



Part B – Land Use Based Controls

# Chapter B7: Development in Rural Zones

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## 1 INTRODUCTION

1. This chapter of Wollongong Development Control Plan (DCP 2009) has been prepared to provide objectives and detailed controls for rural development and rural land uses, in addition to the planning controls contained in Wollongong Local Environmental Plan 2009.
2. This chapter of the DCP applies to land zoned RU1 Primary Production, RU2 Rural Landscape and RU4 Rural Small Holdings, under Wollongong Local Environmental Plan 2009.
3. This chapter of the DCP is to be read in conjunction with Part A (Introduction and Character Statements) of the DCP which outlines Council's general requirements for all developments and provides advice on the lodgement requirements for a Development Application; Part C Specific Landuses; and Part D Locality Based DCP's/ Precinct Plans; and Part E (General City Wide Planning Controls) which provides the general planning controls pertaining to all developments.

## 2 OBJECTIVES

1. The main objectives of this chapter of the DCP are:
  - (a) To prevent the fragmentation of rural lands to maintain the viability of rural landholdings, particularly primary production enterprises.
  - (b) To facilitate the proper and orderly development of rural lands for rural and agricultural related purposes.
  - (c) To permit a range of rural land uses whilst maintaining the rural, agricultural and / or scenic environmental qualities of the locality.
  - (d) To minimise potential conflicts between land uses, especially primary production enterprises and rural small holdings.
  - (e) To protect the scenic environmental quality of the rural locality.

## 3 RURAL SUBDIVISION REQUIREMENTS

### 3.1 Minimum Allotment Size Requirements & Primary Production Lots

#### 3.1.1 Objectives

- (a) To control rural subdivision by taking into account the rural character and scenic environmental quality of the surrounding locality, inherent site constraints and available infrastructure.
- (b) To ensure rural allotments are of sufficient size and shape to cater for a range of rural land uses and to minimise potential land use conflicts within the rural / non-urban zones or other adjoining zones.
- (c) To restrict rural subdivision to minimise the fragmentation of land, especially where such land is identified or is likely to be earmarked for potential future urban development.

#### 3.1.2 Development Controls

1. The minimum allotment size requirement for any Rural or Non-urban zoned lands shall be in accordance with the relevant LEP.

2. However, Council may grant consent for a subdivision upon land zoned RU1 Primary Production, RU2 Rural Landscape or RU4 Rural Small Holdings which is less than the minimum allotment size requirement as shown on the Lot Size Map contained in the relevant LEP, where it can be demonstrated that the purpose of the subdivision is for primary production purposes only.
3. The Statement of Environmental Effects accompanying a Development Application must provide written justification as to the nature of the existing primary production activity taking place upon the subject site and the necessity for subdividing the subject site for the purposes of the primary production activity.
4. Any such proposed subdivision lot for primary production purposes must not be created so as to permit an existing dwelling to be situated on the lot.
5. A dwelling-house or dwelling (including a rural workers dwelling) is prohibited to be erected on any primary production lot.

## **4 REQUIREMENTS FOR DWELLING – HOUSES, SECONDARY DWELLINGS, FARM STAY ACCOMMODATION AND OTHER RURAL BUILDINGS**

### **4.1 Siting, Orientation and Design of Dwelling-houses & other Rural Buildings**

#### **4.1.1 Objectives**

- (a) To ensure development is sympathetic with the rural landscape and character of the locality.
- (b) To ensure development maintains the scenic environmental quality of the surrounding locality.
- (c) To prevent the siting and orientation of any new building upon any prominent ridgeline or hilltop.
- (d) To encourage new buildings to be well designed to suit the natural landform, topographical and other constraints of a site as well as preserve native trees and other vegetation, wherever possible.

#### **4.1.2 Development Controls**

1. Buildings must not be sited on prominent ridgelines or hilltops. Buildings must be designed to suit the natural landform, rather than altering the landform to accommodate the dwelling design. The dwelling design must have particular regard to the topography of the site to minimise the extent of cut and fill works associated with dwelling construction.
2. On steep slopes, split level dwelling designs which step down the slope of the land are encouraged.
3. Building facades and rooflines are required to be broken into smaller elements, in order to improve the visual amenity of the building. The maximum unbroken length for any building façade shall be 10 metres. The use of bay windows and indented walls may provide visual interest to any dwelling.
4. The longer facades of a dwelling are to run parallel with the contours of the site, in order to minimise the visual impact of the building upon the scenic environmental quality of the locality.
5. Horizontal emphasis to the composition of the dwelling such as wall panels, window treatments, roof and verandah lines are recommended to improve the visual amenity of the building.

6. The roof line of any dwelling should be below the tree canopy (where appropriate), when viewed from other surrounding parts of the locality.
7. The roof pitch of any dwelling should be generally parallel to the surrounding ground slope with a minimum roof pitch of 15° and a maximum roof pitch of 22.5° permitted.
8. Hipped roofline forms (instead of flat or steeply pitched rooflines) are preferred for sloping lands since hipped roof forms tend to lead the eye back down to ground level. The provision of wide eaves and verandahs also assist in transferring the roof edge to the natural landform as much as possible.
9. Existing vegetation should be retained and enhanced, wherever practicable.

## 4.2 Minimum setbacks for dwelling-houses, secondary dwellings, farm stay accommodation buildings & other ancillary rural buildings

### 4.2.1 Objectives

- (a) To ensure the development is sympathetic with the rural landscape and scenic environmental quality of the locality.
- (b) To provide sufficient separation distances between dwelling-houses, secondary dwellings and rural land uses, in order to minimise any potential adverse land use conflicts and / or additional pressures on adjoining agricultural activities.
- (c) To minimise potential conflicts within the rural / non-urban zones and land uses within adjoining zones.
- (d) To preserve and maintain satisfactory native vegetation buffer screen planting along property boundaries.

### 4.2.2 Development Controls.

1. The minimum building line setbacks for dwelling-houses, secondary dwellings, farm stay accommodation buildings, rural sheds and other rural buildings or ancillary structures shall be in accordance with Table 1.

**Table 1: Minimum Building Line Setback Requirements**

Building Line	Minimum Setback Requirement
Front Building Line Setback	10 metres
Secondary Building Line Setback for Corner Lots	5 metres
Side Setback	5 metres
Rear Setback	10 metres

2. Any variation to the front, side or rear building line setback requirements will only be considered where:
  - (a) The proponent can demonstrate that the proposal will maintain or improve the amenity and privacy levels for adjoining properties;

- (b) The building has been sited to address all site constraints; and
- (c) The proposal maintains the rural character and scenic environmental quality of the locality.

### 4.3 Maximum height for rural dwelling houses, secondary dwellings & other rural buildings

#### 4.3.1 Objective

- (a) To maintain the rural landscape character and scenic environmental quality of the surrounding locality.

#### 4.3.2 Development Controls

1. The maximum height of rural dwelling houses, secondary dwellings, farm stay accommodation buildings and other rural buildings shall be in accordance with Table 2 below.

**Table 2: Maximum Heights for Dwelling Houses, Secondary Dwellings, Farm stay Accommodation Buildings and Other Rural Buildings in Rural Zones**

Building Type	Maximum Building Height (Storeys)
Agricultural Produce Industries	One (1) Storey
Bed and Breakfast Accommodation	Two (2) Storeys
Child Care Centres	Two (2) Storeys
Community Facilities	Two (2) Storeys
Crematoria	One (1) Storey
Dwelling-house and Secondary Dwellings	Two (2) Storeys
Farm Stay Accommodation Buildings	Two (2) Storeys
Free-standing Garages	One (1) Storey
Place of Public Worship	One (1) Storey
Roadside Stalls	One (1) Storey
Rural Sheds / Farm Buildings	One (1) Storey
Veterinary Hospitals	One (1) Storey

2. The following additional controls apply to dwelling houses in rural zones:
  - (a) Habitable roof space may provide additional habitable area only when the height of the building does not exceed the overall ridge height specified in the height table below;
  - (b) Where the roof space is used as habitable area in accordance with the above requirements, it is not classified as an additional storey;

- (c) The height controls may only be varied where an applicant can demonstrate that:
  - (i) The building integrates with the natural setting and all site constraints are addressed;
  - (ii) The potential impacts of overshadowing and overlooking on adjacent dwellings and open space areas are minimised;
  - (iii) On steeply sloped sites, the design incorporates split level, stepped building solutions;
  - (iv) The building will not adversely impact upon the rural and natural setting;
  - (v) The increased building height will not significantly increase the visibility of the dwelling from surrounding vantage points or neighbouring properties;
  - (vi) The dwelling is to be sited on a large parcel of land and the dwelling has minimal visibility from surrounding dwellings; and
  - (v) The height objectives are met through an alternative design solution.

## **4.4 External Building materials and finishes for dwelling-houses & other rural buildings**

### **4.4.1 Objective**

- (a) To ensure development is sympathetic with the rural landscape character and scenic environmental quality of the surrounding locality.

### **4.4.2 Development Controls**

1. The wall construction of dwellings should be face brick or rendered brick work with natural or earthy colours such as mid to dark oranges, mid to dark browns and light to mid greys.
2. The colour finishes of the roofline should complement external wall finishes of the building. The use of muted green, grey or brown coloured finishes to colourbond or tiled roofs is appropriate for rural areas, especially in localities of a high scenic environmental value.

## **4.5 Car parking and Vehicular access requirements**

### **4.5.1 Objectives**

- (a) To ensure appropriate vehicular access is provided between the dwelling-house site and a public road.
- (b) To ensure any rural / non-urban land with a bush fire hazard area is provided with suitable vehicular access for bush fire fighting vehicles and other emergency vehicles in accordance with the best practice.

### **4.5.2 Development Controls**

1. A minimum of two (2) on site car parking spaces for a dwelling house must be provided, both of which must be located behind the front building line.
2. Parking spaces are to have the minimum dimensions of 2.6m x 5.5m, when unenclosed and 3.0m x 6.0m where enclosed.

3. The siting of ancillary buildings associated with a dwelling house must not reduce the number of on-site parking spaces to less than two. Any double garage or car port shall be 6 metres by 6 metres in dimension.
4. Any proposed dwelling house shall have adequate vehicular access between the dwelling house site and a public road.
5. The access road shall be a minimum 3.5 metre wide and shall be constructed of an all – weather material for its full length of the access road between the dwelling-house and the public road.
6. Any flood liable allotment of land must provide suitable flood free access between the dwelling house site and the public road.
7. If the allotment of land is a battle axe lot, the actual access road must be constructed wholly within the boundaries of legal battle axe access handle or right of carriageway of the affected lot. This will guarantee that long-term access is maintained between the dwelling-house and the public road, regardless of any future subdivision or adjoining ownership change.
8. Within any bushfire hazard area, vehicular access shall be provided in accordance with the requirements of the NSW Rural Fire Services publication titled “Planning for Bush Fire protection 2006”.
9. The maximum gradient for sealed road shall not exceed 15 ° and the maximum gradient for an unsealed road shall not exceed 10 °.

**Table 3: Road type characteristics and construction requirements**

ROAD TYPE	MINIMUM ROAD CARRIAGEWAY WIDTH (m)	MINIMUM VERGE WIDTH EACH SIDE (m)	MINIMUM TOTAL ROAD RESERVE WIDTH (m)
Public Road servicing less than 30 dwellings / lots.	7.5 metres	3.5 metres with upright kerbing	14.5 metres
Cul-de-sac (Public Road)	7.5 metres with a minimum 12 metre wide cul-de-sac bulb	3.5m with upright kerbing	14.5 metres
Minor Public Road / Access Way servicing a maximum 10 dwellings / lots	6 metres	3.5 metres with roll-over kerbing	13 metres
Private Access Road /Right of Carriageway Battle – axe handle servicing a maximum of 3 dwellings / lots	4 metres	NA	6 metres
	(ie where the access handle is less than 200 metres in length)		(ie where the access road is less than 200 metres in length) or
	4 metres but enlarged to 6 metres (ie with 20 metre long passing bays) at every 200 metre interval along		8 metres (ie where the access road is greater than 200 metres in length)



ROAD TYPE	MINIMUM ROAD CARRIAGEWAY WIDTH (m)	MINIMUM VERGE WIDTH EACH SIDE (m)	MINIMUM TOTAL ROAD RESERVE WIDTH (m)
	the access road / ROW, to enable fire fighting trucks to access the lot(s), whilst also allowing resident vehicles to exit the site during bush fire emergencies		and requires passing bays)

## 4.6 Bush fire protection – dwelling-houses, bed and breakfast accommodation, secondary dwellings & farm stay accommodation buildings

### 4.6.1 Objectives

- (a) To ensure new dwelling-houses, secondary dwellings, bed and breakfast accommodation and farm stay accommodation buildings upon bush fire prone land are designed and constructed in accordance with best practice to minimise bush fire impacts.
- (b) To provide appropriate separation distances between a bush fire hazard and buildings, which in combination with other measures, prevent direct flame contact and material ignition.
- (c) To ensure any dwelling or farm stay type accommodation upon bush fire prone land is provided with appropriate vehicular access to satisfactorily cater for fire fighting trucks and other emergency vehicles.
- (d) To ensure the management and maintenance of bush fire protection measures (including the maintenance of fuel loads in asset protection zones) is determined at the Development Application.

### 4.6.2 Development Controls

1. Any bridge or culvert over a creek or natural drainage line shall be designed and constructed to cater for a minimum 15 tonne emergency fire fighting truck.
2. The design and construction of any dwelling-house, secondary dwelling and / or farm stay accommodation buildings upon land classified as being within a bush fire prone area shall be in accordance with the requirements of the NSW Rural Fire Service publications titled *Planning for Bush Fire Protection 2006* and *Building In Bush Fire Prone Areas: Single Dwellings* in addition to the *Australian Standard AS 3959: Construction of Buildings In Bushfire Prone Areas*.
3. Any Development Application for a dwelling-house, secondary dwelling and / or farm stay accommodation building within a bush fire prone area shall be accompanied by a bush fire assessment report (ie prepared by a suitably qualified and experienced bush fire consultant) which determines the extent of bush fire attack to the development and recommended mitigation measures for the design and construction of the building, in order to minimise the bush fire hazard risk, taking into account the requirements of the NSW Rural Fire Service *Planning for Bush Fire Protection 2006* and *Building In Bush Fire Prone Areas: Single Dwellings* in addition to the *Australian Standard AS 3959: Construction of Buildings In Bushfire Prone Areas*.

## 4.7 Geotechnical issues – dwelling-houses, secondary dwellings & other rural buildings

### 4.7.1 Objectives

- (a) To ensure all geotechnical and related structural matters are appropriately investigated and addressed in relevant documentation accompanying the Development Application.
- (b) To ensure the siting and design of a dwelling-house, secondary dwelling, farm stay accommodation building and other rural type buildings adequately addresses any identified slope instability issues upon the subject site.

### 4.7.2 Development Controls

1. The design and construction of any dwelling-house, secondary dwelling, farm stay accommodation and / or other rural buildings upon land classified as being subject to slope instability shall be in accordance with the requirements of the Geotechnical Assessment Chapter in Part E of this DCP.
2. Any Development Application for a proposed dwelling-house, secondary dwelling, farm stay accommodation and / or other rural building upon land classified as being subject to slope instability must be accompanied by a geotechnical impact assessment report. This geotechnical impact assessment report (ie prepared by a suitably qualified and experienced geotechnical consultant) must identify the nature, extent and degree of slope instability problems upon the site and what design and / or construction measures must be implemented, in order to guarantee the long-term structural integrity of the building.

## 4.8 Secondary Dwellings

### 4.8.1 Objectives

- (a) To ensure a secondary dwelling is integrated with the principal dwelling by incorporating similar building materials and finishes to the principal dwelling.
- (b) To ensure the siting, design and external appearance of a secondary dwelling is sympathetic with the prevailing rural landscape character of the surrounding locality.

### 4.8.2 Development Controls

1. Secondary dwellings (eg granny flats) are permitted upon land zoned RU2 Rural Landscape and RU4 Rural Small Holdings, subject to Council's formal development consent.
2. The total floor area of any secondary dwelling (excluding any garage or carport) must not exceed either:
  - (a) 60 square metres; or
  - (b) 40% of the total floor area of both the self-contained dwelling and the principal dwelling, whichever is the greater.
3. Secondary dwellings should be designed and constructed using similar external building materials and finishes / colours to the principal dwelling, except in cases where in the opinion of Council, the existing principal dwelling is constructed of building materials or finishes which are considered unsympathetic with the surrounding rural landscape character of the locality.

4. A schedule board of the proposed external building materials and finishes together with a A4 sized colour photograph of the schedule board is required to be submitted with the Development Application.

## **4.9 Farm Stay Accommodation**

### **4.9.1 Objectives**

- (a) To ensure that any farm stay accommodation is carried out in conjunction with and ancillary to the principal primary production enterprise upon the subject site.
- (b) To restrict any farm stay building or cabin to a limited number of rooms to ensure it remains at all times ancillary to the principal primary production enterprise and maintains the existing amenity of the surrounding locality.
- (c) To ensure any farm stay accommodation building is provided with an adequate water supply and an appropriate sewage management system.

### **4.9.2 Development Controls**

1. Farm stay accommodation involves tourist and visitor accommodation as part of a working farm operation (which is a secondary business to the principal primary production enterprise).
2. Any proposed building or self-contained cabin for the purposes of farm stay accommodation shall be restricted to a maximum of 3 bedrooms.
3. Any proposed building for farm stay accommodation shall be sited within a 50 metre radius from the principal dwelling-house.
4. The farm stay building shall be serviced by reticulated water and sewerage, wherever such infrastructure is provided in the locality. In the event that reticulated water is not available within the locality, potable water shall be obtained from rainwater tanks connected to either the farm stay accommodation building and / or the principal dwelling-house and shall provide drinking water in accordance with relevant drinking water health requirements.
5. Any proposed on-site sewage management system shall be a best practice sewage management system and be prepared in accordance with the requirements of the On-site Sewage Management Policy contained in Part E of this DCP.

## **4.10 Rural Buildings / Farm Buildings**

### **4.10.1 Objectives**

- (a) To ensure the siting, design and external appearance of a rural / farm building is sympathetic with the rural landscape character and any scenic environmental qualities of the surrounding locality.
- (b) To ensure rural / farm buildings are sited and designed taking into account the natural landform and topographical constraints and other inherent site constraints such as flooding or bush fire hazard risk and / or sites subject to slope instability.
- (c) To ensure rural / farm buildings are sited and designed to minimise the loss of remnant native trees or other vegetation, wherever possible.
- (d) To ensure rural / farm buildings are sited at an appropriate separation distance from common property boundaries, in order to minimise any potential noise, amenity or other impacts upon adjoining land uses, especially dwellings.

### 4.10.2 Development Control

1. Rural buildings shall be used for the purposes of a rural industry at all times and are not to be constructed for the purposes of later conversion into a dwelling.
2. The siting of rural / farm buildings should be below any visually prominent ridgeline or hilltop plateau.
3. The siting of any rural / farm building should be restricted to land slopes with a gradient of less than 15%.
4. The siting of rural buildings should be within the curtilage of any principal dwelling upon the landholding, wherever practicable.
5. Rural buildings should be positioned on the land to limit the amount of clearing of any remnant native trees or other native understorey vegetation, especially along the perimeter of the site.
6. Rural buildings should be setback at least 40 metres from the top of bank of any watercourse to protect riparian vegetation.
7. A minimum 40 metre separation distance is required between any proposed rural building and any dwelling on an adjoining landholding not associated with the subject site, to minimise any potential visual or amenity impact upon the adjoining dwelling.
8. A minimum 20 metre setback is required for any new rural building / farm shed from the front property boundary. However, a variation to this requirement may be supported by Council where the proposed rural building / farm shed is to be located behind an existing dwelling or other building which is forward of the 20 metre setback alignment.
9. A minimum 20 metre setback is required for any new rural building / farm shed, off any side or rear property boundary.
10. A maximum 400m<sup>2</sup> gross floor area is permitted for any rural building / farm shed proposed upon a site with a total site area of 2 hectares or less.
11. The maximum external wall height of any rural building / farm shed shall be 5 metres above natural ground level.
12. The roof design of any rural building / farm shed must be pitched or curved, in order to improve the visual interest / relief. The roof pitch must be between 15° and 25°.
13. Any rural building or farm shed shall incorporate non-reflective building materials and finishes, in order to minimise any potential adverse visual impact upon the rural landscape or scenic environmental quality of the surrounding locality.
14. The colour finishes of the external walls and roofs of any rural building / farm shed should be of muted green, mid to dark grey or brown coloured finishes. However, Council may support a variation to this requirement where the rural building / farm shed is proposed to match the colour finishes of the existing principal dwelling or other buildings upon the landholding and this proposed colour scheme will in the opinion of Council, not cause any adverse visual impact upon the scenic environmental quality of the locality.
15. A schedule board of proposed external building materials and finishes / colours together with an A4 sized colour photocopy of the schedule board shall be submitted with the Development Application.

16. Any rural building or farm shed upon bush fire prone land should be designed taking into account the NSW Rural Fire publication “Planning for Bush Fire Protection 2006” guidelines and any other requirements of the NSW Rural Fire.
17. Any rural building or farm shed proposed upon flood prone land shall be designed to withstand the flood height, velocities and associated forces of flood events up to and including the 1% Annual Exceedance Probability (AEP) and the Probable Maximum Flood (PMF) flood events. This will require compliance with the requirements of Chapter E13: Floodplain Management in the DCP.

## 4.11 Landscaping

### 4.11.1 Objectives

- (a) To retain remnant native vegetation within rural landholdings wherever possible, in order to maintain the rural landscape character and scenic environmental quality of the locality.
- (b) To encourage the use of native species indigenous to the Illawarra Region, especially rainforest species with a low bush fire hazard risk, wherever possible.
- (c) To ensure all new buildings are sited and designed to protect and preserve native vegetation and all construction works incorporate appropriate measures to protect native trees and understorey vegetation from damage.

### 4.11.2 Development Controls

1. Buildings or dwellings in a rural zone should retain the scenic environmental character of the area and not be visually dominant. Landscaping must soften the built form, retain the scenic environmental character of the area, shelter the dwelling against undesirable climate conditions, maintain privacy and protect against soil erosion.
2. The following issues must be considered in the siting of the dwelling;
  - (a) Retain remnant vegetation, particularly significant trees throughout the site, wherever practicable;
  - (b) Utilise native species indigenous to the Illawarra;
  - (c) The siting and design of the dwelling and landscape treatment should maximise habitat values and connectivity between bushland areas;
  - (d) Any proposed development must be setback from the trunk of any tree to be retained;
  - (e) All construction works including erection of fencing, installation of services, stockpiling of materials and equipment (including site sheds), earthmoving equipment and skips for waste materials are to be located away from vegetation retained on the site;
  - (f) Vegetation to be retained should be clearly indicated;
  - (g) Where appropriate, protect native understorey plants during construction;
  - (h) Avoid planting invasive exotic species on allotments adjacent to land zoned E1, E2, E3 and W1.
  - (i) In bushfire prone areas, landscaping must be provided in accordance with the guidelines contained in the Planning For Bushfire Protection (NSW).;
  - (j) Where a Bushfire Report recommends the removal of trees to achieve APZ requirements, these requirements must be reflected on the landscape plan and be accompanied by an arborists report;
  - (k) Site landscaping must be integrated with stormwater management controls;

- (l) All imported fill, topsoil or mulch is to be free of noxious or environmental weeds.

## 4.12 Fencing

### 4.12.1 Objective

- (a) To ensure fencing is of a design that is sympathetic with the character of rural land areas within the city.

### 4.12.2 Development Controls

1. Timber post and rail fencing or star post and wire fencing are the most appropriate forms of fencing for rural areas. Any timber post and rail fencing should be painted in natural muted green, grey to brown tones, rather than white or lightly coloured finishes.
2. Other types of fencing will only be permitted where in the opinion of Council such fencing does not pose any adverse impact upon the scenic environmental quality or rural character of the locality.

## 5 AGRICULTURAL LAND USES

### 5.1 General

1. Extensive agricultural activities within Rural / non-urban zones may be undertaken without first obtaining Council's development consent as these uses clearly in accord with the principal objectives of the zone.
2. For the purposes of this DCP, "Extensive agriculture" means:
  - (a) The production of crops or fodder (including irrigated pastures and fodder crops), or
  - (b) The grazing of livestock,
  - (c) Bee keeping;
3. For the purposes of this DCP, "Extensive agriculture" but does not include any of the following:
  - (a) Animal boarding or training establishments,
  - (b) Aquaculture,
  - (c) Farm forestry,
  - (d) Intensive livestock agriculture,
  - (e) Intensive plant agriculture.
4. Any other agricultural pursuit (other than "extensive agriculture") upon land zoned RU2 Rural Landscape requires formal development consent. Additionally, any agricultural pursuit (including extensive agriculture) requires formal development consent upon land zoned RU4 Rural Small Holding.
5. For the purposes of this DCP, "Agriculture" means any of the following:
  - (a) Animal boarding or training establishments,

- (b) Aquaculture,
  - (c) Extensive agriculture,
  - (d) Farm forestry,
  - (e) Intensive livestock agriculture,
  - (f) Intensive plant agriculture.
6. Some large-scale rural/agricultural land uses or activities are categorised as ‘designated development’ pursuant to the provisions of Schedule 3 of the Environment and Planning Regulation 2000.
7. Any designated development requires the submission of an Environmental Impact Statement (EIS) with any Development Application. The preparation of any Environmental Impact Statement (EIS) must be undertaken in accordance with the requirements of the Director – General of the NSW Department of Planning. Accordingly, it is recommended that contact be made with Council’s Customer Service Centre in order to organise a formal pre-lodgement meeting at an early stage to discuss any designated development proposal with Council staff.

## **6 ANIMAL BOARDING OR TRAINING ESTABLISHMENTS – HORSE BREEDING OR TRAINING ESTABLISHMENTS**

### **6.1 General**

1. “Animal boarding or training establishment” means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses) and includes any associated riding school or ancillary veterinary hospital.”

### **6.2 Minimum Site Area**

#### **6.2.1 Objective**

- (a) To permit horse breeding or training establishments upon certain sized rural and non-urban landholdings, to minimise potential land use conflicts with rural residential and other rural land uses in a particular locality.

#### **6.2.2 Development Controls**

1. The minimum site area for any horse breeding or training establishment shall be 3000m<sup>2</sup>.
2. Notwithstanding this, the minimum site area for any horse breeding or training facility within the landholdings known as Lots 1- 13, DP 794002, bounded Trifecta Place and Phar Lap Avenue in the Kembla Grange Equestrian Estate (as per Precinct 1 in the map below) may be less than 3000m<sup>2</sup> provided the facility is conducted by the occupants of each rural residential dwelling only, for their own private recreation purposes.

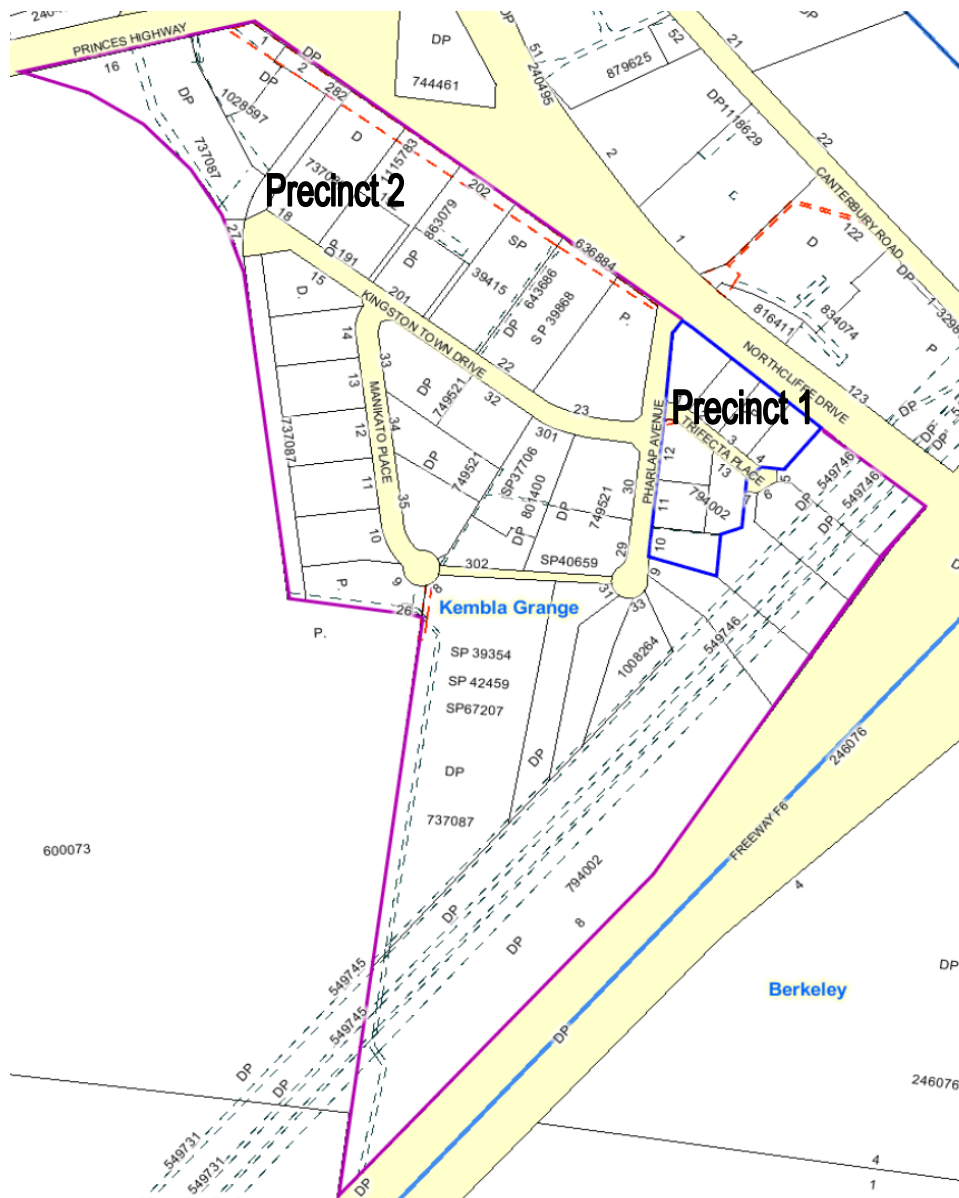


Figure 1: Kembla Grange Equestrian Estate

### 6.3 Maximum Number of Horses – Kembla Grange Equestrian Estate

#### 6.3.1 Objective

- (a) To restrict the number of horses within any horse boarding, breeding or training establishment within the Kembla Grange Equestrian Estate, in order to maintain the amenity of the locality.

#### 6.3.2 Development Controls

1. The maximum number of horses for any animal boarding, breeding or training establishment within the Kembla Grange Equestrian Estate shall be restricted to rate of not more than 1 horse per 250m<sup>2</sup> of the site area.



## 6.4 Minimum Setback Requirements for Horse Stables & Shelters

### 6.4.1 Objective

- (a) To ensure horse stables and shelters are appropriately setback from common property boundaries, in order to maintain the amenity and character of the surrounding locality.

### 6.4.2 Development Controls

1. Any horse stable or horse shelter shall be setback from property boundaries and adjoining land uses in accordance with Table 4 below.

**Table 4: Minimum Setback Requirements for Horse Stables & Shelters**

Land Use	Minimum Setback Requirement
Front Building Line Setback to Primary Road	10 metres(1)
Secondary Road Frontage	5 metres
Side and Rear Building Line Setback	5 metres
Adjoining Dwelling not associated with the facility	10 metres

Note(1): Council may vary the front building line setback requirement for a horse stable upon the landholdings known as Lots 1- 13, DP 794002, bounded Trifecta Place and Phar Lap Avenue in the Kembla Grange Equestrian Estate subject to an absolute 6 metre minimum front building line being provided.

## 6.5 Horse Stable, Exercise Yard & Shelter Requirements

### 6.5.1 Objectives

- (a) To ensure horse stables and shelters are well designed and constructed to provide suitable all weather protection for horses.
- (b) To ensure horse stables and shelters are sympathetic to the rural landscape and the scenic environmental amenity of the locality.
- (c) To ensure horse breeding and training establishments provide suitable exercise training yards.

### 6.5.2 Development Controls

- Each horse should be provided with a suitable horse stable and exercise training yard.
- The minimum size for any horse stable should be 3.7 metres wide and 3.7 metres deep. The height of any horse stable should be a minimum of 2.75 metres up to 3.4 metres, depending upon the height of the horse.
- The roof of the stable shall provide all weather protection and should incorporate appropriate guttering and down pipes to convey stormwater into rainwater tanks and into appropriately designed stormwater drainage systems or drinking troughs.
- The walls of the horse stable should be of a masonry construction for a height of at least 1.2 metres with either masonry or solid galvanised iron sheeting provided for the upper wall panelling. Any concrete masonry blocks should be reinforced with vertical steel rods and the

cores filled with concrete. Some form of window or air passage between the roof and the walls is needed for cross-ventilation purposes.

5. The wall height shall range between 2.75 metres up to 3.4 metres high, depending upon the height of the intended horse. The external walls of the stable shall be appropriately sealed and waterproofed. The internal walls of the stable should be lined with plywood sheeting or rubber material to prevent injury to horses and to also protect the walls from pawing or kicking.
6. The doors of any horse stable shall be at least 1.2 metres wide and 2.4 metres high with no protrusions which may cause potential injury to the horse. Any latches to the doors should be strong and have no protrusions which may injure the horse.
7. The floor of any horse stable must be constructed of an impervious material which is graded towards the doorway to permit drainage and with no low spots where urine can collect.
8. A 100mm thick reinforced concrete slab is the preferred flooring method. Clean bedding such as straw or sawdust should be provided daily to prevent any foot or leg problems caused by the horse standing on concrete.
9. Feeders and water troughs should be raised to a height of 1.05 metres aboveground and placed within a corner of the stable. The feeders and water troughs should be smooth finished and free of any protrusions.
10. Any horse shelters shall be constructed to fulfil the same requirements as a horse stable regarding walls, floor and roofing but should be provided without any doors, in order to allow free passage of horses to / from the shelter, at all times.
11. The external finishes of any horse stable or horse stable shall be painted in a muted green, light brown or grey colour, in order to maintain the rural character of the surrounding locality.

## 6.6 Horse Paddocks

### 6.6.1 Objectives

- (a) To ensure horse paddocks are of a sufficient size and are provided with appropriate feed and shade trees.
- (b) To ensure horse paddocks are properly fenced (both internally and externally) to minimise any injury to horses and to encourage rotational grazing of the paddocks.

### 6.6.2 Development Controls

1. The minimum paddock size for each horse should be 2,000m<sup>2</sup> with a preferable size of 1 hectare or more.
2. Any horse paddock must contain a horse shelter as well as shade trees.
3. Horse paddocks should be internally fenced, wherever possible to allow for the rotational use of the grazing area, in order to minimise any potential overgrazing.
4. Supplementary feed must be provided, where necessary.
5. Post and rail fencing for horse paddocks is preferred. The use of wire or barb wire is not recommended because of its tendency to cause injury to horses. Electric fences are suitable but should be supported with some type of sight barrier (eg a painted tin lid) attached to the electric wire, in order to improve the visibility of the electric fence.

## 6.7 Liquid & Solid Waste Collection and Treatment

### 6.7.1 Objective

- (a) To ensure all horse boarding, breeding or training establishments have appropriate liquid and solid waste collection and treatment systems.

### 6.7.2 Development Controls

1. All liquid wastes are to be led to a settling pond area, prior to discharge into any watercourse, stormwater drainage system or Sydney Water Corporation sewerage system. The settling pond area shall have a minimum capacity of 1.5% of the total site area with a maximum depth of 1.2 metres. Any pond overflow shall meet the water quality criteria set out in the ANZECC guidelines for the particular receiving waterway.
2. All solid manure should be removed regularly and placed in a suitable waste storage bin. The solid waste storage bin should be a large metal bin with a flanged-fitting metal lid which is water-proof and prevents access to flies and / or vermin. This bin should be emptied and disinfected weekly.
3. The full details of the proposed liquid and solid waste treatment process including the settling pond area are to be submitted with the Development Application for an animal boarding or training establishment.
4. In the event that the proposal is ultimately supported, a condition of consent may be imposed requiring an appropriate water sampling program to be implemented to monitor the water quality of any waters discharging from the settling pond.
5. The sampling regime is likely to involve quarterly sampling and sampling after each heavy rainfall event. The sampling of the water at a registered NATA laboratory should include the following parameters:-
  - (a) pH;
  - (b) Suspended solids;
  - (c) Dissolve Oxygen;
  - (d) Total Phosphorous;
  - (e) Ammonia;
  - (f) Total Nitrogen; and
  - (g) Faecal Coliforms.
6. The preparation of an annual environmental management plan may also be required for any approved horse boarding, breeding or training facility which outlines the performance of the settling pond bearing in mind the sampling regime.

## 7 ANIMAL BOARDING OR TRAINING ESTABLISHMENTS - DOG BOARDING, BREEDING OR TRAINING ESTABLISHMENT

### 7.1 Maximum Number of Dogs

#### 7.1.1 Objective

- (a) To ensure new dog boarding, breeding or training establishments incorporate best practice design and management practices, in order to minimise any potential adverse impacts upon adjoining landholdings and to provide for the satisfactory welfare of dogs kept within the establishment.

#### 7.1.2 Development Controls

1. The maximum number of dogs kept at any one time with a dog boarding or training establishment upon lands zoned RU1 Primary Production shall be 50 (inclusive of puppies).
2. The maximum number of dogs kept at any one time within a dog boarding or training establishment shall be 25 (inclusive of puppies) for lands zoned RU2 Rural Landscape.
3. The maximum number of dogs kept within a dog boarding or training establishment (at any one time) upon land zoned RU4 Rural Small Holdings shall be 10 (inclusive of puppies).

### 7.2 Minimum Separation Distance from Other Land uses

#### 7.2.1 Objective

- (a) To ensure dog kennels are appropriately setback from common property boundaries and adjoining dwellings (not associated with the development), in order to maintain the amenity and character of the surrounding locality.

#### 7.2.2 Development Controls

1. The kennels and exercise training yards for any dog boarding or training establishment shall have a minimum separation distance as per Table 5 below.

**Table 5: Minimum Separation Distance of Kennels & Exercise Training Yards from Adjoining Land uses**

Land Use	Minimum Separation Distance
Dwelling associated with the facility	30 metres
Other adjoining rural properties	20 metres
Adjoining Dwelling not associated with the facility	250 metres

### 7.3 Kennel Size, Layout & Exercise Facilities

#### 7.3.1 Objective

- (a) To ensure all dog boarding, breeding or training establishments provide suitably designed kennels and exercise yards, to assist in the welfare and health of all animals within the establishment.

### 7.3.2 Development Controls

1. Each dog must be provided with a separate kennel (except dogs from the same family who normally live together who may share a kennel of adequate size). The minimum size for each kennel should be 10m<sup>2</sup>.
2. The minimum sleeping area in each kennel shall be 3m<sup>2</sup>. Suitable bedding equipment must be provided which allows each dog to be comfortable and is capable of being easily and adequately cleaned and sanitised. The sleeping area in each kennel shall be out of draughts. The sleeping area within each kennel must be at least 10°C.
3. The sleeping area of the kennel should be provided with all weather protection (ie rain, wind and sun).
4. Each kennel should be provided with an exercise area of at least 5m<sup>2</sup>.
5. Each kennel must have a minimum height of 1.8 metres to enable adequate access for property owners to clean the kennel.
6. Kennels must be securely locked with each kennel fitted with a secure closing device.
7. Kennels and exercise areas shall open onto secure corridors or other secure areas so that dogs are not able to escape from the premises.
8. Exercise areas must not be used for bedding areas.
9. All kennels and exercise training areas must be provided with a minimum 1.8 metre high chain wire perimeter fence.
10. The walls of all kennels shall be of a solid impervious type and capable of easy cleaning. If masonry, a smooth rendered finish is required for a minimum height of 1.5 metres.
11. Kennel floors must be constructed of an all weather material (eg concrete) to ensure easy cleaning of the kennel. The kennel floor should also be designed with a minor slope in order to enable runoff of wastewater and easy cleaning of the kennel.

## 7.4 Isolation Facilities

### 7.4.1 Objectives

- (a) To provide suitable isolation facilities for the segregation of sick or infectious dogs from other dogs within a dog boarding, breeding or training establishment.
- (b) To provide suitable care facilities for sick dogs, in order to aid in their recovery from illnesses or infections.

### 7.4.2 Development Controls

1. An isolation facility must be provided in order to segregate dogs which have an infectious disease.
2. The isolation facility must be physically separate and isolated from the main kennel area. The isolation facility must be at least 5m<sup>2</sup> in area and include a suitable sleeping area, free from draught.

## 7.5 Water and Food Supplies

### 7.5.1 Objective

- (a) To ensure all dog boarding, breeding or training establishments provide adequate food and water supplies, to maintain the good health and condition of each dog within the facility.

### 7.5.2 Development Controls

1. All dogs must be adequately supplied with food and water. The feed should contain acceptable nutritive values in sufficient quantity, in order to guarantee the good health and condition for each dog in the establishment.
2. Eating and drinking containers must be capable of being easily cleaned and disinfected to prevent cross contamination. The containers must be maintained in a clean condition.

## 7.6 Hygiene & Cleanliness

### 7.6.1 Objective

- (a) To ensure all kennels, exercise yards and other common areas are regularly cleaned of any liquid or solid waste material to maintain the good health and condition of dogs within the facility and to minimise the likelihood of infectious diseases.

### 7.6.2 Development Controls

1. All kennels, corridor areas, common areas etc must be kept clean and free from accumulation of dirt and dust and kept in a manner to be conducive to maintenance of disease control and dog comfort.
2. Each occupied kennel must be cleaned daily. All excreta and soiled material must be removed from all areas used by dogs at least daily and more often if necessary.
3. Facilities must be provided for the proper reception, storage and disposal of waste. Particular care should be taken to segregate clinical waste arising from the treatment and handling of dogs with infectious diseases.

## 7.7 Responsibilities of the Proprietor of the Dog Boarding, Breeding or Training Establishment

### 7.7.1 Objective

- (a) To ensure the proprietor of any dog boarding, breeding or training establishment is responsible for the overall management of the facility and the welfare of the animals within the facility.

### 7.7.2 Development Controls

1. The proprietor of the dog boarding, breeding or training establishment is responsible for the overall management of the facility and the welfare of animals held therein. In particular, the proprietor is responsible for the following aspects:
  - (a) The general well-being of all dogs in the establishment;
  - (b) The supervision of staff;
  - (c) Supervision of daily feeding, watering, inspection and training of all animals;

- (d) Supervision and examination of dogs upon entry;
- (e) The overall hygiene of the facility;
- (f) The prompt veterinary attention for dogs, when necessary;
- (g) Notifying owners as soon as possible when a dog is injured or sick and / or promptly after a veterinarian has examined the animal; and
- (h) The maintenance and collation of records.

## **8 INTENSIVE LIVESTOCK AGRICULTURE**

### **8.1 Minimum Site Area for an Intensive Livestock Agricultural Enterprise**

#### **8.1.1 Objectives**

- (a) To ensure all intensive livestock agricultural enterprises are sympathetic with the rural landscape character and scenic environmental quality of the surrounding locality.
- (b) To ensure intensive livestock agricultural enterprises are designed taking into account any inherent site constraints.
- (c) To ensure intensive livestock agricultural enterprises are of sufficient size to minimise potential conflicts with other land uses within the same rural / non-urban zone, especially rural residential land uses or any other land uses in adjoining zones.

#### **8.1.2 Development Controls**

1. The minimum site area for an intensive livestock agricultural enterprise shall be 40 hectares.

### **8.2 Minimum Separation Distance for an Intensive Livestock Agricultural Enterprise**

#### **8.2.1 Objectives**

- (a) To minimise potential land use conflicts between intensive livestock agricultural enterprises and other land uses within the same rural / non-urban zone, especially rural residential land uses or any other land uses in adjoining zones.
- (b) To ensure buildings are sited at an appropriate separation distance from common property boundaries, in order to minimise any potential noise, insect, air quality or amenity impacts upon adjoining land uses, especially dwellings on adjoining properties (ie not associated with the intensive livestock enterprise).

#### **8.2.2 Development Controls**

1. The minimum separation distance for any intensive livestock agricultural enterprise to adjoining properties and surrounding land uses shall be in accordance with Table 6.

**Table 6: Minimum Separation Distances for Intensive Livestock Agricultural Pursuits from Other Surrounding Land Uses**

Minimum Separation Distance	Piggery (1)	Cattle Feedlot (1)	Poultry Farm (2)	Other (2)
Road Frontage	500 metres	500 metres	100 metres	On Merit
Side or Rear Property Boundary	250 metres	250 metres	60 metres	On Merit
Watercourse, Dam or Drainage Line	200 metres	100 metres	100 metres	On Merit
Any Dwelling not associated with the Intensive Livestock Agriculture Pursuit	500 metres	500 metres	250 metres	On Merit
Any Residential Zone	2 kilometres	2 kilometres	1 kilometre	On Merit

Note 1: Separation distances are measured in a straight line distance as measured in a radius from any closest point of any front, side or rear property boundary line of the subject site.

Note 2: The minimum separation distance for any Other Intensive Livestock Agricultural pursuit will be determined by Council at a formal pre-lodgement meeting, depending upon the nature and scale of the proposed operation.

## 8.3 Design and External Appearance of Intensive Livestock Agricultural Enterprises

### 8.3.1 Objectives

- (a) To ensure the siting, design and external appearance of any building associated with an intensive livestock agricultural enterprise is sympathetic with the rural landscape character and any scenic environmental qualities of the surrounding locality.
- (b) To ensure buildings are sited and designed taking into account the natural landform and topographical constraints and other inherent site constraints such as flooding or bush fire hazard risk and / or sites subject to slope instability.
- (c) To ensure buildings are sited and designed to minimise the loss of remnant native trees or other vegetation, wherever possible.

### 8.3.2 Development Controls

1. The siting of any building associated with an intensive livestock agricultural enterprise should be below any visually prominent ridgeline or hilltop plateau.



2. The siting of any building associated with an intensive livestock agricultural enterprise should be restricted to land slopes with a gradient of less than 15%.
3. Buildings should be positioned on the land to limit the amount of clearing of any remnant native trees or other native understorey vegetation, especially along the perimeter of the site.
4. Buildings should be setback at least 40 metres from the top of bank of any watercourse to protect riparian vegetation.
5. The maximum external wall height of any building shall be 5 metres, above natural ground level.
6. The roof of any building must be pitched or curved, in order to improve the visual interest / relief of the building. The roof pitch should be between 15° and 25°, except in cases where a certain roof profile or pitch is required for the specific proposed agricultural enterprise.
7. Any building as part of a new intensive livestock agricultural enterprise shall incorporate non-reflective building materials with muted green, mid to dark grey or brown coloured finishes, in order to minimise any potential adverse visual impact upon the rural landscape or scenic environmental quality of the surrounding locality, wherever practicable.

Note: Council may support a variation to this requirement where reflective building materials are necessary to ensure the welfare and health of any animals contained within the building, However, appropriate visual impact analysis will be required for any such building within a locality of high scenic environmental significance.

8. A schedule board of proposed external building materials and finishes / colours together with an A4 sized colour photocopy of the schedule board shall be submitted with the Development Application.

## 9 INTENSIVE HORTICULTURE

### 9.1 Objectives

- (a) To permit intensive horticultural activities only where potential land use conflicts with adjoining land uses are minimised.
- (b) To ensure the siting, design and external appearance of any building associated with an intensive horticulture is sympathetic with the rural landscape character and any scenic environmental qualities of the surrounding locality.
- (c) To ensure buildings are sited and designed taking into account the natural landform and topographical constraints and other inherent site constraints such as flooding or bush fire hazard risk and / or sites subject to slope instability.
- (d) To ensure buildings are sited and designed to minimise the loss of remnant native trees or other vegetation, wherever possible.

### 9.2 Development Controls

1. The erection of igloos and hothouses for the purposes of “intensive plant agriculture” is permissible upon land zoned Rural RU1 Primary Production, Rural RU2 Rural Landscape or RU4 Rural Small Holdings, subject to Council’s formal development consent.
2. The minimum site area for “intensive plant agriculture” shall be 2 hectares.

3. The minimum front building line setback for any hothouse or igloo structure shall be 20 metres or behind the building alignment of any dwelling-house upon the subject site, whichever is the greater.
4. The minimum side or rear setback distance for a hothouse or igloo shall be 30 metres, in order to maintain the amenity of any adjoining property and to provide satisfactory drainage from the hothouse or igloo and suitable buffer screen planting between the structure and the property boundaries of the site.
5. The provision of suitable buffer screen planting will be required along side rear property boundaries. These will be at least 3 metres wide and shall include native evergreen tree and shrub species which at maturity help to screen the development and to maintain the scenic environmental quality of the surrounding locality. The proposed planting regime shall be shown on the required Landscaping Plan to be submitted with the Development Application.
6. Any damaged sheeting on an igloo structure must be immediately repaired or replaced.

## 10 ROADSIDE STALLS

### 10.1 Objectives

- (a) To restrict roadside stalls to the display and retail sale of agricultural produce or hand crafted goods grown or produced only upon the subject site.
- (b) To permit a roadside stall only where it will not cause any potential adverse impact upon the safety and efficiency of the road, taking into account a range of factors, including traffic volumes and flows, proposed access and parking arrangements, sight line distances and potential traffic accidents.

### 10.2 Development Controls

1. Roadside stalls shall be restricted to the display for retail sale of any agricultural produce or hand crafted goods (or both) grown or produced upon the subject site only.
2. Roadside stalls are permissible upon land zoned RU1 Primary Production and RU4 Rural Small Holdings, under Wollongong Local Environmental Plan 2009. Roadside stalls are also permissible without formal development consent upon land zoned RU2 Rural Landscape. However, the maximum gross floor area for a roadside stall is 30m<sup>2</sup>.
3. Only one (1) roadside stall is permitted for any parcel of land or part of an overall landholding connected with the primary production enterprise.
4. Council will only permit a roadside stall upon land with frontage to any classified road (ie arterial or sub-arterial road) or local road where, in the opinion of Council, the roadside stall will not adversely impact upon the safety and efficiency of the road, taking into account the proposed access arrangements to / from the roadside stall, sight line distances and potential likelihood for motor vehicle accidents etc.
5. Roadside stalls must provide satisfactory car parking and access arrangements in accordance with the Car Parking Chapter contained in Part E of this DCP and any specific requirements of the RTA in the case of any classified road.

## 11 AQUACULTURE – POND BASED OR TANK-BASED AQUACULTURE

### 11.1 Integrated Development – Section 91 of the Environmental Planning & Assessment Act 1979 & Section 144 of the Fisheries Management Act 1994

1. The establishment and conduct of a pond – based or tank based aquaculture operation is permissible upon land zoned RU1 Primary Industry, RU2 Rural Landscape or RU 4 Rural Small Holdings, subject to Council's formal consent.
2. Water-based aquaculture is permissible with consent upon land zoned W2 Recreational Waterways.
3. Aquaculture developments are classified as Integrated Development under the provisions of Section 91 of the Environmental Planning & Assessment Act 1979 since permit approval is also concurrently required from the NSW Department of Primary Industries, under Section 144 of the Fisheries Management Act 1994.
4. The NSW Department of Primary Industries has a range of permit options for pond-based or tank based aquaculture, namely:-
  - (a) Class C Permit for Extensive Aquaculture – This permit is generally approved for constructed ponds and existing farm dams mainly used for stock watering or irrigation but not for water bodies connected to natural waterways. The Class C permit allows for the aquaculture of certain species outside their natural range as long as they do not escape to any waterway.
  - (b) Class D Permit for Intensive Agriculture – This permit is generally approved for constructed ponds, intensive tanks raceways, aquaria or floating cages but will not be issued for constructed farm dams.
  - (c) Class E Permit for Extensive multi-site Aquaculture – This permit generally allows aquaculture operations to be undertaken by individuals or companies on multiple properties leased (not owned) by the proponent.
  - (d) Class F Permit for Fishouts – Fishout facilities offer aquaculture farms opportunity to diversify activities and supplement farm income with tourism. Fishouts can be associated with an existing aquaculture operation or established as an adjunct to tourist facilities (eg farm stays).
  - (e) Class G Permit for Experimental Aquaculture – This permit allows the trialling of aquaculture sites, species and associated technologies to assess commercial and biological viability.
  - (f) Class H Permit for Hatcheries – This permit allows for the production of fingerlings and juveniles for on-growing in other aquaculture operations or for stock enhancement of waterways.
  - (g) Class I Permit for Charities – Charity permits authorise fishout operations where the proceeds accrued from the sale of fish are intended for charitable (non-profit) purposes.
5. A land based aquaculture project will require a licence from the NSW Department of Environment and Climate Change under the Protection of the Environment Operations Act 1997 (POEO Act) if it is listed in Schedule 1 – Schedule of EPA-licensed activities.

6. A proposed land or pond based aquaculture operation which proposes to extract water from a watercourse or Lake Illawarra will also require Integrated Development approval from the NSW Department of Water and Energy under the Water Management Act 2000.

## 11.2 Minimum site area for Tank or Pond based Aquaculture

### 11.2.1 Objective

- (a) To ensure aquaculture enterprises are of sufficient size to minimise potential conflicts with other land uses within the same rural / non-urban zone, especially rural residential land uses or any other land uses in adjoining zones.

### 11.2.2 Development Controls

1. The minimum site area for any pond – based or tank based aquaculture operation shall be 5 hectares.

## 11.3 Site selection criteria for Tank or Pond based Aquaculture

### 11.3.1 Objectives

- (a) To provide reliable and good quality water for tank or pond based aquaculture.
- (b) To encourage sustainable aquaculture practices.
- (c) To ensure the siting and design of any such aquaculture operation is sympathetic with the surrounding rural landscape.
- (d) To minimise any potential land use conflict between the aquaculture operation and other adjoining land uses, especially neighbouring dwellings not associated with the aquaculture operation.
- (e) To prevent tank or pond based aquaculture upon flood prone lands or lands containing acid sulfate soils.
- (f) To prevent tank or pond based aquaculture upon visually prominent locations such as ridgelines or hilltops.
- (g) To protect natural water bodies and existing aquatic vegetation and habitat for aquatic fauna.
- (h) To minimise the potential for escape of non-native aquaculture species to natural water-bodies.

### 11.3.2 Development Controls

1. The key criteria for the selection of a site for a proposed tank or pond based aquaculture are:
  - (a) Abundant, permanent and affordable supply of good quality water with no access restrictions;
  - (b) Tidal flushing time of less than 15 days (Estuarine or marine sites);
  - (c) A minimum 50m separation between infrastructure (except pipelines) and riparian zones;
  - (d) A preferred site elevation ranging between 2-10m AHD and slope of less than 2% (ponds using estuarine or marine waters);

- (e) The slope of land should be less than 5% (Freshwater ponds);
- (f) The site should be screened from neighbouring properties and or prominent vantage points with retention of remnant vegetation or through the provision of perimeter landscaping for a minimum 3 metre wide vegetation screen around the site;
- (g) A minimum 400 metre buffer distance between pond pumps and neighbouring dwellings not associated with the aquaculture operation;
- (h) A buffer of 200 metres of Recirculating Aquaculture System (if not in an industrial zone);
- (i) Suitable lot size to meet current production needs and any future potential expansion, taking into account the following (a) growing facilities - ponds and/or tanks (b) spawning and/or hatchery facilities/laboratory complex (c) cold storage and packing and possibly processing sheds (d) water storage tanks/dams (e) pond/tank water recycling and reuse facilities including storage dams (f) waste management facilities - mortalities, sludges, processing waste water, sewage, etc; (g) management and staff facilities (h) roadways, loading docks and carparks; and tourist facilities, if relevant; and
- (j) A suitable area available for the daily disposal of organic water.

### 11.3.3 Sites should not:

- (i) Be within a flood prone area;
  - (ii) Lower groundwater levels in areas of Acid Sulfate Soils;
  - (iii) Be located adjacent to or have the potential to impact upon conservation sites;
  - (iv) Contain or impact upon any recorded Aboriginal sites, places of cultural heritage significance to the Aboriginal community;
  - (v) Be visible from neighbours and/ or prominent vantage points; and
  - (vi) Impact upon or otherwise disturb native vegetation, especially riparian vegetation.
2. The above list is not exhaustive and reference should be made to the draft NSW Land Based Sustainable Aquaculture Strategy Department of Primary Industries.

## 11.4 Minimum separation distance

### 11.4.1 Objectives

- (a) To provide sufficient separation distance between an aquaculture operation and other adjoining land uses, in order to minimise potential conflicts between such land uses, especially neighbouring dwellings not associated with the aquaculture operation.
- (b) To provide sufficient separation distances between a tank or pond based aquaculture operation and any existing watercourse or water body, in order to minimise the potential escape of non-native aquaculture into the water body.

### 11.4.2 Development Controls

1. Any aquaculture operation shall have a minimum separation distance as per Table 7 below.

**Table 7: Minimum Separation Distances of Aquaculture Operations from Adjoining Land uses & Natural Watercourses/ water bodies**

Land Use	Minimum Separation Distance
Road frontage from site	Minimum 5 metres
Common side and rear property boundaries with adjoining rural properties	Minimum 5 metres
Adjoining Dwelling not associated with the facility	400 metres
Intensive Aquaculture Tanks from any Waterway (Permanent or Ephemeral)	200 metres
Outdoor Aquaculture Ponds from any Waterway (Permanent or Ephemeral)	200 metres

## 11.5 Location of Dams / Ponds Above the Floodplain

### 11.5.1 Objective

- (a) To restrict the location of aquaculture ponds to above any flood prone land, in order to minimise the potential escape of non-native aquaculture into any watercourse, lake or other water body.

### 11.5.2 Development Controls

- Any proposed Class C aquaculture operation shall be designed to ensure all dams / ponds are situated above the 1% Annual Exceed Probability (AEP) flood event level, in order to prevent the escape of stock from the dam / pond.
- Class D intensive aquaculture operation involving freshwater fish species or non-indigenous estuarine or marine fish species shall also be designed to guarantee that all ponds or intensive tanks are situated above the 1%AEP flood level.
- Only Class D aquaculture operations involving estuarine or marine fish species which are indigenous to NSW may be farmed on sites below the 1% AEP flood level, subject to case by case assessment by the NSW Department of Primary Industries as part of the assessment of any Integrated Development Application.
- Any proposed Class E extensive multi-site, Class F fishout or Class G experimental aquaculture operation shall be sited above the 1%AEP flood event level. Additionally, any Class H aquaculture hatchery shall also be sited above the 1%AEP flood event level.

## 12 CONSTRUCTION OF FARM DAMS

### 12.1 General

- The construction of any dam requires formal development consent, under Wollongong Local Environmental Plan 2009.
- Licensing may also be required from the NSW Department of Water & Energy under the Water Management Act 2000.

3. The NSW Department of Water & Energy uses the Strahler stream ordering method to determine the order of any watercourse. The Strahler system is explained as follows:
  - (a) Starting at the top of a catchment, any watercourse that has no other watercourses flowing into it is classed as a 1<sup>st</sup> order watercourse
  - (b) Where two 1<sup>st</sup> order watercourses join, the watercourse becomes a 2<sup>nd</sup> order watercourse;
  - (c) If a 2<sup>nd</sup> order watercourse is joined by a 1<sup>st</sup> order watercourse it remains as a 2<sup>nd</sup> order watercourse;
  - (d) Where two or more 2<sup>nd</sup> order watercourses join, they form a 3<sup>rd</sup> order watercourse;
  - (e) A 3<sup>rd</sup> order watercourse does not become a 4<sup>th</sup> order watercourse until it is joined by another 3<sup>rd</sup> order watercourse and so on.

## 12.2 Integrated Development – Licensing approval required from NSW Department of Water & Energy

1. The lodgement of an Integrated Development application pursuant to Section 91 of the Environmental Planning and Assessment Act 1979 is required if licensing approval is also necessary from the NSW Department of Water & Energy under the Water Management Act 2000 for a dam (or extension to an existing dam) involving any of the following circumstances:
  - (a) The dam exceeds the total Maximum Harvestable Right Dam Capacity (MHDRC) for the subject property; or
  - (b) The dam is located on a 3<sup>rd</sup> order watercourse, 4<sup>th</sup> order watercourse or greater order watercourse; or
  - (c) The dam is located on either a 1<sup>st</sup> order or 2<sup>nd</sup> order watercourse that has a permanent flow; or
  - (d) The dam is an off-stream structure that is neither a harvestable rights dam nor a special exempt dam under the Farm Dams Policy; or
  - (e) The dam intercepts groundwater from the groundwater table or perched water table in the underlying soil strata; or
  - (f) The dam is fed from a spring with a permanent flow.

### 12.2.1 Licensing Exemptions for Dams under the Water Management Act 2000

1. The separate licensing from the NSW Department of Water & Energy is not required for any farm dam built on hillsides and minor streams which capture up to a maximum 10% of the average regional rainfall runoff from the property. The total capacity of all dams on a property allowed under the harvestable right is called the Maximum Harvestable Right Dam Capacity (MHRDC). The MHRDC is based on 10% of the average regional rainfall runoff of the property taking into account the local evaporation rates and periods between rainfall replenishments.
2. Licensing is also not required for any farm dam with a capacity of up to 1 megalitre in size on a small property where the MHRDC is less than 1 megalitre but where the property was approved for subdivision before 1 January 1999.
3. Farm dams constructed prior to 1 January 1999 are also exempted from licensing requirements.

### 12.2.2 Other Dams Exempt from Harvestable Right Calculations but require consent from the NSW Department of Water & Energy

1. The following dams are exempt from the Harvestable Right Calculations but may still require the formal consent from the NSW Department of Water & Energy:
  - (a) **Dams for the control or prevention of soil erosion (gully control structures)** - where no water is reticulated or pumped from the dam and the size of the dam structure is the minimum required to fulfil the erosion control function;
  - (b) **Dams for flood detention and flood mitigation purposes** – provided no water is reticulated or pumped from these dams and the dams are used as temporary water storages during and immediately after flood events;
  - (c) **Dams for the capture, containment and recirculation of drainage and / or effluent** – dams which are designed to best management practice or are required by regulation to prevent the contamination of a water source;
  - (d) **Dams endorsed by the Department of Water & Energy for specific environmental management purposes** – any such dam requires written exemption from the NSW Department of Water & Energy prior to the commencement of any dam works;
  - (e) **Dams without a catchment** – The main types of dams in this category include Turkey nest dams and ring tanks which are designed primarily for the storage of water and are generally replenished by pumping from rivers and / or the groundwater table. However, the pumping of water from rivers and / or the groundwater table requires separate formal approval from the NSW Department of Energy & Water.

## 12.3 Construction requirements for dams

### 12.3.1 Objectives

- (a) To ensure all dams are properly designed and constructed to guarantee the long term structural integrity of the dam wall embankment and spillway structure.
- (b) To ensure all dams provide suitable spillway structures, to achieve an adequate freeboard within the dam and to ameliorate any potential overtopping of the dam wall.
- (c) To minimise any potential downstream run-off impacts upon the watercourse and / or downstream properties from the dam spillway structure.
- (d) To ensure any dam with a dam wall height of 5 metres or more and / or a storage capacity of greater than 50 megalitres is referred to the NSW Dams Safety Committee for appropriate review.

### 12.3.2 Embankment

1. The slope of the upstream embankment batters generally must be no steeper than the ratio of 3 horizontal to 1 vertical, while the downstream batter must be no steeper than 2.5 horizontal to 1 vertical. However, if the dam is within 100 metres of a dwelling and is not fenced, then the upstream batter must not be steeper than 6 horizontal to 1 vertical. Further, the slope of the dam embankments may also be contingent upon the proposed embankment height and the material to be used in the dam embankment as well as the intended storage depth and capacity of the dam.



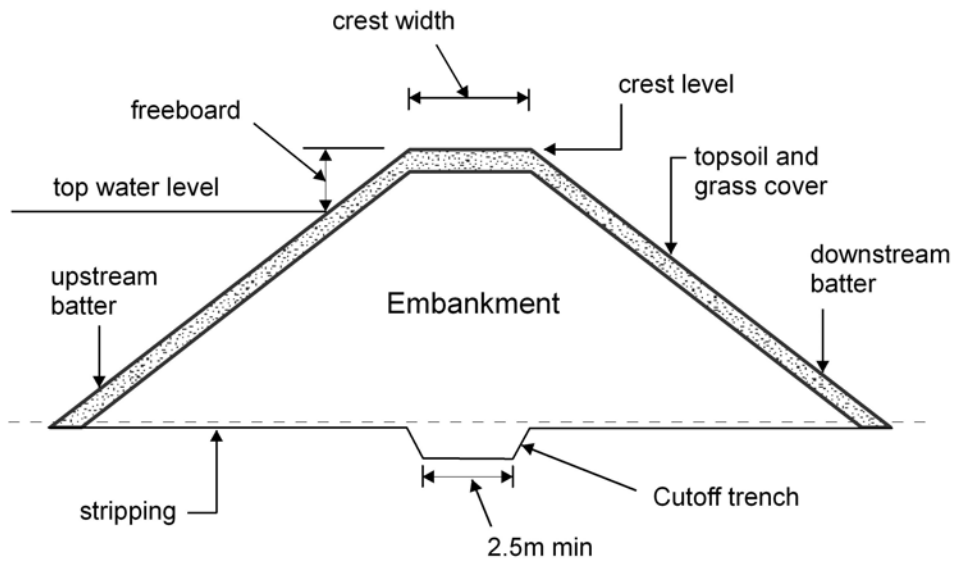


Figure 2: Dam Cross-section

### 12.3.3 Clay Core for Embankment

1. A clay core may be required if there is insufficient material at the excavation area to build a homogeneous clay embankment. The clay core is designed to provide an impermeable barrier and the balance of the rock or earth material is used to provide the structural stability of the dam. The clay core can be located between more permeable material or it may be constructed at either the water (upstream) or non-water (downstream) face.

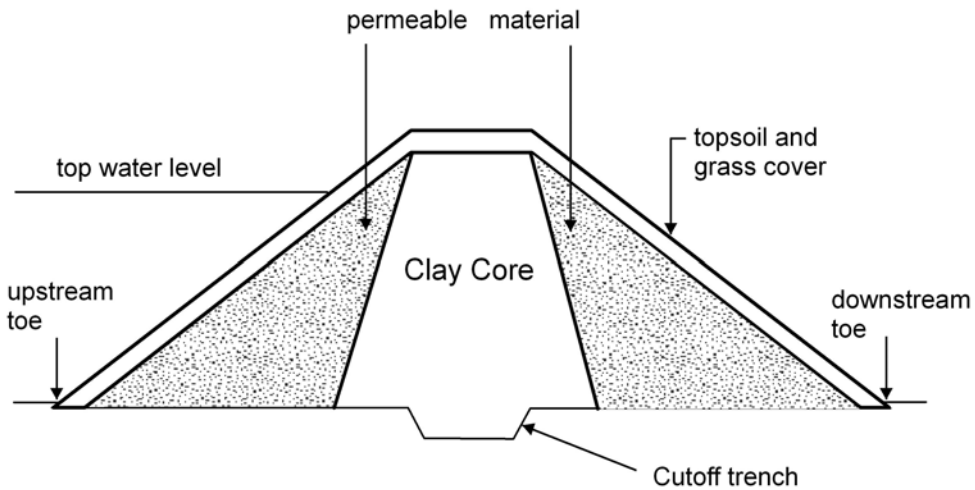


Figure 3: Central Clay core

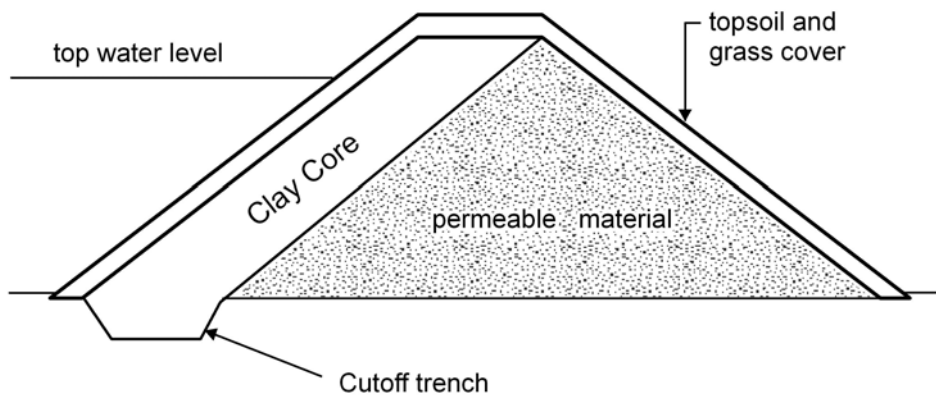


Figure 4: Upstream Clay core

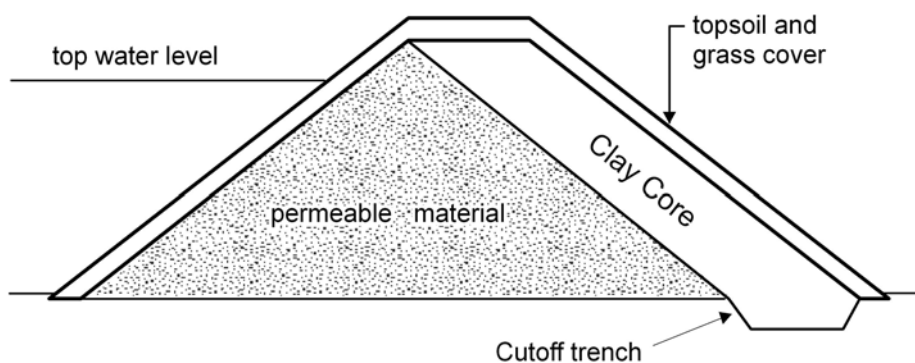


Figure 5: Downstream Clay core

### 12.3.4 Crest Width

1. The width of the dam crest shall be a minimum of 3 metres for a 3 metre high dam wall. The crest width of the dam should increase in width by 0.5 metres for every metre greater than 3 metres in height.

### 12.3.5 Freeboard

1. The freeboard is the height of the embankment above top water level (or spillway level). The minimum freeboard for a dam wall shall be 1 metre. The freeboard should increase by 10% every additional metre above a 3 metre wall height.

### 12.3.6 Spillway Structure

1. A spillway structure is required all on dams to enable surplus runoff to pass around the dam wall, in order to prevent any water overtopping of the dam wall. The spillway structure must be designed to divert any surplus water above the freeboard level.

2. The spillway structure must be a minimum of 3 metres in width increasing in size, depending upon the size of the dam and the catchment. The width of the outlet should not be less than the width of the inlet width to the dam.
3. The spillway structure is not to direct flows onto the downstream toe of the embankment. The spillway structure may be either turfed, concrete – lined, cut into stable rock or made of gabions, depending upon the size of the dam catchment and the nature of the geology of the site.
4. The spillway cut batter should have a maximum steepness of 2.5 horizontal: 1 vertical.
5. A small diameter pipe is required to be installed through the embankment where spring flows or small flows of long duration occur to ensure that the spillway does not erode.

#### **12.3.7 Cut-off Trench**

1. All dams are required to include a cut-off trench. The cut-off trench is to be constructed along the entire length of the base of the dam embankment at a minimum width of 2 metres or 1.5 times the height of the dam, whichever is the largest. The trench should be excavated at least 1 metre into impervious soil and backfilled and compacted with impervious material.
2. The cut-off trench is used to prevent leakage caused by water escaping beneath the embankment.

#### **12.3.8 Downstream run-off from spillway structure**

1. Any downstream runoff from the spillway structure must be controlled in order to minimise any adverse run-off or scouring impacts upon downstream neighbouring properties.

### **12.4 Dams Safety Committee requirements**

1. Any Development Application for a dam with a dam wall height of 5 metres or more and / or a storage capacity of greater than 50 megalitres will be required to be referred to the NSW Dams Safety Committee for the Committee's determination as to whether the dam will be prescribed under the Dams Safety Act 1978.