

Part 7 Rural development

Explanatory outline

Part 7 specifies outcomes, design guidelines and other requirements relating to development in rural areas. There are separate sections for each of the following matters:

7a Rural development - general

7b Rural dwellings

7c Rural industry & intensive agriculture

Note: see also the following parts for requirements specific to these activities which may occur in rural zones:

8a Tourist & visitor accommodation

8c Wind energy systems

8d Extractive Industry

7a Rural development - general

Explanatory outline

Section 7a specifies outcomes, design guidelines and other requirements relating to development in rural areas generally. The following matters are covered:

- siting considerations
- general building design
- building height
- building setbacks
- building materials
- farm buildings
- basic amenities for farm buildings
- bushfire
- groundwater
- riparian land
- access and car parking
- water supply
- on-site sewerage management
- telecommunications and electricity

7a Rural development - general

7a.1 Application of this Part

This section applies to development described in Column 1 when carried out on land described in Column 2.

Column 1: Type of development	Column 2: Applicable land
<p>Any development that requires development consent.</p> <p>Does not apply to proposals for which a complying development certificate is sought under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. (particularly the 'Inland Code')</p>	<p>Land within the following zones:</p> <ul style="list-style-type: none"> • RU1 Primary Production • RU3 Forestry • RU4 Primary Production Small Lots • C3 Environmental Management.

7a.2 Relevant planning instruments & legislation

The following environmental planning instruments or other legislation are relevant to development to which this section applies:

- *Upper Hunter Local Environmental Plan 2013*
- *State Environmental Planning Policy (Primary Production) 2021*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, particularly Part 3D Inland Code*

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

7a Rural development - general

7a.3 Definitions

There may be words used in this Part that are defined in the *Environmental Planning and Assessment Act, 1979*, as amended, or within *Upper Hunter Local Environmental Plan 2013*, as amended. The Dictionary to this DCP provides additional definitions that are relevant to this Part.

7a.4 Objectives

The objectives of this section are to:

1. ensure building design that is compatible with the rural character of the area and does not detract from the natural or rural setting of the site
2. ensure that development is sympathetic to the environmental qualities and environmental capability of the land
3. ensure that development respects the scenic qualities of the site and the local area
4. minimise the disturbance of land and preserve natural landforms
5. ensure that developments have adequate regard for site topography
6. ensure development does not adversely impact on natural resources and ecological processes
7. ensure that rural development is located to minimise visual and acoustic impacts on public places and sensitive land uses
8. ensure development incorporates measures to to avoid or mitigate natural hazards
9. ensure rural development is appropriately serviced.
10. encourage the use of building materials that are energy efficient, non-harmful and environmentally sound.

7a.5 Supporting plans & documentation

Development applications that are subject to this section should be supported by the following plans and documentation.

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Buffer areas & separation distances	All applications	A plan showing the location of the proposed development and property boundaries, and distances to adjoining and nearby agricultural, industry or resource developments (refer to section 11i Buffer areas & separation distances)
C. Additional information relating to a specific type of rural development	More specific information may be required for particular types of rural development.	Include the matters required under relevant sections (refer to section 7b Rural dwellings and 7c Rural industry & intensive agriculture).
D. Sustainability assessment	A development with a development footprint of 1,500 square metres or greater	Report, prepared by a suitably qualified professional, addressing the requirements of part 1h Sustainability .
E. Servicing strategy	All applications	Provide evidence of satisfactory arrangements for the provision of the following services to the development: <ul style="list-style-type: none"> • water supply – including domestic water supply, fire fighting provisions and any supply licensed under the <i>Water Management Act 2000</i>

7a Rural development - general

Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> • sewerage disposal (see part 11g On-site Waste Management) • electricity • telecommunications. • waste removal. Please discuss site-specific requirements with council officers.
F. Shadow diagram	Applications that potentially involve overshadowing of the proposed development, or of adjoining or nearby development, in the opinion of Council.	A plan illustrating: <ul style="list-style-type: none"> • extent of shadows cast by existing and proposed buildings, including buildings on adjoining land. • position of existing and proposed buildings on the site. • shadows cast by existing and proposed buildings at the winter solstice (22 June) for 9am, 12noon and 3pm.
G. High glare building materials	Applications involving the use of high glare building materials	A report and plan showing the alternative options considered in the design process, orientation of the buildings/proposed material, the roof pitch, sun angles, the location of properties and public places that may be affected by glare either in the immediate vicinity or within a wider area likely to be affected, and any measure to be incorporated into the works to mitigate any potential impacts (for example, landscaping, screens and the like).
H. Soil & water management plans or reports	Applications for which soil and water management plans or reports are required (refer to section 11f Soil & water management)	Prepare applicable soil and water management plans or reports, as specified in section 11f Soil & water management . These could include: <ul style="list-style-type: none"> • cut and fill details. • erosion and sediment control plan (ESCP) • erosion and sediment control strategy (ESCS) • soil and water management plan (SWMP) • comprehensive water cycle strategy (CWCS).
I. Geotechnical hazard & salinity assessment	Applications potentially subject to geotechnical hazards (refer to section 10c Geotechnical hazard)	Include the matters required under section 10c Geotechnical hazard .
J. Flooding information	Applications that relate to flood prone land	Include the matters required under section 10a Floodplain management .
K. Bushfire assessment report	Applications that relate to Bush Fire Prone Land	Prepare a Bushfire Assessment Report in accordance with the current version of <i>Planning for Bush Fire Protection</i> , as specified in section 10b Bushfire risk
L. Native vegetation clearing threshold report	All applications involving clearing or likely future clearing of native vegetation (unless subject to a vegetation permit)	Include the matters required under section 11b Biodiversity conservation .

7a Rural development - general

Item	When required	Plans or information to be provided
M. Biodiversity (flora & fauna) assessment report	Applications that relate to land with high biodiversity values, or that require significant disturbance or removal of native vegetation or potential habitat for native species, including listed threatened species or their habitats, or ecological communities or populations (refer to section 11b Biodiversity conservation).	Include the matters required under section 11b Biodiversity conservation .
N. Vegetation (including trees)	For circumstances as specified in Section 14a.7 Vegetation permits OR For proposals directly or indirectly affecting vegetation, including ancillary vegetation clearing that are specified in Pt 11a (Vegetation including trees)	Include the matters required under: <ul style="list-style-type: none"> section 11a Trees (including vegetation) OR <ul style="list-style-type: none"> Pt 11a (Vegetation including trees)
O. Acoustic assessment report	Applications involving the potential for noise impacts on adjoining development, OR For developments: <ul style="list-style-type: none"> adjoining a rail corridor within the vicinity of Scone Memorial Airport (as specified in Pt 13d Scone Memorial Airport) or for new residential and noise sensitive building developments with a clear line-of-sight to a busy road corridor and/or the Scone Bypass 	Include the matters required under section: <ul style="list-style-type: none"> 11i Buffer areas 13d Scone Memorial Airport 13f Scone Bypass as relevant. The report must be prepared by a relevant qualified and experienced professional and must contain the requirements as set out in either/or (as relevant to the application): <ul style="list-style-type: none"> Department of Planning, 2008. <i>Development Near Rail Corridors and Busy Roads – Interim Guideline</i> <i>NSW Noise Policy for Industry (2017)</i> (or any subsequent updated reference document).
P. Traffic impact assessment	Applications likely to have a significant impact on traffic generation	Include the matters required under part 12a Access & vehicle parking . Actual requirements will depend on the expected level and type of traffic generation.
Q. Heritage, aboriginal cultural heritage or archaeological plans & reports	Applications that will potentially impact on land that is listed as or contains: <ul style="list-style-type: none"> a heritage item a heritage conservation area an archaeological site an Aboriginal object an Aboriginal place of heritage significance. 	Include the matters required under section 9a Aboriginal Cultural Heritage and/or 9b Heritage conservation .

7a Rural development - general

7a.6 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

These criteria are applicable to **all** rural development applicable to this part. There are **additional** requirements for the following in subsequent parts: **7b Rural dwellings** and **7c Rural industry & intensive agriculture**.

This section is structured in the following way:

A	Siting considerations, buffer areas and separation distances
B	General building design
C	Building height
D	Building setbacks
E	Building materials
F	Farm buildings
G	Basic amenities for farm buildings
H	Biodiversity and vegetation (including trees)
I	Bushfire
J	Flood prone land
K	Groundwater
L	Riparian land
M	Access & car parking
N	Water supply
O	On-site wastewater management
P	Rural addressing
Q	Telecommunications & electricity

Outcomes to be achieved

A. Siting considerations, buffer areas and separation distances

- The development is located on a property of sufficient size to accommodate the landuse without unacceptably impacting on adjoining properties, and in doing so meets the provisions of section 11i **Buffer areas & separation distances**.
- The proposal should not significantly reduce the agricultural productivity of any Biophysical Strategic Agricultural Land identified by the *Upper Hunter Strategic Regional Land Use Plan* (NSW Department of Planning and Infrastructure, September 2012) or equivalent land identified in any updates,

Design guidelines

- Development should be sited in areas with the least topographical constraints (that is, not on steep slopes).
- Development should minimise cut and fill and buildings can be stepped with the slope of the land, in accordance with part 11f **Soil and water management**.

7a Rural development - general

Outcomes to be achieved

Design guidelines

for example the Department of Primary Industries' draft *State Significant Agricultural Land (SSAL) map*.

This should be based on a consideration of:

- (a) Impacts on the land through surface area disturbance and subsidence;
- (b) Impacts on:
 - (i) soil fertility
 - (ii) rooting depth, or
 - (iii) soil profile materials and thicknesses;
- (c) Increases in land surface microrelief or soil salinity, or significant changes to soil pH, and
- (d) Impacts on Highly Productive Groundwater.
- The proposal should have no significant impacts on any '**critical industry cluster**' identified by the *Upper Hunter Strategic Regional Land Use Plan* (NSW Department of Planning and Infrastructure, September 2012) through:
 - (a) surface area disturbance,
 - (b) subsidence,
 - (c) reduced access to agricultural resources,
 - (d) reduced access to support services and infrastructure,
 - (e) reduced access to transport routes, or
 - (f) loss of scenic and landscape values
- A suitable separation distance is provided between the development and nearby agricultural or other operations, in accordance with section 11i **Buffer areas & separation distances**.
- Development responds to the site topography.
- All buildings are sited on land identified as being suitable for construction and free from geotechnical hazards, contamination, flooding and bushfire risk and biodiversity considerations.
- The privacy of and views from neighbouring dwellings is reasonably retained.

B. General building design

- Development is consistent with the rural character of the area, including roof pitch, colours, materials, textures and window placement.
- The privacy of neighbouring dwellings is reasonably retained.
- Views from neighbouring dwellings is not reasonably obstructed.
- All structures are designed having consideration to:
 - the topography and landscape features of the site.
 - energy efficiency.
 - any hazards, in accordance with **Part 10 Natural Hazards**.
- Particular consideration is given to building location, form, colour and construction materials.
- For **development with a development footprint of 1,500 square metres or greater**:
 - All external finishes shall be of tones similar to those inherent in the landscape. Generally all buildings, ancillary structures, including sheds, garages and water tanks are to be of natural earthy colours in the mid tonal range or darker and are to be of a non-reflective finish.

7a Rural development - general

Outcomes to be achieved

Design guidelines

- Buildings are to provide a roof plane facing north or west with a minimum dimension of 3m by 2m to allow for future rooftop photovoltaic system installation(s).

(NB this is also specified in **Part 1h Sustainability Table 1: Sustainability analysis considerations**)

C. Building height

- The height of all buildings and structures respects the rural character of the area.
- The roof line of the building does not protrude above the natural ridge or tree lines when viewed from public areas and roads.

Note: building height controls are specified in Upper Hunter LEP 2013 clause 4.3 and associated series of Maps 'Height of Buildings'.

D. Building setbacks

- Rural buildings should respect the rural amenity of the area.
- Rural buildings are sited such that they are not impacted by dust generated from unsealed public roads.
- Buildings are set back to roads and side and rear boundaries as shown in **Table 1: Minimum Structure Setbacks - Rural and Environmental Management Zones**

Table 1: Minimum Structure Setbacks - Rural and Environmental Management Zones

Zone	Road Frontage	Side/Rear minimum setback
RU1 Primary Production	50 m to bitumen sealed road	30 m
RU4 Primary Production Small Lots	100 m to unsealed road	
C3 Environmental Management	50 m to bitumen sealed road 100 m to unsealed road	30 m

Outcomes to be achieved

Design guidelines

E. Building materials

- Building colours and materials do not result in adverse visual impacts to road users or nearby properties.
- Building colours and materials blend in with and do not dominate the surrounding landscape.

- Use natural colours, muted and earth tones for large surfaces including walls and roof.
- Avoid use of highly reflective glass, metal cladding and plastics on the exterior of buildings to prevent glare nuisance to surrounding properties. Use factory pre-coloured materials with low reflective properties.

F. Farm buildings

- Farm buildings do not dominate the rural landscape.

- Farm buildings and structures shall be set back a minimum of 50 metres from a dwelling on an adjoining

7a Rural development - general

Outcomes to be achieved

Design guidelines

property and from a natural waterbody.

- Farm buildings should not be located on prominent ridgelines or knolls or close to property boundaries.
- The design of farm buildings should be in keeping with the character and design of typical rural buildings in the area.

G. Basic amenities for farm buildings

- Farm buildings should not incorporate any internal partitions or amenities that could be adapted for residential use.
- An amenities outbuilding consisting of a toilet, tub/hand basin and shower may be permitted in a separate outbuilding not attached to the farm building and having an area of up to approximately 10 square metres.
- Where an amenities outbuilding is provided, the development must consider the provision of section **11g On-site waste water management**. The system is installed and fully operational prior to use of the amenities.
- The amenities outbuilding is located clear of any likely site flooding
- A rainwater storage tank with a minimum storage capacity of 20,000 litres is provided

H. Biodiversity and vegetation (including trees)

- The development meets the provisions of parts **11a Vegetation (including trees)**, **11b Biodiversity conservation** and **14a Vegetation permits**
- The spread of weed species is minimised

I. Bushfire

- The development considers the provisions of section **10b Bushfire risk**.

J. Flood prone land

- Development on flood prone land considers the provisions of part **10a Floodplain management**

K. Groundwater

- The development considers the provisions of section **11d Groundwater protection**.

L. Riparian land

- The development considers the provisions of section **11c Riparian land & watercourses**.

M. Access & car parking

- The development considers the provisions of section **12a Access & vehicle parking**.
- Direct two-wheel drive all-weather access is provided from the site to a public road.
- Rural property accesses shall be designed to comply with:

7a Rural development - general

Outcomes to be achieved

Design guidelines

- Council's current specification for *Rural Property Access – Standard Drawing RPA-001*
- *Planning for Bushfire Protection*
- *Managing Urban Stormwater – Soils and Construction – Vol 2C Unsealed Roads*
- Entry gateways/grids are set back from the front boundary and fence splayed to allow vehicles to pull up off the public road carriageway.
- New access driveways do not compromise the safety of road users.
- The environmental impacts and ongoing maintenance costs of access roads and driveways are minimised.
- Access driveways connecting with a sealed road are sealed from the existing road seal to the boundary alignment (boundary of road reserve) to minimise gravel being deposited on the road surface.
- Internal access roads may require a two coat dust seal surface treatment in circumstances where there is likely to be an adverse impact on adjoining land uses or environmentally sensitive areas (for example, waterways, wetlands).
- Rural property accesses and internal roads are designed so that sediment laden stormwater run-off does not discharge down the access road and onto public roads or cause soil erosion and sedimentation. The development considers the requirements of section **11f Soil & water management**.

N. Water supply

- The development is provided with a suitable water supply, if relevant.

Note: requirements for water supply for dwellings are included at section 7b Rural dwellings.

O. On-site wastewater management

- The development considers the provisions of section **11g On-site waste water management**, if relevant.

P. Rural addressing

- Properties are to be provided with suitable identification as per Council's Rural Addressing system.

Q. Telecommunications & electricity

- The development is provided with a suitable telecommunications and electricity supply if relevant.

7b Rural dwellings

Explanatory outline

Section 7b outlines assessment criteria for rural dwellings. These criteria are *in addition to* those in section **7a Rural development - general**. The following matters are covered:

- siting near major roads or railway
- general building design
- water supply
- on site sewerage management
- solid waste management
- rural dual occupancy and secondary dwellings
- rural workers' dwellings
- relocated dwellings
- ancillary structures such as garages and fences
- temporary occupation of farm buildings
- temporary occupation of caravans during dwelling construction.

Note: these criteria do not apply where approval is sought by way of a complying development certificate under *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Inland Code) 2018*. In such cases, the criteria under that SEPP will apply instead.

7b Rural dwellings

7b.1 Application of this section

This section applies to development described in Column 1 when carried out on land described in Column 2.

Column 1: Type of development	Column 2: Applicable land
<ul style="list-style-type: none"> • dwelling houses (including relocated dwellings) • dual occupancies • rural workers' dwellings • secondary dwellings. 	Land within the following zones: <ul style="list-style-type: none"> • RU1 Primary Production • RU4 Primary Production Small Lots • C3 Environmental Management

Does not apply to proposals for which a complying development certificate is sought under *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Inland Code) 2018*

7b.2 Relevant planning instruments & legislation

The following environmental planning instruments or other legislation are relevant to development to which this section applies:

- *Upper Hunter Local Environmental Plan 2013*
- *Local Government Act 1993*
- *State Environmental Planning Policy (Primary Production and Rural Development) 2019*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, particularly Part 3D Inland Code*

7b Rural dwellings

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

7b.3 Objectives

The objectives of this section are to:

1. ensure dwellings are compatible with the rural character of the area
2. ensure suitable amenity is provided to dwellings adjacent to major roads and railways
3. ensure relocated dwellings respect and enhance the overall amenity and character of the area in which they are to be located
4. ensure that the design and siting of rural housing incorporates environmentally sustainable and energy efficient principles

These objectives are *in addition* to those specified in section **7a Rural development - general**.

7b.4 Supporting plans & documentation

Development applications that are subject to this section should be supported by the following plans and documentation.

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Rural development – general requirements	All applications	All relevant requirements specified in section 7a Rural development - general .
C. BASIX Certificate	All applications where relevant	Refer to <i>UHSC Application Guide</i> regarding BASIX certificates and also to the on-line assessment at www.basix.nsw.gov.au
D. Rural workers' dwelling report	Applications for rural workers' dwellings	<p>A report and plans demonstrating:</p> <ul style="list-style-type: none"> • that the existing or future uses of the land are of a nature and scale that will require the ongoing employment of additional rural workers on a permanent or seasonal basis. A Business Plan demonstrating this need should be submitted. • that the nature of the existing or future uses of the land is such that, if workers would be required to live off-site, there would be a significant adverse impact to the relevant agricultural or rural industry. • that the number of proposed rural worker's dwellings is compatible with the nature and scale of existing or future uses of the land,. • that the proposed dwelling will be located on the same lot as the principal residence and share a common access to a public road.
E. Relocated dwelling report	Applications for re-located dwellings	<p>A report and appropriate plans indicating:</p> <ul style="list-style-type: none"> • a description of the dwelling to be moved • the location of the dwelling at present and its age

7b Rural dwellings

Item	When required	Plans or information to be provided
		<ul style="list-style-type: none"> • photographs of each elevation of the building at its current address • dimensioned elevation drawings • the location to which the building is to be moved • details and specifications of all new work including footings, repairs, alterations, renovations and the installation of services • schedule of existing building materials and condition • details of termite protection, bracing and tie down • A report from a qualified structural engineer: <ul style="list-style-type: none"> - certifying that the existing building is able to withstand the wind loads and specifying any additional wind bracing and tie-down necessary to ensure the structural integrity of the relocated dwelling. This is only required where the dwelling is to be relocated into an area of high wind velocity i.e. N2, N3, AS 4055-Wind Loads for Housing. - specifying the proposed method of rejoining the various sections of the structure. - specifying whether any dilapidated or rotted structural members or cladding is to be replaced. - specifying the method of support of any existing concrete floor/s within the building. - certifying that the existing building is able to be relocated.

7b.5 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

These requirements are *in addition to* those in part **7a Rural development - general**.

7b Rural dwellings

The section is structured in the following way:

Rural dwellings generally	
A	Siting
B	General building design
C	Water supply
D	On site wastewater management
Secondary dwellings	
E	Siting of secondary dwellings
Rural workers' dwellings	
F	Design of Rural workers' dwellings
Temporary occupation of farm buildings	
G	Temporary occupation of farm buildings
Relocated dwellings	
H	Relocated dwellings
Ancillary buildings & structures	
I	General design considerations

Outcomes to be achieved

Design guidelines

Rural dwellings generally

Note: these requirements are in addition to those in section **7a Rural development - general**.

A. Siting

- Setbacks meet the minimum requirements under Table 1: Minimum Structure Setbacks - Rural and Environmental Management Zones.
 - Dwellings are sited such that the impact of dust generated from unsealed public roads is minimised.
 - The siting of dwellings adjacent to a rail corridor or the New England Highway takes into account the proximity of the railway or highway and associated acoustic and visual issues
- Setback from intermittent or permanent watercourses is 50 m.

Note: see also SEPP (Transport and Infrastructure) 2021 and Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning, 2008).

B. General building design

Note: these requirements are in addition to the building design issues specified in section **7a Rural development - general**.

- Habitable buildings are designed in accordance with solar design and energy efficiency principles.
 - Dwellings are constructed of materials that are compatible with the bush fire risk (refer to section **10b Bushfire risk**).
- Dwellings should be designed to locate living rooms to take advantage of winter solar radiation whilst minimising the extent that summer solar radiation enters windows on the northern and western facades of the buildings.
 - Verandas (including front and side where appropriate) are encouraged, with the depth of verandas in proportion to the main building.
 - All external finishes for dwellings should be of tones similar to those inherent in the landscape. Generally all buildings,

7b Rural dwellings

Outcomes to be achieved

- The scale, form and external finish of buildings recognises the rural vernacular style of country dwellings.

Design guidelines

ancillary structures, including sheds, garages and water tanks are to be of natural earthy colours in the mid tonal range or darker and are to be of a non-reflective finish.

C. Water supply

- Each dwelling is provided with roof water storage tank(s) having a capacity of not less than 100,000 litres. This water may be used principally for domestic and potable use but may encompass water storage tanks dedicated for fire fighting purposes.
 - Each dwelling is to provide water storage dedicated for fire fighting purposes and access to that water as required by Planning for Bush Fire Protection 2006.
- Guidance on the relevant size of water tanks for domestic and potable use can be found in *Guidance on Use of Rainwater Tanks* (Commonwealth of Australia, 2011)

D. On site wastewater management

- The development considers the provisions of section 11g On-site waste water management.

Secondary dwellings

E. Secondary dwellings

Note: provisions regarding secondary dwellings are specified in Upper Hunter LEP 2013 clause 5.5 'Controls relating to secondary dwellings on land in a rural zone' which specifies that:

- The total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is greater-*
 - 60 square metres, or
 - 50% of the total floor area of the principal dwelling, and
 - The distance between the secondary dwelling and the principal dwelling must not exceed 100 metres.*
- Secondary dwellings should:
 - be on the same lot as the principal dwelling.
 - share a common access with the principal dwelling.
 - be behind the building line of the principal dwelling to a public road

Rural workers' dwellings

F. Design of rural workers' dwellings

Note: provisions regarding rural workers' dwellings are specified in Upper Hunter LEP 2013 clause 4.2C Erection of rural workers' dwellings in Zone RU1 and Zone RU4.

- The number and design of proposed rural workers' dwellings is compatible with the nature and scale of existing or future uses of the land,.
- Rural workers dwellings should only be provided where there is a genuine need to accommodate a rural worker by reason that:
 - the existing or future uses of the land are to be of a nature and scale that will require the ongoing employment of additional rural workers on a permanent or seasonal basis; and
 - the nature of the existing or future uses of the land is such that, if workers would be required to live off-site, there

7b Rural dwellings

Outcomes to be achieved

- Rural workers' dwellings must share a common access to a public road with the principal dwelling or other existing dwellings on the site.
- The design of rural workers' dwellings is compatible with surrounding development and the rural character and scenic qualities of the area.

Design guidelines

would be a significant adverse impact to the relevant agricultural or rural industry

Temporary occupation of farm buildings

G. Temporary occupation of farm building

- Occupation of a farm building can only occur where a development application for a permanent dwelling on the land has either been approved, or will be considered in conjunction with a development application for the use of a farm building for habitable uses.
- The farm building must be constructed/upgraded such that it meets the requirements of a Class 1 Building under the Building Code of Australia and has the following:
 - electricity and communications
 - a permanent water closet connected to an approved on-site sewerage management system
 - a suitable potable water supply
 - fire protection in terms of water supply, access and asset protection zones as required under 'Planning for Bushfire Protection 2006' and AS3959-2009 - Construction of buildings in Bushfire Prone Areas.
- Occupation is restricted to the intended occupants of the dwelling.
- The period of occupation does not exceed twelve months from the agreed date of commencement.
- Occupation ceases upon completion of the permanent dwelling or the approval expiry, unless Council has reviewed the time period at the end of 6 months in light of progress being made towards completion of the dwelling.
- Temporary dwellings shall comprise buildings that can be easily adapted to a compatible non-habitable use upon expiration of the period for temporary habitation

Relocated dwellings

H. Relocated dwellings

- The appearance of a relocated dwelling is compatible with or complementary to the existing streetscape, character and standard of surrounding development in the area.
- The appearance of a relocated dwelling is in keeping with the likely standard of future new development in the locality.
- It may be necessary to add to the building or change the design of the proposed relocated dwelling. For example, a flat roof may have to be replaced with a pitched roof or a verandah/awning may be attached to enhance or add character to the relocated dwelling so that it is compatible with the existing streetscape or the character of an area.
- External finishes are required to be compatible or complementary to surrounding development and the established character of the area. All external surfaces are to

7b Rural dwellings

Outcomes to be achieved

- Relocated dwellings are in a sufficiently safe and pest free condition

Design guidelines

- be repainted. Within areas predominantly brick veneer, finish with a tiled roof may be required.
- Prior to the building being relocated, all materials containing asbestos are to be removed and disposed of in accordance with AS2601-2001 The Demolition of Structures.
- Evidence must be given that the structure is not affected by pests
- All zincalume or galvanised surfaces are to be removed or the sheets must be painted or replaced with corrugated Colorbond sheets.
- Flat fibre cement sheeting is to be removed and replaced with an approved external cladding.
- Any defective, deteriorated or otherwise damaged materials, structural components or cladding are to be replaced.
- Where there is an existing concrete floor within the building, the slab is to be demolished.
- Rejoining local bearing structural members by use of a cleat or fish plate connection is unacceptable in most circumstances.
- Existing water supply pipes, house drainage pipes and fittings may be reused provided that:-
 - the system complies with the current standards; and
 - a pressure test is carried out by a licensed plumber and any defective pipes and fittings are repaired or replaced prior to connection to the water supply or sewerage system.

Note: the applicant will be responsible for any damage occasioned to Council or private property and is to ensure that the building is placed on site and completed in accordance with the approval.

Note: the applicant is to ensure that all additional approvals, particularly relating to the transportation of the building, as required by other authorities are obtained prior to the relocation of the building. These authorities include Roads and Maritime Services, NSW Police and the relevant electricity supply authority.

Ancillary buildings & structures

- *Note that these requirements do not apply where State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Inland Code) 2018 applies*

I. General design considerations

- The siting and design of any ancillary residential structure considers likely impacts on adjoining and nearby development, including:
 - structural stability
 - visual impact
 - overshadowing
 - materials and colours
 - heritage considerations
 - impact on stormwater or flooding.

Proposed development should consider all relevant aspects of this DCP.



7c Rural industry & intensive agriculture

Explanatory outline

Section 7c outlines assessment criteria for rural industries, intensive agriculture and related types of development. These requirements are in addition to those in section **7a Rural development - general**.

The following matters are covered:

- siting and adjoining land
- loading and unloading facilities
- vehicle access and parking.

These requirements are *in addition to* those in part **7a Rural development - general**.

7c Rural industry & intensive agriculture

7c.1 Application of this section

This section applies to development described in Column 1 when carried out on land described in Column 2.

Column 1: Type of development

- rural industry, including:
 - agricultural produce industries
 - livestock processing industries
 - sawmill or log processing industries
 - stock and sale yards
- intensive livestock agriculture
- intensive plant agriculture
- animal boarding or training establishments.

Column 2: Applicable land

Any land

Note: development comprising 'industry' and 'light industry' (not being a 'rural industry'), and any development in IN1 and IN2 zones is dealt with at **Part 6 Industrial development**.

7c.2 Objectives

The objectives of this section are to:

1. promote and encourage rural and agricultural enterprises in appropriate locations
2. ensure that new rural industries and intensive plant and livestock agriculture have minimal impact on the landscape, the natural environment and the amenity of surrounding properties.
3. encourage the development of sustainable rural industries compatible with the rural character of the area and other local industries.



7c Rural industry & intensive agriculture

4. ensure that the opportunity for long term sustainable agricultural production is maximised.
5. ensure that biosecurity risk is appropriately assessed and mitigated

These objectives are in addition to those specified in section **7a Rural development - general**.

7c.3 Supporting plans & documentation

Development applications that are subject to this section should be supported by the following plans and documentation.

Item	When required	Plans or information to be provided
A. General requirements	All applications	Refer to Part 2 Preparing & lodging a development application .
B. Rural development requirements	All applications	All requirements specified in section 7a Rural development - general .
C. Rural industry requirements	Applications for rural industries	<p>A report and plans prepared by a suitably qualified and experienced professional, outlining as a minimum all construction and operation details, including:</p> <ul style="list-style-type: none"> • Description of activities • Hours of operation • Production volumes/output • Waste Management • Staffing • Input/raw materials • Environmental Management • Biosecurity risks and management • Access and parking arrangements • Noise assessment (as part of the Acoustic Assessment required in section 7a Rural Development above) <p>And any other information required by Council. The requirements of any relevant guidelines produced by State or Federal government agencies will be taken into account, including any relevant information produced by the NSW Department of Primary Industry</p>
D. Intensive agriculture requirements	Applications for intensive plant or livestock agriculture	<p>A report and plans prepared by a suitably qualified and experienced professional, outlining as a minimum:</p> <ul style="list-style-type: none"> • Construction and operation details, as per guidelines relevant to the type of proposal: <ul style="list-style-type: none"> ○ <i>Planning Guidelines: Intensive Livestock Agriculture Development</i> (Department of Planning, and Environment, 2019)



7c Rural industry & intensive agriculture

Item	When required	Plans or information to be provided
E. Animal boarding or training establishments requirements	Applications for animal boarding or training establishments	<ul style="list-style-type: none"> ○ Best Practice Management for Meat Chicken Production in NSW (NSW Department of Primary Industry 2012) ○ Better site selection for meat poultry developments, 2011 (NSW Department of Primary Industry) ○ <i>Preparing Intensive Plant Agriculture Developments</i> (NSW Department of Primary Industries, 2011) ○ <i>Planning for turf farms Primefact 1320, first edition</i> (NSW Department of Primary Industries, 2014) ○ or any relevant document(s) that update these publications. ● Any other information required by Council. The requirements of any relevant guidelines produced by State or Federal government agencies will be taken into account, including any relevant information produced by the NSW Department of Primary Industry <p>A report and plans prepared by a suitably qualified and experienced professional, outlining as a minimum:</p> <p>Details of the construction and operation of the establishment, including:</p> <ul style="list-style-type: none"> • plans of animal keeping areas • noise assessment (as part of the Acoustic Assessment required in part 7a Rural development above) • waste management assessment • odour assessment • biosecurity assessment <p>And any other information required by Council. The requirements of any relevant guidelines produced by State or Federal government agencies will be taken into account, including any relevant information produced by the NSW Department of Primary Industry</p>

7c.4 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

These requirements are *in addition to* those in part 7a Rural development - general.



7c Rural industry & intensive agriculture

Outcomes to be achieved

Design guidelines

A. Siting & adjoining land

- The development is located on a property of sufficient size to accommodate the industry without unacceptably impacting on adjoining properties.
- The development meets the provisions of section 11i **Buffer areas & separation distances**.
- Mitigation measures such as landscaped buffers, acoustic bunds/walls and odour control measures are incorporated into the design of a rural industry to protect the amenity of surrounding properties.

B. Biosecurity

- The potential for biosecurity risks to the site and surrounding development in the construction and operation of the development is minimised, and appropriate mitigations put in place to mitigate these risks.
 - The requirements of any legislation and guidelines regarding biosecurity must be followed. Relevant guidelines produced by State or Federal government agencies or recognised industry bodies should be consulted. For intensive livestock agriculture, the biosecurity information in *Planning Guidelines - Intensive Livestock Agriculture Development* gives guidance in this regard

C. Best practice

- The development addresses the requirements of any relevant industry guidelines produced by State or Federal government agencies or recognised industry bodies, as determined by Council and the NSW Department of Primary Industries (Agriculture), including but not limited to:
 - **Intensive Livestock Agriculture** proposals should address the range of issues outlined in the NSW Department of Primary Industry's *Planning Guidelines - Intensive Livestock Agriculture Development*
 - **Beef cattle feedlot proposals** should also address the range of issues outlined in the range of [documents published by Meat and Livestock Australia Ltd](#), including *National Guidelines for Beef Cattle Feedlots in Australia 3rd Edition 2012*.
 - **Poultry farm proposals** should also address the NSW Department of Primary Industry references:
 - [Best Practice Management for Meat Chicken Production in NSW](#), 2012
 - [Better site selection for meat poultry developments, 2011](#)



7c Rural industry & intensive agriculture

Outcomes to be achieved

Design guidelines

- **Intensive plant agriculture proposals** should address the range of issues outlined in the NSW Department of Primary Industry's [Assessing intensive plant agriculture developments](#)
- **Turf farm proposals** should also address the range of issues outlined in *Planning for turf farms Primefact 1320, first edition* (NSW Department of Primary Industries, 2014)
- Any relevant document(s) that update the publications above.

C. Loading & unloading facilities

- The development considers the provisions of section **12a Access & vehicle parking**, and the provisions of *UHSC Engineering Guidelines for Subdivisions and Developments*

D. Vehicle access & parking

- The development considers the provisions of section **12a Access & vehicle parking**, and the provisions of *UHSC Engineering Guidelines for Subdivisions and Developments*, as amended

7c.5 Supplementary guidance

The following documents or reference materials provide further advice or information that is relevant to this section.

- *Upper Hunter Strategic Regional Land Use Plan* (NSW Department of Planning and Infrastructure, September 2012) at <https://www.planning.nsw.gov.au/-/media/Files/DPE/Plans-and-policies/strategic-regional-land-use-plan-upper-hunter-2012-09.pdf?la=en>
- *Draft State Significant Agricultural Land (SSAL) map* at <https://www.dpi.nsw.gov.au/agriculture/lup/agricultural-mapping>
- *Noise Policy for Industry (2017)* at [https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-\(2017\)](https://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017))
- The broad range of advice and publications available from NSW Department of Primary Industries (Agriculture), at: <https://www.dpi.nsw.gov.au/agriculture/lup> including (but not limited to):
 - [Planning Guidelines - Intensive Livestock Agriculture Development](#)
 - [Preparing intensive plant agriculture development applications](#)
 - [Assessing intensive plant agriculture developments](#)
 - [Planning for turf farms](#)
 - [Best Practice Management for Meat Chicken Production in NSW](#)
 - [Better site selection for meat poultry developments](#)
 - [Reference material to assist in the management of horse establishments](#)



7c Rural industry & intensive agriculture

- Documents published by Meat and Livestock Australia Ltd, downloadable at <https://publications.mla.com.au/login/redirectFrame>:
 - *National Guidelines for Beef Cattle Feedlots in Australia 3rd Edition (2012)*
 - *National Beef Cattle Environmental Code of Practice (2012)*
 - *Beef Cattle Feedlot Design Manual (2016)*
 - *Beef Cattle Feedlots: Waste Management and Utilisation (2016)*
- *There may also be further relevant publications referenced on the websites above, or in the documents listed above. The documents above may also be superseded by more recent guidelines or information*