Chapter 30

30 Mitchell Road

30.1 INTRODUCTION

30.2 ADMINISTRATION

30.2.1 LAND TO WHICH THIS PLAN APPLIES
30.2.2 RELATIONSHIP WITH OTHER PLANNING INSTRUMENTS
30.2.3 AIMS & OBJECTIVES
30.2.4 OPERATION OF THE PLAN
30.2.5 APPLICATION OF THE PLAN

30.3 DEVELOPMENT STANDARDS

30.3.1 SUBDIVISION DESIGN
30.3.2 LOT SIZE & DENSITY
30.3.3 LOT ENTITLEMENTS
30.3.4 BUILDING ENVELOPES
30.3.5 BUILDING SETBACKS
30.3.6 HEIGHT OF BUILDINGS
30.3.7 BUILDING DESIGN
30.3.8 VEHICULAR ENTRANCES
30.3.9 ROADS
30.3.10 ELECTRICITY
30.3.11 TELECOMMUNICATIONS
30.3.12 WATER SUPPLY
30.3.13 SEWERAGE
30.3.14 DRAINAGE
30.3.15 EROSION CONTROL & SOIL CONSERVATION WORKS
30.3.16 TREE COVER
30.3.17 NOXIOUS WEEDS
30.3.18 DEVELOPER CONTRIBUTIONS
30.1 INTRODUCTION

Any departure from this chapter of the Wagga Wagga Development Control Plan 2005 – Mitchell Road Area as well as its Local Environmental Plan will need to be fully justified and made known to the community beforehand. Consistency in implementing any of Council’s proposals will be the key to success in establishing predictability in the mind of the community.

Where it can be shown to Council’s satisfaction that, to achieve the objectives of the Outline Development Plan within which the development is proposed, it is unnecessary or unreasonable to fully comply with the relevant development guideline, Council may relax one or more of the requirements of the particular development without the necessity to formally amend the Development Control Plan itself. This does not apply, however, to development standards including density requirements where departure from the relevant density standard is greater than 10%. In these cases, a formal amendment to the development control plan will be required.

In instances where the proposed development is not consistent with the objectives or development standards of Development Control Plan 2005 a formal rezoning application is required.

30.2 ADMINISTRATION

30.2.1 Land to which this plan applies

This plan applies to land bounded by Mitchell Road, Inglewood Road and Bakers Lane Road at Wagga Wagga described as the combinations of:

- Lots 1 & 2, DP 223769;
- Lots 1 to 5, DP 232191; and
- Lot 1, DP 226209.

Relationship with other planning instruments

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.

30.2.2 Aims & objectives

The aims and objectives of this Chapter 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;
• 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 predictability in the development of the land for the benefit of existing and potential residents.

30.2.5 Operation of the plan

This plan has been prepared in accordance with Section 72 of the Environmental Planning and Assessment Act, 1979 and consists of a written document and an Outline Development Plan.

This plan is effective from the date of Council’s decision, in accordance with clause 20 of the Environmental Planning and Assessment Regulations, 1994, and may be varied or repealed by Council in accordance with clauses 21 and 22.

30.2.6 Application of the plan

A person shall not subdivide or develop land to which this plan applies, except in accordance with the provisions of the Development Control Plan.

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.

30.3 DEVELOPMENT STANDARDS

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

30.3.1 Subdivision design

The design and construction of any subdivision within the area of this Chapter shall take account of the requirements of the other chapters of the Wagga Wagga DCP 2005.

Applicants should also refer to the Mitchell Road Area Environmental Study for guidance in preparing a subdivision application.

30.3.2 Lot size & density

Proposed lots shall be a minimum of 4,000m$^2$ in area.
Lots created shall achieve a minimum average density of one lot per 2 hectares over the total area governed by this chapter.

30.3.3 Lot entitlements

The following lots can be subdivided into the maximum number of lots as follows:

- Lot 1, DP 223769 10 lots
- Lot 2, DP 223769 19 lots
- Lot 1, DP 232191 5 lots
- Lot 2, DP 232191 6 lots
- Lot 3, DP 232191 5 lots
- Lot 4, DP 232191 4 lots
- Lot 5, DP 232191 4 lots
- Lot 1, DP 226209 5 lots

Lot ‘entitlements’ may be transferable between owners of the above existing lots as long as the overall average lot density specified in Section 30.2.2 is not exceeded. Any transfer of lots would require an amendment to this DCP to reflect the change in ‘entitlements’.

30.3.4 Building envelopes

New buildings shall not be sited within the following areas:

- Electricity easement
- Existing house and outbuilding envelopes
- Dams
- Trees
- Areas of land capability rating 4 or 6
- Land below the flood line

30.3.5 Building setbacks

Buildings shall be setback from boundaries and other features in accordance with any distances expressed in this chapter. Where a distance is not expressed, the following minimum setbacks will apply.
• 30 metres from Mitchell and Inglewood Roads, and Bakers Lane.
• 20 metres from any other public road.
• 10 metres from the high voltage transmission line easement.
• 10 metres from any other boundary adjoining another residential allotment.

30.3.6 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.

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

30.3.7 Building design

Dwellings shall be designed and constructed in accordance with BASIX.

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.

30.3.8 Vehicular entrances

Access to individual properties from Mitchell Road south of Kyemba Avenue, Inglewood Road and Bakers Lane is to be discouraged except where access already exists to a lot or dwelling.

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

30.3.9 Roads

The layout of the internal roads shall be generally in accordance with this chapter. All roads (including that part of Mitchell Road north of Kyemba Avenue) 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.

30.3.10 Electricity

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

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

30.3.12 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.

30.3.13 Sewerage

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

30.3.14 Drainage

The developer shall be responsible for all internal subdivision drainage. On site retention of drainage is encouraged. 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.

30.3.15 Erosion control & soil conservation works

The developer shall consult with the Department of Environment and Conservation prior to submission of the development and subdivision applications to Council. The requirements of the Department 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.

30.3.16 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 the Wagga Wagga Development Control Plan 2005.
30.3.17 **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 Department of Land and Water Conservation and Council.

30.3.18 **Developer contributions**

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