

**COROWA SHIRE COUNCIL**  
**DEVELOPMENT CONTROL PLAN NO. 4**  
**ZONE 1(C) RURAL SMALL HOLDING**

**1. Introduction**

**1.1 Name Of Plan**

This Plan is called “Corowa Development Control Plan No. 4”.

It is a Development Control Plan under the provision of Section 72 of the Environmental Planning and Assessment Act, 1979.

**1.2 Date Of Plan**

This Plan was formally adopted by Council on

**1.3 Land To Which This Plan Applies**

This Plan applies to all land zoned Rural 1(c) under the Corowa Local Environmental Plan 1989.

**1.4 Statutory Planning Provisions**

This Plan is made under and conforms to the provisions of Corowa Local Environmental Plan 1989 (hereinafter referred to as Corowa L.E.P. 1989) which contains the local planning controls for the development of the area to which this Plan applies.

**1.5 Purpose Of Plan**

This Plan provides more detailed provisions than contained in Corowa L.E.P. 1989. The purpose of this Plan is to give detailed guidance to people wishing to develop the land to which it applies and to indicate Council's policies with respect to development.

**1.6 Application Of Plan**

Council shall take the provisions of this Plan into consideration when determining any development over the subject land. (Section 90(1)(a)(iv).)

Council shall also take into consideration those matters listed under Section 90(1) of the Environmental Planning and Assessment Act, 1979, and the provisions of Corowa L.E.P. 1989.

Council may consent to an application which departs from the provisions of this Plan, where it is considered that such departure complies with the intent of this document and where strict compliance is considered unreasonable in the circumstances.

## 1.7 Relationship To Other Plans

Where there is an inconsistency between this Plan and an environmental planning instrument, the provisions of the environmental planning instrument shall prevail. An environmental planning instrument includes a State Environmental Planning Policy, a Regional Environmental Plan and a Local Environmental Plan.

## 1.8 Definitions

In this Plan:

“Development Control Plan” - means Corowa Development Control Plan No. 4

“Dual Occupancy Buildings” - means one building containing two dwellings only. It may take the form of a new building, such as two attached dwelling units, or may be the alteration, extension or addition to an existing dwelling to enable occupation as two separate dwellings.

“Dwelling” - means a room or suite of rooms occupied or used as or constructed or adapted as to be capable of being occupied as a separate domicile.

“Dwelling-house” - means a building containing one but not more than one dwelling.

## 2. Aims And Objectives

The aims and objectives of this Plan are:

- a) To provide a residential environment which has a distinctly rural atmosphere in which all buildings, structures and development generally are complementary and in harmony with the natural surrounds.
  - b) To ensure that all development takes account of the amenity of adjoining and surrounding lands with respect to sunlight, views, privacy, convenience and safety.
  - c) To provide purchasers, landowners and developers with a document which sets out in detail Council's policies for all development and land uses within the land to which the Plan applies.
  - d) To restrict the density of development within the area so as to maintain its rural character.
3. Corowa L.E.P. 1989 details the statutory land uses permitted without consent; permitted with consent; and land uses which are prohibited. (See Annexure “A”)

## 4. Preferred land uses:

Notwithstanding the provisions of Corona L.E.P. 1989, the following is a statement of preferred land uses for land to which this Development Control Plan applies.

All development requires development consent. The following land uses will be permitted subject to Council assessment and consideration:



- a) Dwelling houses or any purpose ordinarily incidental thereto i.e. domestic garage
- b) Dual occupancy dwelling
- c) Home occupation
- d) Recreational facility

## **5. Restrictions And Development Standards**

The following development standards and land use restrictions are designed to ensure the highest rural residential amenity possible is maintained for landowners and residents.

Notwithstanding the provisions of Corowa L.E.P. 1989 the following development standards will apply to development on lands within this Development Control Plan.

### **5.1 Minimum Lot Size**

- a) A person shall not erect, or commence to use a building for the purpose of a dwelling house on an allotment of land to which this Development Control Plan applies, unless the allotment has an area of not less than 5,000 square metres.
- b) Only one dwelling house may be erected on an allotment of land referred to in (a) above.
- c) Each dwelling may include a dual occupancy.

### **5.2 Building Materials**

All external materials will, subject to the constructional requirements of Ordinance 70 under the Local Government Act, 1919, as amended, be considered on merit with regard to design, appearance and the prevention of dilapidation.

Owing to the rural nature of the area, external materials of a low reflective nature are preferred.

### **5.3 Tree Preservation**

To ensure that the rural character of the land is maintained, all trees shall be retained where they do not reasonably interfere with development. Applications to develop shall indicate the location of trees on the land and shall state those trees to be removed as a result of the development. Council may require as a condition of consent for an application to develop, in accordance with this Plan, that defined trees are to be retained.

### **5.4 Building Setbacks**

The objectives of the building setback policy in this Development Control Plan are to:

- a) maintain and ensure reasonable access to views for all
- b) maintain sight distance for vehicular safety

- c) provide privacy and areas for landscaping
- d) to maintain adequate separation distance between any residential building and the activities associated with adjoining agricultural land use not affected by the provisions of this Development Control Plan.

### **Explanation**

Council has adopted building line controls for front, rear and side boundaries to enable the above objectives to be attained.

### **Control**

- a) Front building line - 10 metres. However if the objectives of a pleasant streetscape and adequate privacy are ensured a departure from the above will be considered.
- b) Side or rear boundary setbacks (including Estate side streets) – 5 metres to external walls.

## **5.5 Development Applications**

- a) In determining an application for development on land the subject of this Plan, Council shall take into consideration those general matters listed under Section 90 of the Environmental Planning and Assessment Act, 1979 and/or Section 333 of the Local Government Act, 1919 (as amended) as appropriate. Council shall also take into consideration its current standards for development in addition to matters specifically in this Plan.
- b) Minimum requirements are contained herein which shall be required for all applications for development. Compliance with these minimum requirements shall not, of itself, constitute sufficient reason for approval of an application as each applications shall be considered in accordance with the matters stated above and both the Plan's stated aims and objectives.
- c) The following information shall be required with every application for development subject to the Plan where relevant:
  - (i) Completed development application form
  - (ii) Owner's consent to the lodgement of the application
  - (iii) Prescribed fee
  - (iv) A minimum of three (3) copies of plans which shall indicate 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 i.e. rights of way, easements,
  - restrictions to use, etc.
  - Dimension of existing and proposed lots, roads, easements, etc, and areas.
  - Contour lines or spot levels indicating the general terrain before and after development.
  - Proposed method of draining site including stormwater and sewer.
  - Method and location of access to the land.
  - Location of all substantial trees, identifying those to be removed.
  - Where the application is for development other than for subdivision, each copy of plans shall include a site plan showing clearly the location of proposed and existing buildings in relation to boundaries.
- d) The granting of consent for a development carried out in accordance with this Plan does not relieve the applicant of the obligation to obtain approval under the Local Government Act, 1919 (as amended) and Ordinances (including approval of plans for building and engineering works) or any other Act, before any work is commenced.

## **6. Building Design And General Guidelines**

### **6.1 Design Principles And Objectives**

- a) The creation of a rural residential environment, the character of which relies mainly on natural elements and the integration of new development with those natural features.
- b) The avoidance of development which would detract from the rural landscape value of the subject land.
- c) Consideration of the physical characteristics of the site in the design to minimise soil erosion and provide adequate land uses. The objectives of building design and principles in this Development Control Plan are:
  - (i) To encourage a variety of building styles which are sympathetic in design and building mediums with the existing landscape.
  - (ii) To complement and blend with the general topography and streetscape.
  - (iii) To maintain and ensure reasonable access to sunlight, daylight and views for all.
  - (iv) To preserve the existing landscape.
  - (v) To protect a neighbour's rights to aural and visual privacy within their dwellings.

## 6.2 Explanation

All buildings should be designed so as to minimise overlooking of neighbour's windows and private open space and provide a reasonable degree of privacy while blending with the surroundings.

Building design and aesthetic appearance of all proposed developments will be assessed on their ability to comply with the above objectives.

Failure to substantially meet one or more of the above objectives will result in the applicant being requested to submit amended design plans, or development refusal.

## 6.3 Dwelling House Design Guidelines

Before choosing a final house plan it is important to consider the whole of the site, how it will be used and how the house and garden will be laid out to suit the owner's needs. Consideration should also be given to how the house and garden will relate to the rest of the street to ensure it is compatible with neighbouring houses.

Accordingly, a scaled site plan should be prepared, prior to choosing a house plan.

### a) Design

A dwelling house does not have to be a completely different shape and colour from the neighbour's to be distinctive. If all the houses in a road are of similar (not necessarily the same) colours and materials for example, that road tends to take on an overall character and harmony which does not exist in other areas.

Consider the design of all the buildings on the 1 allotment including carport, garages and sheds. The overall visual impression of a dwelling house is improved if these buildings are of similar design and materials as the house.

Having decided on orientation, the different uses for the land will have to be determined and location of the following will have to be decided.

- (i) Patio or courtyard
- (ii) Lawns and garden
- (iii) Vegetable garden and fruit trees
- (iv) Carport or garden
- (v) Shed or workshop
- (vi) Swimming pool
- (vii) Clothes drying area
- (viii) Storage of boats, caravans, trailers, etc.

These uses should be screened from view from the road and preferably from living areas on the site.

As a design consideration vehicular access to the rear should be maintained at all times.

## b) Building Materials

In rural areas buildings should be designed to blend with local surroundings. The most successful building materials will be those which reproduce the natural colours and textures of earth, rock and vegetation, for example:

- (i) **Bricks** - Earthy colours such as red, light brown or buff blend well with the natural landscape. It is best to avoid cream or white bricks as these colours stand out and usually clash with rural colours.
- (ii) **Natural Timber** - Timbers such as treated pine, cedar or oregon are suitable for rural areas. These may be finished in stains or oils and will require little further maintenance.
- (iii) **Mud Bricks** - Mud bricks have good insulating quality and, where on-site material is used, have great harmony with their setting. Great care must be used in shielding mud bricks from weathering and in providing a stable structure. Expert advice must be obtained.
- (iv) **Roofs** - Terra Cotta and cement tiles of low pitched, coloured galvanised iron or steel decking in the brown/green colour range of tie setting are appropriate matches for simple timber or brick structures. Flat roofs look out of place in a sloping or undulating rural setting. Dark coloured tiles may be too heavy looking and very light, bright or shiny roofs are not allowed.

## c) Floor Construction

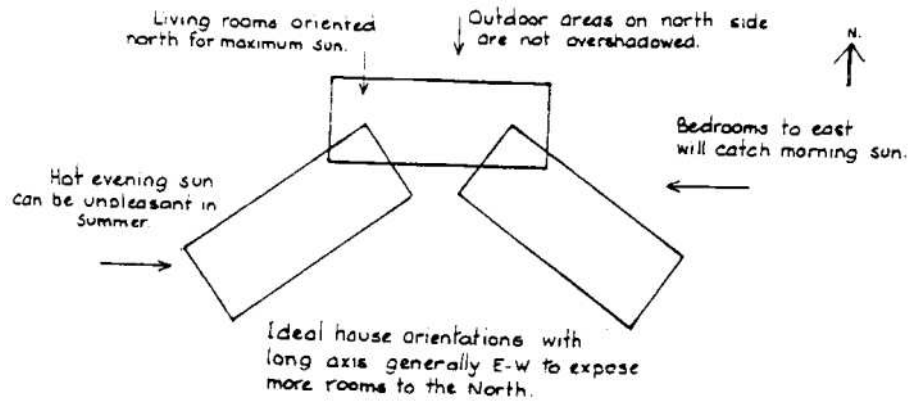
A slab on ground floor will have advantages over an aboveground timber floor.

- (i) **Appearance** - a house with a timber floor often looks unpleasant because it is several feet higher than a similar house on a slab.
- (ii) **Use Of Outdoor Space** - it is difficult to build a ground level patio area outside the living room and have easy indoor/outdoor access when the floor of the house is several feet above ground level. Steps are needed, which cost money and which make movement more difficult.
- (iii) **Thermal Insulation** - slab floors have a superior insulation value and can result in lower heating bills
- (iv) **Sound Proofing** - slab floors result in a quieter environment as they transmit very little sound from one part of the house to another.

## d) Orientation

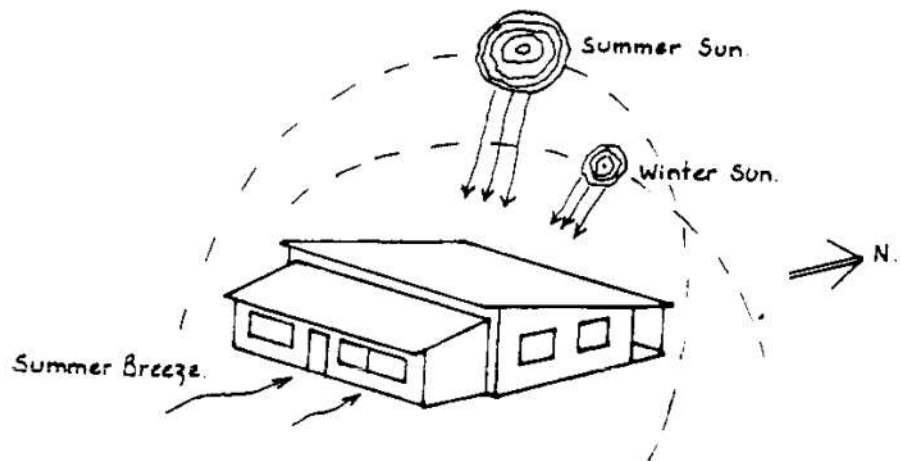
The direction in which the building and its windows face is very important. Orientation should take account of:

- (i) The best use of sunlight
- (ii) The best views
- (iii) Protection from the worst winds



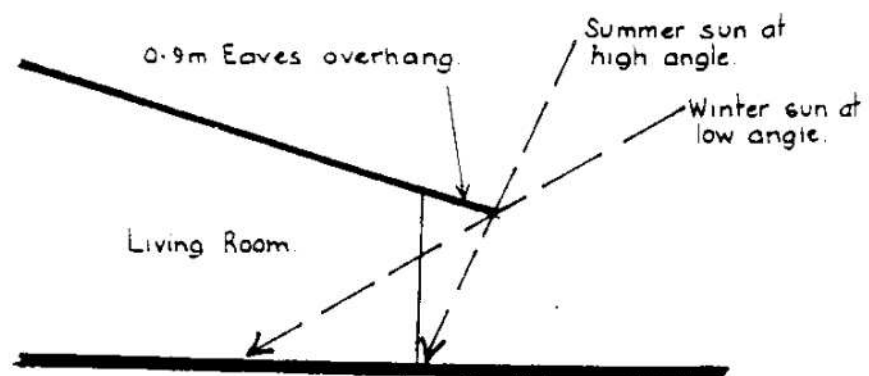
### e) Sunlight

Sunlight in the house can be pleasant on a winter's afternoon but very uncomfortable in summer. West facing windows will receive direct sunlight as the sun gets low and need to be avoided or protected. Bedroom windows which face east will receive early morning sunshine, which is an advantage in winter but should be protected in summer.



In summer the sun is higher in the northern sky so that, with eaves, verandahs and pergolas, the problem of direct sunlight is avoided.

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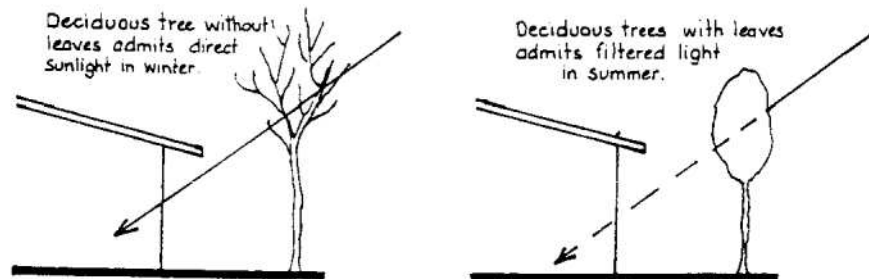
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South and east are the next most desirable aspects for windows and may be appropriate for rooms such as kitchens and bedrooms if all the northern aspect has been taken up with living rooms.

West facing walls should have small windows, if at all.

Eaves, verandahs, pergolas and deciduous trees can be used to shade the intense summer sun from windows but allow winter sun to penetrate.



#### f) House Surrounds

For a “total” design consider the following:

- (i) Eaves, pergolas and verandahs provide a space where indoor and outdoor space can merge.
- (ii) Outbuildings, fences and garages should blend with the house and create private and semi-private spaces around the house.
- (iii) Planting of ground cover, shrubs and trees can achieve many things:
  - Screen the house from view (but choose trees of the right height if a view is to be protected)
  - Shade house in summer (deciduous)
  - Screen out severe winds
  - Create private spaces around house
  - Attract native birds
- (iv) Trees and shrubs can be effectively used to screen utility areas from view and to define spaces for patios, pools, courtyards, etc.
- (v) Drive-through carports or garages provide access to the rear of sites for storage of boats, trailers, caravans, etc.
- (vi) Clothes drying areas need to be handy to the laundry but are unsightly and should be screened.
- (vii) Living areas, patios, etc. can be created between the house and the street by screen planting of shrubs and trees. Where a lot faces north this is important.

## 7. Subdivision Design Constraints

## 7.1 Objectives

The objectives of the subdivision policy are to:

- ensure all lots have access to utility services such as water, sewerage, power and drainage
- encourage a high level of neighbourhood amenity and traffic safety
- to encourage a design which will maintain the rural character of the area

## 7.2 Lot Design Standards

### a) Allotment Size

- (i) A person shall not subdivide land, to which this Development Control Plan applies unless:
  - Each allotment thereby created has an area not less than 5,000 square metres.
  - The area of any allotment created is not more than 2 hectares (20,000 square metres).
  - Each allotment created shall have a frontage to depth ratio that is not less than 1:4, (i.e. to comply with the ratio standard a 5000m<sup>2</sup> allotment shall have a minimum frontage of 36m and a depth of approximately 139m).
- (ii) Battle-axe allotments will be permitted where each allotment has:
  - A minimum access width of 20m.
  - A maximum access length of 100m.
  - For the area of the allotment (excluding the access) an average width to depth, ratio of not less than 1:3.

### b) Utility Services

The following services shall be required to be provided to each lot created:

- (i) **Water** - All lots are to be served with a water supply which satisfies the requirements of Council.
- (ii) **Sewerage** - All lots which when subdivided have an area of less than 8000m<sup>2</sup> are to be served by a sewerage system connected by Carrier Main to the Council's Sewage Treatment Works to the requirements of Council.

The sewer reticulation system shall be designed to take account of the total sewer catchment for the area not just the development in question and any work associated with sewer installation shall be to Council's requirements.

- (iii) **Electricity** - All lots are to be serviced with an electricity supply which satisfies the requirements of Murray River Electricity.



- (iv) **Telephone** - All lots are to be served by telephone to the requirements of Telecom Australia.
- (v) **Drainage** - Total catchment discharge must be addressed in the development proposal with consideration given to on site detention structures to prevent excessive discharge onto adjoining and/or downstream properties.

The final design shall satisfy Council's engineering requirements.

- (vi) All service mains are to be located between road pavement and property boundary in accordance with Council's public utility allocation policy.

Satisfactory arrangements are to be made for installation of service conduits crossing the public roads prior to the construction of the road pavement.

**c) Roads**

All public roads providing direct access to the entire frontage of all allotments created together with any road serving as the primary access to all allotments created by the development from an existing all weather public road shall be constructed to Council's engineering requirements with a minimum sealed width of 6.4m and 1.5m wide gravel shoulders.

**8. Contribution To Services And Facilities (Under the provisions of Section 94 of the Environmental Planning and Assessment Act)**

**8.1 General Explanation**

Council has identified that development within the subject land will generate the need for the provision of a number of essential services and amenities including, open space, water and sewerage, drainage and community facilities.

Council will require a contribution on new development for the provision of those amenities and services.

The contribution may take the form of either a monetary contribution, the dedication of land, or both, depending on Council's assessment of the need.

Contributions may be applied to works including:

- a) Water supply headworks and augmentation.
- b) Sewage treatment and augmentation.
- c) Stormwater drainage, headworks and augmentation.
- d) Construction and landscaping of drainage structures, including drainage swales, retention basins, inlet-outlet systems, culverts and piping systems.
- e) Local roads construction and landscaping of local roads.
- f) Access.
- g) Community facilities.

h) Embellishment of local open space.

## APPENDIX A

### COROWA LOCAL ENVIRONMENTAL PLAN - 1989

#### TABLE TO CLAUSE 9

#### ZONE NO. 1(C) (RURAL SMALL HOLDINGS ZONE)

##### 1. Objectives of zone

The objectives of this zone are to promote development of land identified as being suitable for rural residential or hobby farm development.

##### 2. Without development consent

Agriculture (other than ancillary dwellings, animal boarding or training establishments and intensive livestock keeping establishments).

##### 3. Only with development consent

Any purpose other than a purpose included in item 2 or 4.

##### 4. Prohibited

Aquaculture establishments; boarding-houses; car repair stations; caravan parks; child care centres; clubs; commercial premises; educational establishments; forestry; hospitals; hotels; industries; institutions; liquid fuel depots; motels; motor showrooms; offensive or hazardous industries; places of assembly; places of public worship; professional consulting rooms; refreshment rooms; residential flat buildings; shops (other than general stores not exceeding 100 square metres in gross floor area); taverns; tourist facilities; utility installations (being gas holders or generating works); warehouses.

#### Relevant Clauses Relating To Subdivision And Dwellings Within Rural 1(c) Zone

##### Subdivision for the purposes of dwellings within Zone No. 1(c)

15.1 The Council shall not consent to an application to subdivide land within Zone No. 1(c) if an allotment is to be created primarily for the purposes of the erection of a dwelling unless the allotment will have an area of 5,000 square metres or more.

15.2 The Council shall not grant consent to the subdivision of land under subclause (1) unless it has made an assessment of -

- a) the land capability (including soil resources and soil stability) and the natural constraints and hazards of the land to be subdivided in relation to the density of the allotments proposed to be created;
- b) the desirability of providing a range and mixture of allotment sizes;
- c) whether the design of each allotment to be created by the subdivision is satisfactory for the economic provision of services to the allotment and the physical suitability for on-site disposal of wastes from the allotment; and



- d) the desirability of future resubdivision of the land for more intensive urban settlement.

**Dwellings within Zone No. 1(c)**

- 17.1 A dwelling-house shall not be erected on land within Zone No. 1(c), except with the consent of the Council given in accordance with this clause.
- 17.2 The council may only consent to the erection of dwelling-houses on land within Zone No. 1(c) which comprises an allotment or portion where that allotment or portion has an area of 5,000 square metres or more.
- 17.3 When considering any application for the erection of a dwelling-house on land within Zone No. 1(c), the Council shall consider the consequences of carrying out that development on the pattern of land-use within the zone and the services available to that land.
- 17.4 The Council shall not consent to the erection of a dwelling-house on an allotment or portion pursuant to subclause (3) unless it has examined the matter set out in clause 15(2).

**Erection of additional dwellings within Zones Nos. 1(a), 1(c), 2(a), 2(b) and 2(v).**

- 18.1 Despite clause 9, a person shall not erect more than one dwelling on land within Zone No. 2(a), 2(b) or 2(v) except with the consent of the Council.
- 18.2 The Council may consent to the erection of not more than one additional dwelling on land within Zone No. 1(a), 1(c), 2(a), 2(b) or 2(v) or to the alteration of an existing dwelling to create 2 dwellings on land within Zone No. 1(a), 1(c), 2(a), 2(b) or 2(v) where -
  - a) the dwelling could have been erected on the land in accordance with the provisions of this Plan if not for the fact that the land is not vacant;
  - b) no additional access to a public road will be required from the land;
  - c) separate ownership of the proposed dwelling could only be achieved by a subdivision of the land;
  - d) in the opinion of the Council, the dwelling to be erected or created on that land will not interfere with the purpose for which the land is being used; and
  - e) the land is not prime crop and pasture land.
- 18.3 The Council shall not consent to the subdivision of land on which one additional dwelling is erected in pursuance of this clause except under this Plan.