

# DUNGOG DEVELOPMENT CONTROL PLAN No 1

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## **PART D.9**

### CANGON PARK RURAL RESIDENTIAL DEVELOPMENT

## D.9 – CANGON PARK RURAL RESIDENTIAL DEVELOPMENT

### PART 1 - PRELIMINARY

#### Commencement

1. This plan has been prepared in accordance with the *Environmental Planning and Assessment Act 1979 (Division 3.2)* and the *Environmental Planning and Assessment Regulation 2000 (Part 3)*.
2. The plan came into force on the 18 March 2020, and was advertised on 1 April 2020 in accordance with the *Environmental Planning and Assessment Regulation 2000 (Part 3)*.

#### Name of the Plan

3. This Development Control Plan may be cited as Dungog Shire Development Control Plan No 1 Part D Section 9 – Cangon Park Rural Residential Development, Dungog.

#### The Parent Local Environmental Plan

4. This Development Control Plan conforms with the provisions of the *Dungog Local Environmental Plan 2014*, which contains the legal planning controls for the Development of land in the Shire of Dungog.

#### Land to Which the Plan Applies

5. This plan applies to all land within the Cangon Park Rural Residential Development described as Lot 16 DP865027, Hanleys Creek Road, Dungog. The area to which the DCP applies is Stage 1 of the Cangon Park Rural Residential Estate (**FIGURE 1**).

#### The Purpose of the Plan

6. This plan provides more detailed provisions than those contained in the Local Environmental Plan or in Part C.2 of DCP No.1 – Development in Rural Residential Zones. Its purpose is to give detailed guidance for development carried out within the specified area. The plan also indicates Councils objectives and policies for the area which can form a basis for negotiation should a departure from the provisions of this plan be sought.

7. The site has the potential to create a community comprising of approximately 30 dwellings set in a rural/rural residential landscape.
8. The principles in the plan complement the approach of a large range of lot sizes to increase residual land management rather than one larger unmanageable parcel.

### Status of the Plan

9. The status of a Development Control Plan (DCP) under the *Environmental Planning and Assessment Act 1979* is that it is a matter Council is obliged to consider in the determination of a development application (Clause 4.15). A DCP is however only an 'official guideline'.

### Application of the Plan

10. Council shall take the provisions of this plan into consideration in determining applications for subdivision, development and building in the area covered by the plan.
11. Where there is an inconsistency between this plan and any environmental planning instrument, the provisions of the environmental planning instrument shall prevail.
12. Compliance with the provisions of this plan does not necessarily imply that Council will consent to an application. Council must consider the full range of matters listed under of the Environmental Planning and Assessment Act 1979 (Clause 4.15) and relevant building legislation (National Construction Code). Each application will be considered on its merits.
13. Council may consent to an application that departs from the provisions of this plan. Where applications seek to depart from the provisions of this plan, they should be accompanied by a written justification, however, as a DCP is only a guideline such departures will not create an undesirable precedent.

FIGURE 1 – DCP Land Application, Subdivision Design and Hollow Bearing Trees Map

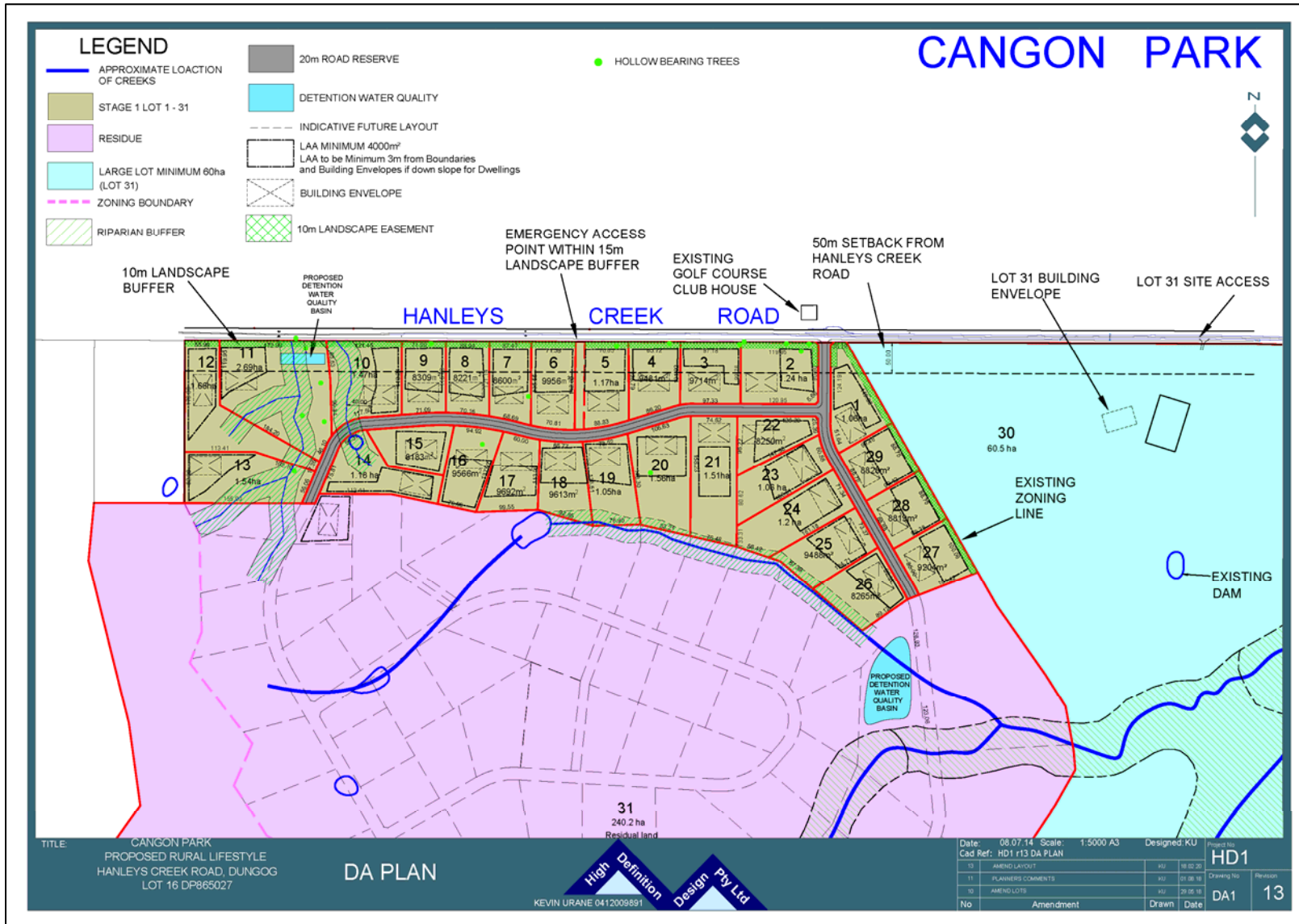
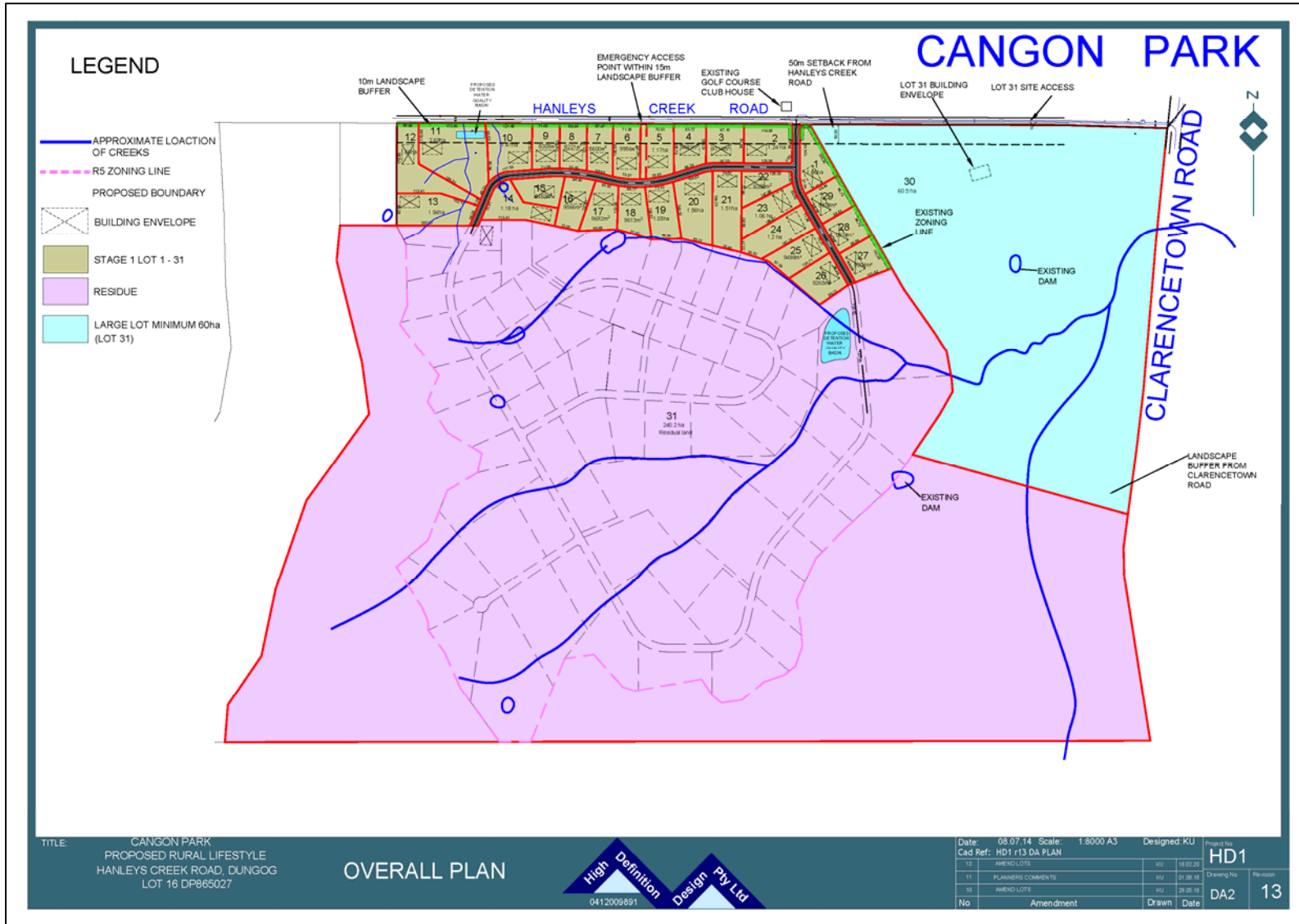


FIGURE 2 – Future Precincts Map



## PART 2 - OBJECTIVES AND APPLICATION OF THE PLAN

### Aim and Objectives of the Plan

a) The aims of the Development Control Plan are:

1. To attain a high quality rural residential precinct which exhibits a good visual presence and environmental sustainability.
2. To create a functional, integrated and connected community of which is a highly desirable location to reside in.
3. To provide guidelines for property owners in respect to the design and siting of dwellings, structures, property access, and protection of environmental values of the site.
4. To encourage development which is sympathetic to the environmental qualities and land capability of the site.
5. To provide site planning guidelines including measures to be taken to improved land management and minimise the loss of native vegetation.
6. To retain the visual amenity of the site by maximising the retention of existing native vegetation and the incorporation of appropriately selected landscaping.
7. To ensure native vegetation clearing is minimised and watercourses are protected and enhanced through appropriate landscaping.
8. To provide guidance in respect to appropriate on-site effluent disposal systems.

### Intent / Character Statement

Cangon Park Rural Residential Development is a large lot residential area identified in Councils Land Use Strategy and Local Environmental Plan. The area is to provide rural residential lots to meet Dungog's rural residential demand on the southern periphery of town.

The design of Cangon Park Rural Residential Development is to promote a balance between development, conservation and aesthetic values and the natural topography of the site.

All lots within Cangon Park Rural Residential Development are to be provided with a full range of services including onsite waste water, electricity and telecommunications.

The design of reserves and road layouts is to provide linkages throughout Cangon Park Rural Residential Development and to the perimeter of the estate.

The road layout will be a combination of through roads and cul-de-sacs, which includes perimeter roads/emergency exit for fire safety and permits easy public access to open space. Roads are to be lined with trees and grass swales where appropriate to ensure stormwater from roads, driveways and building structures is adequately managed; promoting the principles of Water Sensitive Urban Design

## SUBDIVISION GENERAL

1. The concept road layout and subdivision design is shown in **(FIGURE 1)**. Internal roads are to be designed in accordance with Council's subdivision guidelines. At a minimum, the following elements are to be incorporated into the design:
  - a) Roads to be designed in accordance with Council's Roads Management Strategy, Policy C3.18 Provision of Rural Road Services, AUSPEC documentation and relevant Austroads Standards where applicable. Roads to be designed where possible to reflect land topography.
  - b) Provide a diverse range in lot sizes. A variation will be sought to the minimum lot size for some of the proposed lots in the RU1 zone.
  - c) All lots to accommodate an unconstrained area of 4,000m<sup>2</sup> within which a dwelling, effluent disposal area and Asset Protection Zone (APZ) can be located having regard to other provisions of this Plan.
  - d) Vegetation corridor 100m wide along the Clarence Town Road frontage and 10 metres wide along Hanleys Creek Road to provide a partial visual screen of trees.
  - e) The provisions of *NSW Rural Fire Service – Planning for Bushfire Protection*
  - f) Prohibit the use of motorbikes and other recreational vehicles in constrained areas only (e.g. riparian management zones).
  - g) Boundary fencing to be limited to timber post and rail/wire rural type fencing which permits the movement of native fauna across the site and is free from 'netting type' material and maintains the open rural nature of the landscape.
  - h) Stormwater management in accordance with Council's requirements.

- i) Minimising native vegetation removal through sensitive design and maximisation of the cleared lands for urban development – note the subdivision layout has been designed to avoid vegetation removal.

## List of Figures

- 1 – DCP Land Application, Subdivision Design and Hollow Bearing Tree Map
- 2 – Future Precincts Map
- 3 - Indicative Asset Protection Zone and Hollow Bearing Tree Map

## Residential Amenity General – Planning Principles

**(FIGURE 1)** depicts the various rural residential themed precincts of layout.

### Objective

- a. To create a high class and quality rural residential development

### Performance Criteria

1. All new dwellings are to be sited to comply with the following setbacks:
  - i. 800m minimum from Clarence Town Road
  - ii. 50m Hanleys Creek Road
  - iii. 15 metres from internal roads
  - iv. 10m from side and rear boundaries
  - v. 40m from a watercourse
2. New dwellings are to be sited and designed so as to:
  - i. respect the visual privacy and views enjoyed from existing and potential dwellings within the Estate.
  - ii. avoid potential for erosion, sedimentation and contamination of watercourses and water storage areas, and
  - iii. minimise the removal of native vegetation.
  - iv. reflect a high quality of finish and be of a scale which compliments the character of the rural setting.
  - v. encourage energy efficient housing and solar design
  - vi. protect the riparian environment of watercourses by the incorporation of appropriate water management and erosion controls.
  - vii. encourage housing which is of a design that reduces exposure to the risks of bushfire.
  - viii. ensure building colours are limited to earthy tones with no highly reflective materials.



## Visual Amenity

**(FIGURE 1)** depicts the building envelopes and landscaping that reflect visual amenity.

### Objective

- a. To ensure buildings are appropriate within their setting and complimentary to the rural environment.
- b. To minimise the visual intrusion of the development as viewed from the main road 'entry to Dungog'.

### Performance Criteria

1. Dwellings should be located, designed and constructed of appropriate materials to not be visually obtrusive or detract from the rural character of the area.
2. Building envelopes should be sited so as to avoid the loss of large trees where possible.
3. Buildings should not be located on the western ridgeline at a height above where the apex of the roof would be closer than 5m (in vertical height) from the ground-line of the ridge.
4. Limit cut and bench construction for house sites, outbuildings and access driveways.

### Building Design and materials

1. All structures, i.e. dwelling-houses, garages, sheds, fencing, shall be designed having consideration to the rural character of the area, the topography and landscape features of the site. Particular consideration will need to be given to building location, solar access, form, colour and construction materials.
2. Colours for dwellings and ancillary buildings/structures should be 'earthy type' colours rather than bright or light ones. In particular, cream, white or very bright colours should be minimised.
3. Roofing is to be of colourbond or similar material (i.e. not tile).
4. Buildings should be designed to accommodate the topography of the site and should not require cut or fill in excess of 1 metre in depth.
5. Dwellings are required to meet an acceptable energy rating as determined by BASIX.

6. The use of verandas and awnings are encouraged to reduce the apparent bulk and improve the amenity of dwellings.
7. Ancillary buildings such as garages and sheds should be limited to a maximum height of 5m and area of 100sqm on any allotment.

## Effluent Management

**(FIGURE 1)** depicts the effluent management areas for each lot.

### Objective

- a. To ensure that all wastewater generated by each lot is treated and managed appropriately and sustainably within the boundaries of each lot.
- b. To ensure that there are no off-site impacts resulting from the on-site management of wastewater on each lot within the subdivision; as well as neighbouring properties and the broader environment.

### Performance Criteria

1. Prior to development, detailed on-site wastewater management plans and reports are to be prepared for each lot by appropriately qualified and experienced personnel. Responsibility for these reports rests with the lot owner.
2. The prepared report must include the results of a site and soil assessment considering land capability for effluent management, as well as details of proposed wastewater treatment and effluent management systems.
3. Each lot will be serviced by an on-site wastewater treatment system that is approved by NSW Health. A minimum standard of secondary treatment with disinfection is required (septic tanks alone are not sufficient).
4. Selection and management of on-site wastewater treatment systems will be the responsibility of lot owners, in compliance with Council's approval process under the NSW Local Government Act 1993 (s68).
5. On-site wastewater treatment systems are to be regularly inspected and serviced by appropriately qualified personnel as per the current NSW Health Certificate of Accreditation for the specified system.

6. All treated effluent is to be land-applied using appropriately designed effluent management (disposal) systems, being subsurface drip irrigation. Conventional absorption or evapotranspiration/absorption systems (trenches and beds) are not considered appropriate due to the existing constraints identified throughout the site and its location within a drinking water catchment.
7. Upstream stormwater is to be diverted away from effluent treatment areas.
8. All effluent management systems must be appropriately sized for the likely (maximum) wastewater load using current NSW and national best- practice design and sizing guidelines, including (but not limited to) the *NSW Environment and Health Protection Guidelines: On-site Sewage Management for Single Households* (DLG, 1998) and *AS1547:2012 - Onsite Domestic Wastewater Management* (Standards Australia, 2012).
9. Effluent irrigation systems (surface and subsurface) are to be designed, installed and managed in accordance with the above guidelines as well as the *NSW Environment Guidelines: Use of Effluent by Irrigation* (DEC, 2004).
10. Effluent must not be applied within designated setback buffers, as recommended in *NSW Environment and Health Protection Guidelines: On-site Sewage Management for Single Households*.
11. Effluent must not be applied within any areas identified as unsuitable for effluent management on individual lots, as per the on-site wastewater management report and plan prepared for that lot.
12. The minimum soil depth for effluent irrigation systems (surface or subsurface) is 600mm. On each lot, appropriate areas with adequate soil depth should be used, or imported topsoil should be used to achieve the minimum required soil depth throughout the entire effluent management area.
13. Conventional or modified absorption trenches and beds would only be considered appropriate in areas where at least 1,200mm of free draining soil is present throughout the entire effluent management area.
14. During installation of the effluent management system on each lot, native soils should be amended with gypsum at an appropriate application rate to improve soil structure and minimise erosion and dispersion.
15. All effluent management systems must be properly installed and commissioned by appropriately qualified and experienced personnel, in accordance with the manufacturer's instructions and any Council approval conditions.
16. All effluent management systems must be appropriately vegetated, preferably using turf or groundcover species as listed in Appendix 7 of the *NSW Environment and Health Protection Guidelines: On-site Sewage Management for Single Households*

(DLG, 1998). Cut vegetation should be removed from the effluent management area to maintain nutrient budgets.

17. All on-site wastewater treatment and effluent management systems must be accessible, clearly identified and available for routine inspection by Council during and following construction, and/or, as required.

## Vegetation Communities

**(FIGURE 1)** depicts the vegetation of significance, being the hollow bearing trees.

### Objective

- a. To control, minimise or prevent the destruction of native vegetation, limit the overall impact of the development on vegetation and native fauna, and prevent the spread of noxious weeds.
- b. To prevent adverse impacts on native fauna
- c. To manage pets/companion animals so as to prevent adverse impacts on local biodiversity and the amenity of existing and future owners and residents.

### Performance Criteria

1. Minimise soil compaction or disturbance. All disturbed areas must be rehabilitated with saved topsoil and salvaged plants;
2. All native vegetation within the riparian areas should be retained and managed in accordance with the approved Landscape Management Plan;
3. Pockets of regenerating bushland and young trees must be protected during any building construction work with suitable protective fencing and restricted access, including from material stockpiling;
4. Minimise the use of pesticides and herbicides around areas of native vegetation;
5. Hollow bearing trees are important to the protection of native fauna and every effort should be made to minimize their removal. Where this is unavoidable, an ecologist should be present during any habitat tree removal to ensure the protection of any species that may be roosting;
6. Restriction on the ownership of cats

7. All native fauna are protected under the *National Parks and Wildlife Act 1974*. Animals shall not be unnecessarily disturbed or harmed;
8. Feeding of native animals is prohibited;
9. Restriction of cattle from the riparian management zones;
10. Minimise movement of vehicles through sensitive areas
11. All boundary fencing to be of a type that allows for the unrestricted movement of native animals through the site, e.g. Five strand plain wire rural fencing; no netting.

## Riparians Lands Management

**(FIGURE 1)** depicts the riparian corridors for the identified watercourses.

### Objective

- a. To maintain and improved the riparian areas that will in turn improve the ecology of the area, assist in maintaining the quality of water, and maintain the rural character of the estate.

### Performance Criteria

1. All remnant and planted riparian vegetation within the estate, including around dams, is to be retained, enhanced and protected, unless a separate approval from the Hunter-Central Rivers Catchment Management Authority has been obtained;
2. Minimise the use of pesticides, herbicides and fertilizers around areas of native vegetation;
3. Planting of appropriate native trees along watercourses and around dams for bank stability and erosion control is encouraged by future owners and will initially be carried out by the developer;
4. Do not remove streamside vegetation (this includes reeds, trees and grasses), unless directed as part of an approved catchment and waterway management program;
5. Control rabbits or other pests to allow effective regeneration; and
6. Involvement of lot owners in voluntary groups such as Landcare is encouraged to promote community involvement and an awareness of environmental issues.

## Flooding and Water Management

**(FIGURE 1)** depicts the watercourses and proposed detention basins.

### Objective

- a. To ensure no people or buildings are exposed to localised flooding during the local 100 Year ARI storm event.
- b. To ensure peak flow rates downstream of land to which this plan applies are not increased in the 100 Year ARI storm event.
- c. To control, minimise or prevent the release of contaminants to the receiving waterways.
- d. To integrate stormwater detention with the provision of open space and the urban landscape.
- e. To provide an effective stormwater management system that is sustainable and requires minimal maintenance.
- f. To encourage the re-use of rainwater

### Performance criteria

1. All buildings are to be built clear from flood or stormwater affected areas;
2. Separate all animal enclosures and holding pens from permanent or semipermanent watercourses and major drainage lines to reduce flows of polluted storm water into watercourses;
3. Minimise the use of fertilisers and animal manures to prevent degradation of receiving waters and water quality in streams;
4. On-site water treatment disposal areas shall not be within 40m of a watercourse or drainage channel;
5. Where required by the owner, heavy vehicle parking areas should be nominated in development applications. Vehicle parking areas should be located 40m clear of any watercourse and vegetated buffer strips should be maintained in the area between the vehicle parking area and the watercourse;
6. Landscape using native plants as they require less water and fertiliser than their introduced counterparts;
7. Carry out the correct sediment and erosion control initiatives as detailed in this DCP;

8. Overflows from rainwater tanks should be disposed to rubble trenches;
9. Roads should have rural type construction, with table drains in lieu of kerb and gutter;
10. A combined detention and water quality basin should be installed adjacent to the main watercourse in eastern catchment near the boundary of the R5 Zoned land;
11. A combined detention and water quality basin should be installed on a lot in the northern catchment near the boundary of the site at Hanleys Creek Road; and
12. Council will be responsible for the control and periodic maintenance of the combined detention / water quality basins.

## Aboriginal Archaeology

### Objective

- a. To avoid disturbance to any aboriginal artefact or relic

### Performance Criteria

1. During the planning stage, and prior to the submission of a DA, if the area of PAD cannot be completely excluded from development impact, the Proponent should consult with a qualified archaeologist to determine if the proposed subdivision and residential development is likely to impact the PAD.
2. The PAD is removed from the developable area and will remain zoned RU1

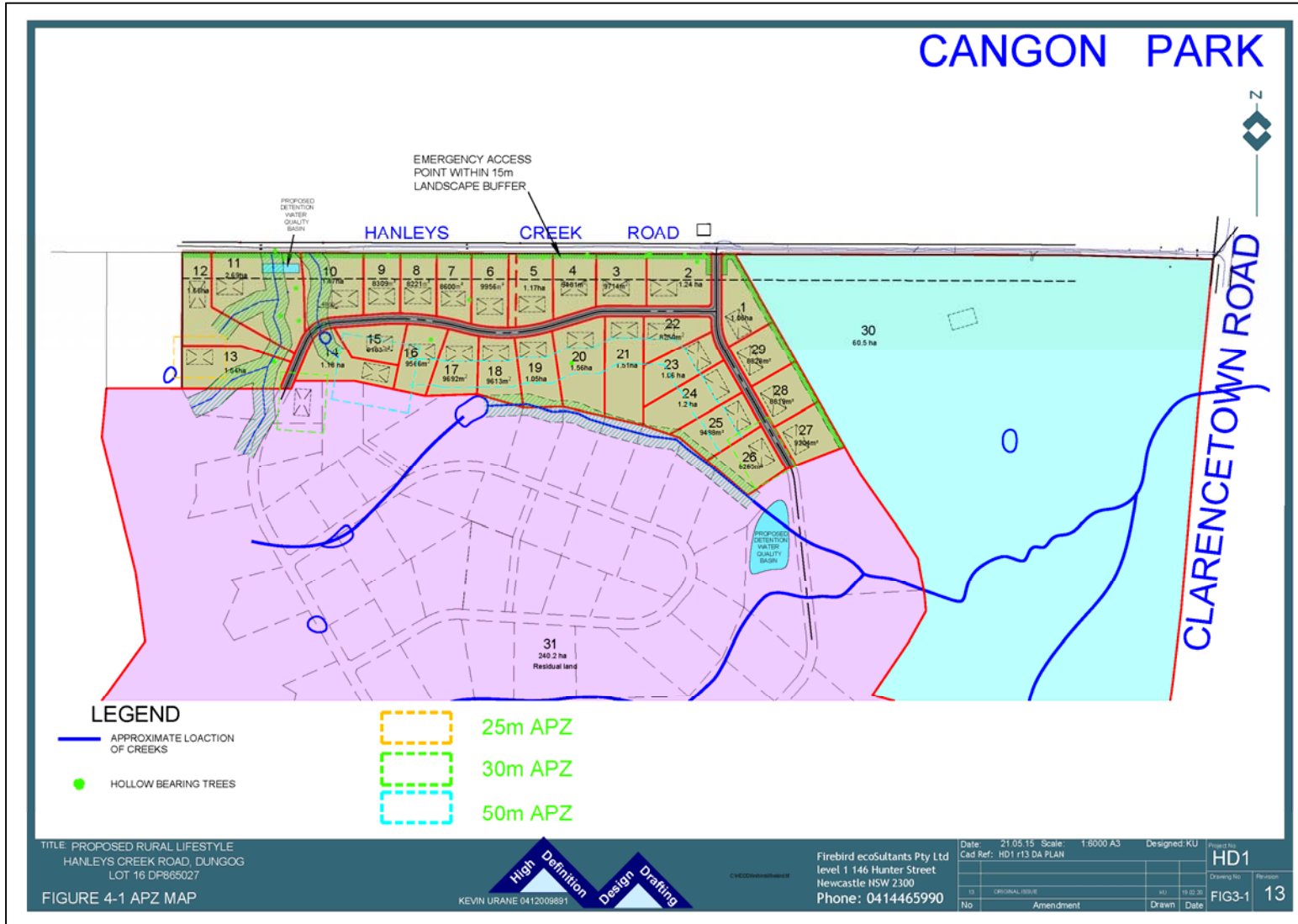
## Bushfire

**(FIGURE 3)** indicates Hollow Bearing Trees and Asset Protection Zones.

### Objective

- a. To ensure that risks associated with bushfire are appropriately and effectively managed.
- b. To mitigate risks to property and life associated with bushfire hazards.
- c. To ensure that bushfire risk is managed in connection with the preservation of the ecological values of the site

FIGURE 3 – Indicative Asset Protection Zone and Hollow Bearing Tree Map





## Performance Criteria

1. All development (including the subdivisions design) must satisfy the provisions of *NSW Planning for Bushfire Protection*, including provisions of asset protection zone, water supply, building construction and access standards. The design of the dwelling and precautionary measures taken by the residents in the lead up to the bushfire danger period are the most important elements for ensuring a dwelling does not burn down during a bushfire.
2. Asset Protection Zones must occur within the development area.
3. Asset Protection Zones should:
  - i. Be incorporated into the design of the development;
  - ii. Be as low maintenance as possible; and
  - iii. Be located outside areas of ecological value.
4. Designated APZ's and other measures to address bushfire risk must be shown on the subdivision plan.
5. Clearing of vegetation must be limited to that necessary to meet the *NSW Planning for Bushfire Protection Guidelines*.
6. Future dwellings must comply with *NSW Planning for Bushfire Protection Guidelines* and the *Australian Standard 3959 (AS3959) Construction of Buildings in Bushfire Prone Areas*.

## Landscape

### Objective

- a. To ensure landscaping is appropriate to the nature and scale of the development.
- b. To ensure landscaping enhances the appearance, amenity and character of the area to promote an overall sense of place.
- c. To ensure landscaping enhances the setting of buildings and new development is unobtrusive and sympathetic to the surrounding streetscape and neighbourhood.
- d. To provide for a network of passive and active recreational areas.
- e. To encourage native landscaping that requires minimal maintenance and irrigation.
- f. To protect visually prominent locations from obtrusive development.
- g. To provide a safe accessible environment for residents and visitors.

## Performance criteria

1. The landscaping of the estate is to be designed generally in accordance with the concept landscape plan.
2. Where vegetation is required to be removed to achieve a required APZ, in lieu of vegetation removal, building material selection should be considered or setbacks increased.
3. Where practicable, existing vegetation is to be maintained and rehabilitated, so as to provide buffers and landscaped visual relief within the subdivision.
4. New landscaping shall be provided in visually prominent locations throughout the subdivisions, including the western ridgeline and road reserves where practicable, to provide visual relief to the built elements.
5. Landscape design is to complement and support on-site stormwater management through appropriate landscape treatment, including stabilisation, minimising run-off and creating attractive parkland.
6. Preference should be given to establish street trees in informal groups and at non-regular spacings so as to achieve an informal appearance and express the road hierarchy.
7. The entrance to the subdivision should not be highlighted by a large entry statement or 'gateway' as such features are more typical of urban environments. A more modest one may be suitable if designed appropriately.
8. The majority of tree species in the public realm and along streets should be local natives, although it may be appropriate to have some exotic species in some locations.
9. The 100m vegetation corridor along Clarence Town Road boundary and the 10m vegetation corridor along the Hanleys Road boundary will comprise plantings as determined by a detailed Visual Impact Assessment and Landscape Plan.

## Traffic and Connectivity / Movement Hierarchy

(FIGURE 1) depicts the traffic, connectivity and movement hierarchy.

### Objectives

- a. To ensure a high quality, functional, safe, legible and visually attractive public domain.
- b. To achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists.
- c. To ensure the road design reflects the function of the road, the needs of the road user and connectivity to existing and future development.
- d. To ensure all access crossings / entry points have sufficient safe intersection sight distance (SISD)

### Performance Criteria

1. The road hierarchy is to ensure that connectivity and traffic safety is maintained. The major road layout for the estate is to be designed generally in accordance with the concept movement hierarchy plan
2. A safe movement system for private vehicles, public transport, pedestrians and cyclists with consideration to all future users

## Animal Management

### Objective

- a. To manage pets / companion animals to prevent adverse impacts on native fauna and on existing and future owners and residents of land within the Estate.

### Procedures

1. All pets are to be kept in accordance with the *Dungog Shire Council Companion Animal Management Plan 2007*;
2. When not under the effective control of an adult, all cats and dogs must be kept within residences or within secure enclosures at all times;

3. Ensure the keeping of livestock does not contribute to a decline in water quality, spread of noxious and environmental weeds, contribute to unreasonable noise and odours, create unmanageable effluent and wastewater pollutants via nutrient run off or create soil compaction and erosion;
4. In order to reduce land use conflict and environmental issues, livestock are to be stocked at the appropriate densities in accordance with the Department of Industry and Investment guidelines.

## Environmental Management

### Objective

- a. To provide ongoing environmental management of the site in line with best practice principles
- b. An environmental management plan is to be prepared for the construction phase for each stage of the development where roadworks are required to be constructed (*EMP– Construction Phase*).

### Performance Criteria

1. A framework for the control of likely environmental impacts from building construction activities, including practical and achievable performance requirements, a system of monitoring and reporting corrective and preventative action;
2. A framework for the control of likely environmental impacts from Rural Lifestyle development, including practical and achievable performance requirements, a system of monitoring and reporting corrective and preventative action; and
3. Provides the community with assurance by demonstration that the management of this construction project is conducted in an environmentally acceptable manner.
4. Those matters to be included in the *EMP - Construction Phase* are to include:
  - Copies of relevant development consents and construction certificates
  - Approved engineering plans
  - Approved landscape plan
  - Sedimentation controls
5. Contractors contact details include key personnel responsible for the construction – site manager, contractors, etc

6. Location of compound and management of equipment and wastes generated by the compound
7. Management of transport to/from and within the site. All contractors shall be responsible and aware of the construction EMP
8. Rehabilitation of compound at completion
9. Awareness and training of senior staff of environmental issues likely to occur on site
10. Incident management and reporting
11. Emergency contacts
12. Minimisation of noise; dust; traffic; sediment discharge; spillage of fuels; impact on native vegetation; waterways and heritage, waste and weed management
13. Verification, monitoring & recording
14. Management of complaints
15. Environmental management of the property will become the responsibility of each title holder following the sale of the land from the developer to the purchaser. As the environmental attributes of each allotment differs, a standard set of requirements have been prepared.