

PART I – “RURAL DEVELOPMENT”

I.1 INTRODUCTION

This Plan is called The Oberon Council Development Control Plan Part “I” - “Rural Development”.

I.1.1 Land To Which This Plan Applies

This Plan applies to all Rural 1(a) and 1(c) zoned land in the Oberon Council Area to which the Oberon Local Environmental Plan 1998 applies. The part should be read in conjunction with part A.2 – Rural Development generally of Development Control Plan 2001.

I.1.2 Purpose

The purpose of this Development Control Plan is to: -

- (a) Provide standards and guidelines directed towards guiding development of the Rural 1(a) and 1(c) zone;
- (b) Provide standards and guidelines directed towards guiding development and rezoning applications to change Rural 1(a) zoned land to Rural 1(c);
- (c) Assist people in design of their development and the making of applications under the Environmental Planning and Assessment Act, by advising them about the issues Council is required to consider.

I.1.3 Specific Aims And Objectives

The specific aims and objectives of this Plan with regard to development are:

- (a) To ensure lots created by subdivision are adequately serviced;
- (b) To minimise land degradation;
- (c) To encourage development that will preserve and enhance the rural environment;
- (d) To ensure minimum conflict between different land uses;
- (e) To guide designers of Rural 1(c) rezoning applications and implement the “Oberon Council Rural Residential Strategy 1(c) Rural C Rezoning”.

I.2 APPLICATION

In accordance with Section 79 of the Environmental Planning and Assessment Act 1979, this Plan will be taken into consideration by Council when it deals with development application in the 1(c) zone where development consent is required under the Oberon Local Environmental Plan 1998.

Where development consent is not required, relevant policies and guidelines set out in this Plan will be taken into consideration when Council is dealing with applications for subdivision and Construction Approvals under the Environmental Planning and Assessment Act. Council requires that the fees for a rezoning application as required by the Council Management Plan be paid on receipt of the application.

Council may, where it considers the situation appropriate, depart from the provisions of this Plan. Any application seeking departure from these provisions will be required to submit to Council reasons for such departure. Council requires a Development application for any proposed rezoning.

I.3 GENERAL DEVELOPMENT POLICY

Council is concerned to ensure that development in the 1(a) and 1(c) zones is carried out in a way that maintains rural/residential amenity, and minimises land degradation while enabling a range of land uses.

Development should be carried out in a way that minimises any adverse effects on the site or adjoining or surrounding land particularly by way of:

- i) Soil erosion;
- ii) Alterations of drainage patterns;
- iii) Pollution of ground water and watercourses;
- iv) Offensive noises or odours;
- v) Air pollutants including drift aerial sprays;
- vi) Preservation of the rural vista.

Development, which is sustainable, and generates employment and income in the Oberon is encouraged.

I.4 BUILDINGS

I.4.1 Considerations

Council will have regard to the following considerations with respect to an application to construct a building on lots within 1(c) zone:

- i) Whether adequate provisions have been made for domestic water supply;
- ii) Whether adequate arrangements are to be made for disposal of domestic waste and garbage;
- iii) Whether adequate access is available including the location of access points along a public road in a safe position;
- iv) Whether adequate arrangements have been made for on-site disposal of sewage;
- v) Whether adequate consideration have been given to the risk of flooding from creeks and areas of poor drainage in the location and floor levels of buildings.
- vi) Whether the location of a building is likely to impact upon the agricultural potential of adjacent or surrounding lands;
- vii) Whether the building is sited and designed to minimise visual impact and disturbance to the landscape through clearing, earthwork or access roads.

I.4.2 Guidelines For Siting Of Buildings

Location of buildings on each allotment should be based on an assessment of constraints and opportunities both man-made and natural. Development should be excluded from prominent areas such as ridgelines or immediately adjacent to roads or other dwellings.

I.4.3 Building Lines

Council may establish building lines or otherwise encourage the setback of buildings or works from roads or property boundaries to:

- a) Minimise potential conflicts with adjacent lands use;
- b) Minimise visual impact of a building or work on passing vehicular traffic.

I.4.4 Building Standards

Buildings are to comply with minimum standards set down in the Building Code of Australia. Some basic standards relating to building dimensions have been included in the sections that follow. Applicants are to consult with Council regarding compliance with the full range of standards.

I.5 SUBDIVISION

Refer to Part B – “Subdivision” of the Oberon Council Development Control Plan 2001.

I.6 RURAL 1(C) REZONING APPLICATIONS

I.6.1

In considering applications for rezoning Council will not approve applications that are merely attempts to gain additional Lots for the purpose of dwellings in the 1(a) zone over those that are permitted in the provisions of the Oberon LEP 1998.

I.6.2

The applicants submission must be legitimate and well reasoned with due consideration of the provisions of :-

- u The EP&A Act, particularly Section 79(c)
- u The Oberon LEP 1998 as amended
- u The objectives in this Development Control Plan
- u The Oberon Oberon Council Rural Residential Development Strategy 1(c) rezoning.

Council would expect that a development site specific Development Control Plan be drafted to address all the practical issues particular to the site to guide ongoing landuse in the proposed Rural residential zone and meet the objectives of this DCP.

1.6.3 Rural Land Resources

The Objectives are:-

- u To Minimise the loss or fragmentation of prime crop and pasture land holdings in the Rural 1(c) Zone.
- u To maintain and promote a variety of sustainable agricultural activities
- u To protect the productive capacity of agricultural land.
- u To minimise landaus conflicts and adverse environmewntal impacts
- u To protect,maintain and/or enhance the scenis and landscape values of the rural area.

1.6.4 Settlement

The Objectives are:-

- u To ensure the supply of Rural 1(c) housing relates to a demonstrable demand
- u To plan for rural residential development strategically.
- u To maximise the existing infrastructure in the provision of rural residential Lots.
- u To provide a variety of Lot sizes and rural living opportunities
- u To ensure settlements relates to the physical, social and service catchments.

1.6.5 Preferred Areas For Rural 1(C) Rezoning

The preferred areas in the Oberon Council area for the re-zoning of Rural 1(a) land to Rural 1(c) land are:-

- u Land that is not *prime crop and pasture land* as described in the Oberon Local Envirionmental Plan 1998 as amended.
- u Land within close servicable travel distance to the Oberon Village or the O’Connell road bridge over the Fish River – up to 15 kilometres travel distance via road in a convential car.
- u Land that if developed will not adversely impact upon the sustainable agricultural landuse of adjoining or adjacent land.
- u Land that if developed will not adversely impact upon the native flora and fauna of adjoining or adjacent land.
- u Land that is capable of being fully and adequately serviced for the proposed rural residential development. Eg. Bitumen sealed roads, garbage services, suitable water supply, power supply, transport facilities, proximity to schoolsand community services.

- u Land development that provides additional beneficial public open space,
- u Land that promotes a local identity and local community focus.

I.7 PROVISION OF SERVICES

I.7.1 General Policy

Council shall not consent to the carrying out of any development on any land unless it is satisfied that adequate arrangements have been and for the provision of:

- i) All weather vehicle access;
- ii) Water, telephone and electricity services; and
- iii) Stormwater drainage and sewage disposal services to the land.

Where a development results in an increased demand for a service the developer will be required to pay for the provision, extension or upgrading of that service.

I.7.2 Drainage

Applications for development should include details of proposed method of disposing of stormwater drainage. Internal stormwater drainage shall be paid for by the developer along with roadwork requirements. External stormwater drainage facilities must be adequate before Council is able to will approve the subdivision.

I.7.3 Electricity Supply

Applicants are required to consult Advance Energy to ascertain the cost and availability of reticulation of power supply.

I.7.4 Telephone Service

Applicants are to arrange for receipt by Council of Certification of compliance from Telstra/ Optus or another telecommunications provider.

I.7.5 Garbage

In the 1(c) zone collection of household garbage by Council is unlikely to be feasible. Appropriate arrangements shall be made for garbage disposal by future residents.

I.8 EROSION CONTROL

All surfaces during development, road construction or site preparation shall be stabilised by revegetation or other means as soon as practicable. Developers should take all measures possible to ensure that disturbed sites are exposed for a minimum period and that water pollution does not occur. Applicants are encouraged to seek the advice of the Department of Land and Water Conservation and refer to Councils erosion and sedimentation guidelines in preparing proposals likely to alter landform, vegetation or drainage patterns.

The development designer must provide appropriate plans and specification for erosion and sedimentation control of the development site which utilise a range of general sediment and erosion control measures.

I.9 BUSHFIRE CONTROL GUIDELINES

Individuals can reduce the bushfire risk to which buildings are exposed. The whole of the Oberon rural area is considered to be a bushfire prone area. All building must be designed in accordance with the appropriate

requirements of the BCA in relation to the assessed bush fire risk. The inherent risk of the development site may be improved by:

- a) Attention to the choice of the building site, considering the slope of the ground and the direction of prevailing hot winds.
- b) The use of a low slope roof; avoid the entry of ember and sparks by; enclosing underfloor spaces and eaves; screen windows, chimneys etc; choosing a well-sealed roof cladding.
- c) providing a radiation belt of well watered shrubs, or a cleared area., well maintained will reduce risk.
- d) Provision of water for fire fighting purposes.
- e) Secondary sources of fire – precautions
 - keeping wood heaps, storage out-building and fuel storage well away from a dwelling
 - removing long grass and highly flammable trees and shrubs for a distance of 20 metres from a building.
 - keeping gutters and other areas of the roof free from debris accumulation.

I.10 VEGETATION AND TREE PLANTING

I.10.1 The Need For Vegetation

Vegetation in general, and trees in particular, provide many benefits to the landholder:

- i) Increase soil stability and reduce erosion and siltation;
- ii) Trees provide shade for stock;
- iii) If selection and location are adequate trees can create valuable wind breaks which protect the site from prevailing winds;
- iv) Trees stands can provide corridors for wildlife;
- v) Vegetation cover reduces peak discharges of surface storm water, and encourages rainwater infiltration into the soil.

These species should be selected to suit the area, and be located away from the dwellings to reduce fire hazard. Fire risk is also reduced if dry ground litter and flammable shrubs are removed within the vicinity of buildings.

I.10.2 Selection Of Plants

Information on selection of plants may be obtained by contacting any of the NSW Forestry Offices and referring to the list of trees and shrubs suitable for the Oberon climate available from the Council foyer.