

5 Principal Development Controls

Rural



5 Principal development controls – rural

5.1 Intensive agriculture

Objective

To ensure the following forms of intensive agriculture are conducted in a sustainable manner: horticulture, intensive livestock agriculture, turf farming and aquaculture.

Controls

Sustainable agriculture is defined as the use of farming practices and systems which maintain or enhance:

- the economic viability of production;
- the natural resource base; and
- other ecosystems which are influenced by agricultural activities.

The principles of sustainable agriculture are:

- farm productivity is sustained or enhanced over the long term.
- adverse impacts on the natural resource base of agriculture and associated ecosystems are ameliorated, minimised or avoided.
- residues resulting from the use of chemical in agriculture are minimised.
- the net social benefit derived from agriculture is maximised.
- farming systems are sufficiently flexible to manage risks associated with the vagaries of climate and markets (Standing Committee on Agriculture 1993).

Applications for intensive agriculture should be accompanied by a plan of management which addresses the principles of sustainable agriculture. The application may be referred to Department of Primary Industries or a consultant for advice.

Property owners should contact NSW Workcover for the requirements for the storage and use of chemicals.

To reduce environmental impact of agricultural activities, an assessment of the capability of the land should be undertaken. Consideration should be given to the sustainability of different soil landscapes and the suitability of steep slopes for agricultural activities.

Dwellings should be sited to maintain the continuity, and minimise the disturbance, of agriculturally productive land. For further relevant advice refer to the following:

- Goulburn Mulwaree Council (December 2006) The Rural Living Handbook 2007-2009, A guide for rural residential landholders
- Department of Primary Industries' Sustainable Agriculture Policy

5.2 Subdivision

Objective

Control the density of development in order to limit population growth and maintain the rural character of the area.

Promote lots of sufficient size to conduct agriculture and other rural pursuits.

Controls

Minimum lot sizes are specified in the lot size maps to the LEP 2009.

Lots should be designed to maximise useable areas of the site and have regard for the topography.

Subdivision design should provide opportunity for the retention of significant landscape features including remnant vegetation, rock outcrops, water elements, appropriate location of boundary lines and building envelopes.

Each lot shall contain a development site that can accommodate a dwelling house, private open space, effluent disposal area and vehicle access in a way that is consistent with the constraints identified on site (eg. bushfire, flood hazard, steep slopes and significant vegetation).

Areas for on-site sewerage disposal need to be a minimum of 150 metres from the Wollondilly and Shoalhaven Rivers or a major water storage dam (Sooley Dam & Lake Ross), 250 Metres from a licenced well, 100 metres from other rivers, creeks and perennial watercourses, 100 metres from an intermittent watercourse, defined as having banks and beds or ponds or remaining wet for considerable periods between rainfall events and which may be characterised by supporting moisture tolerant vegetation or 40 metres of a dam or drainage depression, defined as low points that carry water during rainfall events but dry out quickly once rainfall has ceased.

Note: Reference the GM LEP 2009, clause 7.3 and chapter 7 of this Plan.

Specific provisions – Battle axe allotments and right of carriageways:

Battle axe allotments and right of carriageways must have a minimum road frontage of 20 metres. The minimum width must continue along the length of the access handle/way to accommodate a driveway and public utility services. The area of a right of carriageway forms part of the minimum lot area required for the servant/burdened allotment.

Right of carriageways and access handles shall be provided with a driveway (minimum 4m wide gravel surface) complying with state agency requirements for intersection treatment, sedimentation control, bushfire protection and the like. All works shall be completed by the developer prior to release of any Subdivision Certificate.

Electricity provisions shall service each new lot via a satisfactory inter-allotment arrangement. The extension of services along the battle axe handle or right of carriageway is only permitted where alternative arrangements cannot be provided. All works shall be completed by the developer prior to release of any Subdivision Certificate.

All road, access ways etc. shall be designed and constructed in accordance with the current version of Council's 'Standards for Engineering.

5.3 Rural dwellings

Note: Reference Goulburn Mulwaree LEP 2009, clause 4.2A.

Objective

To ensure the appropriate form of residential development in the rural zones within the Goulburn Mulwaree local government area.

Controls

5.3.1.1 General controls

The general standards for dwelling houses proposed in Rural zones are detailed below:

- orientate living areas to the north
- maintain front setback requirements of:
 - 5 metres in RU5 Village Zone and 20 metres in R5 Large Lot Residential Zone; and
 - 50 metres in the RU1 Primary Production Zone, RU2 Rural Landscape Zone and RU6 Transition Zone.
- and colours are to be consistent with the rural character of your local area:

- respect your neighbours and your own future amenity by careful siting of your dwelling:
 - build well back from the public roads, especially gravel roads;
 - build below ridgelines to respect the rural views;
 - build well away from nearby intensive rural developments (eg poultry sheds).
- Notwithstanding the bushfire requirements you can and should screen your building site by vegetation. It will help reduce the visual impacts of your buildings, provide shade from the summer sun, assist global warming and where natives are used, provide habitat for native fauna.
- Where significant environmental features, such as natural forms, remnant native vegetation, wetlands or natural watercourses and drainage lines occur on your land, they shall be avoided for building purposes, conserved and or enhanced.
Additional dwelling design principles are detailed in Chapter 4.

Note:

1. Free copy of the "Rural Living Handbook 2007-2009", a guide for rural residential landholders is available from Council.
2. Do not bring on site illegal temporary structures to live in, for example containers.
3. Remove any existing illegal structures.

Site access

All dwellings must have legal and properly constructed access by way of a public road. Where a new road is to be constructed it shall be constructed in accordance with Chapter 7. Where an existing road or right-of-carriageway is substandard, it shall be improved to provide an all weather pavement to the satisfaction of Council.

Each dwelling is to be provided with an adequate all weather access to enable satisfactory vehicular passage from the public road into the allotment. Where kerb and guttering does not exist, this will generally require bitumen sealing from the road shoulder to the boundary and in most cases will require the provision of a piped gutter crossing to the satisfaction of Council.

A right-of-carriageway may be used to provide access only where the right-of-carriageway traverses only one allotment of land and does not serve any other allotment of land other than that on which the dwelling is erected.

5.3.1.2 Water supply

Every dwelling erected on land to which this Plan applies will be required to have not less than 46,000 litres of roof water storage for domestic purposes if a reticulated, disinfected water supply is not available.

5.3.1.3 Effluent disposal

If a reticulated sewerage or effluent disposal scheme is not available to the land, all effluent and wastewater shall be disposed of on-site. Each allotment must have adequate area available for an on-site sewage management facility.

A wastewater management assessment report will be required, to confirm acceptability of proposed effluent disposal sites. The Wastewater Management Assessment Report need not be a major undertaking but should consider factors such as soil profile to one and a half metres, climate (mean monthly rainfall and evaporation rates), terrain, aspect, maximum potential effluent generation, the impact of any existing wastewater management system and the sizing of a sustainable effluent management area (EMA).

Reference should be made to the principles contained in the guidelines entitled 'On-site Sewage Management for Single Households' (Department of Local Government, 1998) and AS/NZS 1547-2000 'On-site Domestic Wastewater Management' (Standards Australia, 2000) in this regard. Properties located in the Sydney Drinking Water Hydrological Catchment Area will be subject to the provisions of the *State Environmental Planning policy (Sydney Drinking Water Catchment) 2011*.

The following are the recommended buffer distances (overland flow path) for effluent management areas:

- 150 metres from the two major rivers in the local government area – the Wollondilly and Shoalhaven, for full length of each river as defined on topographic maps;
- 100 metres from other rivers, creeks and perennial watercourses;
- 100 metres from intermittent watercourses, defined as having banks and beds or ponds or remaining wet for considerable periods between rainfall events and which may be characterised by supporting moisture tolerant vegetation;
- 40 metres from drainage depressions, defined as low points that carry water during rainfall events but dry out quickly once rainfall has ceased;

- 150 metres from Sooley Dam and Lake Ross;
- 250 metres from a licenced bore (well).

Applicants should be aware that depending upon the abovementioned factors, the area of an existing single allotment within a Village may not be adequate for the on-site disposal of effluent. All on site wastewater systems are to operate in accordance with conditions of approval.

5.3.1.4 Electricity supply

An electricity supply must be provided to the dwelling in accordance with the requirements of Country Energy. If power is currently not available to the allotment, building plans will only be released when notice is received from Country Energy that satisfactory arrangements have been entered into for the provision of power to the site.

Proposed alternative methods of power supply may be considered by Council. The approval of alternative methods of power supply are at the discretion of Council.

5.3.1.5 Vegetation retention

Site development away from vegetation to avoid conflict and need for removal to provide asset protection zones.

5.3.1.6 Fencing

Fences shall be of a design that is sympathetic to the rural character of the locality.

5.3.1.7 Rural workers dwellings

Objectives

The provision of sound parameters to facilitate the orderly development and construction of rural workers dwellings

Controls

Rural workers dwelling proposals must demonstrate at the development application stage that:

- It is required to support the main activity of agricultural or a rural industry on the land subject land holding;

- It is and ancillary to the principle dwelling and is on the same lot of land as the principle dwelling;
- The intended occupiers will be employed for the purpose of agricultural or a rural industry on the subject land holding.

5.4 Rural dual occupancy

Objective

Preserve the amenity of rural areas where dual occupancies are permissible.

Controls

A dual occupancy (attached or detached) shall only be erected if it can be demonstrated that adequate arrangements have been made for the provision of a potable water supply and the disposal of sewerage and stormwater from each dwelling.

5.5 Rural sheds

Objective

To ensure the appropriate use of sheds within the rural zone within the Goulburn Mulwaree local government area.

Controls

Sheds are controlled to ensure they are not used for human habitation, except where approval has been given through Development Consent. Temporary accommodation shall be limited to a period of 12 months whilst a dwelling is being built. These sheds will need to be reverted back to non-habitable status when the dwelling is suitable for occupation.

A toilet, shower, hand basin and fireplace may be constructed for amenity purposes in rural sheds provided the shed is not used for human habitation (these facilities will require the lodgement of a Section 68 Application under the Local Government Act 1993)

5.6 Rural industries

Objective

To provide for business activities including the processing of primary products produced in the area or the servicing of agricultural equipment.

Controls

Measures that protect the amenity of surrounding residents should be incorporated into designs. These include landscaping, sound attenuation and buffers.

The following should be considered in selecting a site for a rural industry:

- sites with less exposure to neighbouring dwellings and noise sensitive areas
- sites with good vehicular access
- sites which can accommodate landscaping to screen the rural industry
- sites with suitable land capability
- sites with sufficient area for expansion
- refer also to Chapter 6.

5.7 Boarding and/or breeding kennels for dogs and cats in rural areas

Objectives

To ensure new kennel development implements best practice design and that applicants undertake all necessary measures to minimise the impacts on adjoining land users.

Controls

5.7.1.1 Floor materials of kennels

The floor of the kennels is to be constructed of concrete and to be properly drained to Council's satisfaction.

5.7.1.2 Distance of kennels from residences and occupancies

No kennels are to be erected within 100m of any adjoining residences or occupancy.

5.7.1.3 Exercising of dogs

Dogs are to be exercised under supervision

5.7.1.4 Acoustical compliance

Any building used for the housing of animals is to be soundly constructed and soundproofed to prevent any noise nuisance. Noise levels emitted from the premises are not to exceed 5dB(A) above the existing background levels.

The occupation of the kennels will not be permitted until Council is furnished with a certificate from an Acoustic Engineer to this effect.

5.7.1.5 Storage and preparation of food

All feed is to be stored and prepared in a properly constructed building capable of being easily cleaned, maintained and kept free of vermin.

5.7.1.6 Animal confinement

Dogs and cats shall at all times be kept within the confines of the kennels and exercise yards except during their receipt or release.

5.7.1.7 Storage and disposal of excrement

All excremental waste and loose hair, if not removed immediately, is to be collected in an impervious fly-proof container which is to be emptied and cleansed at least once in every seven consecutive days. All such wastes shall be deposited at a Council agreed waste disposal depot and shall not be incinerated or buried on the premises

5.7.1.8 Drainage

The kennel drainage system shall be constructed so as to ensure the collection of all waste water which shall then be transported through earthenware or plastic pipe to a suitable arrestor pit thence to a properly constructed absorption drain. Details of all proposed drainage is to be submitted and approved by Council.

5.7.1.9 Landscaping

The proposal shall use natural screening and trees and provide landscaping of sufficient height and density adequate to screen the development. The landscaping is to be established within 6 months of commencement of the development. A landscape plan is to be submitted with the development application.

5.7.1.10 Environmental management plan

An environmental management plan which addresses, but is not limited to the following matters:

- treatment and disposal of litter and effluent
- odour management
- noise management
- food storage and vermin control

- erosion control measures
- water and drainage management
- chemicals and fuel storage
- complaints register
- landscape plan

5.8 Hazardous chemicals

Objective

Chemicals such as fuel, fertiliser and pesticide are commonly used to help run rural properties. These chemicals are often dangerous, some are flammable, most are poisonous, and all can be harmful to the environment if used incorrectly.

This plan aims to minimise the environmental impacts of hazardous chemical use on rural properties within the Goulburn Mulwaree local government area.

5.8.1.1 Chemical Storage

All chemicals used on site should be stored in an area specially designed for chemical storage. Any proposed chemical store must incorporate the following features:

- a separate, well-ventilated cupboard or building used only for this purpose, located away from houses, pumps, tanks, waterways and animals.
- contains an inventory, copies of labels and Material Safety Data Sheets (MSDS).
- allows storage in a cool dry place.
- some form of spillage containment or bunding.
- shelving made of impervious materials – for small quantities of chemicals, place containers in drip trays.
- liquids should not be stored above solids.
- a locked storage area.
- clearly sign-posted storage area (e.g. 'Chemical Store – Keep Out') and install a no smoking sign.

5.8.1.2 Chemical transport

Everyone transporting chemicals has a duty of care and a responsibility to carry out tasks in a manner that will not cause harm or injury to themselves, other people, their property, animals and the environment.

Before moving chemicals, information on the transport requirements of individual chemicals included on container labels or Material Safety Data Sheet should be consulted and followed.

Make sure the vehicle is roadworthy and can safely transport chemicals. Chemicals should be placed inside a tray of some kind to contain any spillage. Chemicals must not be included in the same compartment as the driver and passengers, food or drinks, or animals.

Items classified as 'Dangerous Goods' must not be transported in large quantities. Private vehicles should transport less than 100 kilograms or 100 litres of farm chemicals at a time. Chemicals should be loaded securely so items cannot move or fall over time. Different classes of chemicals should be stored separately.

5.8.1.3 Disposal of chemicals and containers

After chemicals have been applied according to the supplier's instructions, any chemical containers and any unused chemicals must be disposed of in an environmentally responsible manner. The disposal of chemical concentrate on-site or on farm is prohibited.

DrumMUSTER – to solve the problem of what to do with used non-returnable chemical containers Avcare, the National Farmers Federation, the Veterinary Manufacturers and Distributors Association and local government have developed the drumMUSTER scheme. A levy has been applied to non-returnable chemical containers to fund the collection and recycling scheme. Contact Council to find out more details about this program.

Used chemical containers should be rinsed on fallow ground away from drains and waterways. When rinsing chemical containers, personal protective equipment, as specified by the supplier, should be worn. Containers must be triple-rinsed before being available for drumMUSTER collection.

5.9 Rural land use conflict

Objectives

To ensure that rural development occurs in such a way as to minimise land use conflict.

5.9.1.1 Buffer distances

Rural dwellings and proposed dwelling envelopes are to be separated from other rural landuses in accordance with **Table 5-1** below. This is to minimise negative impacts on rural dwellings from agriculture and rural industry by way of dust, fumes, odour, spray drift, light and noise. Failure to ensure adequate setbacks can lead to landuse conflict, which has the potential to significantly impact on rural production, with resultant adverse effects on local employment and economic activity. As a general principle, all required buffers are to be provided on the land subject of the development proposal.

Agriculture, forestry and associated rural industry are significant sources of economic activity and employment. Because of this, rural dwelling development is a secondary, or ancillary, use of rural land and should not adversely impact on the continuing viability of these industries, including their ability to adapt to changing market and environmental circumstances, through new techniques, approaches and crops. On this basis, Council will not accept the imposition of restrictions on the use of adjoining rural lots in lieu of appropriate buffers within the designated large lot residential areas.

Where new dwellings are proposed on existing vacant lots, which have dwelling entitlements, the buffers indicated in **Table 5-1** will not necessarily apply. In such cases, Council will nonetheless require the maximum practical buffer possible and the provision of a suitable vegetated buffer where necessary.

In the case of major recreation facilities (eg. motor racing tracks), dwellings proposed closer than the recommended buffer distance, at a minimum should comply with industry best noise insulation standards.

5.9.1.2 Variations to buffers

The buffers indicated in **Table 5-1** are only provided as a guide. Council has the discretion to either reduce or increase the required buffer, depending on the specific circumstances of the proposal.

The required buffers may be reduced if, in the opinion of Council, the development will not be adversely affected by the use of adjoining land. In assessing whether reduced buffers are acceptable in a particular case, Council will consider the following variation criteria:

- the extent, nature and intensity of the adjoining land use
- the operational characteristics of the adjoining land use

- the external effects likely to be generated by the adjoining land use (ie dust, fumes, odour, spray drift, light and noise) and their potential to cause conflict
- the potential of adjoining land to be used for various commercial activities including agriculture, quarries, rural industries etc
- any topographical features or vegetation which may act to reduce the likely impacts of an adjoining land use
- prevailing wind conditions and any other climatic characteristics
- any other mitigating circumstances

Where a variation is proposed, the applicant must provide a written statement to Council addressing the variation criteria, with an explanation as to how potential conflicts can be addressed. In keeping with ecologically sustainable development principles, a precautionary approach will be taken when assessing buffer variations.

Council may also consider relaxation of the buffer requirements in **Table 5-1** where it can be demonstrated that the adjoining land is extremely unlikely to be used for agriculture, forestry, rural industry or other such user. In such cases, the adjoining land will need to comprise of remnant vegetation either with high conservation value or located on land with limited development potential, such as extremely steep slopes, narrow gullies or wetlands.

5.9.1.3 Vegetation buffers

Vegetation buffers may be used to reduce the total buffer distance required between dwellings and adjoining land uses. However, caution must be exercised when considering the appropriateness of a vegetation buffer. Vegetation buffers take time to establish, require on-going maintenance and are subject to storm and insect damage. Trees only have a limited life span. Therefore, vegetation buffers will not be appropriate in all circumstances.

Where vegetation buffers are proposed to satisfy the requirements of **Table 5-1**, the vegetation needs to be established along the relevant boundaries prior to release of the Subdivision Certificate (in the case of subdivision) or prior to commencement of other uses. The minimum width of a vegetation buffer is that of the canopy at maturity. Particular care must be made to ensure that vegetation buffers do not compromise the bushfire safety of existing and future dwellings on either the subject or adjoining land. Vegetation buffers are therefore to be located such that they will not comprise Asset Protection Zones.

Where a vegetation buffer is proposed, a detailed landscape plan is to be submitted with the development application. The plan should include a variety of species with a variety of heights at maturity, including ground cover, shrubs, and small and large trees. Vegetated buffers are to include trees at least 10 metres in height at maturity

Tree rows should be planted at a maximum spacing of 10 metres, with rows of smaller plants between. Species with long, thin and rough foliage should be included where the adjoining land use may involve chemical spraying, as these facilitate capture of spray droplets. A mixture of fast growing pioneer species and slower-growing, longer lived species should be used. The pioneer species will ensure that the buffer is effective as soon as possible. The longer lived species will over time replace the pioneer species. Preferred species are included in **Appendix B**.

Table 5-1: Buffers between rural activities and rural dwellings

Land use	Separation distance	Vegetation buffer
Abattoirs	1,000 metres	N/A
Cattle dip	200 metres	N/A
Cattle feedlot (less than 500 head)	300 metres	N/A
Cattle feedlot (500 head or more)	500 metres	N/A
Extractive industry or mines	1,000 metres	N/A
Grazing lands	60 metres	20 metres
	80 metres	none
High voltage power lines	20 metres	N/A
Horticulture	80 metres	40 metres
	150 metres	none
Intensive dairies (less than 500 head)	300 metres	N/A
Intensive dairies (500 head or more)	500 metres	N/A
Other intensive livestock keeping (less than 500 head)	300 metres	N/A

Other intensive livestock keeping (500 head or more)	500 metres	N/A
Piggeries (less than 500 head)	300 metres	N/A
Piggeries (500 head or more)	500 metres	N/A
Poultry farms (less than 500 head)	300 metres	N/A
Poultry farms (500 head or more)	500 metres	N/A
Recreational Facilities (Major)	1,000 metres	N/A
Rural industry	80 metres	40 metres
	150 metres	none
Sawmills	300 metres	N/A
Sewerage treatment plants	400 metres	N/A
Waste management facilities	500 metres	N/A

5.10 Public entertainment in rural zones

Objectives

To ensure that ‘public entertainment’ festivals in rural areas do not have unacceptable environmental and amenity impacts on existing rural communities.

To ensure that adequate public safety, health and security contingencies are in place for the patrons.

5.10.1.1 Required pre festival consultation

Consultation is required with the following service providers:

- Rural fire service’s zone office;
- NSW Goulburn Police;
- NSW Ambulance Service Goulburn;
- Medical services;

- Goulburn Mulwaree Council;
- Country Energy.

(a) Matters to be addressed in development applications

Notwithstanding, other provisions of this plan the following additional issues are to be addressed and included as part of the development application process:

- evidence of consultation with the service providers and the actions taken as recommended by those service providers;
- Traffic safety and management provisions to be detailed in a traffic management plan including but not limited to:
 - parking and road access for conventional two wheel drive vehicles;
 - dust suppression measures on public roads and at the venue;
 - emergency escape access routes (e.g. in a bushfire situation).
- Noise level mitigation measures proposed for the nearest residence;
- Festival duration time and performance times;
- Bushfire requirements including notification to the rural fire service, any required permits, identified emergency escape access routes and on site fire suppression measures and fire fighting water availability;
- Public safety and security protocols to be put in place for the festival venue and for surrounding rural properties;
- Emergency contingency plans in case of:
 - illegal drug use and alcohol abuse;
 - removal of festival patrons for whatever reason;
 - emergency medical attention for injuries received on site, e.g snake bite, serious falls, camping incidents, drug and alcohol overdose, heat exhaustion etc.;
 - unruly social behaviour.
- Public health arrangements and facilities to be provided for:
 - food and potable water supply;
 - power supply;

- sanitary fixtures;
- toilet arrangements;
- accommodation, including temporary structures and camping arrangements;
- waste disposal, during and after the festival;
- evacuation contingencies;
- Insurance arrangements, including public liability and duty of care to those attending the venue;
- Transport arrangements to and from venue.
- Often rural locations are remote from public transport. Detail measures to be used if the need arises to remove patrons for whatever reason. (eg festival bus);
- Environmental considerations to be addressed are detailed in Chapter 3, 3.7 to 3.16.
- Number of events per property shall be limited to a maximum period of 30 days in any period of 12 months.