

CHAPTER 2 SUBDIVISION

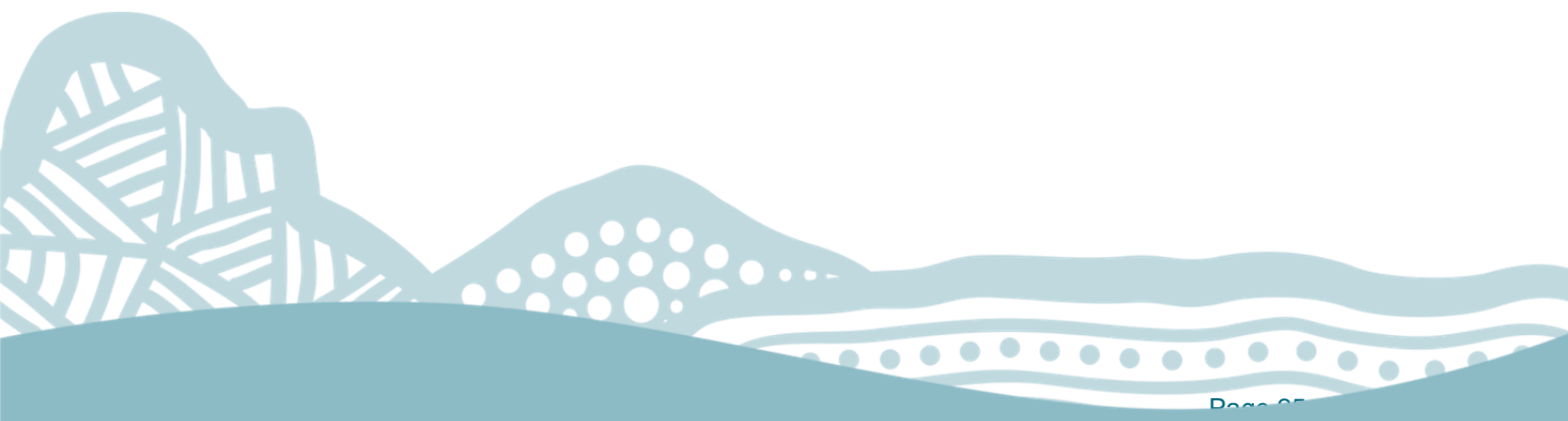


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1 INTRODUCTION

1.1 Application

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

1.2 Aims of Chapter 2

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

2 SUBDIVISION IN RURAL AREAS

2.1 Application

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

2.2 Exempt Development

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

2.3 Objectives

- a) To facilitate the subdivision of land that achieves the applicable zone objectives.
- b) To provide for the subdivision of rural land to respond to changing needs of agriculture and facilitate additional rural settlement in appropriate locations.
- c) To ensure that subdivision of rural land preserves agricultural viability and potential and avoids fragmentation of Regionally Significant Farmland¹ or Class 1, 2 or 3 agricultural land².
- d) To ensure that new lots are suitable to accommodate a dwelling.
- e) To ensure subdivision for rural settlement achieves adequate buffers to agricultural activities and does not create the potential for land use conflict.
- f) To ensure that future residents, visitors and workers are not exposed to unacceptable risk from natural hazards and contaminated land.
- g) To ensure the protection and preservation of natural resources, biological diversity, water courses, wetlands, significant native vegetation, habitat and corridors
- h) To ensure the preservation of cultural heritage.
- i) To protect the character of the rural landscape.
- j) To ensure rural subdivisions are provided with appropriate services and infrastructure that are efficient, cost-effective and minimise ongoing maintenance costs.

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

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

2.4 Development Guidelines

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

2.4.1 Subdivision Design

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

Performance criteria	Acceptable solution
	<p>A4.3 Lot size and shape permits building envelopes to achieve recommended buffers in Table C2.1 in Appendix C2</p> <p>A4.4 The access handle is a minimum 7 metres wide and designed in accordance with the requirements of the Northern Rivers Local Government Development & Design and Construction Manual</p>
Site features and constraints	
<p>P5 The subdivision layout responds appropriately to the topography and natural features of the site and its surrounds and facilitates sustainable land management practices including;</p> <ul style="list-style-type: none"> • Use of natural boundaries • Protection of natural habitat and vegetation • Revegetation and tree planting • Protection of watercourses and water quality • Avoiding the need to utilise steep land • Control of weeds and feral animals • Retention of significant character trees 	<p>No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria</p>
<p>P6 Subdivision layout facilitates practical agricultural use of the land</p>	<p>A6.1 Lot layout does not reduce access to usable land for stock and machinery</p> <p>A6.2 Lot layout does not require the construction of new farm roads, access tracks and fences across watercourses, vegetated land or steep land</p> <p>A6.3 Lot boundaries facilitate practical construction and maintenance of fences where required</p> <p>A6.4 Subdivision layout allows stock to access water, sheltered areas and flood free land</p> <p>A6.5 Lots have areas suitable for the siting of agricultural buildings and infrastructure</p> <p>A6.6 Lot layout has regard to the agricultural class of the land</p>

Performance criteria	Acceptable solution
Heritage	
P7 The development is designed with appropriate regard for preservation of cultural heritage	A7 Subdivision and likely future development does not alter the setting, context or views of items of environmental heritage or of a heritage conservation area
Siting of dwellings (not applicable to lots created for primary production under Clause 4.2 of the LEP)	
P8 Each proposed lot is suitable to enable dwellings to be safely and practically sited, serviced and accessed	<p>A8.1 Location of building envelopes allows construction of access to the dwelling in accordance with the requirements of the Northern Rivers Local Government Development & Design and Construction Manual</p> <p>A8.2 Location of building envelopes does not require construction of future driveways over watercourses of Order 3 Stream or greater</p> <p>A8.3 Location of building envelopes does not require clearing of native vegetation to construct a future driveway</p> <p>A8.4 Building envelopes provide good residential amenity, solar access and sufficient useable land around the dwelling</p> <p>A8.5 Building envelopes are not located on land with a gradient exceeding 20%</p>
P9 Lots are suitable for on-site management of effluent that does not create public health impacts or adversely impact quality of surface and ground waters	<p>A9.1 Effluent disposal areas can be located on land with a gradient not exceeding 20%</p> <p>A9.2 Lots have a suitable soil type to permit on site treatment and disposal of effluent</p> <p>A9.3 Effluent disposal areas can be sited at least 100m from Order 3 (or greater) Stream and 40m from Order 1 or 2 Stream</p> <p>A9.4 Lots have an area of at least 2000m²</p>
Movement networks	
P10 The development site is accessed via public roads that have adequate capacity to safely and efficiently service the development and other existing demand	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria

Performance criteria	Acceptable solution
P11 The development has a safe, logical and efficient connection to a regional road or urban or village area	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P12 The road network provides opportunities for public transport	A12 Network routes and connections facilitate public transport
Rural landscape character	
P13 Subdivision does not impact adversely on significant views or landscape character	<p>A13.1 Subdivision does not require construction of new roads on prominent ridgelines, hilltops or in other prominent locations within public vantage points</p> <p>A13.2 Layout of lots and roads is consistent with the existing pattern of subdivision</p> <p>A13.3 Building envelopes are not located on prominent ridgelines or hilltops or in highly visible locations</p>
Resource protection	
<p>P14 Subdivision does not reduce the productive potential of Regionally Significant Farmland or Class 1, 2 or 3 agricultural land*</p> <p><i>*An agricultural land capability and suitability assessment prepared by a suitably qualified person is submitted that demonstrates achievement of P14</i></p>	A14 Development does not subdivide contiguous areas of Regionally Significant Farmland or Class 1, 2 or 3 agricultural land
<p>P15 Subdivision does not reduce the agricultural viability or potential of the subject site or adjoining land*</p> <p><i>*An agricultural land capability and suitability assessment prepared by a suitably qualified person is submitted that demonstrates achievement of P15</i></p>	<p>A15.1 Building envelopes achieve minimum buffers as identified in Table C2.1 in Appendix C2</p> <p>A15.2 Building envelopes are not located where they will sterilise productive land</p> <p>A15.3 Subdivision maintains paddocks in workable sizes</p> <p>A15.4 Lot layout maintains access to stock watering points and handling yards, flood refuges and shelter belts</p>
P16 Subdivision does not sterilise potential mineral and extractive industry resources	A16 The subdivision is not located on land or adjacent to land mapped on the Significant Resource Map of the LEP as an identified or potential mineral and extractive industry resource

Performance criteria	Acceptable solution
P17 Subdivision location and layout will not adversely impact recognised water resources	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria

2.4.2 Managing impacts from surrounding land uses

Performance criteria	Acceptable solution
Where development site is located within 400 metres of rail corridor	
<p>P18 Future residents will not be subject to unacceptable impacts from rail noise or vibration and noise attenuation measures are not required to be provided through future house design and construction*</p> <p><i>* A noise impact assessment (or other report as appropriate) will generally be required to demonstrate achievement of P18</i></p>	A18.1 Subdivision does not create lots where future dwellings are required to be sited within 60 metres of a rail corridor
Where development site is located within 1500 metres of hazardous, intrusive, offensive or noxious activities or land uses (including intensive agriculture, landfills, quarries, sawmills)	
<p>P19 Residents will not be subject to impacts from surrounding land uses*</p> <p><i>* A noise impact assessment (or other report as appropriate) will generally be required to demonstrate achievement of P19</i></p>	A19.1 Building envelopes achieve relevant buffers identified in Table C2.1 in Appendix C2
Buffers to agricultural activities	
<p>P20 Residential development is not likely to impact on, or be impacted by, current and likely future land uses in the surrounding area*</p> <p><i>* Achievement of P20 will generally need to be demonstrated through submission of a land use conflict risk assessment (LUCRA) prepared in accordance with the Department of Primary Industries 'Living and Working in Rural Areas' guidelines (2007)</i></p>	A20.1 Building envelopes achieve relevant buffers identified in Table C2.1 in Appendix C2
P21 Landscaping is used to buffer residential uses from surrounding land uses where required	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria

Protection of Watercourses and Ecological Features

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

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

2.4.3 Natural Hazards and Contaminated Land

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

Performance criteria	Acceptable solution
	practically achieve a floor level of at least the level of a 100 year ARI flood event plus 0.5 metres freeboard
Geotechnical stability	
P30 Future dwellings, buildings, structures and persons on the development site are not exposed to unacceptable risk from landslip or mass movement	<p>A30.1 Building envelopes are not located on land that displays evidence of landslip or mass movement</p> <p>OR</p> <p>A30.2 A report is submitted by suitably qualified engineer that demonstrates all lots are geotechnically stable and suitable to accommodate dwellings</p>
Contaminated land	
P31 Future residents and visitors will not be exposed to unacceptable risk from contamination	<p>A31.1 Development site is not listed or mapped as contaminated land</p> <p>AND</p> <p>A31.2 Development is not on a site upon which activities that may cause contamination have, or are likely to have been, carried out</p> <p>OR</p> <p>A31.3 A report prepared by a suitably qualified person is submitted that demonstrates future residents and visitors will not be exposed to unacceptable risk from land contamination</p>
P32 Future residents and visitors are not exposed to unacceptable risk from contamination from cattle dips	A32 Building envelopes are not located within 200 metres of a cattle dip (whether active, inactive or decommissioned)

2.4.4 Servicing and Infrastructure

Performance criteria	Acceptable solution
Water supply	
P33 Future dwellings can achieve adequate supply of potable water without drawing unreasonably from natural watercourses, water bodies or groundwater	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria

Performance criteria	Acceptable solution
Electricity supply	
<p>P34 All lots have access to reliable, cost effective power supply and are physically and legally able to be connected to the reticulated electricity network*</p> <p><i>*Achievement of P34 requires submission of:</i></p> <ul style="list-style-type: none"> • <i>Cost-benefit analysis that shows it is more cost effective to provide and operate stand-alone power than reticulated electrical power over a 30 year timeframe</i> • <i>Evidence that reticulated power can be provided in future if required, including; proposed route and easements where required</i> 	<p>A34 Provision is made for the connection of each lot to the reticulated electricity network to the satisfaction of Essential Energy</p>
Telecommunications	
<p>P35 Future dwellings can access constant, reliable telecommunications</p>	<p>A35 Provision is made for the connection of each lot to the fixed line telecommunications network to the satisfaction of Telstra and the NBN Co where applicable</p>

2.4.5 Site access and road design

Performance criteria	Acceptable solution
Road design	
<p>P36 New roads are of a suitable design and standard to meet demand generated by the development and likely future development and to protect significant site features</p>	<p>A36.1 Road design is in accordance with standards in the Northern Rivers Local Government Development & Design and Construction Manuals, and Council's Property Access and Addressing Management Plan</p> <p>A36.2 Road reserve width is increased where required to allow protection of significant native vegetation or watercourses, environmental restoration, visibility at intersections and property access points, future widening or other special requirements</p>
<p>P37 Road design provides a safe and efficient carriageway whilst minimising earthworks and avoiding unnecessary impacts on topography and landscape</p>	<p>A37.1 Roads are designed to minimise the volume and height of cut and fill</p> <p>A37.2 Road design avoids impacts on distinctive landmarks and topographical features such as ridgelines, hilltops and rock outcrops</p>

Performance criteria	Acceptable solution
P38 Road design provides safe and efficient carriageway that does not impact unreasonably on the ecological or hydrological functions of watercourses and wetlands	<p>A38.1 New roads do not cross watercourses and wetlands</p> <p>A38.2 New road reserves are set back a minimum of 40 metres from the top of bank of permanent watercourses (Order 3 Stream or greater), wetlands and water bodies</p> <p>A38.3 Where road drainage discharges directly to watercourses, drainage incorporates stormwater retention or velocity reducing devices</p> <p>A38.4 Road design and drainage system will not increase the likelihood of erosion and sedimentation</p>
P39 Road design provides safe and efficient carriageway/routes of travel that does not impact unreasonably on significant vegetation or ecological values or resources	A39 Location and design of new roads does not require clearing of significant, iconic or distinctive character trees or stands of vegetation or habitat and corridors
P40 Road design facilitates public and school transport services	A40 The width of road reserve and formation is sufficient to allow bus movement, turnaround, set down and pick up, including school buses
Site access (where lots are accessed from an existing road)	
P41 All lots have suitable and safe vehicular access	A41 Site access is in accordance with the Northern Rivers Local Government Development & Design and Construction Manual and Council's Property Access and Addressing Management Plan

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

Performance criteria	Acceptable solution
Layout and usability of primary production lot	
P42 The primary production lot is suitable for agricultural purposes	<p>A42.1 The primary production lot has an area of flood free land suitable to site agricultural infrastructure and livestock</p> <p>A42.2 The primary production lot will not create additional water access rights</p> <p>A42.3 The lot shape and dimensions are suitable for the intended agricultural use</p>

Performance criteria	Acceptable solution
Use and suitability of residual lot	
P43 The residual lot is suitable to accommodate a dwelling that will not create potential for land use conflict	<p>A43.1 The residual lot meets the minimum lot size as shown on the Lot Size Maps</p> <p>AND</p> <p>Where residual lot supports an existing dwelling:</p> <p>A43.2 Dwelling location complies with the provisions of this section</p> <p>OR</p> <p>Where residual lot does not have an existing dwelling:</p> <p>A43.3 A building envelope is identified that complies with the provisions of this section</p>

2.4.7 Additional guidelines for boundary adjustments

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

3 Subdivision in rural residential areas

3.1 Application

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

3.2 Exempt Development

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

3.3 Objectives

- a) To facilitate subdivision of land that achieves the applicable zone objectives.
- b) To ensure subdivision of land in the 'Twelve Preferred Areas' meet the provisions and objectives of the Structure Plan¹.
- c) To provide for the subdivision of rural land (small lots) to respond to changing agricultural circumstances and to facilitate additional rural settlement in appropriate locations.
- d) To ensure that subdivision of rural residential land preserves agricultural viability and potential and avoids fragmentation of Regionally Significant Farmland² and Class 1, 2 or 3 agricultural land³.
- e) To ensure subdivision for rural residential purposes achieves adequate buffers to agricultural activities and does not create the potential for land use conflict.
- f) To ensure that subdivision design responds appropriately to site features and constraints.
- g) To ensure that future residents, visitors and workers are not exposed to unacceptable risk from natural hazards and contaminated land.
- h) To ensure the protection and preservation of natural resources, biological diversity, water courses, water bodies, wetlands, significant native vegetation, habitat and corridors.
- i) To encourage subdivision design that has a permeable network of streets that maximise opportunities for walking and cycling.
- j) To ensure the preservation of cultural heritage.
- k) To protect the character of the rural landscape.

¹Kyogle Structure Plan for Twelve Preferred Areas, Version C December 2007

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

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

3.4 Development guidelines for the Twelve Preferred Areas

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

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

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

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

3.5.1 Subdivision Design

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

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

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

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

3.5.2 Managing Impacts from Surrounding Land Uses

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

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

3.5.3 Protection of Watercourses and Ecological Features

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

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

3.5.4 Natural Hazards and Contaminated Land

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

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

3.5.5 Servicing and Infrastructure

Performance criteria	Acceptable solution
Sewerage (where development site is in an area serviced by reticulated sewerage or where connection is available at reasonable cost)	
P25 Development makes suitable provision for collection, treatment and disposal of effluent	A25 The development is serviced by the reticulated sewerage system in accordance with the requirements of the Northern Rivers Local Government Development & Design and Construction Manual
Effluent management (where development site is not in an area serviced by reticulated sewerage or where connection is not available at reasonable cost)	
P26 The development is suitable for on-site management of effluent that does not create public health impacts or adversely impact quality of surface and ground waters	<p>A26.1 Effluent disposal areas are able to be located on land with a slope not exceeding 15%</p> <p>AND</p> <p>A26.2 Lots have a suitable soil type to permit on site treatment and disposal of effluent</p> <p>AND</p> <p>A26.3 Lots allow effluent disposal areas to be sited at least 100m from Order 3 (or greater) Stream and 40m from Order 1 or 2 Stream</p> <p>AND</p> <p>A26.4 Lots are at least 2000m² in area</p> <p>OR</p> <p>A26.5 Development utilises a package on-site sewage management system that meets relevant requirements</p>

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

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

3.5.6 Site access and road design

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

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

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

4 Residential subdivision in urban and village areas

4.1 Application

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

4.2 Exempt and Complying Development

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

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

4.3 Objectives

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

4.4 Structure planning

4.4.1 Application

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

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

4.4.2 Desired outcomes for development subject to structure plan requirements

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

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

4.5 Development guidelines

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

4.5.1 Subdivision Design

Performance criteria	Acceptable solution
Size and design of lots (where 500m² minimum lot size applies)	
P1 The size of lots facilitates achievement of the objectives of the Zone	A1 Lots are at least the minimum size shown on the Lot Size Maps in the LEP
P2 A range of lot sizes are proposed to provide housing choice	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P3 The dimensions and shape of lots are suitable to achieve good residential amenity, permit vehicular access and manoeuvring and do not unduly constrain house design and siting options	<p>A3.1 The frontage to depth ratio of lots does not exceed 1:4</p> <p>A3.2 Lots have a minimum road frontage of 15 metres and a minimum width at the mid-point of 15 metres</p> <p>A3.3 Lots can accommodate a building envelope of 200m²</p> <p>A3.4 All lots have frontage to a public road</p>
P4 Rear lots are suitable for siting of buildings and access handles permit vehicular access and provision of services	<p>A4.1 Rear lots have a minimum site area of 600m² excluding the area of the access handle</p> <p>A4.2 Rear lot access handles have a minimum width of 5 metres and a minimum carriage way width of 3 metres</p> <p>A4.3 No more than two lots are serviced by an access handle</p>
Size and design of small lots (where no minimum lot size applies)	
P5 The size of lots facilitates achievement of the objectives of the Zone	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P6 The dimensions and shape of lots are suitable to; <ul style="list-style-type: none"> • achieve good residential amenity; 	<p>A6.1 Lots have a minimum width¹ of 6 metres</p> <p>¹Lot width is measured from the mid-point of the longest boundary to the mid-point of the opposite longest boundary</p>

Performance criteria	Acceptable solution
<ul style="list-style-type: none"> • protect the amenity of adjoining residential land or dwellings; • facilitate provision of services and infrastructure; • facilitate practical siting of a dwelling and; • achieve practical access to a future dwelling. 	<p>A6.2 All lots (excluding rear lots) will permit the siting of a dwelling that complies with the provisions of Table C11.1 in Appendix C11 of Chapter 11 of this DCP².</p> <p>A6.3 All rear lots will permit the siting of a dwelling that complies with the provisions of Table C11.2 in Appendix C11 of Chapter 11 of this DCP².</p> <p>²Achievement of A6.2 or 6.3 will generally need to be demonstrated through submission of a site plan showing conceptual building envelopes that comply with the provisions of Chapter 11.</p>
P7 All lots can be lawfully and practically accessed and serviced	<p>A7.1 All lots have frontage to a public road</p> <p>A7.2 Rear lot access handles have a minimum width of 5 metres and a minimum carriageway width of 3 metres OR</p> <p>A7.3 Where rear lots share an access handle that access handle has a minimum width of 5 metres and a minimum carriageway width of 3 metres and all lots have benefit of a reciprocal right of carriageway over the handle</p>
Site features and constraints	
P6 The subdivision layout responds appropriately to the topography and natural features of the site and its surrounds	<p>A6.1 Building envelopes are not sited on land with a gradient exceeding 20%</p> <p>A6.2 Lot size is increased in response to slope</p> <p>A6.3 Existing vegetation of significance is retained</p>
Where development involves the subdivision of land on which an item of environmental heritage is situated or land that is within a heritage conservation area	
P7 Subdivision does not adversely impact on the heritage significance of items of environmental heritage or the heritage conservation area	<p>Where site features an item of environmental heritage:</p> <p>A7.1 Subdivision and likely future development does not alter the setting or views of the heritage item or heritage conservation area</p> <p>Where site is within a heritage conservation area:</p> <p>A7.2 Subdivision is consistent with the historical pattern of subdivision</p>

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

4.5.2 Managing Impacts from surrounding land uses

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

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

4.5.3 Protection of Watercourses and Ecological Values

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

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

4.5.4 Hazard and Risk

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

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

4.5.5 Servicing and Infrastructure

Performance criteria	Acceptable solution
Sewerage	
P23 Development makes suitable provision for collection, treatment and disposal of effluent	Where development site is in an area serviced by reticulated sewerage or where connection is available at reasonable cost:

Performance criteria	Acceptable solution
	A23 The development is serviced by the reticulated sewerage system in accordance with the requirements of the Northern Rivers Local Government Development & Design and Construction Manuals
Electricity supply	
<p>P24 All lots have access to reliable, cost effective power supply and are physically and legally able to be connected to the reticulated electricity network*</p> <p><i>*Achievement of P24 requires submission of:</i></p> <ul style="list-style-type: none"> • <i>Cost-benefit analysis that shows it is more cost effective to provide and operate stand-alone power than reticulated electrical power over a 30 year timeframe</i> • <i>Evidence that reticulated power can be provided in future if required, including; proposed route and easements where required</i> 	<p>A24.1 Provision is made for the connection of each lot to the reticulated electricity network to the satisfaction of Essential Energy</p> <p>A24.2 In any new streets the electrical reticulation is to be underground with pad mounted substations located within the road reserve</p>
Telecommunications	
P25 The development must make suitable arrangements for the supply of constant, reliable telecommunications to each lot	A25 Provision is made for the connection of each lot to the fixed line telecommunications network to the satisfaction of Telstra and the NBN Co where applicable
Water supply	
P26 The development makes suitable arrangements for the supply of potable water to each lot without drawing unreasonably from watercourses, water bodies or groundwater	<p>Where development site is in an area serviced by reticulated water or where connection is available at reasonable cost:</p> <p>A26 Each lot is connected to the reticulated water supply network in accordance with the requirements of the Northern Rivers Local Government Development & Design and Construction Manuals</p>
Stormwater Management	
P27 Appropriate provisions are made for the collection and management of stormwater on site that does not contribute to flooding or nuisance on adjoining properties	<p>Where development site is in an area serviced by a stormwater drainage network:</p> <p>A27 Stormwater is discharged to the stormwater drainage network in accordance with the requirements of the Northern Rivers Local Government Development & Design and Construction Manuals</p>
P28 Subdivision design and stormwater management does not contribute to increased	A28.1 Subdivision design incorporates stormwater retention structures or areas on the subject site

Performance criteria	Acceptable solution
erosion and sedimentation or pollutant and nutrient loads in receiving waters	<p>A28.2 The design of the subdivision and civil infrastructure minimises stormwater concentration and run-off</p> <p>A28.3 Subdivision and civil design is in accordance with standards in the Northern Rivers Local Government Development & Design and Construction Manuals</p>
Solid Waste Management	
P29 All lots are capable of being serviced by a domestic waste collection service	A29 Development is in or adjacent to a current domestic waste collection service area

4.5.6 Site access and road design

Performance criteria	Acceptable solution
Road design	
P30 New roads are of a suitable design and standard to meet demand generated by the development and likely future development	<p>A30.1 Roads standards meet the requirements of the Northern Rivers Local Government Development & Design and Construction Manuals</p> <p>A30.2 Road construction is in accordance with the requirements of the Northern Rivers Local Government Development & Design and Construction Manual</p> <p>A30.3 Road reserve width is increased where required to allow protection of significant native vegetation or watercourses, environmental restoration, visibility at intersections and property access points, future widening or other special requirements</p>
P31 Road design minimises earthworks and impacts on topography and landscape	<p>A31.1 Roads are designed to minimise the amount and height of cut and fill</p> <p>A31.2 Road design avoids impacts on distinctive landmarks and topographical features such as ridgelines, hilltops, rock outcrops</p>
P32 Design of roads minimises impacts on the ecological or hydrological functions of watercourses and wetlands	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria

Performance criteria	Acceptable solution
P33 Road design does not impact unreasonably on the ecological values or resources of the site	A33 Roads alignment and design avoids the need to clear existing significant, iconic or distinctive trees or stands of vegetation
P34 Road design permits servicing by domestic waste collection vehicles	A34 Road design is in accordance with the requirements of the Northern Rivers Local Government Development & Design and Construction Manuals
P35 Adequate street lighting is provided to service the development	P35 Street lighting is provided at each intersection created by the subdivision and at a distance no less than 100m apart throughout the subdivision
Site access (where lots are accessed from an existing road)	
P36 All lots have safe and suitable vehicular access	A36 Site access is in accordance with the Northern Rivers Local Government Development & Design and Construction Manual and Council's Property Access and Addressing Management Plan
Transport Mode Choice	
P37 Road design facilitates public and school transport services	<p>A37.1 The width of road reserve and formation is sufficient to allow for bus movement, turnaround, set down and pick up, in accordance with the requirements of the Northern Rivers Local Government Development & Design and Construction Manuals</p> <p>A37.2 Where site is on a bus route bus stop widenings are provided in accordance with the requirements of the Northern Rivers Local Government Development & Design and Construction Manual</p>
P38 Road and path design facilitates opportunities for walking and cycling	<p>A38.1 The width of road reserve and formation is sufficient to allow is sufficient to provide opportunities and infrastructure for walking and cycling</p> <p>A38.2 Pedestrian and cycle paths and lanes are provided in accordance with the requirements of the Northern Rivers Local Government Development & Design and Construction Manual</p>
Landscaping of road reserves	
P39 Landscaping of road reserves responds to its site and locality and contributes to attractive, safe and comfortable streets	<p>A39.1 Landscaping of road reserves achieves:</p> <ul style="list-style-type: none"> • Shaded and attractive streets • Retention of significant existing vegetation

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

4.5.7 Design and provision of open space

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

Performance criteria	Acceptable solution
Provision of public open space	
P42 Future residents have convenient access to open space and facilities that provide good opportunities for recreation, exercise and social interaction	A42 The development provides public open space in accordance with Table C2.2 in Appendix C2
P43 Open space is suitably embellished and provides residents with an appropriate level of service	A43 Open space is embellished in accordance with Table C2.2 in Appendix C2
P44 Sites nominated for public open space are suitable for use as a park	<p>A44.1 At least 90% of the park area is flood free</p> <p>A44.2 Open space does not function primarily as a drainage channel or stormwater retention area</p> <p>A44.3 Park does not include land with a gradient exceeding 10% (excluding watercourses)</p>

Performance criteria	Acceptable solution
P45 Public open space has a high level of accessibility	<p>A45.1 Open space is located on a cycle and pedestrian path network</p> <p>A45.2 Open space has frontage to a collector street and at least one other street</p> <p>A45.3 Open space is located centrally in the development</p>
Design of public open space	
P46 Public open space has a high level of public surveillance	A46 A minimum 50% of the perimeter of open space is public road
P47 Landscape design is appropriate for the site and intended park function	<p>A47.1 Landscaping of public open space:</p> <ul style="list-style-type: none"> • achieves a coherent planting theme • retains existing vegetation of significance • protects and rehabilitates watercourses and wetlands • utilises a mix of trees, shrubs and groundcover planting of appropriate subtropical species • seeks to achieve shade cover of at least 25% of the area of the park <p>A47.2 A landscape concept plan is submitted that identifies planting locations, species and indicative planting methods</p>
P48 Parks are designed to have low maintenance requirements	<p>A48.1 Planting scheme employs species that have low maintenance requirements</p> <p>A48.2 Planting scheme utilises shade trees and understorey planting to minimise areas of grass and opportunities for weed growth</p> <p>A48.3 Extensive areas of lawn are restricted to open play or activity areas</p> <p>A48.4 Watercourses and steep banks are planted with suitable species at adequate densities to achieve 100% vegetation cover to minimise erosion, weed growth and maintenance requirements</p>
P49 Park design minimises opportunities for crime	A49 Park design incorporates Crime Prevention Through Environmental Design (CPTED) principles

4.5.8 Additional guidelines for boundary adjustments

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

4.5.9 Additional guidelines for strata or community title subdivision

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

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

5.1 Application

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

5.2 Exempt and Complying Development

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

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

5.3 Objectives

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

5.4 Development Guidelines

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

5.4.1 Subdivision Design

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

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

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

5.4.2 Buffers to surrounding land uses

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

5.4.3 Protection of Watercourses and Ecological Values

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

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

5.4.4 Hazard and Risk

Performance criteria	Acceptable solution
Flood	
P18 Development complies with the provisions of Clause 6.2 of the LEP	<p>A18.1 The development site is not prone to flooding from inundation or overland flow</p> <p>OR</p> <p>Where development is proposed on flood prone land:</p> <p>A18.2 A report is submitted by a suitably qualified person that demonstrates the level of proposed lots is at least the level of a 100 year ARI flood event</p> <p>OR</p> <p>Where development is proposed on a lot within the Flood Planning Area shown on the LEP Flood Planning Map:</p> <p>A18.3 The development complies with the provisions of the Development Control Plan in the Kyogle Council Floodplain Risk Management Plan 2009</p>
Bushfire	
P19 Buildings, residents, visitors and fire fighters are not exposed to unacceptable risk from bushfire	A19.1 Development does not include land that is mapped as bushfire prone land

Performance criteria	Acceptable solution
	<p>OR</p> <p>A19.2 Lot layout and location of roads and building envelopes comply with the relevant provisions of the Rural Fire Service publication 'Planning for Bushfire Protection' 2006 or any superseding guideline</p>
Geotechnical stability	
P20 Future dwellings, buildings, structures and persons on the development site are not exposed to unacceptable risk from landslip or mass movement	<p>A20.1 Building envelopes are not located on land that displays evidence of landslip or mass movement</p> <p>OR</p> <p>A20.2 A report is submitted by suitably qualified engineer that demonstrates all lots are geotechnically stable and suitable to accommodate dwellings</p>
Contaminated land	
P21 Future persons on the development site will not be exposed to unacceptable risk from contamination	<p>A21.1 Development site is not listed or mapped as contaminated land</p> <p>AND</p> <p>A21.2 Development is not on a site upon which activities that may cause contamination have, or are likely to have been, carried out</p> <p>OR</p> <p>A21.3 A report prepared by a suitably qualified person is submitted that demonstrates future residents and visitors will not be exposed to unacceptable risk from land contamination</p>

5.4.5 Servicing and Infrastructure

Performance criteria	Acceptable solution
Sewerage	
P22 Development makes suitable provision for collection, treatment and disposal of effluent	<p>Where development site is in an area serviced by reticulated sewerage or where connection is available at reasonable cost:</p> <p>A22 The development is serviced by the reticulated sewerage system in accordance with the requirements of the Northern Rivers Local Government Development & Design and Construction Manual</p>

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

Performance criteria	Acceptable solution
	<p>A27.2 Subdivision design includes gross pollutant traps and litter racks or screens where required</p> <p>A27.3 The design of the subdivision and civil infrastructure minimises stormwater concentration and run-off</p> <p>A27.4 Subdivision and civil design is in accordance with the requirements of the Northern Rivers Local Government Development & Design and Construction Manuals</p>
Solid Waste Management	
P28 All lots are capable of being serviced by a waste collection service	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria

5.4.6 Site access and road design

Performance criteria	Acceptable solution
Road design	
P29 New roads are of a suitable design and standard to meet demand generated by the development and likely future development	<p>A29.1 Roads standards are in accordance with the requirements of the Northern Rivers Local Government Development & Design and Construction Manual</p> <p>A29.2 Road construction is in accordance with the requirements of the Northern Rivers Local Government Development & Design and Construction Manual</p> <p>A29.3 Road reserve width is increased where required to allow protection of significant native vegetation or watercourses, environmental restoration, visibility at intersections and property access points, future widening or other special requirements</p>
P30 Road design minimises earthworks and impacts on topography and landscape	<p>A30.1 Roads are designed to minimise the amount and height of cut and fill</p> <p>A30.2 Road design avoids impacts on distinctive landmarks and topographical features such as ridgelines, hilltops, rock outcrops</p>

Performance criteria	Acceptable solution
P31 Design of roads minimises impacts on the ecological or hydrological functions of watercourses and wetlands	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P32 Road design does not impact unreasonably on the ecological values or resources of the site	A32 Road alignment and design avoids the need to clear significant, iconic or distinctive trees or stands of vegetation
P33 Road design permits servicing by domestic waste collection vehicles	A33 Road design is in accordance with the requirements of the Northern Rivers Local Government Development & Design and Construction Manual
Site access (where lots are accessed from an existing road)	
P34 All lots have safe and suitable vehicular access	A34 Site access is in accordance with the Northern Rivers Local Government Development & Design and Construction Manual and Council's Property Access and Addressing Management Plan
Transport Mode Choice	
P35 Road design facilitates public transport services	<p>A35.1 The width of road reserve and formation is sufficient to allow for bus movement, turnaround, set down and pick up</p> <p>A35.2 Where site is on a bus route bus stop widenings are provided in accordance with the requirements of the Northern Rivers Local Government Development & Design and Construction Manual</p>
P36 Road and path design facilitates opportunities for walking and cycling	<p>A36.1 The width of road reserve and formation is sufficient to allow is sufficient to provide opportunities and infrastructure for walking and cycling</p> <p>A36.2 Pedestrian and cycle paths and lanes are provided in accordance with the requirements of the Northern Rivers Local Government Development & Design and Construction Manual</p>
Landscaping of road reserves	
P37 Landscaping of road reserves responds to its locality and contributes to safe, attractive and comfortable streets	<p>A37.1 Landscaping of road reserves achieves:</p> <ul style="list-style-type: none"> • Shaded and attractive streets • Retention of significant existing vegetation • Safe sight lines for pedestrians, cyclists and motorists • Unrestricted pedestrian access

Performance criteria	Acceptable solution
	A37.2 A landscape concept plan is submitted that identifies planting locations, species and indicative planting methods
P38 Road and services design makes allowance for installation of street trees	No Acceptable Solution is provided: demonstrate how the proposal achieves the Performance Criteria
P39 Street trees do not compromise safety or interfere with provision or maintenance of services and utilities	A39 Location and species of street trees takes into account underground and overhead services and sight lines

5.4.7 Additional guidelines for boundary adjustments

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

5.4.8 Additional guidelines for strata title subdivision

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

APPENDIX C2

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

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

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

Table C2.2 Provision of public open space

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