



# **NAMBUCCA SHIRE COUNCIL**

## **DEVELOPMENT CONTROL PLAN**

### **BOGGY CREEK ROAD URBAN RELEASE AREA**

**LOT 53 DP 613620, 5 BOGGY CREEK  
ROAD, VALLA**

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# **1 PRELIMINARY**

## **1.1 Introduction**

This Development Control Plan (DCP) is known as the 'Development Control Plan Boggy Creek Road Urban Release Area'. This DCP has been prepared in accordance with the requirements of the Environmental Planning and Assessment Act 1979, and the Environmental Planning and Assessment Regulation 2000. This DCP consists of a written statement and preliminary designs of the desired development on the site to which the Plan applies.

## **1.2 Land to which the Plan Applies**

This DCP applies to Lot 53 DP 613620, 5 Boggy Creek Road, Valla, shown in Figure 1. This DCP amends clause A1.3 of the Nambucca Development Control Plan 2010 by excluding the operation of that plan on Lot 53 DP 613620.

## **1.3 Purpose of the Plan**

The urban release area shown in maps 'URA\_005D' and 'URA\_005C' of the Nambucca LEP 2010 is governed through the provisions of Part 6 of the Nambucca LEP 2010. This DCP has been prepared for Lot 53 DP 613620 which forms part of the Urban Release area maps as shown in Figure 2 below. Prior to the development of the remainder of the Urban Release Area, a separate DCP will be required to be prepared to ensure compliance with the provisions of Part 6 of the LEP.

The purpose of this DCP is to give detailed guidance to people wishing to carry out development on the site to which it applies. This DCP provides site specific provisions to complement the requirements of the Nambucca Local Environmental Plan 2010, and indicates Council's objectives and development standards for the site.

## **1.4 Relationship with other Plans and Policies**

Where there is an inconsistency between this plan and any environmental planning instrument (EPI), the provisions of the EPI shall prevail. An EPI includes a State Environmental Planning Policy (SEPP) and a Local Environmental Plan (LEP).

This DCP adopts by reference some provisions of the Nambucca Development Control Plan 2010.

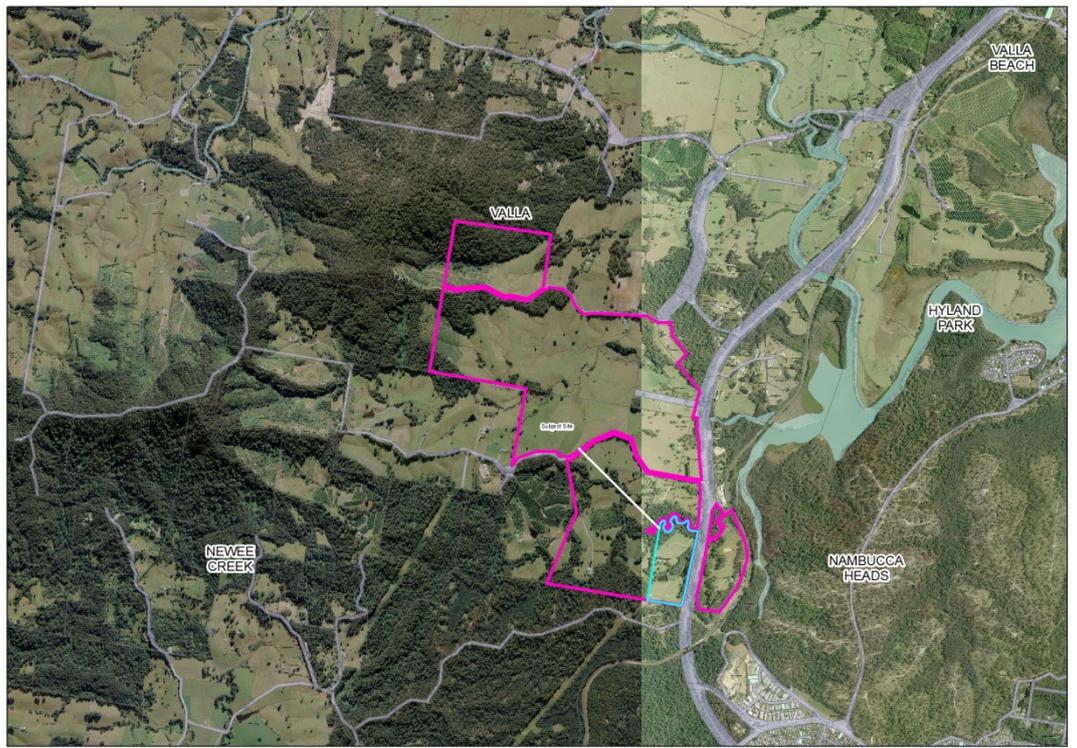
**Figure 1**

Lot 53 DP613620 no. 5 Bogy Creek Road Valla



**Figure 2**

Lot 53 DP613620 no. 5 Bogy Creek Road Valla  
Urban Release Area



## **2 DESIRED FUTURE OUTCOME**

The objective of this section is for Council and the community to have a clear direction and clarity as to the expected use of the site as a highway service centre.

### **2.1 Principal Outcome**

The principal desired future outcome for the identified lot is as follows:

- 1 To ensure that a highway service centre is approved and built on the site in generally in accordance with the attached preliminary design, shown in Appendix 1.

## **3 DEVELOPMENT OBJECTIVES AND REQUIREMENTS**

Before the determination of any development consent for the site, the consent authority shall consider the following matters:

### **3.1 Nambucca Development Control Plan 2010**

This DCP adopts Parts A, C, D, E, and N of the Nambucca development Control Plan 2010. Council must give consideration to those parts prior to determination of a development application for development on land which this plan applies.

### **3.2 A staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing**

The development is to be undertaken as a single stage development for a service centre/rest area. Alternatively, the applicant is to lodge a staging plan with the development application for the site.

### **3.3 An overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists**

A public road design is to be lodged with the Development Application in accordance with the preliminary design shown in this DCP. Internal traffic movements are to be in accordance with Part C of the Nambucca DCP 2010.

### **3.4 An overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain**

A landscaping plan is to be lodged with the Development Application for the service centre/rest area. Locally occurring native plant species are to be used wherever possible.

### **3.5 A network of passive and active recreational areas**

Rest areas and amenities are to be provided to encourage motorists to stop, revive and survive.

### **3.6 Stormwater and water quality management controls**

Preliminary stormwater plans are required when the Development Application is lodged with the consent authority.

Where the impermeable surface area of the development exceeds 70% of the site area, on site detention/retention shall be provided. The detention/retention shall limit the peak discharge from all storm events to that which would have occurred from a site with a maximum of 70% impervious area.

Provision shall be made for on site treatment of stormwater prior to discharge to Council's piped drainage system where that runoff is from areas other than roofs. The proposed method of stormwater treatment shall be approved by Council and may consist of standard oil/sediment traps, grass filters, infiltration areas or combinations of these arrangements.

Final, detailed plans are to be provided to the consent authority prior to the commencement of works.

### **3.7 Amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected**

#### **3.7.1 Acid Sulfate Soils**

Clause 7.1 of NLEP 2010 provides the statutory provisions for development on land containing potential acid sulfate soils. In areas comprising acid sulfate soils or potential acid sulfate soils, and where significant disturbance to soils will likely result from a proposed development, Council will require a preliminary soils assessment and/or a soils management plan to be submitted with the Development Application (DA).

#### **3.7.2 Bushfire Prone Land**

As the site is classified as 'Bushfire Prone Land' identified on Council's Bushfire Prone Land Map, applicants submitting a Development Application will need to provide a bushfire hazard assessment in accordance with Planning for Bushfire Protection 2006 or any other document prepared by the NSW Rural Fire Service that supersedes Planning for Bushfire Protection 2006. A Bushfire Risk Management Plan may also be required to be submitted with the DA.

#### **3.7.3 Flood Prone Land**

Clause 7.3 of NLEP 2010 outlines the restrictions that apply to any development of flood prone land.

The development of flood prone land must be in accordance with Council's Floodplain Risk Management Plan. Plans are required to show the 1% Annual Exceedance Probability (AEP) flood level affecting any proposed development. The proposed building envelopes, vehicle access and any stock refuge areas are to avoid flood prone areas.

#### **3.7.4 Site Contamination**

In accordance with Clause 7 of State Environmental Planning Policy No 55 – Remediation of Land (SEPP No 55), Council will not consent to the carrying out of any development on land unless:

- a it has considered whether the land is contaminated, and
- b if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- c if the land requires remediation to be made suitable for any purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Applicants are required to complete the initial evaluation checklist for land contamination, which is attached to the standard DA form.

If the initial evaluation indicates that there may be contamination, or there is insufficient information available, the proponent will be required to carry out a preliminary investigation, which may involve soil sampling. If the preliminary investigation indicates that contamination is present or likely to be present, and the probable future land use(s) would increase the risk of exposure, Council will require a detailed investigation and a plan of management for remediation works.

### **3.7.5 Geotechnical Constraints**

Steep slopes are generally not suited to intensive development. Where land with medium to steep slopes is to be developed, appropriate measures are required to avoid soil erosion and sedimentation. In this regard, the development layouts should be designed to minimise the need for cut and fill. In areas likely to be susceptible to subsidence, landslip or any other potentially hazardous ground conditions, Council will require a geotechnical assessment to be submitted with the DA.

### **3.7.6 Aboriginal Cultural Heritage**

Clause 5.10 of NLEP 2010 outlines the restrictions that apply to development that may impact on Aboriginal heritage conservation.

Any proposal on land that has, or has the potential to contain Aboriginal cultural heritage values or heritage items will be referred to the Office of Environment & Heritage and the relevant Local Aboriginal Land Council (LALC) for comment.

An archaeological survey, prepared by a suitably qualified person, may be required if it is considered that there may be an impact on potential Aboriginal Cultural Heritage values.

Applicants are encouraged to consult with the LALC and/or submit a copy of the archaeological survey for their consideration. Details of any such consultation should be provided with the DA.

### **3.7.7 European Heritage**

Clause 5.10 of the NLEP 2010 identifies European Heritage listed land/items and any requirements of development on that land. In some instances a heritage assessment by a qualified person may be required to be submitted with the DA.

### **3.7.8 Flora and Fauna**

Pursuant to Section 5A of the EP&A Act, Council will need to be satisfied that the proposed development will not have a significant effect on threatened species, populations or ecological communities, or their habitats. A flora and fauna assessment, prepared by a qualified person, may be required to be submitted with a Development Application. A Species Impact Statement (SIS) will be required if there is likely to be a significant effect on threatened species.

In general, existing trees and riparian vegetation are to be retained and preserved wherever practicable. Land clearing should not be undertaken prior to development approval. Details of proposed land clearing to accommodate future building construction should be provided with the Development Application. In this regard any proposed clearing of vegetation should have regard to the following principles:

- prevent land degradation and minimise soil erosion and siltation of waterways;
- retain mature trees, native vegetation and hollow bearing trees;
- retain a variety of native species on the site;
- minimise impact on threatened species and their habitat;
- maintain the scenic and visual quality of the locality;
- retain trees on prominent ridgelines and knolls;
- retain trees and other vegetation in gullies and steeper slopes to prevent erosion;
- retain a variety of forest tree species that are representative of the area;
- conserve and maintain stands of remnant mature forests and significant individual trees such as large fig trees and flooded gums, and stands of remnant forest species; and
- maximise use of native and locally occurring native species within new developments.

Applicants are advised to refer to any other relevant State or Commonwealth legislation that may impact on land clearing, such as the Native Vegetation Act 2003, Threatened Species Conservation Act 1995 and the Environmental Protection and Biodiversity Conservation Act 1999.

### **3.7.9 Watercourses**

Natural watercourses, drainage channels and riparian zones are to be retained and preserved in their natural state wherever possible, to ensure that their ecological function is not compromised. Recommended buffer zones are stipulated in Part F of the Nambucca DCP 2010.

Where access is proposed across or through a watercourse or drainage channel, approval for Integrated Development may also be required from the Office of Water and/or NSW Fisheries

### **3.7.10 Noise**

Appropriate design standards and setbacks to the Pacific Highway and the railway line will be required to satisfy any requirements of the Roads and Maritime Services and State Rail.

Other Parts of this DCP or the Nambucca DCP 2010 may also require an acoustic assessment to be undertaken.

### **3.7.11 Adjoining Land Uses**

The compatibility of a proposed development with adjoining land uses must be considered at the design stage. Where appropriate, land use buffers may be required to reduce the likelihood of land use conflict occurring.

### **3.8 Detailed urban design controls for significant development sites**

The design is to be in accordance with the preliminary design and suit the context and character of the surrounding landscape.

### **3.9 Measures to encourage higher density living around transport, open space and service nodes**

Higher density living on this site is not consistent with the desired future outcome of the site and is not supported.

### **3.10 Measures to accommodate and control appropriate neighbourhood commercial and retail uses**

The desired future outcome of the site is for a highway service centre, with ancillary commercial activities

### **3.11 Suitably located public facilities and services, including provision for appropriate traffic management facilities and parking**

The intent of the site is to encourage motorists to stop, revive and survive and to provide facilities to enable this. Any future DA for the site is to demonstrate how this will occur.

A development application for the site shall discuss compliance with appropriate design standards.

