

NOTE: This Chapter should not be read in isolation. You may need to consider other chapters of this DCP when preparing your application.



CHAPTER V1: LOT AVERAGING SUBDIVISION

Lot Averaging Subdivision

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1 Purpose

The purpose of this Chapter is to outline controls and guidelines for 'rural lifestyle areas' in Shoalhaven.

2 Application

This Chapter applies to all land within localities 1-8 identified in Clause 4.2B of [Shoalhaven LEP 2014](#).

3 Context

This Chapter outlines the lot averaging controls that must be addressed in a subdivision application for 'rural lifestyle areas' as identified in Clause 4.2B in [Shoalhaven LEP 2014](#).

Lot averaging provides a more flexible method of subdivision in certain areas and can:

- Establish a pattern of future residential use of the land;
- Allow the creation of a variety of lot sizes of a specified average area; and
- Allow the creation of a residue area of environmentally sensitive land or agricultural land to be set aside for protection or future use.

This is different to the standard form of subdivision controls that rely on a minimum lot size (for example 1 or 2 hectare lots) across the whole of an appropriately zoned property.

Lot averaging is generally better able to match the pattern of subdivision to landscape features or characteristics, such as environmentally sensitive lands, valuable crop and pasture land or topographic features. This means that a [development](#) can have a reduced likelihood of fragmenting rural land, significantly diminishing bio-diversity, degrading air and water quality and resulting in significant cost being borne by future generations in the long term. There is also a greater potential for [vegetation](#) retention when designing bushfire [asset protection zones](#) and effluent disposal envelopes and more cost effective provision of infrastructure.

Notes:

Terrestrial Biodiversity, Riparian Land and Watercourses

If your land has been mapped as having terrestrial biodiversity, riparian land or watercourses in the Shoalhaven LEP 2014, you will need to address the provisions of clause 7.5 'Terrestrial biodiversity' and '7.6 Riparian land and watercourses' in your subdivision application.

[Development](#) may be permitted in these areas; however it is recommended that you discuss your proposal with [Council](#) before submitting your application. [Development](#) within these areas will be assessed on a case by case basis.

Special Areas of Biodiversity

In addition to the terrestrial biodiversity, riparian land or watercourse areas identified in the [Shoalhaven LEP 2014](#), there are a number of special areas of biodiversity that are to remain in its natural state. These areas have important biodiversity values and are shown on the maps for each locality.

All applications must address the potential impact that your proposal will have on the flora and fauna values of these areas, and how these values will be protected from the proposed development.

4 Objectives

The objectives are to:

- i. Ensure [allotments](#) created for small holdings are of an area and an arrangement that:
 - Enables the provision of an adequate water supply for domestic and bushfire protection purposes;
 - Enables effective disposal of domestic waste;
 - Minimises the creation of traffic hazards;
 - Provides adequate control of pollution of water supply catchments; and
 - Minimises the impact on native [vegetation](#) and [habitat](#).
- ii. Ensure [development](#) is carried out in a way that is sensitive to the topographic and environmental characteristics of the land.
- iii. Minimise the cost to the [community](#) of providing, extending and maintaining public amenities and services.
- iv. Ensure small holding [development](#) does not prejudice the interests of agricultural producers in the vicinity and minimise the impact on the natural attractions and amenity enjoyed by permanent residents and visitors;
- v. Safeguard indigenous [vegetation](#) and [habitats](#) and to rehabilitate appropriate parts of the landscape that has been disturbed or degraded.
- vi. Ensure [development](#) is consistent with and promotes the principles of ecologically sustainable [development](#).

Additional objectives for each locality (were relevant) are set out in Section 5 below.

5 Controls

5.1 Siting of Buildings

Performance Criteria	Acceptable Solutions
P1 Building envelopes are based upon site analysis and avoid steep slopes, slip-prone areas, ridge tops, sky lines, low lying areas, areas of high biodiversity value and areas subject to flooding, where such areas exist.	A1 Building envelopes/sites respond to the site's natural constraints and opportunities and are identified on each of the proposed lots. <i>Note: Council reserves the right to denote, as a condition of development consent, those areas that must not be built upon.</i>
P2 The subdivision is designed to consider privacy screening between lots, practical vehicular access to public roads and gaining maximum solar access.	A2.1 Screening that promotes privacy is provided between building envelopes on each proposed lot. <i>Refer to Landscaping Section below.</i> A2.2 Building envelopes enable a minimum building setback: <ul style="list-style-type: none"> to the road boundary of 30 metres. between other building envelopes and existing or Council approved buildings of 30 metres.

5.2 Disposal of Waste

Performance Criteria	Acceptable Solutions
P3 On site garbage pits are appropriately located, to minimise impact on residents of the proposed lot and adjoining lots.	A3 On site garbage pits, on lots over 5 hectares in area, are shown on submitted plans and sited to avoid creating a nuisance to existing, proposed and/ or adjoining residents.

5.3 Services

Performance Criteria	Acceptable Solutions
P4 The provision of services responds to the natural environment and reasonable resident need.	A4.1 All proposed lots are provided with power and telephone services and the submitted plans include routes for the power and telephone service. A4.2 Service provision to each proposed lot is routed to minimise impact on the natural environment. A4.3 Where reticulated water is not available, on-site water supply is provided for domestic use and forms

part of the design consideration for the subdivision and any buildings.

5.4 Fencing

Performance Criteria		Acceptable Solutions	
P5	The location, materials and construction methods of boundary fences complements the natural, rural environment.	A5.1	Proposed boundary fences are visually unobtrusive.
		A5.2	Fencing materials are treated timber or post and rail, and are open in nature.
		A5.3	Fencing is not located in environmentally sensitive areas, including steep slopes, habitat corridors or waterways.

5.5 Landscaping

Performance Criteria		Acceptable Solutions	
P6	The subdivision is designed to include the effective and extensive use of landscaping, particularly tree planting that complements the existing tree cover and other vegetation.	A6.1	Any proposed building envelope (possible building site) and designated effluent management area does not encroach upon: <ul style="list-style-type: none"> • ‘Special Areas of Biodiversity to Remain in Natural State’ corridors identified and mapped in this Chapter; • Areas identified on the Terrestrial Biodiversity Map in the Shoalhaven LEP 2014; • Areas identified on the Riparian Lands and Watercourse Map in the Shoalhaven LEP 2014.
		A6.2	The subdivision incorporates revegetation (with local native species) of any cleared areas on land identified in: <ul style="list-style-type: none"> • ‘Special Areas of Biodiversity to Remain in Natural State’ corridors identified in this Chapter; • Areas identified on the Terrestrial Biodiversity Map in the Shoalhaven LEP 2014; • Areas identified on the Riparian Lands and Watercourse Map in the Shoalhaven LEP 2014.
		A6.3	A landscape plan is submitted with all subdivision applications. In addition to the landscape requirements in Chapter G3 ‘Landscape Design Guidelines’ of this DCP, the subdivision design: <ul style="list-style-type: none"> • Provides strategic planting of suitable species to consolidate and expand existing stands of

Performance Criteria	Acceptable Solutions
	<p>remnant tree cover.</p> <ul style="list-style-type: none"> • Provides supplementary plantings on ridge lines and within road reserves, both existing and propose. • Provides strategic re-vegetation and provision of water quality control ponds, where appropriate. • Maintains and creates native vegetation corridors along water courses. • Includes species indigenous to the area for major tree planting and re-vegetation. Exotic species should only be planted in house garden areas or for horticultural purposes.

5.6 Flora, Fauna and Habitat

Performance Criteria	Acceptable Solutions
P7 Building envelopes are located to maximise vegetation retention.	A7 Building envelopes are located on cleared land with limited habitat value or flora & fauna significance.

5.7 Drainage

Performance Criteria	Acceptable Solutions
P8 Natural drainage principles are applied to all subdivision applications.	<p>A9.1 Stormwater run-off relies on natural drainage within the constraints of the existing topography.</p> <p>A9.2 Roof drainage is used only for domestic supply.</p> <p>A9.3 During construction, best management practices for erosion and sediment controls are installed to minimise the impact on downstream water quality.</p> <div style="background-color: #e0e0e0; padding: 5px; margin: 5px 0;"> <p>Note: Refer to Chapter G2 – Sustainable Stormwater Management & Erosion/Sediment Control for more detail.</p> </div> <p>A9.4 Surface water interceptor drains/swales are provided across the slopes uphill of building sites, to divert run-off to watercourse gullies or to discharge points downhill from any permanent structure.</p>

5.8 Access Roads

Note:

It is Council's policy not to support the closure of roads in rural areas except in exceptional circumstances. This includes a land swap where there is an offer to open a new route for the road in exchange for the closure of the existing road reserve.

Performance Criteria		Acceptable Solutions
P9	Access roads are appropriate for the trip generation created by the subdivision and all new lots have access.	<p>A9.1 If additional road usage resulting from the proposed subdivision requires the road to be upgraded from the construction requirements in Chapters G10 – 'Subdivision' and G20 – 'Car Parking & Traffic' to a bitumen seal standard these works are undertaken.</p> <p><i>Note: Contact Council to see if this will apply to your subdivision. Pooling of adjoining landowner resources with for proposals that include the construction of a road should be investigated</i></p> <p>A9.2 Access roads have a maximum grade of 15% and are provided with the necessary drainage so that access will be maintained during the 1% rainfall recurrence interval.</p> <p>A9.3 All proposed lots have coincidental legal and practical access leading to dedicated public roads under Council control.</p> <p>A9.4 All Crown roads are replaced or duplicated by public roads to facilitate further development. Variations to the public reserve may be possible and will be looked at on their merit.</p> <p>A9.5 When designing new access roads, attention is given to the potential impact on the environment, including any impact on watercourses and remnant vegetation.</p>

5.9 Locality Specific Controls

This section shows the land to which the locality specific provisions apply (based on Shoalhaven LEP 2014 Clauses Map and Clause 4.2B) and includes locality specific, key objectives and performance criteria where relevant.

Locality 1 - Bundewallah Road, Berry

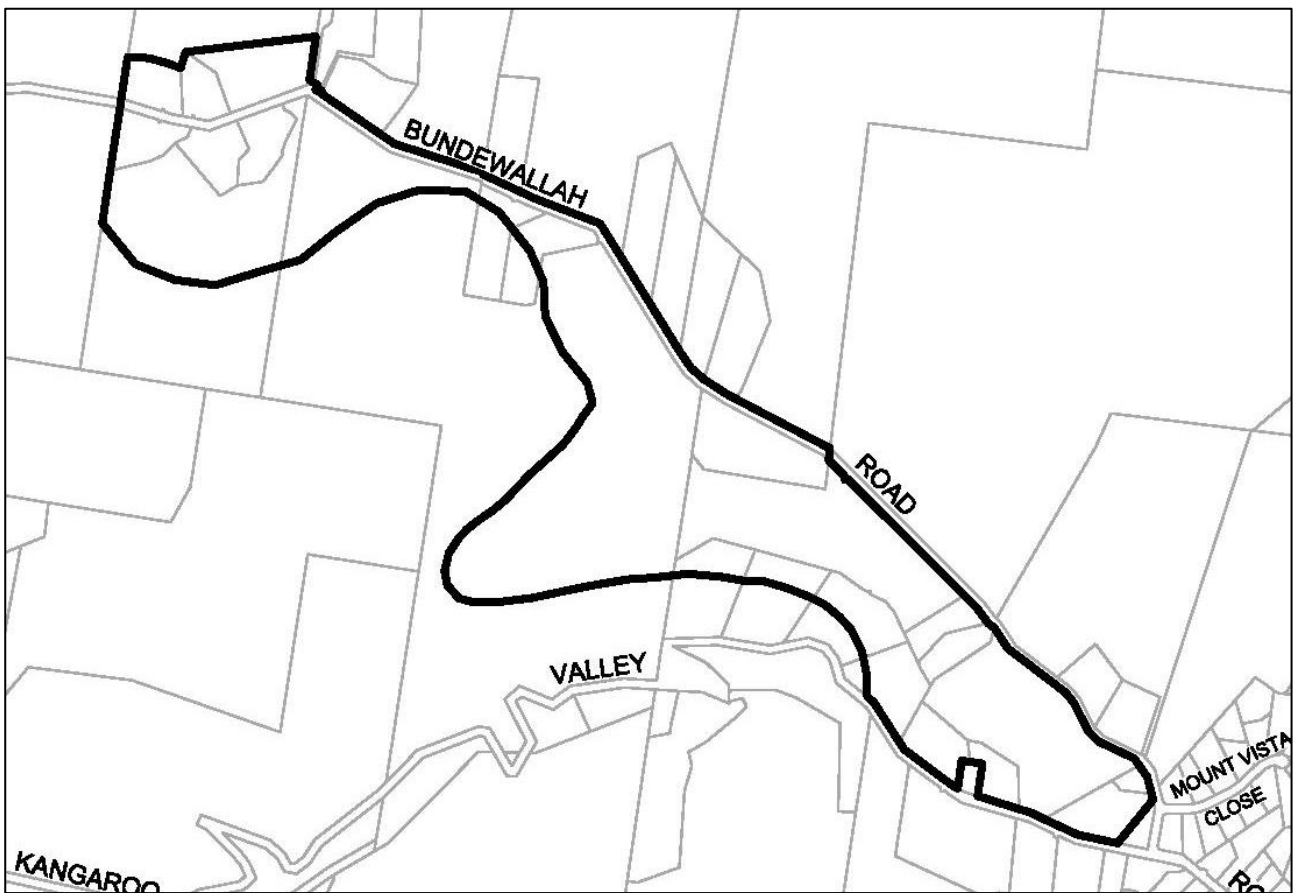


Figure 1: Bundewallah Road, Berry - application map

The specific objective is to:

- i. Provide for a lifestyle and rural character which is primarily non-agricultural.

Locality 2 - Little Forest Road, Little Forest



Figure 2: Little Forest Road, Little Forest - application map

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The specific objectives are to:

- i. Recognise the potential for periodic bush fire in the locality particularly the western part of the area adjoining State forest and to ensure that adequate protection measures are provided.
- ii. Provide opportunities for a non-agricultural lifestyle at low density north of Little Forest Road and higher densities south of Little Forest Road.
- iii. Retain the wooded character of the area.
- iv. Prevent ribbon development along Little Forest Road.
- v. Retain as much vegetation cover as possible and avoid development on steep slopes so as to minimise erosion potential.

Additional development controls:

- i. Development does occur on land with a slope in excess of 20% (1:5) so as to minimise erosion potential.

Locality 3 - Wandean Road, Wandandian

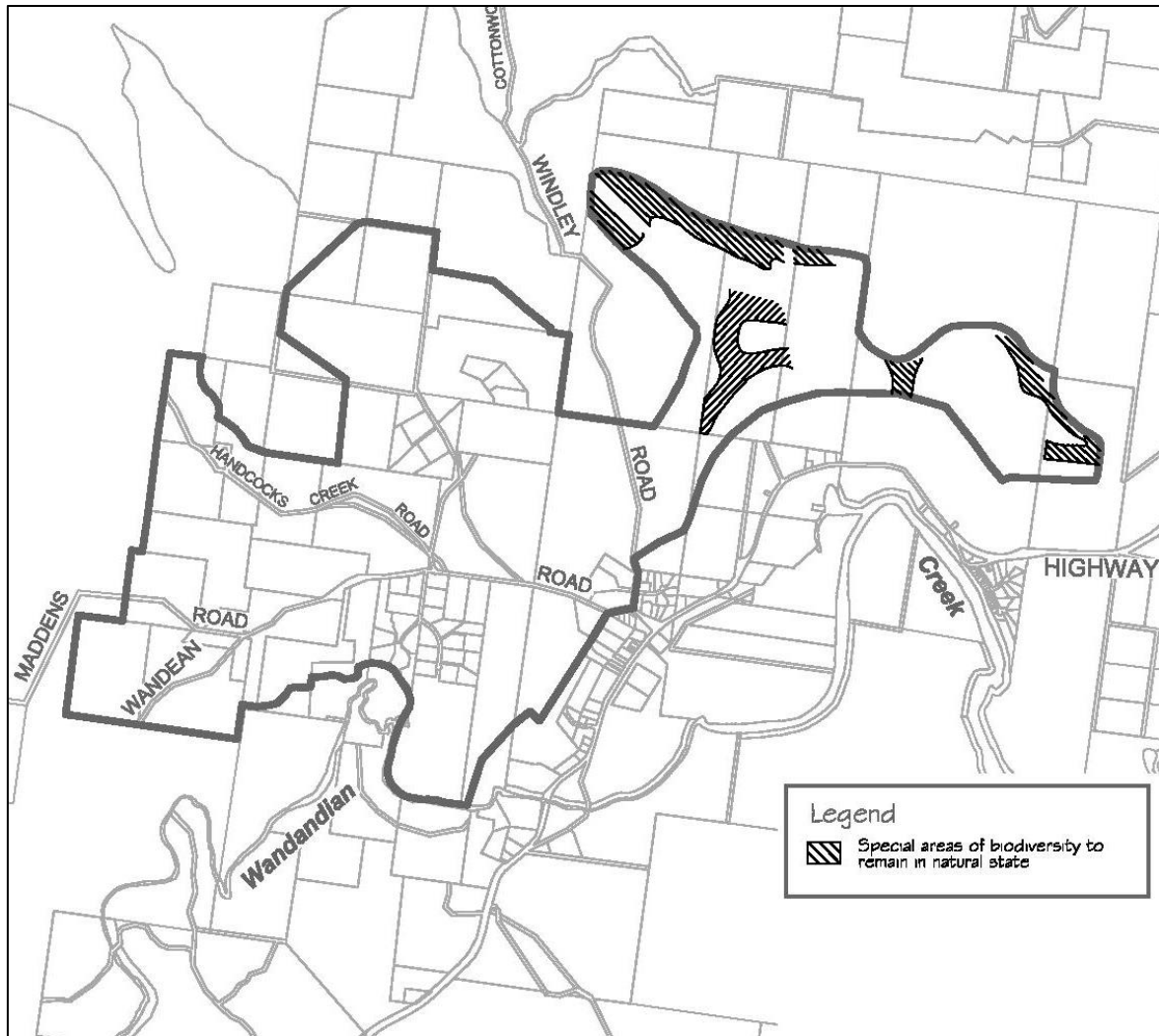


Figure 3: Wandean Road, Wandandian - application map

The specific objectives are to:

- i. Recognise the potential for periodic bush fire in the locality and to ensure that adequate bush fire protection measures are provided for the area as a whole and for each individual development.
- ii. Recognise that the broad stream valleys in the area are subject to periodic inundation and to ensure that these are kept free from development.
- iii. Recognise the sensitivity of St Georges Basin to increased sediment and nutrient loads and to maintain a high quality of surface run-off and ground water leaving the area.
- iv. Retain as much as possible of the natural vegetation in the area and to minimise soil disturbance.
- v. Provide for a low density of lots in a relatively isolated setting with a mixture of cleared and wooded sites.
- vi. Provide for only a basic level of services consistent with the relative isolation of the area and the sensitivity of the catchment.

Locality 4 - Illaroo Road, Tapitallee

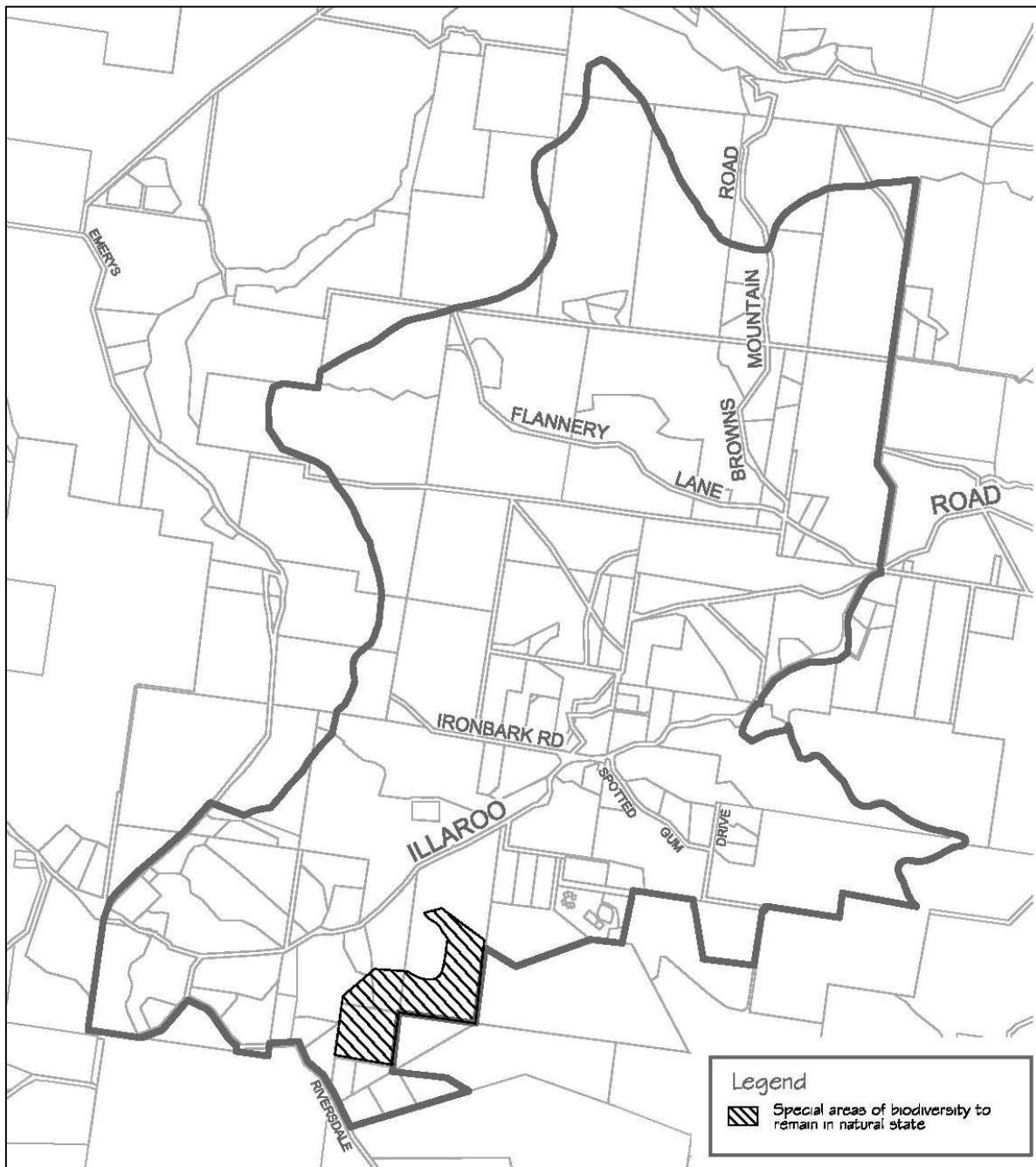


Figure 4: Illaroo Road, Tapitallee - application map

The specific objectives are to:

- i. Recognise the potential for periodic bush fire in the locality and to ensure that adequate bush fire protection measures are provided, particularly for the area south of Illaroo Road and for each individual development in that area.
- ii. Recognise the presence of prime crop and pasture land and to provide opportunities for small scale part time farming.
- iii. Provide for a non-agricultural lifestyle primarily south of Illaroo Road.
- iv. Ensure that ribbon development does not occur along Illaroo Road.
- v. Retain as much as possible of the native vegetation in the area.

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- vi. Maintain the agricultural landscape north of Illaroo Road.
- vii. Ensure that development does not take place on prominent ridges.
- viii. Recognise the need to conserve strategic vegetation communities and the presence of biodiversity habitat south of Illaroo Road.
- ix. Provide only a basic level of services to the area in keeping with its low development potential and the potential impact of reticulated water supply on waste water volumes.

Additional development controls:

- i. Development does occur on land with a slope in excess of 20% (1:5) so as to minimise erosion potential.

Locality 5 – Yatte Yattah

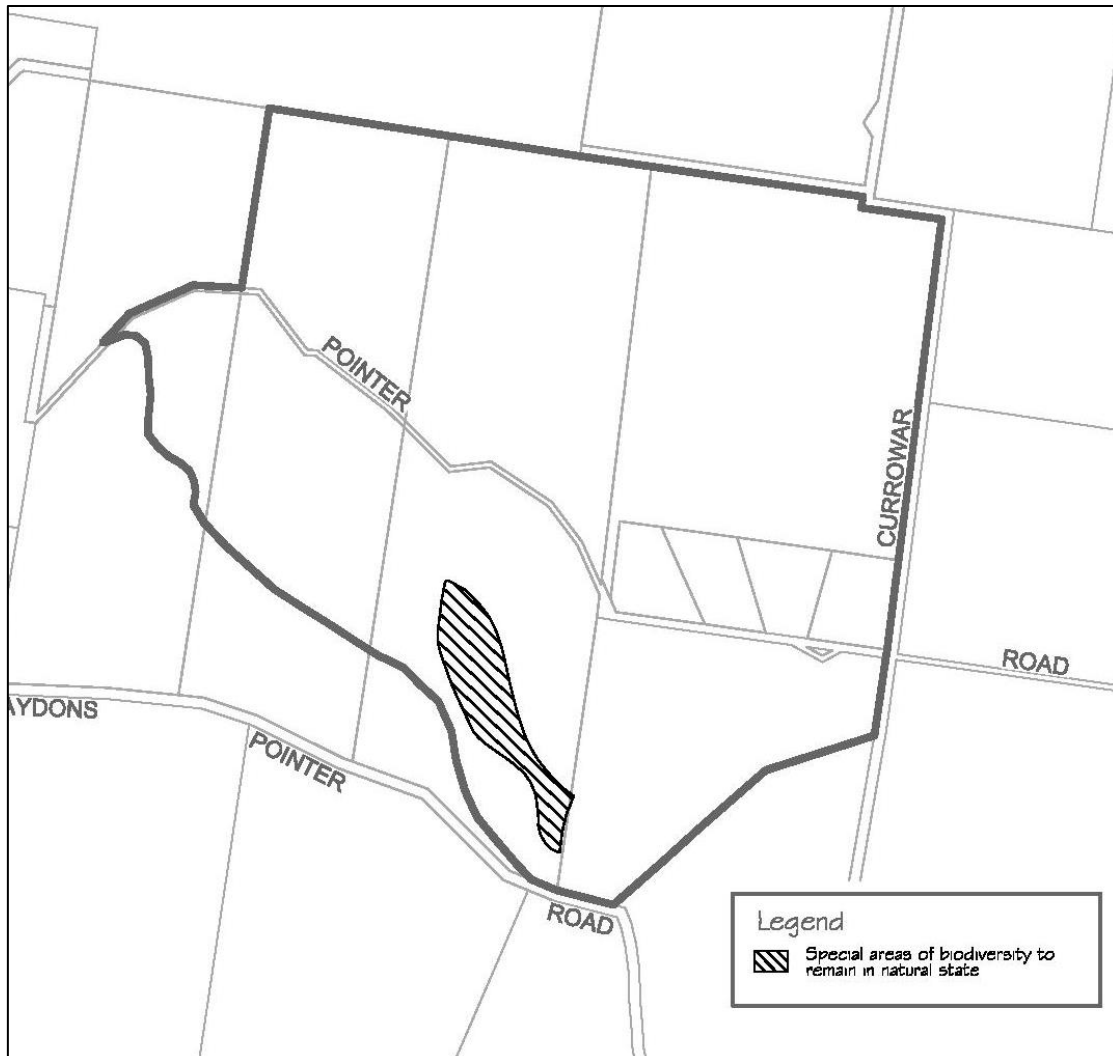


Figure 5: Yatte Yattah - application map

The specific objectives are to:

- i. Recognise the potential for periodic bush fire in the locality and to ensure that adequate bush fire protection measures are provided for the area as a whole and for each individual site.
- ii. Provide for non-agricultural lifestyle opportunities in a timbered setting by clustering lots to maximise bush fire protection and reduce the amount of clearing of natural vegetation.

Locality 6 – Termeil

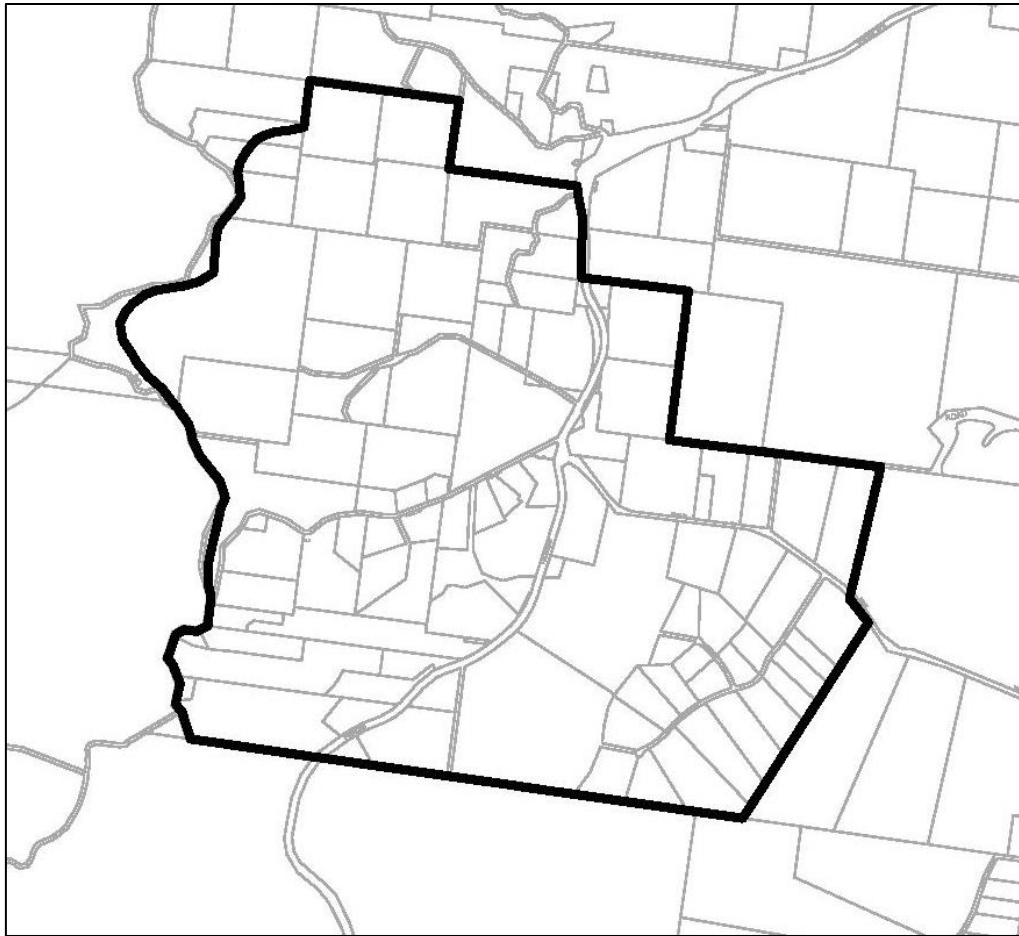


Figure 6: Termeil - application map

The specific objectives are to:

- i. Provide for the development of rural small holdings and hobby farms on land which is suitable for those purposes.
- ii. Restrict development which may have a detrimental effect on the efficiency of the Princes Highway as a major traffic route.
- iii. Integrate development into the physical environment with an acceptable level of change to the rural landscape.
- iv. Promote catchment management practices which will maintain the water quality of Meroo Lake.

Locality 7 – Conjola Park

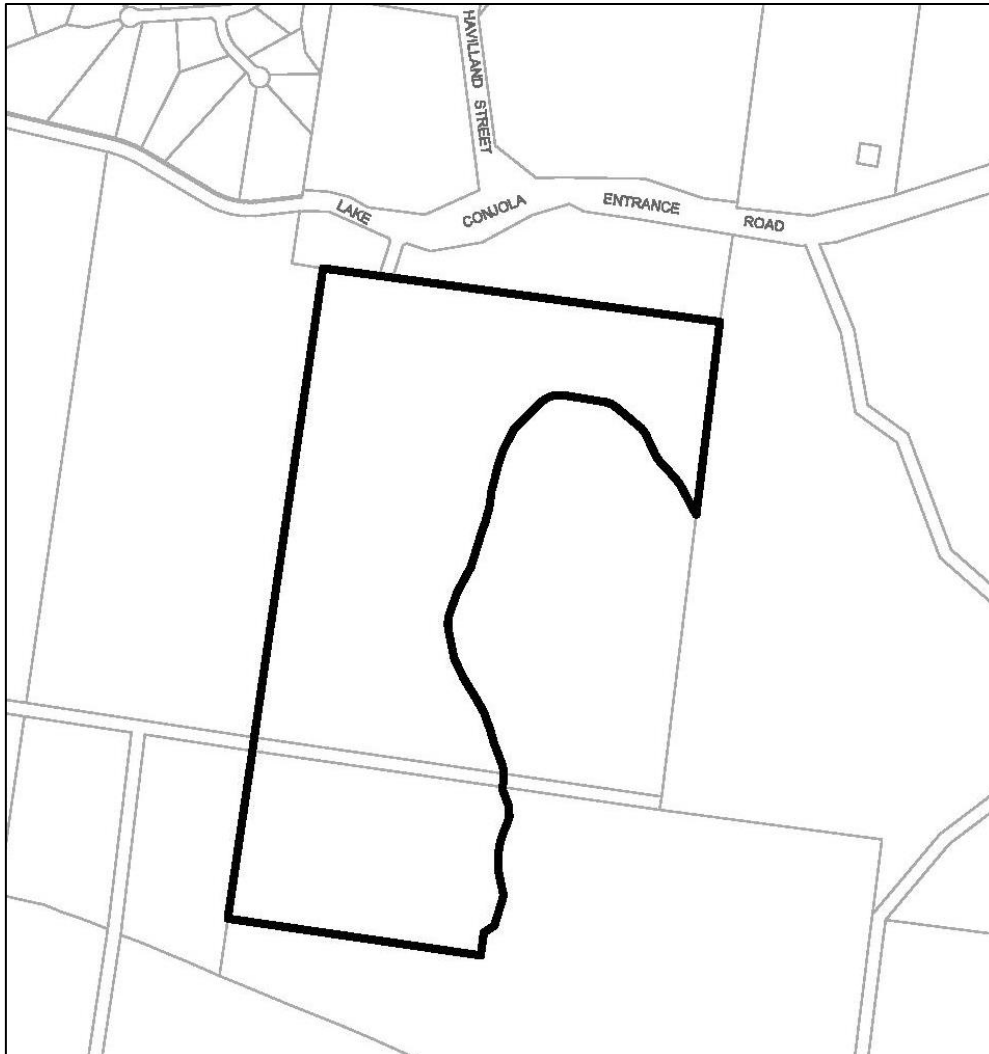


Figure 7: Conjola Park - application map

Locality 8 – Windward Way, Milton

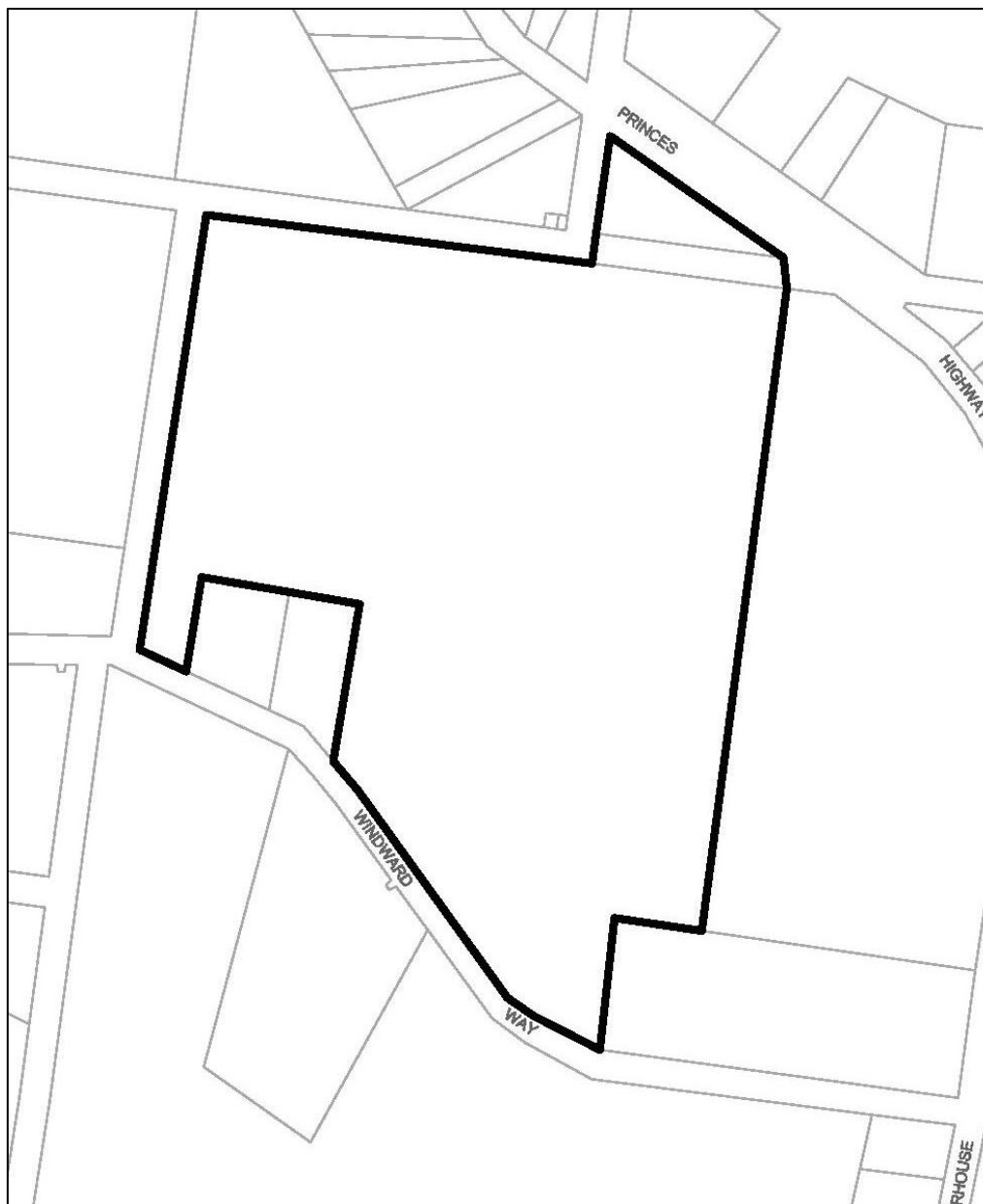


Figure 8: Windward Way, Milton - application map

The specific objectives are to:

- i. Ensure that vehicular access to each lot created by the subdivision will be by use of another road other than the Princes Highway.

6 Advisory Information

6.1 Other legislation or policies you may need to check

Note: This section is not exclusive and you may be required to consider other legislation, policies and other documents with your application

Council Policies & Guidelines

- Contributions Plan

External Policies & Guidelines

- **Building Code of Australia**
- Relevant Australian Standards
- Prime Crop & Pasture Land Maps – Department of Primary Industries.
- Planning for Bushfire Protection Guidelines.

Legislation

- *Threatened Species Conservation Act 1995.*
 - *Environment Protection and Biodiversity Conservation Act 1999 (Cth).*
 - *Native Vegetation Act 2003.*
-