



# Cabonne Council

## Development Control Plan No.6 Rural Small Holdings

**Approved by Council at the meeting of 16 November 1992. Came into effect on 1 December 1992.**

I, G. L. P. Fleming, Shire Clerk, Cabonne Shire Council, certify that this is Development Control Plan No. 6 Rural Small Holdings and was made pursuant to section 72 Environmental Planning and Assessment Act 1979 and approved by Council at the meeting of 16 November 1992.

.....  
G. L. P. Fleming  
Shire Clerk

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## **1.0 INTRODUCTION**

This plan outlines development standards and guidelines aimed to encourage sound design and proper development of rural residential and hobby farm land in Cabonne Shire.

### **1.1 CITATION**

This plan is called “Cabonne Rural Small Holdings Development Control Plan”. It is a Development Control Plan pursuant to Section 72 of the Environmental Planning and Assessment Act, 1979 and has been prepared in accordance with the provisions of the Environmental Planning and Assessment Regulations, 1989.

This plan shall come into force on 1<sup>st</sup> December, 1992 in accordance with Clause 24(2) of the Environmental Planning and Assessment Regulation, 1980.

### **1.2 AIMS AND OBJECTIVES**

The general aim of this plan is to ensure that the aims and objectives stated in Cabonne Local Environmental Plan, 1991 relating to rural small holdings development in the 1(c) – (Rural Small Holdings) zones are achieved.

The relevant aims and objectives LEP 1991 are set out in Clauses 9 and 24.

The objectives of this DCP are:

- (i) To ensure that residents and developers are well informed of Council’s requirements relating to rural small holdings;
- (ii) To ensure that adequately documented development applications are lodged and which substantiate the manner in which the proposed development has been designed to fit the particular site conditions and the development principles and standards in this DCP;
- (iii) To protect established agricultural practices on any adjoining prime agricultural lands.
- (iv) To provide reasonable and clear guidelines for the provision of services to different types of small holdings, including guidelines on:
  - Disposal of wastes;
  - Provision of water supply;
  - Provision of other utility services such as power, telephone and road access;

Without placing a financial burden on other residents as a result of the extension of such services and to ensure that natural resources including soil, trees and scenery are protected.

- (v) To enable other forms of development to be carried out on land within the rural residential zone provided that such uses are in keeping with the rural character of the locality and are compatible with the existing or likely future rural residential land uses.
- (vi) To protect and conserve land which has been identified as being environmentally sensitive.
- (vii) To encourage the development of rural small holdings which are of a high quality and which enhance the character and function of the rural countryside.

### **1.3 LAND TO WHICH THIS DEVELOPMENT CONTROL PLAN APPLIES**

This plan applies to land in the Shire of Cabonne within:

- (1) Zone 1(c) – (Rural Small Holdings) under Cabonne Local Environmental Plan, 1991.

### **1.4 RELATIONSHIP TO CABONNE LOCAL ENVIRONMENTAL PLAN, 1991**

This DCP is made under and conforms to the provisions of Cabonne Local Environmental Plan, 1991, which contains the legal planning controls for the development of land within the Shire of Cabonne.

Where there is inconsistency between this plan and Cabonne LEP, 1991, or any other environmental planning instrument, including any State Environmental Planning Policy, Regional Environmental Plan or Local Environmental Plan, the provisions of the environmental planning instrument shall prevail.

### **1.5 DCP AMENDMENTS AND SPECIFIC AREA DCPS**

This plan may be varied only in the manner provided for in the Environmental Planning and Assessment Act, 1979, and the accompanying Regulations.

This requires Council to advertise and exhibit for public comment any proposed amendments to the DCP before being adopted.

This plan addresses the general issues and requirements for Rural Small Holding development throughout the 1(c) zones of Cabonne Shire. However, Council reserves the right to produce area specific DCPS and associated mapping to address particular requirements of any small holdings area.

## **1.6 DEFINITIONS**

“Access” with respect to this plan means 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” =

- (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.

## **2.0 GUIDELINES FOR DEVELOPMENT APPLICATIONS**

### **2.1 DEVELOPMENT APPLICATIONS GENERALLY**

The following information is required to be submitted with most development applications: (See Appendix Five for a checklist for Dwelling Development Applications).

- (i) completed Development Application form;
- (ii) owner’s consent to the lodgement of the Development Application;
- (iii) Development Application fee – Council officers can advise of the current scale of fees;
- (iv) A minimum of three copies of plans for the proposed development and including the following, where relevant;
  - Appropriate scale, north point, site area,
  - Location of subject land with respect to adjoining lots and roads, etc,
  - The relationship of the proposed development with surrounding development and properties
  - Details of any existing and/or proposed encumbrances on the land, (ie rights of way, easements, restrictions to use etc where these have a bearing on the development proposal)
  - Dimensions and area for existing and proposed lots, roads, easements, etc
  - Contour lines or spot levels indicating the general terrain before and after development,
  - Proposed method of draining the site including stormwater and sewage,
  - Method and location of vehicular and pedestrian access to the site,
  - Location of all substantial trees, identifying those proposed to be removed,

- Where relevant, the location of proposed and existing building on the site in relation to site boundaries.
- (v) In the case of subdivision details specified in Clause 11(2) of the LEP as set out below:
- (a) state, in relation to each allotment created by the subdivision, the primary purpose for which that allotment is intended to be used;
  - (b) identify any allotment which is intended to be used primarily for the purposes of agriculture;
  - (c) identify any allotment which is intended to be used primarily for the purposes of a dwelling;
  - (d) identify any allotment on which it is intended to erect a dwelling and state whether or not the dwelling is the primary purpose for which the allotment is being created; and
  - (e) show the approximate location of any dwelling on the land at the date of the application
- (vi) Justification for any proposed variation to this DCP, or objection under State Environmental Planning Policy No. 1 for any proposed variation to a development standard contained in the LEP.

## **2.2 ADDITIONAL REQUIREMENTS – SITE ANALYSIS**

In order to assist Council in its assessment of the application and to ensure that each of the relevant factors specified in Clauses 10(1) and 15(2) of the LEP have been taken into account in the preparation of the development proposal, it is strongly recommended that a detailed site analysis be carried out before proposed subdivisions are designed or applications made for dwellings.

The necessity for a site analysis flows from the significance of ensuring that buildings are related to the site, to each other and to neighbouring land, in a way which reflects the objectives of the LEP and DCP (especially fitting buildings to the land, reducing visual impact, and ensuring agricultural practices are not inhibited). Ideally, rural small holdings subdivisions should be designed around building site determined on the basis of site analysis and development principles.

Site analysis should include –

- Site survey or other topographic base map showing contours, watercourses, drainage lines, areas of vegetation, rock outcrops or escarpments, existing roads, dams and buildings.
- Identification of crown boundaries, easements, unmade roads, existing fences.



- Mapping of site constraints such as areas of soil erosion, hazard, flooding/low lying areas, mineral or extractive material deposits, adjoining land uses, fire hazard areas, etc.
- Mapping of visual features, including direction of views into, out of and within the site, positions of dwellings on adjoining land, ridge lines, significant vegetation or rock outcrops.
- Data on local climate including direction of prevailing winds, frost hollows (particularly where frost conditions may preclude septic tanks).
- Location of existing services and location of future services (power, telephone, water) where reticulated water cannot be provided, potential dam sites should be identified and data provided on rainwater storage capacity required relative to rainfall.
- Facilities such as the location of urban services, fire brigades, school bus routes should be identified.
- 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 building on adjoining land.

This analysis should be used to identify overall site capacity for dwellings and the general location of preferred building sites.

### **2.3 CONSULTATION**

In preparing a development application it is recommended that applicants consult with the Soil Conservation Branch of the Department of Conservation and Land Management on questions of general land suitability, subdivision design to minimise erosion and sedimentation risks, and 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.
- Department of Agriculture where the proposed development involves potential conflicts with established agricultural operations or where advice is required 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 of Conservation and Land Management where Crown Land is involved or where Crown Land might be affected by the development.
- Forestry Commission or National Parks and Wildlife Service if the development adjoins land controlled by these Authorities.

## **2.4 S.94 CONTRIBUTIONS**

Council may require the developer to make contributions to Council in accordance with Section 94 Environmental Planning and Assessment Act, so as to mitigate the impacts of new developments on the general community. Such contributions may include:

- (i) the upgrading of public roads to the appropriate standard related to the traffic generated by the development; (See Section 3.24.)
- (ii) the extension of water mains to service the development (where extension of mains goes past underdeveloped land, Council may make arrangements for subsequent refund of part of the contribution when that land is developed);
- (iii) drainage works if needed;
- (iv) contribution to bushfire brigade; (see Clause 3.7)
- (v) dedication of land or contribution to provision of recreational amenities.

Details of Council policies relating to developer contributions under Section 94 of the Environmental Planning and Assessment Act, will be presented in the Rural Small Holdings Contributions Plans (currently under preparation).

## **3.0 GUIDELINES FOR SUBDIVISION**

### **3.1 MINIMUM ALLOTMENT SIZE**

Cabonne Shire LEP, 1991, makes provision for the development of Rural Small Holdings under the following set of circumstances;

- (i) Within the Rural 1(c) (Small Holdings) zone provided the minimum area of each dwelling allotment is not less than 0.4 hectares (cl. 15(1)).

These areas are located generally around most villages of the Shire as well as in several locations north of the City of Orange.

- (ii) Dwelling entitlement lots in the General Rural Zones (See General Rural Zone DCP).

The allotment size referred to above is the minimum only. In general it is preferable that a range and mix of allotment sizes be provided, particularly in rural residential estates in the 1(c) Zone, having regard to site and market conditions, and to the general character of the surrounding rural countryside.

Proposed lots of area less than 2 ha will need to demonstrate adequate capacity for independent water supply and septic waste disposal.

Council proposes to produce specific development concepts for various 1(c) Zone areas and these will elaborate on allotment design.

## **3.2 SERVICES**

### **3.2.1 Power**

#### Subdivisions for the Purposes of Dwelling or Light Industry

Supply of electricity in an efficient and economic manner is seen as an essential requirement for new subdivisions in Cabonne Shire, where such developments are for the purposes of dwellings or non-rural light industry. Inefficient and inadequate planning of power services can result in significant hidden costs for consumers in the short term in respect to connection costs and in the long term, there can be system costs as County Councils attempt to maintain less than optimum reticulation networks.

#### Requirements for Subdivision Applications

In submitting Development Applications for subdivision to create lots for the purposes of dwellings, industry or commercial use, Council requests the applicant to include evidence of consultations with the appropriate County Council with respect to supply of electricity to the new lots.

Council advises that where evidence of consultation is not supplied, within the Development Application, Council feels obliged to consult with the relevant County Council at the application's expense and place the application in abeyance pending completion of such consultations.

Such evidence is to include a report detailing:-

- (i) the developers contribution if any to upgrade electricity services to the subdivision;
- (ii) the estimated cost to connect each dwelling envelope to the mains (ie estimate of homebuilders costs)

Council's experience is that costs related to extension of electricity services can be one of the most significant costs of a subdivision – particularly where new dwelling sites are created distant from existing mains. It is therefore vital that these costs be known to the developer, Council and prospective home builders prior to determination of the Development Application.

### **3.2.2 Water Supply**

In some parts of the Shire there are existing small holdings that are connected to town reticulation systems. In future such supply is not guaranteed to new allotments unless developed as a requirement for a particular estate with adequate contribution being made by the developer for extension of

headworks. Extension of headworks is generally feasible around some parts of existing townships and villages only.

In the case of rural residential estates without reticulated water supply, Council will require the majority of allotments within the estate to contain a suitable site and catchment for a dam of at least 1000 cubic metres capacity. (Suggested minimum catchment of 2 hectares – desirable catchment 5 hectares for drought protection.) Council may also consult the Department of Water Resources as to likely downstream impacts of such dams and may impose conditions to development consent accordingly. Construction of dams should be to standards approved by Soil Conservation Branch of Department of conservation and Land Management.

### **3.2.3 Sewerage Disposal**

Applications will include evidence that the land is suitable for septic disposal of domestic waste. (Council will provide testing at applicant's request and cost.) Council may require the provisions of transpiration beds or the use of DAST (Domestic Aerobic Sewerage Treatment) Systems where necessary to avoid pollution.

### **3.2.4 Road Standards and Roothing Contributions**

#### **(a) General**

The creation of new dwelling parcels can generate significant demands on Council with respect to improvement to roads. In the course of assessment of any proposed subdivision or new dwelling, Council is required to determine the impact of that development on the road system. Where current standard is not adequate Council may seek a road improvement. Such improvement will be in line with Council's "Local Road Standards and Construction Guidelines" manual.

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**

Where a new road is required to service the development, the developer will be required to meet the full cost of construction to the standard as specified in Appendix One or a proportionate cost if other potential users are involved.

##### **(i) Engineering Design**

Survey, design and specifications for new roads will be produced by Council at a fee, determined following approval of Development Application, on request from the application.

##### **(ii) Construction**

Developers can elect to use either private contractors or council for construction of new roads, in strict compliance with approved design and specification.

Where private contractors are to be utilised, Council will require the prior payment of an Engineering Supervision Fee to meet Council's costs of inspections and monitoring of standards. A Defects Liability Bond will also be required with private works.

In the case of Council construction the applicant may be required to lodge a Bond from which advance payments will be drawn by Council as works progress.

### **(c) Existing Roads – Developer Contributions and Considerations**

Council is preparing a Development Control Plan map for each separate 1(c) Zone area. In the course of such preparation a maximum likely lot yield will be resolved and this in turn will enable the calculation of an appropriate roading standard. With the new standard determined, proportionate roading contributions can be calculated as part of Contribution Plans for each Rural Small Holding Zone.

A contribution can also apply on a per lot basis to partially off-set Council's costs of preparation of the Development Control Plan map.

#### Advice of Contributions.

Council would determine the amount of roading contribution applying to existing roads as part of the assessment of a Development Application at no extra cost.

Where a prospective developer seeks Council's determination of such contribution prior to lodgement of a Development Application a fee will be charged for such investigation (1991 \$100 if Development Control Plan exists).

#### Interim Contribution Plans.

Preparation of a final Contribution Plans may take some time given the numerous Rural Small Holdings Zones of the Shire and limited Council resources. Council may need to introduce an interim Contributions Plan to apply to development in the short term.

### **(d) Access**

- Allotments fronting arterial roads will generally be required to provide alternative access and be larger in area to reduce the impact of ribbon development. New access to arterial roads will generally not be permitted, and where no alternative is available a single access point shared by a number of allotments should be provided.

- Location of access points should have regard to sight distances and traffic safety and will generally need to meet the requirements depicted in Appendix Two.
- The subdivision sketch plan will indicate at least one suitable access for each lot. Where, in the opinion of the Shire Engineering, only one safe access point exists for a lot, the developer will be required to provide or pay for council to construct such access prior to release of linen plan.

### **3.2.4 Telephone**

In the case of subdivisions with new roads the developer will provide council with written evidence of notification of Telecom Australia prior to release of Linen Plan.

### **3.3 FENCING**

The boundaries of each lot in any new subdivision are to be fenced at the time of subdivision to a standard satisfactory to Council. Council may waive or defer this requirement where it can be shown that there is not risk to the spread of feral animal or loss of livestock;

No exceptions will be granted in the case of new subdivisions within the 1(c) zones in the vicinity of the City of Orange.

### **3.4 NOTIFICATION**

Proposed small holding subdivision will be notified to neighbours for comment particularly on the question of whether agricultural spraying is involved in the existing or potential use of their property, what substances are used and whether separation of future dwellings in the proposed subdivision will be necessary.

### **3.5 SMALL HOLDINGS NORTH OF AND WITHIN THE VICINITY OF THE CITY OF ORANGE**

Council shall not grant consent to the development of rural small holdings in the 1(c) Zones generally in the vicinity of the City of Orange unless:

- Adequate provision is made to provide fencing around each separate allotment at the time of subdivision;
- All utility services, including power, telephone, water supply, waste disposal, road access etc can be installed at the time of subdivision and completed prior to erection of any dwelling house or residential occupation of the land;
- Each allotment has frontage or formed access to a public road;
- Generally bitumen sealed roads will be a requirement for new roads, or in the case of existing roads a contribution will be required towards the cost of Council's upgrading to the necessary sealed standard.

### **3.6 BUSHFIRE PROTECTION**

All lots where implied consent for the erection of a dwelling is sought will need to demonstrate a homesite with potential to be readily developed to a low fire hazard risk, to the satisfaction of Council.

Council in accordance with general practice has identified three categories of land within the rural areas of the Shire:

- Areas of low fire hazards;
- Areas of moderate fire hazard;
- Areas of high fire hazard.

Each of these areas will be illustrated on the Bushfire Hazard map.

Where the land is in a moderate to high fire risk applications should include details of how fire risk will be minimised in the development, including:

- Access to fire fighting vehicles;
- Evacuation or refuge measures;
- The design of fire breaks having regard to visual impact considerations, wind conditions and the ongoing management of fire breaks;
- Whether there is the need for facilities for bushfire brigades to be incorporated in the development.

Council has resolved to require a contribution under the terms of Section 94 of the EPA Act towards the improvement of bushfire services relating to new dwelling lots.

In the rural zones, the local bushfire brigade is a vital service heavily reliant on volunteers to protect the assets of the local community.

The workload of brigades is related to both the fire hazard potential of the area and the density of habitation.

Given the nexus between extra dwellings and extra load on the local bush fire service, Council has introduced a Bush Fire contribution policy under Section 94 to apply to each new dwelling lot in rural zone subdivisions. The full amount of the contribution goes to the local brigade to improve bush fire amenities and services. Details of the Bushfire Contributions will be contained in the Section 94 Bushfire Services Contributions Plan.

### **3.7 CONSIDERATION OF OTHER NATURAL HAZARDS**

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

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

### **4.1 DEVELOPMENT CONSENT**

Development Consent of Council is required in addition to Building Approval for many categories of building in the 1(c) zones:

- All new residential buildings;
- All light industrial/commercial buildings not directly related to the use of the land on which the building is sited for the purposes of agriculture;
- Proposed agricultural buildings where one or more of the following apply in the view of Council's staff;
  - Potential for significant visual impact
  - Development of new access onto an arterial road
  - Use of the building for purposes not solely related to on farm rural industry
  - Proposed siting of building within 100 metres of an existing dwelling not related to the subject property.

Applicants are encouraged to lodge the Building Application and Development Application together. This can result in time savings for the applicant.

#### **Circumstances where dwellings are permissible in the 1(c) zone**

Local Environmental Plan, 1991, Clauses 18 to 19 specify where dwellings are permissible.

#### **General Development Requirements Related to Dwellings**

In assessing any Development Application for a dwelling in the 1(c) Zone, Council is required to assess the impacts of that proposal against Heads of Consideration contained in Section 90 of the Environmental Planning and Assessment Act.

Special circumstances may warrant site specific conditions being imposed, however, the following are general standards against which Council will assess the application.

### **4.2 SITING OF DWELLING AND ASSOCIATED BUILDINGS**

- (i) Dwellings and associated outbuildings, garages, tanks, etc should generally be sited in a manner that maintains the rural character of the countryside. This includes 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.



- (ii) New dwellings should also be sited so as to lessen the cost of constructing and maintaining access driveways and connecting electricity and telephone.
- (iii) New buildings should be sited to blend with the natural topography in order to reduce visual impact.
- (iv) Buildings generally should 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.
- (v) Top soil conservation during building construction is encouraged. Top soil should be stripped and stockpiled for later respreading in preparation for revegetation around the dwelling site.
- (vi) Due to the frequent occurrence of high water tables and the likelihood of inundation, footslopes and drainage lines should be excluded as building sites.
- (vii) Council will only allow dwellings to be sited within 20 metres of a boundary in exceptional circumstances or on rural residential lots of less than 2 hectares, sited in low fire hazard areas. This buffer zone is seen as a minimum to facilitate privacy and create potential for some fire hazard reduction zone within the homebuilders land.

### **4.3 ACCESS AND ROADING**

#### **4.3.1 Access**

- (i) Access from the public road to the fenceline is to be constructed at a mutually agreed upon location between Council and the developer with such access being to a standard satisfactory to Council, and at the developer's full cost.
- (ii) The access gateway is generally to have a five (5) metre setback from the road reserve fenceline, unless arterial road standards apply. (A typical access is displayed in Appendix Two).
- (iii) Internal access to the proposed dwelling house is to be constructed in accordance with the Soil Conservation Branch's Publication, "Guidelines for the Planning, Construction and Maintenance of Trails" (Department of Conservation and Land Management). Such access is generally to be to a standard acceptable to the Shire Engineer.

Where drainage lines need to be crossed, internal tracks should traverse them at right angles with adequate stabilisation being carried out in adjacent upstream and downstream areas.

### 4.3.2 Contributions to Road Improvement

In the case of new subdivisions such contributions are paid by the developer. However, in the case of subdivisions before Local Environmental Plan, 1991 or in the case of existing titles, road improvements may be required in line with Clause 3.2.4.

Land purchasers and prospective homebuilders should check with Council's Planning Department to establish if a road improvement contribution might apply.

### 4.4 WATER SUPPLY (in the absence of a reticulated town water supply)

- (i) **Dwelling Supply.** All dwellings are to be serviced with an adequate water supply with storage facilities for domestic supply generally being a minimum of 90,000 litres for dwellings of three or more bedrooms and at least 45,000 litres for small dwellings (1 to 2 bedrooms). Exemptions will be considered where it can be demonstrated that an adequate reticulated supply, dam storage, bore supply or licence to pump from a permanent stream, exists. However Council will only allow storage below 20,000 litres in exceptional circumstances.

Appendix Four contains information on likely roof water yields for various localities in the Shire and Residents are encouraged to develop sufficient roof catchment. Development of sheds can greatly expand water yields.

- (ii) **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).

- (iii) **Garden Supply.** Development of/access to a bore, dam or creek is recommend if irrigation of a garden is proposed.

### 4.5 DISPOSAL OF WASTES

- (i) 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.

- (ii) The approved method of waste disposal generally is a septic tank and adequate absorption trenches in accordance with Council's Policy on Septic Tanks. The developer of each lot may be required to obtain an absorption test from Council's Health and Building Department at the developer's cost.

Domestic Aerobic Sewerage Treatment Systems (DAST) or special transpiration beds may be required at the discretion of Council's Health and Building Department, on sites with poor absorption qualities.

#### **4.6 BUILDING DESIGN**

Building design will conform with the requirements of Council's building standards. Where prospective homebuilders are in doubt, such people should consult with Council's Health and Building Department. (See also Appendix Five for Guidelines.)

#### **4.7 RIBBON DEVELOPMENT**

Buildings should be sited to minimise the appearance of Ribbon Development on any public road. The use of variable setbacks, building separation and screening by existing trees and/or new plantings etc, will encouraged.

#### **4.8 CHECKLIST OF INFORMATION NORMALLY REQUIRED WITH A HOUSING DEVELOPMENT APPLICATION FOR A DWELLING**

See Appendix Five.

#### **4.9 REQUIREMENTS FOR TRANSPORTED DWELLINGS**

Transported prefabricated dwellings can create problems for Council such as damage to roading and unsatisfactory completion. Council requires applicants to lodge a bond where transportable dwellings are proposed. The bond is refundable upon siting and completion of the external appearance to the satisfaction of Council's Planning Department.

Bond figure - 1992 \$750 for new transportable dwellings  
- 1992 \$2000 for second hand transportable dwellings

Note that placement of second hand dwellings is not permissible in some 1(c) zones.

#### **4.10 DISPOSAL OF HOUSEHOLD AND FARM GARBAGE**

Where practical, residents of Rural Small Holdings should dispose of garbage at an approved Council tip. However, Appendix Six details suggestions for development of an appropriate "on farm" site for disposal of household wastes where access to a tip is limited. Development of such a facility on a rural

holding of less than 5 hectares is not permissible without consent of Council's Health and Building Department.

Proper disposal of household garbage, spent pesticides and containers and livestock remains is essential not just to avoid visual pollution but also to protect the very valuable water resources of the Shire.

Residents are encouraged to recycle all possible garbage:

- Information on composting of organic wastes is available
- Many glass, plastic and metal containers can be recycled
- Waste paper is often collected by local charities

Disposal of garbage, pesticides and animal remains in gullies and waterways is not only undesirable but also exposes the resident to prosecution for pollution of a waterway.

Always dispose of pesticide, poison and cleaning containers in an approved manner (often specified on the label). If in doubt contact a responsible authority such as the Department of Agriculture, Pesticides Officer.

#### **4.11 PRIVACY CONSIDERATIONS AND IMPACT ON NEIGHBOURS OF NEW BUILDINGS**

Section 312A Local Government Act places certain obligations on Council to advise neighbours of a building proposal and in certain circumstances such neighbours may inspect plans of the proposed building prior to consideration by Council, but only plans relating to the height and external configuration of the building.

Appendix Seven details the current policy of Council, however the legislation is currently the subject of review.

#### **4.12 ELECTRICITY**

Council advises all intending purchasers of vacant lots to make their own appropriate enquiries with the relevant County Council regarding costs for connection to the electricity supply. It is generally a condition of Council's Development Approval that the home builder connect to the electricity supply at the home builder's expense.

#### **4.13 PROTECTION OF BUILDINGS FROM BUSHFIRE**

Council recognises the risk of bushfire hazards in rural areas, particularly where small lot developments occur. In an effort to minimise the risk Council has adopted the following guidelines so as to provide an environment for rural residential living and to ensure minimal risk to life and property from the effect of bush fire and grass fire.

Council in accordance with general practice has identified three categories of land within the rural areas of the Shire.

- Areas of low fire hazard;
- Areas of moderate fire hazard;
- Areas of high fire hazard.

Each of these areas will be illustrated on the Bushfire Hazard Map.

Where land is of a moderate to high fire risk applications should include details of how fire risk will be minimised in the development, including:

- Access for fire fighting vehicles;
- Evacuation or refuge measures;
- The design of fire breaks having regard to visual impact considerations, wind conditions and the ongoing management of fire breaks.

Advisory material is supplied from the NSW Department of Bush Fire Services to all new homebuilders and homebuilders are strongly recommended to follow such guidelines.

In addition, Council will impose special conditions on dwelling sites in areas that staff deem are of high than average fire hazard. These provisions may include:

- Under floor areas to be enclosed on exposed elevations;
- Prohibition of combustible external wall and roof coverings (eg wood shingles);
- Openings in external surfaces to be protected by metal fly screening;
- Development of an adequate fire buffer zone around the dwelling to the satisfaction of the Fire Control Officer.

All new rural dwellings must provide water storage close at hand for fire protection purposes. This can be done by creating a reserve in the lower section of the rain water storage tank with appropriate fittings for fast filling access by bush fire units or by development of an adequate dam in close proximity to the dwelling. (See Clause 4.4 (ii)).

### **Support of Local Bushfire Brigade**

All residents are encouraged to support their local Bushfire Brigade.

## **5.0 ENVIRONMENTAL PROTECTION/CONSERVATION OF NATURAL RESOURCES**

### **5.1 TREE PRESERVATION**

- (a) The retention of trees is seen by Council as extremely important so as to provide a form of erosion control and to

ensure the aesthetic qualities of the rural residential locality are protected.

- (b) Council by resolution and in accordance with its powers under Clause 8 of the Environmental Planning and Assessment Model Provisions, 1980, will make a tree preservation order in respect of all Rural Small Holding Zones (Rural 1(c)) following adoption of this Development Control Plan.
- (c) The ringbarking, cutting down, removing, injuring or wilful destruction of any trees is prohibited except with the consent of Cabonne Council.
- (d) Any such consent may be given subject to conditions as the Council thinks fit.
- (e) This order applies to all types of trees or shrubs over the height of 3m but excludes noxious plants and orchard trees.

Note that where land is defined as Protected Land under the Soil Conservation Act, 1938, removal of trees may also require a permit from the Department of Conservation and Land Management.

## **5.2 NOXIOUS WEEDS**

- (a) In an effort to ensure noxious weed infestation is kept to a minimum, an subdivider may be required to contribute a sum equivalent to the fee required for a noxious weed inspection per lot created by the subdivision. This payment will help meet Council's costs of providing information for the future purchaser of an allotment at the time of application for a Section 149 Certificate.
- (b) Council will require all subdividers in the 1(c) Zone to have all noxious weeds controlled to the satisfaction of the Chief Noxious Weeds Officer prior to release of the linen plan of subdivision. Alternatively, a bond will be required equivalent to the cost of Council effecting the works.
- (c) All Rural Small Holdings landowners are to ensure the provisions of Section 472 of the Local Government Act, 1919 (duties of owners in respect of noxious weeds) are understood and adhered to.

- (d) Attached to this plan is a current listing of declared noxious weeds within the Shire of Cabonne as of the date of this Plan. (See Appendix Three.)

Details on control of noxious weeds are available from Council's Noxious Weeds Officers, on request.

### **5.3 SOIL CONSERVATION**

It is recommended that applicants consult with the Soil Conservation Branch of the Department of Conservation and Land Management in preparing development proposals to ensure that:

- The development is designed to minimise soil erosion and sedimentation risks on the land and other land;
- Proposed dams are appropriately sited and designed.

Conditions may be imposed on any development consent to ensure that appropriate controls are incorporated and managed.

By way of general advice, the following steps are normally required to be undertaken by developers to mitigate potential harm to the environment caused by soil erosion:

- (a) Rehabilitation of cleared or denuded areas by the planting, fertilising and maintenance of grasses, shrubs and trees, as appropriate.
- (b) Where earthworks are involved, removal, stock piling and replacement of top soil, and prevention of erosion of excavated areas and topsoil stockpiles.
- (c) Stabilisation and maintenance of the beds and banks of natural watercourses and open drain traversing the site.
- (d) Control of water flows onto and across the land by the provision of surface and subsurface drains where appropriate.
- (e) Prevention of transmission of soil, sediment and waste products from the land for example, by construction and maintenance of settling ponds and sediment traps in watercourses which discharge water from the site.

### **5.4 FLOODING**

Where the development of a type that is susceptible to damage by floodwaters or local runoff or involves a risk to life in the event of a flood, is proposed on land that is liable to flooding according to information available to the Council – the Council will have regard to:

- (i) whether it is feasible to alter the location of the proposal to minimise the risk;
- (ii) whether it is feasible to require the elevation of floors above known flood levels;
- (iii) whether evacuation or refuge is possible in the event of a flood;
- (iv) whether the proposal is likely to alter floodwater patterns in a way that increases the risk to other land or buildings.



## APPENDIX ONE

### CABONNE COUNCIL ROAD STANDARDS FOR NEW CONSTRUCTION AND FOR CALCULATION OF PART CONTRIBUTIONS ON EXISTING ROADS IN THE 1(C) ZONES

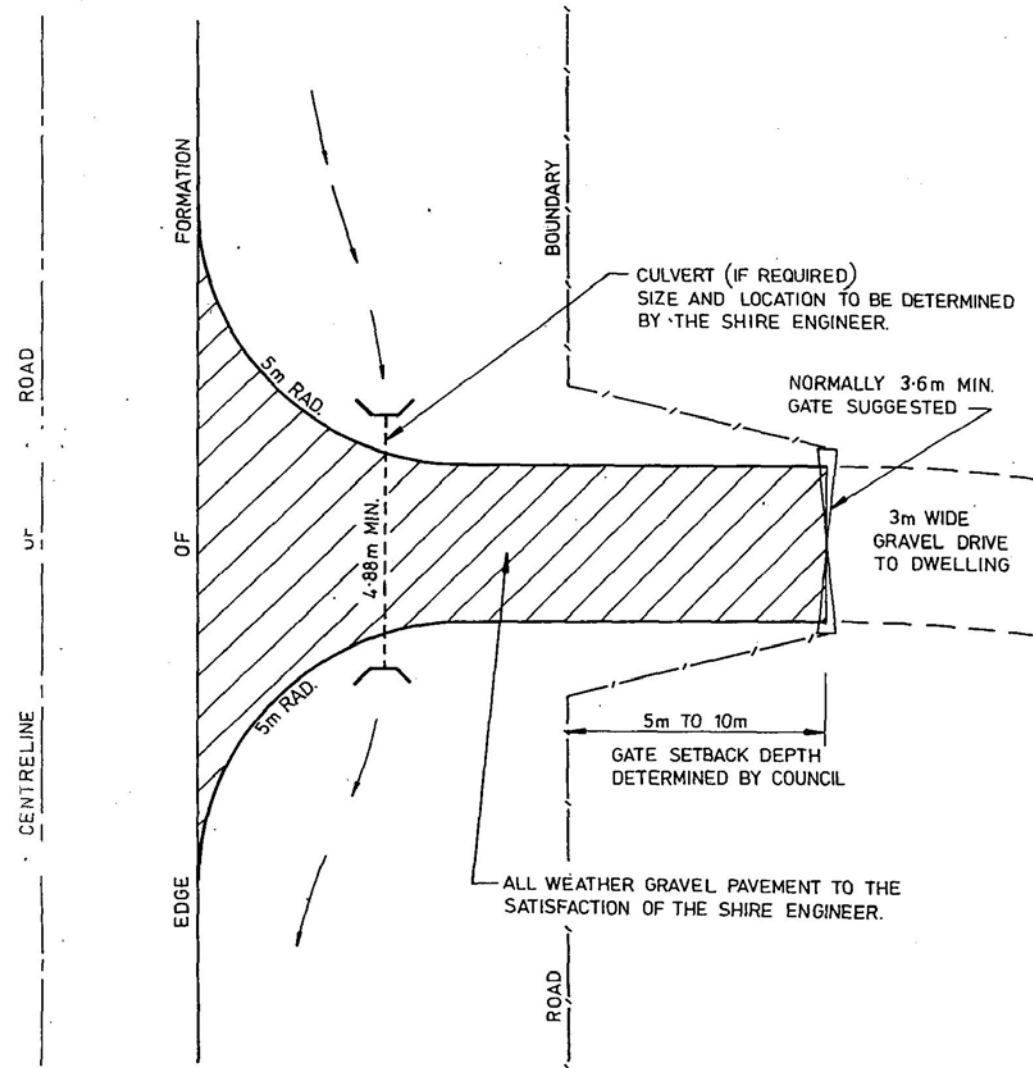
	Non-Rural Category	
No of New Lots	Rural 1(c) <5ha	Rural 1(c) >5ha
1	NR C1 3. L 3	NR C1 3. L 3
2	NR C1 3. L 3	NR C1 3. L 3
3 – 5	NR C1 3. L 3	NR C1 3. L 3
6 - 10	NR C1 2. L 3	NR C1 3. L 3
11 – 15	NR C1 2. L 2	NR C1 3. L 3
16 – 50	NR C1 2. L 2	NR C1 2. L 3
50	NR C1 1. L 2	NR C1 2. L 2

**Notes:** Degree and nature of drainage structures subject to specific site constraints and comment from Engineering Department for each individual case.

Subdivisions consisting of a number of roads may utilise various road standards subject to comment from Engineering Department.

NR = Non Rural Road Category

**For details on road specifications, consult Council’s  
“Road Standards and Construction Guidelines” manual.**



CABONNE SHIRE COUNCIL

# APPENDIX 3

## CABONNE SHIRE COUNCIL

### NOXIOUS PLANTS PROCLAMATION

The following plants have been declared noxious (Section 472(1) and 467(1) of the Local Government Act) as detailed in Government Gazettes dated 5th August, 1988 and 9th September, 1988:-

Statewide	Botanical Name	Common Name
	<i>Lycium ferocissimum</i>	African Boxthorn
	<i>Alternanthera philoxeroides</i>	Alligator Weed
	<i>Salvinia molesta</i>	Salvinia
	<i>Eichhornia crassipes</i>	Water Hyacinth
	<i>Pistia stratiotes</i>	Water Lettuce
	<i>Lagarosiphon major</i>	Largarosiphon
	<i>Xanthium spp.</i>	Bathurst, Noogoora, Californian, Cockle Bur
	<i>Rubus fruticosus (agg) spp.</i>	Blackberry
	<i>Erythroxylum coca</i>	Coca Leaf
	<i>Cuscuta spp.</i>	Dodder
	<i>Solanum elaeagnifolium</i>	Silverleaf Nightshade
	<i>Sorghum halepense</i>	Johnson Grass
	<i>Sorghum alum</i>	Columbus Grass
	<i>Cannabis sativa</i>	Indian Hemp
	<i>Prosopis spp.</i>	Mesquite
	<i>Carduus nutans</i>	Nodding Thistle
	<i>Papaver somniferum</i>	Opium Poppy
	<i>Parthenium hysterophorus</i>	Parthenium Weed
	<i>Nassella trichotoma</i>	Serrated Tussock
	<i>Cenchrus incertus C. longispinus</i>	Spiny Burrgrass
	<i>Hypericum perforatum</i>	St. John's Wort
	<i>Gymnocoronis spilanthoides</i>	Senegal Tea Plant
	<i>Cortaderia selloana</i>	Pampas Grass
	<i>Toxicodendron succedaneum</i>	Rhus Tree
<b>Cabonne Shire Area</b>		
	<i>Eragrostis curvula</i>	African Love Grass
	<i>Convolvulus arvensis</i>	Field Bindweed
	<i>Heliotropium amplexicaule</i>	Blue Heliotrope
	<i>Solanum rostratum</i>	Buffalo Burr
	<i>Cirsium arvense</i>	Perennial Thistle
	<i>Hemeria spp.</i>	Cape Tulips
	<i>Conium maculatum</i>	Hemlock
	<i>Cardaria draba</i>	Hoary Cress
	<i>Pennisetum villosum</i>	Longstyle Feather Grass
	<i>Salvia reflexa</i>	Mintweed
	<i>Onopordum acanthium</i>	Scotch Thistle
	<i>Onopordum illyricum</i>	Illyrian Thistle
	<i>Centaurea calcitrapa</i>	Star Thistle
	<i>Dittrichia graveolens</i>	Stinkwort
	<i>Rosa rubiginosa</i>	Sweet Briar
	<i>Ailanthus altissima</i>	Tree-of-Heaven
	<i>Raphanus raphanistrum</i>	Wild Radish
	<i>Proboscidea louisianica</i>	
	<i>Ibicella lutea</i>	Devil's Claw
	<i>Sorghum spp. hybrid cv silk</i>	Silk Forage Sorghum

In accordance with the Local Government Act, every occupier of private land shall take reasonable and effective measures to eradicate noxious plants from the said land or be liable to a penalty of up to \$2,000.

Administration Office,  
Bank Street,  
MOLONG. N.S.W. 2866

G.L.P. FLEMING,  
Shire Clerk.  
24th October, 1988.

### Interim Proclamation (November, 1993)

Biddy Bush or Sifton Bush

## **APPENDIX FIVE**

### **CABONNE COUNCIL**

#### **REQUIREMENTS FOR HOUSING DEVELOPMENT APPLICATIONS**

In addition to addressing any special circumstance at the site, applicants are requested to provide at least the following basic information as part of a Development Application for a dwelling:

- fully completed application form, with owner's consent and payment of required fees;
- at least two copies of site plans, to scale and depicting:
  - the land parcel (with full title details, easements, etc)
  - surrounding land parcels/owners
  - proposed point of access to a public road
  - proposed access road within the property
  - north point
  - any proposed clearing of trees
  - any dam or creek close to the dwelling or relevant to dwelling water supply
  - the site of any existing dwelling or building on the same property or any existing dwelling on another property within two hundred (200) metres of the proposed dwelling
- at least two copies of elevation plans of the proposed dwelling depicting/stating external surfacing and structural materials;
- a written statement detailing the proposed water supply, methods of drainage and waste disposal, and any special matter you wish to advise Council.

An information kit for prospective home builders is available from Council's Planning Department on request.

Note that a Building Application will also be required. Applicants are encouraged to lodge Building Application and Development Application together where house plans are finalised.

#### **Building Design Suggestions**

New dwellings or additions to existing dwellings, on small rural holdings should be designed to:

- complement and blend with the general topography, vegetation and rural landscape of its surroundings;

- maintain and ensure reasonable access to sunlight, daylight and views for all;
- preserve the existing landscape and natural resources of the locality; and
- protect a neighbour's rights to rural and visual privacy within their dwellings.

On sloping sites, buildings should follow the natural contours of the land, using split level floor plans if required.

The amount of excavation should be minimised in the design wherever possible.

Similarly, disturbance to existing vegetation should be minimal and ground covers should be planted as soon as practicable after site disturbance in order to minimise potential soil erosion.

Building materials should be selected on their ability to blend with or complement natural surroundings. Generally highly reflective materials such as zincalume should be avoided.

Existing vegetation should be preserved on site wherever possible and new plantings of appropriate ground covers, shrubs, trees should be carried out to:

- stabilise steep slopes;
- screen out severe winds;
- attract native birds;
- shade house in summer;
- create private spaces around the house.

Care should be taken however not to introduce noxious plant species as detailed in Appendix Three of the Rural Small Holdings Development Control Plan.

## **APPENDIX SEVEN**

### **CABONNE COUNCIL**

#### **COUNCIL POLICY ON NOTIFICATION OF BUILDING APPLICATIONS**

At the Council Meeting of 21<sup>st</sup> April 1992, Council adopted the following procedures with respect to notification of Building Applications:

1. By field inspection the responsible Health and Building Surveyor establishes which adjoining or nearby properties if any are affected by the proposed building work. These property owners to be notified either by the building applicant or by Council advising that the plans are available for inspection at one of Council's offices for a period of fourteen (14) days prior to determination during which time written submissions may be lodged with Council. Further that building applicants who approach affected property owners on their own behalf must supply a written acknowledgement from such property owners to the effect that the plans have been inspected.
2. In cases where the field inspection discloses that many properties could be effected by the proposed building work then action be taken to advertise the application in the local newspaper at full cost to the applicant.
3. That discretionary power be exercised by the responsible Health and Building Surveyor in determining the necessity to notify minor structures including pergolas, carports, garden sheds and minor structural additions as well as the construction of all buildings in relatively remote areas within Rural 1(a) Zones.
4. Where a Development Application has been advertised for public comment and affected property owners notified directly the building application be considered without further notification provided that the subject plans have not been altered or amended during or after processing of the Development Application.