

2. DEVELOPMENT IN RURAL RESIDENTIAL ZONES

1.1 THE PLANNING CONTEXT

The Planning Policies and Regulations for Dungog Shire are provided in the following key instruments:

- Dungog Shire Local Environmental Plan 2006
- Dungog Shire Rural Strategy 2003
- Dungog Shire Wide Development Control Plan 2004

These three planning instruments apply Shire-wide.

Dungog Shire Local Environmental Plan 2006

Under the provisions of the Local Environmental Plan (LEP) all land within the Shire is classified into land use zones. The LEP details the land uses and activities permissible in each zone and the factors that need to be assessed and addressed in developing within these zones.

Some the land reasonably close to settlements is zoned for rural residential development of one kind or another. Land within this zone is subject to the special conditions set out in this Plan.

Dungog Shire Rural Strategy 2003

The Rural Strategy supports the Local Environmental Plan by detailing Council's policies in relation to development of rural lands. These policies are designed to protect the rural character of and rural activities undertaken within the Shire, environmentally sensitive areas and water resources. This Strategy sets the direction for the future development of the areas zoned for further development.

Dungog Shire Development Control Plan

The Shire-wide Development Control Plan (DCP) supports the Local Environmental Plan 2006. It provides the design guidelines and design controls required to achieve the aims and objectives of the Local Environmental Plan.

1.2 LOCAL AREA PLANS

Recognising that each community may have a different vision in relation to the type of settlement that it considers sustainable within the surrounding zones, provisions have been included within the Shire-wide planning instruments for the preparation of Local Area Plans, which are adopted as formal Development Control Plans under the planning legislation.

Land to which Local Area Plans Apply

Local Area Plans (LAP) are locality specific plans that are prepared for each town and village within the Shire. The provisions relate principally to the surrounding rural residential areas.

Purpose of Local Area Plans

Local Area Plans aim to establish a desired future character for the land surrounding a settlement. Local Area Plans contain locality based performance criteria and controls which are designed to address key issues and achieve the desired character.

Factors taken into consideration in preparing Local Area Plans

In preparing the Local Area Plans factors taken into consideration included:

- Community Vision - the views expressed by the local community to which the Plan applies.
- The physical and cultural features of the land, including factors such as slope and stability, hydrology and flooding, flora and fauna, bushfire, views and visual impact, sites of cultural or heritage significance.
- The existing road network - hierarchy, road alignment and condition etc.
- Access - vehicle, pedestrian and cycle - to and within the land and between it and the adjoining village.
- Existing pattern of subdivision (size and shape of allotments).
- Existing land use and settlement patterns and the characteristics of the neighbourhood.
- The need for environmentally sustainable development.
- The desired future character of development.

The Local Area Plans recognise that at some stage in the future, some of the land may be needed to accommodate the growth of the village and may potentially be rezoned for residential and/or other uses such as recreation, commercial or special uses. The Local Area Plans contain principles in relation to road networks and subdivision layout that will have the capacity to support closer subdivision patterns in the future.

Suitability of land for development

Some of the land will not be suitable for development. Section 12.4 (Constraints Criteria) of the Dungog Shire Rural Strategy details the constraints that **exclude** an area from Rural Lifestyle and Rural Enterprise subdivision and development. These criteria include:

- Land in areas affected by the 1:100 year flood.
- Slope greater than 18 degrees.
- Not meeting minimum service/infrastructure requirements.
- Inadequate and/or unsuitable land on-site effluent disposal.
- Bushfire prone land as defined by Council's bushfire map, if clearing of habitat and wildlife corridors are required and biodiversity objectives are not met.
- Ecologically sensitive land.

- Areas with high habitat values.
- Contaminated land.
- Access via a road complying with Council's Rural Roads Policy cannot be achieved.
- Prominent positions in the landscape where development would be silhouetted on the skyline horizon.
- Not complying with the Performance Standards of the Rural Strategy:
 - 8.1 Wastewater Treatment and Management of Effluent
 - 8.2 New Development and Biodiversity
 - 8.3 Aesthetic Design / Scenic Character / Energy Efficiency
 - 8.4 Water and Riparian Management
 - 8.5 Bushfire Hazard Mitigation

In addition to these criteria, Local Area Plans may identify site specific criteria which may exclude certain land for development.

Land use and activities permissible within the Zones

Rural Lifestyle zones provide the opportunity for people to live in a rural environment close to settlements with services and facilities.

Rural Enterprise zones provide the opportunity for people to live in a rural environment and undertake small-scale commercial, service, intensive agricultural or light industrial activities on their property.

Details of the objectives of these zones, the activities that can be undertaken and the controls and guidelines governing subdivision and development are specified within the Dungog Shire Local Environmental Plan 2006, the Dungog Shire Rural Strategy 2003 and the Dungog Shire Development Control Plan 2004. A summary of the various sections in these documents is given in Appendix 1.

Zone	Permissible Uses	
	Without the consent of Council	Requiring Consent of Council
Rural Lifestyle Zone 1(I)	Agriculture Home Occupation	Advertisement Bed & Breakfast Camp or Caravan site Community Facility Dual Occupancy Dwelling House Farm Gate Sales Home Employment Leisure Area Recreation Area Utility Installation

Rural Enterprise 1(e)	Agriculture Home Occupation	Advertisement Automotive Services Bed & Breakfast Camp or Caravan site Commercial Premises Community Facility Dual Occupancy Dwelling House Employment Farm Gate Sales Forestry Home Employment Institution Intensive Agriculture Kiosk Leisure Area Recreation Area Recreation Facility Utility Installation Veterinary Establishment
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All other land uses are prohibited within these zones.

2. DUNGOG RURAL RESIDENTIAL CONTROL PLAN

2.1 INTRODUCTION

Land to which this Plan applies

The Dungog Town Local Area Plan applies to all land in the Shire of Dungog which is zoned **Rural Lifestyle 1(l) or Rural Enterprise 1 (e)** under the provisions of the Dungog Local Environmental Plan 2006. These areas are shown on Map 1.

Objectives of this Plan

The objectives of the Rural Residential Control Plan are:

1. To ensure that development within the Zones is consistent with and promotes the principles of environmentally sustainable development.
2. To promote coordinated development that will be conducive to closer settlement patterns and/or changes in land uses in the future.
3. To ensure that development within the Zones is sensitive to the topographic and environmental characteristics of the land.
4. To safeguard indigenous vegetation, habitats and water courses.
5. To retain and protect the rural character of the area and areas with high visual significance.
6. To provide a network of safe access roads and shared pedestrian and cycle pathways within and between areas developed within the Zones.
7. To minimise the cost to the community of providing, extending and maintaining public amenities and services.
8. To ensure that development within the Zones does not prejudice the interests of agriculture within the zone and adjoining areas.

2.2 PLANNING FOR RURAL RESIDENTIAL DEVELOPMENT

Key issues identified are:

- Roads and road access
- Pedestrian and cycle access
- Existing pattern of land subdivision
- Need to protect habitat
- The need to protect the waterways
- Flooding
- The need to retain the rural character of the area and protect areas of high visual significance.

Many of these issues are specific to individual settlements and are considered in the relevant Local Area Plans.

Roads and Road Access

Planning Approach

In new subdivisions, access to the collector roads will be by properly formed local roads and appropriately designed and sited intersections. Existing intersections may need to be upgraded or relocated. There will be no new direct driveway or right of way access from private dwellings to collector roads. Where required, access ways for emergency access may be permitted.

In designing subdivisions, careful consideration needs to be given to the internal road network. Roads, unlike land uses or buildings, tend to become permanent features of a settlement. As such it is important that the road layout be conducive to the long term sustainability of the area.

For local roads within subdivisions, preference is for through, connecting roads rather than cul-de-sacs and right-of ways. A connected road network will minimise driving distances and provide for more than one entry-exit point within each subdivision. This is important particularly in areas potentially subject to bush fire or flooding. A connected road network will also facilitate development of bus routes, including school bus routes, as the need emerges.

Desired Outcomes

- Reducing vehicular conflict and the potential for conflict through a significant reduction in the number of driveway access points to collector roads.
- To deliver a high level of access and permeability via a network of inter-connecting roads in and between subdivisions, not a series of cul-de-sac roads or right-of-ways.
- To deliver a road network that will support closer settlement in the future.

Pedestrian and Cycle Access

The Issue

There is no public transport in Dungog Shire to provide access to the shopping centre for people living in outlying areas. In addition, there has been no provision for pedestrians or cyclists along the collector roads. Due to the narrow, unformed verges and speed limits (80 to 100km), the collector roads are not designed to provide a safe or a desirable environment for pedestrians and cyclists.

Planning Approach

Where feasible, to incorporate shared pedestrian and cycle pathways within new subdivisions and the provision to link these routes between adjoining subdivisions. In some areas the design intent will be to establish a shared pathway link to the nearby settlement.

Desired Outcome

- A network of shared pathways providing safe pedestrian and cycle access in and between subdivisions and, where feasible, between the subdivisions and the nearby settlement.

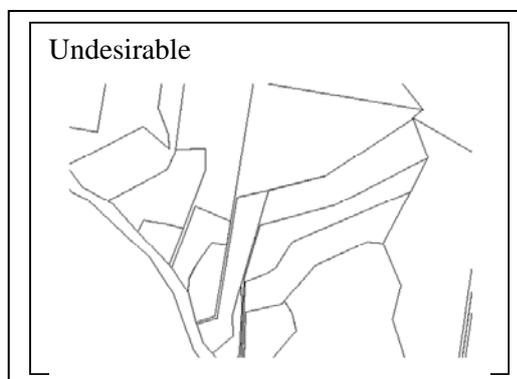
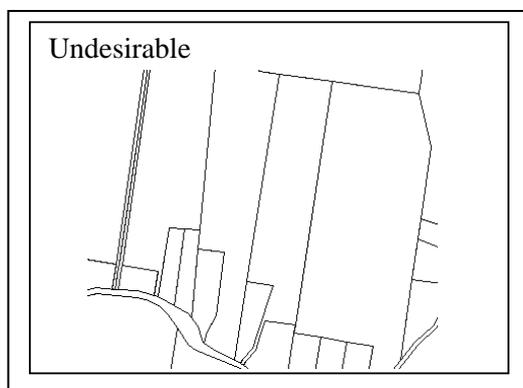
Existing Pattern of SubdivisionThe Issue

Under previous planning schemes subdivision of rural land was undertaken on an ad hoc, uncoordinated basis. This has resulted in significant fragmentation in land holdings. In order to provide access to existing roads and/or river frontage, many of the lots created were long and narrow or of battleaxe or irregular shape. Further sub-division of these existing lots would increase fragmentation and is not considered desirable. Fragmentation also creates long term access and servicing problems.

Planning Approach

Emphasis is on creating a coordinated and integrated approach to subdivision design within the Development Zones. The Local Area Plans do not permit further subdivision of individual lots where the lots are small, irregular in shape and/or where the width to depth ratio of the lot is less than 1:3. These lots are identified in the LAP.

Subdivision of these identified lots may only be permissible through (consolidation) amalgamation of adjoining lots and/or co-operation with adjoining land-owners to form a viable subdivision design area. Masterplans may need to be prepared for subdivision design areas.



The Masterplan will detail the road network, lot layout and provision for open space, habitat corridors, environmental and scenic protection zones and shared pedestrian and cycle pathways within the subdivision design area.

Where there are lots suitable for subdivision that do not have existing public road frontage, then the subdivision design for the adjoining lots with road frontage must ensure that provision is made for road and shared pathway access to the adjoining land. This will prevent the sterilisation of developable land.

Desired Outcomes

- No further fragmentation or ad hoc subdivision of land.

- Co-ordinated approach which results in masterplans that demonstrate staged subdivision and land release and avoid sterilisation of adjoining properties.
- Create the opportunity for the development of an integrated community, not a series of separate enclaves.
- To create a strong network of pedestrian, cycle and open space links within subdivisions, to adjoining subdivisions and between the new subdivisions and the nearby village.

Habitat Protection

Within the some locations there are significant areas of vegetation that support a range of rare and endangered species. These areas are to be preserved and protected from development.

Planning Approach

Habitat, flora and fauna assessments need to be undertaken as part of the development process. Strategies for managing areas identified as having habitat value must be identified. These strategies may include the protection of significant habitat areas as open space or environmental protection areas, provision of buffer zones and set-backs, increasing the minimum lots size, minimising clearing and avoiding structures or development in habitat areas.

Desired Outcomes

- Preservation and protection of habitat that supports viable wildlife communities, particularly rare and endangered species.
- Establishment of a network of interconnected wildlife corridors not isolated protection zones or remote 'islands' of habitat.
- Protection of watercourses and the vegetation along these watercourses.

Bushfire

The Issue

There are areas that are prone to bushfire. These areas are identified on the 'Dungog Shire Bushfire Prone Land ' Map and shown in Map 2.

Planning Approach

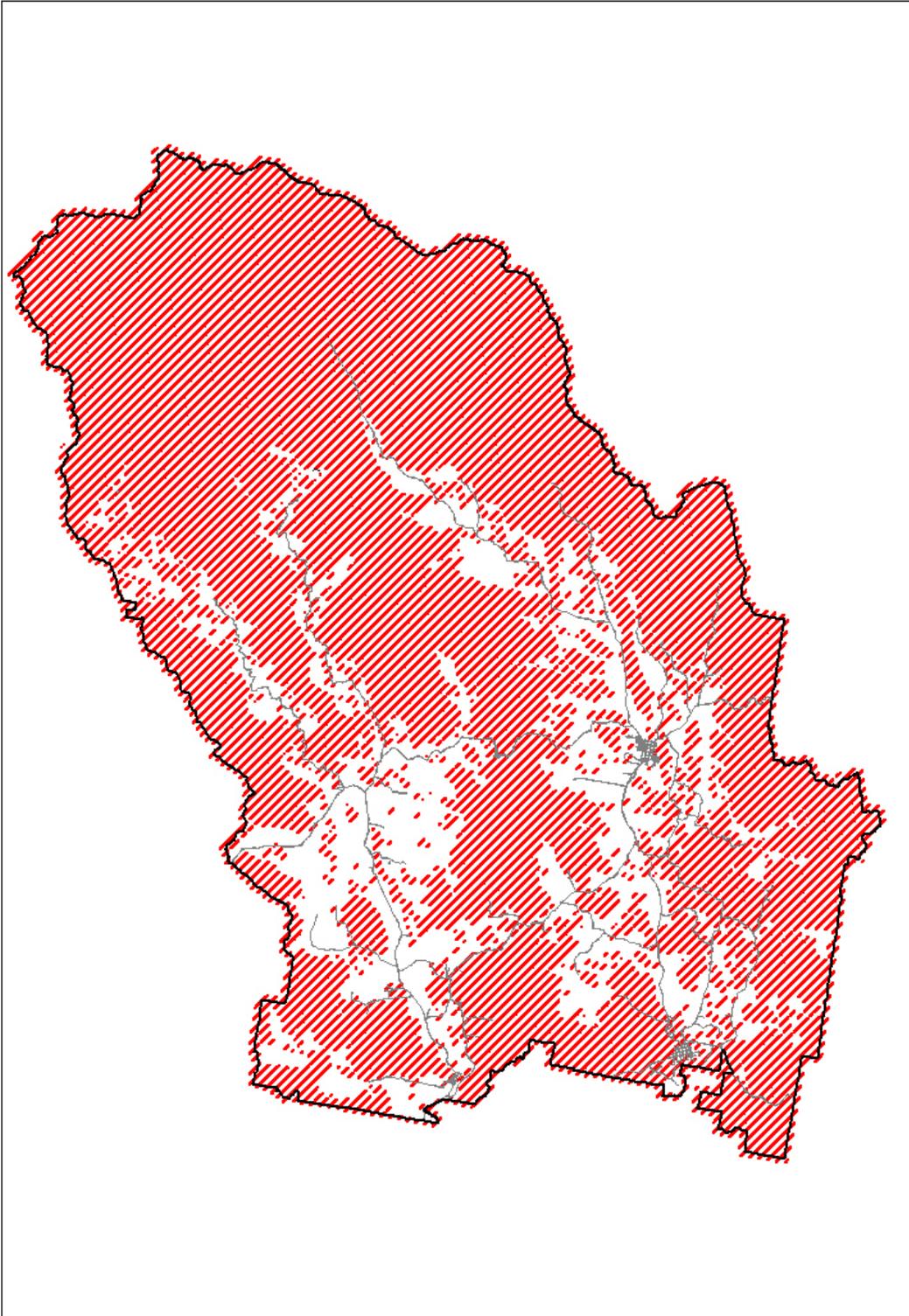
All subdivision planning must comply with the provisions of the NSW Rural Fire Service requirements as specified in the 'Planning for Bushfire Protection 2001', and/or other relevant bushfire regulations.

Desired Outcome

- To minimise the risk to people and property from the impacts of bushfire.

DUNGOG SHIRE

MAP 1 – BUSHFIRE PRONE AREAS



Waterways – River Foreshores

The Issues

A number of rivers and other watercourses play an important role within the Dungog Shire area. These watercourses contribute to the sustainability of agriculture, recreation, tourism, water supply, habitat and bio-diversity and to the microclimate of the area. In addition these watercourses contribute significantly to the local character of the villages in the Shire.

Issues include:

- The cumulative negative impacts of development.
- Preventing pollution from effluent and stormwater runoff and other activities.
- Maintaining water quality and the flow of the rivers by limiting the pumping of river water.
- Minimising impacts from development on the ecology associated with watercourses and wetlands.

Flooding is also an issue in the Shire with areas becoming isolated due to floodwaters.

Planning Approach

The planning approach incorporates:

- Protecting watercourse ecology
- Maintaining water quality and water flow
- Providing for public access to the waterways
- Minimising the impacts of flooding

This can be achieved by:

- Providing adequate buffers and set-backs from watercourses, as per the DCP.
- Ensuring that no further riparian rights are created, as required by the LEP and DCP.
- Prohibiting further subdivision of the river foreshore areas – new lots with river frontage cannot be created.
- Encouraging foreshore areas to be kept in one title and zoned appropriately.
- Providing public access to foreshore areas.
- Encouraging the installation of package sewage treatment plants rather than on-site septic disposal systems.

Desired Outcomes

- Protection of riparian vegetation.
- Maintenance of water quality and water flow.
- Providing public or community access to the river foreshore areas.
- Minimising the impact of flooding on people and property.

Visual Impact

The Issue

- Retention of the rural character and appearance of the settlements is very important to both the local community and Shire residents.
- This applies to both hillsides and river valleys.

Planning Approach

Emphasis is on protecting the character and visual identity of the area. The DCP identifies areas where a visual and view shed analysis will be required as part of the planning process.

Design criteria for development with areas of high scenic value may include:

- Limiting or not permitting further subdivision and development in areas of high scenic value.
- Increasing the minimum lot size to avoid impact of dwellings and structures within significant view sheds.
- Appropriate siting and setbacks of new development, as per the DCP.
- Use of landscaped buffers. Buffers along collector roads will need to be in one ownership (eg dedicated to Council or as 'Community Land') to ensure effective management and control.
- Siting dwellings so that they front collector roads. Backyards must not have frontage to collector roads
- Height limits on buildings, including limiting dwellings to single storey.

Desired Outcomes

- Retention of the rural character and setting of the Shire.
- Retention of areas of high scenic value, including hills, the river valleys and the rural vistas on the access roads into villages.
- Minimise visual impact of rural residential development from the main routes through villages. New development will be appropriately sited with landscaped buffers to these main routes.
- Through landscaping, establish entry statements (eg corridor of trees) to the villages along the main access roads to create a sense of arrival to a destination point.

Future Growth of Settlements

The Issue

There is already pressure within some settlements for additional residential lots. Growth has been constrained by the lack of access to sewerage.

As the population in and around the settlements increases, there will also be demand for the provision of additional facilities and services, including recreation and aged care facilities, as well as demand for employment generating activities (eg service and light industries).

Under the provisions of the LEP little land has been identified or zoned to provide for the future expansion of the villages. Some land within or surrounding them has been zoned 9(a) Investigation Area and identified as potentially suitable for urban purposes.

Planning Approach

Subject to availability of sewer and town water and lack of environmental or flooding constrains, existing rural lifestyle lots within the settlements may be able to be rezoned and subdivided for residential or village uses.

Further investigation of these lots is required to determine their suitability for future uses in the settlements' development. In particular, it needs to be determined whether these lots could be connected to the town water supply and sewerage - either through connection to a town sewerage system or via an on-site package treatment plant.

Following these investigations, an area or areas, should be identified for future urban uses. These areas could be land-banked for this purpose or subdivided and developed in such a way that they can be further subdivided in the future as required. For example, the subdivision could be designed as a residential subdivision with a number of residential lots then grouped together and sold in parcels as rural lifestyle lots. On the other hand, land-banking is the preservation of land from less intensive uses, until such time in the future when the land is sewerage and can then be developed for its highest and best use by future generations.

Desired Outcome

Land bank to be identified to accommodate future growth of the settlements.

2.3 COMMUNITY TITLE DEVELOPMENT

As outlined in the Dungog Shire Rural Strategy 2004, Council's stated preference is for subdivision within the Rural Lifestyle and Rural Enterprise Zones to be undertaken as Community Title developments.

Community Title Subdivision enables the creation of individual allotments within a site, while retaining significant areas as common property for communal ownership. Common property can include areas and facilities such as roads, footpaths, bicycle ways, playgrounds, open space, sewerage treatment plant.

Common property within the development will be owned and managed by a body corporate ('association') comprising all lot owners. The association will own the common areas, (referred to in the Act as 'association property') for its members in shares proportional to the member's unit entitlement, based on site values, which will determine voting rights and contributions to maintenance levies.

Community title legislation allows for flexibility in the management and administration arrangements operating within a scheme. This is achieved by providing for a multi-tiered management concept and by permitting a management statement to be prepared for each scheme, setting out the rules and procedures relating to the administration of, and, participation in, the scheme.

There are a number of principles which should guide the attitude to the preparation of the Community Title documents which are to:

1. create a concise, readable document to be used as a basic guide by the Association and residents on an everyday basis;
2. spell out all the rights and responsibilities of each stakeholder group involved in the project;
3. endow the Association with opportunities to provide services, maintain standards and involve their community through a management plan;

4. minimise the imposition of bureaucratic and administrative arrangements in the way the Association manages its affairs;
5. respect and not duplicate the on-going function of local government, particularly in development control;
6. allow flexibility to change administrative arrangements, development and maintenance standards, and enforcement procedures as the community dictates over time.

2.4 MASTERPLAN

A number of the Planning Areas within the Shire will be required to prepare and submit a Masterplan as part of their rezoning or subdivision application.

The Masterplan will provide a 'blue print' for the development of an area. It will set the vision and design principles for the area. A Masterplan will show how the area will ultimately be developed - which land is to be developed, how the subdivision will relate to the surrounding area, where the open space will be, how access (vehicle, pedestrian, cycle) will be provided, how areas of scenic and/or habitat value will be protected and how risks (eg bushfire, flooding) will be mitigated.

Under the provisions of an LAP, a Masterplan is required where there are:

- Large parcels of land that are likely to be developed in stages.
- A variety of lots in individual ownership, where the layout and/or size of the lots are not suitable for subdivision on an individual basis.
- Lots within a Planning Area that do not have frontage to public roads.

Masterplan Objectives

- To ensure that land is subdivided in a way that ensures long term sustainability, enabling further subdivision in the future.
- To manage the development of land in different ownerships to ensure that development does not sterilise or land-lock subdividable land within the Planning Area from future subdivision
- To ensure that new subdivisions respond appropriately to site features and topography, protecting areas of visual and/or habitat significance and minimising possible risks (eg bushfire, land instability, flooding etc)
- To ensure that new subdivisions are effectively linked into a public road network, and that the internal subdivision road network allows connectivity between areas.
- To provide for pedestrian and cycle access, throughout the subdivision and to adjoining areas, encouraging community interaction.
- To create and maintain a sense of place.

Requirements

- Where a masterplan is required by the LAP, applications to rezone and subdivide land (whether the land is in the same or different ownerships) must be accompanied by a masterplan.
- The masterplan is to be prepared by a qualified urban designer and/or urban planner or other suitably qualified professional.
- The masterplan is to apply to the entire area defined in the LAP.
- The masterplan is to address:
 - The relationship of the proposed subdivision with immediate adjoining land uses and the surrounding locality.
 - Connectivity with adjoining land so that adjoining vacant land can be developed in an orderly and economic manner.
 - The road network - in relation to ease of access, connectivity and in regard to fire and flood risk and means of evacuation.
 - Cycleway or shared pathway connections as required by the LAP.
 - Open space provision.
 - Protection of areas of high scenic and/or habitat value.
 - Mitigation against natural hazards, including defining the extent of clearing required for bushfire asset protection zones.
 - Building envelopes.
 - How residue land (where not dedicated to Council as a reserve) is to be treated.

2.5 DWELLING DESIGN AND SITING

Siting Objectives

- To ensure that the assets of the natural setting are retained.
- To ensure that the dwellings are compatible with environmental constraints such as bushfire protection.
- To ensure that the estate as a whole provides a pleasant rural residential character.

Siting Standards

- Dwellings must not be sited on prominent ridgelines.
- Dwellings must be designed to suit the natural landform.
- Cut and fill on steep slopes must be minimised and split level or pole frame dwellings are preferred.
- The impact on existing vegetation and landscape features must be minimised.
- On site landscaping must be used to screen the view of dwellings from public places.

- Access roads and drainage works must respect the topography.
- Dwellings and on site sewerage disposal areas must comply with set-back requirements.

Design Objectives

- To ensure that the scale, form and detail of dwellings complements and enhances the character of the area.
- To ensure that the visual impact of dwellings is minimised particularly when seen from a public place.
- To ensure that the dwelling complies with bushfire safety requirements.

Design Standards

- The design and height of the dwelling must respond to the natural and built features of the area.
- Building materials must comply with bushfire safety standards.
- The dwelling and outbuildings must generally be of muted colours to blend with the surrounding natural setting.
- The use of verandas and awnings are encouraged to reduce the apparent bulk of dwellings.
- Garages on the front façade of dwellings must be articulated.
- Fences, screens and retaining walls must be compatible with the overall building and landscape design.