



**BLAYNEY
DEVELOPMENT CONTROL PLAN
NO. 3**

**RURAL RESIDENTIAL
DEVELOPMENT**

(Amended 10/9/2001)

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1. PRELIMINARY

1.1 Name of the Plan

This Plan is called ***Blayney Development Control Plan No. 3 – Rural Residential Development***. The plan consists of the written statement and maps attached.

1.2 Aims and Objectives

The aims and objectives of this plan are:

- a) To assist prospective developers of rural-residential land by providing details of Councils general development requirements.
- b) To establish clear guidelines in respect to site assessment, development standards, servicing requirements and amenity for subdivision and development of rural-residential land in Blayney Shire.

1.3 Commencement

This Plan has been prepared in accordance with Section 72 of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

This Plan came into force on 19th April 2001 in accordance with Clause 21(4) of the *Environmental Planning and Assessment Regulation 2000*. The Plan may only be amended in accordance with the provisions of the *Regulation*.

1.4 Relationship with other Plans

The provisions contained in this Plan are additional, and complimentary to the statutory provisions contained in *Blayney Local Environmental Plan 1998*. Accordingly, both documents should be read in conjunction with the other.

Where there is an inconsistency between this Plan and another Environmental Planning Instrument, the provisions of the Environmental Planning Instrument shall prevail. An Environmental Planning Instrument includes *Blayney Local Environmental Plan 1998*, a *State Environmental Planning Policy* or *Regional Environment Planning Policy*.

2. STATUTORY REQUIREMENTS

2.1 Zone 1(c) Rural Small Holdings

Blayney Local Environmental Plan 1998 identifies two areas within Blayney Shire as being suitable for rural-residential style development (see Map 1 and Map 2). These areas are zoned 1(c) Rural Small Holdings.

The objectives of this zone are:

- (a) To promote development of land identified as suitable for rural-residential or small holding development; and
- (b) To identify land suitable for future urban development, and for development for other non-agricultural purposes, in accordance with the need for that development; and
- (c) To allow a range of rural living styles in appropriate locations within the zone.

Development within the zone:

Permitted without development consent	Permitted only with development consent	Prohibited development
<ul style="list-style-type: none">Exempt development (refer Schedule 6 – Blayney LEP 1998)Agriculture (other than intensive livestock keeping)	Any development not included in column 1 or 3	Hotels; industries (other than rural, light or home industries); motor showrooms; residential flat buildings; shops (other than general stores)

‘Irrigated agriculture’ is defined under the *Blayney Local Environmental Plan 1998* as:

***irrigated agriculture** means agricultural production requiring the application of water to crops by utilisation of a permanent irrigation system and includes the following activities:*

orcharding, plant propagation, plant breeding, viniculture, ornamental floriculture, intensive vegetable production and landscape horticulture.

Under the provisions of the *Blayney Local Environmental Plan 1998*, irrigated agriculture requires development consent from Council. Any person intending to carry out irrigated agricultural activities is advised to discuss the proposal with Councils Environmental Services Department prior to submission of the development application.

Council may consent to the subdivision of land for the purpose of creating rural-residential allotments within the 1(c) zone. Subdivision of such land is subject to the provisions of *Blayney Local Environmental Plan 1998*, including Clause 15, reproduced below.

15. Subdivision for the purposes of dwelling houses in Zone No. 1(c)

- (1) The Council shall not consent to an application to subdivide land within Zone No.1(c) unless each allotment intended to be created primarily for the purposes of a dwelling-house has an area of 2 hectares or more.*
- (2) The Council must not grant consent to the subdivision of land within Zone No 1(c) unless it has made an assessment of:*
 - (a) the land capability (including soil resources and soil stability), natural constraints and hazards of the land to be subdivided in relation to the density of the allotments proposed to be created, and*
 - (b) the desirability of providing a range and mixture of allotment sizes, and*
 - (c) whether the design of each allotment to be created by the subdivision is satisfactory for the economic provision of services and the physical suitability for on-site disposal of wastes, and*
 - (d) the capability of the land to accommodate septic disposal of household waste, and*
 - (e) the standard and capacity of public roads serving the land relative to the likely volume of traffic to be generated as a consequence of the density of the proposed development, and the means available to improve roads to a standard appropriate to the level of traffic likely to be generated, and*
 - (f) the availability of other similar kinds of services and social services relative to the likely demand for those services and costs of their provision, and*
 - (g) the purpose for which the land is to be used after subdivision.*

2.2 *Staged Subdivisions*

Council may grant consent to subdivision of land where it is intended to carry out the development in a number of stages. Where it is intended to stage the development, a concept plan showing the intended full proposal shall be submitted with the initial development application.

2.3 *Registration and Release of Survey Plans*

A Subdivision Certificate is required before the final survey plan can be registered with the Land Titles Office. A Subdivision Certificate will only be issued by Council under the provisions of Section 109J of the *Environmental Planning and Assessment Act 1979* when all of the development consent conditions have been fully satisfied.

Council may consider a bond or bank guarantee to cover the cost of various works required by the conditions of development consent (eg. Provision of access) in lieu of such works being completed at a later stage. Any such security must be arranged to the satisfaction of Council prior to issuing of a Subdivision Certificate.

3. SITE ANALYSIS

An analysis of the site should be carried out for all development or subdivision proposals within the 1(c) Rural Small Holdings Zone. A site analysis should examine the key influences, constraints and opportunities affecting the land with respect to the proposed development, and the nature of the surrounding environment.

Matters that should be considered and assessed in the site analysis for any development proposal are not limited to, but include:

- ❖ Accurate property description and identification – lot and DP numbers, locality map, orientation, boundaries, easements and existing fence lines.
- ❖ Topographic features such as contours, drainage and ridge lines.
- ❖ Description of the existing use.
- ❖ Location of any dams, wells and/or bores.
- ❖ Flood liable land.
- ❖ Depth to watertable.
- ❖ Existing vegetation.
- ❖ Rocky outcrops.
- ❖ Prime crop and pasture land.
- ❖ Known or potential heritage items.
- ❖ Areas of significant erosion.
- ❖ High bushfire hazard areas.
- ❖ Existing buildings and improvements (including sheds, cattle yards, etc)
- ❖ Proximity and type of neighbouring developments, particularly separation from neighbouring residences.
- ❖ Likely impact of the proposed development on adjoining land and any external influences that may affect the proposal.
- ❖ Potentially contaminated land, which may include sheep dips, cattle yards, orchards, chemical storage areas, etc. Council may require soil tests of potentially contaminated sites and may require remediation of the contaminated area prior to any additional development proceeding.
- ❖ Identification of potential building sites.
- ❖ Potential household effluent disposal areas.
- ❖ Existing services – road access, telecommunications and electricity.

Development applications for subdivision of land must include details of:

- ❖ Proposed access location for each lot.
- ❖ Proposed building envelope on each lot having regard to the incorporation of buffers as outlined in Part 4.2.

4. MATTERS FOR CONSIDERATION

Following identification and analysis of the site constraints and opportunities, the proposed development should be designed having regard to the matters outlined below:-

4.1 General Subdivision Layout

- ❖ Size and shape – lots should be suitable in size, shape and layout to accommodate a dwelling, associated structures, driveways, landscaping, water tanks and on-site effluent disposal area whilst minimising any conflict with geographical features of the land.
- ❖ Boundaries – lot boundaries should follow existing fence lines or road reserves where practical.
- ❖ Dwelling sites – consideration should be given to the way a dwelling may be erected on each lot to allow for privacy, on-site disposal of effluent, minimising cut and fill and layout providing a northerly orientation to maximise solar access.
- ❖ Layout variation – variation in lot size, shape and type is preferable to continuous repetitive designs.
- ❖ Subdivision designs should allow for a variety of lot sizes – while the statutory minimum area permitted in Zone 1(c) is 2ha, subdivisions should be designed with an average size of not less than 3-4ha for new lots created (excluding any residual land).

4.2 Buffers

Subdivision layouts and new building site selections must have regard to adjoining development that may cause conflict with the proposed residential use. Buffers may be required to separate proposed dwelling sites from adjacent developments such as rural industries, mines, intensive agricultural developments, vineyards and areas subject to pesticide or herbicide spraying. Alternatively, buffers may be required between existing dwellings and new agricultural developments.

Buffers can be in the form of simple separation between developments, however, biological buffers (vegetated areas) provide a more effective barrier and are generally preferred. The need for, and extent of, any buffers will depend largely on factors such as the nature of conflicting landuse, its proximity to the proposed development, natural topography of the landscape, existing windbreaks, noise and visual barriers, prevailing winds, etc. The extent of buffer required will also be determined by the type of influence from which protection is sought – eg. Odour, noise, dust, chemical spray drift.

The following criteria should be adopted as a minimum when designing and establishing biological buffers. Specific assessment of buffer requirements will be determined according to the proposed and/or landuse.

- ❖ Minimum 35m wide separation area (including maintenance corridor);
- ❖ Contain random plantings of a variety of species endemic to the area of difference growth habits, at spacing of 4-5m for a minimum width of 30m;
- ❖ Include species with long, thin and rough foliage which facilitates the more efficient capture of spray droplets;
- ❖ Foliage from the base to the crown;
- ❖ Provide a permeable barrier, which allows air to pass through the buffer. Approximately 50% of the buffer should be air space;
- ❖ Include species which are fast growing and hardy;
- ❖ Have a mature tree height a minimum 1.5 times the chemical application release height for agricultural spray buffers;
- ❖ Include a clear area (minimum 5m) along the internal side of the vegetate strip for maintenance.

Where vegetated buffers are necessary, Council will require identification of acceptable plant species by a suitably qualified person. Environmental performance bonds may also be applied to ensure satisfactory establishment and maintenance of buffer to a semi-mature state.

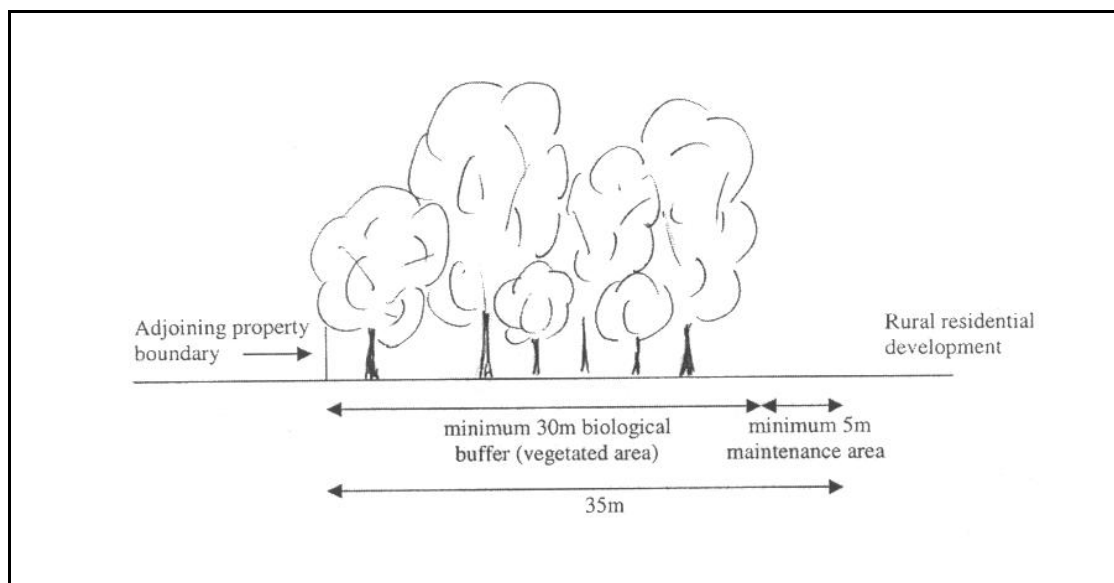


Figure 3: Minimum Biological Buffer Standards

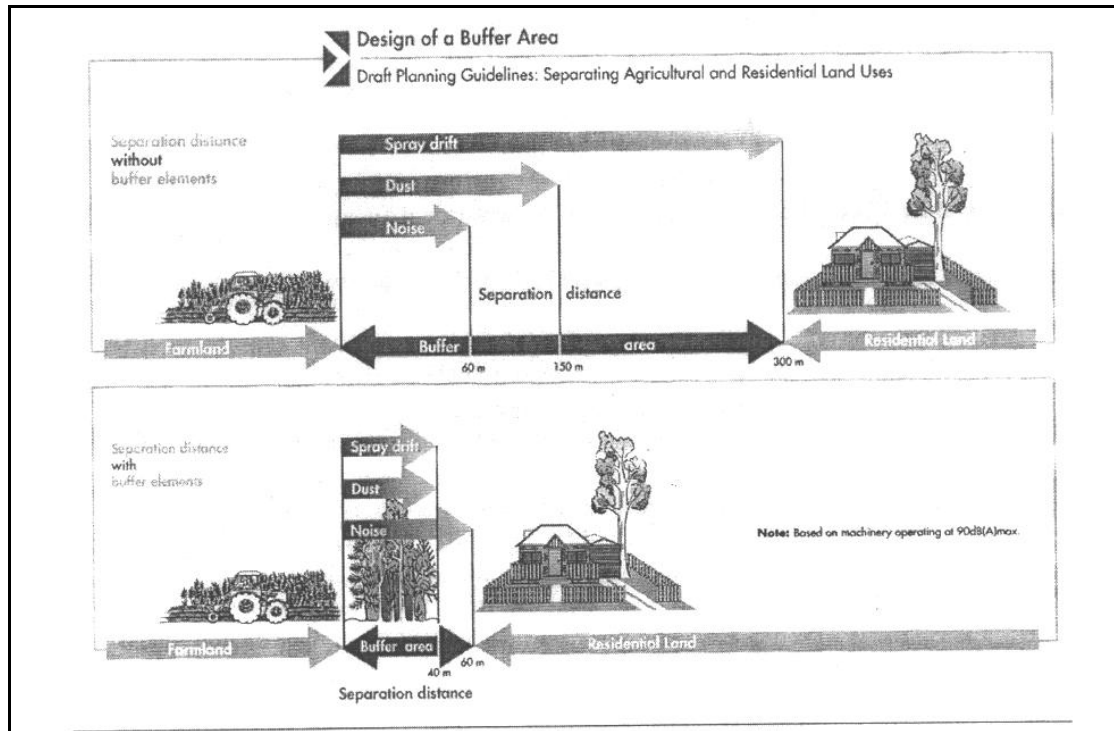


Figure 4: Separation Guidelines

4.3 Erosion and Sediment Control

Adequate erosion and sediment control measures shall be incorporated around the building site and any earthworks eg. Road construction, where there is potential for sediment movement. Such measures may include catch drains, storm water diversion channels, sediments barriers, and minimising the amount of area disturbed during site works. Rehabilitation of all disturbed areas should be undertaken as quickly as possible to ensure effective control of sediment.

4.4 Roads and Access

The following road and access standards are applicable to all subdivisions for rural residential lots in the 1(c) Rural Small Holdings Zone:-

- ❖ All newly constructed internal roads providing access to allotments are to be bitumen sealed.
- ❖ Bitumen roads are to be constructed to Council's RB1 road standard (see Figure 5) with an 80kph design speed.
- ❖ Full plans and specifications of proposed roads are to be submitted to Council for approval and issuing of a Construction Certificate prior to the commencement of any site works.
- ❖ No through roads are to incorporate a cul-de-sac turn around bowl with a turning circle of 17m minimum diameter.
- ❖ Entrance gates to new lots shall be sited so as to provide a minimum sight distance of 7 seconds, being:-
 - 195m on 100kph road
 - 150m on 80kph road
- ❖ New public roads and road reserves are to be fenced to a stock proof standard.
- ❖ At new intersections, provisions shall be made for shoulder widening on both sides of the through road for a school bus stopping area.
- ❖ At the T intersection of any new roads, provisions shall be made for shoulder widening on both sides of the through road for a school bus stopping area.
- ❖ Where existing roads servicing the subdivision require upgrading to an 80kph design speed, the developer shall provide land as a dedication for road widening to accommodate such improvements.
- ❖ An easement for right-of-way (ROW) access should only be used where no public road access is available and may only be used to provide access to one lot. Such easements shall be a minimum of 10m wide, with 4m wide gravel pavement and inclusion of suitable drainage structures.
- ❖ Access from bitumen sealed roads – access to lots from the road shoulder to the gate/ramp shall be constructed to bitumen seal standard with adequate drainage structures to be determined with respect to the access location following consultation with Council.
- ❖ Access to lots shall be recessed such that the gate/ramp is situated not less than 15m from the edge of the existing road formation to ensure any vehicle entering the property stands clear of the existing road.

Figure 4.9.7: Standard Rural Access Design

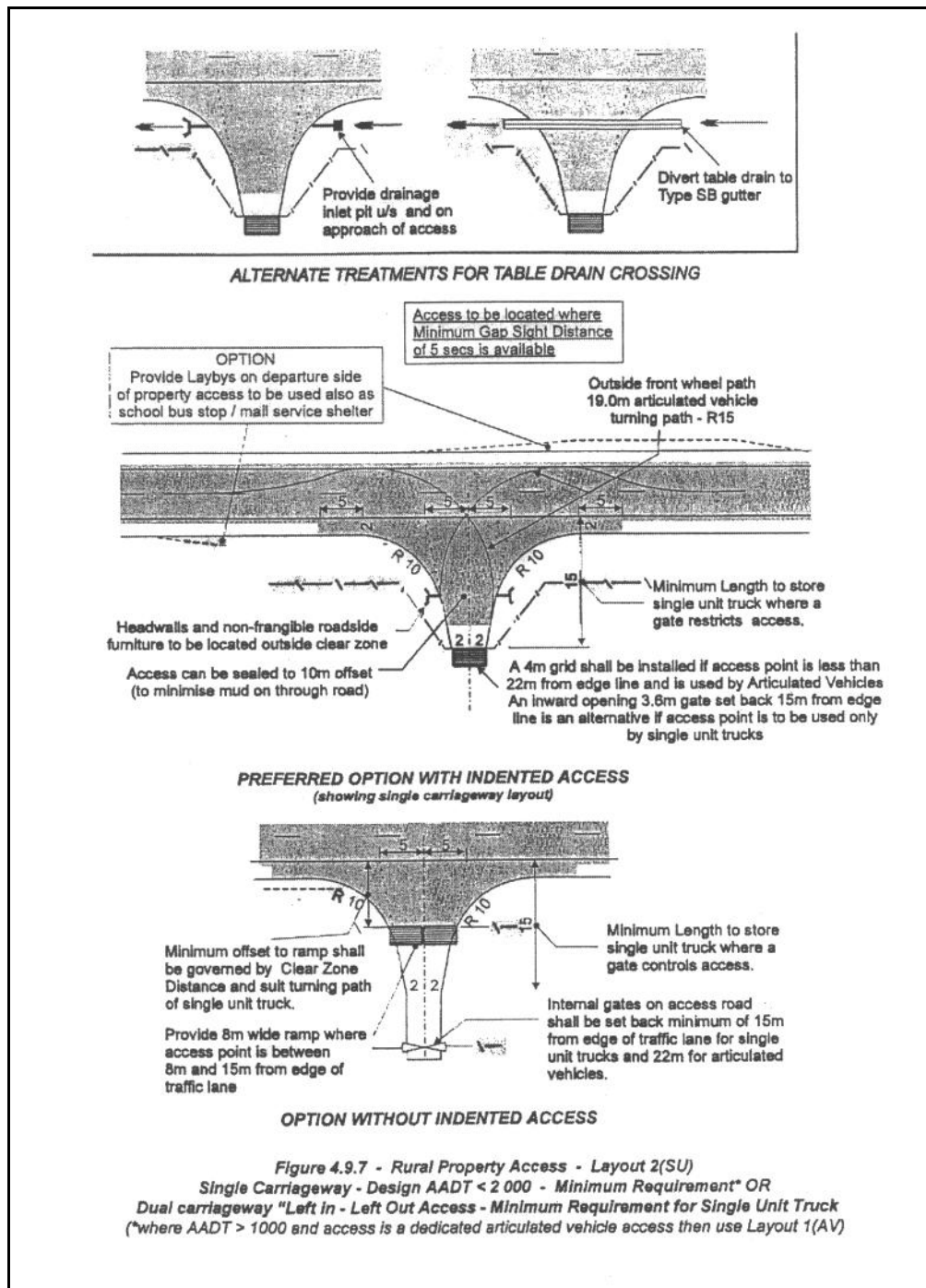


Figure 5: RBl Road Standard

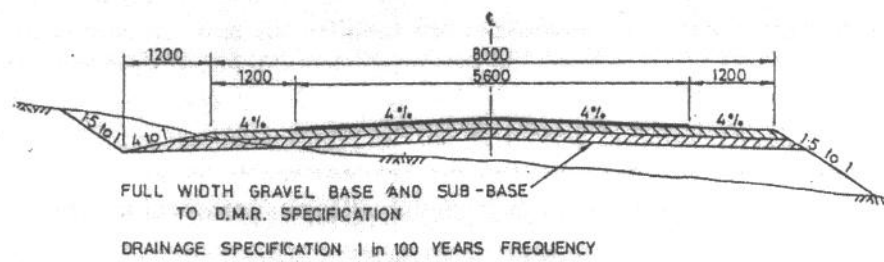
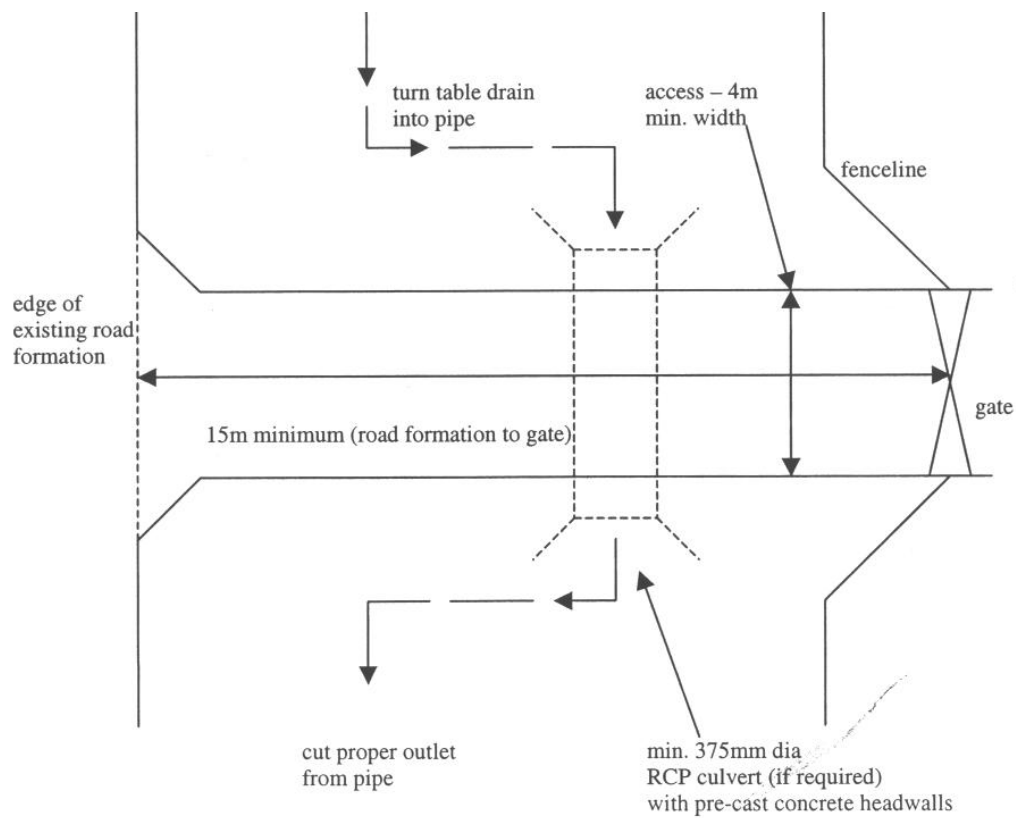


Figure 6: Standard Rural Access Configuration – Requiring Culvert



4.5 Waste Water

At the subdivision stage, Council must be satisfied that each of the proposed lots will have an adequate area for the on-site disposal of effluent and waste water. Lots should be designed to enable an area for effluent disposal away from any natural drainage lines, bores, rocky outcrops or neighbouring property boundaries.

Council will require an assessment of the proposed building envelope or nominated effluent disposal area to determine the capability of the land to accommodate septic disposal of household waste.

The design of a suitable effluent disposal system should be based on the Environmental and Health Protection Guideline “On-site Sewerage Management for Single Households”, however it should be noted that aerated systems are not generally acceptable.

Rural development that require on-site wastewater disposal systems are required to submit details of the proposed system for Council approval prior to commencing any building work.

The following principles are to be applied to the location of septic tanks:-

- ❖ Septic tank to be not less than 1.5m from any building
- ❖ A minimum of 60 lineal metres of absorption trench
- ❖ Absorption trenches to be constructed parallel to the contour of the land
- ❖ Disposal area to be sited so as not to contaminate any natural watercourse
- ❖ Absorption trenches to be protected from stormwater runoff

Figure 7: Typical waste water disposal system

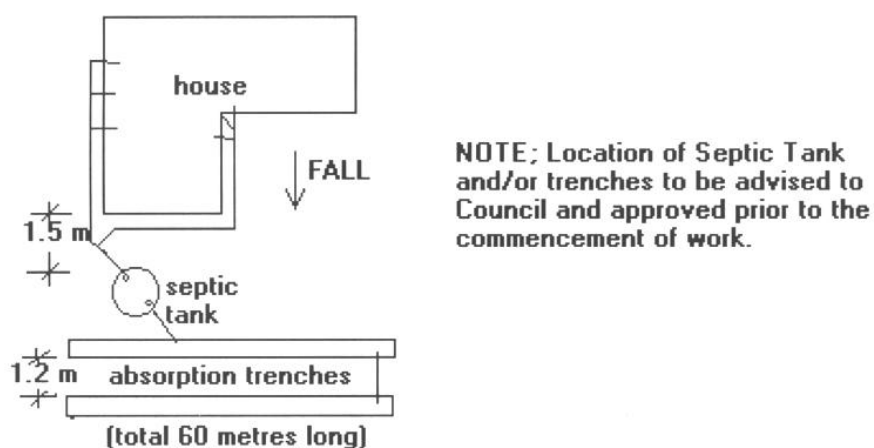
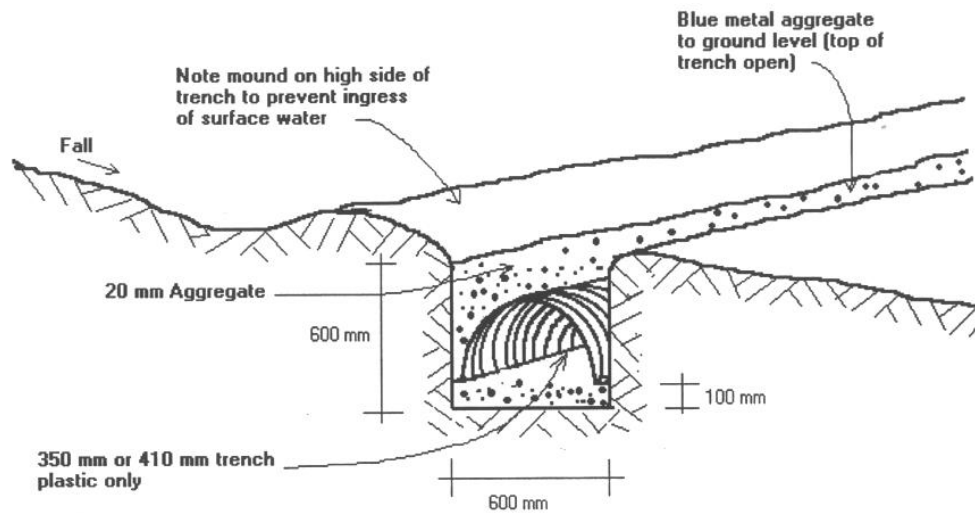


Figure 8: Section through typical absorption trench



4.6 Water

Where a subdivision is to be connected to a reticulated water supply, Council will require written confirmation (compliance certificate) from Central Tablelands Water stating that the water supply will be available to the newly created lots, prior to the issuing of a Subdivision Certificate. It is the developer's responsibility to obtain the written confirmation from Central Tablelands Water and meet any requirements that may be necessary to provide an adequate water supply.

Where a subdivision is not connected to the reticulated water supply, the developer shall provide full details of any existing water supply and the proposed means of supplying water to the new lots.

It should be noted that any additional water facilities will need to comply with current licensing and policy requirements of the Department of Land and Water Conservation.

ON-site water collection and storage facilities should comply with Australian Drinking Water Guidelines titles "Guidelines on the use of rainwater tanks". Bores being used for domestic water supply should also be tested for suitability prior to use.

New dwellings in rural areas are required to provide an adequate on-site water supply for domestic usage and fire fighting reserves. The total storage capacity must be not less than 22,000 litres including a minimum of 10,000 litres for fire fighting reserve, as recommended by the Bush Fire Council.

The required volume of water storage is determined in relation to the number of people that would normally use the premises, as per the following table.

People	Litres
2	23,700
3	30,550
4	37,400
5	44,250
6	51,100
7	57,950

Storage capacity may be in ground or above ground provided that, with respect to the 10,000 litres reserved for fire fighting purposes, the following is observed:

- ❖ Where in ground storage is provided, access for pumping water in to a fire fighting unit must be provided. In this regard, a standard suction hose is usually 6m in length.
- ❖ Where above ground storage is provided, the following is required:
 - a. The outlet for domestic supplies be located at a level above that of the 10,000 litres reserved for fire fighting purposes;
 - b. The outlet for fire fighting purposes be fitted with a 65mm Storz type full flow tap with cap and stop valve; and
 - c. The outlet above be located so as to provide easy access for fire fighting units ie. directly where there is vehicle access to the outlet or via pumping where direct access is not available.

4.7 Flora and Fauna

Intending developers must consider the likely impact of their developments on existing flora and fauna on the site and in the general area, especially in terms of the *Threatened Species Conservation Act, 1995 and State Environmental Planning Policy 44 – Koala Habitat Protection*. Depending on the site characteristics and the nature of the development, Council may require a preliminary flora and fauna assessment to be carried out by a suitably qualified person to determine the likely impact of the proposed activities.

4.8 Buildings

A development application must be submitted to Council for approval prior to the commencement of any building work on rural land within Blayney Shire. All rural development should be sited and designed in accordance with the following principles:

- ❖ All structures, including dwellings and sheds, should be designed and constructed to blend in with the natural environment and not detract from the rural amenity of the area.
- ❖ Buildings, such as dwelling, sheds, etc, shall be constructed in a single group rather than being spread over the whole property.
- ❖ Dwellings shall be located in an area free from influence by storm water runoff or localised flooding.

- ❖ Dwellings should generally be set back from the nearest public road to minimise the influence of road noise and dust from unsealed roads.
- ❖ New buildings in close proximity to Millthorpe shall have regard to the design guidelines contained in Millthorpe Development Control Plan No.2 – Development Guidelines for Heritage Conservation.

4.9 Utility Services

Telephone - prior to issuing a Subdivision Certificate, Council will require written confirmation from Telstra stating that telephone services can be made available to all newly created lots. It is the developer's responsibility to obtain necessary written confirmation from Telstra and meet any requirements that may be necessary to provide an adequate supply.

Electricity – prior to issuing a Subdivision Certificate, Council will require written confirmation from Country Energy stating that electricity supply can be made available to all newly created lots. It is the developer's responsibility to obtain necessary written confirmation from Country Energy and meet any requirements that may be necessary to provide an adequate electricity supply.

4.10 Section 94 Contributions

Section 94 of the *Environmental Planning and Assessment Act, 1979* enables Council to levy contributions on developments to redress the impact of such developments on the provision of necessary services and amenities by Council.

Blayney Shire Council has adopted a number of Section 94 Contributions Plans for such purposes. The plans relevant to rural-residential subdivision are outlined below. Developers are advised to check the respective Contribution Plans and the current contribution rate as this may vary according to CPI increases. It should also be noted that contributions may be applicable for development other than subdivision, such as dual occupancy, commercial premises or industrial development.

BSC 1 Rural Roads

As development proceeds within the Shire, additional road traffic is generated by that development, resulting in road improvements and on-going maintenance being required to meet the road safety and amenity standards of the community. This plan reflects the impact of additional traffic relative to the improvements required and the means of funding those improvements.

It should be noted that Section 94 contributions for roads may be additional to the requirement to provide or upgrade roads to initially service the subdivision or development.

BSC 8 Bush Fire

Contributions levied in respect of Bush Fire are relative to the expected increase in demand imposed on existing bush fire services or the provision of new facilities to meet the development demand.

BSC 10 Community Facilities

Contributions levied in respect of community facilities are relative to the expected increase in demand imposed on existing community facilities or the provision of new facilities to meet the development demand.

NOTE: Section 94 contributions are detailed as a condition of development consent. Such contributions are payable to Council prior to the issuing of a Subdivision Certificate.

4.11 Noxious Weeds

Noxious weed control is carried out by Upper Macquarie County Council (UMCC), 7 Lee Street, Kelso 2795. UMCC is concerned that many subdivisions, noxious weed problems can be passed on to new landowners without their prior knowledge. All intending developers are therefore advised to consult with UMCC prior to development to ensure that adequate measures have been undertaken to control noxious weeds on the land.