

# **PART A - “RURAL DEVELOPMENT”- Rural 1(a) Zone.**

## **A.1 INTRODUCTION**

### **A.1.1 Citation**

This Plan may be cited as the Oberon Development Control Plan 2001– Part A “Rural Development 1(a) Zone”,

### **A.1.2 Purpose**

The purposes of this Development Control Plan are:-

- a) To provide more details about rural development issues than are contained in the Oberon Local Environmental Plan 1998, and to provide guidelines on the way in which the objectives of the LEP can be achieved.
- b) To assist people who intend to make development applications or applications for subdivisions and construction certification under the Environmental Planning and Assessment Act, by advising them about the sorts of issues Council is required to consider.
- c) To recognise that land and its likely development will vary in different parts of the Shire, and to ensure that Council has the flexibility to adapt policies to the circumstances.
- d) To enable policies on local development issues to be modified locally, as required from time to time.

### **A.1.3 Application of Development Control Plan (DCP)**

The applicant will need to take this DCP into consideration when designing the proposed development. Council will take this DCP in to consideration when it deals with development applications in the 1(a) zone.

Proposals that are consistent with this DCP are more likely to be quickly and favourably determined. However, Council recognises that a policy cannot apply equally in every situation. Therefore, a proposal that does not comply with the policy will be considered and may be approved by Council, depending on the circumstances.

### **A.1.4 Development Applications**

All applications for development consent should be made on the appropriate form available from the Council offices and should be accompanied by the prescribed fee, and three (3) copies of a site plan and building / development plan, a statement of Environmental effects and a clear concise description of the proposed development.

The plans should indicate, where applicable:-

- a) The location of the property, boundary dimensions and site area;
- b) The location of existing vegetation and trees on the land;
- c) The location and uses of all existing buildings on the land;
- d) The location and uses of buildings on sites adjoining the land;

- e) The location of proposed new buildings or works in relation to boundaries of the land;
- f) Sketch plans of any proposed new dwellings indicating floor layouts and proposed external finishes and heights;
- g) Proposed vehicular access points; and
- h) Proposed methods of draining the land.

The Development Department staff are available to assist people who need to make an application, and to advise on the sort of supporting information that may be needed. It is strongly recommended that Council be contacted before design work is finalised and applications are prepared and lodged.

### **A.1.5 Amendment of DCP**

This DCP may be amended from time to time, following advertisement of proposed amendments and consideration of any submissions. Amendments will, however, need to be consistent with the objectives of the LEP and the objectives of the 1(a) zone.

## **A.2 RURAL DEVELOPMENT GENERALLY**

### **A.2.1 General Policy**

Council is concerned to ensure that development in the rural zones is carried out in a way that protects and promotes agricultural activities. To this end, the following general policies apply: \_

- a) Non agricultural development, including dwellings, should be located on land that is not prime crop and pasture land, unless there are no alternative suitable sites.
- b) Non agricultural development, particularly dwellings, should be sited and carried out so that it is unlikely to inhibit or give rise to complaints about normal farming and forestry practices (eg pine harvesting, crop and weed spraying, separation from noxious odours etc).
- c) Non agricultural development should be carried out in a way that minimises any adverse effects on adjoining land – particularly by way of:-
  - i) Land degradation.
  - ii) Alteration of drainage patterns.
  - iii) Pollution of ground water.
  - iv) Spread of noxious plants and animals.
  - v) Increased fire hazard.
- d) Development which assists the process of farm build-up and the strengthening of the family farm unit, including development which enables revenue to be raised for farm build up, is encouraged.
- e) Non agricultural development should be located and carried out in a manner that minimises the likelihood of added costs to ratepayers of the Shire as a result of the development.
- f) Sustainable development that generates employment in the Shire is encouraged.

### **A.2.2 Basic Information Requirements**

For Council to appropriately assess an application in the rural zones certain basic information need to be provided. Applicants should ensure that the following information has been provided.

- a) Completed development application form including signatures of the land owner;
- b) Three copies of completed plans;
- c) Any additional information that may assist Council in determination of the application;
- d) A simple clear and concise statement clarifying what the application is for. *“Eg. My application is for a subdivision to excise two lots for dwellings from the original holding. The two excised lots will be 3 hectares each and the remainder of the original holding will be consolidated for continued agricultural use as a grazing property. The work involved in the development consists of construction of a 500 metre access road, construction of front boundary accesses, cattle grids, gates, provision of rural dams on the two excised lots and rural boundary fences.”*

Applicants are required to pay a fee prior to lodging a development application. The schedule of fees is attached to the Council management plan. It is in the applicant's interest to provide as much information as is available to support the application. It is strongly recommended that the Development Department be consulted regarding the need for additional supporting information. Applications with all the necessary details are more likely to be quickly processed.

### **A.2.3 Application for Buildings**

Applicants may be required to lodge a development application and consult the Development prior to commencement of building construction. Information packages are available for different types of proposed building works and should be requested from the Development Department. Reference should be made to the Council Exempt and Complying development control plans as the building may have the option of not obtaining Council consent.

### **A.2.4 Applications for Subdivision**

Applicants are advised to consult the Development Department staff prior to finalising the design of their rural land subdivision. Information packages are available for proposed subdivision applications from the Development Department, reference should be made to the Oberon Local Environmental Plan 1998.

### **A.2.5 Applications for On-site Effluent Disposal**

Specific on-site investigations are required for on-site effluent disposal and Council will accept and approve designs that comply with either AS1547 – 1994 or AS 1547 – 2000. It should be noted that absorption trenches in accordance with AS1547 – 1994 are the most popular satisfactory system for most of the rural areas in the Oberon area. There are inherent problems with aerated treatment system that discharge treated effluent to the ground surface in areas above 900 metres AHD due to snowfalls, unfavourable winter water balance, very cold winters and on-going maintenance problems. The disposal sites should be chosen with appropriate consideration given to:

- i) Proximity to property boundaries;
- ii) Steep slope gradients;
- iii) Proximity to water courses;
- iv) Seepage;
- v) Soil suitability (depth, permeability etc.)
- vi) Consideration of the altitude in relation to snowfalls;
- vii) Location of the dwelling

Effluent disposal is generally by way of an approved sub-surface on-site disposal system using a septic tank and an absorption trench for which an adequate water supply is essential. Written application must be made to Council for permission to install a septic tank system and standard forms are available for this purpose. Applications will be assessed and determined by Council's Environmental Health and Building Surveyors.

## **A.2.6 Specific Aspects**

### **a) Prime Crop and Pasture Land**

In considering whether development (ie dwelling and subdivision) would fragment or otherwise affect prime crop and pasture land, the Council will have regard to the definition in the Oberon LEP 1998.

### **b) Concentration of Non Agricultural Use**

In considering a development application involving a concentration of non-agricultural uses (Eg. more than three dwellings) or which has the effect of creating such a concentration through a series of individual developments (including previous approvals and existing development), the Council will have regard to whether the concentration is likely to have the effect of:-

- i) Inhibiting or restricting farming or forestry practices in the area by way of increased complaints, land management problems or otherwise, and
- ii) Increasing demands for the Council to spend ratepayer's money providing services to the land.

### **c) Dwellings**

In addition to policies and guidelines elsewhere in this DCP relating to dwellings in the rural zones, the designer must consider and Council will have regard to the following considerations where relevant:-

- i) Whether adequate water supply is available.
- ii) Whether adequate arrangements are proposed for disposal of domestic waste and garbage.
- iii) Whether adequate access is available, including the location of access points to public roads in a safe position.
- iv) Whether the land is liable to slip or is otherwise potentially unstable.

### **d) Land Degradation**

Although applicants are encouraged to seek the advice of the Department of Land and Water Conservation in preparing proposals likely to alter landform, vegetation or drainage patterns, this section provides some basic design principles to ensure that developments are designed to minimise the potential for land degradation.

In general, developments should have regard to the following principles:

- i) Try as much as possible to use natural features in any development. In particular, for subdivisions, lot boundaries should be located with regard to the topography and site conditions. This will eliminate the need for large areas of clearing, stripping or excavation.
- ii) Developments should be phased so that the area exposed at any one time is confined to an area of workable size.
- iii) Where areas to be worked are to be stripped of topsoil it should be stockpiled for respreading after final landscaping has taken place to help in the revegetation of the area.

- iv) Drainage works should be planned and installed as one of the first steps in development. These should be designed to divert surface runoff around disturbed areas to minimise the potential for erosion and not adversely impact adjoining premises.
- v) Sediment and erosion control structures such as sediment or retarding basins, perimeter banks etc may be necessary on larger projects to prevent possible land degradation. Where necessary, these structures should be installed before any land disturbance takes place.
- vi) All sediment and erosion control structures should be revegetated or mulched as soon as they are built to prevent erosion of the structures. Similarly, all disturbed areas should be revegetated within thirty days of final landscaping.

**e) Siting of Water Tanks**

Water tanks should generally be sited away from visually prominent areas. However, where this is not practical, the water tank should be suitably screened by appropriately planted tree screens, or appropriately coloured to blend into the surrounding landscape.

**f) Buffer Distances**

In order to minimise land use conflicts and avoid undue interference with the living amenity of residents, residential development shall be located so as to ensure the following minimum buffer areas around intensive agriculture establishments, the Oberon Industrial area, quarries, sewerage treatment plants and the other existing land uses with a nuisance potential:

Existing Major Industry	750 metres (from boundaries of site)
Extractive Industry (as defined in Standard LEP)	500 metres (from footprint of operations and is to be provided wholly within the proponent's land or by appropriate lease over the buffer area. Council may consider less stringent conditions based on partial use and/or annual production volume having regard for public benefit)
Intensive Livestock Agriculture (as defined in Standard LEP – see below*)	500 metres (from footprint of operations and is to be provided wholly within the proponent's land or by appropriate lease over the buffer area)
Intensive Plant Agriculture (as defined in Standard LEP – see below **)	150 metres (from footprint of operations) unless a tree buffer has been approved.
Garbage Tips	500 metres (from footprint of operations)
Inert Landfill	250 metres (from boundaries of site)
Animal Dips	200 metres (from actual dip site)
Sewerage Treatment Plant	400 metres (from boundaries of site)
Albion Street and proposed Western bypass	50 metres

\* Intensive Livestock Agriculture – means the keeping or breeding of livestock, poultry or other birds that are fed wholly or substantially on sourced feed, and includes the operation of feed lots, piggeries, poultry farms or restricted dairies, but excludes operation of facilities for drought or similar emergency relief.

\*\* Intensive Plant Agriculture means:

- a) the cultivation of irrigated crops (excluding irrigated pasture and fodder crops),
- b) horticulture, or
- c) turf farming

for commercial purposes.

## **A.3 HAZARDS**

### **A.3.1 Flooding**

Where development of a type that is susceptible to damage by floodwaters, or involves a risk to life in the event of a flood, is proposed on land that is liable to flooding according to information available to the designer, Council or the owner:-

The designer must consider and Council will have regard to:-

- a) Whether it is feasible to alter the location of the proposal to minimise the risk.
- b) Whether it is feasible to require the elevation of floors one metre above known 1:100 year flood levels.
- c) Whether evacuation or refuge is possible in the event of a flood.
- d) Whether the proposal is likely to alter floodwater patterns in a way that increases risks to other land or buildings.

### **A.3.2 Bush Fire**

The whole of the Rural 1(a) zone in Oberon Shire is susceptible and or liable to bush fires and grass fires, the Council will have regard to:-

- a) Whether it is feasible to require a perimeter road or fire radiation zone.
- b) Whether evacuation or on-site refuge measures are feasible.
- c) Whether any buildings are sited so as to minimise fire risk.
- d) Measures available to ensure the property can be managed to minimise the risk to it and to other land and buildings.
- e) Whether building materials and any proposed planting should be of a fire resistant type.

## **A.4 OTHER ASPECTS**

### **A.4.1 Road Contributions**

Council may require the developer to make contributions to Council for the upgrading of public roads to the appropriate standard related to the traffic generated by the development.

### **A.4.2 Stormwater Drainage**

Applications should include details of the proposed method of disposing of stormwater drainage. Generally, stormwater should be disposed of safely onto stable areas. Where necessary, drainage channels should be stabilised with introduced grasses or legumes, with a vegetative cover being maintained to prevent scouring.

### **A.4.3 Building Setback from Roads**

The Oberon LEP 1998 has significant boundary setback provisions for dwellings and should be referred to.

To maintain rural aesthetic amenity and to minimise any potential traffic conflicts, a minimum building line of 20 m will apply to all land zoned rural (1a).

### **A.4.4 Development Fronting Main Roads**

Development, which has the effect of creating ribbon development beside main roads, is generally discouraged on traffic safety grounds. Where there is no alternative to a main road location, particular consideration will be given to the number, location and design of access points to main roads. Generally, the number of accesses should be minimised, and all accesses proposed should be located and designed to avoid any conflict with other traffic.

The designer and Council are required to consult with the Roads and Traffic Authority on all traffic generating developments fronting main roads and to seek the advice of the local Traffic Committee in many other cases.

#### **A.4.5 Consultation with other Authorities**

Applicants are advised to consult with servicing authorities such as Electricity supplier, Telecommunications supplier and Upper Macquarie County Council (weeds) to determine the availability and cost of providing services to the development.