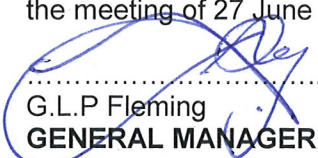




# **DEVELOPMENT CONTROL PLAN NO. 16 (AMENDMENT 1)**

## **Interim Guidelines for Development of Flood Prone Land in Eugowra.**

I G.L.P Fleming, General Manager of Cabonne Council, certify that this is and was made under Section 74 the Environmental Planning and Assessment Act 1979 and approved by Council at the meeting of 27 June 2011.

  
.....  
G.L.P Fleming  
**GENERAL MANAGER**

### **CITATION**

This Plan is called the Cabonne Draft Development Control Plan No.16 Eugowra Flood Prone Land. It is a Development Control Plan pursuant to section 74C of the Environmental Planning and Assessment Act, 1979, and has been prepared in accordance with the provisions of the Environmental Planning and Assessment Regulations, 2000. This Plan shall come into force on 7 July 2011 in accordance with Clause 21 of the Environmental Planning and Assessment Regulation, 2000.

## **1.0 INTRODUCTION**

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## **1.0 INTRODUCTION**

This Interim Development Control Plan (DCP) was prepared to provide specific development controls to guide development of land within Eugowra and will operate until the Eugowra Floodplain Study review has been adopted by Council and comprehensive planning guidelines are adopted by Council.

The DCP incorporates the findings of the Eugowra Floodplain Management Study 1999 and the procedures set out in the NSW Floodplain Management Manual 2005.

### **1.1 What does the plan do?**

The plan provides information and guidelines to assist people who wish to develop or use land affected by potential flooding within the town of Eugowra. Development may include, among other things:

- dwelling construction;
- alterations and additions to existing developments;
- filling land;
- establishing a business;
- subdividing land;
- minor development such as carports and garages;
- permit merit based assessment of development upon a allotment where it can be demonstrated that the development site is above the 1% Annual Exceedence Probability (AEP).

### **1.2 Objectives**

The objectives of this DCP are:

- (a) To provide controls for the assessment of applications on land affected by potential floods in accordance with the provisions of Cabonne LEP 1991 (as amended).
- (b) To alert the community to the hazard and extent of land affected by potential floods.
- (c) To inform the community of Council's policy in relation to the use and development of land affected by the potential floods in Eugowra.
- (d) To reduce the risk to human life and damage to property caused by flooding through controlling development on land affected by potential floods.

### **1.3 Will the plan affect my property?**

The DCP applies to all development permissible with the consent of Council on land in Eugowra under Cabonne Local Environment Plan 1991 (LEP) that forms part of the Floodway or Floodplain as shown in *Annexure 5.1*.

## **2.0 HOW TO USE THIS PLAN**

The DCP provides a general criteria for determining development applications. The criteria recognises that different controls apply to different land uses and levels of potential flood inundation or hazard.

### **3.0 WHAT ARE THE CRITERIA FOR DETERMINING APPLICATIONS?**

#### **3.1 General**

The criteria for determining applications for proposals potentially affected by flooding are structured in recognition that different controls are applicable to different land uses and levels of potential flood inundation and hazard.

#### **3.2 Land Use Categories**

Seven major land use categories have been adopted. The specific land uses, as defined by Cabonne LEP 1991, which may be included in each category, are listed in *Annexure 5.4*

#### **3.3 What controls apply to proposed residential developments?**

The development controls apply to all flood prone land (that is to the Probable Maximum Flood). The type of controls have been graded relative to the severity and frequency of potential floods, having regard to the three following applicable categories:

- ◆ *West of Parkes Street in the Floodplain:* Up to and including the 1% AEP flood (plus 0.5m freeboard) and outside the floodway.
- ◆ *Aurora Street to Parkes Street in the Floodplain:* Up to and including the 1% AEP flood (plus 0.4m freeboard)
- ◆ *All other areas in the Floodplain:* Up to and including the 1% AEP flood (plus 0.3m freeboard)

*Annexure 5.5* outlines the controls relevant to the area to which this Policy applies for each of the above categories.

#### **3.4 What if my allotment is partially in the Floodway?**

Any proposed development on that land shall be subject to a merit based assessment with respect to the proposed developments location and impact on flood affectation where above the 1% Annual Exceedence Probability.

#### **3.5 Fencing**

Any proposed fencing is to be shown on the plans accompanying a development application and the likely effect of such fencing on flood behaviour is to be assessed by a suitably qualified engineer.

All fencing panels (including Colorbond, galvanised, timber, wire and brush) to be either:

- a) removable so that panels can be laid flat; or
- b) horizontally hinged where a portion of at least 1.2m high, is capable of swinging open to allow floodwater to pass.

Fencing may be required to comply with a type and siting criteria as prescribed by Council.

### **3.6 Other Uses and works**

All other development, building or other works within any of the categories that require Council's consent will be considered on their merits. In consideration of such applications Council must determine that the proposed development is in compliance with the objectives of this policy.

### **3.7 Other documents which may need to be read in conjunction with this plan:**

- o Cabonne Local Environmental Plan 1991;
- o Relevant Council policies, development control plans and specifications;
- o Eugowra Floodplain Management Study 1999;
- o NSW Government Floodplain Management Manual 2005;
- o Environmental Protection Authority Guidelines on Sediment and Erosion Control;
- o Environmental Protection Authority Guidelines on on-site effluent disposal.

### **3.8 What Information Do You Have To Submit to Council?**

In order to obtain the approval of Council you must lodge a Development Application in accordance with the Environmental Planning and Assessment Act 2000.

Development Applications may be obtained at any Cabonne Council office or by ringing 63 923 247 or downloaded from Council's website, [www.cabonne.nsw.gov.au](http://www.cabonne.nsw.gov.au). The flowchart attached in *Annexure 5.2* describes the Development Application process.

#### 4.0 DESCRIPTION OF TERMS

Definitions of terms used in this DCP are provided as follows:

*Annual Exceedence Probability (AEP)*. The per cent probability of occurrence of a flood equal to or greater than a particular magnitude. For example, the 1% AEP flood has a 1% chance (i.e. a one in one hundred chance) of being equalled or exceeded in any one year.

*Australia Height Datum (AHD)* is a common National plain of level corresponding approximately to mean sea level.

*Design floor level* means the floor level specified in this policy which applies to the relevant land use type and the location and existing ground level of the site.

*Designated flood* is the flood adopted for planning purposes relative to the sensitivity of different land uses and the flood risk, as specified by *Annexure 5.4*.

*Flood awareness* is an appreciation of the likely effects of flooding and knowledge of the relevant flood warning and evacuation procedures.

*Flood compatible building components* means a combination of measures incorporated in the design and/or construction and alteration of individual buildings or structures subject to flooding, and the use of flood compatible materials for the reduction or elimination of flood damage as indicated in the NSW Floodplain Development Manual 2005.

*Flood compatible materials* include those materials used in building which are resistant to damage when inundated. A list of flood compatible materials is attached in *Annexure 5.3*.

*Flood evacuation strategy* means the proposed strategy for the evacuation of areas during periods of flood as specified within any policy of Council, the Floodplain Management Plan, by advises from the State Emergency Services (SES) or as determined in the assessment of individual proposals.

*Flood hazard* - means the potential risk to life and potential damage caused by flooding.

*Flood liable land* - means the area of land which is subject to inundation by floods up to and including the 1% Annual Exceedence Probability.

*Flood planning level* - means a level as defined in a flood management study for the purposes of setting flood related control applicable to a particular use of the land.

*Floodplain* - means an area of land that is subject to inundation by the probable maximum flood or an extreme flood event.

*Flood prone land* - means land susceptible to inundation by the maximum flood PMF or an extreme flood event.

*Floodway*- means an area of land as defined in a floodplain management study which constitutes the main flood path of floodwaters and in which flood hazard conditions occur, as distinctly identified and shown diagonally cross hatched with black lines on the map (Annexure 5.1).

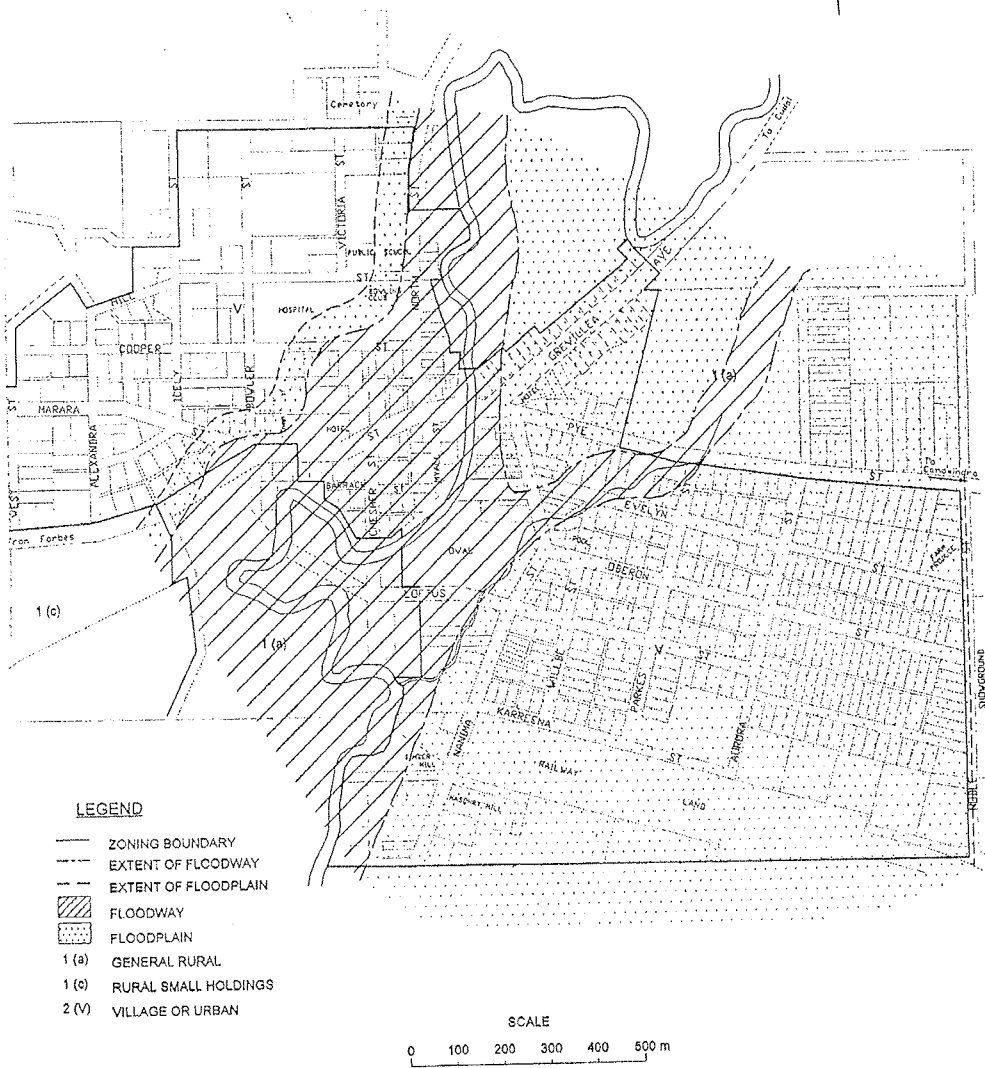
*Freeboard* is a factor of safety usually expressed as a height above the designated flood. Freeboard tends to compensate for factors such as wave action, localised hydraulic effects and the like.

*Habitable floor area* refers to a room (other than a garage, shed, bathroom, laundry or W.C.) that is constructed or adapted for domestic living such as a lounge room, living room, dining room, rumpus room, kitchen, bedroom.

*Probable Maximum Flood (PMF)* - means the largest flood that could conceivably occur at a particular location.

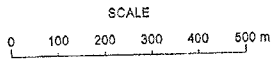
*Reliable access* during a flood means the ability for people to safely evacuate an area subject to imminent flooding within effective warning time and without a need to travel through areas where water depths increase.

Annexure 5.1 Eugowra Flood Hazard Zones



LEGEND

- ZONING BOUNDARY
- - - EXTENT OF FLOODWAY
- - - EXTENT OF FLOODPLAIN
- ▨ FLOODWAY
- ⋯ FLOODPLAIN
- 1 (a) GENERAL RURAL
- 1 (c) RURAL SMALL HOLDINGS
- 2 (V) VILLAGE OR URBAN





## Annexure 5.2 Development Application Requirements

### Step 1

Check with Council staff to see whether or not the proposal:

- Is permissible in the zone?
- Is “integrated” development?
- Complies with the relevant plans and policies, including (but not limited to) Cabonne LEP 1991

### Step 2

Consult adjoining landowners;

Consider their opinion on the proposal.

This will assist with your proposal in the case where your application is referred to adjoining owners for comment.

### Step 3

Finalise your development application:

A development application - must be made on the *Development Application* form provided by Cabonne Council, fully completed with the consent of ALL the property owners.

*Note: All registered owners must sign applications, where applicable. If the property has recently (within 8 weeks) changed hands, a letter from your conveyancer confirming settlement may be required.*

The Property – must identify either a Lot/Deposited Plan (DP) number (as described on your rates notice, rateable street address and/or rates assessment number.

*Note: Applications cannot be accepted that do not uniquely identify the development site.*

The Application Fee – must be paid at the time of lodgement based on the current Council Fees & Charges schedule (contact Council's Environmental Services Department on 63 92 3200).

Plans – A Development Application should include the following plans:

- One (1) locality plan identifying the location of the property
- Four (4) copies of the existing site layout including the site dimensions (in metres), site area, contour levels, existing trees, other natural features, existing structures, north point, location of building on adjoining properties, (if development involves a building) floor plans located on a site plan, roof plan, elevations and sections of the proposed building, finished levels of floors, paving and landscaped areas, vehicular access and parking.

□ Plans should indicate:

- (a) The existing ground levels to Australian Height Datum around the perimeter of the proposed building; and
- (b) The existing or proposed floor levels to Australian Height Datum.
- (c) The designed 100 year ARI flood level.

□ Minor additions to an existing dwelling must be accompanied by documentation from a registered surveyor confirming existing floor levels.

□ In the case of subdivision, four (4) copies of the proposed site layout showing the number of lots to be created (numbered as proposed lot 1,2,3 etc.), the proposed areas of each lot in square metres, a north point, nearest roads and the like.

An application for Integrated Development – The term ‘integrated development’ means that in addition to an approval from Council, an approval from another authority may be required eg. Roads and Traffic Authority or NSW Rural Fire Service.

Restrictions on the Site – (including vehicular and pedestrian). It is the applicant’s responsibility to check the property’s title deeds to find out whether it is benefited or burdened by any easements or rights of way or is affected in any way by watercourses or waterways.

When a property is affected by one of these restrictions, its exact location in relation to the boundaries of the land must be shown indicating its width, length and type. Details of easements should indicate the purpose for which they have been created eg. sewer, services etc. If the property is not subject to any site restrictions, a note should be made in a statement or on the plans.

**Council would prefer plans presented on A3 paper  
A scale of 1:200 is recommended for site plans**

Extent of Cut and Fill – All areas subject to cut and fill require the depths of both to be shown as well as the measures proposed to retain both. Applications for earthworks, filling of land and subdivision within the *flood fringe* shall be accompanied by a survey plan (with a contour interval of 0.25m) showing relative levels to Australian Height Datum.

Erosion/Sediment Control Plan – In the interests of managing storm water and erosion, the applicants should outline the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities.

Vegetation Clearing – Landscaping details including a description of trees to be removed existing and proposed planting, retaining walls, detention basins, fences and paving.

Storm water Drainage – Any existing and all proposed storm water drainage to be indicated on the site plan.

Road widths/Laneways/Existing Kerb and Gutter – Widths of all roads and laneways adjacent to the development site and any existing kerb and gutter to be indicated on the plan.

Statement of Environmental Effects - Every application must be accompanied by a statement demonstrating that the environmental impact of the development has been considered and any effects addressed so as to minimise any potential harm to the environment.

Water and Sewer Mains – Indicate the location of Central Tablelands Water mains and Cabonne Council's sewer mains on the site plan. If the mains do not burden the property, please indicate their location eg. in street or laneway or adjacent property.

Any other detail – that may be required for assessment as indicated by Council officers at a pre-lodgement meeting.

Notification – Council may notify adjoining landowners for development applications depending on the proposal.

#### **Step 4**

##### ***Certificates***

Where Development Approval is granted, you may need to apply for a **Construction Certificate** after development consent is issued and before site works can be carried out (in accordance with plans/specifications).

A **Compliance Certificate** will provide legal certification that site works have been properly executed/conditions of approval have been met following an **Inspection** by Council staff.

A **Compliance Certificate** from a Registered Surveyor showing finished floor levels to Australian Height Datum will be required in most development.

In the case of subdivision, a **Subdivision Certificate** will be required before the plan of subdivision can be registered with the Land Titles Office.

*Note: A reduced fee will apply where application is made at the same time for the Development Application and Construction Certificate*

### Annexure 5.3

#### FLOOD COMPATIBLE MATERIALS

<b>Electrical and Mechanical Equipment</b>	<b>Heating and Air Conditioning Systems</b>
For dwellings constructed on land to which this Policy applies, the electrical and mechanical materials, equipment and installation should conform to the following requirements.	Heating and air conditioning systems should, to the maximum extent possible, be installed in areas and spaces of the house above the relevant flood level. When this is not feasible every precaution should be taken to minimise the damage caused by submersion to according to the following guidelines.
<b>Main power supply</b>	<b>Fuel</b>
Subject to the approval of the relevant authority the incoming main commercial power service equipment, including all metering equipment, shall be located above the relevant flood level. Means shall be available to easily disconnect the dwelling from the main power supply.	Heating systems using gas or oil fuel should have a manually operated valve located in the fuel supply line to enable fuel cut-off.
<b>Wiring</b>	<b>Installation</b>
All wiring, power outlets, switches and the like should, to the maximum extent possible, be located above the relevant flood level. All electrical wiring installed below the relevant flood level should be suitable for continuous submergence in water and should contain no fibrous components. Only submersible-type splices should be used below the relevant flood plain level. All conduits located below the relevant flood level should be so installed that they will be self-draining if subjected to flooding.	The heating equipment and fuel storage tanks should be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks should be vented to an elevation of 600 millimetres above the relevant flood level.
<b>Equipment</b>	<b>Ducting</b>
All relevant installed below or partially below the relevant flood level should be capable of disconnection by a single plug and socket assembly.	All ductwork located below the relevant flood level should be provided with openings for drainage and cleaning. Self draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork should be protected by closure assembly operated from above relevant flood level.
<b>Reconnection</b>	
Should any electrical device and/or part of the wiring be flooded it should be thoroughly cleaned or replaced and checked by an approved electrical contractor before reconnection.	

Annexure 5.3

FLOOD COMPATIBLE MATERIALS

BUILDING COMPONENT	FLOOD COMPATIBLE MATERIAL	BUILDING COMPONENT	FLOOD COMPATIBLE MATERIAL
Flooring and Sub-floor structure	<ul style="list-style-type: none"> <li>concrete slab-on-ground monolith construction note: clay filling is not permitted beneath slab-on-ground construction, which could be inundated</li> <li>suspension reinforced concrete slab</li> </ul>	Doors	<ul style="list-style-type: none"> <li>solid panel with water proof adhesives</li> <li>flush door with marine ply filled with closed cell foam</li> <li>painted metal construction</li> <li>aluminium or galvanised steel frame</li> </ul>
Floor Covering	<ul style="list-style-type: none"> <li>clay tiles</li> <li>concrete, precast or in situ</li> <li>concrete tiles</li> <li>epoxy, formed-in-place</li> <li>mastic flooring, formed-in-place</li> <li>rubber sheets or tiles with chemical-set adhesives</li> <li>silicone floors formed-in-place</li> <li>vinyl sheets or tiles with chemical set adhesive</li> <li>ceramic tiles, fixed with mortar or chemical-set adhesive</li> <li>asphalt tiles, fixed with water resistant adhesive</li> </ul>	Wall and Ceiling Linings	<ul style="list-style-type: none"> <li>asbestos-cement board</li> <li>brick, face or glazed</li> <li>flush door with marine ply filled with closed cell foam</li> <li>clay tile glazed in waterproof mortar</li> <li>concrete</li> <li>concrete block</li> <li>steel with waterproof applications</li> <li>stone, natural solid or veneer, waterproof grout</li> <li>glass blocks</li> <li>glass</li> <li>plastic sheeting or wall with waterproof adhesive</li> </ul>

### Annexure 5.3

#### FLOOD COMPATIBLE MATERIALS

BUILDING COMPONENT	FLOOD COMPATIBLE MATERIAL	BUILDING COMPONENT	FLOOD COMPATIBLE MATERIAL
Wall Structure	<ul style="list-style-type: none"> <li>• solid brickwork, blockwork, reinforced, concrete or mass concrete</li> </ul>	Insulation  Windows	<ul style="list-style-type: none"> <li>• foam or closed cell types</li> <li>• aluminium frame with stainless steel or brass rollers</li> </ul>
Roofing structure (for situations where the relevant flood level is above the ceiling )	<ul style="list-style-type: none"> <li>• reinforced concrete construction</li> <li>• galvanised metal construction</li> </ul>	Nails, bolts, hinges and fittings	<ul style="list-style-type: none"> <li>• brass, nylon or stainless steel</li> <li>• removable pin hinges</li> </ul>

## **ANNEXURE 5.4**

### **LAND USE CATEGORIES (Based on Cabonne LEP 1991 and Environmental Planning and Assessment Model Provisions 1980)**

#### **1. ESSENTIALCOMMUNITY FACILITIES**

Place of Assembly or Public Buildings that may provide an important contribution to the notification and evacuation of the community during flood events.

#### **2. CRITICAL UTILITIES**

Generating works, Utility Installations that may cause pollution of waterways during flooding, are essential to evacuation during periods of flood or if affected during flood events would unreasonably affect the ability of the community to return to normal activities after the flood events.

#### **3. SUBDIVISION AND FILLING**

Subdivision of land involving the creation of new allotments for any particular purpose (excludes boundary adjustments), earthworks or filling operations covering 100m<sup>2</sup> or more than 0.3m deep.

#### **4. RESIDENTIAL**

Boarding house; Caravan Park; Dwelling house; Home industry; Home occupation; Housing for aged or disabled persons; Professional consulting rooms; Public utility undertakings (other than critical utilities); Recreation Establishment; Tourist facilities; Residential flat building and Utility installation undertaking (other than critical utilities).

#### **5. COMMERCIAL OR INDUSTRIAL**

Bulk Store; Car repair stations; Club; Commercial Premises (other than where referred to elsewhere); Education establishment; General Store; Health care professional; Hotel; Industry; Institution; Junk yard; Liquid fuel depot; Motel; Motor showroom; Place of Assembly (other than essential community facilities); Place of Public worship; Public building (other than essential community facilities); Refreshment Room; road transport terminal; Rural industry; Saw mill; Service station; Shop; Transport terminal; Warehouse.

#### **6. RECREATION OR AGRICULTURE**

Recreation Facility; Agriculture; Animal boarding establishment; Retail nursery; Recreation area; Roadside stall; and Stock and Sale Yard;

#### **7. MINOR DEVELOPMENT**

(a) in the case of residential development:

- (i) an addition to an existing dwelling of not more than 15% or 30m<sup>2</sup> (whichever is the lesser) of the habitable floor area which existed at the date of this policy; or
- (ii) the construction of an outbuilding, with walls that may impede the flood path, with a maximum floor area of 45m<sup>2</sup>. No more than 50% of the Lot size can be developed.
- (iii) carports, awnings or similar structures that do not contain walls

(b) In the case of shops & commercial premises.

- (i) New shops with a total floor area less than 50m<sup>2</sup>; or
- (ii) change of use which involves no building.

(c) In the case of other development an addition to existing commercial premises of not more than 15% of the floor area or 30m<sup>2</sup> (whichever is the lesser) which existed at the date of commencement of this policy.

(d) In the case of an allotment partially affected by flood liable zones new development where survey information is provided supporting the location of the development as outside the defined 1% Annual Exceedence Probability (AEP).



## ANNEXURE 5.5 DEVELOPMENT CONTROL CONSIDERATIONS

DEVELOPMENT CONTROL CONSIDERATION	FLOODWAY						FLOODPLAIN							
	ESSENTIAL COMM. FACILITIES	CRITICAL UTILITIES	SUBDIVISION AND FILLING	RESIDENTIAL	COMMERCIAL OR INDUSTRIAL	REC. OR INDUSTRIAL	MINOR DEVELOPMENTS	ESSENTIAL COMM. FACILITIES	CRITICAL UTILITIES	SUBDIVISION AND FILLING	RESIDENTIAL	COMMERCIAL OR INDUSTRIAL	REC. OR INDUSTRIAL	MINOR DEVELOPMENTS
FLOOR LEVEL						1	3				1	2	1	3
BUILDING COMPONENTS						1	1				1	1	1	1
STRUCTURAL SOUNDNESS						1	1			2	2	2	2	2
FLOOD AFFECTATION						1	1			1	2	2	2	2
EVACUATION / ACCESS						1,3	3			1,3	3	3	3	
FLOOD AWARENESS						2	2			1,2	2	2	2	2
MANAGEMENT & DESIGN						1,2,3	1,2,3			4	1,2,3	1,2,3	1,2,3	1,3
	NOTES													

### FLOOR LEVEL

1. Floor levels west of Parkes Street to be at least 500mm above the 1% AEP.  
Floor Levels Aurora - Parkes Street to be at least 400mm above the 1% AEP.  
Floor Levels in all other areas to be at least 300mm above the 1% AEP.
2. Habitable Floor levels to be at least 300mm greater than the 1% AEP (Commercial and industrial ).
3. Floor levels to be as close to the designed floor level as practical and no lower than the existing level when an addition.

### FLOOD COMPATIBLE BUILDING COMPONENTS

1. All structures to have flood compatible material at least 500mm above the 1% AEP.

### STRUCTURAL SOUNDNESS

1. Engineers report required to prove any structure subject to a flood up to and including the 1% AEP can withstand the force of floodwater, debris and buoyancy.
2. Applicant to demonstrate that any structure subject to a flood up to and including the 1% AEP can withstand the force of floodwater, debris and buoyancy.

### FLOOD EFFECT ON OTHERS

1. Engineer report required to prove that the development of an existing allotment will not increase flood affectation elsewhere.
2. The impact of the development on flood affectation elsewhere is to be considered.

**EVACUATION / ACCESS**

1. Reliable access for pedestrians required during a 1% AEP.
2. Reliable access for pedestrians & vehicles required at or above the PMF level.
3. Consideration required regarding an appropriate flood evacuation strategy & pedestrian / vehicular access routes for both before and during a flood.

**FLOOD AWARENESS**

1. Restrictions to be placed on the title advising of minimum floor levels required relative to the flood level.
2. S149(2) certificates to notify affectation by the 1% AEP.

**MANAGEMENT AND DESIGN**

1. Flood plan required when floor levels are below the designed floor levels.
2. Applicants to demonstrate that there is an area where goods may be stored above the 1% AEP plus 0.5 m freeboard during a flood.
3. No external storage of materials below the 1% AEP plus 0.5 m freeboard which may be potentially hazardous during floods.
4. Applicant to demonstrate that potential development as a consequence of a subdivision proposal can be undertaken in accordance with this DCP.