A river, stream or watercourse, whether tidal or non-tidal, and (d) A building erected on the land.	
Landscaped area	Means a part of a residential site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area (excludes access paths).	
Local overland flooding	Means inundation by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam.	
Local Park (Open Space)	A park/open space is a distinct and defined physical area that serves a neighbourhood and is located close to or within residential areas.	
Long term resident	In relation to a caravan park, means a person (other than any person who is a caretaker, manager or employee or anyone living with any such person) whose principal place of residence is a movable dwelling place in the park.	
Long term site	Means a dwelling site that is specified in the approval for a caravan park as being a long- term site.	
Lot (or allotment)	Means a separate property created by Torrens title subdivision.	
Major roads	Includes arterial roads and sub-arterial roads.	
Manufactured home	Means a self-contained dwelling (that is, a dwelling that includes at least 1 kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities),	<i>Local Government Act 1993</i>

Term	Description/ Explanation	Reference/Source
	being a dwelling: (a) that comprises 1 or more major sections that are each constructed, and assembled, away from the manufactured home estate and transported to the estate for installation on the estate; and (b) that is not capable of being registered under the Traffic Act 1909; and (c) includes any associated structures that form part of the dwelling.	<i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i>
Manufactured home estate	Means land on which manufactured homes are, or are to be, erected.	<i>State Environmental Planning Policy (Housing) 2021</i>
Maximum Site Coverage	Means the ratio of the area of an allotment covered by buildings to the total area of the allotment expressed as a percentage, whether or not those buildings have enclosing walls. Refer also “site coverage”.	
Measured Drawing (heritage)	A technical or architectural record of a heritage item to scale, analysing the heritage significance of the fabric (for example, dates of construction and materials).	
Minor roads	Includes collector roads and local roads.	
Mobile home park	Has the same definition ascribed to caravan park (refer to KLEP 2013).	<i>KLEP</i>
Movable dwelling	Means: (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation; or (b) a manufactured home; or (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the Local Government Act 1993) for the purposes of this definition.	<i>Local Government Act 1993</i>
National Trust of Australia (NSW)	A community organisation which maintains a register of heritage items and provides advice on heritage issues.	<i>nationaltrust.org.au</i>
Natural Area	Areas with significant ecological, scenic or natural character values. An example is National Parks.	
Natural Ground Level	Means the level of the ground before commencement of any site filling or building work carried out either prior to or as a result of the proposed development.	
Natural Heritage Significance	Means natural areas and items (as opposed to cultural items) that have natural heritage significance for their evolutionary, aesthetic, technical/research and social values. The National Parks and Wildlife Service should be	<i>National Parks and Wildlife Service</i>

Term	Description/ Explanation	Reference/Source
	consulted regarding items of natural heritage significance.	
Neighbouring Land	Means any land other than adjoining land, which may be detrimentally affected by the use of the Application Site or the erection of a building on an Application Site (includes properties in a neighbouring Council area).	
Nominated Buffers	For the purposes of Part B – B2.6 - Conflicting Land Use Environmental Qualities , “Nominated Buffers” means those horizontal distances identified in the section and table of Chapter B2.6	
Non-habitable room	Spaces of a specialised nature not occupied frequently or for extended periods, including bathrooms, toilets, pantries, walk-in wardrobes, corridors, lobbies, photographic darkrooms and clothes drying rooms.	
Notification	Means giving written notice in accordance with Council’s Community Engagement & Participation Strategy.	
Noxious Weed	Means a plant species identified as a noxious weed under the Noxious Weeds Act 1993.	<i>weeds.dpi.nsw.gov.au</i> <i>Weed List Public</i>
NSW Heritage Manual	Comprises a series of publications explaining the steps of the NSW Heritage Management System and how they can be applied.	<i>environment.nsw.gov.au</i> <i>Policy and law</i> <i>NSW Heritage Strategy</i>
Nuisance Emissions	Refers to emissions of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products or grit, oil or otherwise.	
Old growth tree	Are those where the canopy is in the late mature to over mature (senescent or partly dying) growth stage, many containing hollows and often with the presence of dieback or dead branches in the crown.	
Open space	Means an area on a site external to the buildings on a site.	
Operable screening device	Refers to sliding, folding or retractable elements on a building designed to provide shade, privacy and protection from natural elements.	
Outbuildings	Means any freestanding building which is on the same allotment as a dwelling (either existing or proposed) not intended to be used for the purposes of human habitation and may include garages, boat or caravan storage, workshops, storage sheds or the like.	
Owner	Means the name and address of the proprietor as registered in Council’s property record.	
Parking space or car park	Means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it.	

Term	Description/ Explanation	Reference/Source
Passive solar design	Refers to a design or modification to a building to minimise energy consumption by taking advantage of natural heating and cooling methods.	
Permanent/perennial watercourse	Means a watercourse that generally flows all-year round but may consist of limited water flows during dry periods.	<i>Ballina Shire Council – Rous Water Brochure 1833-1002 Rous Water brochure V8.indd</i>
Place	Means site, area, land, landscape, building or other works, group of building or other works, and may include components, contents, spaces and surrounds.	
Pole Sign	Means an advertising sign erected on a pole or pylon, independent of any building or other structure.	
Preferred Koala Food Tree	Means any of the following tree species: (a) primary food tree species; and • Tallowwood (E.microcorys); • Forest Red Gum (E. Tereticornis); and • Swamp Mahogany (E. Robusta). (b) secondary/supplementary food tree species • Grey Gum (E. Propinqua); • White Stringybark (E. globoidea); and • Stringybark (E. Tinaliae).	<i>Comprehensive Koala Plan of Management (CKPoM)</i>
Primary Street Frontage	On corner allotments, refers to the street frontage that forms the principal frontage of the lot, generally being the frontage to which the building's main entry faces, or the frontage associated with the street address where the lot is undeveloped. On allotments with front and rear street frontages, refers to the frontage to the street designed to carry the greater traffic volume, unless otherwise determined by the street address or site context.	
Private Open Space (POS)	Means a defined area of site/land suitable for private outdoor living activities by occupants of a specific dwelling.	
Probability	A statistical measure of the expected chance of flooding (see AEP and ARI).	<i>KSC Flood Policy</i>
Probable maximum flood (PMF)	The largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation.	<i>KSC Flood Policy</i>
Probable maximum precipitation (PMP)	The greatest depth of precipitation for a given duration meteorologically possible over a given size storm area at a particular location at a particular time of the year, with no allowance made for long-term climatic trends (World	

Term	Description/ Explanation	Reference/Source
	Meteorological Organisation, 1986). It is the primary input to the estimation of the probable maximum flood.	
Projecting wall sign	A sign projecting in either a horizontal or vertical direction from the wall of a building.	
Promotional sign	A sign on land or a building that advertises either: • goods or services not provided by an occupier of a significant portion of the premises on which the sign is attached, or • an event or activity not conducted on the land or in the building. •	
Protected Land Use	Any land (existing land use activity site) that is likely to have a negative impact on residences through the emission of noise, odour, dust and other nuisance or pollution conflicts. Examples of these types of uses are abattoirs, large sawmills, quarries, stock dip sites and sewerage treatment works.	
Rainwater tank	Means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.	
Reconstruction	Means returning a building or work as nearly as possible to a known earlier state and is distinguished by the introduction of materials (old or new) into the fabric.	
Regional Significance	Items of heritage significance which are fine examples, or rare, at the regional community level.	
Register of the National Estate	The register by the Australian Heritage Commission, listing those places of natural, Aboriginal or historical significance which are part of Australia's heritage. It is now a non-statutory archive and educational resource containing information on over 13,000 places across Australia, which is maintained by the Department of Climate Change, Energy, the Environment and Water (DCCEEW) as a publicly available dataset. The Register was replaced by the National Heritage List and Commonwealth Heritage List, which are now the formal, statutory lists of nationally significant heritage places in Australia.	Refer nsw.gov.au
Reliable access	During a flood means the ability for people to safely evacuate an area subject to flooding, having regard to the depth and velocity of flood waters, the suitability of the evacuation route, and without a need to travel through areas where water depths increase.	
Relic	Means any deposit, artefact, object or material evidence that: (a) relates to the settlement of the <u>area</u> that comprises New South Wales, not being Aboriginal settlement,	

Term	Description/ Explanation	Reference/Source
	and (b) is of State or <u>local heritage significance</u> .	
Removal (trees and vegetation)	The ring barking, cutting down, topping, removal, burning, injuring or wilful destruction of any tree or vegetation to which this DCP applies.	
Residential accommodation	A building or place primarily used for people to live in, including single-family homes, apartments, townhouses, and attached dwellings, whether for permanent or temporary residence. Examples range from typical private dwellings like houses and flats to specialized types like boarding houses, residential aged care facilities for the elderly. Refer to KLEP 2013.	Refer KLEP 2013
Residential Flat Building (RFB)	A building containing three (3) or more separate dwellings, such as apartments, but does not include attached dwellings or multi-dwelling housing. Refer to KLEP.	Refer KLEP 2013
Restoration	Means returning the existing fabric of a building or work to a known earlier state by removing accretions or by reassembling existing components without the introduction of new materials.	
Ring Barking	Means the removal of the outside layers of a tree with the aim of causing death or destruction of the tree through disruption of water and nutrient transportation.	
Risk	Means the chance of something happening that will have an impact. It is measured in terms of consequences and probability (likelihood).	
Roof or sky advertisement	Means an advertisement that is displayed on, or erected above, the parapet or eaves of a building.	
Safely evacuate	Means the ability to leave an area subject to flooding, having regard to the depth and velocity of floodwaters, without the need to travel through areas where water depths increase.	
Secondary Street Frontage (1)	On corner allotments, refers to the street frontage that the principle frontage of the associated building does not face. On allotments with front and rear street frontages, refers to the frontage to the street designed to carry the lesser traffic volume.	
Sediment	Means both mineral and organic matter that is being, or has been moved from its site of origin by transporting agents such as water, wind or gravity to a lower position in the catchment, either above or below sea level.	
Sensitive land use	Area activities identified in an Environmental Planning Instrument (EPI) or Local Environmental Plan (LEP) as having significant environmental features, subject to	

Term	Description/ Explanation	Reference/Source
	additional local provisions. Sensitive land use means— (a) caretaker's accommodation; or (b) a childcare centre; or (c) a community care centre; or (d) a community residence; or (e) a detention facility; or (f) a dual occupancy; or (g) a dwelling house; or (h) a dwelling unit; or (i) an educational establishment; or (j) a health care service; or (k) a hospital; or (l) a hotel, to the extent the hotel provides accommodation for tourists or travellers; or (m) a multiple dwelling; or (n) a relocatable home park; or (o) a residential care facility; or (p) a resort complex; or (q) a retirement facility; or (r) rooming accommodation; or (s) rural workers' accommodation; or (t) short-term accommodation; or (u) a tourist park; or (v) workforce accommodation.	
Services Sign	Standard white on blue sign used to direct travellers and visitors to essential community facilities and service businesses that may benefit them. Facilities for travellers include: • Public toilets • Rest areas, and • Parking areas Service businesses for travellers include: • Accommodation • Caravan and camping parks • Service stations, and • Service or recreation clubs Community facilities include: • Hospitals • Emergency services • Airports • Schools • Sporting fields and recreation grounds, and • Council facilities (e.g. libraries, public waste depots etc)	<i>State Environmental Planning Policy (Industry and Employment) 2021 Chpt 3</i> <i>KSC Signage Strategy</i>
Setback (building line)	Refers to the horizontal distance measurable from the outermost point of a buildings elevation (above ground or otherwise), perpendicular, to the site boundary.	
Setting	Means the area around a place, which may include a visual catchment.	

<i>Term</i>	<i>Description/ Explanation</i>	<i>Reference/Source</i>
Shadow diagram	Refers to a plan illustrating the extent of shadow cast by a specified object or building at predetermined times of the day and year, and that are based on a longitude and latitude for that site.	
Shipping container	Means a purpose-built steel unit, usually rectangular in shape, used or are capable of being used for the purpose of temporarily holding materials and goods for transport by air, road, rail or sea. The most common shipping container size is either 6.1 or 12.2 metres (20 or 40 feet) long by 2.4 metres (8 feet) wide and 2.6 metres (8 feet 6 inches) high. Shipping containers are considered a “building” under the National Construction Code, Local Government Act and the Kempsey Local Environmental Plan and this DCP which in case, they may require a development approval and a construction certificate. Dependent on the site location, use, method of tie down and period of placement. They may also be considered to be a ‘temporary structure’.	
Short term resident	Means any person accommodated on a caravan park, other than a long term resident.	
Signage	Means all signs, notices, devices, representations and advertisements that advertise or promote any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage and includes: • Building identification signs, and • Business identification signs, and • Advertisements to which SEPP Industry and Employment Chapter 3 applies, • But does not include traffic signs or traffic control facilities.	
Silhouette	Building outline viewed against the sky.	
Site (1)	Means an area of land within a caravan park designed for the placement of a movable dwelling but does not include a camp site or an area set aside for the storage of unoccupied movable dwellings.	
Site (2)	Means the land to which the application relates.	
Site (3)	Refers to an allotment or group of allotments of land on which a development either exists or is proposed, and which is identifiable by a ‘Folio Identifier’ (property title).	
Site occupier	Means the person who occupies a site or camp site on a caravan park or camping ground.	

Term	Description/ Explanation	Reference/Source
Site coverage	The ratio of the area of an allotment covered by buildings (whether or not those buildings have enclosing walls) to the total area of the allotment expressed as a percentage. This concept is one means of defining and controlling development densities within neighbourhoods.	<i>Refer also Setbacks, Floor space ratio</i>
Social Significance	Items having this value are significant through their social, spiritual or cultural association with a recognisable community.	
Special promotional advertisement	Means an advertisement for an activity or event of a civic or community nature, but does not include a wall advertisement.	
Statement of Heritage Impact (SHI)	Means a statement usually in prose form which summarises why a heritage item or area is of importance to present and future generations.	
State Significance	Means items of heritage significance which are fine examples, or rare, at a state community level.	
Statutory	Means those matters which occur as a result of an Act of Parliament (for example, statutory instruments such as environmental planning instruments) and thus have legal force.	
Storey	Includes floors or levels, as the case may be, in a building which may be intersected by the same vertical line, not being a line which passes through any wall of the building, but does not include an uncovered garden, terrace or deck.	
Street alignment	The boundary between land allotments and a street or lane.	
Street frontage height	The vertical distance measured in metres at the centre of the street frontage from the average of the street levels at each end of the frontage to the parapet level of the frontage. The parapet level is the horizontal plane in which at least two thirds of the length of the top of the facade is situated.	
Subdivision	The division of a lot, or parcel of land into two or more lots or other divisions of land. Subdivision creates the legal identity of a land parcel. There are three types of subdivision plans including: • Deposited plans: which most commonly depict a subdivision of an allotment; • Strata plans: which depict the subdivision of a parcel of land to allow multiple occupancy and separate ownership of individual units, e.g. home unit and town house developments; and • Community plans: which depict the development of planned communities of any type where the use of some land is shared.	

<i>Term</i>	<i>Description/ Explanation</i>	<i>Reference/Source</i>
Submission	Means any letter, fax, e-mail, or other written comments formally received by Council in regard to an application. Comments or posts made on social media are not deemed to be a submission.	
Surrounding land	Means any land, other than adjacent land, which may be affected by the proposed development or use of the site. This definition is similar to, and may be used instead of, neighbouring land.	
Survey plan	A plan prepared by a registered surveyor which shows the information required for the assessment of an application in accordance with the provisions of this Policy.	
Swimming pool	Has the same meaning as in the Swimming Pools Act 1992. Swimming pool means an excavation, structure or vessel: - that is capable of being filled with water to a depth of 300 millimetres or more, and - that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity, and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the Swimming Pools Act 1992 not to be a swimming pool for the purposes of this Act.	<i>Swimming Pools Act 1992</i>
Threatened species	Means any species identified or listed under the Biodiversity Conservation Act 2016 as a threatened species, population or endangered ecological community.	<i>Biodiversity Conservation Act 2016</i>
Through site link	An enclosed or partly enclosed arcade within development that has a public character, providing right of way and are open and accessible at each end.	
Top hamper sign	An advertisement attached to the transom of a doorway or display window of a building.	
Tourist Facility	Has the same meaning as “Tourist and Visitor Accommodation” as defined in Kempsey LEP 2013.	
Tourist Sign	Standard white on brown sign used to direct the travelling public to Tourist Facilities or places of tourist interest.	
Traffic Management Sign	Means an advertising sign erected by a Public Authority, contractor or other authorised person for the purpose of providing instructions or directions in relation to the management of traffic.	

Term	Description/ Explanation	Reference/Source
Tree	Any woody-stemmed plant.	
Tree Worker	Means a tradesperson who holds the Australian Qualifications Framework 3 Horticulture (AQF3 Arboriculture) or an international qualification considered equivalent by Council. Refer also Arborist	
Under awning sign	A sign located below or otherwise supported from the underside of an awning.	
Unsuitable Tree	Means a tree species that will have a negative impact on the surrounding native vegetation community as determined by Council Officers or has been planted in a location that the growth habit or mature size of a tree/s may be undesirable as determined by Council.	
Urban growth area	Growth areas mapped in the North Coast Regional Plan and Kempsey Local Growth Management Strategy.	
Vessel	Means any ship, lighter, barge, boat, raft or craft, and any floating object or apparatus used wholly or in part for the conveyance of persons or things by water, of whatever description and however navigated, and includes amphibious vessels, seaplanes, hydroplanes, hydrofoils, hovercraft, sunken or stranded vessels, and the wreck or remains of any vessel.	
Vicinity	When used in reference to land near a heritage item or conservation area means land that has a physical relationship, such as adjoining or adjacent land, or a visual relationship with that item or Conservation Area.	
View	An extensive or long range prospect of particular objects or geographic features.	
View sharing	<i>View sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment.</i> <i>The impact of new development on desirable views enjoyed from existing development is to be assessed utilising the following hierarchy of considerations</i> 1. Assessment- of views to be affected (iconic/scenic particular/generic, whole/partial) and their value 2. Viewpoints – consideration of the part of the property from which the views are obtained (property room, floor and level, side, front and/or rear) 3. Assess impact – evaluate the existing views and proposed view impact (loss) qualitatively	<i>Land and Environment Court - Planning Principles Views – general principles</i> <i>Views – impact on public domain views</i>

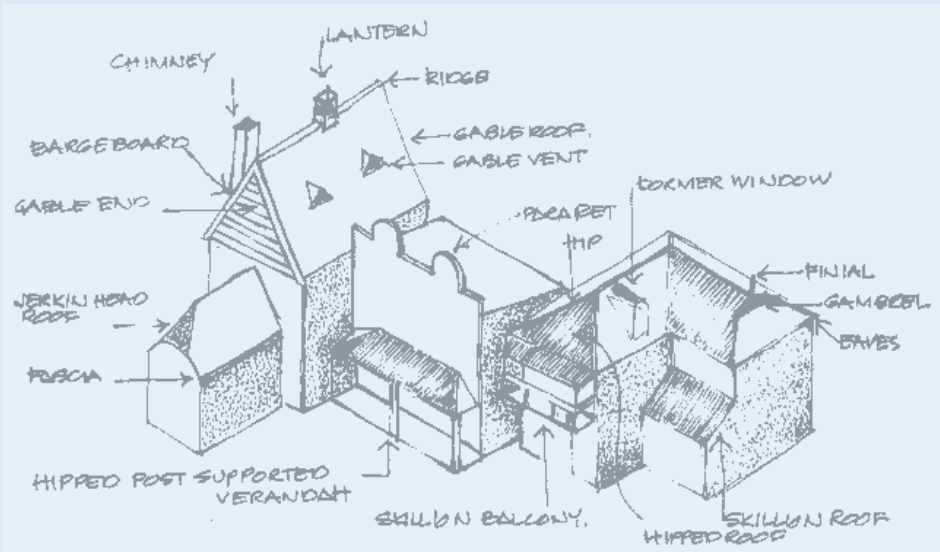
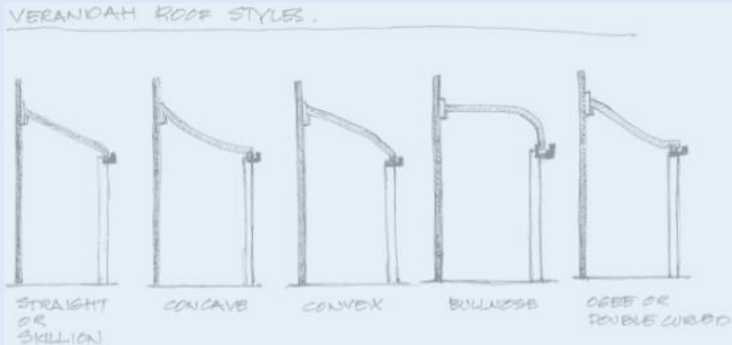
Term	Description/ Explanation			Reference/Source
	(Assess: negligible, minor, moderate, severe or devastating) from the whole of the property 4. Reasonableness of proposal – degree to which the proposed development complies with all planning controls or breaches them, and the degree to which the views are impacted by that proposed development			
	Priority	Impact	Assessment	
	1.	Where will views be affected?	Water views are more valuable than land views.	
			Whole views are valued more highly than partial views.	
	2.	Where are views obtained from?	Views across side boundaries cannot be protected by unreasonable requirements.	
			Views from sitting positions cannot be protected by unreasonable requirements.	
			Views across front or rear boundaries, from a standing position should be protected to a reasonable extent.	
	3.	Where is the impact?	Will views be retained from other parts of the property?	
			Views from living areas and kitchens are more important than from bedrooms and service areas.	
			Assess view loss in qualitative terms: negligible, minor, moderate, severe or devastating.	
	4.	Is the proposal reasonable?	Does the proposal comply with other development controls ?	
			If not, even a moderate impact on views may be considered unreasonable.	
			If it does comply, would a more clever design provide the same development potential and amenity and reduce the impact on views? If not, impact probably considered acceptable and view sharing reasonable.	

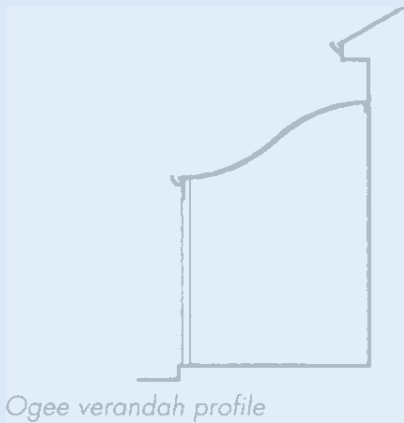
<i>Term</i>	<i>Description/ Explanation</i>	<i>Reference/Source</i>
<i>Vista</i>	A view along a street terminated by a building or structure such as an obelisk.	
<i>Wall advertisement</i>	Means an advertisement that is painted on or fixed flat to the wall of a building, but does not include a special promotional advertisement or building wrap advertisement.	
<i>Window</i>	Includes a roof skylight, glass panel, glass brick, glass louvers, glazed sash, glazed door, translucent sheeting or other device which transmits natural light from outside a building to the interior.	

1.3 Architectural Terms

Note: The following terms and definitions are reproduced from *A Pictorial Guide to Identifying Australian Architecture* – R Apperly, R Irving, P Reynolds, Angus and Robinson, 1989 or *The City of Adelaide Planning and Design Guidelines*, 1995.

Table E.3 – Architectural Terms

Term	Definition, description
Architrave	Moulded trim around a doorway or window.
Baluster	A member supporting a handrail or coping. A series of balusters is called a balustrade.
Bargeboard	A sloping board fixed to the end of a gable roof to conceal the roof construction.
Batten	A small piece of timber, usually rectangular in form.
Bay	A compartment of a building such as the space between columns or buttresses. Sometimes a bay projects beyond the wall alignment.
Bearing Wall	A wall giving vertical support to loads applied from above.
Bond	The method of overlapping bricks or masonry blocks to bind them together in a wall. Two of the commonest bonds are English bond where courses of headers (brick ends) alternate with courses of stretchers (brick sides), and Flemish bond, where headers and stretchers alternate in each course.
Bracket	A support, often horizontal member, angled, curved or decorated for a horizontal member.
Building(s)	Has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i> .
Building parts	Basic terms for heritage and historic parts of buildings and stylistic adornments
	
Bullnose	Used to describe the external shape when a material has been curved through ninety degrees such as a corrugated iron roof.
	

Term	Definition, description
Capping	A building element which caps or rests on top of another.
Casement	A window sash hinged on one of its vertical edges so as to open inwards or outwards like a door.
Cornice	A projecting decorative feature along the top of an external or internal wall.
Chamfer	A surface made by cutting across the point at which two right-angled surfaces of a piece of timber or stone meet.
Dormer	A vertical window with its own roof and side walls projecting from a larger sloping roof.
Eaves	The lower edge of a roof.
Facade	The elevation of a building facing the street.
Face Brickwork	Unpainted brickwork of good quality.
Finial	An ornament, usually spike-like pinnacle crowning a gable.
Flashing	Sheets of flexible material such as lead to prevent water access between horizontal and vertical elements on a building.
Frieze	A continuous band of decoration around the top of a building or wall, and a panel of decoration under the edge of a verandah.
Gable	The upper, triangular portion of an external wall at the end of a pitched roof.
Hip	A projecting inclined edge on a roof extending from the ridge to the eaves and having a slope on each side.
Joinery	The timber fittings and fixtures of a house.
Joist	A member directly supporting a floor, roof or ceiling.
Mansard	A four-sided hip roof form characterised by two slopes on each of its sides with the lower slope at a steeper angle than the upper slope. If mansard roofs have dormer windows, they are incorporated into the lower, steeper slope of the roof. 
Moulding	An ornamental contour given to stone, timber, or other material.
Ogee	Shape resembling the letter “S” in profile, generally applied to describing verandah roof shapes.  <i>Ogee verandah profile</i>
Palisade	A fence of vertical pointed wooden stakes or metal rods.

Term	Definition, description
Parapet	A wall built up higher than the eaves line of a roof.
Pediment	A decorative feature edging the gable.
Periods/ Period Styles	Colonial period, generally considered 1820 – 1840 across Australia. For regional and remote areas the buildings expressed in this style may date from a later time.  Victorian period, generally considered applying from approximate 1850 – 1900 across Australia. For regional and remoter areas like Kempsey however, the buildings expressed in this style may date from a slightly later time.  Federation Edwardian period, generally considered applying from approximate 1900 – 1920. For regional areas like Kempsey however, the buildings expressed in this style may date from a slightly later time.   Californian Bungalow, generally considered from about 1915 – 1930 across Australia. For regional areas like Kempsey however, the buildings expressed in this style may date from a slightly later time.

Term	Definition, description
	 Art-deco, Moderne period, generally applies from approximate 1930 – 1950 across Australia. For regional and remote areas however the buildings expressed in this style may date from a slightly later time.  Post- War period, generally applies from approximate 1940 – 1950 across Australia. For regional and remote areas however the buildings expressed in this style may date from a slightly later time. 
Pilaster	A shallow pier attached to or part of a wall.
Pitch	The inclination of a sloping roof to the horizontal.
Porte cochere	A porch, often used in hotel development, large enough for vehicles such as tourist coaches to pass through. Porte cochere is French for ‘carriage porch’.
Proportion	The relationship of the size of parts of a building to each and to the whole.

Term	Definition, description
<i>Render</i>	A coating of mortar or stucco applied to the surface of a masonry wall.
<i>Ridge</i>	The line at which two intersecting planes of a roof meet.
<i>Roughcast</i>	A rendering of rough material usually containing pebbles or coarse gravel to form an irregular surface.
<i>Spandrel</i>	The sometimes ornamented space between the right or left exterior curve of an arch and an enclosing right angle (SPANDREL Definition & Meaning - Merriam-Webster).
<i>Stucco</i>	A thin decorative finish composed traditionally of lime, sand, and other ingredients applied to external masonry facades.
<i>Tuckpointing</i>	The application of a narrow strip of mortar over the face of the joints in brickwork to give the appearance of precision and regularity.

APPENDIX 2 – HERITAGE REQUIREMENTS FOR HERITAGE ITEMS, HERITAGE CONSERVATION AREAS AND HERITAGE PRECINCTS

2.1 Application

1. This section applies to Items of Environmental Heritage listed in Schedule 5 - Part 1 – Heritage Items of KLEP or Heritage Items within the Kempsey local government area that may be listed in other planning instruments and legislation.
2. This section also applies to any Heritage Conservation Area or Character (Heritage) Precinct as identified in **Part C**.
3. The provisions of this Part override the provisions of any other Part of this DCP, to the extent of any inconsistency.

2.2 Scope

This part outlines the specific planning controls applicable to development and use of land identified as a heritage item as identified in the Application above.

2.3 References

The provisions of this part of the DCP for Heritage Items, Heritage Conservation Areas and Heritage Precincts has relied upon the following documents:

1. Kempsey DCP2013

2.4 Objectives

1. To promote the conservation of heritage items, heritage conservation areas and heritage precincts within Kempsey Shire.
2. To conserve and enhance the heritage character and streetscape values of heritage items, heritage conservation areas and heritage precincts, by providing development guidelines that ensure that development is sympathetic and complementary to heritage conservation areas and heritage precincts.
3. Ensure the development of a heritage item is based on an understanding of, and maintains and conserves, their heritage significance, including the conservation and protection of associated fabric, settings and views.
4. Ensure development in the vicinity of heritage items, heritage conservation areas and heritage precincts is designed and sited to conserve and maintain the heritage significance of the item or place and its setting.

The following desired outcomes and development control requirements in Table E.4 prescribe how the above objectives can be met.

Table E.4 – Heritage Items, Heritage Conservation Areas and Heritage Precincts – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. General Development Application Requirements	
1.1 Development involving a heritage item complies with Council's relevant development control requirements.	a. The following information may be required to be submitted with development applications. Pre-lodgement advice from Council will be required to identify which of the following items will be required for the specific development proposal: i. Application form and the prescribed fee; ii. Drawings (existing plan, proposed new work, elevations and sections) to scale,

Desired Outcome	Development Control Requirements
	- preferably 1:100; iii. Statement of Environmental Effects; iv. Schedule of finishes and samples and/or colour board; v. Archival or photographic record; vi. Statement of Heritage Impact, prepared by a suitably qualified heritage consultant (Guidelines for preparing a SOHI – NSW Environment and Heritage 2023); vii. Character Assessment; viii. Engineering Assessment; ix. Conservation Policy; x. Conservation Management Plan (a combination of a Statement of Heritage Significance, Conservation Policy and Management Guidelines. More information is available in the NSW Heritage Manual and online at www.heritage.nsw.gov.au); xi. An Archaeological Assessment may be required if the site contains archaeological relics or has known archaeological potential.
2. General Requirements	
2.1 Except for built heritage items, the heritage significance and protected character of contributory buildings in heritage conservation areas and heritage precincts applies to the exterior of the building only and where it is visible from the street or other public areas (other than a lane).	a. Additions are not to be visible from the public domain (other than a lane).
2.2 New buildings do not take the form of architectural replicas of heritage items and heritage character buildings.	The application must demonstrate the achievement of this Desired Outcome
2.3 Alterations and additions: a. Respect the architectural character and style of the building and area concerned; b. Provide an appropriate visual setting for heritage items and other elements within heritage conservation areas and heritage precincts.	The application must demonstrate the achievement of this Desired Outcome
3. Heritage Items	
3.1 Heritage items should be changed as little as possible.	a. Where possible, changes to a heritage item includes the retention and conservation of the: i. floor plan ii. existing fabric (interior and exterior) iii. use iv. associations and meanings.
3.2 Heritage items are repainted to match existing painted surfaces in colours sympathetic to the architectural style and period of the building.	a. The traditional heritage colour scheme for the heritage item may be determined based on evidence of how the building originally looked (such as from photographs and paint scrapings) or replicate a colour scheme from the period.

Desired Outcome	Development Control Requirements
3.3 Development retains and conserves the three-dimensional fabric and form of built heritage items.	a. Development does not result in the demolition of a heritage item. b. The exterior face(s) of a building with its three-dimensional built form is maintained and conserved, regardless of whether it is visible. c. Fences and outbuildings that contribute to the heritage significance of the heritage item are not demolished.
3.4 Heritage items are adaptively reused where appropriate and the heritage significance of the item is maintained and conserved.	a. Proposed uses of a heritage item should maintain the identified heritage values.
4. Heritage Conservation Areas and Heritage Precincts	
4.1 Development within Conservation Areas and Heritage Precincts is compatible with the heritage significance and heritage character of the area as described in the relevant Conservation Area Significance Statements, Heritage Precinct Significance Statements and Character Analyses contained in Part C – Place Based Requirements .	a. The demolition or removal of any building within a Conservation Area/ Heritage Precinct may only be undertaken where the building: i. Does not contain any heritage qualities or contribute to the character of the Conservation Area/Heritage Precinct; or ii. Constitutes a danger to the users or occupiers of that building or the public. b. A suitable replacement building design accompanies any Development Application for a demolition. c. Full archival recording will be required in the case of Demolition of a structure or structures within a Heritage Conservation Area or precinct or at the site of a Heritage Item.
5. Accessibility	
5.1 Disabled access is provided to buildings: a. In accordance with the Disability Discrimination Act, Building Code of Australia and the Premises Standards; and b. In a manner that does not impact on their heritage significance.	a. New development, alterations and additions: i. Do not obscure the appearance or prominence of existing heritage items or buildings that contribute to the character of heritage conservation areas or precincts when viewed from adjoining streets or public areas. ii. Do not obscure important vistas to significant landscape elements that contribute to the setting of the heritage item/conservation area/heritage precinct, such as vistas of rivers, heritage buildings or associated heritage places. iii. Do not involve the destruction of important elements such as chimneys, windows and gables, or the rendering of face brick walls.
6.1 Change of Use and Adaptive Reuse	
6.1 The adaptive re-use or change of use of a building does not adversely affect the heritage significance of the building, conservation area or heritage precinct and character of a place.	a. <i>Proposed uses of a building should maintain the identified heritage values of the building, conservation area or heritage precinct.</i>
7.1 Development Size and Scale	
7.1 Alterations and additions respect the character of the surrounding area.	a. Additions to and new buildings do not take an unsympathetic or out of scale form; i. Rear additions/new buildings that are
7.2 New uses:	

Desired Outcome	Development Control Requirements
a. suit the size and arrangement of the building; and b. do not require substantial changes to the building that negatively impact on its heritage significance. 7.3 The development is of a suitable scale, taking into consideration the following design aspects: c. Compatibility with the main ridge line heights of original surrounding buildings; d. Compatibility with natural ground or street levels; e. Ensuring different parts of the building are in scale and proportion with the whole; f. Ensuring the scale and form of new verandahs relate to the scale and form of those existing in adjacent buildings; and g. The scale of a new house should be related to the size of the allotments laid out in the historical subdivision pattern of the area. h. New buildings should be in scale with surrounding dwellings.	ii. higher than the existing roof ridge; Mansard roofs; iii. Incorporate dormer windows visible from the street; iv. Incorporation of gable ends into existing hipped roof forms; v. Forms that dominate the existing structure; and vi. Large unbroken roof spans, particularly in flat areas of low scale buildings.
8.1 Setbacks	
8.1 The setbacks of new buildings and building additions are compatible with the existing buildings and the streetscape and do not adversely affect the heritage values of any building, heritage conservation area or heritage precinct.	a. Uniform, historical setbacks shall be maintained. b. New development shall retain the same setback where a building has been demolished to make way for new development. c. Setbacks from side boundaries are to be consistent and/or compatible with the setbacks to typical buildings in the immediate vicinity.
9 Facades and Elevations	
9.1 The shape, proportion and placement of openings in visible elevations are similar to that established by the original or older buildings (where appropriate) and contribute to the pattern or rhythm of building facades established along the streetscape.	a. New buildings incorporate the typical proportions of surrounding development, even when using modern materials. b. New buildings establish a neighbourly connection with nearby buildings by way of reference to proportion, material selection and important design elements such as verandahs, chimneys or patterns of openings. c. The façade skyline is castellated to match existing adjoining skylines of original façades, where appropriate. This is particularly relevant in shopping and commercial areas. d. Facades incorporate embellishments and pediments, either consistent with adjoining buildings that are consistent with the historic period, or incorporate appropriate treatment. e. New buildings and additions shall not replicate facade treatments of the existing

Desired Outcome	Development Control Requirements
	and neighbouring buildings.
9.2 Except for built heritage items, the heritage significance and protected character of contributory buildings in heritage conservation areas applies to the exterior of the building only and where it is visible from the street or other public areas (other than a lane).	a. Additions are not to be visible from the public domain (other than a lane).
10. Roof Forms and Shapes	
10.1 The characteristic scale, form and massing of roofs are maintained.	Roof Form/Shape a. All roof works should comply with the relevant requirements of the Building Code of Australia / National Construction Code. b. The footprint and form of the existing roofs should not be changed. c. Roof forms of additions to heritage buildings are to be carefully integrated into the existing heritage building. d. If it is important that the roof form remains unaltered, additional rooms are to be added in a detached pavilion form placed at the rear or possibly the side of the existing building. This does not preclude loft space development where it can be accommodated without altering the roof form. e. New roof elements such as dormer windows and skylights should generally not be used where they are visually prominent. "Pop top" additions to roofs are generally discouraged. f. Chimneys are to remain intact as a prominent feature of the built form. Residential Buildings g. A pitched roof of 35° or greater is preferred with a minimum of 25° pitch. The combinations should be one of the following: i. Steep pitched hip roof and skillion verandah; • Hip roof and bullnose verandah; • Dutch gable; • Double and triple gable with bullnose verandah; • Steep pitched gable with skillion verandah; and • Hipped roof and skillion verandah. Commercial buildings g. New roof forms are to be compatible with the shape, pitch, and materials of adjacent buildings. h. Parapet heights and articulation are to be compatible with surrounding buildings. i. New verandahs and awnings are to be based on design principles of traditional verandas of the appropriate era, which may be sloping roofs of
10.2 Roofs of extensions are designed so that they relate to and are integrated with the existing roof through pitch, eaves and ridge height.	
10.3 Commercial development/redevelopment adopts height, roof form, parapet and silhouettes from neighbouring buildings in order to maintain compatibility with the heritage character of the streetscape/street edge.	

Desired Outcome	Development Control Requirements
	galvanised steel and regularly spaced columns.
11. Building and Site Elements – Infill Residential Development	
11.1 New building elements do not replicate existing building elements, as this will make it hard to distinguish between the old and the new. 11.2 The impact on the existing fabric and elements of the building are minimised.	a. New infill residential development incorporates the following important elements: i. Repeat the same size of driveways; ii. Repeat the same pattern of openings; iii. Avoid large paved areas; iv. Incorporate appropriate landscaping; v. Avoid overlooking and over shadowing; vi. Do not copy a heritage item; vii. Garages, outbuildings and driveways shall not dominate the building elevation and street frontage; b. Buildings are in keeping with the architectural character of heritage items and the heritage significance and desired future character of the heritage conservation area or precinct, such as: i. building height, massing and form; style and architectural expression; details; materials; front and side setbacks; orientation and fencing; and ii. prevailing streetscape height and scale. c. Parapets, cornices, spandrels and balconies are to adopt the general horizontal alignments displayed by neighbouring buildings with sympathetic interpretations. d. Awnings, blinds, sun hoods and recessed balconies form integral elements in the design and articulation of facades and should be consistent with the predominant pattern, proportion and repetition of such elements in the street. e. Building elements such as windows, doors, recessed walls and other architectural features are to be used to minimise large expanses of blank walls and glazed areas.
12. Building Materials, Colours and Detailing	
12.1 Materials and colours of the building: a. are appropriate to the significance and character of the building and surrounding area; and b. are compatible with colours used in the building and streetscape. c. repainting of heritage items shall be based on known former colour schemes where possible determined by paint scrapings and analysis of paint layers. Note - there are many variances of a heritage colour palette and variations or additional colours will be assessed on their merits, as long as justification is provided and considered in any DA lodged.	a. Additions to heritage buildings shall incorporate traditional combinations of materials that are compatible with the original/existing building. Original materials and details on older buildings can be used as a reference for new elements. b. It may not be appropriate or necessary to replicate the original combination of materials used. For instance, timber weatherboard extensions to brick houses was a common practice which is still appropriate today, as was the use of corrugated iron roofs at the rear of houses behind main roofs constructed with tile or slate. The use of fibre cement planks in view of weatherboard is to be avoided.

Desired Outcome	Development Control Requirements
	c. The use of highly reflective materials is to be avoided. d. The use of faux finishes and detailing to replicated heritage buildings and their design is to be avoided. These tend to give an impression of superficial historic detail and are often incorrect in form and proportion. e. Changes to the fabric of a building which is a heritage item shall be: i. Minor; and ii. Reversible. Note - The choice of colour and materials available for heritage buildings are vast. It is suggested that sample panels and/or materials boards be submitted to Council with the DA and be approved in principle through earlier consultation with Council Officers/Heritage Advisor.
13. Roof materials and details	
13.1 Roofing materials and colour used in redevelopment shall be compatible with the roofing materials used in original Heritage Item and within the streetscape of Conservation Areas/Heritage Precincts.	a. The original roof material of a heritage building (slate, tiles or corrugated iron) should not be altered. Where replacement is necessary, materials shall be equal to that being replaced where possible. Alternatively an appropriate substitute can be considered subject to Council's approval. b. Roofing materials should be the same as materials on the existing heritage buildings and those typically used in the conservation area/heritage precinct. c. Repair of roofs is preferred to complete replacement. Any necessary repairs should match the original cladding material - tiles with tiles, iron with iron and slate with slate. If an old roof is of slate or flat asbestos tiles or shingles, repairs should be made so that the original materials are installed on the visible parts of the roof a substitute material used where the roof cannot be seen from the street. Note that repair of a roof can be effected generally without the whole of the cladding being replaced. Such substitution shall be subject to development approval. d. If it is necessary to replace the whole roof and a substitute material is sought, a new roof cladding of corrugated iron may be appropriate subject to the consent authority approval. The use of Colorbond in Heritage Conservation Areas and on Heritage Items is not generally supported. e. Chimneys and roof ventilators and other embellishments of the building should not be removed, it is likely to form an essential part of the aesthetic value of a building. f. Some buildings may need special profiled

Desired Outcome	Development Control Requirements
	gutters according to existing detail. These profiles are able to be supplied by metal fabricators and should be used in preference to “continuous” guttering of a differing profile and material. Ogee profile guttering is preferable to modern quad profile on period/traditional buildings. g. Corrugated galvanized steel (or zincalume finish) is a most appropriate roofing material for new buildings in historic areas. Pre finished steel in grey or other shades in some circumstances may also be suitable. The use of Colorbond in heritage conservation areas and heritage precincts and on heritage items is not generally supported. h. Tiles may be appropriate in areas with buildings dating from the 1900’s – 1930’s. Unglazed terracotta tiles are the most appropriate. i. UPVC downpipes should be avoided in prominent positions.
14. Walls	
14.1 Wall cladding materials and colour used in redevelopment shall be compatible with the wall materials used in the Heritage Item and the streetscape and character of Conservation Areas/Heritage Precincts.	a. Cladding materials which set out to imitate materials such as brick, stone, and weatherboard should be avoided as they tend to detract from the authentic character of the surrounding authentic buildings of heritage value. b. New Buildings are to adopt the following cladding materials, where the context and character of the surrounding development dictates: i. 150mm weatherboards splayed or rusticated profile are generally appropriate for Heritage Conservation Areas or Heritage Precincts areas. Replacing weatherboards with Colorbond siding will not be supported (or is not an acceptable alternative); ii. Bricks should be plain, coloured bricks are preferable with natural coloured mortar struck flush with the brickwork; and iii. Bricks of mixed colours (mottled) should be avoided, as should textured ‘sandstock’ bricks, unless they complement the surrounding building’s material. c. Lightweight materials such as ribbed coloured metals should be avoided on vertical wall or parapet surfaces. d. New face brickwork should match the existing brick in colour and texture, and type of mortar jointing and colour. e. Existing facebrick or stone on heritage items or heritage buildings in a Conservation Area

Desired Outcome	Development Control Requirements
	should remain unpainted and unrendered. f. Timber board imitations are not acceptable for additions to heritage items and are not appropriate where visible from the street in Conservation Areas/ Heritage Precincts.
15. Doors and windows	
15.1 Original doors and windows are retained and preserved, where practicable. 15.2 New doors and windows are compatible with similar elements in the existing building, in order to preserve the character of the building.	a. Timber windows and doors are to be retained in existing buildings. b. New doors and windows are to be of materials characteristic to the existing building, locality or of an approved alternative. c. New doors and windows should adopt consistent proportions and sill and head heights present in the existing/surrounding character buildings. d. The proportion, pattern and style of new door and window openings in alterations or additions are compatible with those of the original buildings in the area, particularly where they are visible from the street. e. Alterations are to avoid arbitrary changes to openings or other features which do not fit in with the symmetry or character of the original design. f. Two storey buildings shall provide window openings that are vertical (i.e. taller than their width) g. Window openings are to be detailed through a variety of treatments including brick patterns, projections and pediments. h. Standard windows often come in modules of 900mm wide. Their use should be limited to single or double format only. The most suitable windows are generally double hung, casement, awning or fixed type. i. If a large area of glass is required, vertical mullions should be used to suggest vertical orientation. A large window could also be set out from the wall to form a simple square bay window making it a contributory design element rather than a void.
16. Awnings and veranda posts	
16.1 Original awnings and veranda posts are retained and preserved, where practicable. 16.2 Awnings and veranda posts used in redevelopment are compatible with the awnings and veranda posts used in the Heritage Item and within the streetscape and character of Conservation Areas/Heritage Precincts.	a. Depending on the style and period of the building, awnings can incorporate veranda posts to the footpath subject to: - Location of posts not posing an obstruction of view of any traffic lights or direction signs; - Veranda posts to be non-structural or where existing building fabric prevents cantilevered awnings, the posts are to be designed to ensure that the awning will not collapse if any one post is damaged or fails (i.e. alternate load paths);

Desired Outcome	Development Control Requirements
	iii. The owner of the property has public liability insurance that indemnifies Council in the event of any claims for damages that may result from the placement of the posts within Council’s road reserve; and b. Council approval being obtained under Section 138 of the Roads Act.
17. Shopfronts	
17.1 The design of original shopfronts is preserved or re-instated, where practicable. Early shopfronts shall be retained as well as recessed entry foyers. 17.2 New shopfronts are compatible with the significance and character of the Heritage Item/ Conservation Area/ Heritage Precinct.	None required. Note - The quality and style of shopfronts is of great importance as they reflect the quality and style of significant architectural buildings, and enhance the character and interest of the commercial streetscape and footways. Early shopfronts not only provide a great sense of quality to the shop through their distinctiveness, they also enhance display areas for merchandise. Retaining original shopfronts is particularly important as they are usually complimentary to the other architectural features of the building where pedestrian’s appreciation of the street is primarily at eye level. The reinstatement of shopfronts in keeping with original building design is encouraged. Modern shopfronts with broad area, uninterrupted glazing set in an aluminium frame may be intrusive to the architectural character of the street.
18. Services	
18.1 Service and loading facilities do not detract from the heritage significance and character of the Heritage Item/ Conservation Area/ Heritage Precinct.	a. Service structures, and plant and equipment within a site are to be an integral part of the development and should be suitably screened. b. Any on-site loading, unloading, service vehicle access and circulation areas should be suitably screened from public view. c. Service utilities such as water heaters, air conditioning units, antennae, satellite dishes, P.V. cells and the like should not be located on the principle elevations of buildings or where within view of the street, where practicable. They shall not be affixed to chimneys in any circumstance.
19. Paving and driveways	
19.1 Paving and driveways are to be compatible with the character of the Heritage Item/ Conservation Area/ Heritage Precinct.	a. Preferred materials for driveways include wheel-strips and gravel. Stamped concrete should be avoided. b. Driveways consisting of paired wheel-strips extending from a continuous footpath where existing with a broad concrete apron and gutter crossing are preferable to solid driveways. c. The amount of hard driveway material is not to dominate the street front garden area. Note - A section 138 application (the Roads Act) is required for new gutter crossings and footpath

Desired Outcome	Development Control Requirements
	repairs in most instances, contact Council for further details.
20. Landscaping	
20.1 Landscaping provided is to be compatible with the landscape character of the Heritage Item/ Conservation Area/ Heritage Precinct.	a. Landscaping including shrubs, trees and other garden elements maintain the colour, texture, form and visual character of private gardens within the grounds of heritage items and open spaces (streetscapes) within a conservation area or heritage precinct. b. When designing new gardens, reference is to be made to surviving plants which may indicate the earliest garden structure, which are to be worked into the new landscape design. c. Important contributory and structural landscape characteristics such as tree canopy cover or boundary plantings should be retained. d. Trees are to be selected based on the following considerations: i. Utilise varieties that are existing in the area or are similar in form and colour to trees within the area; ii. The appropriateness of their mature height in the proposed location; and iii. The potential of the tree to interfere with retaining walls, services and other structures. e. Hard impervious surfaces are to be kept to a minimum. f. Garden structures should be appropriate to main buildings in terms of placement, scale, style and materials. g. Original surfaces such as close jointed brick paving or stone flagging common to Victorian and Federation sites and pebble aggregate, quarry tile or vitrified mosaic tiled aprons common to later Californian Bungalow styles, are to be retained. h. Generous “soft” landscaped areas should be provided in the front of new residential buildings wherever possible. This will almost always assist in maintaining the character of the streets within Conservation Areas. i. New landscaping should not interfere with the appreciation of significant building aspects such as shopfronts or contributory building facades.
21. Fences	
21.1 Original fences on Heritage Items or properties in Conservation Areas/ Heritage Precincts are retained and preserved, where practicable. 21.2 New fences are compatible with the character (height, scale and form) of neighbouring fences and the character of the heritage item/ conservation area/heritage precinct.	a. Original fences should be retained where possible. b. Fences are to be located on the property boundaries. Fences along the front property boundary are optional. Where there is a high proportion of front fences within a streetscape, a front fence is considered appropriate.

Desired Outcome	Development Control Requirements
	c. New fences along any street frontage are to comply with the following requirements: i. The height of new fences match that of sympathetic neighbouring fences and should generally be no higher than 1.2m; ii. The colour scheme of the fence is to match or be compatible with the colour scheme used in the building; iii. Fences should be simple with a level of detail compatible with the house; iv. Fences should not obscure views of the main building (eg house) on site; v. Fencing should generally be open or transparent, or backed with a hedge; vi. Fences should be of a scale compatible with the streetscape; and vii. Front fences should be of materials characteristic to the surrounding area, particular to the street and suitable to the era of the house. Examples include painted timber picket, low masonry and hedges. • Galvanised welded mesh should be avoided; and • Solid materials, such as Colorbond, rendered blockwork and brick should generally be avoided. viii. Street frontage courtyard walls are to be avoided. d. Plain or colour treated metal fences are avoided for conservation areas, heritage precincts or heritage items on any street frontage or side boundary.
22. Ancillary Buildings (e.g. garages, car ports and sheds)	
22.1 Garages, carports and sheds are compatible with the significance and character of the heritage item/conservation area/heritage precinct in terms of location, design and materials.	a. Garages are located at the rear, or set back at the side of a building, where site dimensions allow. Where this is not achievable, garages are to be designed and sited to minimise visual dominance when viewed from the street. b. Garages and carports are to make reference to any established historic patterns in the street. c. The height and width of the carport or garage is to be substantially less than the main building. d. Double garages are to be detached and located behind the rear building line where site dimensions allow. Where this is not achievable, double garages are to be designed to be visually compatible with the scale, form and character of the main building and streetscape. e. Colours and materials should blend into the surrounding landscape. Custom orb steel roof profile and timber board profile cladding wall

Desired Outcome	Development Control Requirements
	are common materials used. f. The materials should reflect the style and colours of the main building or dwelling on the land. g. Reflection of the primary building's detailing and ornamentation in the design of the carport or garage is desirable. h. Garages should have simple hipped, gable or skillion roofs or be comparable to the design of the existing main building or dwelling. i. Existing outbuildings should be maintained and reused, wherever possible. j. The pitch of a single garage roof should, in most cases, be comparable or slightly lower than that of the main building – generally 25 – 30°. k. Prefabricated and Colorbond steel sheds are inappropriate in Conservation Areas and in association with Heritage Items and are to be avoided.
23. Signage	
23.1 The scale, type, design, location, materials, colour, style and illumination of any sign are compatible with the design and character of the buildings and do not intrude on the visual qualities of the townscape. 23.2 The architectural characteristics of the building always dominate over signage	a. Signs should generally be located below awning level. b. The number and size of signs located above awning level shall be minimised. c. Materials and colours used in the advertising signage should complement the era of the particular building. i. Back-lit plastic signs are to be avoided; ii. Neon tube signs are to be avoided; and iii. Flashing neon tube signs are not appropriate. d. Placement of advertising signs should avoid obscuring/detracting from important architectural details and ornamentation of the building. The preferred location for signage is on the building façade, awning fascia or below the awning. Signs which project beyond the building roof, parapet and walls should be avoided. e. One or two well placed attractive smaller signs are more appropriate than multiple signs or large advertising signage. i. Large advertising signs are to be avoided. f. Use of letter styles, colours and borders which are reflective of the original building's era is encouraged. Given the Australian vernacular expressed in the architecture of many of the buildings in the Conservation Areas/ Heritage Precincts, the use of "Olde English", "American Showboat" and "American Wild West" type fonts are generally inappropriate. A study of old photographs may show the location and style of advertising used on premises of a similar age/era.

Desired Outcome	Development Control Requirements
	g. Signs above awning level may be considered where the architecture provides for a sign panel, and the colours used are appropriate. h. Above Awning Signs are to: i. Be simple in design and avoid a proliferation of advertising which can be confusing and detract from the building, and conservation area; ii. Be located flush with the wall surface; iii. Not be fluorescent neon, multicoloured or internally illuminated where possible; iv. be designed and located sympathetically, so as not to dominate the building nor streetscape; and v. be located within architectural elements of the building using appropriate lettering style, size and colouring (e.g. lettering in glass in shopfronts). i. Projecting wall signs are to be avoided. j. Signs projecting above the line of the roof parapet and the edges of the facade are to be avoided.

APPENDIX 3 – DEVELOPMENT REQUIREMENTS FOR NEW AREAS

West Crescent Head Urban Release Area

Application

1. This section applies to all development on land located at Lot 704 DP 749885 and part Lot 707 DP 1032859, West Crescent Head, within the area bounded by the bold line described in Figure E.1 below.
2. The provisions of this Part override the provisions of any other Part of this DCP, to the extent of any inconsistency.

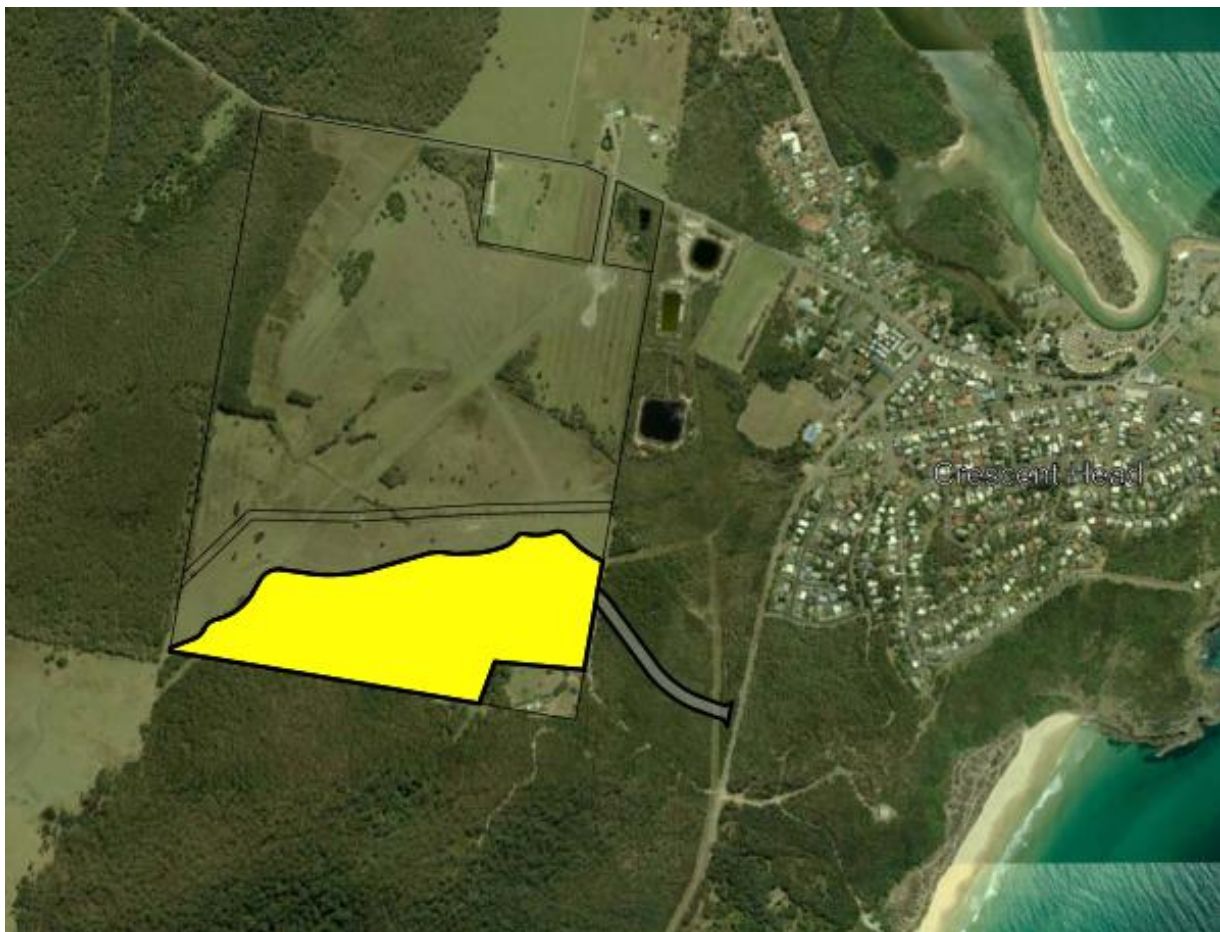


Figure E.1 – West Crescent Head Urban Release Area

Scope

This part outlines the specific planning controls applicable to development and use of land in the West Crescent Head Urban Release Area as identified in the Figure above.

References

The provisions of this part of the DCP for West Crescent Head Urban Release Area has relied upon the following documents:

1. Crescent Head Master Plan, November 2017
2. Kempsey Local Growth Management Strategy, August 2023

Objectives

1. To encourage appropriate development, which is sensitive to the scenic and environmental values of the land.
2. To encourage liveable neighbourhoods and support pedestrian and cycle connectivity with Crescent Head village.
3. To provide for the development of West Crescent Head which:
 - a. maintains its village settlement/ residential subdivision character through the management of development height, scale and density and protection of views towards the surrounding scenic landscapes;
 - b. maximises its accessibility to the Village Centre to support residential lifestyle opportunities for its residents; and
 - c. provides a quality public realm and pedestrian amenity.

Desired Outcomes/Development Requirements

The following desired outcomes and development control requirements in Table E.5 prescribe how the above objectives can be met.

Table E.5 – Desired Outcomes and Development Control Requirements – West Crescent Head

Desired outcomes		Development requirements	
Preservation			
1. Tree Preservation and Vegetation Management			
1.1	Development establishes a 50 metre wide buffer between the Residential estate (Lot 704 DP 749885 and part Lot 707 DP 1032859) and the National Park (Lot 145 DP 754441) along the southern boundary of the land.	The application must demonstrate the achievement of this Desired Outcome.	
1.2	Support the objectives of the C3 Environmental Management zone and the objectives for the protection of scenic character and landscape values under KLEP.	The application must demonstrate the achievement of this Desired Outcome	
1.3	A Vegetation Management Plan endorsed by NSW Biodiversity Conservation Division is submitted to Council prior to the issue of a development consent for subdivision.	The application must demonstrate the achievement of this Desired Outcome	
2. Scenic Amenity			
2.1	Development protects the scenic amenity values within and surrounding, the West Crescent Head Urban Investigation Area and within Dhalkunggayi (Dulconghi)	The application must demonstrate the achievement of this Desired Outcome	
3. Pedestrian and Cycle Connectivity			
3.1	Development provides a safe and convenient network of pedestrian and cycle links from the proposed residential areas precinct to Crescent Head Village.	a. Development provides pedestrian and cycle requirements in accordance with Figure E.2. b. Alternative designs and configurations may be provided where it can be demonstrated that it provides for a better outcome for the future residents of the precinct, in consideration of pedestrian/cycle amenity, safety, ease of use, access options to the village facilities and businesses as well as practicality and construction costs. Pedestrian and cycle links may be separated (on or off road).	

Desired outcomes	Development requirements
	c. The pedestrian and cycle network shall integrate with existing and proposed routes as identified in Council's Pedestrian Access and Mobility Plan. d. Pedestrian/cycle pathways shall be provided and designed in accordance with the relevant requirements of KSC's Infrastructure Design Guidelines. e. The shared pedestrian cycle path is completed prior to the issuing of the Subdivision Certificate for the subject site.

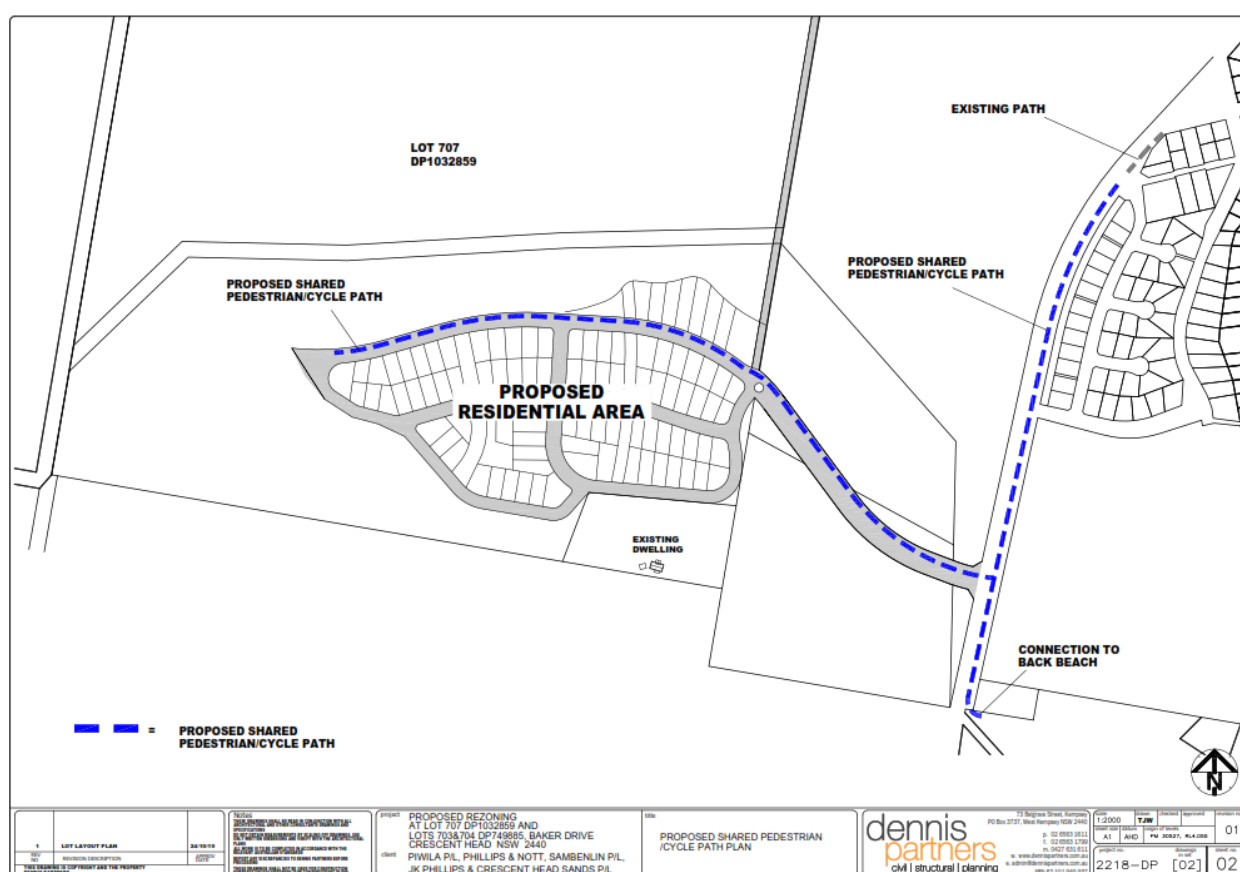


Figure E.2 – Pedestrian and Cycle Requirements

Yarrahapinni Land Release Area

Application

1. This section applies to all development on land located at Lot 333 DP 805299, Yarrahapinni, as shown in the figure below.
2. The provisions of this Part override the provisions of any other Part of this DCP, to the extent of any inconsistency.

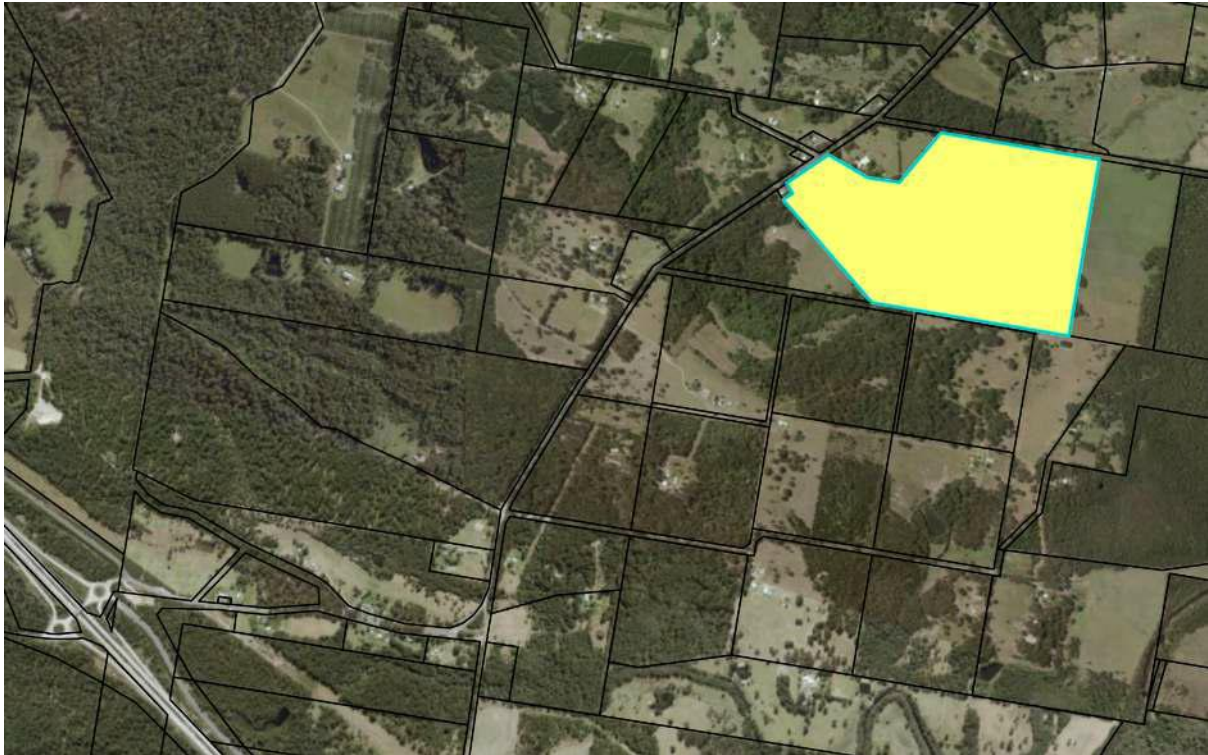


Figure E.3 - Land subject to the provisions of this part (Yarrahapinni Land Release Area)

Scope

This part outlines the precinct-specific planning controls applicable to development and use of land in the Yarrahapinni Land Release Area.

Objectives

1. To ensure that development is in keeping with the existing character of the rural landscape.
2. To encourage appropriate development, which is sensitive to the environmental values of the land.
3. To ensure appropriate on-going management of environmental zoned land.
4. To protect riparian areas and key fish habitats.

Desired Outcomes/Development Requirements

The following desired outcomes and development control requirements in Table E.6 prescribe how the above objectives can be met.

Table E.6 – Desired Outcomes and Development Control Requirements – Yarrahapinni

Desired outcomes	Development requirements
Preservation	
1. Flora and Fauna Habitat	
1.1 Fish habitat conservation and management is undertaken. 1.2 Provide for establishment of a 50 metre wide riparian buffer zone between any development and the waterway to preserve and enhance riparian vegetation, and to avoid impacts on key fish habitat. 1.3 All significant trees on the site are retained and protected.	a. An assessment on fish habitat conservation and management is undertaken in accordance with Section 3.3 of the NSW Department of Primary Industries, Policy and guidelines for fish habitat conservation and management (June 2013). b. Compliance with the policy and guidelines for riparian and freshwater aquatic vegetation (NSW Department of Primary Industries, Policy and guidelines for fish habitat conservation and management) is achieved. c. Riparian buffer zones are to incorporate the maintenance of lateral connectivity between aquatic and riparian habitat. Installation of infrastructure, terraces, retaining walls, cycle ways, pathways and grass verges within the riparian buffer zone shall be avoided or minimized. (NB. buffer distance should be measured from the top of the bank/drainage depression.) d. Clearing of native vegetation should be avoided / minimised in the subdivision design with building envelopes and associated infrastructure (including boundary fences, driveways and Asset Protection Zones) are to be located within existing cleared areas.
2. Vegetation Management Plan	
2.1 A Vegetation Management Plan endorsed by the relevant NSW government department is submitted to Council prior to the issue of a development consent for subdivision. 2.2 Landscaping, tree and vegetation works are undertaken in accordance with the endorsed Vegetation Management Plan.	a. Prior to subdivision of the subject land a Vegetation Management Plan is to be prepared and finalised in consultation with Council and the relevant NSW government department. b. The Vegetation Management Plan shall include measures for: i. conservation / enhancement for retained areas of vegetation within environmental zones; ii. weed control; iii. requirements and active restoration methods, such as planting of native vegetation to enhance the riparian vegetated corridor; iv. maintenance in perpetuity.

APPENDIX 4 – SCHEDULE OF ON-SITE VEHICLE PARKING RATES

Table E.7 – Schedule of On-Site Vehicle Parking Rates

Schedule of On-site Car Parking Rates	
Use	Minimum parking spaces required (m ² refers to GFA of premises)
Part D1 - Development types – parking & related transport requirements	
Subdivision	
Dependent on subdivision type	Merit Assessment or as per requirements of separate sections contained in this DCP
Part D2 - Development types – parking & related transport requirements	
Residential Development	
Attached dwellings	1 per 1 or 2 bedroom unit + 1 visitor's space per 4 units, or part thereof. 1.5 per 3+ bedroom unit + 1 visitor space per 4 units, or part thereof.
Boarding houses (in Kempsey)	1 per 3 guest rooms
Boarding houses (elsewhere)	as per 'Motels'
Dual occupancies	1 covered space per unit + 1 visitor space per unit (which may be stacked in the driveway in front of the garage/carport)
Dwelling houses	1 covered space per dwelling + 1 visitor space per dwelling (which may be stacked in the driveway in front of the garage/carport)
Group Homes	See relevant SEPP for requirements Affordable Housing
Hostels	1 per 5 beds
Manufactured Home Estates	1 space per site + visitor parking at rates indicated in Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
Moveable Dwelling	1 per dwelling
Multi-dwelling housing	1 covered space per 1 or 2 bedroom unit + 1 visitor space per 4 units, or part thereof. 2 covered spaces per 3+ bedroom unit + 1 visitor space per 4 units, or part thereof.
Residential Care Facilities	See SEPP (Housing) 2021
Residential Flat Buildings	1 covered space per 1 or 2 bedroom unit + 1 visitor space per 4 units, or part thereof. 2 covered spaces per 3+ bedroom unit + 1 visitor space per 4 units, or part thereof.
Rural Worker's Dwellings	1 per dwelling
Secondary dwellings	1 per secondary dwelling
Semi-detached Dwellings	1 covered space per unit + 1 visitor space per unit (which may be stacked in the driveway in front of the garage/carport)

Seniors Housing	See SEPP (Housing) 2021
Shop Top Housing	1 per dwelling + rate required for Shop Two (2) on-site car parking spaces per dwelling, + one (1) space per 4 dwellings for visitor parking, unless it can be demonstrated the commercial area has surplus street parking during the hours 7pm to 7am weekdays and weekends.
Hostels/ residential care facilities	1 per 10 dwellings/ units
Self contained dwellings	1 per 10 dwellings/units
<i>Other General Parking Provisions by Transport Mode (may apply to any of the above developments)</i>	
Bicycle and personal mobility devices (PMDs)	Merit Assessment or as per requirements of separate sections contained in this DCP
Electric vehicles	Merit Assessment or as per requirements of separate sections contained in this DCP
Car share	Merit Assessment or as per requirements of separate sections contained in this DCP
Pick up/drop off points	Merit Assessment or as per requirements of separate sections contained in this DCP
Motorcycles	Merit Assessment or as per requirements of separate sections contained in this DCP
Disability parking	Merit Assessment or as per requirements of separate sections contained in this DCP
Part D3 - Development types – parking & related transport requirements	
Rural/Agricultural	
Animal boarding or training establishments	1 per dwelling + 1 per 10 animals
Farm-stay Accommodation/ Eco-tourist Facility	1 per dwelling/guest bedroom + 1 for resident/ manager/ caretaker
Holiday Cabins	1 per cabin
Roadside stalls	Minimum 3 off-street parking spaces
Rural Worker's Dwellings	1 per dwelling
Stock and Sale Yard	Minimum 20
Vegetable/Fruit Markets	1 per 20m ²
Veterinary clinics and veterinary hospitals	3 per surgery + 1 per 2 employees
<i>Other General Parking Provisions by Transport Mode (may apply to any of the above developments)</i>	
Emergency vehicles	Merit Assessment or as per requirements of separate sections contained in this DCP
Caravans, trailers and recreational vehicles	Merit Assessment or as per requirements of separate sections contained in this DCP
Part D4 - Development types – parking & related transport requirements	
Business and Commercial	
Business, Retail and Entertainment	
Bulky goods premises	-
• < 500m ² GFA	1 per 85m ²
• > 500m ² GFA	1 per 2 employees + 1 per 100m ²
Car tyre retail outlets	3 per 100m ² or 3 per work bay (whichever is the greater)
Entertainment - Cinema/Theatre/ Place of Public Entertainment	1 per 6 seats
Entertainment - Theatres	1 per 10m ² or 1 per 10 seats, whichever is the greater
Drive In Liquor stores	Merit assessment
Function Centre	1 per 2 employees + 1 per 10m ²
Industry Retail Outlets	Industry + retail premises requirement

Markets	2.5 spaces per stall or 1 per 30m ² GFA (if within a building.
Neighbourhood shops	1 per employee + 1 per 30m ²
Restaurants or cafes	1 per 7.5m ² gross floor area of 1 per 3 seats, whichever is the greater
Service stations	1 per employee + 4 per workbay + a minimum of 1 articulated vehicle parking space
Service Stations with Convenience Store	6 spaces per working bay + 1 space per 30m ²
Shops	1 per 35m ²
Shopping centres	4.4 per 100m ² GLFA (Department stores) + 1 per 35m ² (shops)
Supermarkets	1 per 3 employees + 1 per 25m ²
Vehicle sales or hire premises	1 space per 200m ² of display area
Car Wash (single unit)	Holding area for 5 cars with finishing area for 3 cars
Car wash (automatic)	Holding area for 10 cars with finishing area for 5 cars
Commercial Premises	1 per 35m ²
Home Business or Home Occupation	Dwelling requirement + 1 per 2 non- resident employees = 1 visitor space
Office premises	1 per 35m ²
Sex service premises	1 per 2 employees + 1 per bedroom
Community	
Child care centres	1 per 4 children + provision of set down and pick up area adjacent to the entrance of the centre
Community facilities	1 per 30m ²
Funeral Chapels/ Funeral Home	1 per 5 seats, or 2 + 1 per 35m ² , whichever is the greater
Function Centre	1 per 2 employees + 1 per 10m ²
Mortuaries	See Funeral Chapel
Places of Assembly	One per 15m ² entertainment area or 1 per 10 seats
Places of public worship	1 per 10 seats
Educational	
Primary	1 per 2 employees + 1 per 5 students
Secondary	1 per 2 employees + 1 per 10 students
Tertiary (eg. TAFE)	1 per 2 employees + 1 per 12 students
Food and Beverage	
Clubs, including Registered Clubs	See Pubs
Drive-in Take Away Food Outlet	Requirements for "Takeaway food and drink premises" + queuing area for a minimum of 6 cars
Food and drink premises	For new buildings: 1 per 7m ² For change of use of existing premises: 1 per 25m ²
Pubs	-
• Bar areas	1 per 4m ² serviced floor space
• Lounge areas	1 per 5m ² serviced floor space
• Dining areas	1 per 5m ²
• Function rooms	1 per 5m ²
• Accommodation	1 per unit
• Employees	1 per 3 employees
Takeaway food and drink premises	12 per 100m ² + 1 per 5 seats
Health	

Health services facilities/ medical centres	3 spaces per practitioner + 1 space per employee
Hospitals	Merit assessment
Nursing homes	1 space per 4 beds + 1 space per 2 employees
Veterinary clinics and veterinary hospitals	3 per surgery + 1 per 2 employees
Recreation	
Bowling alleys	3 spaces per alley
Bowling greens	30 spaces per green
Gymnasiums	1 per 25m ²
Squash courts	3 per court
Tennis courts	3 per court
Tourist	
Backpacker Accommodation	1 per 5 beds
Bed and Breakfast Accommodation	1 space per accommodation room + 1 space for the dwelling
Caravan parks	1 per site + 1 visitor space per 10 sites
Farm-stay Accommodation/ Eco-tourist Facility	1 per dwelling/guest bedroom + 1 for resident/ manager/ caretaker
Hotel or Motel Accommodation	1 per unit + one for manager + 1 per 2 employees + 1 per 3 seats of any associated restaurants or function rooms
Holiday Cabins	1 per cabin
Other General Parking Provisions by Transport Mode (may apply to any of the above developments)	
Transport Mode	Requirements
Bicycle and personal mobility devices (PMDs)	Merit Assessment or as per requirements of separate sections contained in this DCP
Delivery and servicing vehicles	Merit Assessment or as per requirements of separate sections contained in this DCP
Buses and coaches	Merit Assessment or as per requirements of separate sections contained in this DCP
Electric vehicles	Merit Assessment or as per requirements of separate sections contained in this DCP
Car share	Merit Assessment or as per requirements of separate sections contained in this DCP
Pick up/drop off points	Merit Assessment or as per requirements of separate sections contained in this DCP
Emergency vehicles	Merit Assessment or as per requirements of separate sections contained in this DCP
Caravans, trailers and recreational vehicles	Merit Assessment or as per requirements of separate sections contained in this DCP
Taxis	Merit Assessment or as per requirements of separate sections contained in this DCP
Motorcycles	Merit Assessment or as per requirements of separate sections contained in this DCP
Disability parking	Merit Assessment or as per requirements of separate sections contained in this DCP
Part D5 - Development types – parking & related transport requirements	
Industrial	
Industries	
Industries (excluding light industries), factories	1 per 100m ²
Light Industries	1 space per 75m ² up to 7500m ² , 1 space per 200m ² thereafter, and 1 space per 35m ² of office/commercial component.

Marinas	1 per 2 employees + 0.6 per wet berth + 0.2 per dry storage berth + 0.2 per swing mooring.
Road Transport Facilities	1 truck space per vehicle in fleet
Self storage units	1 per 2 employees + 1 per 10 units
Transport/ Truck/ Container depots	1 per 3 employees + 1 per company vehicle associated with the development
Truck stops with overnight accommodation and facilities	1 truck space per motel unit + 1 service space per 3 seats of capacity of which 50% are to be truck spaces
Vehicle body repair workshops	1 per work bay with a minimum of 8
Vehicle repair stations	Minimum 5 or 1 per work bay + 1 per employee, whichever is the greater
Vehicle sales or hire premises	1 space per 200m ² of display area
Warehouses or distribution centres	1 per 100m ²
Other	
Boat Shed/ Boat Repair Facility/ Boat Launching Ramp	1 per 30m ² of total use area + space for trailer parking
Vegetable/Fruit Markets	1 per 20m ²
Waste disposal facilities	1 per 100m ² of site area
Other developments not specified	Merit Assessment or as per requirements of separate sections contained in this DCP.
<i>Other General Parking Provisions by Transport Mode (may apply to any of the above developments)</i>	
Transport Mode	Requirements
Bicycle	Merit Assessment or as per requirements of separate sections contained in this DCP
Delivery and servicing vehicles	Merit Assessment or as per requirements of separate sections contained in this DCP
Buses and coaches	Merit Assessment or as per requirements of separate sections contained in this DCP
Electric vehicles	Merit Assessment or as per requirements of separate sections contained in this DCP
Car share	Merit Assessment or as per requirements of separate sections contained in this DCP
Pick up/drop off points	Merit Assessment or as per requirements of separate sections contained in this DCP
Emergency vehicles	Merit Assessment or as per requirements of separate sections contained in this DCP
Caravans, trailers and recreational vehicles	Merit Assessment or as per requirements of separate sections contained in this DCP
Taxis	Merit Assessment or as per requirements of separate sections contained in this DCP
Motorcycles	Merit Assessment or as per requirements of separate sections contained in this DCP
Disability parking	Merit Assessment or as per requirements of separate sections contained in this DCP

APPENDIX 5 – LANDSCAPE INFORMATION

Table E.8 – Significant Tree Register

Refo.	Common Name	Botanic Name	Individual tree / Group	Location
1	English Plane	<i>Plantanus x acerifolia</i>	Individual	Smithtown Public School, Smithtown
2	Camphor laurel	<i>Cinnamomum camphora</i>	Group - Cluster	Riverside Park, Park and Belmore Streets Smithtown
3	Fig tree	<i>Ficus spp (tbc)</i>	Individual	Riverside Park, Park Street Smithtown
4	Norfolk Pine	<i>Araucaria heterophylla</i>	Individual	Riverside Park, Belmore Street Smithtown
5	Magnolia	<i>Magnolia grandiflora</i>	Individual	15 Lord Street, East Kempsey
6	Small Leaved Fig	<i>Ficus obliqua</i>	Individual	Rudder Park Lord Street, East Kempsey
7	Hoop Pine	<i>Araucaria cunninghamii</i>	Individual	Rudder Park Lord Street, East Kempsey
8	North Coast Red Gum	<i>Eucalypt Rudderi</i>	Individual	Rudder Park, Lord Street East Kempsey
9	Jacaranda	<i>Jacaranda mimosifolia</i>	Group - Avenue	Cemetery Naiooka Street, East Kempsey
10	Silky Oaks	<i>Grevillea Robusta</i>	Group - Line	Lord Street, East Kempsey
11	Swamp Cypress/ Bald Cypress	<i>Taxodium distichum</i>	Individual	Little Rudder Street, East Kempsey
12	Norfolk Pine	<i>Araucaria heterophylla</i>	Group – Cluster	Great North Road, Frederickton
13	Camphor laurel	<i>Cinnamomum camphora</i>	Group - Avenue	Southeast section of Memorial Avenue - Old Ferry Road, East Frederickton
14	Camphor laurel	<i>Cinnamomum camphora</i>	Group - Line	Northwest section of Memorial Avenue - Macleay Street, Frederickton
15	Norfolk Pine	<i>Araucaria heterophylla</i>	Group - Line	Horseshoe Bay Park, Horseshoe Reserve Road South West Rocks
16	Norfolk Pine	<i>Araucaria heterophylla</i>	Group - Cluster	Horseshoe Bay Park, South West Rocks
17	Morton Bay Fig	<i>Ficus macrophylla</i>	Individual	Horseshoe Bay Park, Horseshoe Bay Reserve Road South West Rocks
18	Small Leaved Fig	<i>Ficus obliqua</i>	Individual	Horseshoe Bay Park, South West Rocks
19	Norfolk Pines	<i>Araucaria heterophylla</i>	Group - Avenue	Livingstone Street, South West Rocks
20	Norfolk Pines	<i>Araucaria heterophylla</i>	Group - Line	Memorial Avenue, South West Rocks
21	Norfolk Pine	<i>Araucaria heterophylla</i>	Group - Line	Landsborough Street, South West Rocks

Refo.	Common Name	Botanic Name	Individual tree / Group	Location
22	Norfolk Pine	<i>Araucaria heterophylla</i>	Individual	Gregory Street, South West Rocks
23	Scribbly Gum	<i>Eucalypt racemosa</i>	Individual	Old Cemetery, Arakoon South West Rocks
24	Bunya Pine	<i>Araucaria bidwillii</i>	Individual	Carpark Lanes Lane, Kempsey
25	Australian Red Cedar	<i>Toona ciliata</i>	Group - Cluster	Old Post Office Smith Street, Kempsey
26	Australian Red Cedar	<i>Toona ciliata</i>	Group - Line	Belgrave Street, Kempsey
27	Dawn Redwood	<i>Metasequoia glyptostrobodies</i>	Individual	Services Club Park, Holman Street Kempsey
28	Silk Floss Tree	<i>Ceiba speciosa</i>	Individual	Services Club Park, Holman Street Kempsey
29	Flame Tree	<i>Brachychiton Acerifolius</i>	Individual	Services Club Park, Holman Street Kempsey
30	Lemon Scented Gum	<i>Corymbia citriodora</i>	Group - Line	Broughton Street, West Kempsey
31	Norfolk Pine	<i>Araucaria heterophylla</i>	Individual	Memorial Avenue, Gladstone
32	Small Leaved Fig	<i>Ficus obliqua</i>	Individual	Memorial Avenue, Gladstone
33	Forest Red Gum	<i>Eucalyptus tereticornis</i>	Individual	Rodeo Grounds Main Road, Willawarrin
34	Broad-leaved Paperbark	<i>Melaleuca quinquinervia</i>	Group - Avenue	Straight Street, Hat Head

Table E.9 – Landscape Tree Species Suitability

Name		Eventual size range	Necessary Planting Space	Planting specs	Suitable applications			
Common Name	Botanic Name	Height X Canopy spread	Area m	Size @ Install	Parks & Open Spaces	Road reserve	Environ areas	Dev Lots
Large Trees								
Bonewood	<i>Aradenia euodiiformis</i>	30 x 10 mtrs	2.0 x 2.0 mtrs	25L to 100L				
Blackbutt	<i>Eucalyptus pilularis</i>	40 x 20 mts		25L to 100L				
Black Booyong	<i>Argyrodendron actinophyllum</i>	50 x 20 mts		25L to 100L				
Black Plum	<i>Pouteria australis</i>	25 x 15 mts		25L to 100L				
Bolly Gum	<i>Litsea reticulata</i>	30 x 18 mts		25L to 100L				
Broad Leafed Paperbark	<i>Melaleuca quinquenervia</i>	25 x 10 mts		45L to 100L				
Brown Bolly Gum	<i>Litsea australis</i>	20 x 12 mts		25L to 100L				
Brushbox	<i>Lophostemon confertus</i>	20 x 15 mts		45L to 100L				
Cabbage Fan Palm	<i>Livistona australis</i>	25 x 5 mts		45L to 100L				
Celerywood	<i>Polyscias elegans</i>	20 x 5 mts		25L to 100L				
Coachwood	<i>Ceratopetalum apetalum</i>	30 x 8 mts		25L to 100L				
Coogera/Rose-leaf Tamarind	<i>Arytera divaricata</i>	20 x 10 mts		25L to 100L				
Corkwood	<i>Endiandra sieberi</i>	25 x 10 mts		25L to 100L				
Cudgerie	<i>Flindersia schottiana</i>	15 x 7 mts		25L to 100L				
Flooded Gum	<i>Eucalyptus grandis</i>	50 x 40 mts		45L to 100L				
Forest Oak	<i>Allocasuarina torulosa</i>	25 x 10 mts		45L to 100L				
Forest Red Gum	<i>Eucalyptus tereticornis</i>	40 x 30 mts		45L to 100L				
Golden Ash	<i>Hodgkinsoniana ovatiflora</i>	25 x 8 mts		25L to 100L				
Green Bolly Gum	<i>Neolitsea australiensis</i>	30 x 18 mts		25L to 100L				
Green-leaved Rose Walnut	<i>Endiandra muelleri</i>	20 x 12 mts		25L to 100L				
Grey Ironbark	<i>Eucalyptus placita</i>	25 x 15 mts		45L to 100L				
Grey Myrtle	<i>Backhousia myrtifolia</i>	20 x 4 mts		45L to 100L				
Grey Walnut	<i>Beilschmiedia elliptica</i>	25 x 10 mts		25L to 100L				
Hairy-leaved Doughwood	<i>Melicope micrococca</i>	20 x 15 mts		25L to 100L				
Hill Water Gum	<i>Tristaniopsis collina</i>	25 x 8 mts		25L to 100L				
Horsetail Sheoak	<i>Casuarina equisetifolia</i>	20 x 10 mts		25L to 100L				
Illawarra Flame Tree	<i>Brachychiton acerifolius</i>	15 x 4 mtrs		45L to 100L				
Koda	<i>Ehretia acuminata</i>	25 x 12 mts		25L to 100L				
Large Fruited Grey Gum	<i>Eucalyptus biturbinata</i>	30 x 30 mts		45L to 100L				

Name		Eventual size range	Necessary Planting Space	Planting specs	Suitable applications			
Common Name	Botanic Name	Height X Canopy spread	Area m	Size @ Install	Parks & Open Spaces	Road reserve	Environ areas	Dev Lots
Lilly Pilly	<i>Syzigium leuhmanii</i>	15 x 5 mts		45L to 100L				
Maidens Blush	<i>Sloanea australis</i>	20 x 8 mts		25L to 100L				
Murrogun	<i>Cryptocarya microneura</i>	25 x 12 mts		25L to 100L				
Native Olive	<i>Olea paniculata</i>	25 x 12 mts		25L to 100L				
Native Tamarind	<i>Diploglottis australis</i>	20 x 8 mts		25L to 100L				
Olivers Sassafras	<i>Cinnamomum oliveri</i>	30 x 15 mts		25L to 100L				
Pink Bloodwood	<i>Corymbia intermedia</i>	30 x 15 mts		45L to 100L				
Pink Laceflower	<i>Archidendron grendiflorum</i>	15 x 7 mts		25L to 100L				
Pepperberry	<i>Cryptocarya obovate</i>	40 x 15 mts		25L to 100L				
Purple Cherry	<i>Syzygium crebrinerve</i>	15 x 8 mts		25L to 100L				
Python tree	<i>Gossia bidwillii</i>	25 x 8 mts		25L to 100L				
Red Ash	<i>Alphitonia excelsa</i>	20 x 15 mts		25L to 100L				
Red Cedar	<i>Toona ciliata</i>	40 x 20 mts		45L to 100L				
Red Mahogany	<i>Eucalyptus resinifera</i>	35 x 15 mts		45L to 100L				
River Oak	<i>Casuarina cunninghamiana</i>	30 x 12 mts		45L to 100L				
Rose Maple	<i>Cryptocarya rigida</i>	30 x 15 mts		25L to 100L				
Rose Walnut	<i>Endiandra discolor</i>	25 x 12 mts		25L to 100L				
Sassafras	<i>Doryhora sassafras</i>	30 x 10 mtrs		25L to 100L				
Saw-tooth Banksia	<i>Banksia serrata</i>	15 x 6 mts		45L to 100L				
Scribbly Gum	<i>Eucalyptus signata</i>	25 x 20 mts		45L to 100L				
Scrub Beefwood	<i>Stenocarpus salignus</i>	15 x 8 mts		25L to 75L				
Scrub Ironwood	<i>Gossia acmenoides</i>	18 x 10 mts		25L to 100L				
Scrub Turpentine	<i>Rhodamnia rubescens</i>	25 x 10 mts		25L to 100L				
Small Fruited Grey Gum	<i>Eucalyptus propinqua</i>	40 x 20 mts		45L to 100L				
Small Leaf Fig	<i>Ficus obliqua</i>	25 x 20 mts		45L to 100L				
Small-leafed Tuckeroo	<i>Cupaniopsis parvifolia</i>	20 x 8 mts		45L to 100L				
Smooth Quandong	<i>Elaeocarpus obovatus</i>	25 x 6 mts		45L to 100L				
Spotted Gum	<i>Corymbia maculata</i>	30 x 10 mtrs		45L to 100L				
Strangler Fig	<i>Ficus watkinsiana</i>	35 x 60 mts		45L to 100L				
Swamp Mahogany	<i>Eucalyptus robusta</i>	30 x 20 mts		45L to 100L				
Swamp Oak	<i>Casuarina glauca</i>	30 x 12 mts		45L to 100L				

Name		Eventual size range	Necessary Planting Space	Planting specs	Suitable applications			
Common Name	Botanic Name	Height X Canopy spread	Area m	Size @ Install	Parks & Open Spaces	Road reserve	Environ areas	Dev Lots
Sydney Blue Gum	<i>Eucalyptus saligna</i>	45 x 25 mts		45L to 100L				
Rose Satinash	<i>Syzygium francisii</i>	15 x 10 mts		45L to 100L				
Rosewood	<i>Dysoxylon fraserianum</i>	25 x 8 mts		25L to 100L				
Tallowwood	<i>Eucalyptus microcorys</i>	40 x 20 mts		45L to 100L				
Turpentine	<i>Syncarpia glomulifera</i>	25 x 12 mts		25L to 100L				
Water Gum	<i>Tristaniopsis laurina</i>	15 x 6 mts		45L to 100L				
Weeping Lilly Pilly	<i>Syzygium floribunda</i>	25 x 10 mts		45L to 100L				
White Bolly Gum	<i>Neolitsea dealbata</i>	20 x 10 mts		25L to 100L				
White Sandpaper Fig	<i>Ficus fraseri</i>	15 x 20 mts		45L to 100L				
Yellow wood	<i>Acronychia oblongifolia</i>	20 x 6 mtrs	2.0 x 2.0 mtrs	25L to 100L				

Medium Trees								
Beach Birds-eye	<i>Alectryon coriaceus</i>	6 x 4 mts		25L to 75L				
Birdlime Tree	<i>Pisonia umbellifera</i>	15 x 8 mts		25L to 75L				
Black Sheoak	<i>Allocasuarina littoralis</i>	8 x 4 mts		25L to 75L				
Black Wattle	<i>Callicoma serratifolia</i>	10 x 4 mts		25L to 75L				
Bleeding Heart	<i>Homalanthus populifolius</i>	6 x 5 mts		25L to 75L				
Blueberry Ash	<i>Eleocarpus reticulatus</i>	10 x 4 mts		45L to 100L				
Blur Cherry	<i>Syzygium oleosum</i>	15 x 8 mts		45L to 100L				
Bolwarra	<i>Eupomatia laurina</i>	8 x 5 mts		25L to 75L				
Boobialla	<i>Myoporum acuminatum</i>	13 x 10 mts		25L to 75L				
Brown Kurrajong	<i>Commersonia bartramia</i>	12 x 6 mts		25L to 75L				
Brown Myrtle	<i>Choricarpia leptopetala</i>	10 x 5 mts		25L to 75L				
Brown Pine	<i>Podocarpus elatus</i>	15 x 8 mts		25L to 75L				
Brush Caper Berry	<i>Capparis arborea</i>	8 x 5 mts		25L to 75L				
Brush Cherry	<i>Syzygium australe</i>	12 x 5 mts		25L to 75L				
Brush Kurrajong	<i>Commersonia fraseri</i>	4 x 8 mts		25L to 75L				
Brush Muttonwood	<i>Myrsine hoeittiana</i>	14 x 6 mts		25L to 75L				
Cheese Tree	<i>Glochidion ferdinandi</i>	10 x 10 mts		25L to 75L				
Coast Hibiscus	<i>Hibiscus tilaceus</i>	9 x 14		25L to 75L				
Coastal Banksia	<i>Banksia integrifolia</i>	8 x 6mts		45L to 75L				
Flax-leaved Paperbark	<i>Melaleuca linarifolia</i>	10 x 4 mts		45L to 75L				
Foambark	<i>Jagera pseudorhus</i>	10 x 5 mts		25L to 75L				
Forest Oak	<i>Allocasuarina torulosa</i>	10 x 10 mts		25L to 75L				
Geebung	<i>Persoonia stradbokensis</i>	8 x 5 mts		25L to 75L				

Name		Eventual size range	Necessary Planting Space	Planting specs	Suitable applications			
Common Name	Botanic Name	Height X Canopy spread	Area m	Size @ Install	Parks & Open Spaces	Road reserve	Environ areas	Dev Lots
Green-leaved Grass Tree	<i>Xanthorrhoea malacophylla</i>	9 x 3 mts		45L to 100L				
Guioa	<i>Guioa semiglauc</i>	14 x 10 mts		25L to 75L				
Jackwood	<i>Cryptocaria glaucescens</i>	10 x 5 mts		25L to 75L				
Leather Oak	<i>Helicia glabriflora</i>	14 x 8 mts		25L to 75L				
Lemon Myrtle	<i>Backhousia citriodora</i>	8 x 4mts		45L to 100L				
Lilly Pilly	<i>Syzygium smithii</i>	14 x 4 mts		45L to 100L				
Native Celtis	<i>Celtis paniculata</i>	14 x 5 mts		25L to 100L				
Native Frangipani	<i>Hymenosporum flavum</i>	8 x 6 mts		45L to 100L				
NSW Christmas Bush	<i>Ceratopetalum gummiferum</i>	10 x 6 mts		45L to 100L				
Oblong-leaved Tulip	<i>Harpullia hillii</i>	14 x 8 mts		25L to 100L				
Oyster Bay Pine	<i>Callitris rhomboidea</i>	12 x 4 mts		25L to 75L				
Prickly Paperbark	<i>Melaleuca nodosa</i>	10 x 4 mts		45L to 100L				
Prickly-leaved Paperbark	<i>Melaleuca stypheliodes</i>	20 x 10 mts		45L to 100L				
Red Kamala	<i>Mallotus philippensis</i>	12 x 8 mts		25L to 75L				
Red Olive Plum	<i>Elaeodendron australe</i>	10 x 5 mts		25L to 100L				
Rough Tree Fern	<i>Cyathea australis</i>	10 x 5 mts		45L to 100L				
Satinwood	<i>Phebalium squamulosum</i>	12 x 4.5 mts		25L to 75L				
Scentless Rosewood	<i>Synoum glandulosum</i>	8 x 4 mts		25L to 75L				
Screw Pine	<i>Pandanus tectorius var. australianus</i>	10 x 10 mts		45L to 100L				
Snow Wood	<i>Pararchidendron pruniosum</i>	12 x 5 mts		25L to 75L				
Straw Tree Fern	<i>Cyathea cooperi</i>	10 x 6 mts		25L to 75L				
Sweet Pittosporum	<i>Pittosporum undulatum</i>	12 x 7 mts		25L to 75L				
Tree Heath	<i>Trochocarpa laurina</i>	12 x 5 mts		25L to 75L				
Tuckeroo	<i>Cupaniopsis ancardioides</i>	10 x 8 mtrs	1.5 x 1.5 mtrs	45L to 100L				
Turnipwood	<i>Akania bidwillii</i>	12 x 7 mts		25L to 75L				
Veiny Wilkea	<i>Wilkea huegiana</i>	6 x 4 mts		25L to 75L				
Weeping Bottlebrush	<i>Callistemon viminalis</i>	8 x 4 mts		45L to 100L				
Willow Bottlebrush	<i>Callistemon salignus</i>	8 x 5 mts		45L to 100L				
Yellow Persimmon	<i>Diospyros australis</i>	10 x 3 mts		25L to 100L				
Small Trees								
Crimson Bottlebush	<i>Callistemon citrinus</i>	4 x 4 mtrs	1.0 x 1.0 mtrs	25L				
Grey Grass Tree	<i>Xanthorrhoea glauca</i>	5.5 x 2		45L to 100L				

Name		Eventual size range	Necessary Planting Space	Planting specs	Suitable applications			
Common Name	Botanic Name	Height X Canopy spread	Area m	Size @ Install	Parks & Open Spaces	Road reserve	Environ areas	Dev Lots
Jacksonia	<i>Jacksonia scoparia</i>	5 x 3 mts		Dependent on stock availability				
Narrow-leaved Geebung	<i>Persoonia linearis</i>	5 x 3.5 mts		300mm				
Plum Myrtle	<i>Ptilostigma glabrum</i>	5 x 4 mts		300mm - 25L				
Tree Shaggy Pea	<i>Oxylobium robustum</i>	3 x 2.5 mts		300mm - 25L				
Wallum Banksia	<i>Banksia aemula</i>	5 x 3 mts		300mm - 25L				

Table E.10 - Exotic Plant Species List

Name		Eventual size range	Necessary Planting Space	Planting specification	Suitable applications			
Common Name	Botanic Name	Height X Canopy spread	Area m	Size @ Install'n	Parks & Open Spaces	Road reserve	Environ areas	Dev Lots
Large Trees								
Liquidamber	Liquidamber styraciflua	30 x 25 mts		45L to 100L				
London Plane Tree	Platanua X Acerifolia	35 x 25 mts		45L to 100L				
Medium Trees								
Chinese Poplar	Populus simonii	12 x 3 mts		45L to 100L				
Lipstick Maple	various varieties	10 x 12mts		45L to 100L				
Japanese Elm	Liriodendron tulipifera	14 x 4 mts		45L to 100L				
Tulip Tree		13 x 8 mts		45L to 100L				
Small Trees								
Japanese Maple	Acer Palmatum	4 x 4 mts		45L to 100L				

APPENDIX 6 – ON-SITE SEWAGE AND WASTEWATER MANAGEMENT

Application

This section applies to all land within Kempsey local government area that is not capable of being connected to a reticulated sewerage system, and to development that generates the need for a sewage management system.

This section applies to applications for development involving building works, commercial activities and development applications for subdivision (refer **Part D - Development requirements**).

References

This section also relates to the **Kempsey On-site Sewage Management Strategy** (OSMS Strategy) contained within Kempsey Shire Council's suite of Development Policies. Overall and procedural requirements regarding the installation and operation of a sewage management system are outlined in the OSMS Strategy.

Planning and technical requirements for development are contained within this section.

Both the OSMS Strategy and this technical section refer to the following:

- c) Australian Standards:
 - AS/NZS 1547:2012 - On-site Domestic Wastewater Management; and
 - AS/NZS 3500.5:2000 - National Plumbing and Drainage Domestic Installations.
- c) Guidelines:
 - Onsite Wastewater Management Guidelines April 2025 – ;
 - NSW Plumbing and Drainage Code of Practice 2006; and
 - NSW Health – Greywater Reuse in Sewered Single Domestic Premises (May 2008)
 - Healthy Estuaries for Healthy Oysters - Guidelines for development near waterways
- c) Legislation:
 - Local Government Act 1993;
 - Local Government (General) Regulation 2021; and
 - Protection of the Environmental Operations Act 1997.

The following Council Policies, or their current equivalent, are relevant to this section:

- Policy No 1.8: On-site Sewerage Management;
- Policy No 3.2: Sewer Services Policy; and
- Procedure 3.2.6: Developer Service Charges for Water and Sewer where Allotments are Vacant and part of an Existing Assessment.

Note: A **separate approval** issued in accordance with the *Local Government Act 1993* is required for any of the following:

- Installation of an on-site sewage management system (OSMS) system;
- Alteration/modification of an OSMS system
- Operation of an OSMS system;
- A Commercial Sewage Management Facility or a Package Wastewater Treatment Plant; or a
- Greywater treatment system.

Such approvals are required in addition to any development consents issued for development.

Objectives

1. To ensure developments are provided with suitable provision to dispose of effluent.
2. To dispose of effluent in an environmentally safe manner.
3. To protect surface water, stormwater, waterways, land, vegetation, public health and community amenity from the impacts associated with on-site sewage management (OSMS) systems.
4. To encourage the re-use of resources (including nutrients, organic matter and water).
5. To ensure that appropriate measures are adopted should OSMS's be constructed in flood affected (or other high risk) areas.

It is recognised that not all sites have natural characteristics suitable for on-site disposal of effluent. Excessive slope, flood potential, high ground water and other features may be considered as site limitations when undertaking feasibility or evaluation of a site for the purposes of an on-site sewage management system. In these cases, the site may need to be improved, or an alternative system employed.

The following desired outcomes and development control requirements in Table E.10 prescribe how the above objectives can be met.

Table E.11 – On-site sewage management systems – desired outcomes and development control requirements

Desired Outcome	Development Control Requirements
1. Site	
1.1 On-site wastewater disposal is designed and located to have no negative effect on the community and the natural environment.	a. The development proposal demonstrates that the site is suitable for an on-site wastewater disposal system that; I. Is located away from flood areas, waterways and water supply II. Prevents pollution from microbial, organic or nutrient sources to soils or receiving waters (including groundwater) III. Is supported by an On-site Sewage Management Assessment Report indicating appropriate soils and water table depth for the system IV. Causes no spread of disease or risk to public health by micro- organisms V. Does not spread foul odours VI. Provides a reserve irrigation area VII. Minimises cumulative impacts VIII. Does not encourage insects/vermin IX. Ensures persons do not come into contact with untreated sewage or effluent (whether treated or not) during ordinary activities on the premises X. Minimises adverse impacts on the amenity of the premises and surrounding lands; and XI. Locating the effluent disposal area downhill from potential/existing home sites
1.2 Effluent disposal meets the provisions of the Kempsey OSMS Strategy (refer KSC Development Policies) and requirements of relevant regulation.	a. The onsite wastewater disposal system is designed to meet the relevant requirements to secure an

Desired Outcome	Development Control Requirements																
	approval to be issued under Section 68 of the <i>Local Government Act 1993</i> .																
1.3 All development applications demonstrate that appropriate connection to Council's sewer system or alternative on-site disposal system may be provided to service the development	- Where available, new lots created by subdivision and any new development are to be connected to Council's reticulated sewer network. Where connection to the sewer system is not available, suitable on-site effluent disposal provisions are to be provided. - Where an on-site sewage/wastewater system is required; the information, design and application is provided and submitted in accordance with the requirements of this section, for Council consideration and approval.																
1.4 On-site sewage management systems must: - prevent the spread of disease; - prevent the spread of foul odours - prevent the contamination of water; - prevent degradation of soil and vegetation; - discourage insects and vermin; - ensure that persons do not come into contact with untreated sewage or effluent (whether partially treated or not) in their ordinary activities on the premises; - facilitate the re-use of resources; - minimise any adverse impacts on the amenity of the land on which it is installed or constructed and other land in the vicinity of that land; and - are sized to accommodate the expected loads.	- For a development application for a new building or other application for a whole new system install, an On-site Sewage Management Assessment Report is to be submitted with the application that: - Is prepared by a suitably qualified and experienced wastewater consultant; - Complies with the relevant requirements of: - AS/NSZ 1547:2012 – On-site Domestic Wastewater Management; and - Onsite Wastewater Management Guidelines April 2025. - Includes a drainage concept plan showing the disposal area; and - Includes a site and soil analysis to inform the design of the disposal area. - For applications involving upgrades to existing OSMS's (eg. increase in the number of people or due to failure), consult with Council for the need for an On-site Sewage Management Assessment Report or other requirements																
1.5 The development demonstrates that the on-site sewage and wastewater treatment and management site is suitable for wastewater disposal system. That the area is sufficiently removed from sensitive site characteristics and features in accordance with the adjoining Table E.11.	Table E.11 – OSMS site separations & restrictions <table> <tr> <td>>100m</td><td>Waterbody, waterway or wetland</td></tr> <tr> <td>>250m</td><td>Water supply well or bore</td></tr> <tr> <td>>40m</td><td>Dam, or intermittent watercourse</td></tr> <tr> <td></td><td>Not on slopes steeper than 1 in 8 (12% grade)</td></tr> <tr> <td></td><td>Not where the treatment facility (i.e septic tank) is below the 1% AEP flood planning level.</td></tr> <tr> <td></td><td>Not where the disposal area is below the 5% AEP flood planning level.</td></tr> <tr> <td></td><td>Not on soils with permeability greater than 3.5m per day.</td></tr> <tr> <td></td><td>Not within one (1) metre depth of the seasonally high water table or bedrock</td></tr> </table>	>100m	Waterbody, waterway or wetland	>250m	Water supply well or bore	>40m	Dam, or intermittent watercourse		Not on slopes steeper than 1 in 8 (12% grade)		Not where the treatment facility (i.e septic tank) is below the 1% AEP flood planning level.		Not where the disposal area is below the 5% AEP flood planning level.		Not on soils with permeability greater than 3.5m per day.		Not within one (1) metre depth of the seasonally high water table or bedrock
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Desired Outcome	Development Control Requirements	
1.6 The design capacity of any and all individual treatment system is sized to meet the capacity and needs of the individual development.		Not where a reserve irrigation area is not available for emergency use.
	Note: Pump-out systems are not acceptable for sewage disposal.	
	a. The maximum loading on individual treatment system is 2,000 litres per day (equivalent to usage by 10 persons) and the system includes: i. Primary treatment (size according to approved manufacturer's specification); II. Sand filtration or equivalent porous material; III. A pressurised distribution network; IV. Sub-surface irrigation; V. Has a wet weather storage capacity; and VI. Soils underlying irrigation areas have a permeability rate of less than 3.5m/per day.	
1.7 In the instance of Strata and Community Title Subdivision an area is available for a communal on-site system and site conditions are suitable for such a system.	a. An on-site system area is <u>communal</u> and the site conditions are suitable for such a system.	
1.8 A sufficient area is available for the on-site system and the site's ground and soil conditions must be suitable for the system.	a. The area extent required must be located on suitable soil conditions. b. Soils comprising mainly of sand, gravel, fractured rock or heavy clay are not generally acceptable. c. The area shall be non-trafficable to prevent soil compaction.	
1.9 Any proposed greywater diversion systems or greywater treatment systems are to demonstrate that the greywater diversion system and the proposed application and use of diverted greywater, meet the relevant requirements referred to in the Kempsey OSMS Strategy.	a. The onsite greywater system is designed to meet the relevant requirements to secure an approval to be issued under Section 68 of the <i>Local Government Act 1993</i> .	

