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Multiple occupancy

17A. (1) This clause applies to land within Zone No. 1(a), 1(c1) or 1(c2) and to land referred to in Schedule 10.

(2) The council may grant consent to development for the purposes of 3 or more dwelling-houses on land to which this clause applies where:

(a) the land comprises a single allotment; and

(b) an environmental impact report has been lodged with the development application containing the matters referred to in Schedule 6; and

(c) in the case of land (other than land described in Schedule 10):

i) within Zone No. 1(a), 1(c1) or 1(c2) shown unhatched on the map, the area of the land is not less than 10 hectares; or

ii) within Zone No. 1(a), 1(c1) or 1(c2) shown hatched on the map, the area of the land is not less than 20 hectares;

(d) the number of dwelling-houses will not exceed:

i) in the case of land shown unhatched on the map, one dwelling-house for each 3 hectares; or

ii) in the case of land shown hatched on the map, one dwelling-house for each 6 hectares; or

iii) in the case of land described in Schedule 10, the number of dwellings indicated in that Schedule; and

(e) the council is satisfied that the development will not involve separate legal rights to parts of the land through means such as agreements, dealings, company shares, trusts or time-sharing arrangements or the like.

(3) The separate occupation of the proposed lots illustrated by a proposed strata plan relating to land on which development has been carried out pursuant to this clause is prohibited.

(4) The subdivision of land on which development has been carried out pursuant to this clause is prohibited.

(5) A person shall not carry out development for the purposes of a motel, hotel, caravan park or any other type of holiday or tourist accommodation (other than rural tourist facilities) in association with development carried out pursuant to this clause. (57)

**BYRON SHIRE
DEVELOPMENT CONTROL PLAN No. 1
Part F: MULTIPLE OCCUPANCY**

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F1.1 Introduction

Council recognises the role of multiple occupancy development in increasing the variety of housing forms in the Shire, in offering opportunities for communal living and the pooling of resources, particularly for people on low incomes, and in promoting innovative and efficient ways of utilising rural land without causing further fragmentation.

The Byron Local Environmental Plan 1988 makes provision for the common ownership and multiple occupancy of certain rural land in the Shire.

Applicants are also referred to Part C - Residential Development, Part K - House Location and Site Design, and Part M - Bushfire Mitigation of this plan for other provisions and guidelines regarding multiple occupancy development.

F1.3 Objectives

The objectives of this policy are:

- ☐ To guide intending applicants in the selection of suitable land for multiple occupancy development
- ☐ To encourage multiple occupancy development which genuinely seeks to increase permanent rural housing in an environmentally sound manner, maintains the viability of prime agricultural land and minimises flood, erosion and bushfire risk
- ☐ To ensure security of individual equity in multiple occupancy development
- ☐ To set standards for such development which minimise its impact on the physical environment
- ☐ To set standards for such development which maximise amenity in terms of internal access, disposal of waste and protection from bushfire hazard

F1.2 Citation

This plan may be cited as either "Byron Shire Development Control Plan No. 1 Part F" or "Byron Shire Multiple Occupancy Policy" and constitutes a development control plan as provided for by section 72 of the Environmental Planning and Assessment Act 1979.

F2.1 Ownership

A copy of the rules, articles of association, deed of agreement or trust document binding the various persons comprising the ownership group is to be forwarded to Council for consideration, together with the development application.

The parcel of land may not be subdivided, i.e. it must be a single allotment, and must be owned in its entirety in common by the ownership group.

There must be no other document which seeks to give exclusive rights of occupation to the parcel of land within the development, by means of shares, leasehold or the like.

However there may be an agreement between the various persons comprising the land ownership group to give exclusive rights of occupation to a house which may exist or be erected on land owned in common by the ownership group.

F2.2 Responsibility

All management functions of the parcel of land, including the maintenance of internal roads, shall be the responsibility of the ownership group.

All commitments, obligations and notices issued by Council in respect of the parcel of land shall be issued to the ownership group and not to individual members of that group.

F2.3 Land parcel

The parcel of land shall be contained wholly in one portion or lot. Where the land consists of more than one portion or lot, such portions or lots shall be consolidated prior to application being made.

F2.4 Minimum allotment size

The local environmental plan provides that the minimum allotment size for a multiple occupancy development will be:

- (a) in the case of land shown unhatched in zones 1(a) and 1(c) - 10 hectares; and
- (b) in the case of land shown hatched in zones 1(a) and 1(c) - 20 hectares, except in the case of land identified in Schedule 10 of the Byron LEP.

F2.5 Bushfire protection

Applicants are referred to the specific provisions of Part M of this plan - Bushfire Mitigation, for Council's requirements and guidelines regarding bushfire protection.

F2.6 Density control

The local environmental plan provides that the density of a multiple occupancy development shall not exceed:

- (a) in the case of land shown unhatched in zone 1(a) - one dwelling or expanded house for each 3 hectares of the site area
- (b) in the case of land shown hatched in zone 1(a) - one dwelling or expanded house for each 6 hectares of the site area.

The dwellings should be clustered unless a dispersed arrangement can be demonstrated to be an environmentally better solution.

F2.7 Mixed development

Where it is proposed to incorporate a rural tourist facility which includes accommodation on the same parcel of land as multiple occupancy, the site area for the purpose of determining multiple occupancy density will be the area of the land, less:

- (a) the minimum allotment size for a rural tourist facility as provided for in the local environmental plan or relevant parts of this plan; or
- (b) such area as is, in the opinion of Council, capable of accommodating the proposed rural tourist facility.

F2.8 On-site car parking

Car parking shall be provided on the site in a manner which is both convenient and visually satisfactory, in the ratio of one space for each 2 dwellings, or one space for each 6 residents, whichever is the greater.

F2.9 Vehicle access

Access to the site shall be via an existing minor road or country road.

Where not already existing, a pipe culvert or concrete dish crossing vehicular access from the public road adjacent to the site shall be constructed to Council's satisfaction.

F2.10 Internal vehicle access

All internal access roads:

- (a) shall have a minimum width of 3.5 metres
- (b) shall be at least gravel paved
- (c) shall not exceed a grade of 20% unless constructed in bitumen or concrete
- (d) shall be constructed and drained to provide allweather access, to the satisfaction of the Works and Services Director.

Vehicular access to individual homesites is optional.

F2.11 Water supply

Adequate water supply shall be available to each building which is used as a living unit.

Each kitchen shall have a piped water supply.

Adequate reserve supplies of water for fire-fighting purposes shall be provided and maintained in suitable tanks or dams. Those tanks shall have a minimum capacity of 4000 litres and be fitted with a 38 mm "Gortz" outlet valve (male thread).

F2.12 Drainage

Sullage, septic systems or other effluent disposal systems shall be provided to each building used as a living unit. Such systems shall conform to the relevant requirements of Council's Health and Building Surveyor.

No sullage water shall be discharged directly onto the ground without passing through adequate grease traps or other suitable facilities approved by the Health Department.

F2.13 Community facility

A proposal for a multiple occupancy development on land where a notified multiple occupancy does not already exist, shall have a minimum 50% of the site set aside for common use. Such common land shall contain some usable and easily accessible flat or gently sloping land upon which a community facility may be erected.

Such a building could facilitate the initial development of the multiple occupancy and should contain cooking, washing and toilet facilities and an area which can be used as a meeting or activities room.

Movable dwellings may be located adjacent to such a facility during the early development stages and it can function later as a community building.

50% of land for community use.

F2.14 Water catchment area

Special consideration will need to be given to the design and density of any proposed multiple occupancy development within existing or proposed water catchment areas, e.g. Wilson's Creek.

F2.15 Schedule 10 properties

Council may be prepared to consider variation in the density constraints where properties listed in Schedule 10 of the local environmental plan are below minimum size or have more existing dwellings than the local environmental plan would allow.

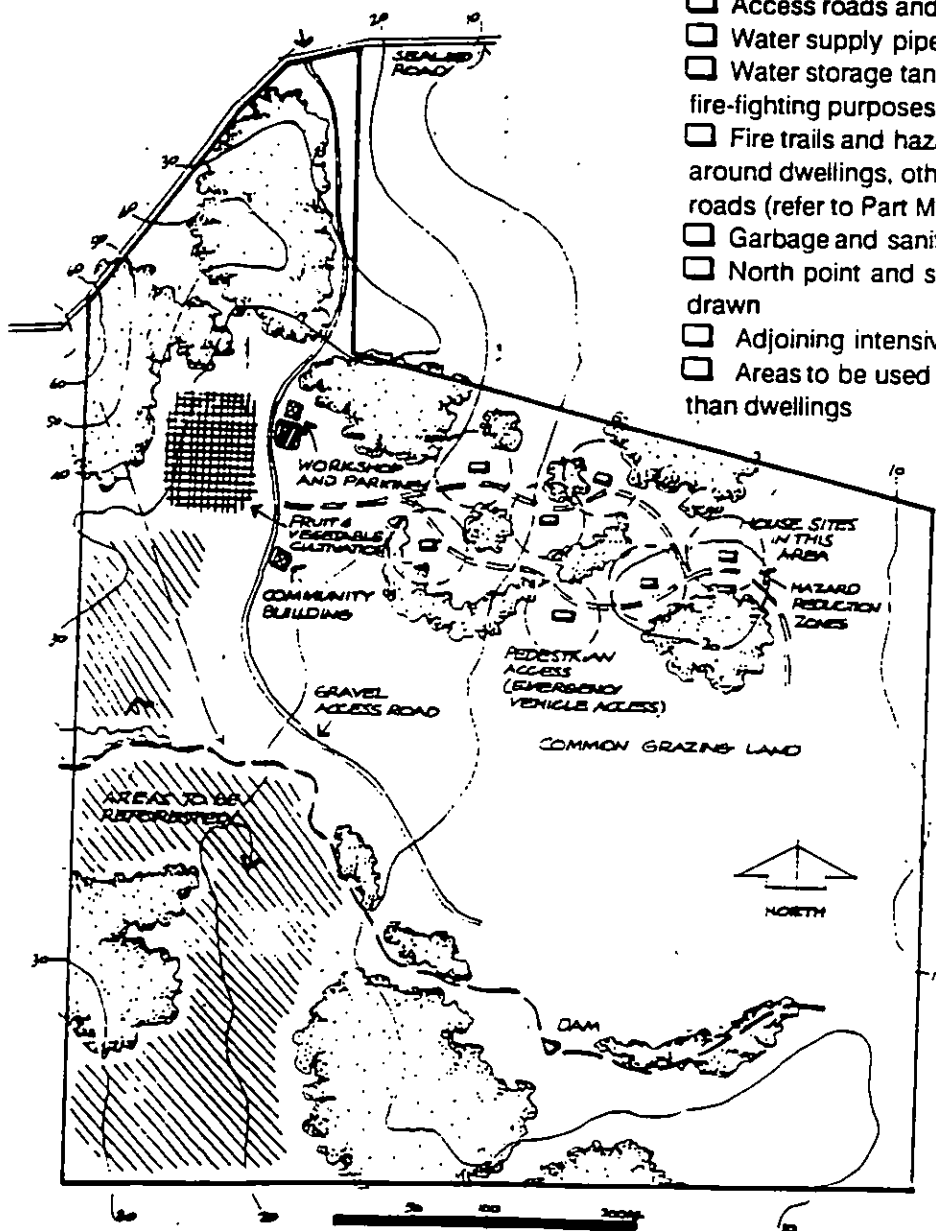
Consideration will be given to the capability of the land and all other matters listed in section 2 above.

F3.1 Site plan

Any development application for a multiple occupancy development shall be accompanied by 3 copies of a detailed site plan. Two of these copies are to be coloured for public exhibition purposes.

The site plan is to indicate the following:

- ☐ Contours at 10 metre intervals
- ☐ Location and types of vegetation
- ☐ Location of creeks and dams
- ☐ Areas of the site to be reafforested, retained in natural state or used for grazing or other agricultural activities
- ☐ House and building sites
- ☐ Access roads and walking tracks
- ☐ Water supply pipelines
- ☐ Water storage tanks for both domestic and fire-fighting purposes
- ☐ Fire trails and hazard reduction zones around dwellings, other buildings and access roads (refer to Part M - Bushfire Mitigation)
- ☐ Garbage and sanitation waste disposal
- ☐ North point and scale at which the plan is drawn
- ☐ Adjoining intensive agricultural pursuits
- ☐ Areas to be used for development other than dwellings



**BYRON SHIRE
DEVELOPMENT CONTROL PLAN No. 1
Part F: MULTIPLE OCCUPANCY**

**Section F3
APPLICATION
AND APPROVAL**

F3.2 Environmental assessment

Any development application for a multiple occupancy development shall be accompanied by an environmental impact assessment which shall also include an assessment of the likely effect of the proposed development on neighbouring properties. This shall be completed in accordance with Schedule 6 of the Byron Local Environmental Plan 1988.

Where the proposed site is less than 40 hectares, Council also requires a detailed assessment of the ability of the parcel of land to accommodate the proposed development, having particular regard to the small lot size.

All matters referred to in clause F2 must be addressed.

F3.3 Applicants

Any development application for a multiple occupancy development shall be signed under seal by all directors of a company or co-operative society, or in the case of other ownership structures, by all owners (e.g. tenants-in-common).

F3.4 Advertisement

Any development application for a multiple occupancy development shall be advertised in a local paper and adjoining owners notified, inviting any submissions to the proposal to be lodged in writing within a 30 day period from the date of advertisement.

F3.5 Contributions

In accordance with Council's policies and upon the completion of reviews of services and road networks, Council will require all developments to contribute to the upgrading of roads and services as increased demands are identified, in accordance with the provisions of section 94 of the Environmental Planning and Assessment Act 1979. These contributions are reassessed annually to adjust for inflation.

F3.6 Services

Council shall not be obliged to provide or support applications for increased community facilities in an area where an increase in population or an increase in the demand for such facilities has resulted from approval of multiple occupancy developments, except where those approvals have required a contribution for such facilities under section 94 of the Environmental Planning and Assessment Act 1979.

F3.7 House applications

Following the approval to use certain lands for a multiple occupancy development, Development and Building applications shall be made to Council for approval for all buildings.

All applications shall conform with the development plan approved by Council, unless prior consent to amendment of the plan has been granted under section 102 of the Environmental Planning and Assessment Act 1979.

All applications in accordance with the approved plan shall be made jointly by the owners.

**BYRON SHIRE
DEVELOPMENT CONTROL PLAN No. 1
Part F: MULTIPLE OCCUPANCY**

**Section F3
APPLICATION
AND APPROVAL**

F3.8 Buildings

All buildings shall conform to the respective requirements of this policy, relevant ordinance under the Local Government Act 1919 and have regard to the advisory booklet "Low Cost Country Home Building".

No building shall be erected without prior Development and Building approval having been obtained from Council in writing.

Any person who causes a building to be erected without having first obtained the necessary approvals or in contravention of an approval, shall be subject to an immediate demolition order and prosecution (maximum fine \$200 plus \$20 per day for each continuing day). Such person has the option of evoking the provisions of section 317B of the Local Government Act by which an illegally constructed building may, as an option to demolition, be brought up to the required standards.

No temporary building, tent, caravan or the like shall be erected on the land without prior issue of a movable dwelling permit and compliance with any conditions contained therein.

P. Hamilton
PB

*please return
to 3 CASUARINA
Bellingham
2454*

BELLINGEN SHIRE COUNCIL

DEVELOPMENT CONTROL PLAN

FOR THE ESTABLISHMENT OF

MULTIPLE OCCUPANCY COMMUNITIES ON FARMS

Adopted 16th February, 1988.

AMENDMENTS

The Code has been adopted as the basis for the introduction of Multiple Occupancy within the Bellingen Shire under the forthcoming Shire Planning Scheme with the following amendments:-

- (a) recognition be given to multiple occupancy developments established prior to Council resolving to prepare the Shire Wide Planning Scheme and which were registered during the period proposed by Clause 20 of the Code and that contributions be made by those multiple occupancy developers on the prevailing contributions as at the date of the purchase of their properties;
- (b) that Council adhere to the densities for multiple occupancy as exhibited in the Code being -
 - 1 dwelling-house for each 5 ha for the first 80 ha of the holding;
 - 1 dwelling-house for each 10 ha over 80 ha up to 360 ha;
 - 1 dwelling-house for each 15 ha over 360 ha up to a maximum of 80 dwellings; and
 - that reasonably required to house 1 person for each 2 ha of land.
- (c) defer a contribution towards bush fire services pending introduction of a Shire Wide Strategy;
- (d) delete the visitor accommodation in Clause 19;
- (e) that subject to the submission of a report by the Shire Clerk on the rating of multiple occupancy, the general principles that a minimum rate shall apply to each dwelling or the general rate for the whole area shall apply, whichever is the greater, be adopted;
- (f) adopt a development application fee of \$50 per dwelling or other minimum fee prescribed by the Environmental Planning and Assessment Regulations;
- (g) that Council adhere to the principles adopted in the Code for multiple occupancy in that contributions be made by those multiple occupancy developers on the prevailing contributions as at the date of the purchase of their properties; and
- (h) that normal contributions apply from the expiration of the three (3) month moratorium.

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INTRODUCTION

This Development Control Plan applies to land within the Shire of Bellingen referred to in Clause 16 of Bellingen Local Environmental Plan on which development described as Multiple Occupancy may be carried out with the consent of Council.

1.0 EXPLANATION OF THE DEVELOPMENT CONTROL PLAN

1.1 Bellingen Local Environmental Plan enables Multiple Occupancy to be carried out on designated rural lands within Bellingen Shire. This Development Control Plan is supplementary to and explanatory of the provisions of the Local Environmental Plan.

1.2 This Development Control Plan specifies in detail the administrative aspects of the Local Environmental Plan and Council Policy regarding applications and standards, and should be read in conjunction with the Local Environmental Plan.

2.0 AIMS AND OBJECTIVES OF THE DEVELOPMENT CONTROL PLAN

2.1 To facilitate sustainable rural settlement in harmony with the environment through the multiple occupancy of rural land oriented to a common group by:

- (a) enabling people to erect multiple dwellings on a single allotment of land to be occupied as their principle place of residence, to share facilities and resources and to develop the land for communal purposes;
- (b) encouraging a community based and an environmentally sensitive approach to rural settlement;
- (c) facilitating development in a low cost manner which both protects the environment and does not create a demand for the unreasonable or uneconomic provision of public amenities or public services by Council or other public authorities;
- (d) enabling people, particularly those on low incomes, to pool their resources to develop low cost housing within a wide range of communal rural living opportunities; and

2.1 - Cont.

- (e) assisting the proper management, development and conservation of natural and constructed resources, including agricultural land, natural areas, forests and waters for the purpose of promoting the social and economic welfare of the community and a better environment.

3.0 INTERPRETATION

- 3.1 For the purposes of this Development Control Plan any application for approval by Council under the Development Control Plan, the meanings ascribed to various words and phrases by the Local Government Act, 1919, as amended, or the Environmental Planning & Assessment Act, 1979, shall apply.
- 3.2 The following words and phrases shall have the particular meanings ascribed to them hereunder.
- 3.3 Multiple Occupancy: The occupation in a clustered or dispersed basis of rural properties in common ownership, by means of individual buildings or expanded dwelling houses, or both, where two or more dwellings or expanded dwellings occupy one holding.
- 3.4 Expanded Dwelling-House: A group or cluster of buildings which together function as a dwelling-house or Class 1 building.
- 3.5 Dwelling Unit: A separate building which is a part of an expanded dwelling-house.
- 3.6 Holding: All the land owned by a group of people or body seeking approval for the multiple occupancy of land in accordance with this Development Control Plan.
- 3.7 Sullage: Household wastes from sinks, basins, baths, showers, laundries and the like but not including faecal or toilet wastes.

4.0 OBLIGATIONS OF COUNCIL

- 4.1 A Council shall not consent to an application

4.1 - Cont.

for the carrying out of Multiple Occupancy development on land unless it has made an assessment of -

- (a) the availability and standard of public road access to the land;
- (b) the availability of water supply to the land for domestic, agricultural and fire fighting purposes;
- (c) whether the land is subject to bushfires, flooding or slip and, if so, the adequacy of any measures proposed to protect buildings from any such hazard;
- (d) whether adequate provision has been made for waste disposal from the land;
- (e) the availability of community facilities and services to meet the needs of the occupants of the land;
- (f) the vegetation cover of the land and the need to conserve vegetation cover in order to minimise erosion;
- (g) the visual impact of the proposed development on the landscape;
- (h) the area or areas proposed for erection of buildings;
- (i) the area or areas proposed for common use (other than for residential accommodation);
- (j) whether the land has been identified by the Council as being required for future urban or rural residential expansion;
- (k) whether the development would benefit an existing village centre suffering from a declining population base and a decreasing use of the services provided in that centre;
- (l) the need for any proposed development for common use that is ancillary to the use of the land;
- (m) the effect of the proposed development on the quality of the water resources in the vicinity; and

4.1 - Cont.

- (n) the effect of the proposed development on the present and potential agricultural use of the land and of lands in the vicinity.

4.2 Section 90 of the Environmental Planning & Assessment Act, 1979 requires that when dealing with a development application Council shall take into consideration matters as listed in Annexure I which are of relevance to the development.

5.0 APPLICATIONS

5.1 Applications for multiple occupancy development are to be made on the development application form obtainable at Council, together with the prescribed fee and 3 copies of the following -

- (a) a plan showing the complete holding; and
- (b) a statement of environmental effect of the development.

5.2 The plan [as in 5.1(a) above] is to be drawn to a scale of at least 1:5000 with a maximum 10 m contour interval and showing -

- (a) location, boundary dimensions, area of holding, north point and distance from the nearest centre of population;
- (b) existing forest and cleared areas, watercourses and dams;
- (c) any land slips, potentially unstable areas, flood prone areas and any areas of tidal inundation;
- (d) location and uses of existing buildings and improvements;
- (e) the proposed uses of the land, including zones for dwelling-houses or expanded dwelling-houses, zones for other buildings, zones for home gardens, agriculture, re-forestation, access tracks, water supply facilities, wildlife refuges or reserves and any other special features such as stages of development.

5.2 - Cont.

Where practicable in the case of smaller developments, individual house sites should be shown; and.

- (f) whether the dwelling-houses are to be located in a clustered or dispersed basis, or both.

5.3 The statement of environmental effects which is not an Environmental Impact Statement [as in 5.1(b) above] is to include the following -

- (a) a description of the proposed development, an indication of the anticipated number of persons and number of dwelling-houses to be accommodated on the land, including if applicable, the number of persons and dwelling-houses at each stage of development and the anticipated timing of such stages. (Council recognises the diverse evolutionary nature of multiple occupancy and recognises that precise figures and timing are not necessarily appropriate);
- (b) a description of the ownership structure or body which owns the holding;
- (c) a statement of the objectives of the proposed multiple occupancy in relation to the use of the land;
- (d) details of provisions for water supply, waste disposal and fire protection.
- (e) consideration of various environmental factors which will be affected by the development, and setting out any steps to be taken to mitigate any likely adverse environmental impact. These factors are specifically set out in Clause 4.1 of this Development Control Plan and also include some of those listed in Annexure I.
- (f) a consideration of the social impact of the development.
- (g) any in kind contributions under Section 94 of the Environmental Planning and Assessment Act, and any information to justify reduction in the need for Section 94 contributions, such as provision of community facilities on site.

5.3 - Cont.

- (h) any other information which will assist Council to understand and consider the development application, such as a land management plan.

5.4 All applications for approval of multiple occupancy shall be notified to adjoining owners and advertised at least once in a local newspaper, advising that details of the application may be inspected at Council's Offices for a period of 14 days and that within that period submissions will be received in support of or in objection to the proposal. Where an objection is made, the reasons for the objection shall be set out in the submission.

5.5 The owners as nominated on the application form shall be responsible for all commitments and obligations to Council and shall receive on behalf of all owners and tenants any notices issued by Council in respect of the multiple occupancy holding.

5.6 Development Application fees are to be paid at the time of lodgement according to Council's current scale, and in the case of a staged development for the value of the first stage only, with the fees for each subsequent stage payable on the commencement of that stage.

6.0 DETERMINATION OF APPLICATIONS

6.1 Council will determine a development application for multiple occupancy within 40 days of lodging as set out in Section 96 of the Environmental Planning and Assessment Act. In determining the application Council will take into consideration the matters in this Development Control Plan and also the matters required by Section 90 of the Act, which are outlined under Clause 4.0 of this Development Control Plan.

6.2 An applicant who is dissatisfied with the determination by Council with respect to a development application by that applicant, may appeal to the Land and Environment Court within 12 months of the date of receipt of the determination or otherwise as set out in Section 97 of the Act.

- 6.3 Where a development application for MO is approved by Council, Building Applications for any development in general conformity with that development application and conditions of development approval may be submitted without further requirement for development approval.

7.0 AREA OF HOLDING, CONSOLIDATION AND SUBDIVISION

- 7.1 The minimum area of a holding on which multiple occupancy may be approved shall be 10 ha.
- 7.2 Any application for multiple occupancy on a holding consisting of more than one parcel, portion or like, shall at the time of application also make application for consolidation of title, except where such consolidation is not possible.
- 7.3 The future subdivision of any holding granted multiple occupancy status is prohibited as long as it retains that status.

8.0 OWNERSHIP, DENSITY AND COMMON LAND

- 8.1 At least two-thirds of the adults residing on the land upon which the development is to be carried out are to share in the ownership of the land or in a body which owns the land.
- 8.2 Development of residential accommodation on a multiple occupancy holding shall not exceed:-
- (a) one dwelling-house for each 5 ha for the first 80 ha of the holding;
 - and
 - (b) one dwelling-house for each 10 ha over 80 ha up to 360 ha;
 - and
 - (c) one dwelling-house for each 15 ha over 360 ha, up to a maximum of 80 dwellings;
 - AND
 - (d) that reasonably required to house one person for each 2 ha of land.

8.2 - Cont.

where calculation is based on the total area of the holding and where the proposed residential accommodation consists of individual buildings or groups or clusters of buildings which together function as a dwelling-house or dwelling-houses.

8.3 The allowable density in Clause 8.2 above shall be varied by:-

(a) an increase of 20% where the property is within 15 km of a town with a High School;

OR

(b) a reduction of 20% where the property is more than 40 km from a town with a High School.

8.4 100% of the holding shall be in common ownership.

9.0 ACCESS

9.1 Public road access to a holding shall be a constructed road which may have a gravel surface and which is not required to be flood free.

9.2 Any road of access connecting a constructed road reserve to a boundary of the subject holding shall -

(a) have a width suitable for -

(i) two-way traffic where such access road serves a minimum of 5 dwelling-houses;

(ii) one-way traffic where such access road serves less than 5 dwelling-houses, providing suitably placed two-lane passing points are provided at approximately 200 metres intervals or such intervals as suit the topography; and

(b) have a surface suitable for two-wheel drive motor vehicles;

(c) not be required to be flood free access.

- 9.3 Standards for internal access roads within the subject holding is generally for the owners to decide, but shall not exceed a grade of 20% and shall be constructed and drained to provide most weather access and to minimise soil erosion. Where roads are on sloping land, it is recommended that the Soil Conservation Service of N.S.W., be consulted for advice.

Vehicular access to individual dwelling sites is optional, and emergency access by four-wheel drive to within at least 15 metres of each dwelling-house or dwelling-unit must be provided, except where such provision will damage the natural environment unduly e.g. heavy forest.

10.0 BUILDINGS

- 10.1 A building approval for each building must be obtained from Council before erecting or altering (if the alteration is valued at or over \$1,000) any building on the holding, and each residential and communal building must comply with the Local Government Act and Ordinances, except for ancillary farm buildings where Council may dispense with the need for formal building application.
- 10.2 All building applications shall be in general conformity with the development application or amended development approval as granted by Council. A building application may be submitted concurrently with a development application or application for amendment of development approval.
- 10.3 All building applications shall be made jointly by the full ownership of the holding and the prospective resident of the building, or their delegated representative, who must provide with the building application written proof of such delegation from the full ownership or prospective resident, or both.
- 10.4 No building shall be erected on top of prominent ridge lines or land liable to flooding, seepage, slip or land affected by slip or tidal inundation, or on prime crop and pasture land except as provided in Clause 16.

10.5 No building shall exceed 5.6 metres in height measured vertically from mean natural ground to the highest floor level of that building.

10.6 It is recommended that buildings be clustered in one or more areas rather than dispersed across the holding to save costs and to give better protection in the event of a fire, and to encourage the community objectives of multiple occupancy.

11.0 TRANSITIONAL AND MOVABLE DWELLING-HOUSES

11.1 In order to provide for transitional accommodation during the processes of site investigation, development application, building application and the construction of permanent dwelling-houses, Council will issue licences to occupy:-

(a) Class X structure (as defined in Ordinance 70), being a shed or like structure, under Section 306(2) of the Local Government Act, 1919.

(b) movable dwellings under the provisions of Section 288(a) of the Local Government Act, 1919, such as a caravan or tent.

11.2 All transitional dwelling-house licences will be for an initial time period of two years and then be renewable for one year periods, up to a maximum total of six years altogether.

11.3 Fees for transitional dwelling-house licences shall be \$25 per annum in keeping with the low cost nature of multiple occupancy.

12.0 FIRE PROTECTION

12.1 Adequate fire breaks shall be provided to protect each living area and to inhibit the escape of any fire from the area.

12.2 Each building should have an area surrounding it not less than 5 metres in width kept clear of flammable material (such as fallen leaves, bark or twigs) except for cultivated gardens.

12.3 Any dwelling-house or dwelling-unit sited in a designated high or extreme bushfire risk area within the inner zone distances shown on the following table from any forest exceeding 1 ha in area shall have a fire refuge preferably adjacent to the dwelling-house or within 100 metres of the dwelling-house.

Table of distances in metres from forest to dwelling-house -

ground slope down from dwelling- house:	facing N,NW,W, SW,S (metres)			facing NE,E,SE (metres)		
	inner zone	outer zone	total	inner zone	outer zone	total
0 to 10°	20	45	65	20	35	55
15°	30	70	100	20	40	60
20°	40	100	140	30	60	90
<hr/>						
all ground slopes up from dwelling- house:	20 metres			20 metres		

NOTE: Interpolate for intermediate slopes.

12.4 Fire refuges referred to in 12.3 above are either a pond, dam or river of adequate size or an aboveground or inground enclosure constructed with non-combustible materials so as to shield the interior from any direct radiation of heat from a fire outside the refuge. Fire refuges shall have a floor area of 0.35 m² per person served by the refuge. Council's Fire Officer can advise on fire refuge design and location.

12.5 Where any dwelling-house or dwelling unit is sited in a designated high or extreme bushfire risk area and adjoining any forest area, consideration should be given to reduction of the tree canopy cover within the zones as in the table in 12.3, particularly the inner zones.

The homogenous timber canopy should be thinned to 10% density in outer zones and 50% density in inner zones.

- 12.6 The occupiers of each building shall maintain adequate fire fighting facilities and are encouraged to join local fire brigades. Groups should develop appropriate strategies in conjunction with local brigades, Council's Fire Officer and neighbours.

13.0 WATER SUPPLY

- 13.1 Adequate water supply shall be available to each dwelling-house or expanded dwelling-house.

- 13.2 A piped water supply shall be provided to each kitchen fed from an appropriate source. Such a source would be roof water collection tanks, creeks, rivers, bores or dams having restricted access to dam and catchment area. A minimum of 5000 litres storage per person for domestic use is suggested if supply is from roofwater only.

- 13.3 It is recommended that water supply quality be tested to ensure it is safe for drinking. Council's Health and Building Department can advise of a suitable test.

- 13.4 In designated medium high or extreme fire risk areas, appropriate reserved supplies of water for fire fighting purposes shall be maintained in suitable tanks or dams, if adequate permanent pools in creeks or rivers are not available. For advice on the appropriate capacity of these reserves consult Council's Fire Officer. Any water pumped or reticulated in pipes from these sources shall be laid underground where possible. It is recommended that connection points with standard fittings for fire hoses be placed at intervals and at the ends of any such reticulated water lines, especially near or at access roads to the property. Where pressure or flow is not adequate, a standby pump is strongly recommended.

14.0 TOILET AND SULLAGE WASTES

- 14.1 All dwelling-houses or expanded dwelling-houses shall be served by an earth closet, pit toilet, composting toilet, septic system or approved equivalent. Such closets or systems shall be in conformity with the requirements of Council's Health Department and approved by

14.1 - Cont.

the Health Department, N.S.W. (Council has a list of systems so approved). Some systems not approved may also be permitted after consultation with Council's Health Department. Septic systems must have an adequate water supply. It is suggested that normal single chamber septic systems disposing into conventional absorption trenches are least suited to this high rainfall area, especially in low absorption soils, because of pollution problems during rain.

14.2 The location, construction and size of absorption trenches should be discussed with Council's Health Department.

14.3 No pit, closet, sullage or septic effluent absorption trench shall be located within 50 metres of any water course.

14.4 All kitchen sullage shall pass through an approved grease trap.

14.5 No sullage water shall be discharged direct onto the ground without passing through adequate grease traps or other suitable facilities approved by the Council's Health Department.

15.0 WASTE DISPOSAL

15.1 In order to reduce health hazards to occupants, all non-recyclable solid wastes shall be stored in fly proof containers and preferably taken to Council's tip.

15.2 Alternatively, non-recyclable solid waste may be disposed into a communal trench on site which -

(a) is placed not in direct view from any public road, adjoining property, main community access road, dwelling-house, expanded dwelling-house or community centre;

(b) is placed a minimum of 100 metres from any dwelling-house, expanded dwelling-house, community centre or watercourse;

15.2 - Cont.

- (c) is not located in any water carrying strata so as to avoid contamination of any water source or watercourse;
- (d) is concealed by topography, existing or planted vegetation;
- (e) is excavated on the contour with excavated material stored on the high side;
- (f) has vehicular access; and
- (g) is operated in accordance with the directions of Council's Health and Building Department.

15.3 Any common area used to store containers of waste shall comply with Items (a), (d) and (f) in 15.2 above.

15.4 Details of waste disposal methods including disposal of waste objects such as car bodies shall be submitted with the development application.

16.0 PRIME CROP AND PASTURE LAND

16.1 No dwelling-houses, expanded dwelling-houses, solid waste disposal or waste collection points shall be permitted within any areas of prime crop and pasture land as defined by the Department of Agriculture. These areas shall be reserved for agricultural and horticultural uses only. Sheds associated with these uses may be permitted on prime crop and pasture land if other appropriate sites are not available.

Where a holding is wholly prime crop and pasture land, building development shall be clustered in areas of lesser agricultural value where possible.

17.0 UTILITY SERVICES

17.1 Connection of electricity supply to the holding is optional.

17.2 Any certificate issued under Section 149 of the Environmental Planning & Assessment Act with respect to a holding shall state that Council has no requirements for the connection of electricity supply.

18.0 STAGING OF DEVELOPMENT

18.1 Further to Clause 5.3(a), proposed staging details of a multiple occupancy shall be submitted with the original development application or submitted at a later date as an application for amendment to development consent under Section 102 of the Environmental Planning & Assessment Act.

18.2 Where on-site community facilities are proposed, staging proposal must give due regard to these facilities in early stages of development. It will not be permitted to fully develop residential buildings as a first stage followed by community facilities at a later stage. Both shall, as far as it is practical, be simultaneously developed, although the development of community facilities may precede residential buildings, and may also be used as transitional accommodation as in Clause 11.

18.3 Building applications may be submitted over a period of time for each stage of development.

19.0 RESTRICTED USES AND ANCILLARY DEVELOPMENT

19.1 No holding approved for multiple occupancy shall be developed for the purpose of a residential flat building, tourist accommodation, motel, hotel or caravan park.

19.2 Nothing in this clause prohibits the development on-site of ancillary uses other than dwelling-houses or agriculture, providing that these uses are intended primarily to serve the needs of people living on the land. Examples of such uses are schools, community facilities, home and light industries, workshops, hostels and visitors accommodation.

20.0

EXISTING HOLDINGS AND BUILDINGS

- 20.1 Multiple occupancy holdings which are existing and occupied prior to the date of approval of this Development Control Plan shall be invited to register as existing multiple occupancies by way of a 14 day advertising period involving prominent advertisements in 3 local newspapers including Wednesday and Saturday editions where appropriate, and daily announcements on local radio stations.
- 20.2 Advertisements in 20.1 shall indicate a period of 3 calendar months for registration of existing multiple occupancies following the advertising period.
- 20.3 Registered existing multiple occupancies shall be given a period of 6 months after registration to lodge a development application for multiple occupancy with Council.
- 20.4 Subsequent to development approval, existing multiple occupancies shall be given a period of 24 months to upgrade if necessary existing buildings to the requirements of the Local Government Act, 1919 and Ordinances or otherwise as directed by Council's Health & Building Surveyors, and to apply for a certificate under Section 317A of the Act which may be issued for such buildings.

Substantial commencement of upgrading shall be achieved within the first 12 months.

21.0

CONTRIBUTIONS

- 21.1 If it is identified that multiple occupancy development will cause an increased demand for public amenities and public services then dedication of land, or monetary or in kind contribution or a combination of these shall be required under Section 94 of the Environmental Planning & Assessment Act, 1979, as amended, as a condition of development consent, to the upgrading of the amenities and services.
- 21.2 The type of public amenities and public services referred to in 21.1 above may include

(a) rural road upgrading;

21.2 - Cont.

- (b) community facilities;
- (c) public open space;
- (d) bush fire fighting facilities.
- (e) water and sewerage augmentation if appropriate.

21.3 Existing multiple occupancies who register under Clause 20 of this Development Control Plan will not be required to pay Section 94 contributions for rural road upgrading.

21.4 Council will give consideration to in kind contributions under Section 94 (2c)(b) being labour or works or other contribution, as part or all of the contributions required.

21.5 In addition to 21.4 above, when a Section 94 contribution has been found to be required, and where the applicants -

- (a) propose a long-term staged development; and/or
- (b) propose a large staged development; and/or
- (c) can show economic hardship,

then Council will give consideration to deferment of contribution and/or the contribution to be made by instalments.

21.6 In addition to 21.4 above, where a development application for multiple occupancy which -

- (a) includes zoned area(s) for conservation of wildlife habitats, for conservation of significant vegetation areas, or the like; and /or
- (b) is likely to be of material public benefit to the surrounding district for example by keeping community facilities open, or by starting up new community facilities such as schools, halls, childcare, playing fields etc;

then Council will give consideration to a reduction in Development and Building Application fees and annual rates.

22.1 Where a proposal or works which do not comply with any one or more of the provisions of this Development Control Plan, but Council considers that -

- (a) such departure would achieve the aims of the Development Control Plan as well as, or better than, or
- (b) strict compliance with the Development Control Plan provisions is unnecessary or unreasonable in the circumstances of the case. (see SEPP No.1).

Council may permit multiple occupancy which does not strictly comply with the provisions of this Development Control Plan.

MULTIPLE OCCUPANCY DEVELOPMENT CONTROL PLAN

ANNEXURE I

Environmental Planning & Assessment Act, 1979.

Section 90 (1) In determining a development application, a consent authority shall take into consideration such of the following matters as are of relevance to the development the subject of that development application:-

(a) the provisions of -

(i) any environmental planning instrument;

(ii) any draft environmental planning instrument that is or has been placed on exhibition pursuant to Section 47(b) or 66(1) (b);

(iii) any draft State environmental planning policy which has been submitted to the Minister in accordance with Section 37 and details of which have been notified to the consent authority; and

(iv) any development control plan in force under Section 72,

applying to the land to which the development application relates;

(b) the impact of that development on the environment (whether or not the subject of an environmental impact statement) and, where harm to the environment is likely to be caused, any means that may be employed to protect the environment or to mitigate that harm;

(c) the effect of that development on the landscape or scenic quality of the locality;

(d) the social effect and the economic effect of that development in the locality;

(e) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of that development;

Section 90(1) - Cont.

- (f) the size and shape of the land to which that development application relates, the siting of any building or works thereon and the area to be occupied by that development;
- (g) whether the land to which that development application relates is unsuitable for that development by reason of its being, or being likely to be, subject to flooding, tidal inundation, subsidence, slip or bush fire or to any other risk;
- (h) the relationship of that development to development on adjoining land or on other land in the locality;
- (i) whether the proposed means of entrance to and exit from that development and the land to which that development application relates are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles within that development or on that land;
- (j) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect of that traffic on the movement of traffic on that road system;
- (k) whether public transport services are necessary and, if so, whether they are available and adequate for that development;
- (l) whether utility services are available and adequate for that development;
- (m) whether adequate provision has been made for the landscaping of the land to which that development application relates and whether any trees or other vegetation on the land should be preserved;
- (ml) whether that development is likely to cause soil erosion;
- (n) any representations made by a public authority in relation to that development application, or to the development of the area, and the rights and powers of that public authority;

Section 90(1) - Cont.

- (o) the existing and likely future amenity of the neighbourhood;
- (p) any submission made under Section 87;
- (pl) without limiting the generality of paragraph (a), any matter specified in an environmental planning instrument as a matter to be taken into consideration or to which the consent authority shall otherwise have regard in determining the development application;
- (q) the circumstances of the case;
- (r) the public interest; and
- (s) any other prescribed matter.