

# Rural Development

## 1. Objectives

The objectives of these controls are to:

- provide development standards for certain agricultural and rural developments including subdivision, rural dwellings, rural industries and extractive industries

## 2. Agriculture

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

- agricultural production as an economic activity,
- the natural resource base, and
- other ecosystems which are influenced by agricultural activities.

### Objective

To ensure agriculture, intensive livestock agriculture and intensive plant agriculture are conducted in a sustainable manner.

### Controls

The following provisions should be considered as a part of any development proposal:

- Applications for intensive livestock agriculture or intensive plant agriculture should be accompanied by a Plan of Management which addresses the principles of sustainable agriculture. The application may be referred to the Department of Industry and Investment – Primary Industries.
- 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.

### Designated Development requirements

Part 1, item 21, Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* identifies livestock intensive industries that is defined as 'designated development' as follows:

- (1) Feedlots that accommodate in a confinement area and rear or fatten (wholly or substantially) on prepared or manufactured feed, more than 1,000 head of cattle,

- 4,000 sheep or 400 horses (excluding facilities for drought or similar emergency relief).
- (2) Dairies that accommodate more than 800 head of cattle for the purposes of milk production.
- (3) Piggeries:
- (a) that accommodate more than 200 pigs or 20 breeding sows and are located:
- (i) within 100 metres of a natural waterbody or wetland, or
  - (ii) in an area of high watertable, highly permeable soils or acid sulphate, sodic or saline soils, or
  - (iii) on land that slopes at more than 6 degrees to the horizontal, or
  - (iv) within a drinking water catchment, or
  - (v) on a floodplain, or
  - (vi) within 5 kilometres of a residential zone and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, odour, dust, traffic or waste, or
- (b) that accommodate more than 2,000 pigs or 200 breeding sows.
- (4) Poultry farms for the commercial production of birds (such as domestic fowls, turkeys, ducks, geese, game birds and emus), whether as meat birds, layers or breeders and whether as free range or shedded birds:
- (a) that accommodate more than 250,000 birds, or
- (b) that are located:
- (i) within 100 metres of a natural waterbody or wetland, or
  - (ii) within a drinking water catchment, or
  - (iii) within 500 metres of another poultry farm, or
  - (iv) within 500 metres of a residential zone or 150 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, odour, dust, lights, traffic or waste.
- (5) Saleyards having an annual throughput of:
- (a) more than 50,000 head of cattle, or
- (b) more than 200,000 animals of any type (including cattle), for the purposes of sale, auction or exchange or transportation by road, rail or ship.

### 3. Subdivision

These provisions provide Council's locational, design preferences and conditional requirements associated with rural subdivision applications. These specifically relate to subdivision in the following zones:

- RU1 Primary Production
- RU3 Forestry, and
- RU5 Village

#### Objectives

- To control the density of development in order to limit population growth and maintain the rural character of the area;
- To promote lots of sufficient size to conduct agriculture and other rural pursuits; and
- To minimise the fragmentation of agricultural land.

#### Controls

The following controls are relevant to proposed rural subdivision.

#### Lot design

Minimum lot sizes are specified in the lot size maps to the Temora LEP 2010.

New lots to be created to minimise environmental impacts including:

- soil disturbance/erosion
- creek/waterway crossings
- tree removal, and
- adequate separation distances for new and existing development and environmental features

#### Bushfire prone areas

Safe siting of lots within Bushfire Prone Areas is essential. Such sites should avoid the need for extensive clearing of native vegetation and must provide for safe access for Bushfire and Emergency Service vehicles where the land is Bush Fire Prone Land. A bushfire risk assessment must be submitted in accordance with *Planning for Bushfire Protection 2006*, a NSW Rural Fire Service Publication.

Council is able to identify if the subject land is Bushfire Prone prior to the lodging of a development application. Please note a referral fee (payable to the NSW Rural Fire Service) is required with all mandatory referrals to the NSW Rural Fire Service.

#### Vegetation/flora

The Native Vegetation Act 2003 prohibits the removal of native vegetation without prior permission from the relevant Local Catchment Management Authority. Applicants are advised to discuss any proposed clearing of vegetation with their respective Catchment Management Authorities (CMAs) prior to lodging a development application with Council. The relevant CMAs are:

- Lachlan CMA
- Murrumbidgee CMA

It is also advised to check with Office of Environment and Heritage for any endangered communities or species that may be on your land. If there is a possibility of any Endangered Communities or species on your land a flora study is to be completed and submitted with the application.

Additional information can be found at:

- [www.threatenedspecies.environment.nsw.gov.au/tsprofile/browse\\_geo.aspx](http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/browse_geo.aspx),  
or
- [www.bionet.nsw.gov.au/Area.cfm](http://www.bionet.nsw.gov.au/Area.cfm).

#### Fauna

The Office of Environment and Heritage website should also be consulted to identify any threatened fauna that might be on the development site. If there is a possibility of any threatened fauna species or their habitat on your land then a fauna study is to be completed and submitted with the application.

Additional information can be found at:

- [www.threatenedspecies.environment.nsw.gov.au/tsprofile/browse\\_geo.aspx](http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/browse_geo.aspx)  
or
- [www.bionet.nsw.gov.au/Area.cfm](http://www.bionet.nsw.gov.au/Area.cfm)

#### Crown Roads

If the development is proposed to open or use a Crown Road, the written consent of the NSW Land and Property Management Authority to the making of the application is required prior to the submission of the development application to Council.

#### Works on or near waterways

Under the *Water Management Act* (formerly Part 3A of the *Rivers and Foreshores Improvements Act 1948*) any crossing of protected waters will require an activity approval from the NSW Office of Water prior to the construction of the crossing.

#### Rights of Carriageway

Subdivision of land for the purpose of a dwelling house where access is proposed by way of a right of carriageway which serves or is capable of serving any other portion or allotment of land other than that on which the dwelling house is to be erected, is generally not supported by Council.

A detailed submission supporting this type of access must be submitted with the development application along with the written approval of all of the owners of the land over which a right of carriage way is proposed or currently exists to be submitted with the development application.

#### Battle axe handle access

Subdivision of land where access is proposed by a battleaxe handle is generally not supported by Council. A detailed submission supporting this type of access must be submitted with the development application.

#### Water cycle management report

Council will require a Water Cycle Management Report for each lot in the subdivision which identifies that there is a suitable area capable of the disposal of on-site wastewater. The report must include a plan showing a nominal effluent management area for each proposed lot, in relation to slope, aspect and other site constraints. The plan must indicate all nearby waterways with a buffer of a least 100 metres between effluent management areas and perennial or intermittent creeks or watercourses and 40 metres to drainage depressions.

#### Telecommunications Infrastructure advice

Telstra Corporation is the Primary Universal Service Provider for telecommunications infrastructure in Australia. Extensions to the Telstra network are planned in light of the size and pace of each stage of proposed development and the proximity of existing Telstra network. Early notification of any proposed development will enable Telstra to deliver services with minimal disruption and enable coordination of trenching with other infrastructure. To provide early notification, planned property developments can be registered on the Telstra website. Council requires the extension of the Telstra cable network to all new allotments within any subdivision for residential purposes.

However, this requirement may be waived for subdivision in RU1 zones where it can be clearly demonstrated that alternative communication devices are able to be utilised. The decision to waive the standard requirement is at the discretion of Council.

#### Electricity

Council requires that electricity services be provided to each allotment created with a dwelling entitlement. Proposed alternative methods of power supply will be considered by Council for subdivision in RU1 Primary Production Zone where the development is proposed as ecologically sustainable and a covenant is imposed on the land title requiring all dwellings to comply with BASIX Sustainability Index of 50 for energy and water. The approval of alternative methods of power supply is at the discretion of Council.

#### Roadside fencing

All road frontages within a subdivision and any road reserve providing access to any allotment, shall be fenced to Council's Standard as follows:

- A minimum height of 1.27 metres
- Steel star posts at a maximum of 5 metre intervals, and
- One barbed wire on top run of fence.
  - One plain wire and 75 cm high ringlock or hingejoint attached with three plain wires (top, middle and bottom), or
  - 90 cm high ringlock or hingejoint attached with three plain wires (top, middle and bottom).
- Strainer posts and stays are to be provided at end of lines and change of direction points.

Council may consider alternative standards equivalent to the above, but these must be approved by Council prior to construction.

#### Rural fencing

In areas where subdivision for the purpose of dwellings adjoin existing rural properties consideration to be given to the provision of stock and dog proof fencing with a tree line buffer. These measures are required to address the issue of domestic dogs and other animals impacting on rural activities/stock.

## 4. Rural Dwellings

### Objective

These provisions apply to the development on dwellings within the rural zones, ensuring that this development is of an appropriate form and scale.

### Controls

#### General controls

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

- Orientate living areas to the north
- Front setback of 50 metres in the RU1 Primary Production Zone
- Side setback of 50 metres in the RU1 Primary Production Zone
- Dwelling siting and design materials and colours are to be consistent with the rural character of the 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, and
    - 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 in energy efficiency and where natives are used, provide habitat for native fauna.
- Where significant environmental features, such as natural landforms, remnant native vegetation, wetlands or natural watercourses and drainage lines occur on your land, they shall be avoided for building purposes, conserved and enhanced, and

#### **Note:**

1. Do not bring any unlawful temporary structures on site to live in, for example, shipping containers
2. Remove any existing unlawful structures

#### Site access

- All dwellings must have a lawful point of access and a properly constructed access by way of a public road. Where a new road is to be constructed it shall be constructed in accordance with the relevant requirements of *Section C Development Controls – Engineering Standards*
- 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 gravelling 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 lot of land and does not serve any other lot of land other than that on which the dwelling is erected, and
- 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.

### Water supply

Every dwelling erected on land to which this Plan applies will be required to have not less than 60,000 litres of roof water storage for domestic purposes if a reticulated, disinfected water supply is not available. Council will assess the adequacy of private water supply in accordance with the “*Guidance on the use of rainwater tanks*” Department of Health and Ageing 2011.

### 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 lot must have adequate area available for an on-site sewage management facility.

A wastewater management report will be required, to confirm acceptability of proposed effluent disposal sites.

The wastewater management report need not be a major undertaking but should consider factors such as soil profile to 1.5 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.

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

- 100 metres from 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
- 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.

### Electricity supply

An electricity supply must be provided to the dwelling in accordance with the requirements of the relevant electricity provider. Proposed alternative methods of power supply will be considered by Council for subdivision in RU1 Primary Production Zone where the development is proposed as ecologically sustainable and a covenant is imposed on the land title requiring all dwellings to comply with BASIX Sustainability Index of 50 for energy and water. The approval of alternative methods of power supply is at the discretion of Council.

### Vegetation retention

Proposed dwellings should be sited away from vegetation to avoid environmental conflict and the need for removal of vegetation to provide asset protection zones.

## Buffers

Buffers between rural activities and rural dwellings are important to ensure that there are no adverse impacts on the amenity of the dwelling and to ensure that rural dwellings do not fragment good agricultural land. Buffer and separation distances should consider the potential for environment harm having regards to:

- Noise
- Odour or other air emission
- Water quality
- Visual impact
- Traffic generation

Buffers and separation distances should be provided, as a minimum in accordance with Table 1 below. In certain circumstances, buffers and separation distances may be increased to accommodate larger development.

In order to achieve a satisfactory level of impacts, the buffer distance may need to be reduced below or increased above the values given. Where it is demonstrated that a reduced buffer or separation distance will achieve the desired outcomes, an alternative solution may be adopted at the discretion of Council. The alternative solution will need to give detailed consideration to landform, land uses, prevailing winds, etc.

**Table 1 – Minimum buffers and separation distances for rural dwellings**

Land Use	Separation Distance metres (m)	Vegetation Buffer metres (m)
	1,000 m	-
Cattle dip	500 m	-
Cattle feedlot (same land)	500 m	-
Cattle feedlot (other land)	1,000 m	-
Extractive industry or mine	1,000 m	-
Grazing lands	60 m 80 m	20 m -
High voltage power lines	20 m	-
Intensive dairies (same land)	500 m	-
Intensive dairies (other land)	1,000 m	-
Piggeries (same land)	500 m	-
Piggeries (other land)	1,000 m	-
Poultry farms (same land)	500 m	-
Poultry farms (other land)	2,000 m	-
Recreational facilities (major)	1,000 m	-
Rural industry	80 m 150 m	40 m -
Sawmills	1,000 m	-
Sewerage treatment plants	2,000 m	-
Waste management facilities	2,000 m	-



## 5. 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:

- less exposure to neighbouring dwellings and noise sensitive areas,
- good vehicular access,
- suitable area to accommodate landscaping to screen the rural industry,
- suitable land capability, and
- sufficient area for expansion.

## 6. Extractive industries

### Objectives

These provisions have been prepared to ensure that extractive industries occur where the benefits of resource extraction are not overridden by potential impacts on the character and amenity of Temora Shire or on identified environmental values.

### Designated Development requirements

Part 1, item 19, Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* identifies extractive industry development that is defined as 'designated development' as follows:

- (1) *Extractive industries (being industries that obtain extractive materials by methods including excavating, dredging, tunnelling or quarrying or that store, stockpile or process extractive materials by methods including washing, crushing, sawing or separating):*
  - (a) *that obtain or process for sale, or reuse, more than 30,000 cubic metres of extractive material per year, or*
  - (b) *that disturb or will disturb a total surface area of more than 2 hectares of land by:*
    - (i) *clearing or excavating, or*
    - (ii) *constructing dams, ponds, drains, roads or conveyors, or*
    - (iii) *storing or depositing overburden, extractive material or tailings, or*
  - (c) *that are located:*
    - (i) *in or within 40 metres of a natural waterbody, wetland or an environmentally sensitive area, or*
    - (ii) *within 200 metres of a coastline, or*
    - (iii) *in an area of contaminated soil or acid sulphate soil, or*
    - (iv) *on land that slopes at more than 18 degrees to the horizontal, or*
    - (v) *if involving blasting, within 1,000 metres of a residential zone or within 500 metres of a dwelling not associated with the development, or*
    - (vi) *within 500 metres of the site of another extractive industry that has operated during the last 5 years.*

In determining whether a proposal is designated development, each part of the definition must be considered.

All designated development requires consultation with the Department of Planning to obtain the Director-General requirements for the preparation of the necessary Environmental Impact Statement (EIS).

## **Controls**

### Site planning

- Extractive industries must be design and operated to ensure that:
  - There is appropriate buffering to protect adjoining uses from dust, acoustic and visual impacts
  - There is safe and suitable vehicle access, and
  - Public safety is a key consideration.
- Appropriate buffers must be provided around the development to manage potential impacts on surrounding residents. This should include extensive vegetation buffers.

### Operations

- Vehicle access to the site and within the site must be:
  - Adequate for the scale and volume of traffic generated by the operation
  - Managed as not to increase risk on a public road, and
  - Managed to minimise the potential impact on the amenity of the surrounding area.
- All aspects of the extractive industry must be undertaken in compliance with all relevant legislative and statutory requirements.

### Rehabilitation

- Rehabilitation must be in accordance with an approved plan (by Council) that identifies:
  - Staging of rehabilitation works
  - Appropriate remediation and clean up works
  - Reinstatement of landform and soil profiles, and
  - Suitable revegetation.
- Rehabilitation works must be bonded to ensure appropriate completion of works to Council's satisfaction.

## **7. Relevant Section C - Development Controls**

The following other parts of *Section C – Development Controls* relevant to Rural Development include:

- *Environmentally Sensitive Areas*
- *Development Applications*
- *Industrial Development*
- *Subdivision*
- *Temporary Occupation of Land*