

WARREN SHIRE COUNCIL

DEVELOPMENT CONTROL PLAN

Introduction

1. This Development Control Plan applies subject to the provisions of Warren Local Environmental Plan 2012 and provides for additional local planning provisions in the Warren Local Government Area.

Land to which the Development Control Plan applies

2. This Development Control Plan applies to the land within the Warren Local Government Area.

Aims and Objectives

3. This Plan aims to:
 - a) Provide additional planning provisions for the Warren Local Government Area
 - b) encourage the proper management, development and conservation of natural and man-made resources within the Warren Local Government Area by protecting, enhancing or conserving;
 - i. agricultural land;
 - ii. timber, minerals, soil, water and other natural resources;
 - iii. the Ramsar-listed Macquarie Marshes Nature Reserve;
 - iv. areas of significance for nature conservation;
 - v. areas of high scenic or recreational value; and
 - vi. places and buildings of archaeological or heritage significance, including Aboriginal relics and places.
 - vii. To help facilitate development is appropriately located having regard to environmental constraints, accessibility and existing land use patterns;

Relationship with other environmental planning instruments

4. This plan applies subject to the provisions of the Warren Local Environmental Plan 2012.

Consent Authority

5. The Council is, subject to the Environmental Planning and Assessment Act 1979, the consent Authority for the purposes of this Plan.

DEVELOPMENT GUIDELINES

General Objectives for Zone RU1 Primary Production

6. Council's objectives for the Zone RU1 Primary Production are to promote the proper management and utilisation of resources by:
 - a) Protecting, enhancing and conserving:
 - i. Agricultural land in a manner that ensures the primary role of land within the zone is for efficient and effective agricultural pursuits, managed within sustainable natural resource management principles, and
 - ii. Soil stability by controlling and locating development in accordance with soil capability, and
 - iii. Forests of existing and potential commercial value for timber production, and
 - iv. Valuable deposits of minerals, coal, petroleum and extractive material by controlling the location of development for the purposes in order to ensure the efficient extraction of those deposits, and
 - v. Trees and other vegetation where the conservation of the vegetation is significant to scenic amenity or natural wildlife habitat or is likely to control land degradation, and
 - vi. Water resources in the public interest, and
 - vii. Areas of local, state, national and international significance for nature conservation, including areas with rare plants, wetlands and significant habitat, and
 - viii. Places and buildings of archaeological or heritage significance, including the protection of Aboriginal relics and places, and
 - b) Identifying and protecting land that is environmentally sensitive and of environmental significance from adverse development impacts, in particular:
 - i. Areas of biological diversity, remnant native vegetation (including grasslands), areas of significance for nature conservation and areas of habitat protection (including potential critical habitat for threatened species), and
 - ii. The Macquarie River and its associated effluent creeks, cowals, floodplain and wetland environments and natural habitat they support for conservation purposes, and
 - iii. The water quality of streams, riparian areas, lakes and groundwater resources, and
 - c) Conserving and protecting the wetland values of the Macquarie Marshes by encouraging and managing surrounding land use and agricultural activities consistent with, though not limited to, the Irrigation Policy specified in the *Macquarie Marshes Water Management Plan 1996*, and
 - d) Encouraging best management practices in relation to agriculture to minimise adverse impacts on environmentally sensitive land, and
 - e) Enhancing the economic value of land for agriculture by:
 - i. Facilitating farm adjustments and promoting consolidation and enlargement of holdings, and

- ii. Protecting agricultural land from inefficiencies posed by a reduction of holding size and land use conflicts, and
 - iii. Permitting other primary production uses such as energy generation that complement the primary role of the zone, and
 - iv. Reducing the need for improvements to the provision of services above those required to service the existing rural community, and
- f) Permitting rural industries that do not have a significant adverse impact on existing or potential agricultural production on adjoining land.

General considerations for development in Zone RU1 Primary Production

7. The consent authority may consent to development on land in Zone RU1 Primary Production only if it has taken into consideration the effect of that development on the following:
- a) The present use of the land, the potential use of the land for the purposes of agriculture and the potential of the land for sustainable agricultural production,
 - b) Vegetation, timber production, land capability, flood water behaviour and water resource availability and quality,
 - c) The future recovery of known or prospective areas of valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive materials,
 - d) The protection of areas of significance for nature conservation or of high scenic or recreational value, and places and buildings of archaeological or heritage significance including Aboriginal relics and places,
 - e) Whether adequate environmental safeguards and rehabilitation measures have been, or will be, made to protect the environment,
 - f) The cumulative impact of development on the integrity of the environmental characteristics of the area, water resource management and native wildlife,
 - g) The effect of the removal of agricultural land from production and potential land use conflict,
 - h) The cost of providing, extending and maintaining public amenities and services to the development,
 - i) Any proposals for future expansion of settlements in the locality.
8. Clause (7) does not apply to development that is an addition to a building or work.

Subdivision of land in Zone RU1 Primary Production

9. The consent authority must not consent to the subdivision of land in Zone RU1 Primary Production unless the consent authority is satisfied that:
- a) The subdivision will not significantly reduce the agricultural capability of the land from which the proposed allotment is to be excised, and
 - b) The use of the proposed allotment is not likely to cause a land use conflict in the area.
10. The consent authority must not consent to the subdivision of land in Zone RU1 Primary Production if the subdivision will create an allotment on which a dwelling is situated that has an area of less than 1,000 hectares.

Dwelling houses in Zone RU1 Primary Production

11. The consent authority may consent to the erection of a dwelling house on land in Zone RU1 Primary Production only if:
 - a) The consent authority is satisfied that:
 - i. The proposed use of the land for the purpose of a dwelling house is in addition to the use of the land for the purpose of agriculture, and
 - ii. The land is, or will be consolidated into , an allotment that has a area of not less than 1,000 hectares, and
 - iii. There is no existing dwelling house on the allotment, or
 - b) The consent authority is satisfied that:
 - i. The land is an allotment that was lawfully created under a previous planning instrument (being an allotment on which a dwelling house could have been lawfully erected immediately before the commencement of this Plan and the Warren Local Environmental Plan 2012), and
 - ii. There is no existing dwelling house on that allotment.
12. The consent authority must not consent to the erection of a dwelling house on land in Zone RU1 Primary Production unless the consent authority is satisfied that the land has an adequate area suitable for the disposal of effluent on site.

Subdivision of Land in Zone R5 Large Lot Residential

13. The Consent Authority may only consent to the subdivision of land in Zone R5 Large Lot Residential if each of the allotments to be created by the proposed subdivision will have a minimum area of 2 hectares and a minimum frontage to any river, creek or watercourse of 200 metres.
14. If an allotment to be created by a subdivision under clause 13 of this Plan is a “battleaxe” allotment, the area of the battleaxe “handle” must not be included in the calculation of the allotment area and the width of the “handle” must be a minimum of 6 metres.

Dwelling Houses in Zone R5 Large Lot Residential

15. The consent authority may only consent to the erection of a dwelling house on land in Zone R5 Large Lot Residential if:
 - a) The allotment on which the dwelling house is proposed to be erected is vacant and has an area not less than 2 hectares, and
 - b) The allotment on which the dwelling house is proposed to be erected has a legal and practical all weather access to a road, and
 - c) The erection of the dwelling house will not result in land use conflict.
16. The consent authority must not consent to the erection of a dwelling house under clause 15 of this Plan unless:
 - a) the consent authority is satisfied that the land has an adequate area suitable for the disposal of effluent on the site, and
 - b) in the case of an allotment that has an area less than 4 hectares – an aerated effluent disposal system will be used and,
 - c) the finished floor level of the proposed dwelling house is to be at a height equivalent to or above the flood planning level (1:200 ARI).

17. An effluent disposal system referred to in subclause 9 of this plan must not be located within 40 metres of the top of the bank of any river, creek or watercourse.
18. The consent authority may consent to the erection of a dwelling house on land in Zone R5 Large Lot Residential only if the dwelling house is set back at least 20 metres from all allotment boundaries.
19. The consent authority may only consent to the erection of a dwelling house on an allotment that is adjacent to the land in Zone RU1 Primary Production if the dwelling house is setback at least 150 metres from land within Zone RU1 Primary Production.

Subdivision of Land in Zone R1 General Residential and Zone RU5 Village

20. The consent authority must not consent to the subdivision of land in the Zones R1 General Residential and RU5 Village to create an allotment to be used for the purpose of a dwelling house unless:
 - a) In the case of an allotment that is serviced by reticulated sewer and water – the allotment has an area of 500 square metres or more, or
 - b) In the case of an allotment that is not serviced by a reticulated sewer:
 - i. The allotment has an area of at least 2000 square metres, and
 - ii. The consent authority is satisfied that the land has an adequate area suitable for the disposal of effluent.
21. The consent authority may only consent to the erection of a second dwelling, or alteration of an existing dwelling house, on the land in Zones R1 General Residential and RU5 Village to create a dual occupancy if the consent authority is satisfied that the allotment is serviced by reticulated sewer.

Subdivision of land in Zone IN1 General Industrial

22. The consent authority may only consent to the subdivision of land in Zone IN1 General Industrial to create an allotment if each allotment:
 - a) Is serviced by a reticulated sewer, and
 - b) Has an area of not less than 500 square metres.
23. Despite clause 22 of this Plan, the consent authority may consent to the subdivision of land in Zone IN1 General Industrial to create an allotment that is not serviced by reticulated sewer if:
 - a) The allotment has an area of at least 2000 square metres and
 - b) The consent authority is satisfied that the land has an adequate area suitable for the disposal of effluent.

Development in Zone RU6 Transition and within 3000 metres of Zone RU6 Transition located in the Macquarie Marshes

24. The consent authority must not consent to development for the purposes of intensive plant agriculture, earthworks, artificial waterbody or intensive livestock agriculture on land zoned RU6 Transition.
25. Development for the purposes in clause 24 is prohibited on land zoned RU6 Transition.

26. Development for the purposes in clause 24 is designated development on land within 3000 metres of Zone RU6 Transition.

Development adjacent to rivers, creeks or watercourses

27. The consent authority must not consent to the erection of a dwelling house or other structure, or the alteration of an existing structure for the purpose of habitation, within 40 metres of the top of the bank of any river, creek or watercourse.
28. Effluent disposal systems, including the irrigation of effluent, are prohibited development within 40 metres of the tip of the bank of any river, creek or watercourse.

Development adjacent to the Warren Levee Bank

29. Despite any other provision of this Plan, development for any purpose must not, without the consent of the consent authority, be carried out on land in Zone RU1 Primary Production, R5 Large Lot Residential, R1 General Residential, RE1 Public Recreation or RE2 Private Recreation that is within 3 metres of the Warren Levee Bank.

Stormwater Drainage

30. Disposing of stormwater into any river or creek is not permitted without development consent.
31. The consent authority may consent to development that will result in disposing stormwater into a river or creek only if the water will be subjected to measures, satisfactory to the consent authority, that are designed to reduce litter, suspended solids, nutrients and other substances that might adversely affect the river or creek.

Public Utility Infrastructure

32. Development consent must not be granted for development on land which this Plan applies unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangement has been made to make that infrastructure available when required
33. Clause 31 does not apply to development for the purposes of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

Definitions

34. Definitions for terms found in this Plan are located in the Dictionary of the Warren Local Environmental Plan 2012.