

# Rural Landsharing Communities



## 16 Rural Landsharing Community Development

### 16.1 Objectives of this Chapter

To supplement the provisions of Clause 42 of the Lismore Local Environmental Plan 2000 by providing details and guidelines to assist applicants making a Development Application for a Rural Landsharing Community development on lands shown identified as having potential for Rural Landsharing Community development in the Lismore Rural Housing Strategy.

### 16.2 Definitions

In this Chapter the following definitions apply:

*“expanded dwelling”* means a single dwelling house comprising a main building and a maximum of three habitable outbuildings where:

- a) all buildings are contained within a radius no greater than 20 metres from the perimeter of the main building; and
- b) only one kitchen and laundry facility are provided and the kitchen and living area are contained within the main building; and
- c) all outbuildings are connected to the main building by paths with an all-weather surface; and
- d) no separate driveway, car parking area or carport is provided to any outbuilding.

*“prime crop and pasture land”* means land within an area:

- a) identified, on a map prepared before the commencement of this Clause by or on behalf of the Director-General of the relevant State Government Agency and deposited in an office of the of Agriculture, as Class 1, Class 2 or Class 3 or as land of merit for special agricultural uses, or
- b) identified, on a map prepared after the commencement of this Policy by or on behalf of the Director-General of the relevant State Government Agency marked "Agricultural Land Classification Map" and deposited in an office of the relevant State Government Agency, as Class 1, Class 2 or Class 3 or as land for special agricultural uses, or
- c) certified by the Director-General of the relevant State Government Agency, and notified in writing by or on behalf of the Director-General of the relevant State Government Agency to the council, to be prime crop and pasture land for the purposes of this Clause.

### 16.3 Criteria for identifying land with potential for rural landsharing communities

A key feature of Council’s Rural Housing Strategy was the prior identification of lands considered potentially suitable for various forms of rural settlement including rural landsharing communities.

The criteria for identifying such lands are grouped into the following general categories:

- Landuse planning objectives
- Land suitability
- Locational suitability
- Availability of services
- Standard of vehicular access
- Potential development conflicts
- Environmental impacts
- Socio-economic impacts
- Community development benefits
- Environmental enhancement

Council will not consider development of rural land for rural landsharing communities unless such land has been identified as being potentially suitable for this particular form of closer rural settlement.

### ***Landuse planning objectives***

Land considered potentially suitable for future rural landsharing development must accord with the performance criteria for new rural settlement in the Department of Planning's *Guidelines on Rural Settlement on the North Coast of NSW* and shall be capable of being developed in an economically, environmentally and socially sustainable manner. Locations should reinforce the existing settlement pattern and not result in the fragmentation of prime agricultural land or sterilisation of resources, nor adversely affect existing amenity and the environment. Land has not been identified for future rural landsharing development where it is required for future urban or village development.

### ***Land suitability***

Land must be able to ecologically sustain the development proposed. The following types of constraint provide a guide to the assessment of land suitability:

Absolute constraints: land attributes, which prohibit development and cannot be overcome in the foreseeable future.

Partial constraints: land attributes which either allow limited development to take place or for which development potential cannot be determined without further information. In either case, it is likely that development will cost more or have a lower yield in terms of potential number of dwelling sites.

No constraint: land attributes, which enable and are potentially suited to development.

These particular criteria have been applied to ensure that unsuitable lands are excluded at a broader scale. At the specific property level it is likely that a parcel of land will contain some areas comprising absolute or partially constrained land which, should not be developed for either residential or infrastructure purposes. However, the land parcel may also contain land that is suitable for a rural landsharing community development at an appropriate size, design and management regime.

It is important that new rural landsharing community development avoids unsuitable lands and minimises adverse environmental impacts. The following are considered as absolute constraints and should be excluded from areas considered to have potential for rural landsharing development:

- land that comprises more than 25% prime crop and pasture land. This includes lands that have been identified as having agricultural land suitability Class 1, 2 and 3 (as classified by NSW Agriculture).
- land that is in excess of 33% (18°) slope. Development on excessively steep slopes is more likely to be subject to hazards such as bushfire risk, soil erosion, mass movement, problems relating to wastewater disposal and provision of infrastructure.
- land that is in a recognised high or extreme bushfire risk area.
- land that is floodprone.
- land that is environmentally significant by reason of the existence of protected, vulnerable and endangered flora and fauna scheduled under both the National Parks and Wildlife Act, 1974 and Threatened Species Conservation Act, 1995. This might include important vegetation communities, rainforest remnants, wildlife habitat, wildlife corridors and links between vegetation remnants.

Infrastructure such as access roads and wastewater disposal areas must not be provided on lands exceeding 33% slope, or recognised as being environmentally sensitive. Dwelling sites should be free of hazards and risks from flooding, bushfire, contaminated land, poor drainage, potential for erosion and landslip and slopes exceeding 20%.

Adequate separation should be provided from areas of environmental, resource or agricultural significance. Areas of heritage or Aboriginal significance must also be avoided. It is expected that virtually all potentially suitable areas will be located within the existing General Rural 1(a) zone, as other rural zones are generally constrained in some way, eg flooding, prime agriculture, environmentally sensitive lands, etc.

### ***Locational suitability***

Land potentially suitable for rural landsharing opportunities shall be readily accessible to at least one of the following types of existing facility that might act as a centre for community focus:

- primary school,
- shop,
- community hall,
- an existing landsharing community where the number of approved dwellings exceeds twenty five, or
- two or more existing landsharing communities where the combined number of approved dwellings exceeds twenty five.

Land should be within walking or cycling distance (maximum 4 km road distance) of at least one of the above facilities or an urban area, village or hamlet, which contains these facilities.

### ***Availability of services***

Services such as a school bus, postal service, telephone and electricity supply (if required) should be available or be economically capable of being provided to the land. A sufficient on-site potable water supply must be capable of being provided without accessing surface water from any stream or watercourse.

### ***Standard of vehicular access***

The standard of road access that must be satisfied for localities to be considered suitable for rural landsharing development is described in clause 16.7 - Access.

### ***Potential development conflicts***

A number of activities in rural areas have potential to impact adversely on residential amenity (e.g. feedlots, quarries, intensive farming, dairies, horticulture, high tension power lines, offensive and hazardous industries, rural industries etc.)

Land in proximity to such uses that may adversely impact on residential amenity is not considered suitable for the siting of dwellings. Chapter 11 - Buffer Areas details buffer widths that need to be provided between dwellings and potentially conflicting land uses. Where tree planting is required for the establishment of planted buffers, a bond will be required for such works for a specified period to ensure that all plantings are maintained until fully established.

Rural landsharing community developments should also be buffered from important flora and fauna habitats, commercial forestry areas, significant wetlands, water catchment/conservation areas and areas of mineral or other resource value. Dwellings and effluent disposal areas should be sited at least 100 metres clear of any watercourses and 250 metres from any potable ground water supply and should satisfy the performance objectives of Council's On-Site Sewage and Wastewater Management Strategy.

### ***Environmental impacts***

An assessment must be made of the potential environmental impacts of any proposed rural landsharing development in terms of likely impacts on water quality (both ground and surface), erosion and land stability, fauna, flora, vegetation identified in a Regional Vegetation Management Plan, drainage, other components of the natural system and on views from public roads. Any locations where likely adverse impacts are expected should be avoided.

### ***Socio-economic impacts***

Future rural landsharing developments generally should occur in areas, which complement existing settlement patterns, maintain or enhance the viability of existing communities, services and facilities and should be acceptable to the local community. Areas developed should not result in adverse economic impacts such as a loss of good quality agricultural land, sterilisation of resources or lead to a restriction on farming practices or reduction in the amenity of existing residents.

Any location considered suitable must also be able to be feasibly developed having regard to land and development costs, including Council levies and requirements relating to services and environmental protection. There should be reasonable certainty that the development will have an adequate cash flow to ensure that costs are met. Locations that require uneconomic extension of services should be avoided.

### ***Community development benefits***

New rural landsharing community development should make a positive contribution to the community development of the locality. Positive contributions may include reversal of population decline, provision or embellishment of community facilities and services, creation of jobs, improvement in the standard of road access and public transport, enhancement of the quality of life in the area, improved recreational facilities, etc.

The form of development increases opportunity and choice to purchase rural land to provide secure housing. Council's 'Lismore Affordable Housing Strategy' recognises rural landsharing communities as an affordable housing option.

### ***Environmental enhancement***

Development is traditionally seen to have some adverse impact, or at best a neutral impact, upon the environment.

Council's Rural Housing Strategy requires that all forms of closer rural settlement create positive environmental impacts. Environmental benefits may include, for example, the restoration of degraded land and stream banks, re-forestation, habitat enhancement, tree planting and landscaping, creation of nature reserves or wildlife corridors or contributions to support conservation projects such as purchase and enhancement of environmentally sensitive lands.

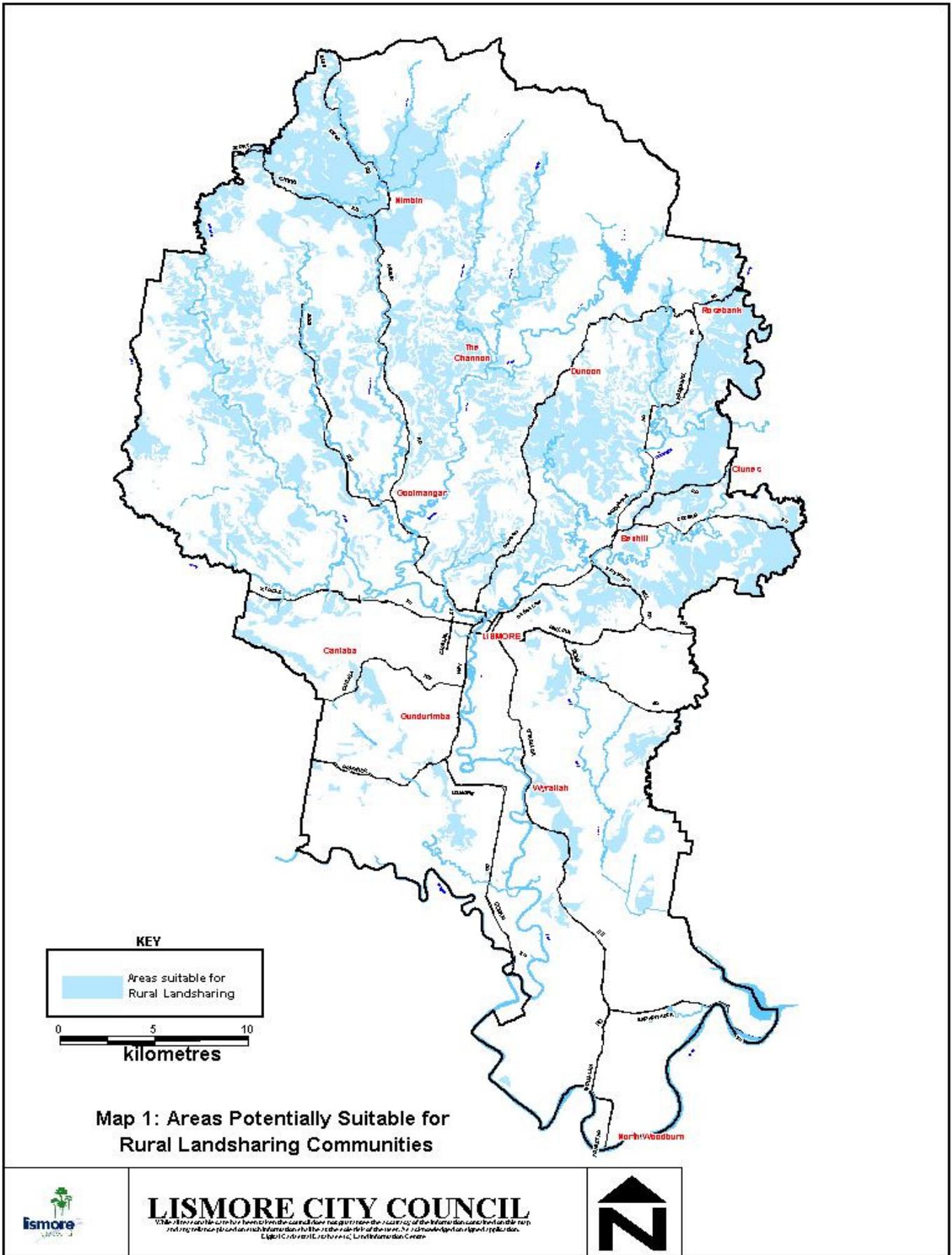
### **Areas Where Rural Landsharing Community Development is Permissible**

**Map 1** indicates rural land that is potentially suitable for rural landsharing community development and is not affected by physical constraints identified in clause 16.3.

Council's Rural Housing Strategy recognises the existing historic settlement pattern or hierarchy as the basis for identifying and assessing social servicing catchments. This hierarchy is generally based on the level of services provided in the larger villages of Lismore.

As a part of the servicing criteria for future rural landsharing community development, all lands with development potential identified in the physical and environmental land capability assessment must also satisfy criteria with regard to proximity to facilities and standard of road access.

New rural landsharing communities must be within 4 km road distance of at least one of the facilities identified in clause 16.3.3.



## 16.4 Density Provisions

Council shall not consent to an application for a rural landsharing community unless the number of proposed dwellings on the land, together with any existing dwellings on the land, does not exceed the number calculated in accordance with the formula specified in Table 1.

If the number calculated in accordance with the formula in Table 1 includes a fraction, the number is to be rounded up to the nearest whole number in the case of a fraction of one-half or more, or rounded down to the nearest whole number in the case of a fraction of less than one-half.

**Table 1**

<b>Area of land</b>	<b>Number of dwellings where A represents the area of the land the subject of the application (measured in hectares)</b>
Not less than 10 hectares but not more than 210 hectares	$4 + \frac{(A - 10)}{4}$
More than 210 hectares but not more than 360 hectares	$54 + \frac{(A - 210)}{6}$
More than 360 hectares	80

Even if the number of proposed dwellings together with any existing dwellings on the land does not exceed the maximum number of dwellings permitted under Table 1, Council must not consent to the application if those dwellings are so designed that they could, in the opinion of Council, reasonably accommodate in total more people than the number calculated by multiplying that maximum number of dwellings by four (4).

## 16.5 Development Application Requirements and Performance Standards

### **General Requirements**

Development Applications for rural landsharing communities are to be made on the prescribed form, obtainable from Council. Ten copies of the application, plans and Statement of Environmental Effects should be provided.

The Development Application requirements listed in this Section are based upon the assumption that the application will be for the approval of nominated dwelling sites only. Where this is the case subsequent Development Applications (including full plans and specifications) and Construction Certificates will be required for each dwelling house proposed on each approved dwelling site.

Alternatively applicants may wish to submit full plans and specifications (including floor plans) for each dwelling house with the original Development Application. In this case Construction Certificates only will be required for each dwelling house prior to construction on an approved dwelling site.

Where a Development Application is lodged for a development comprising a number of dwelling sites that is less than the number that could potentially be developed on the land according to the density formula in Table 1, any additional dwelling sites may only be approved through the

lodgement of a new Development Application. Such application must address all the matters outlined in this section.

Applicants are encouraged to approach Council with preliminary concept plans prior to lodgement of development applications.

It is strongly recommended that applicants who are considering preparing a Development Application (particularly where more than five dwellings are proposed) consult with persons qualified and skilled in environmental impact assessment. Some of the areas of expertise necessary to submit a development application, which meets the requirements of this plan, will include; engineering, geotechnical, wastewater, water quality testing and hydraulic advice, agricultural suitability assessments, and flora & fauna assessment.

### ***Lismore Local Environmental Plan***

Clause 42 of the Lismore Local Environmental Plan 2000 enables consent to be granted to development for the purpose of three or more dwelling sites (inclusive of any existing dwellings on the land) on land identified as being suitable for such purpose in the Lismore Rural Housing Strategy if:

- the land comprises a single allotment, and
- the land has an area of not less than 10 hectares, and
- the part of the land on which any dwelling or structure is to be situated does not have a slope in excess of 18°, and
- not more than 25 per cent of the land consists of prime agricultural land, and
- the part of the land on which any structure or work is to be situated is not prime agricultural land, and
- the majority of the allotment is within an area nominated as potentially suitable for rural landsharing community development in the *Lismore Rural Housing Strategy* (dated February 2002 and deposited in the office of Lismore City Council), and
  - the land is within 4 km by road of:
    - a primary school, or
    - shop, or
    - community hall, or
    - an existing rural landsharing community development where the number of approved dwellings exceeds 25, or
    - two or more existing rural landsharing community developments where the number of approved dwellings exceeds 25, and
- the land is within 2 km by road of an arterial, sub-arterial or collector road as identified on map 3 of Part B of the *Lismore Rural Housing Strategy* (dated February 2002 and deposited in the office of Lismore City Council) .
- the application does not involve the subdivision of land unless otherwise permitted under clause 36 of the LEP.

### ***Plans and Statement of Environmental Effects***

A site analysis is to form part of the application and provide the following information on plans and in documentation (where relevant). Plans are to be drawn to a scale appropriate to the size of land and proposed development and provide the following detail (where relevant):

With regard to the physical characteristics of the site:

- site dimensions and site area,
- spot levels, contours and north point,
- views to and from the site,
- prevailing winds,
- orientation, micro climates, significant noise sources,
- land with a slope greater than 33% or 18° (dwelling houses and other structures should preferably be located on slopes not greater than 20% however all development including roads should avoid slopes greater than 33%) ,

- watercourses and groundwater resources,
- natural wetlands,
- land subject to pondage, seasonal waterlogging, high watertable or salinity,
- natural drainage,
- any part of the land that is subject to a risk of flooding, bush fires, landslip, erosion (or areas with actual or potential acid sulfate soils) or any other physical constraint to development of the land in accordance with this Plan,
- soil types and, where present, the geology of any rocky outcrops on the site,
- any part of the land that is prime crop and pasture land,
- any parts of the land that contain significant natural vegetation areas, wildlife corridors, refuges or reserves and areas requiring environmental protection or areas where rehabilitation or reforestation will be carried out.
- An assessment under Section 5A of the Environmental Planning and Assessment Act 1979 of the effect on threatened species, populations or ecological communities or their habitats.
- the current situation in relation to the extent of noxious weed infestation, including a report / certificate from the local authority (as defined in the Noxious Weeds Act 1993),
- identification of previous use and any contaminated soils or filled areas,
- location of known resources of mineral or extractive deposits on or adjacent to the proposed development or otherwise potentially sterilised by the development,
- any road reserve areas that impinge on the site,
- identifying existing road standards and traffic flows and required works to bring up to standard,
- location of fences, boundaries and any other notable features (natural or historical),
- any heritage items (including items of Aboriginal heritage), relics and sites, and their curtilages.

With regard to the development details of the site:

- location of dwellings, expanded dwellings, buildings and other structures,
- elevations of each of the proposed dwellings,
- details of any proposed cut and fill associated with the dwellings,
- any areas of the site to be used for development other than dwellings,
- proposed access from a public road to the area or areas in which the dwellings are to be situated including longitudinal sections of the proposed access where grades are in excess of 12% slope (plus other tracks necessary for agricultural use, firefighting or property maintenance and any tracks that cross Crown land or watercourses),
- easements for drainage services,
- source and capacity of any water supply, electricity, telephone and waste disposal systems for the dwellings, plus strategies for dealing with domestic wastewater, areas designated for storage of solid waste. An assessment of water supply flow rate quantity, drought reliability and quality is to be provided.
- areas designated for landfill of solid waste,
- measures aimed at preventing the spread of bushfire.

With regard to the land surrounding the site:

- the heritage significance of surrounding buildings and landscape,
- characteristics of any adjacent public land,
- directions and distances to childcare and education facilities, shops, public halls, sport and recreation facilities, bushfire services, public transport routes,
- a brief description of the land uses on surrounding land.

### ***Environmental Management Plan***

Clause 42 of the Lismore Local Environmental Plan requires that an Environmental Management Plan be prepared as part of an application for a proposed rural landsharing community. The management plan should comprise maps and supporting documentation and address the following matters:

- a) water management,
- b) waste management,
- c) prevention, control and management of soil erosion,
- d) bush fire management,
- e) management of flora and fauna and land repair and enhancement,
- f) communal plan for social organisation,
- g) provision and maintenance of internal roads, boundary fences, water reticulation, service corridors for telephone and electricity cables and similar matters.

Applicants are encouraged to prepare a comprehensive plan addressing each of the above matters, as much of the information will overlap.

This DCP contains general guidelines to assist in the preparation of an environmental management plan. Refer to:

- Section 4.2.5 – soil erosion control plan,
- Section 4.4.4 – water management plan,
- Section 4.5.4 – wastewater management plan,
- Section 4.6.1 – bushfire management plan, and
- Section 4.6.3 – fauna and flora management

The key aspects of a communal plan for social organisation should be identified and briefly described in the application. The plan may include the issues of:

- ownership of dogs, cats and firearms,
- noise generation,
- maintenance of common facilities and utilities such roads, water supply, effluent and wastewater treatment, garbage disposal, recycling etc.,
- use of common land,
- internal conflict resolution, and the engaging of a facilitator if required,
- external conflict resolution, including the manner of resolving difficulties with neighbours, and utilisation of the mediation process as established by the Land and Environment Court Act,
- community social bonding etc.

If the development is to occur in stages, the communal plan is an appropriate mechanism to provide this information indicating anticipated timing of stages.

Note: Council recognises the diverse evolutionary nature of rural landsharing communities, and recognises that precise figures and timing are not necessarily binding on the applicant.

#### ***Prohibited uses and ancillary development***

No land approved for a rural landsharing community may be developed for a purpose prohibited under the provisions of Lismore Local Environmental Plan 2000. The LEP prohibits certain uses in rural zones such as residential flat buildings, shops (other than convenience shops), warehouses, etc.

Other forms of development such as rural tourist facilities, motels, hotels, caravan parks, industries, etc are permissible in certain rural zones subject to the consent of Council being obtained prior to the commencement of that use.

The development of some ancillary uses may be permitted with the consent of Council providing that such uses are intended primarily to serve the needs of people living on the land. Examples of such uses may be schools, community facilities, home and light industries and workshops.

#### ***Marking of sites and road locations***

All proposed dwelling sites are to be identified by a numbered peg / flag / stake. Internal access roads are to be pegged at twenty metre intervals and the location of water sources are to be identified.

## **Advertising**

All applications for rural landsharing communities are subject to the provisions for advertised development in the Environmental Planning and Assessment Act 1979 (as amended).

All applications shall be notified to adjoining owners and advertised at least once in a local newspaper. This notice advises that the details of the application may be inspected at Council offices for a period of 21 days, and that within that period, submissions will be received either in support of or in objection to proposals. Where an objection is made, reasons for the objection have to be set out in the submission.

The period of exhibition may extend to 30 days where an application involves 10 or more dwellings.

## **Owners consent and responsibility**

It is a requirement that all owners of the property sign the development application form. The communal management body shall be nominated on the application form, and shall be responsible for all commitments and obligations to Council. This body shall receive, on behalf of all owners and tenants, notices issued by Council in respect of the rural landsharing community.

## **16.6 Access**

Direct vehicular access from a rural landsharing community development to a State Highway is not permitted. Where direct vehicular access to an 'arterial' road (as identified in the Lismore City Wide Roads Study) is proposed, a Traffic Impact Study is to be prepared to substantiate the access requirements of the development.

### **Primary road access**

The access point to land to be developed for a rural landsharing community must be either to a primary road or within 2 km by road of a 'primary' road. Primary roads are those roads identified in the Lismore City Wide Roads Study as 'arterial', 'sub-arterial' or 'collector' roads. The minimum standard for arterial roads is a 7 metre seal on a 9 metre gravel formation. The minimum standard for sub-arterial and collector roads is a 6 metre seal on an 8 metre gravel formation.

Where a development has direct frontage to a primary road, and the standard of the primary road does not satisfy the abovementioned standards, the applicant will be required to upgrade the primary road for a length equivalent to the required sight distance in each direction from the intersection of the driveway with the road. The length of road to be upgraded will be calculated as follows and the upgrade will be to the relevant minimum standard for arterial, sub-arterial or collector roads described above:

- Where there is less than 5 dwelling sites, the length of road to be upgraded is the "approach sight distance" (Austroads) either side of the driveway intersection;
- Where there are 5 or more dwelling sites, "safe intersection distance" (Austroads) either side of the driveway intersection.

### **Secondary road access**

The 'secondary' road is the road that provides access from a primary road to the access point of the property. Secondary road access is to be via a constructed road of the following standard:

- For roads where the traffic volumes post development remain very low (less than 150 traffic movements per day), the minimum standard is a 5 metre wide gravel pavement minimum gravel depth 300mm.
- For roads where the traffic volumes post development are between 150 and 300 traffic movements per day, the minimum standard is an 8 metre wide gravel pavement minimum gravel depth 300mm.

- For roads where the traffic volumes post development are in excess of 300 traffic movements per day, the minimum standard is a 6 metre wide seal on an 8 metre wide gravel pavement minimum gravel depth 300mm.
- The length of the 'secondary' road to be used from the 'primary' road to the development is not greater than 2 km.

Where the secondary road access is below these standards, a development may proceed where the applicant proposes to upgrade the road to meet the required standard.

***Where land does not have direct frontage or access to a public road***

Any road access between a public road (Council constructed and maintained) and the boundary of land proposed for a rural landsharing community shall be in accordance with Council's standards.

These roads must have:

- adequate sight distance at the access point to the public road
- a width suitable for two vehicles at the access point onto the public road,
- a width suitable for one-way traffic and provide suitable two lane passing points at intervals which suit topography and traffic visibility points,
- a minimum surface suitable for two-wheel drive and emergency vehicles in wet weather, and
- suitable measures to minimise scouring of table drains and road surface in steeper sections.

Access to the land may be by use of a Right-of-Way providing:

- satisfactory legal opinion supports the use of the Right-of-Way by the proposed rural landsharing community,
- the access is constructed to Council's adopted road standards, and
- the land has frontage to a public road in accordance with Council's policy 1.8.2.

***Internal road access***

The minimum standard for internal access roads shall be a 3.5 metre wide gravel pavement minimum gravel depth 150mm upon a 5.5 metre wide formation. It is recommended that access grades be limited to a maximum grade of 12%, however grades up to 29% shall be accepted provided adequate means to prevent erosion of the access road surface and table drains are provided.

Roads shall be constructed and drained to provide all-weather access and to minimise soil erosion. Where internal access roads are located on existing or potential mass movement areas, geotechnical engineering advice / comments should be provided with the development application.

Where roads are on steep land, it is recommended that the relevant State Government Agency be consulted for advice.

Emergency vehicle access to all dwelling sites must be provided.

**16.7 Soil Erosion Control Plan**

The soil erosion control plan should show and address the management of on-site soils in particular at building sites and internal access. The plan should address the following (where relevant):

- Site characteristics including:
  - ◇ topography,
  - ◇ soils (types and limitations)
  - ◇ potential problem areas (high erosion areas, wet, slip and slump areas and steep land)
  - ◇ environmentally sensitive areas (significant drainage lines, watercourses)

- Location of access roads, parking areas and building sites
  - ◊ nature and extent of earthworks
- Selected erosion control practices
  - ◊ temporary during construction and
  - ◊ permanent (catch drains, dams, windrows, stabilising techniques, proposed drainage etc.)
- Staging of preventative measures
  - ◊ integration with vegetation and water management

## **16.8 Buildings**

### **16.8.1 Approvals**

Unless otherwise advised by Council's Planning and Development Group, no new building can be erected and no existing building can be extended, except where development approval has been granted for the erection or extension of that building as part of the Development Application for a rural landsharing community, and a Construction Certificate has been issued for that building.

Each residential and communal building must comply with the relevant requirements of the Environmental Planning and Assessment Act, the Local Government Act and the Building Code of Australia. A geotechnical assessment of each building site or cluster area is required stating the classification of each site in accordance with Australian Standard No. 2870: Residential Slabs and Footings. All development shall conform with the conditions of the approval.

### **16.8.2 Building location and height**

No building shall exceed 7.2 metres in height, from natural ground level, nor be erected on prominent ridge lines, land liable to flooding, existing or potential landslip or on prime crop and pasture land.

Building setbacks from boundaries should take into account the adjoining land uses. If required, buffer areas shall be provided in accordance with the requirements of Chapter 14 - Buffer Areas.

### **16.8.3 Temporary accommodation**

In order to provide for transitional accommodation during the process of construction of permanent dwellings, Council has a policy and issues licenses for temporary residential occupation of rural land. Licenses are subject to application and will include the following typical requirements:

- owners are to occupy the temporary accommodation,
- licenses are not transferable,
- development consent for dwellings are to be obtained within 12 months of licence date of issue,
- adequate water and sanitary facilities are to be provided prior to temporary accommodation.

Development approval for the rural landsharing community is required prior to the issue of any temporary accommodation licences, in excess of one license.

### **16.8.4 Construction fire standards**

Dwellings located in an area identified as being with a medium, high or extreme category of bushfire attack are to be constructed in accordance with the Housing Provisions of the Building Code of Australia and AS3959 - 1999.

## **16.9 Water Supply**

In the development of land for a rural landsharing community, the impact on water resources should be examined in detail. Developments must not be reliant on creek or river supply for domestic use and should provide stored or ground water reserves for domestic, agricultural and fire protection purposes.

### **16.9.1 Potable water**

Applications for new RLSC development must demonstrate that all proposed dwellings will have access to a secure and adequate source of water for household purposes (including garden watering) without accessing surface water from any stream or watercourse. Sources of water for domestic or household purposes may include rainwater tanks, town water, water from an off-stream dam that satisfies the requirements of 'harvestable rights' as defined in the Water Management Act, or from an underground bore licensed by the relevant State Government Agency.

An adequate potable water supply with a demonstrated drought reliability shall be made available to each dwelling. A minimum of 5,000 litres storage per person for domestic use is suggested if the supply is from roof water. It is recommended that water supply quality be tested to ensure it is safe for drinking. Council's Environmental Health Section can provide suitable testing advice.

### **16.9.2 Firefighting reserves**

Water supply requirements for firefighting purposes, including recommended pipe and tap sizes, are contained in the document 'Planning for Bushfire Protection' prepared by the NSW Rural Fire Service.

### **16.9.3 Water management plan**

The water management plan should include the following:

- location of drainage lines, ground water, bores, wells, springs, dams, swamps, floodplains and seasonally wet areas,
- location, source and capacity of water supply for domestic, agricultural and fire protection uses,
- seasonal water needs and storage capacities,
- vegetation buffers between areas of development and waterways,
- erosion and sediment control measures,
- any proposed land clearing and shaping,
- drainage facilities and discharge points.

## **16.10 Effluent and Waste Disposal**

### **16.10.1 General requirements for effluent disposal**

A septic or other approved system, e.g. composting toilet, shall be provided for all dwellings or expanded dwellings. Such systems shall conform with the requirements of Council's Environmental Health Section, and be of a type approved by the Health Department of NSW (Council has a list of approved systems). Some systems not approved may be permitted after consultation with Council's Environmental Health Section. Septic systems must have an adequate water supply.

Earth closets and pit toilets will only be considered as a temporary means of effluent disposal. Approved systems shall be in place within one year of issuance of a temporary residential occupation licence or development application for the dwelling.

### **16.10.2 System location and construction**

The location, construction and size of absorption trenches is to be in accordance with Council's On-site Sewage and Wastewater Management Strategy.

No pit, closet, sullage or septic effluent absorption trench shall be located within 100 metres of any watercourse or 250 metres from any potable groundwater supply.

All grey water (bathroom, laundry, kitchen) is to pass through a holding tank (min. 1200ltr) prior to subsoil disposal in accordance with Council's On-site Sewage and Wastewater Management Strategy.

No sullage water shall be discharged onto the ground surface. Sullage water may be considered for re-use proposals after being collected in the holding tank. All effluent re-use proposals are to be discussed with and approved by Council's Environmental Health Section.

### **16.10.3 Wastewater assessment**

At the time of submitting a development application Council requires the provision of an effluent disposal report addressing the following matters:

A contour plan of the proposed dwelling sites at maximum 500mm intervals and to an approved scale. The plan should show significant site features, eg drainage lines and watercourses, escarpments, rock outcrops and significant trees.

Details of site assessment procedures for each individual allotment including reference to AS1547 and to other recognised standards/practices. Effluent loadings, soil characteristics, biomass permeability and the impact of ground and surface water should also be addressed. Potential effluent reduction by water conservation practices or devices may also be included.

Provide information on the long term capability of the land to accept effluent and include minimum design details for effluent disposal systems addressing the following:

- provision of expanded dwelling developments;
- replacement of effluent disposal areas;
- identify preferred areas on each home management area for effluent disposal and proposed house sites. Effluent disposal areas should avoid landslip areas, not be subject to any vehicular traffic and be clear of areas to be used for recreation purposes;
- details of surface and subsoil drainage in relation to effluent disposal areas;
- management practices to ensure optimum long term operation of site disposal systems.

The use of the standard porosity test in assessing the long term acceptance rate for effluent disposal is to reflect the sodium absorption ratio of the soil. The test must be done with an effluent or liquid chemically similar to laundry effluent to determine the effectiveness of any land disposal system.

### **16.10.4 Wastewater management plan**

The water management plan should include assessment and management of the following (where relevant):

- flood potential,
- site exposure,
- slope,
- soils (depth, permeability, fragmentation, pH, density, conductivity, sodicity, cation exchange, phosphorus sorption, dispersiveness)
- landform,
- run-on and upslope seepage,
- erosion potential,
- site drainage,
- fill on the land,
- buffer distances,
- land area and
- geology

The wastewater management plan shall have regard to Council's On-Site Sewage and Wastewater Management Strategy as well as the NSW State Groundwater Policy Document.

### **16.10.5 Solid Waste disposal**

In order to reduce health hazards to occupants, all non-recyclable solid wastes shall, where possible, be stored in fly proof containers and preferably taken to Council's tip.

Any common area used to store contained waste shall be in a location that:

- is not in direct view from any public road, adjoining property, main community access road or dwelling house;
- is located so as to avoid contamination of any water source or watercourse;
- is concealed by topography or existing vegetation;
- has adequate vehicular access; and
- is operated in accordance with directions of Council's Environmental Health Section.

Composting of organic wastes is encouraged. Council's Environmental Health Section should be contacted for advice and location of rural recycling pick-up points and centres.

## **16.11 Land Management Issues**

### **16.11.1 Bushfire Management**

A bushfire management plan is to be submitted with all Development Applications. The bushfire management plan is to be prepared in accordance with the Rural Fires Act 1997 and the document titled 'Planning for Bushfire Protection' prepared by the NSW Rural Fire Service. The bushfire management plan can be incorporated into the statement of environmental effects for the DA and should address the following:

- development and maintenance of Asset Protection Zones on the hazard side of the development;
- provision and maintenance of adequate access;
- design, staging and siting of the development; and
- provision of appropriate water supply and availability during times of bushfire emergency.

The Asset Protection Zone acts as a buffer zone between the development and the bushfire hazard. The primary purpose of the Asset Protection Zone is to ensure that a progressive reduction in bushfire fuels occurs between the bushfire hazard and all habitable structures within the development. The width of the Asset Protection Zone will vary depending upon the slope and vegetation type. The document 'Planning for Bushfire Protection' contains information concerning the design of Asset Protection Zones, standards of access, building design and siting criteria and water supply requirements. All dwellings within a rural landsharing community development are to comply with the requirements set out in this document.

### **16.11.2 Protection of prime crop and pasture land**

Rural landsharing communities are not permitted where more than 25% of the holding consists of prime crop and pasture land.

No dwelling houses, expanded dwelling houses, solid waste disposal or waste collection points shall be permitted within any area of "prime crop and pasture land" as defined. These areas shall be reserved for agricultural and horticultural uses only. Sheds associated with these uses may be permitted on "prime crop and pasture" land if other appropriate sites are not available.

An agricultural suitability assessment including maps shall be provided where the holding comprises any "prime crop and pasture land". Council will forward a copy of the development application and assessment to DPI for comment.

### **16.11.3 Fauna and flora management and environmental repair**

No structure or work should be situated on land that is a wildlife refuge, wildlife corridor or wildlife management area nor should the management of the rural landsharing community adversely affect any area identified as a wildlife refuge, wildlife corridor or wildlife management area

An Environmental Management Plan must be prepared which should include the following with respect to flora and fauna management and environmental repair:

- vegetation and wildlife habitat mapping, including identification of any potential koala habitat as defined under SEPP No 44,
- existing forest cover and type,

- existing and proposed agricultural land use,
- an assessment of priority areas for rehabilitation and reforestation,
- planting strategy and timeframe,
- location of planting areas
- proposed site preparation – clearing of competitive grasses and weeds
- species to be planted – having regard to rainfall, slope, soils, existing native vegetation with a preference to local species and diversity,
- water supply and plant irrigation,
- maintenance including fertilising, fencing to exclude animals, replacement of dead plants,
- control of noxious weeds,
- mapped scenic management zones.

Plans should show:

- existing native vegetation,
- wildlife corridors and vegetation connecting significant areas of native vegetation,
- watercourses,
- proposed planting locations,
- common agricultural areas.

Information concerning fauna management should include:

- list of native and exotic animal species known to exist,
- control of feral animals and
- control and management of domestic animals (especially dogs and cats)

#### **16.11.4 Potential land use conflicts**

To determine and avoid any potential land use conflicts the applicant shall consider adjoining agricultural uses and have undertaken an adjoining land owner survey. This information should be included in the statement of environmental effects and address issues such as:

- natural features (hills, vegetation, watercourses, etc),
- distances between the proposed development and adjoining land uses,
- competing water demands,
- noise,
- agricultural spray and chemical application,
- control of domestic animals,
- intensive agricultural land use (dairies, piggeries, horticulture, etc),
- quarries,
- fencing etc. and
- noxious weed and feral animal control.

Buffer areas are to be provided within the subject land in accordance with requirements of Chapter 12 - Buffer Areas.

#### **16.11.5 Establishment of cemeteries**

Approval of Council is required prior to the establishment of cemeteries and interments on private land. The following includes typical requirements:

- accurate details to an approved scale showing the precise location of the cemetery in relationship to permanent existing observable landmarks. Council reserves the right to require that the location of the cemetery be set out and verified by a registered surveyor.
- accurate details to an approved scale showing the layout of the cemetery including each grave site and proposed dimensions of same.
- the land on which the cemetery is to be located must not be located in a drinking or domestic water supply catchment area.
- any proposed community cemetery must be sited a minimum of 100 metres from the boundary of the land and any habitable buildings on the land.

- the boundaries of the cemetery must be permanently marked with posts, fencing or other approved method.
- the operation of the cemetery and the interment of deceased persons must be carried out in accordance with all statutory requirements.

### **16.12 Utility Services**

Connection of telephone and electricity supply to rural landsharing community development is optional. Where connection to a service is proposed, written evidence from the relevant supply authority should be provided with the development application indicating availability of supply and the proposed location of the reticulation system.

### **16.13 Developer Contributions**

The development of new rural landsharing communities creates an increase in demand for public facilities and services and a contribution for the upgrading of such facilities will be required under Section 94 of the Environmental Planning and Assessment Act 1979 as expressed in Council's Section 94 Contribution Plans.

The type of public facilities and services referred to above may include:

- Rural road upgrading,
- Community and recreation facilities,
- Public open space,
- Bush fire fighting facilities and
- State emergency services.

A water supply headworks will be payable if the land is connected to a Council or Rous Water water supply.

Council's Section 94 Rural Roads Plan indicates that occupants of dwellings on rural landsharing communities do not generate traffic at a rate equivalent to occupants of dwellings on other forms of closer rural settlement.

Contributions attributed to each dwelling will be payable at the time of submission of a Construction Certificate for that dwelling. Contribution rates are adjusted annually in line with the Consumer Price Index (CPI).

Council may give consideration to the dedication of land or 'in kind' works as partial or full satisfaction of the contribution required only if such works are identified in the applicable Section 94 Contribution Plan.

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