



13c Clifton Hills Estate, Owens Gap - Rural Small Holdings

Explanatory outline

Section 13c outlines assessment criteria that relate specifically to the Clifton Hill Estate rural smallholdings area at Owens Gap, west of Scone. The following matters are covered:

- general design principles
- lot size, configuration and building envelopes
- siting of dwellings and structures
- building design and materials
- fencing
- biodiversity conservation and tree management
- soil and water management
- on-site sewerage management
- heritage
- bushfire

Note: the requirements of this section are in addition to those specified in other sections for particular development types, for example section 3a Subdivision and section 7b Rural dwellings.

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13c.1 Application of this section

This section applies to development described in Column 1 when carried out on land described in Column 2.

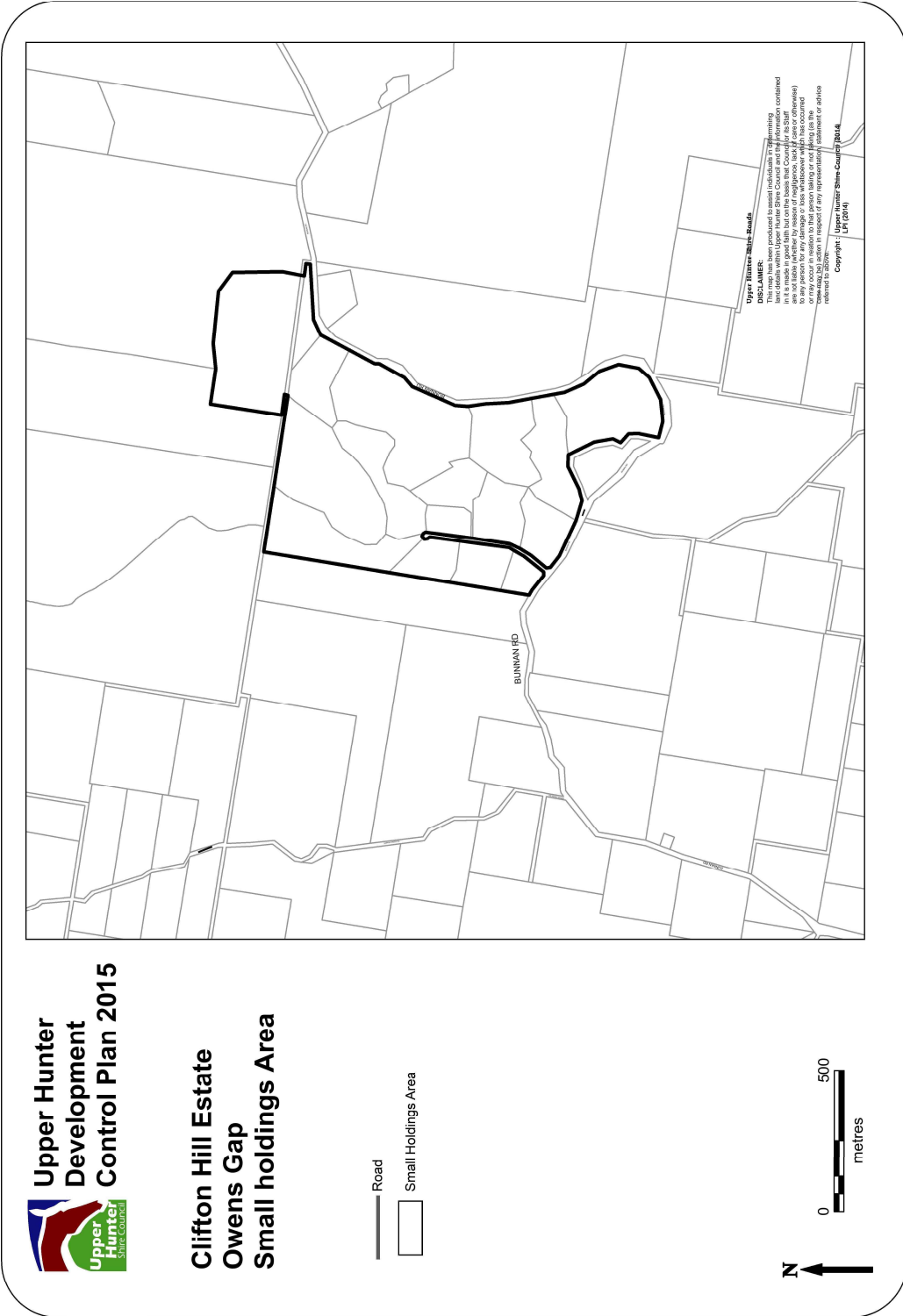
Column 1:	Type of development	Column 2:	Applicable land
	Any development that requires development consent.		Land within the Clifton Hill Estate, Owens Gap, west of Scone, as shown on Map 1 Clifton Hill Estate, Owens Gap Rural Small Holdings - Area.

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Map 1 Clifton Hill Estate, Owens Gap Rural Small Holdings - Area

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13c.2 Relevant planning instruments & legislation

The following environmental planning instruments or other legislation are relevant to development to which this section applies:

- *Upper Hunter Local Environmental Plan 2013*

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

13c.3 Definitions

The following terms are relevant to this section:

- **88B instrument** means an instrument setting out terms of easements and restrictions as to user intended to be created pursuant to section 88B of the *Conveyancing Act 1919*, and which may include a positive covenant under section 88BA of that Act.
- **building envelope** means an area within the boundaries of an allotment in which all buildings or structures, including dwellings, sheds, garages, pergolas, tennis courts, swimming pools, and waste-water disposal areas must be contained. Building Envelopes for each lot are shown hatched on Map 2 Clifton Hill Estate, Owens Gap Rural Small Holdings - Development Envelopes.
- **conservation area** means an area within the boundaries of an allotment which has been identified as having significant conservation value for flora, or fauna, or has significant scenic quality. Conservation areas are shown on Map 3 Clifton Hill Estate, Owens Gap Rural Small Holdings - Conservation Area.

13c.4 Objectives

The objectives of this section are to:

1. encourage development which maintains and enhances the environmental attributes of the land by identifying land having a high conservation value to protect floral and fauna
2. maintain and enhance the scenic attributes and visual appearance of the site by maximising the retention to existing native vegetation and protecting the escarpment from inappropriate usage
3. avoid inappropriate intrusion on hill slopes, landscape features and drainage lines
4. ensure that all new structures are sited within defined building envelopes
5. encourage energy efficient subdivision and building design
6. ensure that development contributes positively to Scone and the Upper Hunter's image.

13c.5 Supporting plans & documentation

Development applications that are subject to this section should be supported by the following plans and documentation.

Requirements listed below are in *addition* to requirements relating to the relevant type of development e.g. section **3a Subdivision** or section **7b Rural dwellings**

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Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Subdivision requirements	Applications for subdivision of land	Include the matters required under section 3a Subdivision .
C. Sustainability assessment	All applications to subdivide land into 3 or more lots	Report, prepared by a suitably qualified professional, addressing the requirements of section 1h Sustainability
D. Rural dwelling requirements	Applications for rural dwellings	Include the matters required under section 7b Rural dwellings .
E. Development-specific or issue-specific reports	As required under specific sections of this DCP	Refer to separate relevant sections of this DCP, for example subdivision, rural dwellings, etc. Some (but not necessarily all) of these are listed below.
F. Vegetation (including trees) reports	Applications affecting vegetation (including trees), as specified in section 11a Vegetation (including trees) .	Applicable reports or plans, prepared by a suitably qualified person, as specified in section 11a Vegetation (including trees) . These must be consistent with other elements of the development application, including Site plans, Bushfire assessment report and Landscaping plans. Depending on the site circumstances, these may include: <ul style="list-style-type: none"> written description and plans arborist's report ecological report heritage report safety or biosecurity risk report
G. Biodiversity and native vegetation reports, plans or assessments	Applications for which biodiversity and/or native vegetation reports, plans or assessments are required (refer to section 11b Biodiversity conservation) These will be required for development on land with high biodiversity values, or proposals that require significant disturbance to, or clearing of, native vegetation or potential habitat for native species	Applicable reports, plans or assessments, prepared by a suitably qualified person, as specified in section 11b Biodiversity conservation . These may include: <ul style="list-style-type: none"> Native vegetation clearing threshold report, and/or Biodiversity (flora & fauna) assessment report, and/or Biodiversity development assessment report (BDAR), and/or Biodiversity management plan, and/or Biodiversity offset information, strategy or plan
H. Heritage, aboriginal cultural heritage or archaeological plans & reports	Applications that will potentially impact on land that is listed as or contains: <ul style="list-style-type: none"> a heritage item a heritage conservation area 	Include the matters required under Part 9 Heritage



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Item	When required	Plans or information to be provided
including Due Diligence Report	<ul style="list-style-type: none"> an archaeological site an Aboriginal object an Aboriginal place of heritage significance 	
I. Soil & water management plans or reports	Applications for which soil and water management plans or reports are required (refer to section 11f Soil & water management)	<p>Prepare applicable soil and water management plans or reports, as specified in section 11f Soil & water management. These could include:</p> <ul style="list-style-type: none"> cut and fill details. erosion and sediment control plan (ESCP) erosion and sediment control strategy (ESCS) soil and water management plan (SWMP) comprehensive water cycle strategy (CWCS).
J. Bushfire assessment report	Applications that relate to Bush Fire Prone Land	Prepare a Bushfire Assessment Report in accordance with the current version of <i>Planning for Bush Fire Protection</i> , as specified in section 10b Bushfire risk
K. Landscape plan	All applications for Dwelling-Houses or any other Residential Accommodation	<p>Plan and report, prepared by a suitably qualified professional, showing:</p> <ul style="list-style-type: none"> description of ground preparation and on-going maintenance of landscaping areas of private open space, proposed turf and areas of established gardens. location and species of trees and shrubs to be retained or removed. schedule of plantings, cross-referenced to the site plan indicating species, massing and mature height. details of restoration and treatment of earth cuts, fills, mounds, retaining walls, fencing and screen walls. consistency with any requirements required in 11a Vegetation (including trees) and/or 11b Biodiversity.
L. On-site sewerage management system plans & form	Applications for development that will generate sewage waste in locations that are not connected to a reticulated sewerage system	Include the matters required under section 11g On-site waste water management .
M. Geotechnical hazard & salinity assessment	Applications potentially subject to geotechnical hazards (refer to section 10c Geotechnical hazard)	Include the matters required under section 10c Geotechnical hazard .
N. Flooding information	Applications that relate to flood prone land	Include the matters required under section 10a Floodplain management .



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13c.6 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

Outcomes to be achieved

Design guidelines

A. General design principles

- Development takes into account the existing natural and cultural features of the site and area.

B. Lot size, configuration & building envelopes

Note: Minimum lot sizes are specified in Upper Hunter LEP 2013 clause 4.1 and associated series of Maps 'Lot size'.

As at 2022, the minimum lot size in this area was 4 hectares. The minimum lot size was determined having regard to the need to minimise the long term cumulative impacts of on-site effluent disposal and the intention to maintain and enhance the conservation values for fauna and flora on the site.

- The lot configuration (that is, the subdivision pattern) considers the following matters:
 - providing a suitable indicative building envelope (refer below)
 - respecting the development capability of the land
 - maintaining an acceptable level of rural amenity
 - maintaining and supplementing bushland as a habitat for fauna and flora species.
 - protecting the scenic amenity of the location including distant views
 - minimising soil erosion
 - incorporating bush fire protection measures.
- Indicative Building Envelopes are provided on each lot to allow the siting of future dwellings and structures. They shall generally be of the size and in the location shown on Map 2 Clifton Hill Estate, Owens Gap Rural Small Holdings - Development Envelopes and Infrastructure Buffers

Note: Conditions of consent may specify that the Building Envelopes be shown on the plan of subdivision and noted as a restriction as to user on the accompanying 88B instrument.

C. Siting of dwellings & structures

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Outcomes to be achieved

- Dwellings, outbuildings, ancillary structures and waste-water disposal area are sited within the relevant Building Envelopes shown on Map 2 Clifton Hill Estate, Owens Gap Rural Small Holdings - Development Envelopes.
- Dwellings are orientated to maximise solar access, views and privacy.

Design guidelines

- All new structures are sited to:
 - minimise potential for erosion, sedimentation or contamination of watercourses.
 - avoid natural drainage lines or erodible areas (refer to section **11e Soil and water management**).
 - minimise removal of native vegetation (refer to section **11b Biodiversity conservation**).
 - recognise Asset Protection Zones for bushfire protection (refer to section **10b Bushfire risk**).

D. Building design & materials

- All structures, (that is, dwelling houses, garages, sheds etc) is designed having consideration to the rural character of the area, the topography and landscape features of the site, energy efficiency and bush fire risk. Particular consideration will need to be given to the building location, form, colour and construction materials.

- Dwellings should be designed to be energy efficient through the use of installation, orientation, passive solar design, cross ventilation and other energy saving techniques. In particular, dwellings should be designed to locate living rooms to take advantage of winter solar radiation whilst minimising the extent that summer solar radiation enters windows on the northern and western facades of the buildings.
- Dwellings shall be constructed of materials which recognise any bush fire risk and shall be constructed in accordance with *Planning for Bush Fire Protection 2019* and the relevant BAL as required by AS3995 *Construction of Buildings in Bush fire Prone Areas* (refer to section **10b Bushfire risk**).
- All external finishes shall be of tones similar to those inherent in the landscape. Generally all buildings, ancillary structures, including sheds, garages and water tanks are to be of natural earthy colours in the mid tonal range or darker and are to be of a non-reflective finish.
- The scale form and external finish of buildings should recognise the rural vernacular style of country dwellings. Verandas (including front and side where appropriate) are encouraged, with the depth of verandas in proportion to the main building.
- Roofs should be hipped or gabled.
- Dwellings should have a maximum building height above natural ground level not exceeding 7.5 metres.

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Outcomes to be achieved

Design guidelines

E. Fencing

- Fencing generally is of a visually open character typical of a rural location and preferably comprises rural post and rail or post and wire construction.
- Fencing is designed to facilitate the movement of native fauna (except where associated with the building envelope or residence).
- Fencing inside the building envelope or otherwise in proximity to the dwelling house minimises any fire risk associated with that fencing.
- Boundary fencing satisfies the following:
 - does not exceed 1.5 metres in height
 - utilises barbed wire only where necessary to contain stock
 - comprises predominantly plain wires.
- Non-boundary fencing satisfies the following:
 - does not exceed 1.5 metres in height
 - does not utilise barbed wire
 - comprise of plain wires only.

- Dwellings should be single storey or split level, however, dwellings utilising the attic area with dormer windows as a second level are also appropriate.
- Two-storey dwellings are not preferred.

F. Biodiversity conservation

- The proposal avoids and minimises impacts on biodiversity
- The development meets the provisions of part 11b **Biodiversity conservation.**
- Existing native vegetation is retained wherever possible.

- If electric fencing or fencing incorporating hot wires are constructed then these should be designed so that they minimise any impediment to movement by the resident native fauna.
- Open wire mesh may be incorporate into the post and rail or post and wire construction
- Timber picket fences or timber paling fences are discouraged, recognising their higher bushfire risk.
- Courtyards associated with the residence may incorporate solid fencing (including brick construction). Fencing, including fencing associated with the residence, should other wise not comprise sheet metal materials (such as Colorbond, fibro, cement or paling fences) unless required for bushfire protection purposes.
- Pool safety fencing is permitted within the Development Envelope and must be provided.

The following guidelines particularly apply to development on land shown on **Map 3 Clifton Hill Estate, Owens Gap Rural Small Holdings - Conservation Area**. Land shown on this Map contains important biodiversity values and environmental qualities. The steep sandstone rock escarpments with numerous rock shelves and shallow caves provide habitat for native wildlife and are highly erodible and sensitive to human disturbance.

- Effective weed eradication and /or management programs are encouraged. Weed management initiatives include techniques to avoid or remove the factors which initiate the spread of weeds. Such factors include eliminating excessive runoff of nutrient enriched water from houses, minimising soil disturbance including from introduced animals (domestic or feral) and minimising the spread of weed propagules. Weed eradication by herbicides may only be carried out in accordance with the *Pesticides Act.*
- Locally indigenous flora species should be protected by ensuring gardens associated with residences predominantly comprise suitable local species. The planting of exotic or non-endemic flora is discouraged and may encourage weeds. Where possible, seeds should be

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Outcomes to be achieved

Design guidelines

collected from trees and shrubs present on the site to retain the endemic gene pool.

- Grasses or lawns shall preferably comprise species having high drought tolerance and low water requirements.
- All landscape or landscape planting should recognise the significance of vegetation as a bush fire risk.
- The keeping and maintaining of goats should be discouraged, unless goats are tethered or contained entirely with the building envelope of the property. Measures should be adopted to prevent soil degradation by tethered or contained goats.

G. Vegetation (including trees)

- The proposal maximises the retention of vegetation, including trees.
- The development meets the provisions of part 11a **Vegetation (including trees).**

H. Soil & water management

- The development considers the provisions of section 11f **Soil & water management.**

- Existing drainage lines are to be retained in their natural state where possible. Alternatively, any disturbed drainage lines are to be immediately revegetated with native grasses and local indigenous species.
- Existing drainage lines are to form part of the storm and run-off drainage management system. Any water control structure installed on the site is to be used solely for the purpose of sedimentation and pollution control, except to the extent that they are incorporated into a Site Water Management Plan to provide for wildlife habitat (for example, wet detention basins).

I. On-site sewerage management

- The development considers the provisions of section 11g **On-site waste water management**

Note: where geotechnical and soil science reports identify the need for specifically located wastewater treatment disposal areas, Council may impose 'Restrictions as to User' on the title of any lots created to the effect that:

- no development, other than for the purposes of disposal of wastewater generated by the lot, is carried out on that part of the land
- no other part of the land is used for the disposal of wastewater without the prior consent of Council
- the Council is the authority to benefit from the restriction and in so far as the Council does not otherwise have the power, the Council is to have power to release, vary or modify the restriction.

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Outcomes to be achieved

Design guidelines

Note: Council will require that individual owners/occupiers of the land to obtain an approval to operate an on-site sewerage management system prior to occupying the site. The approval may require regular inspections or servicing of the system in accordance with the relevant legislation, Australian Standards or Council's On-site Sewerage Management Strategy.

J. Heritage

- The development considers the provisions of Part 9 **Heritage**, particularly with regard to Aboriginal sites and relics, and to non-Aboriginal archaeology.

K. Bushfire risk

- The development considers the provisions of section **10b Bushfire risk**.
- Any vegetation or vegetation planting including landscaping is to recognise the significance of vegetation as a bush fire risk.

Note: Land owners must be aware that no development in a bush fire prone area can be guaranteed to be entirely safe from bush fires. The recommendations in this DCP provide no guarantee that life and assets will be protected in all bush fire situations. Recommendations are made in order to provide an acceptable level of protection from bush fires.

L. Vehicle movement & access

- The development considers the movement and access provisions of:
 - section **3a Subdivision**
 - section **12a Access and vehicle parking**
 - *UHSC Engineering Guidelines for Subdivisions and Developments*, as amended.

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Map 2 Clifton Hill Estate, Owens Gap Rural Small Holdings - Development Envelopes and Infrastructure Buffers

