

# Draft Coffs Harbour Development Control Plan 2015 – Amendment No. 49 (Local Environmental Plan 5 Year Review Part 2)

## Coffs Harbour Development Control Plan

### Part A Introduction

#### A6 Definitions

##### [1] Insert new definition

Include a definition, in alphabetical order, to define the term ‘dam’ as referenced in Coffs Harbour Development Control Plan 2015. The new definition should read as follows:

**Dam** means an earth or rock barrier or structure built on the ground surface for the purpose of capturing and/or storing water.

Note. The Dictionary of Coffs Harbour LEP 2013 identifies dams as a type of water storage facility. Water storage facility has the same meaning as in the Dictionary of Coffs Harbour LEP 2013.

##### [2] Insert new definition

Include a new definition, in alphabetical order, to define ‘Strahler system’ which is the official system of categorising the hierarchy of watercourses in NSW. The new definition should read as follows:

**Strahler system** means the system method for identifying stream order for a watercourse as described under Schedule 2 of the *Water Management (General) Regulation 2018*.

### Part D Built Form Controls

#### D4 Rural and Large Lot Residential Development

##### D4.2 Design requirements – general

##### [3] Addition of an Exceptions section and a new exception

Addition of an Exceptions section and a new exception to exclude the application of D4.2 to applications for Dams. The new section and exception should read as follows:

##### Exceptions

- The requirements of this control do not apply to development for the purpose of a dam.

##### D4.3.2 Design Requirements Dual Occupancies (Detached)

##### Applies to Land

##### [4] Amendment to existing section

Addition of Zone R5 Large Lot Residential being applicable to the clause, to align with updated permissibility proposed by the associated Local Environmental Plan amendment. The amended section should read as follows:

This control applies to development for the purposes of a dual occupancy (detached) on land zoned RU2 Rural Landscape and R5 Large Lot Residential under Coffs Harbour LEP 2013.

## Objectives

### [5] Amendment to existing section

Amend the existing Objectives section to also apply to rural residential land. The amended section should read as follows:

- To ensure that development for the purposes of dual occupancy (detached) is of a scale and nature that is compatible with the **intended land uses** ~~primary production potential~~, ~~rural~~ character and environmental capabilities of the land,
- To maintain the rural **and large lot residential** character and scenic amenity of ~~rural~~ **the** land,
- To reduce rural land use conflicts with adjacent land uses (particularly horticulture)

## Requirements

### [6] Amendment to existing section

Amend the existing Requirements to also apply to rural residential land. Amend (4) to no longer specify a maximum distance between dual occupancy (detached dwellings) and amend (5) to provide further clarification to the City's preference for native vegetation removal. The amended section should read as follows:

- (1) Dual occupancy (detached) **dwellings in rural areas** must be located and retained on the same legal title as the principal dwelling house on the property. A dual occupancy (detached) dwelling can only be erected on a lot where a dwelling is permissible pursuant to the provisions of Coffs Harbour LEP 2013.
- (2) Dual occupancy (detached) **dwellings in rural areas** must be located so that **they do** ~~it does~~ not create potential for conflict with adjoining land uses (land use conflict) and ~~does~~ not reduce the existing or future productivity of the same or neighbouring land. Determination of location and siting of the dwellings will depend on assessment of potential conflicts and buffer requirements.
- (3) Dual occupancy (detached) dwellings must use the same vehicular access to a public road to avoid the proliferation of private access points which potentially create traffic conflict.
- (4) Dual occupancy (detached) dwellings **in rural areas** must be located ~~within 50 metres of the principal dwelling to reduce pressure for subdivision~~, **to** increase the potential for shared infrastructure such as power and telephone services, reduce the need for bushfire clearing, and maximise the opportunity for the balance of the subject land to remain productive.
- (5) Dual occupancy (detached) must be designed and sited in a way that:
  - a. supports retention and supplementary planting of setback buffer areas;
  - b. **avoids and** minimises native vegetation removal (including for bushfire protection);
  - c. is responsive to the topography and other land-based constraints;
  - d. does not create adverse drainage impacts; and
  - e. does not result in visual and privacy impacts.
- (6) Dual occupancy (detached) dwellings **in rural areas** must comply with the relevant controls of Part D4 Rural and Large Lot Development.
- (7) A development application must be accompanied by information that demonstrates (provides or addresses):
  - a. property details, including legal description, area, zoning and existing use of all parts of the site;
  - b. a property plan showing existing and proposed infrastructure (including buildings, sheds, services, onsite wastewater disposal, etc.) and land use;
  - c. potential conflicts, including the distance from the proposed dual occupancy (detached) to adjoining land holdings and potentially conflicting land uses (e.g. horticulture, extensive agriculture, intensive livestock agriculture, rural industry and the like). A Land Use Conflict Risk Assessment (LUCRA) consistent with NSW DPI (Agriculture) guidelines should be prepared;
  - d. access and site details, including a plan showing the location of all structures including the principal dwelling and the proposed dual occupancy (detached), and the proposed internal

- access arrangements from the public road to the principal dwelling on the site and the proposed dual occupancy (detached).
- e. the extent and type of any native vegetation to be removed or impacted (inclusive of clearing for bushfire protection, infrastructure or onsite wastewater disposal) with particular reference to koala habitat.

#### [7] Addition of an Exceptions section and a new exception

Addition of an Exceptions section and a new exception to exclude the application of Requirements 1 and 3 from development within Zone R5 Large Lot Residential. The new section and exception should read as follows:

##### Exceptions

- Requirements (1) and (3) of this control do not apply to development on land in Zone R5 Large Lot Residential.

### D4.5 Access and parking requirements

#### [8] Addition of an Exceptions section and a new exception

Addition of an Exceptions section and a new exception to exclude the application of D4.5 to applications for Dams. The new section and exception should read as follows:

##### Exceptions

- The requirements of this control do not apply to development for the purpose of a dam.

### D4.6 Landscaping requirements

#### Exceptions

#### [9] Amendment to existing exception

Amend the existing exception to exclude the application of D4.6 to applications for Dams. The amended exception should read as follows:

- The requirements of this control do not apply to development for the purpose of dwelling house, a dual occupancy (attached), a secondary dwelling, or a dam.

### D4.7 Ancillary development requirements

#### Exceptions

#### [10] Addition of new exception

Addition of a new exception to exclude the application of D4.7 to applications for Dams. The new exception should read as follows:

- The requirements of this control do not apply to development for the purpose of a dam.

### D4.9 Safer by design requirements

#### Exceptions

#### [11] Amendment to existing exception

Amend the existing exception to exclude the application of D4.9 to applications for Dams. The amended exception should read as follows:

- The requirements of this control do not apply to development for the purpose of dwelling house, a dual occupancy (attached), a secondary dwelling, or a dam.

## D4.20 Amenity requirements

### [12] Addition of an Exceptions section and a new exception

Addition of an Exceptions section and a new exception to exclude the application of D4.20 to applications for Dams. The new section and exception should read as follows:

#### Exceptions

- The requirements of this control do not apply to development for the purpose of a dam.

### [13] Addition of new section

Include a new section that provides controls for Dams as follows:

#### D4.23 Dams

##### Applies to land

This control applies to development for the purposes of a dam on land zoned RU2 Rural Landscape and R5 Large Lot Residential under [Coffs Harbour LEP 2013](#).

##### Objectives

- To ensure development applications for dams are accompanied by sufficient information to enable a proper assessment of the proposal in accordance with relevant legislation.
- To ensure dams are sited, designed and constructed to minimise impacts on downstream and adjoining properties.
- To ensure construction and use of dams minimises impacts on environmental values, watercourses and downstream environments.
- To ensure dams are safe, structurally sound and do not create risk of flood or landslide.

##### Requirements

(1) Development applications for dams must include the following:

- (a) A description of the purpose of the dam and details of any vegetation to be cleared (if proposed);
- (b) A calculation of the capacity or volume of the dam and a calculation of the Maximum Harvestable Rights for the property;
- (c) Dimensioned site plan showing the distance of the proposed dam to property boundaries and the location of any watercourses and high conservation value land;
- (d) Construction documentation, including:
  - (i) plan showing dam dimensions, extent of excavation, locations of cut and fill, location and extent of spillway,
  - (ii) two sections drawn at right angles to each other,
  - (iii) details of dam wall construction, including embankment widths, depth of freeboard, cut off trench and angle of batters; and,
  - (iv) construction specifications including; embankment material, lining material, layering and compaction methods and specifications and construction methods;
- (e) Erosion and sediment control plan (see D4.14 of this Plan).

(2) Dams must not alter the direction or location of water flows downstream of the dam or direct additional water onto adjoining properties.

(3) Dams are to be located to avoid steep land.

(4) Dams are to be designed and constructed to avoid risk of landslide or flooding that would present a hazard to persons or property on downstream or downslope properties.

- (5) The design and construction of the embankment and spillway must provide sufficient freeboard and not allow overflow water to overtop the embankment or undermine or erode the embankment.
- (6) Dams should be designed and located to avoid being constructed on watercourses that are 3<sup>rd</sup> Order streams (as categorised by the [Strahler system](#)) or greater.
- (7) The extent of earthworks are required to be a minimum of 40 metres from a 3<sup>rd</sup> Order stream (as categorised by the [Strahler system](#)).
- (8) Where a dam is to be used for capture, storage and/or re-use of effluent, recycled water supplied for agricultural purposes or irrigation tail water, it is not built on a watercourse and must include suitable water quality treatment devices to avoid the transport of nutrients and chemicals to downstream environments.
- (9) Where a dam is to be used for storage of water that has potential to contaminate ground water, provision should be made to avoid water leaking into groundwater such as through use of an impermeable liner.
- (10) Decommissioning of existing dams is not to result in environmental harm or changes to overland flow patterns or in water being directed onto adjoining properties.

#### Notes

- In some cases, the City will require submission of a geotechnical investigation report indicating subsurface conditions and the suitability of site slope and material for dam construction.
- The ground conditions or topography of certain sites or the size of certain dams may require plans and specifications for dams to be prepared and certified by a professional engineer.
- It is the responsibility of applicants to ensure that the total volume of all existing and proposed dams on the property is permitted under the Water Management Act 2000.
- The [Maximum Harvestable Rights Dam Capacity Calculator](#) can be utilised to assist in calculating the maximum harvestable rights for your property.
- Construction of certain structures within watercourses may require a permit from Department of Primary Industries (Fisheries) under the Fisheries Management Act 1994.
- Development in, on or under waterfront land may require approval under the Water Management Act 2000.
- Construction of dams may require other approvals or licenses from NSW Government under the Water Management Act 2000.
- Where clearing of vegetation is required to allow construction of a dam, the vegetation clearing requires development consent from the City. Vegetation clearing proposed as part of development that requires consent cannot be undertaken without approval or under an approval issued under the Local Land Services Act 2013.
- For guidance on design and construction of dams, applicants are encouraged to obtain and review any relevant NSW Government guideline.
- Where the development standards for dams provided in Schedule 2 Exempt Development of Coffs Harbour LEP 2013 are met, development consent is not required.

## Part F General Development Controls

### F1 Access and Parking

#### F1.2 Vehicular Access and Manoeuvring - Residential

##### [14] Addition of an Exceptions section and a new exception

Addition of an Exceptions section and a new exception to allow dual occupancies (detached) to have more than one access point, if aligned with the relevant Local Environmental Plan clause. The new section and exception should read as follows:

#### Exceptions

- Requirement (7) of this control does not apply to the development of a dual occupancy (detached) in Zone R5 Large Lot Residential, where the development is consistent with the objectives and

Draft Coffs Harbour DCP 2015 – Amendment No. 49 (Local Environmental Plan 5 Year Review Part 2)

Page 5 of 6

Draft text to be added

~~Draft text to be removed~~

Background / guiding text to provide context, not to be included in DCP 2015

requirements of Clause 4.2E of Coffs Harbour Local Environmental Plan 2013. All access points are to conform with the City of Coffs Harbour's Development Specifications and should be designed to ensure pedestrian and driver safety.

## Part I Schedule of Amendments

### Schedule of Amendments to Coffs Harbour DCP 2015

#### [15] Update schedule of amendments

Update schedule of amendment table to reflect details of amendment *Coffs Harbour Development Control Plan 2015 Amendment No. 49 (Local Environmental Plan 5 Year Review)*. The updated row should be placed according to the date the amendment is effective from, and details will be updated if, and when the amendment comes into force. The updated row should read as follows:

| Amendment | Area              | Name                                          | Council Decision | Date of Council Resolution | Effective From |
|-----------|-------------------|-----------------------------------------------|------------------|----------------------------|----------------|
| No. 49    | Coffs Harbour LGA | Local Environmental Plan 5 Year Review Part 2 | Approved         | Date - TBA                 | Date - TBA     |

DRAFT