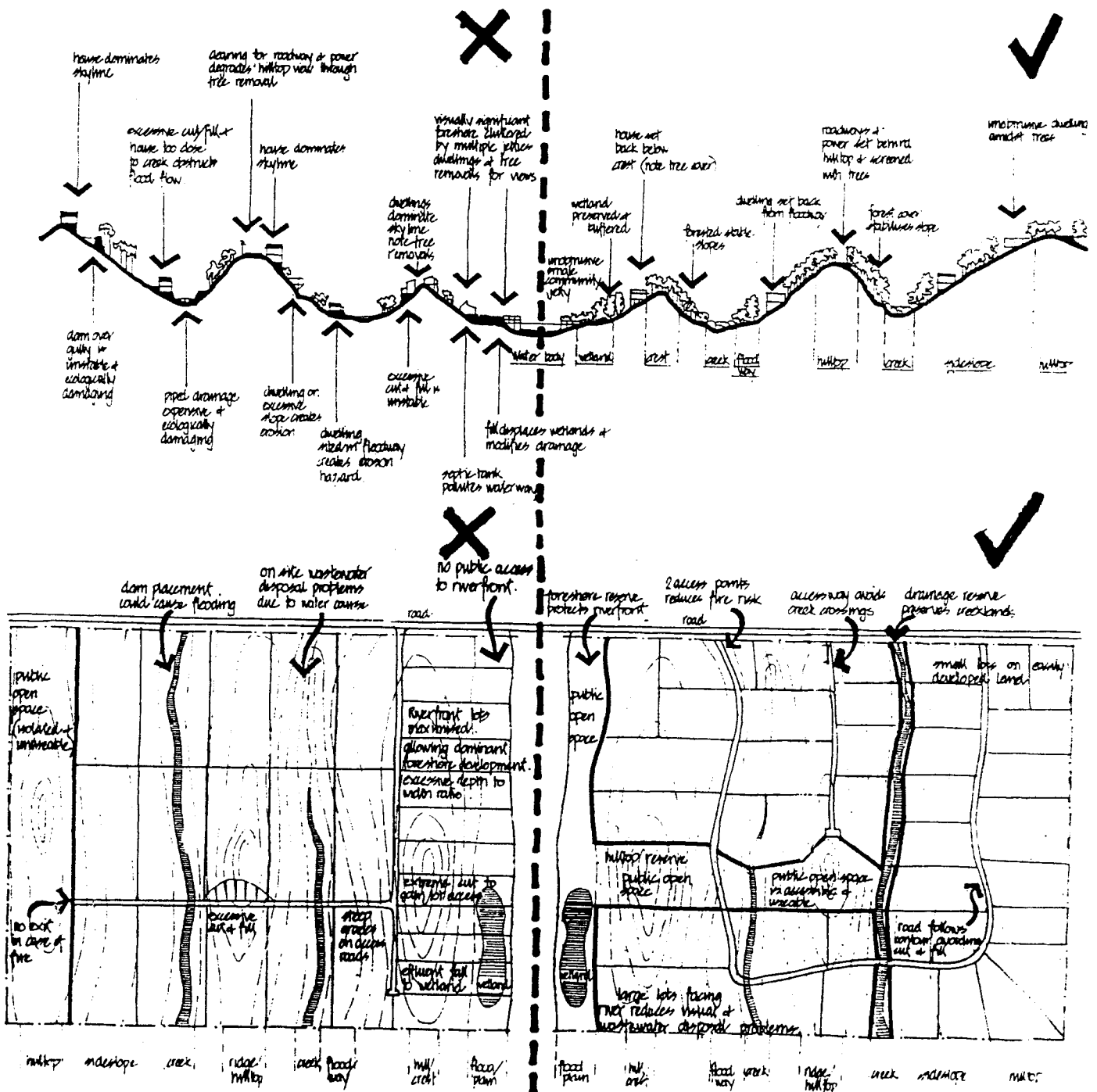


DEVELOPMENT CONTROL PLAN

No.156.

RURAL SUBDIVISION

EUROBODALLA SHIRE



DEVELOPMENT CONTROL PLAN NO. 156

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DEVELOPMENT CONTROL PLAN NO 156

RURAL SUBDIVISION

This is to certify that this Development Control Plan has been prepared in accordance with the provisions of the Environmental Planning and Assessment Act, 1979.

SIGNED: 

DIRECTOR OF PLANNING

This Plan was adopted by Council on 29 June 1987 and applies from 16 December 1987.

Amendment No 1

Effective 14 October 1988

Amendment No 2

Council Resolved to Prepare 23 July 1990
 Notified Intention to Prepare 1 August 1990
 Exhibited Draft 12 September 1990 until 10 October 1990
 Adopted 10 December 1990
 Became Effective (Notice given) 19 December 1990

Amendment No 3

Council resolved to prepare 9 September 1991
 Notified Intention to prepare 18 September 1991
 Exhibited Draft 6 November 1991 until 4 December 1991
 Adopted 21 January 1992
 Became Effective (notice given) 29 January 1992

Amendment No 4

Council resolved to prepare each 20.10.92
 Notice of intention to prepare 28.10.92
 Draft exhibition (with Draft LEP Amendment no 6) from 21.7.93 to 11.8.93
 Adopted by Council 12.10.93
 Notice given 20.10.93
 To take effect upon gazettal of Amendment No 6 to Rural LEP 1987

AMENDMENT NO 5

Council Resolved to Prepare	6 April 1993
Notified Intention to Prepare	14 April 1993
Exhibited Draft	29 December 1993
	27 January 1994
Adopted	15 July 1994
Became Effective (Notice Given)	27 July 1994

DEVELOPMENT CONTROL PLAN NO 156**RURAL SUBDIVISION****1. INTRODUCTION**

This Development Control Plan is to apply primarily to those areas of land zoned 1(c) Rural Smallholdings under Eurobodalla Rural Local Environmental Plan 1987 (Rural LEP) which are not affected by another specific DCP. The Plan also applies to land within the Shire zoned 1(a), 7(a), 7(f1) and 7(f2) under the Rural LEP.

This Plan implements the Rural LEP by providing further details and guidelines for development. Therefore, prospective developers should familiarise themselves with the provisions and objectives of the Rural LEP, particularly those relating to the 1(c) Rural Smallholdings Zone.

2. LAND TO WHICH THIS PLAN APPLIES

This Plan applies to all land within the Shire of Eurobodalla zoned 1(a), 7(a), 7(f1) or 7(f2) under Eurobodalla Rural Local Environmental Plan 1987 as well as that land zoned 1(c) under the Rural LEP which is shown on the map marked "DCP No. 156 1(c) Index Map" held in the offices of Council.

3. AIMS AND OBJECTIVES OF THE PLAN

The preparation of Development Control Plans is a specific strategy of the Rural LEP by which the aims and objectives of that Plan are to be achieved.

This Development Control Plan aims to:

- (a) highlight the need for full and proper consideration of environmental constraints and servicing requirements in the preparation of any application to Council for development consent and the requirement for the preparation and submission of an Environmental Review with such application;
- (b) set heads of consideration for design which must be addressed in any subdivision application and/or Environmental Review;
- (c) establish principles to be applied which will determine the density achievable in any area zoned 1(c);
- (d) identify development constraints applying to the land and locate development areas taking into account such constraints;
- (e) provide protection for environmentally sensitive areas such as wetlands, rainforest, closed canopy forest and other significant areas of native vegetation, steep land, water courses, drainage lines, areas prone to flooding or erosion and aboriginal archaeological relics;
- (f) encourage retention of trees generally and preserve prominent ridgelines and other scenic areas in their natural state to protect the visual amenity;

(contd)

3. Aims and Objectives of the Plan (contd)

- (g) promote re-planting, with indigenous species, on currently cleared ridges and other scenically significant areas;
- (h) determine access and service requirements, and
- (i) further the aims and objectives of the Rural LEP.

4. SUBDIVISION DESIGN: Zone No. 1(c) Rural Small Holdings Zone

This Clause applies to land zoned 1(c) Rural Small Holdings.

4.1 Main Constraints

Subdivision designs should aim to:

- (a) maximise retention of native vegetation;
- (b) minimise potential for erosion, sedimentation and contamination of water courses;
- (c) avoid intrusion of development on visually significant ridges, hill slopes, drainage lines and other environmentally sensitive areas;
- (d) provide opportunity for the location of dwelling houses in sympathy with the capability of the land;
- (e) provide a mix of lot sizes;
- (f) provide safe, practical and environmentally compatible vehicular access; and
- (g) ensure compatibility with existing and future surrounding development.

Designers should refer to the particular Constraints Map which forms part of this Development Control Plan.

4.2 Lot Sizes and Subdivision Density

For areas where specific constraints maps are yet to be determined, lots created should have an average area of 2 hectares or more in order to maintain the "semi-rural character" of land zoned Rural Small Holdings.

The average lot size principle is used to protect environmentally sensitive areas from the effects of development without unduly restricting the overall development potential of the land. The average lot size may be achieved either by the intermingling of several different lot sizes within the subdivision according to environmental constraints or by the clustering of smaller lots in either one or several areas to protect larger environmentally sensitive areas elsewhere on the land. In either case, and in respect to proposed lots that are twice the size or greater than the average lot size specified for the area, Council will require a restriction on the title (pursuant to Section 88B of the Conveyancing Act) prohibiting further subdivision of those lots unless:

(contd)

4.2 Lot Sizes and Subdivision Density (contd)

- (a) The lot is indicated as a residue allotment for further subdivision in which case the area of the lot shall not be used for the purpose calculating the average lot size, or
- (b) The lot is to be dedicated to Council for environmental protection and management purposes as public reserve.

The concept of clustering of proposed allotments will only be permitted where it is clearly demonstrated by the applicant that such a subdivision design will protect sensitive land. Lots less than 5000 square metres or the re-subdivision of environmentally sensitive land will not be permitted.

Lots between 1 ha and 2 ha in area may be appropriate where they are:

- adjacent to an existing urban area or zone;
- served by lead in and access roads that are sealed and of an adequate standard for the development;
- served by reticulated electricity; and
- compatible with the character of the land.

Lots between 5000m² and 1ha in area may be appropriate where they are:

- adjacent to an existing urban area or zone;
- served by lead in and access roads that are sealed and of an adequate standard to service the development;
- served by reticulated electricity;
- provided with drainage reserves if necessary;
- served by a reticulated water supply;
- not less than 5 000 sq m in area; and
- compatible with the character of the land.

Lots larger than 2 hectares should protect environmentally sensitive areas and features, provide a transition or buffer, or provide opportunities for small scale rural activities where the land:

- abuts a major river, wetland, lake or other significant waterway;
- abuts the Rural 1(a) or Environment Protection zones;
- abuts or contains visual, noise or air polluting development;
- contains significant areas of Agricultural Capability Classes 1-3;
- is significantly constrained by steep slopes, flooding, or areas of scenic or ecological value; and
- abuts State Forest.

(contd)

4.3 Identification of Development Envelope

"Development Envelope" means an area within a lot which has adequate access, is capable of accommodating a dwelling house, vehicle standing area, garage and on-site effluent disposal area, plus an allowance for dual occupancy (or an oversize dwelling) and for additional septic absorption area.

A development envelope should be nominated on each proposed lot. That development envelope should:

- (a) be not less than 600 sq m in area;
- (b) contain land with a natural slope of 15% or less;
- (c) be located in accordance with all constraints identified; and
- (d) be capable of providing for setbacks in accordance with clause 5.1.

Note: Generally no development or land clearing should occur on slopes equal to or greater than 25%.

Where a development envelope of less than 600 sq m is proposed or where the slope of that envelope is greater than 15%, applicants should consult with the Soil Conservation Service or a suitably Qualified Soil Conservationist or Geotechnical Engineer prior to the subdivision application, to determine:

- the suitability of the land for buildings;
- any erosion or instability hazard on the land; and
- the capability of the land for septic effluent absorption.

Where a report is prepared by a Soil Conservationist/Geotechnical Engineer that report will be forwarded to the Soil Conservation Service for review and approval prior to determination of the subdivision application.

A geotechnical report may be required in circumstances where insufficient evidence of stability of land or effluent absorption capacity is available .

Where detailed base maps are not available and where site conditions warrant, the size and slope of the proposed development envelope may have to be certified by a Registered Surveyor.

The development envelope must be on flood free land and must be reasonably and safely accessible. Where this is in doubt, construction of driveways within the lot may be required as a condition of subdivision consent.

NOTE: Where the area of land that is capable of being used as a development envelope is greater than 600m² it would be advantageous to the applicant to show the whole of that area as development envelope.

4.4 Access

All development should have access demonstrated to be practical and continually trafficable.

(contd)

4.4 Access (contd)

Where land has a frontage to arterial or other major roads it is essential that the number of access points to those roads be kept to a minimum. Where appropriate, intersection sites will be delineated on the constraints map. Intersections must comply with the latest National Association of Australian State Road Authorities (NAASRA) Guidelines, to Roads and Traffic Authority standards and Council requirements.

All internal roads should be designed and constructed to Council's sealed rural road standard and in accordance with Development Manual Vol 1 - Subdivision Guidelines. The standard of construction of internal private roads will be determined at the time of consideration of any subdivision application.

Any application for subdivision should address access to and probable development of adjoining land.

Subdividers should be aware that under Section 94 of the Environmental Planning and Assessment Act, contributions for lead-in road upgrading are applicable. Details of the rate of contribution applying to particular Rural Small Holding areas should be ascertained from Council prior to the submission of an application for subdivision.

Note: Prior to the submission of an application for subdivision intending subdividers should consult with Council's Engineering Department with regard to its access requirements.

4.5 Service Levels

The actual requirements for the standard of the provision of services such as electricity, water, telephone, open space and waste disposal will be subject to individual assessment of the particular area the subject of the application.

As a condition of subdivision consent developers will be required to comply with the requirements of the Illawarra Electricity. Early consultation with this authority is advised.

Intending subdividers should note that under Section 94 of the Environmental Planning and Assessment Act contributions for the provision of Open Space, Community Facilities, Fire Protection, Waste Disposal and in some instances Water Headworks apply to Rural Small Holdings subdivisions.

4.6 No Development Areas

"No Development Area" means land that for reason of excessive slope, significant vegetation, proximity to drainage lines, erosion instability hazard and/or identified as a buffer zone, may form part of an allotment or allotments but may not be built upon or cleared. Where appropriate, no development areas will be marked on the Constraints Map.

The incorporation of buffer areas is a major consideration in any subdivision design. Environmentally sensitive areas such as wetlands, areas of significant vegetation (eg rainforest, heathland, dune vegetation), ridges, water courses, drainage lines, and State Forest should be buffered from proposed developments. Buffer areas are also to be included where subdivision is proposed adjacent to major roads, extractive industries or visual, noise or air polluting developments. Landscape planting of buffer areas may be a condition of subdivision consent.

5. DWELLING-HOUSES, DUAL OCCUPANCY AND OTHER BUILDINGS

5.1 Siting

Development Envelope

All buildings should be located within the nominated development envelope in accordance with Clause 4.3. Where buildings are proposed outside the development envelope the application for building approval must demonstrate that the proposed building will not have an adverse environmental impacts.

Fire Hazard

All buildings should be located with regard to the degree of bushfire hazard on the land and to Council's publication "Building in a Bushfire Environment".

Setbacks

Setbacks on all boundaries other than nominated road frontages should be at least 12m.

Where a lot abuts a sealed road, a dwelling house or a dual occupancy should be setback at least 10m from the road, where the land slopes away from the road. Where the land slopes toward the road, the dwelling house or dual occupancy should be setback at least 15m, and possibly more, depending on the suitability of the soil for septic effluent disposal.

Where a lot abuts an unsealed road, the dwelling must be setback at least 30m from the road. No trees are to be removed from the "dust buffer". If cleared, the area must be revegetated. Greater setbacks may be required on ridgetops and subdivision design should allow adequate setbacks from State Forest and visual, noise or air polluting development.

Where appropriate, other setbacks will be delineated on the Constraints Map, eg where land abuts State Forest or extractive industries.

5.2 Height

All building heights must comply with Council's Building Code.

NOTE: Any proposed departures from Council's Building Code will require a variation to the Code.

5.3 Appearance

All structures should be designed so as to be compatible with the rural character and landscape of the Development Control Plan area. In this regard, particular attention should be given to building location, form, colour and materials used in construction.

Building design should have regard to the following principles:

- (a) Development should be separated into smaller elements rather than being concentrated into large structures.
- (b) Excessive cutting and filling is to be avoided in respect of buildings and driveways.

(contd)

- (c) All building materials, including roofs, landscape walls and paved areas should be selected to minimise the developments visual impact. Cues for the colour scheme of buildings should be taken from the natural landscape.
- (d) Parking should be broken up into separate areas and carefully located and screened to reduce visual and physical impact. Their planning design and materials should control and minimise runoff.

Any development should be landscaped to enhance the scenic character of an area and to mitigate against visual intrusion. Provision of, and compliance with, a landscape plan may be required as a condition of any development consent.

5.4 Associated Works

Carparking

All types of development shall provide carparking in accordance with Council's Carparking Guidelines.

Driveways

To prevent erosion, driveways within lots with slopes greater than 10% may be required to be sealed as a condition of development consent.

No driveways or rights-of-way within a lot may exceed grades of 1 in 6 (17%) with a maximum permissible grade of 1 in 10 (10%) adjacent to intersections with access roads (within 12m of the front boundary).

5.5 Other Uses

Under the provisions of the Rural LEP uses other than dwelling houses and dual occupancies may be permitted in the zones affected by this Plan. Intending applicants should consult with Council's Town Planning Department prior to the submission of a development application to ascertain the following:

- (a) whether a proposed use is permitted within a particular zone (see also Clause 7 of this Plan); and
- (b) the level of information to accompany any development application.

Consultation with Council's Engineering Department is also advised to ascertain any specific access and servicing requirements.

Applicants are referred to the objectives of the Rural LEP, the zone objectives contained in Clause 11 of that Plan and the aims and objectives of this Plan in the preparation of any development application.

It is a requirement of Council that all development applications be accompanied by a Statement of Environmental Effects.

6. INFORMATION REQUIRED TO ACCOMPANY DEVELOPMENT APPLICATIONS FOR SUBDIVISION

Council's development application form contains general instructions for preparing applications.

(contd)

It is a requirement of this Plan that any application for subdivision be accompanied by an Environmental Review. This Review is a full description of the proposal which gives a clear understanding of its likely environmental impact and the steps proposed to mitigate against such impact.

Due to the need for integration of rural roads and various owners' proposals, and Council's desire to ensure a consistent application of policies and servicing, it will be necessary in most cases for the boundaries of Environmental Review areas to extend beyond the property holding that is the subject of the actual subdivision application. Council will designate the boundaries of any Review area based on considerations of zoning, ownership, access and natural boundaries.

Intending developers should note that where land, to which the subdivision proposal applies, is not covered by a detailed Constraints Map then the Environmental Review should address all matters listed below. Where a detailed Constraints Map does apply it may not be necessary to provide such a level of information. In the latter circumstance applicants should contact Council's Town Planning Department to ascertain the detail required in a particular Environmental Review.

6.1 Slope, Terrain and Landform

Maps are to be submitted identifying land slopes in the following categories; 0 - 15%, 15 - 25% and 25% and over. The 1:25 000 scale topographic maps produced by the Central Mapping Authority may be used as a guide for slope identification. However, the 10m contour interval is inadequate for the purposes of a subdivision application and further contour details should be provided, particularly in relation to nominated building envelopes.

Landforms such as ridges, gullies, wetlands, floodplains, watercourses, drainage lines and dams should be mapped.

6.2 Landcover and Ecology

Maps should be submitted showing the type and extent of vegetation on the land, especially any areas of wetland, heathland, rainforest or coastal dune vegetation. Any unique or endangered species, both plant and animal, must be identified. The National Parks & Wildlife Service should be consulted in this respect.

A description of past and present landuse should also be provided.

6.3 Drainage

Development must not detrimentally affect water quality or result in the discharge of effluent from the site. Natural drainage systems should not be altered, particularly in catchments for wetlands or prescribed streams.

Catchment areas are to be mapped.

Any application for subdivision may be required to include drainage calculations in respect of runoff discharge prepared by and certified by a suitably qualified person.

(contd)

6.4 Soil

Soil erodibility and permeability must be identified. The soil's ability to absorb effluent is a particularly important consideration in determining any application.

Development should be designed to minimise the potential for erosion and sedimentation. Council may require the submission of an Erosion and Sediment Control Plan prepared to the satisfaction of the Soil Conservation Service, particularly for any development affecting moderate to highly erodible soils.

No development is to be undertaken in areas of slip, slump or other mass movement.

6.5 Fire Management

Areas with a known history of bushfire or bushfire risk should be mapped. Where development is in areas subject to a high level bushfire risk it is desirable that permanent trafficable firebreaks be incorporated as part of the subdivision design. In areas of high fire risk, or abutting State Forest, development envelopes should be sited accordingly, with appropriate setbacks and fire breaks.

6.6 Views

Development on ridge lines, hilltops, crests and spurs that are visually prominent from any public road or place is to be avoided and tree cover maximised. It should be assumed that all of these landforms are visually sensitive and as such should be mapped and the subdivision designed accordingly.

6.7 Services

The type of water supply and proposed method of effluent waste disposal should be identified and discussed in the Review.

Access, including internal roads and driveways, should be shown on plans accompanying any application.

Satisfaction of the requirements of Illawarra Electricity in relation to supply of electricity is required.

6.8 Development Envelopes

Development envelopes, located in accordance with Clause 4.3, are to be nominated on each proposed lot in all subdivision applications. (Note: it may be advantageous to intending developers to nominate in the Environmental Review all sites on each proposed lot that are capable of supporting development).

6.9 Aboriginal Artefacts

Aboriginal archaeological relics are protected by provisions of the National Parks and Wildlife Act 1974 which makes the deliberate disturbance or destruction of these relics, without permission from the Director, an offence.

(contd)

The National Parks and Wildlife Service (Regional Archaeologist) shall be consulted on appropriate measures to determine the likelihood of Aboriginal artefacts occurring on the land.

If an archaeological survey is deemed necessary by the National Parks and Wildlife Service, this shall be provided, to the satisfaction of Council, with the Environmental Review prior to the determination of the development application.

Prospective applicants are referred to the National Parks and Wildlife Service publication "For Planners and Developers - Aboriginal Sites in NSW".

6.10 Consultation

In the preparation of certain applications developers should consult with the relevant public authorities prior to the submission of that application. The circumstances where consultation is required are listed below. Developers should note that where consultation is required written evidence of such consultation is to be submitted with the application.

NSW Soil Conservation Service

The Service should be consulted where:

- proposed development envelopes are less than 600 sq m or have a slope greater than 15%;
- drainage structures will be required to incorporate sediment control measures;
- the land has been identified as having high to extreme erosion hazard potential; or
- an Erosion/Sediment Control Plan is required.

National Parks and Wildlife Service

The National Parks and Wildlife Service is to be consulted prior to the submission of any application for subdivision, with regard to the likelihood of aboriginal artefacts occurring (See Clause 6.9). If an archaeological survey is required by the Service this is to be submitted with the application.

Further consultation is required where any endangered plant or animals species or habitats are identified or contained.

Forestry Commission of NSW

The Commission is to be consulted where the study area for Environmental Review adjoins or is adjacent to State Forest. The District Forester should be consulted when determining the bushfire hazard of an area.

Other Authorities

Where applicable other public authorities will need to be consulted, eg:

- Illawarra Electricity for provision of electricity.

(contd)

- State Pollution Control Commission where development is proposed near wetlands, or in wetland catchment.
- Department of Health in some circumstances where on-site effluent disposal is proposed.

To ascertain what consultations are required intending developers should contact Council's Town Planning Department.

7. DEVELOPMENT IN ZONES OTHER THAN 1(c) RURAL SMALL HOLDINGS

Under the provisions of the Rural LEP subdivision of land zoned 1(a), 7(a), 7(f1) and 7(f2) is only permitted in limited circumstances. Subdivision in these zones would generally only be approved by Council where it is necessary to maintain or increase agricultural production or to allow the conduct of a use allowable in a particular zone. Subdivision for the purpose of a dwelling house, dual occupancy or rural workers dwelling is not permitted within these zones except in the circumstances detailed in Clause 13(5) of the Rural LEP.

Similarly, the types of development permitted in these zones is also restricted. Intending developers should refer to the development control tables contained in Clause 11 of the Rural LEP plus other relevant provisions of the Plan. Early consultation with Council's Town Planning Department is required to determine whether any proposed development, including subdivision and the erection of a dwelling house is permitted within these zones.

It is required that an Environmental Review accompany any application for subdivision within zones 1(a), 7(a), 7(f1) and 7(f2) under the Rural LEP. The review should address those matters listed in Clause 6 of this Plan which apply to the land the subject of the application. Applicants should contact Council's Town Planning Department to ascertain the detail required in a particular Environmental Review in these circumstances.

8. MINOR VARIATIONS TO THIS PLAN

A request to vary guidelines contained within this Plan shall be supported by a written objection. Any objection, which must be lodged with the development application, must detail the grounds of that objection.

Where Council is satisfied that such a variation is consistent with the aims and objectives of the Plan, it may approve such variation without the necessity of amending the Plan.

APPENDIX B

ASSESSMENT OF APPLICATION FOR BUILDING

The following "checklist" has been prepared to assist with implementation of the DCP. The provisions of the DCP are one aspect of Council's responsibility to determine an application in accordance with the Environmental Planning and Assessment Act, 1979.

Clause	Item	Comments
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Before Application Lodged

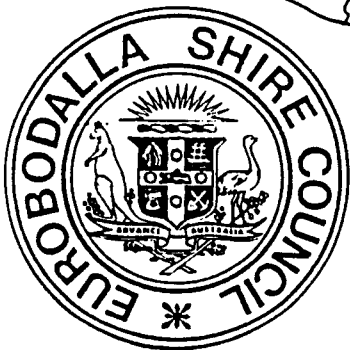
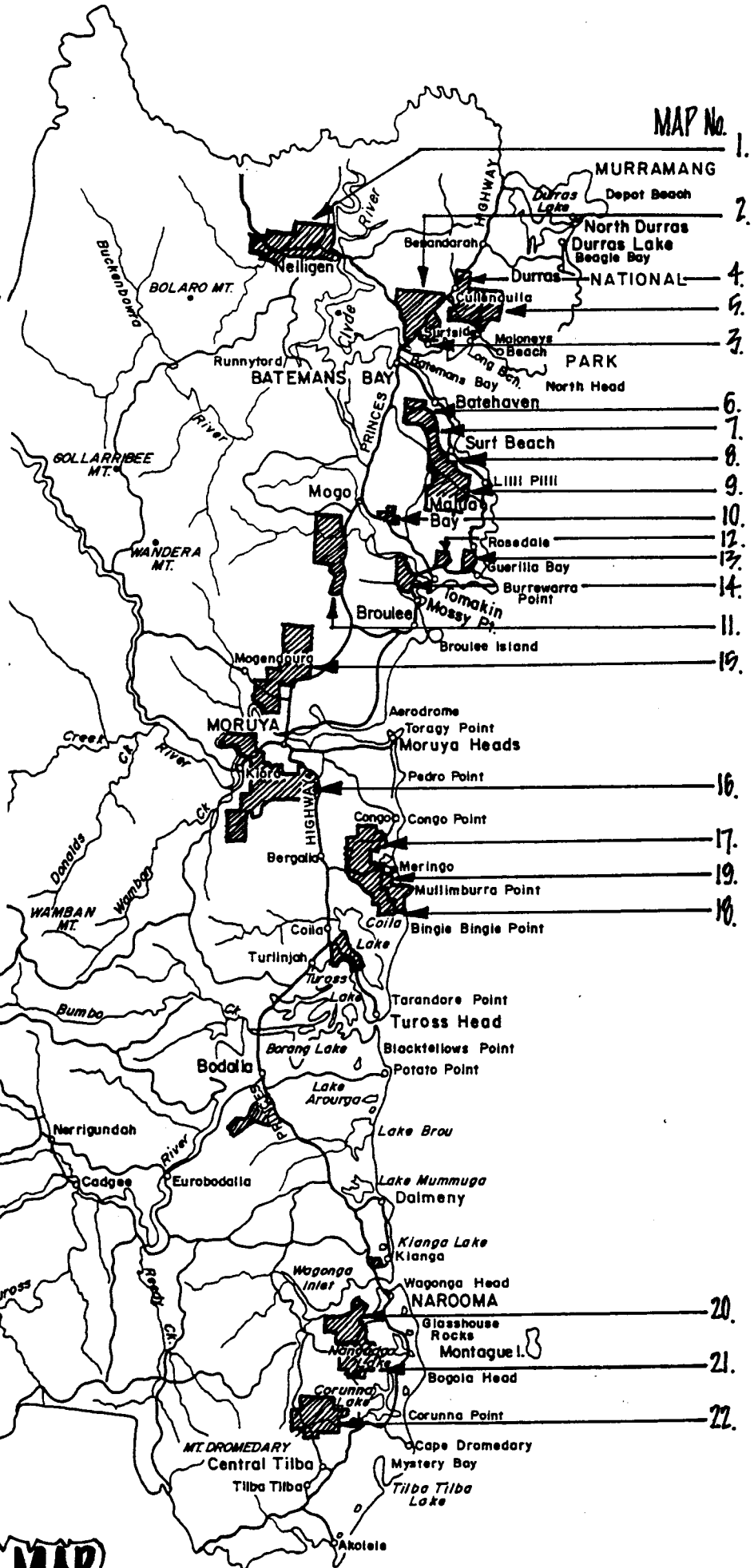
Follow Guidelines and Standards Consultations

Assessment of Applications

- | | | |
|-----|--|--|
| 5.1 | Siting - Development Envelope/Effluent Disposal
- Fire Hazard | |
| 5.2 | Height | |
| 5.3 | Appearance - Design
- Landscaping | |
| 5.4 | Carparking where required | |
| | Refer other Authorities | |
| | Review objectives of DCP and Rural LEP | |

P.C.P. DOCUMENT No.
 APPLYING TO 1(c) AREA

MAP No =		166	156
1.	West Nelligen.	166	156
2.	North Batemans Bay.	167	
3.	The Outlook.	162	
4.	Longbeach	172	
5.	Sea Acres	164	
6.	Catalina.	163	
7.	Surf Beach North.	178	
8.	Surf Beach South.	167	
9.	Dunns Creek.	173	
10.	Tomakin Rd.	179	
11.	Bimbimbie		156
12.	Barlings Drive		"
13.	Rosedale	70	
14.	The Standby.		"
15.	North Moruya.	171	"
16.	South Moruya.		"
17.	Congo Rd.		"
18.	Bingie Rd.		"
19.	Meringo.	168	
20.	Ringlands.		156
21.	South Narooma		"
22.	North Tilba.		"



INDEX MAP
RURAL SUBDIVISION GUIDELINES