



Bellingen Shire Development Control Plan 2017

Chapter 17
North Bellingen Urban Release
Area

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Table of Amendments

Amendment	Date Adopted	Date Commenced
Minor review of DCP - DCP 2017 replaces DCP 2010	22 November 2017	6 December 2017

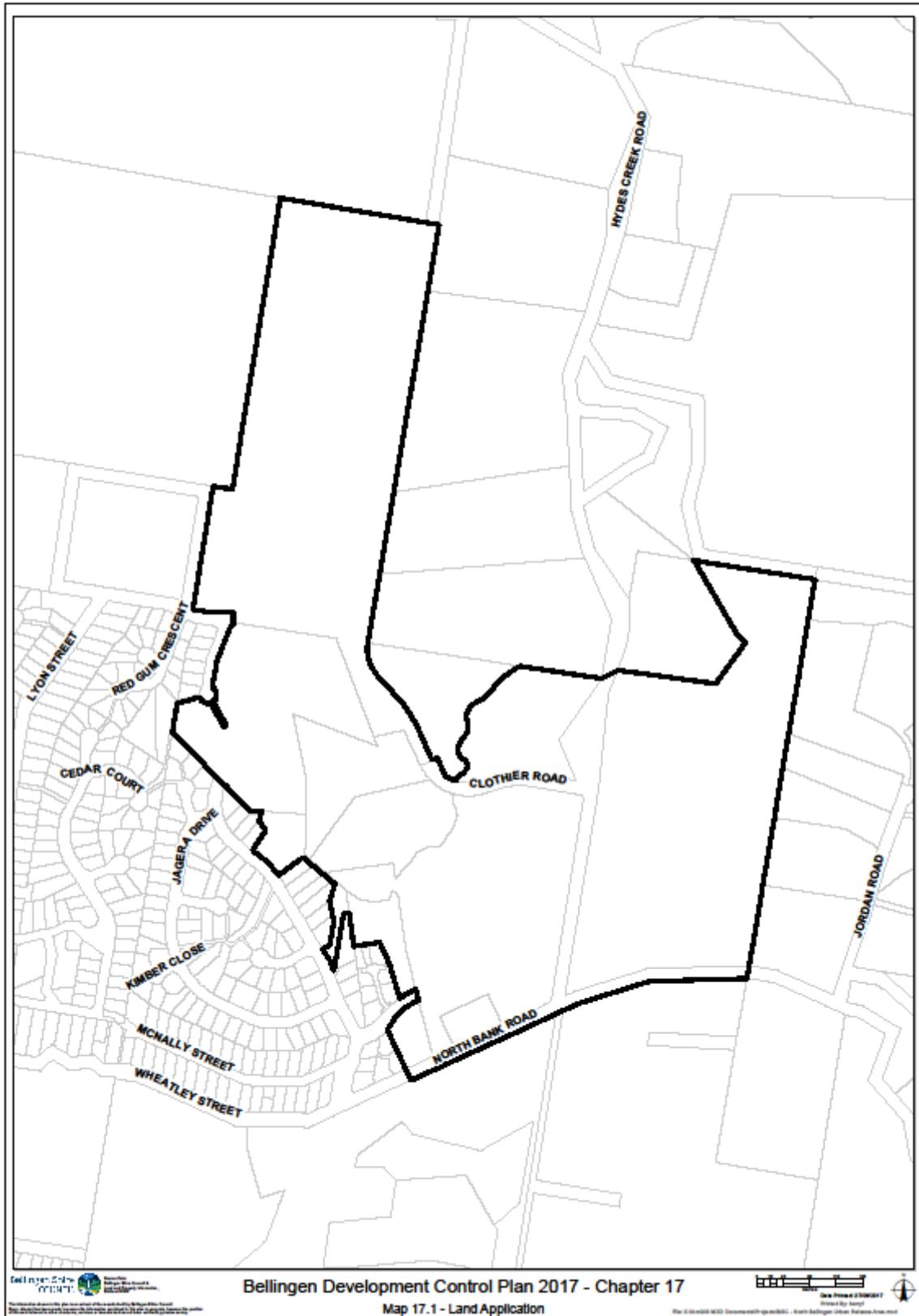
17.1 Aims

The general aims of this chapter are;

- a) To encourage the timely and efficient release of urban land that makes provision for necessary infrastructure,
- b) To ensure that a simple and safe movement system for pedestrians, cyclists, private vehicles and public transport is provided as part of all subdivision development,
- c) To protect and enhance significant riparian areas and remnant vegetation where possible,
- d) To ensure that a safe and accessible network of both passive and active recreational areas suitable for the projected population are provided within the URA,
- e) To ensure that adequate stormwater and water quality management controls are incorporated into all subdivision developments in this area,
- f) To ensure that subdivision layout and design minimises the potential risk posed by natural and environmental hazards to people and property,
- g) To ensure that future residents of land located within the de-rated buffer around the Bellingen Sewerage Treatment Plant are made aware of the potential for occasional offensive odours from the Plant, and
- h) To satisfy the requirements of Clause 6.2 of the BLEP 2010.

17.2 Where This Chapter Applies

The provisions of this Chapter apply to land within the area delineated by the thick black border in Map 17.1.



Map 17.1 Land Application

17.3 When This Chapter Applies

This chapter applies when a development application for subdivision of land to which this chapter applies is received by Council.

17.4 Definitions

Definitions of development are the same as those contained within Bellinghen Local Environmental Plan 2010.

17.5 Variations

Council may consider variations to the standards required of development in this chapter when the overall aims of this chapter and other chapters referenced in that standard can be achieved.

17.6 Development Criteria

17.6.1 Staging

- 1) Subdivision developments must accord with the staging requirements specified for each of the precincts, as shown on Map 17.2.

Stage 1: Precinct 1 or 3

Stage 2: Precinct 2 or remaining precinct

Stage 3: Precinct 2 or remaining precinct

17.6.2 Land suitability

- 1) Subdivisions are to be designed to comply with Section 3.6.1 of Chapter 3 – Subdivision.

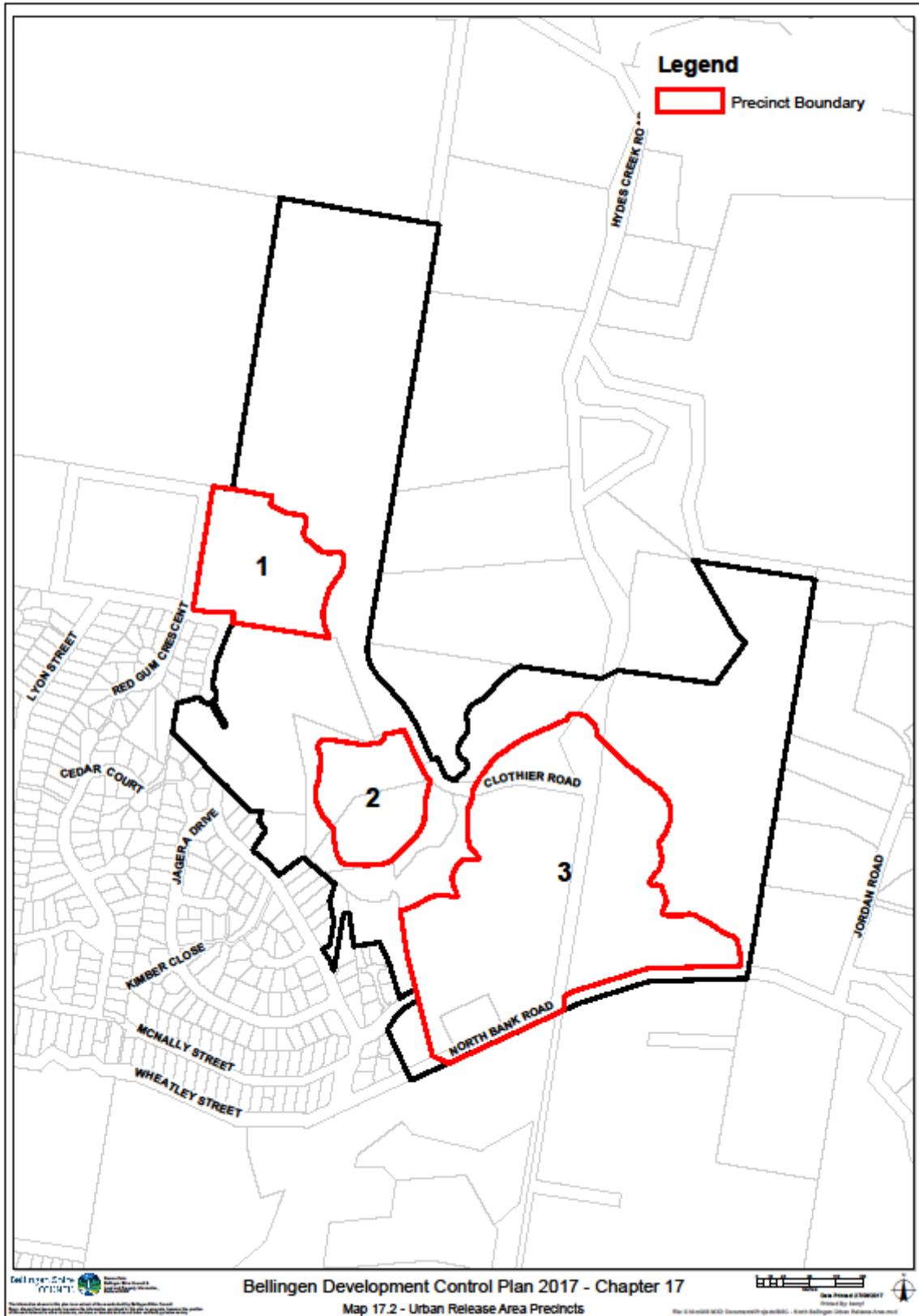
17.6.3 Buffers to adjoining land uses, areas of environmental constraint or risk

- 1) Subdivisions are to be designed to comply with Section 3.6.2 of Chapter 3 – Subdivision.
- 2) Subdivisions shall be designed to minimise disturbance to and removal of existing riparian vegetation and the need for construction works within 50 metres (the riparian buffer zone) of Frenchmans Creek.

17.6.4 Minimum lot size requirements

The minimum lot size for the creation of a residential allotment (independent of an approved dwelling design) is currently 600m². This requirement is contained within BLEP 2010 and can only be varied in accordance with BLEP 2010 Clause 4.6 – Exceptions to development standards.

- 1) Subdivisions are to be designed to comply with Sections 3.7.1 of Chapter 3 – Subdivision.



Map 17.2 Urban Release Area Precincts

17.6.5 Subdivision of lots with approved dwelling

- 1) Any development application for subdivision that proposes to create a residential allotment less than 600m² in area must comply with Section 3.7.1 and 3.7.2 of Chapter 3 – Subdivision.

17.6.6 Lot orientation and frontages

General

- 1) Subdivisions are to be designed to comply with Section 3.7.3 of Chapter 3 – Subdivision.

Lot orientation

- 2) New residential lots that will have a property boundary adjoining North Bank, Hydes Creek Road or Clothier Road shall be orientated to have primary frontage to these roads, as illustrated on Map 17.3.

17.6.7 Road network

General

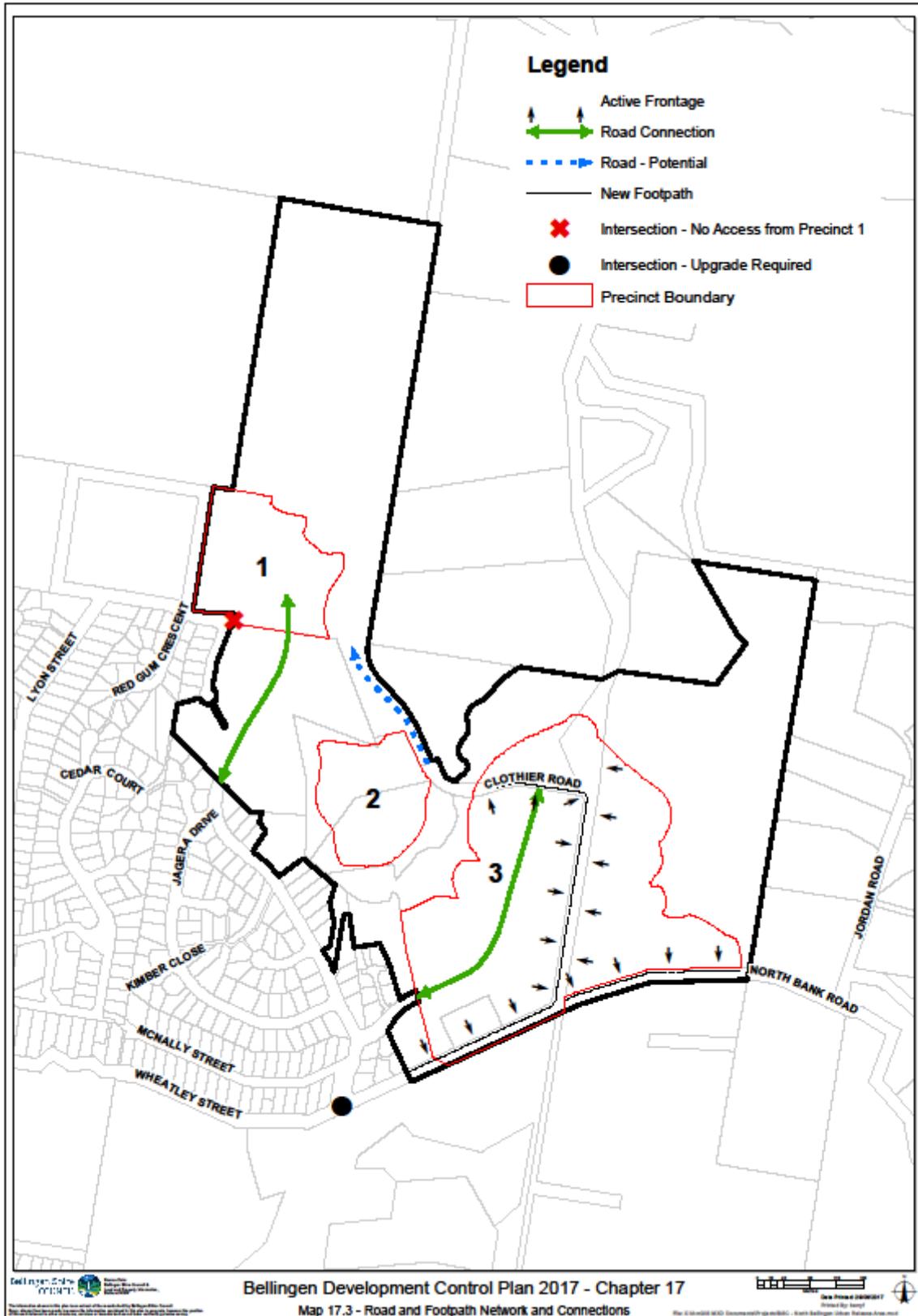
- 1) Subdivisions are to be designed to comply with Section 3.7.4 of Chapter 3 – Subdivision.

Road Network Connections

- 2) The major new road connections required to be constructed as part of the development of the North Bellingden Release Area are illustrated in Map 17.3 and described as follows:
 - Precinct 1 to link up with McCristal Drive,
 - Precinct 3 (west of Hydes Creek Road) to link up with McLaughan Avenue, and
 - Precinct 2 to link to Precinct 1 via new road (Optional).
- 3) Any road connection between Precinct 1 and Figwood Drive or Iron Bark Place that would result in additional traffic being directed onto Lyon Street will not be permitted.
- 4) All riparian areas that are proposed to be dedicated to Council for inclusion in Council's open space network must adjoin a perimeter road. Council will not accept subdivision layouts that involve the creation of residential lots that back onto open space areas.

Provision for Public Transport

- 5) The subdivision layout of Precinct 3 (west of Hydes Creek Road) is to be designed to accommodate a circular bus route through the release area. This route is to link in with the existing bus route that runs in McCristal and Jagera Drive, North Bellingden.



Map 17.3 Road and Footpath Network and Connections

- 6) The masterplan for the subdivision development lodged with the initial development application for subdivision of Precinct 3 (west of Hydes Creek Road) shall show the proposed bus route and bus stop locations.

Wheatley Street and McCristal Drive intersection

This intersection, shown on Map 17.3, will require upgrading in order to safely accommodate increases in traffic that will be generated by subdivision development of the North Bellingen Urban Release Area, Precinct 1 in particular.

- 7) If a development application for subdivision of Precinct 1 or Precinct 3 (west of Hydes Creek Road) is received by Council that will involve direction of additional traffic to the Wheatley Street and McCristal Drive intersection and Council does not have a Section 94 (Roads and Traffic) Plan in place that will specifically collect funds from developments occurring on land to which this Chapter applies towards the upgrade of this intersection, the developer would be expected to financially contribute towards the construction of the upgraded intersection via a voluntary planning agreement negotiated with Council.
- 8) The design and construction of the abovementioned intersection must meet Council engineering specifications. The design must be based on the projected traffic volumes generated from residential subdivision of Precinct 1 and 3.

Clothier Road Bridge Replacement

Clothier Road Bridge is a timber bridge was built at the 1 in 10 flood level, as determined by Council at the time of construction. This means that land west of the bridge is cut off from the rest of the North Bellingen residential area in most flood events, including the 1% AEP flood.

- 9) Any development application lodged for subdivision within Precinct 2 that involves direction of additional traffic onto Clothier Road Bridge must also include a proposal to construct a replacement bridge or culvert that meets Council's engineering specifications and the provisions of Chapter 8 – Flood and Riverine Processes. Alternatively, there is an option to construct a new road that connects the end of Clothier Road with the existing road network within Precinct 1, as shown on Map 17.3.
- 10) The finished road level of the new bridge or culvert over Frenchmans Creek must at or above the 1% AEP flood level.
- 11) The new bridge or culvert over Frenchmans Creek or a new road that connects to the existing road network in Precinct 1 is to be completed to Council's satisfaction prior to the release of any subdivision certificate relating to Precinct 2.
- 12) Frenchmans Creek has been classified by the NSW Department of Primary Industries (DPI) as Key Fish Habitat. The removal of the bridge and construction of the new crossing must therefore be designed and undertaken in accordance with the NSW DPI [*Policy and guidelines for fish habitat conservation and management \(Update 2013\)*](#) and any conditions of a permit issued under Part 7 of the *Fisheries Management Act 1994*.

Clothier Road Upgrade

- 13) Any development that involves direction of additional traffic onto Clothiers Road will necessitate an upgrade of this road to the road standard specified by Council's engineering specifications for the full length from the point of access to the intersection of Clothier Road with Hydes Creek Road.

17.6.8 Subdivision pattern and connectivity

- 1) Subdivisions are to be designed to comply with Section 3.7.5 of Chapter 3 – Subdivision.

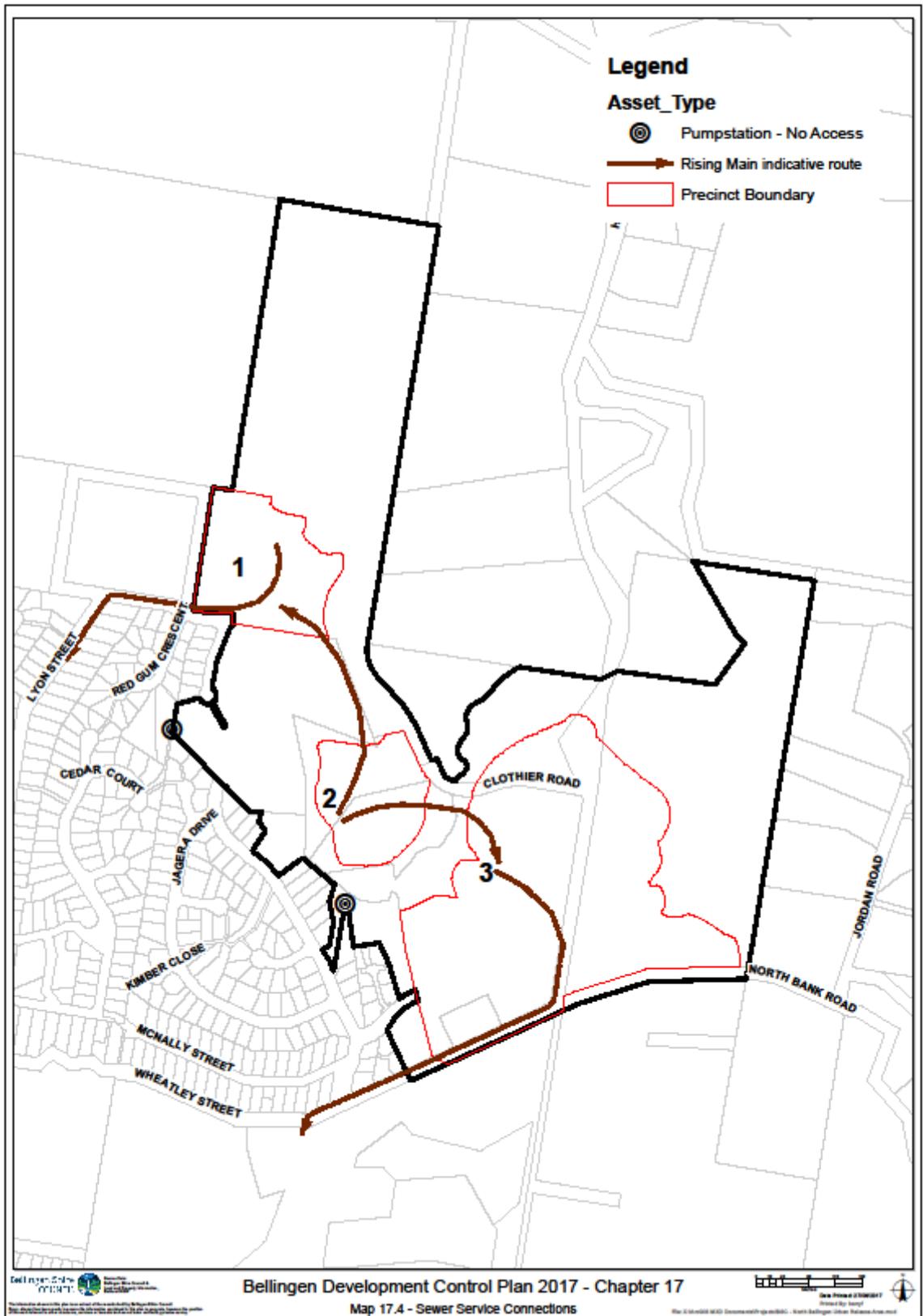
17.6.9 Infrastructure requirements

General

- 1) Infrastructure provision is to be provided as per Section 3.7.6 of Chapter 3 – Subdivision unless otherwise specified within this Chapter.

Connection to Sewer

- 2) Sewer connection requirements and options are illustrated on Map 17.4 and detailed below:
 - i. New sewer mains constructed as part of the subdivision development of Precinct 1 may not connect into the pump station located approximately 180 metres south of the south-western corner of this precinct. New sewer mains must connect into Council mains located in Lyon Street, North Bellingen. Note: Council is willing to accept a new pump station in this area.
 - ii. New sewer mains constructed as part of the subdivision development of Precinct 2 must connect into the new sewer mains servicing Precinct 1 or 3. Sewage generated by this development may not be directed to the existing pump station located approximately 50 metres south of the southern boundary of this Precinct.
 - iii. New sewer mains constructed as part of the subdivision development of Precinct 3 must connect directly to the Bellingen Sewage Treatment Plant. This will involve construction of a new sewer main within the road reserve of North Bank Road.



Map 17.4 Sewer Service Connections

Stormwater

- 3) All development applications lodged for subdivision of land shall be designed to comply with Chapter 12 – Stormwater.
- 4) The design of any required water quality intervention devices shall be in accordance with Bellingen Shire Council Water Sensitive Urban Design Guidelines. The location of the devices must be out of the floodway and above the 10% Annual Exceedance Probability design flood line.
- 5) The stormwater management plan shall demonstrate to Council's satisfaction that there will be 'no net impact' upon the water quality, quantity and flow velocity of the receiving waterway from the proposed development, in accordance with Section 6.1.2.1 of the NSW DPI Policy and guidelines for fish habitat conservation and management.

17.6.10 Previous land uses and potential contamination

- 1) As a minimum, a Preliminary Investigation of land proposed for subdivision must be undertaken for any subdivision application in accordance with Council's adopted Contaminated Land Policy (2016) and Contaminated Land Policy Guidelines (2016).
- 2) Council may require more detailed investigations and remediation depending upon the outcomes of the Preliminary Investigation.

17.6.11 Landscaping

- 1) As per requirements of Chapter 9 – Landscaping.

17.6.12 Split zoned land parcels

- 1) The layout of any subdivision of any land that contains two zonings pursuant to BLEP 2010 must ensure that an adequate building envelope is located on that portion of the land that is zoned R1 – General Residential.

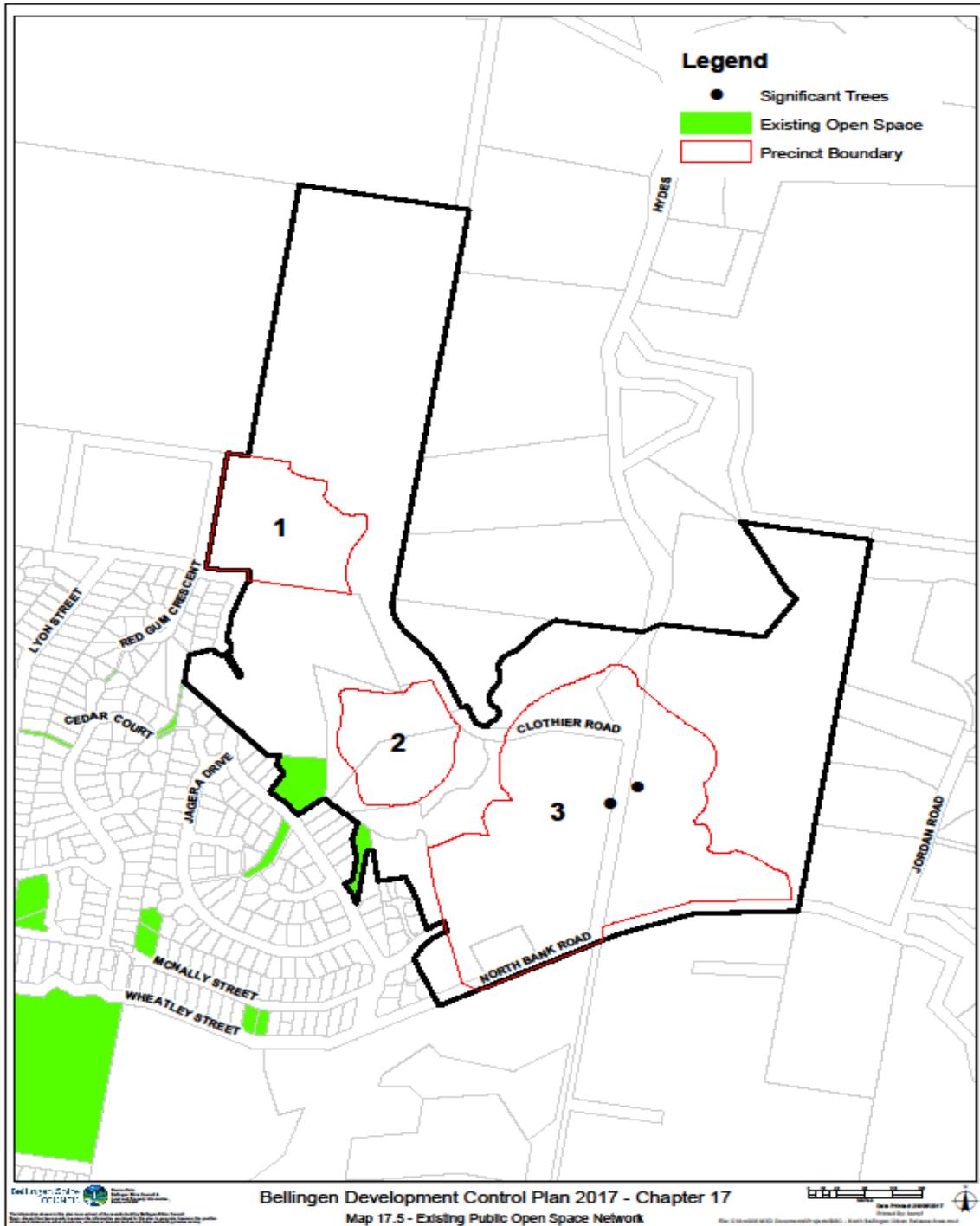
17.6.13 Open space network

- 1) All development applications lodged for subdivision of land to which this Chapter applies shall demonstrate that each new residential allotment will be within 400 metres walking distance of existing or proposed local public open space park or bushland reserve that has a minimum area of 0.5ha. This open space area must be accessible to the public via a public footpath or road network.
- 2) Any proposal for a new local public open space reserve that incorporates some or all of the riparian area within the Precinct must ensure that the following requirements are satisfied:
 - i. The proposed open space area directly adjoins Council's existing open space network as shown on Map 17.5,
 - ii. Existing significant landscape trees (as shown on Map 17.5), key habitat trees and remnant vegetation are incorporated into the design and layout of the open space area where possible,

- iii. A public footpath that is at least 1.2 metres wide will be constructed along the length of the riparian open space area,
 - iv. The riparian open space area is bordered by a public road,
 - v. The open space area will be landscaped and embellished in accordance with the principles of the NSW Police *Safer by Design* guidelines,
 - vi. The open space area will be made free of noxious and environmental weeds as identified by Chapter 6 of this DCP in accordance with an approved Weed Management Plan, landscaped and embellished in accordance with an approved Landscape Masterplan and maintained in accordance with an approved Maintenance and Management Plan prior to handover to Council.
- 3) Any proposal for a new local public park that is intended to be embellished with a playground as part of the subdivision development must ensure the following requirements are satisfied:
- i. The area has a minimum size of 0.5ha,
 - ii. The chosen play equipment is suitable for the most common age group of children living in the locality (as demonstrated by the most up to date census statistics available),
 - iii. The area has a high degree of amenity,
 - iv. Existing significant trees or remnant vegetation are incorporated into the design and layout of the park where possible,
 - v. The park is located, designed, landscaped and embellished in accordance with the principles of the NSW Police Safer by Design guidelines,
 - vi. Shade trees and seating for parents are provided,
 - vii. The park must have direct frontage to a public road that is sufficiently wide to enable adequate passive surveillance of the park from the street,
 - viii. The park is landscaped and embellished in accordance with an approved Landscape Masterplan and maintained in accordance with an approved Maintenance and Management Plan prior to handover to Council.

17.6.14 Odour from Bellingen Sewage Treatment Plant

- 1) All residential lots created as a result of a subdivision of land within Precinct 3 that are located within 245 metres of the nearest property boundary of the Bellingen Sewerage Treatment Plant must be registered with a restriction to user that alerts the future residents of the possibility of occasional offensive odours from the plant being experienced during upset/malfunction conditions.



Map 17.5 Existing Public Open Space Network