

PART D

Section 8 Rural Development

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About Section 8

The controls of this section apply to development on land in the RU1, RU2, RU4 and RU6 Zones

Development in the rural sector takes many shapes and forms. Conflicts can occur between uses, and potential environmental risks and harm, such as land degradation, erosion and threats to water quality, need to be carefully managed. The general design principles apply to all applications on rural lands and are intended to make sure that “bigger picture” questions are taken into account.

Competition with traditional rural activities is an ongoing issue for the rural areas. “Prime crop and pasture land” has been a long-standing indicator of good agricultural land that was classified as Class1, Class 2 or Class 3 by NSW Agriculture. The LEP does not refer to prime crop and pasture land. However, for the purposes of these controls, the land classifications are seen as a useful guide. Plans showing agricultural suitability are available from Council.

Rural development design principles

- P1 Demonstrate responsible and sustainable use of agricultural land, and in particular prime crop and pasture land.
- P2 Ensure land use compatibility by providing buffer areas, clearly defining building envelopes, and ensuring that new or non-traditional uses do not upset the balance unless well justified.
- P3 Minimise impacts on vegetation, timber production, land capability (quality and stability of water courses), and ground water storage and riparian rights. Where possible, improve the environmental conditions of the site and locality.

8.1 Development in rural areas

Development in rural areas can raise a variety of issues depending on the development, site context and potential for impacts on the character and amenity of the area. Typical issues are water quality, impacts on adjoining uses (especially dust, noise, odour etc), traffic, runoff, land degradation and erosion, and operational and management issues.

Buffer areas are important to reduce conflicts between land uses. Physical separation is the most effective form of buffer. Plantings can also help.

Objectives

- O1 Ensure that rural developments are compatible with site context.
- O2 Minimise potential for conflicts between traditional and productive agricultural uses and non-agricultural uses.
- O3 Ensure that adequate buffers are provided so that dwellings do not interfere with the right to farm adjoining or adjacent land

Explanatory Note(s):

Refer to Part A for submission requirements and other general matters

Refer to Part B for requirements relating to particular environmental and landscape issues

Complying with this DCP

The controls in the DCP support the Guiding Principles and Section Objectives. A Development Application should aim to satisfy the Guiding Principles, and the Objectives of the relevant sections. Equal emphasis must be given to both “numeric” and non-numeric controls relevant to a particular development. Where a proposed development has an unacceptable impact on neighbours or the surrounding environment compliance with controls will not necessarily guarantee approval of an application.

Where a variation is sought to controls, the application must document the reasons and extent of the variation, and how the variation meets the Guiding Principles and Section Objectives for the consideration of the Council.

Additional information and guidelines about rural issues are available from the Department of Primary Industries.

See www.dpi.nsw.gov.au.

Controls for extractive industries are now contained in State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industry) 2007.

O4 Ensure safe and adequate servicing and access arrangements.	Explanatory Note(s):
Controls C1 Uses are to be compatible with the character of the locality in terms of buildings, structures and the nature of operations. C2 Provide adequate buffer areas and setbacks to minimise potential conflicts with adjoining lawful land uses. Where there is potential for a conflict between land uses, priority will be given to the existing productive use. C3 Use landscaping and other screening options to help integrate new uses and developments into the rural landscape. C4 Uses must be capable of operating within capacities of available existing services. C5 Provide adequate facilities for additional traffic in terms of vehicle access and movements, parking areas, and loading and unloading of goods. C6 In the case of larger projects Council may require the applicant to demonstrate that the roads in the locality are of satisfactory construction and condition to accommodate the size, weight and volume of vehicles that could be generated by the use, and that the local traffic conditions are suitable. C7 Provide satisfactory arrangements for storage and disposal of waste.	
Rural buffers and land use conflicts C8 Locate dwellings to minimise conflicts with activities associated with primary production, so as to not interfere with the ability to farm adjoining or adjacent land. C9 A dwelling house and all ancillary development on a lot in the following zones must have a setback from the boundary with a primary road that is not a classified road of at least the following: (a) If the lot is in Zone RU1, RU2 or RU6 – 50m C10 A dwelling house and all ancillary development on a corner lot must have a setback from a boundary with a secondary road that is not a classified road of at least the following: (a) If the lot is in Zone RU1, RU2 or RU6 – 10m C11 A dwelling house must have a setback of at least 250m from a boundary with adjoining land being used for any of the following: (i) Forestry (ii) Intensive livestock agriculture (iii) Intensive plant agriculture (iv) Mines and extractive industries (v) Railway lines (vi) Rural industries	

- C12 Variations to the minimum setback can be considered where it can be shown that the agricultural potential of the land will be protected taking into account alternative measures such as landscaping or other relevant factors.

Explanatory Note(s):

8.2 Agritourism

Agritourism activities include farm gate premises and farm experience premises.

These uses are defined fully under the LEP but by definition must be carried out on a commercial farm, and must be ancillary to the farm. In the case of farm gate premises, the produce sold must be predominantly from the farm, but can be supplemented by products from other farms in the region.

Objectives

- O1 Ensure that agritourism operations remain subsidiary to the primary production use of the land;
- O2 To ensure that agritourism operations are directly related to the primary production of the land;
- O3 To minimise impacts on the rural landscape character from agritourism operations.

Controls

- C1 Agricultural produce offered for sale must be predominantly grown or produced on the property.
- C2 The sales area must be physically connected to the land on which the produce is grown or produced, and a Farm Plan is to demonstrate there is sufficient agricultural land in production to sustain the scale of the sales operation.
- C3 Agritourism is to be subsidiary to the main productive activities of the property or of a reasonable scale in relation to the size of the property. The location of the agritourism activity is to avoid conflicts with nearby sensitive areas or land uses.
- C4 Agritourism facilities should be located in existing rural buildings where possible. Conserving historic rural outbuildings is encouraged.
- C5 Provide adequate space for safe turning in and out of the property for vehicles and satisfactory sealed and signposted parking spaces in close in proximity to the agritourism component.
- C6 Any signs associated with agritourism are to be suitably sized without adversely affecting the rural setting, and are to be located to facilitate reasonable notice of the premises for visitors and assist in the safe operation of the site.

Council will require compliance with relevant health requirements for the handling of foodstuffs associated with the sale of produce or tourism facilities.

8.3 Rural dwellings

Dwellings can have a huge impact on the rural landscape. New buildings should be kept away from ridgelines and visually prominent locations. Materials should complement the landscape.

Objectives

- O1 Ensure that dwellings in rural areas are compatible with the rural landscape.
- O2 Encourage dwellings and outbuildings to be located in clusters.
- O3 Encourage energy efficient dwellings.

Controls

- C1 Avoid prime productive lands and prominent hill and ridgeline locations especially where alternative, more suitable locations are available.
- C2 Locate dwellings either within a predetermined building envelope, or in a location that is suitable for construction, being free from contamination and capable of accommodating a sewage management system.
- C3 The scale, footprint and height of dwellings is to be such that buildings recede in to the landscape and do not distract from skyline views or views that are part of the visual backdrop of the area. Orientate dwellings to maximise the northern aspect of living areas.
- C4 Materials and finishes are to be non-reflective. Low intensity colours (lighter tones) are generally preferred.
- C5 Outbuildings are to be located close to the main dwelling and to the rear when viewed from the nearest road so as to appear as a 'homestead group' of buildings.
- C6 Driveways are to follow natural contours where possible. Avoid unreasonably steep and visually intrusive driveways.
- C7 Native vegetation is to be retained and embellished where possible. Dwelling construction should not disturb remnant vegetation.
- C8 Traditional rural fencing, such as post and wire are encouraged. Use vegetation barriers where needed to provide visual screening between adjoining properties.
- C9 Rural workers dwellings and secondary dwellings should:
 - be situated on the same legal title as the principal farm dwelling
 - share the same road access, power and communication infrastructure as the principal farm dwelling (as should secondary dwellings)
 - be located within reasonable proximity to other farm buildings (e.g. within 300 m), and,
 - be appropriately separated from farm boundaries and potentially conflicting land uses (e.g. intensive livestock operations, livestock yards, dairies and the like)



Dwellings should not be seeking to make a "statement" but should aim to recede into the landscape.

Explanatory Note(s):



Applications for new dwellings in rural areas should include details of driveways or access roads.