36 Bakers Lane Rural Residential Area

36.1 ADMINISTRATION

- 36.1.1 CITATION
- 36.1.2 LAND TO WHICH THIS PLAN APPLIES
- 36.1.3 RELATIONSHIP WITH OTHER PLANNING INSTRUMENTS
- 36.1.4 AIMS & OBJECTIVES
- 36.1.5 OPERATION OF THE PLAN
- 36.1.6 APPLICATION OF THE PLAN

36.2 DEVELOPMENT STANDARDS

- 36.2.1 SUBDIVISION DESIGN
- 36.2.2 LOT SIZE & DENSITY
- 36.2.3 LOT ENTITLEMENTS
- 36.2.4 BUILDING ENVELOPES
- 36.2.5 BUILDING SETBACKS
- 36.2.6 HEIGHT OF BUILDINGS
- 36.2.7 BUILDING DESIGN
- 36.2.8 VEHICULAR ENTRANCES
- 36.2.9 ROADS
- 36.2.10 ELECTRICITY
- 36.2.11 TELECOMMUNICATIONS
- 36.2.12 WATER SUPPLY
- 36.2.13 SEWERAGE
- 36.2.14 DRAINAGE
- 36.2.15 EROSION CONTROL & SOIL CONSERVATION WORKS
- 36.2.16 TREE COVER
- 36.2.17 NOXIOUS WEEDS
- 36.2.18 DEVELOPER CONTRIBUTIONS
- 36.2.19 OTHER SPECIFIED REQUIREMENTS
36.1 ADMINISTRATION

36.1.1 Citation

This plan may be cited as the *Bakers Lane Rural Residential Area DCP 2005* as adopted by Council as Chapter 36 of Wagga Wagga Development Control Plan 2005 on

36.1.2 Land to which this plan applies

This plan applies to land fronting Bakers Lane at Gumly Gumly described as Part Lots 25 & 26 DP 757232.

The land is shown on the Plan incorporated in this Neighbourhood Plan.

36.1.3 Relationship with other plans and planning instruments

The land to which this plan applies is zoned Rural 1 in the *Wagga Wagga Rural Local Environmental Plan 1991* and subzoned Rural 1(c) (Rural Living Area) in *Wagga Wagga Development Control Plan 2005*.

This plan is intended to supplement the development control plan provisions of Development Control Plan 2005 where applicable to the development of the subject land.

Where there is an inconsistency between this Plan and any environmental planning instrument applying to the same land, the provisions of the environmental instrument shall prevail.

36.1.4 Aims & objectives

The aims and objectives of this Neighbourhood Plan are:

- To encourage development which by its design, amenity and facilities will not detract from the quality of the surrounding environment;
- To assist development in achieving the objectives of the Rural LEP 1991 and DCP 2005;
- To minimise the impact of the development on the natural features of the area and adjoining land uses;
- To provide for a controlled release of the land to ensure that it is developed in an orderly manner; and
- To provide a degree of predicability in the development of the land for the benefit of existing and potential residents
36.1.5 Operation of the plan

These development guidelines have been prepared in accordance with Section 72 of the Environmental Planning and Assessment Act, 1979.

This plan is effective from the date of Council's decision, in accordance with clause 21 of the Environmental Planning and Assessment Regulations, 2000, and may be varied or repealed by Council in accordance with clauses 22 and 23.

36.1.6 Application of the plan

A person shall not subdivide or develop land to which this plan applies, except in accordance with these provisions and the applicable provisions of DCP 2005.

Where circumstances warrant, the Council may consent to minor variations from this plan with respect to road and lot boundaries, building envelopes and other development standards where sufficient evidence is presented by the applicant justifying the variation.

36.2 DEVELOPMENT STANDARDS

The following development standards apply to land contained within this Plan.

36.2.1 Subdivision design

The design and construction of any subdivision within the area of this Plan shall take account of the requirements of DCP 2005.

Applicants shall also refer to the Bakers Lane Environmental Study for guidance in preparing a subdivision application and also the Wagga Wagga Floodplain Risk Management Study.

A subdivision layout is to be submitted for council approval prior to the lodgement of a development application.

The subdivision layout is to be prepared in accordance with Councils adopted “Neighbourhood Design Guidelines for new Neighbourhoods” and will be incorporated as part of the Neighbourhood Plan for this land.

36.2.2 Lot size & density

The applicable subzone for the subject land is 1c Rural Residential (Rural Living Area). The purpose of this subzone is to identify areas suitable for rural residential living with lots ranging in size from 0.6 to 2 hectares.
Variable lot sizes are encouraged to have regard for the natural features of the land and to meet the needs of prospective occupants. An absolute minimum lot size of 0.4 hectares will be accepted for certain lots where they can be justified provided that the average density of no less than 0.6 hectares is achieved.

Residue lots will only be accepted where they form part of the overall staged subdivision masterplan for the subject land in accordance with the density and available lot entitlements provided by this plan.

36.2.3 Lot entitlements

Further to the provisions of Section 2.2 above, the subject land can be subdivided into a maximum number of 175 lots located within the 1(c) Rural Residential (Rural Living Area) subzone.

Lot ‘entitlements’ are not transferable to any other land in the city.

36.2.4 Building envelopes

New buildings shall not be sited within the following areas as shown on the Preliminary Concept Plan, Constraints and Opportunities Plan, and Drainage and Catchment Plan contained in the Local Environmental Study:

- Electricity easement
- Existing house and outbuilding envelopes
- Dams
- Trees
- Areas of land capability rating 4 or 6
- Land within the identified flood liable land of the Murrumbidgee River floodplain.
- Significant ridgelines (i.e. land above 216m contour)

In addition, development is to be excluded on land within 15-20m of the northern boundary (the existing fence line) to ensure the private landscaping does not merge with the spike rushes on the edge of the existing wetland.

Building envelopes are to be sited to ensure that the requirements of Planning for Bushfire Protection 2001 can be complied with.
36.2.5 Building setbacks

Buildings shall be setback from boundaries and other features in accordance with any distances expressed in this plan. Where a distance is not expressed, the following minimum setbacks will apply.

- 30 metres from Bakers Lane.
- 20 metres from any other public road.
- 10 metres from the high voltage transmission line easement.
- 5 metres from any other boundary adjoining another rural residential allotment.

36.2.6 Height of Buildings

No dwelling on any allotment shall be erected with a height of more than two storeys or 8.0 metres above natural ground level.

Notwithstanding this provision, no dwelling shall be erected to encroach upon the ridgeline (i.e. above 216m contour).

All non-dwellings are to be of single storey construction.

36.2.7 Building design

Dwellings shall be designed and constructed in accordance with Chapter 32 DCP 2005 *Energy Smart Homes*.

Building finishes shall be designed so as to blend with the existing semi-rural environment. Reflective or bright finishes and colours should not be utilised and suitable landscaping provided around the curtilage of dwellings and in the vicinity of boundaries to provide privacy and protection from winds and bush fire hazards.

36.2.8 Vehicular entrances

There shall be no direct vehicular access to individual properties from Bakers Lane.

All allotments shall be provided with a vehicular entrance, constructed and located to the satisfaction of Council.

36.2.9 Roads

The layout of the internal roads shall be generally in accordance with the Preliminary Concept Plan. All roads shall be constructed at the developer’s cost and to the standard required by Council.
Where roads cross drainage lines, appropriate crossings shall be installed to the satisfaction of the Council.

### 36.2.10 Electricity

The developer shall be responsible for providing reticulated mains electricity supply to all lots in subdivisions to the satisfaction of Council and Country Energy.

### 36.2.11 Telecommunications

Telephone lines shall be provided to the satisfaction of the service provider to all lots approved pursuant to this Neighbourhood Plan.

### 36.2.12 Water supply

All lots created shall provide connections to the Wagga Wagga water supply in accordance with the requirements of the Riverina Water Authority. The developer shall be responsible for meeting the cost of internal water reticulation mains and extension of existing mains where necessary.

### 36.2.13 Sewerage

All lots created shall be connected to reticulated sewer. The developer shall be responsible for meeting the cost of internal sewer mains and extension of existing mains where necessary.

### 36.2.14 Drainage (Wetland and Stormwater Management)

The developer shall be responsible for all internal subdivision drainage. Appropriate drainage easements shall be provided and drainage reserves dedicated to Council where required by Council following assessment of subdivision and engineering plans. Drainage plans are to include water quality control devices to reduce drainage impacts on the Murrumbidgee River.

Existing dams shall be rehabilitated in a manner to provide riparian zone habitat. Rehabilitation works shall be undertaken prior to the creation of any lots to which the dams are a part.

A stormwater management plan be prepared in consultation with the Department of Natural Resources (DNR) incorporating the following principles:

- Stormwater should be piped to artificially constructed wetlands with the design as per the specifications within “The Constructed Wetlands Manual 1998”
• Constructed wetlands should not be located within the existing natural wetlands, but within the proposed development site to the south of the existing Bakers Lane drain.

• The constructed wetlands should be designed with a regulator or series of regulators to allow outflow water to be diverted, either directly into the Bakers Lane drain and discharged to the west from the site, or alternatively to allow water to be discharged into the natural wetlands located adjacent to the proposed development site.

DNR recommend that another regulator be located at the south eastern end of Bakers Lane drain (closer to the Murray Cod hatcheries) to allow water to be held in the wetland to its natural extent, rather than freely drain through the artificially constructed Bakers Lane drain.

The stormwater management plan be prepared with a survey plan and design of the stormwater management system detailing the following:

• The location and design of the artificial wetlands;
• The location, design and relevant heights of the regulating structures;
• The area of the wetland that would be inundated before prior to overtopping of the regulating structures and drains from the site, and
• The proposed operational protocols of the stormwater management system.

36.2.15 Erosion control & soil conservation works

The developer shall consult with Wagga Wagga City Council, Murrumbidgee Catchment Management Authority and Department of Natural Resources prior to submission of the development and subdivision applications. The requirements of the various agencies shall be incorporated into the subdivision plan, and necessary protection works undertaken prior to issue of a construction certificate.

Development shall be undertaken in accordance with Council’s Guidelines for Sediment, Erosion Control and Drainage Management in Rural & Urban Subdivisions.

36.2.16 Tree cover

No trees shall be removed either through the subdivision or development of the land without the approval of Council.

Revegetation of the land shall be undertaken in accordance with Chapter 29 of DCP 2005, Native Vegetation Cover for Rural Residential Land.
36.2.17 Noxious weeds

Prior to any subdivision works, the affected area shall be subjected to a weed eradication program. The program shall be carried out to the satisfaction of the Rural Lands Protection Board and Council.

36.2.18 Developer contributions

The developer of any new lots shall make contributions to Council in accordance with its Developer Contributions Plans.

The development of this land will be subject to a planning agreement with Council.

36.2.19 Other Specified Requirements

1) A Subdivision Layout Plan be submitted with any development application for subdivision of the subject land and that the Plan be adopted by Council. The Plan shall take account of the development constraints and staging of the subdivision.

2) Appropriate engineering practices to be employed in respect to drainage, prevention of erosion, construction of roads and installation of sub-surface infrastructure in accordance with DCP 2005.

3) The existing dams and other proposed stormwater catchment zones (including ponds/dams), drainage lines and flow areas shall be rehabilitated in a manner as to provide riparian zone habitat. Revegetation shall be undertaken as to promote structural diversity. These sites shall ideally replicate naturally occurring riparian zones which once would have existed on the subject land prior to European settlement.

4) Suitable corridors of endemic vegetation shall be planted in order to act as wildlife corridors between the existing vegetation areas on the subject land. This will in turn encourage and facilitate the movement of native fauna throughout the area. Yellow Box and River Red Gum woodlands are to be identified and excluded from any development.

5) A vegetation buffer of 20 metres shall be planted along the western boundary of the site with Bakers Lane to serve as a buffer between the proposed rural residential development and the existing and potential future industrial uses to the west.

6) Prior to any development consent being granted for subdivision the following shall be prepared and submitted to Council:

   - A Site Rehabilitation Plan to document all impact amelioration measures and also to provide response protocols for problems, which may arise.
7) During construction works for the subdivision the following tasks shall be implemented:

- Ensure all developments and associated activities are planned, overseen, and monitored by persons well versed in environmental issues;
- Avoid removal of any remnant, mature or dead native trees as they provide vital habitat for birds and arboreal mammals for the entire study site, unless they become a safety issue;
- Any infrastructure required for the proposed works shall be positioned to avoid native vegetation and the natural regeneration resulting from these trees;
- Where clearing of native vegetation is unavoidable (within the guidelines as stated in the *Native Vegetation Conservation Act 1997 & Native Vegetations Act 2003*), all mature seed from native trees and shrubs felled shall be used for rehabilitation of the site;
- Where clearing of native vegetation is unavoidable, collect all mature seed from felled trees and shrubs for use in the rehabilitation program;
- The rehabilitation program may consist of 10 trees planted for every tree removed;
- Any noxious weed and other weed material encountered, shall be destroyed and/or removed from the site using appropriate methods to ensure weeds do not spread to other sites, especially in regards to invasion of drainage lines and dams;
- Sediment and erosion control structures, which conform with the relevant DEC and/or DNR guidelines shall be installed; and
- Exposed surface soil shall be stabilised as soon as possible to avoid potential erosion (by mulching, covering or replanting with native species).

8) After construction works the following measures shall be implemented:

- Residents to develop a sense of ‘stewardship’ for native vegetation on the adjacent public land;
- Residents shall not revegetate with exotic species, especially border areas of public land and private property;
- Manage livestock to ensure the vegetation and wildlife habitat are
protected and enhanced;

- Reduce or avoid grazing during wet periods when the soil is susceptible to pugging and compaction, and while native plants are flowering and setting seed;
- Promote ecologically sound bush fire control practices while not compromising the protection of lives and property;
- Consider bush fire hazard when designing planting patterns, such as breaks in the vegetation to retard the spread of fire;
- Consider planting indigenous fire retardant species;
- Locally endemic plant species shall be used to provide habitat features for native fauna;
- Ensure overstorey, understorey and ground-layer species are all included in revegetation programs to address the decline of vegetation communities;
- Reduce or avoid the disturbance of dam sites and drainage lines; and
- Encourage the existing dams to be developed into waterholes in conjunction with revegetation works to encourage wildlife and discourage wildlife movement across roads.
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
CITY OF WAGGA WAGGA
DEVELOPMENT CONTROL PLAN 2005
(DRAFT AMENDMENT No. 1)

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THIS PLAN AMENDS THE CITY OF WAGGA
WAGGA DEVELOPMENT CONTROL PLAN 2005

| CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS |
| GENERAL RANGER OF THE WAGGA NATURAL ENVIRONMENT |
| DATE ADDED: |     |
| DATE: | |