



YASS SHIRE COUNCIL

DEVELOPMENT CONTROL PLAN

LAND ZONED 2(v) Village

(BINALONG)

FEBRUARY 1999

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1. Citation

This plan may be cited as “*Yass Shire Council Development Control - Land Zoned 2(v) Village*”. It has been prepared in accordance with section 72 of the Environmental Planning and Assessment Act 1979 (as amended) and Regulations.

2. Date of commencement

This plan shall be effective from the date when Council adopts the final plan and advertises the plan in accordance with the Regulations.

3. Land to which the plan applies

This plan applies to all land in the village of Binalong zoned 2(v) village under Yass Local Environmental Plan 1987 (as amended).

4. Objectives

The objectives of this plan are:

- To maintain the character of the village of Binalong in terms of its streetscape, tree planting, architecture and materials, historic buildings and fabric, historic places, spaces and views to and from the surrounding land;
- To maintain the character of the village centre as a community focus serving the village as well as the surrounding rural community, tourists and travellers; and
- To enhance Binalong as a highlight of the journey by through traffic to surrounding centres.

5. Relationship to other plans

This development control plan (DCP) must be read in conjunction with Yass Local Environmental Plan 1987 (as amended), and will be considered by Council in assessing applications for development proposals within the 2(v) Village zone. All new development within the 2(v) Village zone must comply with the provisions of the DCP.

Any request to vary the provisions of the DCP must be accompanied by a detailed assessment as to why the requirements should not be met in the circumstances and will only be considered where consistent with the objectives of the DCP.

6. Definitions

All matters described in this development control plan shall have a meaning as described in the Model Provisions to the Environmental Planning and Assessment Act 1979, adopted by Yass Local Environmental Plan 1987, and those other definitions set out in Clause 5(1) of Yass Local Environmental Plan 1987.

7. Background

This development control plan has been formulated to set out Council's requirements for development in the 2(v) village zone.

The DCP has been prepared in response to Council's Three Villages Study. The provisions of this DCP aim to allow development that is consistent with the landscape, environmental and heritage qualities of the land. A number of design and siting criteria must be addressed as an integral part of any development application.

8. Development requirements for dwellings

A development application is required for dwelling-houses with the following matters to be addressed and complied with for each site.

8.1 Dwelling design and siting

Landscape setting:

The village of Binalong is sited in a small valley oriented roughly east/west. Settlement is triangular in plan, with the apex being towards Yass at the upper entrance of the valley and the base being Bungalal Creek. The street layout provides for housing on the steep slope above Bungalal Creek which retains some occupied and remnant dwellings. The crest of the ridges that flank the north and south of the village are largely vacant. The valley floor is undulating, with a low rise above the confluence of two creeks supporting a commercial centre.

8.1.1 Placement and Design:

When considering an application for development of dwellings and associated structures, Council must be satisfied that the following matters have been addressed/complied with:

Guidelines

- The use of building materials such as stone, timber and soft reddish brown bricks is encouraged. Other building materials will be considered on merit, having regard to the objectives of this DCP. All building materials shall be appropriate for the use and size of the building and detailed to suit the location and adjacent buildings.
- Corrugated orb corrugated steel roofing is preferred. Coloured concrete tiles are acceptable only where they do not conflict with neighbouring

roofs. Highly reflective roofs (e.g., white pre-coloured steel and zincalume) will not be approved on any new structure.

- Where there is a lack of a defined setback, building location will be considered on merit.
- Windows on any new dwelling should be predominantly vertical in character. This means that the ceiling heights of new buildings must be carefully considered.
- Council would prefer that all new garages and carports be detached structures. However, attached structures will be considered on merit and will be approved in preference to detached structures where the applicant shows that the proposed structure will not conflict with the objectives of this DCP. Any application for an attached garage must give careful consideration to design elements such as roof shape, projections, setbacks and building materials. Attached garages should not add visually to the mass of the dwelling.

Requirements

- New dwellings shall be set back to the line defined by the fronts of immediately adjacent buildings. This aims to conserve the character of established wide streets.
- Buildings must be located well clear of any ridgelines in order to minimise the impact of proposed development on the skyline, particularly when viewed from any public road or adjoining/adjacent property.
- Tree plantings on ridge lines which provide a backdrop to buildings are encouraged and may be required as a condition of consent, depending on the circumstances.
- Roof pitch of all new dwellings being no less than 22°.
- Detached Dual Occupancy Building's will only be permitted in the 2(v) Village Zone where the two buildings are complimentary. Conflicting style and forms will not be permitted.

- Any new building adjoining or adjacent to a home identified as having heritage significance, must reflect the character of that building in terms of building materials, colours and architectural elements, and shall not adversely affect the cultural significance of the locality.
- New dwellings must be of single storey construction; attic rooms are acceptable. Council may also approve the construction of an understorey on steeply sloping land.
- Extensions to existing dwellings must not detract from the existing form, with roof forms, other architectural elements and building materials being consistent in design and colour.

Any potential applicant is encouraged to contact Council's Planning and Development Department to discuss their proposal prior to lodging a formal application.

8.2 Water supply

All new dwellings within the 2(v) Village zone must be connected to the town reticulated water supply.

Where the extension of Council's reticulated water supply is required, all such extension shall be at the owner's expense and will require the prior consent of Council.

8.3 Effluent disposal

As there is no sewerage system in place in the 2(v) zone, all effluent disposal must be through the use of on-site systems such as septic tanks or aerobic effluent systems.

A formal application for the installation of a septic tank or aerobic effluent system must be lodged with Council for approval. To determine whether a septic tank or aerobic system is required, soil testing must be carried out at each site to show the capacity of the soil to sustain effluent and determine the leachate potential so as to control possible pollution of the groundwater supply.

Subject to the results of the soil analysis, Council has the right to require a particular type of system in preference to another.

Soil tests must be conducted by a suitably qualified person, with results being submitted with the Development Application.

8.4 Tree preservation Order

The density and variety of native vegetation is a major feature of Binalong, with variety in age as well as species.

Council has a Tree Preservation Order (TPO) that applies to all rural, residential and village zones within the shire. This Order also applies to land within zone 2(v).

Under the Order, Council approval is required to ringbark, kill, cut down, top, lop, remove, injure or wilfully destroy any tree that does not fall under the set list of exemptions. Further details can be obtained by contacting Council's Planning and Development Department.

The Threatened Species Conservation Act 1995 protects species and habitats of plants and animals listed as “threatened”, “vulnerable” or “presumed extinct”. The NSW National Parks and Wildlife Service, as well as Council, can provide advice as to whether a species or habitat needs protection under this Act.

Should a development proposal be likely to create a significant threat to a critical habitat, an 8 point test of significance must be completed as part of the development application. This legislation has the power to reject development proposals where suitable alternatives are not available.

Further details on the 8 point test may be obtained by contacting Council's Planning and Development Department.

9. Subdivision

Subdivision within the village of Binalong is not encouraged, as maintaining the existing density of lots will add to the character of the village. However, this DCP does not specifically prohibit subdivision.

In this regard, any application will be considered on its merits in accordance with Section 79(c) of the Environmental Planning and Assessment Act, 1979 (as amended).

Any person wishing to subdivide should consult with Council Planning and Environmental Services Department prior to lodging a formal application.

9.1 Boundary Adjustments

Altering the boundaries between allotments can be done through the use of boundary adjustments, where a registered surveyor prepares a plan of subdivision showing the new boundaries of the allotments.

Following preparation by a registered surveyor, the plan needs to be signed by Council's General Manager and lodged at the Land Titles Office for registration.

Situations where Council will approve the use of boundary adjustments will be based on changing the shape of existing allotments so that the environmental objectives needed for a dwelling house under this DCP may be met on an area that would not otherwise meet those criteria. This provision cannot be used to obtain additional building entitlements on the combined area of two allotments that cannot sustain two dwellings.

In approving a boundary adjustment, Council needs to be satisfied that any allotment with an existing approved dwelling can still meet the water supply and effluent disposal land criteria with a reduced amount of land.

All other development requirements will also need to be satisfied as part of the approval for the boundary adjustment and dwelling house.