

Attachment B: Tables of Compliance

Assessment against Clarence Valley Residential Zones Development Control Plan 2011

Clause	Comment	Compliance
Part C. General Development Controls for Residential Zones		
C3 Site Assessment Requirements	<p>The development application was not accompanied by a site analysis satisfying the requirements of cl C3 in Part C of the Residential Zones DCP 2011.</p> <p>The proposed development footprint encompasses the entire area of R1 zoned land and fails to recognise the or adapt the design to consider the existing site constraints. The proposed footprint results in the clearance of all native vegetation.</p>	No.
<p>C24 The controls in this part of the DCP provide further guidance in relation to clause 7.8 Essential Services of the Clarence Valley LEP 2011. Refer also to Part J of this DCP.</p> <p>Clause 7.8 requires Council to be satisfied that any utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available.</p>	A concept servicing strategy has been submitted that is consistent with adopted strategies for the urban release area which will ensure that relevant services and access are provided to the site.	Yes.
C25 Development of flood prone land must comply with the requirements of PART D of this DCP.	Refer to comments below, compliance with part D has not been demonstrated due to incomplete assessment from the third part engaged by Council to undertake review of the flood impact assessment.	No
<p>C26 Controls for Bush Fire Prone Land</p> <p>On bush fire prone land, a DA must comply with the NSW RFS <i>Planning for Bushfire Protection 2006</i>.</p>	<p>Whilst the Subject Site is not mapped as bush fire prone land (BFPL), it is densely vegetated, and a site bush fire attack assessment must be carried out in accordance with Appendix 1 of NSW <i>Planning for Bushfire Protection 2019</i>.</p> <p>The Applicant has not carried out a site bush fire attack assessment and does not address the provisions of <i>Planning for Bushfire Protection 2019</i>.</p>	No
C27 Development of land with Acid Sulfate Soils Specific controls apply to disturbance of land classified and identified as Acid Sulfate Soils on the Clarence Valley LEP 2011 Acid Sulfate Soils Map.	The Applicant's Acid Sulfate Soil Investigation and Management Plan (ASS Plan) adopts Queensland methodology for ASS management which is inconsistent with the requirement of cl 7.1(3) of CVLEP which requires the ASS Plan to be prepared in accordance with the NSW Acid Sulfate Soils Manual.	No.
Part D. Floodplain Management Controls		
<p>D3.1 Performance Criteria</p> <p>All development requiring Council consent must comply with the following performance criteria:</p>	The FIA submitted with the application shows there to be increases in flood velocities, flood levels, flood hazard and duration of inundation for the current	No

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<p>(a) The proposed development should not result in any increased risk to human life.</p> <p>(c) The proposal should only be permitted where effective warning time and reliable access is available for evacuation from an area potentially affected by floods to an area free of risk from flooding. Evacuation should be consistent with any relevant flood evacuation strategy.</p> <p>(d) Development should not detrimentally increase the potential flood effects on other development or properties either individually or in combination with the cumulative impact of development that is likely to occur in the same floodplain.</p>	<p>approved development sites plus this proposal and the ultimate developed case for WYURA in a range of events up to the PMF on land in close proximity to the development site.</p> <p>However the level of detail provided with the development application is insufficient and prevents Council's development engineers from undertaking a comprehensive evaluation in accordance with Council's engineering specifications and the respective provisions.</p> <p>Council is unable to grant consent unless provided with an updated Flood Evacuation Flood Emergency Management Plan which is to be undertaken in consultation with the NSW State Emergency Service.</p>	
D3.2 Schedules D3 and D4 outline the controls relevant to each of the floodplains to which this Plan applies. Compliance with the prescriptive controls as defined in Schedules D3 and D4 is deemed to comply with the performance criteria specified in Clause D3.1 unless, in Council's opinion, particular circumstances apply that require a variation in light of D3.1.	the level of detail provided with the development application is insufficient and prevents Council's development engineers from undertaking a comprehensive evaluation in accordance with Council's engineering specifications and the respective provisions.	No.
Part H Sustainable Water Controls		
<p>To maintain water quality and hydrology to predevelopment flows.</p> <p>Prevent or minimise pollutants entering stormwater and treat stormwater on the site of the development.</p> <p>To enable a more efficient use of potable water.</p> <p>To reduce stormwater runoff volumes and peaks and to mimic natural tail water flows.</p>	<p>Carrs Drive Culvert at frontage of site requires upgrade to 4 x 1200mm x 450mm box culverts. Analysis of upstream excludes post development stormwater configuration at 52-54 Miles Street therefore the upstream catchment has not been appropriately considered regarding changes to discharge. The current SWMP assumes all existing catchments will drains to the stream which would not be accurate – the proposal then redirects most of the post development catchment to the stream (excluding batters). There is discrepancy with peak discharge from OSD tank 2 between DRAINS and SWMP Report. Maintenance and management plan/details for the stormwater devices has not been provided in the Stormwater Management Plan.</p> <p>There is insufficient information available for Council staff to accurately determine whether the existing hydrological and water quality conditions are maintained.</p>	No.
Part I Erosion and Sediment Control		
Prevent land from being degraded by soil erosion or unsatisfactory land and water management practices. Protect the Clarence	A Concept sediment and erosion control plan has been submitted and further details are required prior to commencement.	Yes.

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River and other streams and waterways from being degraded by erosion and sedimentation caused by unsatisfactory land and stormwater management practices.		
Part J. Subdivision and Engineering Controls		
J6.2 The proposed road network must: (a) Provide for safe and functional vehicle and pedestrian movement. (b) Connect efficiently with external traffic routes. Proposed roads must link with other roads that have the capacity to accommodate increased traffic. (c) Locate intersections to create safe and convenient vehicle movements.	Internally the proposal will be compliant with the LG Reg requirements for an MHE however Council has not received sufficient information in the submitted TIA to fully access impacts to traffic and access on the broader road network.	No
J10.1 Stormwater management and drainage systems should be an integral part of the subdivision design. Stormwater management, open space networks and habitat corridors should be integrated. Stormwater should be managed so there is minimal or no impact on the natural environment.	Following referral to Council's engineer, further information was requested of the applicant to address the capacity of the downstream drainage systems where the development will be increasing the catchment discharge volumes and the ability for existing systems to accept additional flows. The SWMP submitted does not address these requirements.	No
Part X Urban Release Area Controls		
2. Staging and servicing		
C2. A Servicing Strategy to the satisfaction of the consent authority to be lodged prior to consent being granted for a DA to subdivide land within the WYURA.	A concept servicing strategy has been submitted that is consistent with adopted strategies for the urban release area.	Yes
3. Transport Movement Hierarchy and road network design and provision		
C1. All development applications for subdivision are to be generally in accordance with the indicative Road Hierarchy Plan.	There are no specific road hierarchy requirements applicable to this site, internal network has been designed to be consistent with the LG Regs however concept plans for the external upgrades on Carrs Drive have not been provided.	No
C2 Consent will not be granted to the subdivision of land unless a contemporary Transport Management Plan (TMP; or equivalent transport or traffic study) has been completed to the satisfaction of (and lodged with) the consent authority. Such plan/study should address a range of matters.	The TIA provided does not adequately address: <ul style="list-style-type: none"> has only considered the Average Annual Daily Traffic (AADT) on Carrs Drive for the frontage of the Subject Site, has not provided concept design of Carrs Drive upgrades to demonstrate consistency within design between the proposed development frontage and the existing MHE frontage (90 Carrs Drive); and fails to identify a foot path connection from the Subject Site, along Carrs Drive to the north. 	No.
C4. Consent will not be granted for the subdivision of land unless a 'Bike Plan and Pedestrian Access and Mobility Plan' (PAMP) has been completed to the satisfaction of (and lodged with) the consent authority.	A PAMP has not been provided with the application.	No
4. Landscaping strategy – biodiversity, environmental conservation and management and managing visual amenity		

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C1. Consent will not be granted for the subdivision of land unless a Vegetation Management Plan (VMP) has been completed to the satisfaction of (and lodged with) the consent authority.	The Vegetation Management Plan submitted is to not the satisfaction of the consent authority as it does not addresses the following matters: (a) Tree and root protection during construction including adequate fencing to protect vegetation from excavating equipment. (b) The requirement that a Controlled Activity Approval be obtained prior to works commencing. (c) The need for local provenance plants to be used to revegetate the riparian zone, and only species specific to the TEC's are to be planted in this zone.	No
C4 Consent will not be granted for the subdivision of land unless a Landscaping Strategy has been completed to the satisfaction of (and lodged with) the consent authority.	A Landscaping Strategy has been submitted and is generally acceptable.	Yes.
5. Open space and recreation		
C1 Open space areas are to be linked by pedestrian and cycle paths to provide an accessible network of open space.	Based on the submitted plans and with the absence of a PAMP, it is not clear to Council staff whether footpaths will connect to existing and proposed cycle/shared paths.	No.
C2. Open space/recreation areas are to be located and sized to maximise connections to adjoining land uses and local roads; provided open space is to have a road frontage.	No open space has been nominated in the proposed design and reliance is placed on the RE1 zoned land north of the site.	No
6. Natural and environmental hazards – Flood and Fill Management		
C1. The consent authority must not grant consent to the commencement of land fill or other earthworks associated therewith unless an Earthworks Management Plan (EMP) is prepared to ensure that level of finished lots are at least at the level of the 1 in 100 year flood event, whilst also maintaining an effective drainage network, overland flow path/s and meeting other development standards of Council.	Given the proposed extent of fill, the geotechnical documentation fails to fully address and consider the increased volume of fill, the composition and source of clean cohesionless sands, the absence of groundwater impact assessment monitoring methodology and the anticipated but undetailed impacts on the watercourse.	No
C2. Open space/recreation areas are to be located and sized to maximise connections to adjoining land uses and local roads; provided open space is to have a road frontage.	No public open space has been nominated in the proposed design and reliance is placed on the RE1 zoned land north of the site.	No
7. Stormwater management and water quality		
C1 All development applications for subdivision are to be generally in accordance with the conceptual Stormwater Network Plan except where more detailed and approved Stormwater Management Plan/s (SMP) justify variation.	The proposal is consistent with the conceptual network plan however further detail is required to ensure compliance with NorBe.	No
C2 A SMP or SMPs for the WYURA must be completed to the satisfaction of (and lodged with) the consent authority outlining appropriate management practices to ensure the maintenance of existing hydrological and water quality conditions. <i>Note – Clause 1.03 Stormwater Management Plans of NRDC Section D10 Handbook of Stormwater Drainage Design setouts out the specific requirements that a SMP must address.</i>	The submitted SWMP contains insufficient information available for Council staff to accurately determine whether the existing hydrological and water quality conditions are maintained.	

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C3. When lodging detailed design outcomes with various DAs for subdivision the SMP will require the following to meet the following objectives and measures: (a) Details of drainage works, to be in accordance with NRDC, and BMT WBM flood impact assessments and consistent with the outcomes presented in the DCP – including demonstrating that there will be no worsening of flood impacts and to the satisfaction of Council	The submitted SWMP contains insufficient information available for Council staff to accurately determine whether the existing hydrological and water quality conditions are maintained.	No
8. Hazard Management		
Council must not grant consent to the carrying out of development within the WYURA unless the applicant provides documentary evidence that it has consulted with the SES with respect to any required updating (including details of those requirements) of the existing Clarence Valley Local Flood Plan (as it relates to the Yamba Sector) as a consequence of the future urban development of the WYURA.	Evidence of consultation with State Emergency Services with regard to the Flood Evacuation Plan has not been submitted.	No.
9. Urban design		
C1. Subdivision layouts within the WYURA should feature a clear and identifiable road hierarchy to achieve permeability and inter-connectivity.	Council's engineer has advised that the application has not provided sufficient information to fully access impacts to traffic and access.	No
C5. No direct vehicular access will be allowed off either Miles Street or Carrs Drive being collector roads.	No direct vehicular access to individual lots is taken off either Miles Street or Carrs Drive.	Yes
C6. Access to the WYURA is to be constructed off the existing access points (Yamba Road and Carrs Drive) and the internal road pattern is to provide a link between these two points. Over time further access points will be developed as the subdivision and road planning develops and a new roundabout is created at the northern end of Golding Street.	Council has not received sufficient information to fully access impacts to traffic and access and aspects of the proposed roading design are not supported. The lack of access to Carrs Drive is not supported.	No
C9 The drainage reserve areas are to incorporate an inter-connected, multi-purpose pathway with a 1.5m wide trail extending around the perimeter of the WYURA site and connecting to other bike and pedestrian corridors	A trail around the perimeter of the urban release area as applicable to this site has not been provided and justification for the variation sought is not supported.	No.
11. Neighbourhood Commercial Development		
A proposed WYURA neighbourhood centre should be located: <ul style="list-style-type: none"> in close proximity to the existing school; with pedestrian and cycle path accessibility; and as central as possible to the majority of future residential development. Note: Figure X1.2 depicts an indicative location of a future neighbourhood centre.	The location of neighbourhood centre is not shown on this lot.	N/A.
12. Public Infrastructure and Services		
C1. The consent authority must not grant consent to the carrying out of any works unless there is in place for WYURA a Servicing Strategy, to Council's satisfaction, which outlines the sequencing, cost and program of water and sewer infrastructure requirements.	A concept servicing strategy has been submitted that is consistent with adopted strategies for the urban release area.	Yes
C5. Any developer will be required to appoint a level 1 & 3 Authorised Service Provider (ASP) to request a Design Information Pack (DIP) to comply with the Essential Energy design standards and requirements for the undergrounding of the overhead infrastructure.	Essential Energy remain unsatisfied that potential safety risks are addressed by the proponent	No

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13. Aboriginal cultural heritage		
<p>C1. DAs for subdivision and development within the URA are to demonstrate adequate:</p> <p>(a) assessment of cultural heritage values and protection and management of cultural heritage values including due diligence assessment in accordance with the Code of Practice for Archaeological Conduct in New South Wales (2010) (Code of Practice).</p> <p>(b) consultation with the OEH and BGLALC.</p>	<p>An Aboriginal cultural heritage has been considered as part of the application and there are no likely adverse impacts to any known significant places or Aboriginal practices expected from the development. The Everick Heritage Report report concluded that in consideration of the degree and history of disturbance across the project area, no Aboriginal sites will be impacted by the proposed works. as stated within the prepared for the application.</p>	<p>Yes</p>