



**DEVELOPMENT CONTROL**

**PLAN NO. 9**

**STRATHNOOK LANE**

**RURAL SMALL HOLDINGS**

**AS APPROVED BY COUNCIL AT THE MEETING OF  
20 DECEMBER 1999**

**CAME INTO EFFECT ON  
24 DECEMBER 1999**

## **1.0 INTRODUCTION**

### **1.1 WHAT IS THIS PLAN CALLED?**

This plan is called Cabonne Development Control Plan No. 9 Strathnook Lane Rural Small Holdings. It is a Development Control Plan pursuant to Section 72 of the Environmental Planning and Assessment Act 1979 that has been prepared in accordance with the provisions of the Environmental Planning and Assessment Regulation 1994.

This plan shall come into force on 24 December 1999 in accordance with Clause 20(4) of the Environmental Planning and Assessment Regulation 1994.

### **1.1 WHAT IS THE PURPOSE OF THE PLAN?**

The purpose of the Plan is to provide development standards and guidelines aimed to encourage sound design and property development of rural residential land within Cabonne Shire area.

The Plan has been prepared in conjunction with Cabonne Local Environmental Plan 1991 Amendment No. 10 that was gazetted on 30 July 1999.

### **1.2 WHERE DOES THIS PLAN APPLY?**

This Plan applies to the land in the Shire of Cabonne zoned 1 (c) (Rural Small Holdings) as depicted by the heavy black edging on the Cabonne Development Control Plan No. 9 Map.

### **1.3 WHAT ARE THE AIMS AND OBJECTIVES OF THIS PLAN?**

The aims of this Plan are:

- i) To ensure that the aims and objectives of Cabonne Local Environmental Plan 1991 relating to rural residential development in the 1(c) (Rural Small Holdings) zones are achieved.
- ii) To ensure that residents and developers are well informed of Council's requirements relating to 1(c) (Rural Small Holdings) zones.
- iii) To ensure that adequately documented development applications are lodged that substantiate the manner in which the proposed development has been designed to fit the particular site conditions, development principles and standards detailed in this Plan.
- iv) To protect established agricultural practices on any adjoining prime agricultural lands;

## 1.7 DEFINITIONS

Definitions of terms applicable to this Plan are as follows;

“Access” means;

A vehicular access from the edge of formation of the public road to the gate or grid entry point to the dwelling parcel.

“New dwelling parcel” means;

- i) a new vacant lot in a subdivision which is approved for the purposes of a dwelling;
- ii) the creation of new dwelling parcels through disposal of part of an existing holding via existing Crown Titles.

“Dwelling envelope” means;

A diagram drawn on a vacant lot of a subdivision plan defining the limits for the siting of any dwelling on that lot.

## 2.0 GUIDELINES FOR DEVELOPMENT GENERALLY

### 2.1 Suitable Land Types

New areas for rural/residential development should be located having regard to the following principles:

#### 2.1.1 General

- i) Prime crop and pasture land should be avoided unless there are other overriding factors such as settlement patterns or serviceability requirements.
- ii) Spray buffer zones of at least 150 metres should be provided between any professional agricultural property and the nearest dwelling envelope.
- iii) Sufficient distance should be provided from rural industries to limit noise and odour pollution impacts.
- iv) Land should be suitable for satisfactory on-site disposal of effluent.
- v) Suitable dwelling and effluent disposal envelopes are to be demonstrated for all proposed lots.
- vi) Where site constraints dictate, consideration should be given to communal sewerage and water supply for a component of the development.

Environmentally sensitive lands should be excluded from consideration.

Areas of remnant or native vegetation should be maintained and protected.

Permanent and ephemeral drainage lines should be avoided. Alternatively, they may be sensitively incorporated into subdivision design by ensuring that development provides for:

- ❖ The stability of streambanks or foreshores of waterbodies; and
- ❖ Protection and enhancement of aquatic and riparian ecosystems; and
- ❖ Retaining drainage patterns ; and
- ❖ Protecting water quality and the needs of existing and potential users of water from that waterbody.

Development should not result in:

- ❖ Destruction of native riparian vegetation in the area; or
- ❖ Siltation of the waterbody; or
- ❖ The release of effluent or other nutrients into the waterbody.

#### **2.1.7 Waste water Management**

Hydrological assessments of land will be required to determine lot layout, effluent disposal options and impacts on water quality. Such assessment shall be consistent with the *Environmental Health and Protection Guidelines for On-Site Sewerage Management for Single Households*.

#### **2.1.8 Contaminated Land**

Assessment of contaminated lands will be required.

#### **2.1.9 Flood Liable Land**

Flood liable land should be excluded from consideration.

#### **2.1.10 Aboriginal and European Heritage**

Areas of Aboriginal and European heritage should be preserved. The applicant may be required to undertake an assessment of the land by a qualified person in respect to items of Aboriginal and European Heritage.

#### **2.1.11 Roads**

Council will consider the implementation of a Section 94 Contributions Plan over 1(c) zoned areas to recover road upgrading works external to any proposed subdivision.

- ❖ The preparation of a sediment and erosion control plan for the development site.
- ❖ Facilities such as the location of fire brigades, school bus and garbage removal service routes.
- ❖ Means of obtaining practical access to the dwelling site having regard to restrictions on the creation of new points of access to arterial roads and the costs of construction of private access tracks to dwellings.
- ❖ The nature, uses and position of buildings on adjoining land.

This analysis should be used to identify overall site capacity for dwellings and the location of dwelling envelopes. The imposition of a Section 88B Instrument under the Conveyancing Act 1919 is required for all dwelling envelopes identified.

### 2.3 CONSULTATION

When preparing a development application, the applicant is encouraged to consult with the Soil Conservation Branch of the Department of Land and Water Conservation on matters concerning general land suitability, subdivision design to minimise erosion, sedimentation risks and the location and design of farm dams.

Consultation with other authorities is also desirable in the following circumstances:

- ❖ Roads and Traffic Authority where there is no alternative to access from arterial roads;
- ❖ Department of Water Resources where water is proposed to be drawn from permanent water courses or a potential flood risk is involved;
- ❖ NSW Agriculture where the proposed development involves potential conflicts with established agricultural operations or where advice is required in the agricultural potential of the land.
- ❖ Council's Fire Control Officer, where the land involves medium to high bushfire hazard risk, as indicated on the Bushfire Hazard maps (currently being developed).
- ❖ Department Land & Water Conservation where Crown Land is involved or where Crown Land or native vegetation might be affected by the development.
- ❖ NSW National Parks and Wildlife Service where development is likely to affect Aboriginal sites and threatened species, populations, ecological communities or their habitat.

- ii) the estimated cost to connect each dwelling envelope to the mains (based on an estimate of homebuilders costs).

### 3.2.2 Water Supply

In the case of rural residential estates without reticulated water supply, Council will require that the majority of lots obtain a suitable site and catchment for a dam of at least 1000 cubic metres capacity. (There is a suggested minimum catchment of 2 hectares and a desirable catchment of 5 hectares for drought protection).

Council may consult with the Department of Water Resources as to likely downstream impacts of dam installation and may add conditions to the development consent accordingly. Construction of dams should be to a standard approved by the Soil Conservation Branch of the Department of Land and Water Conservation.

### 3.2.3 Waste water Disposal

Applications should include evidence that the land is suitable for waste water disposal. Such assessment shall be consistent with the *Environment & Health Protection Guidelines for On-site Sewerage Management for Single Households* published by the Department of Local Government & Environment Protection Authority.

### 3.2.4 Road Standards and Roading Contributions

#### a) General

Council is required to assess the impact of any development on the road system. Where the current standard is not adequate Council may seek to improve the road standard.

Pursuant to its powers under Section 90 and 94 of the Environmental Planning and Assessment Act, Council may set conditions and/or require contributions from the developer as detailed below:-

#### b) New Roads

New roads are to be designed and constructed in accordance with "*Engineering Specifications for Subdivision and Development*" (as updated).

The developer will be required to meet the full cost of road construction to the specified standard or a proportionate cost if other potential users are involved.

##### i) Engineering Design

Survey, design and specifications for new roads to a standard required by Council must be provided to Council following the approval of a Development Application.

### **3.4 Notification**

Council will notify neighbours with respect to rural small holdings subdivision and comments invited.

### **3.5 Bushfire Protection**

All lots will need to demonstrate a dwelling envelope with potential to be readily developed to a low fire hazard risk to the satisfaction of Council.

Given the nexus between the provision of dwellings and the extra work load imposed on the local bush fire service, Council has resolved to require a contribution in accordance with Section 94 of the Environmental Planning and Assessment Act 1979.

The full amount of the contribution goes to the local brigade to improve bush fire amenities and services as is detailed in Councils "*Section 94 Bushfire Services Contributions Plan*".

### **3.6 Consideration of other Natural Hazards**

All new lots will demonstrate at least one dwelling site that in the view of Council is adequately protected from natural hazards such as flood, slip and subsidence.

## **4.0 GUIDELINES FOR RESIDENTIAL USE AND ERECTION OF BUILDINGS**

### **4.1 Siting of dwelling and associated buildings**

- ❖ Dwellings and associated outbuildings, garages, tanks and the like should generally be sited in a manner that maintains the rural character of the countryside. This includes the separation of buildings and minimising long lengths of access road or other works if they substantially disturb natural land forms and vegetation or otherwise increase soil erosion risk.
- ❖ New dwellings should also be sited so as to lessen the cost of constructing and maintaining access driveways and service provision.
- ❖ New buildings should be sited to blend with the natural topography in order to reduce visual impact.
- ❖ Buildings should generally not be located on sites where slope gradients are greater than twenty (20) percent.
- ❖ Council may not permit development on slopes of this gradient or greater unless fire protection measures are adequate and special soil and foundation stabilisation works are effected.

### Fire Protection

Applicants will demonstrate a reserve water storage, separate from dwelling supply of not less than 10,000 litres. Such supply is to be held to ensure that a reserve is available to assist in fire protection.

This reserve fire storage will generally comprise:

- ❖ a reserve in the base of a rainwater storage tank, or
- ❖ a suitable dam/tank storage.

The supply must be readily accessible to bush fire tankers (a valve of at least 50mm diameter is recommended for the base of rainwater tanks).

### Garden Supply

Utilisation of a water supply from a bore, dam or creek is recommended if irrigation of a garden is proposed.

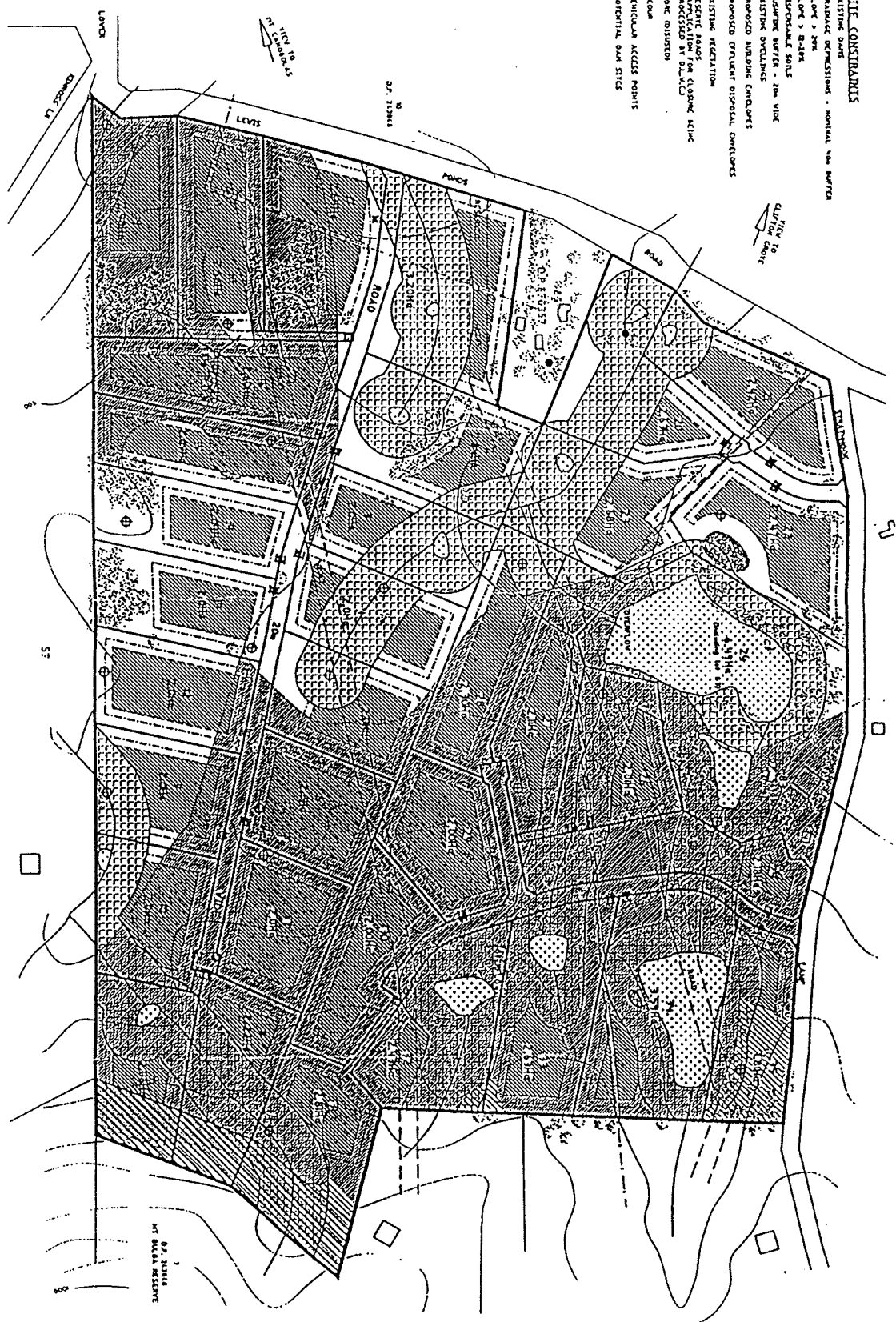
## **4.4 DISPOSAL OF WASTES**

Council in determining an application for development consent for the erection of a dwelling shall give consideration to soil suitability and to the reasonable separation of effluent disposal from natural drainage features.

A site-specific analysis of each lot in accordance with the Environment & Health Protection Guidelines for *Environmental Health and Protection Guidelines for On-Site Sewerage Management for Single Households* will be required.



- SITE CONSTRAINTS**
- ☐ EXISTING BARRIERS
  - ▭ EXISTING DEPRESSIONS - NORMAL AND WATER
  - ▨ SLOPE > 5%
  - ▩ SLOPE > 10%
  - ▧ SUBSIDIARY SITES
  - ▦ BUILDING BARRIERS - 100' WIDE
  - ▥ EXISTING OVERLINES
  - ▤ PROPOSED BOUNDING OVERLINES
  - ▣ PROPOSED DRAINAGE DISPOSAL OVERLINES
  - ▢ EXISTING VEGETATION
  - ▧ PROPOSED BARRIERS
  - ▩ PROPOSED BARRIERS FOR CLASHING WITH
  - ▨ BARRIERS DISTURBED BY D.V.C.U.
  - ▩ BARRIERS
  - ▧ VEHICULAR ACCESS POINTS
  - ▦ POTENTIAL BARRIERS



SCALE 1 : 5000



SUBJECT LAND EDGED

# CABONNE RURAL SMALL HOLDINGS DEVELOPMENT CONTROL PLAN - No.9