22.04 DEVELOPMENT IN THE RURAL ZONE

22.04-1 SMALL LOT SUBDIVISIONS IN THE RURAL ZONE

This policy applies to all Rural Zones.

Policy Basis

Fragmentation of productive agricultural land by subdivision is to be avoided to ensure the productive capacity of the land is maintained. This policy provides a consistent strategic basis for considering permit applications for excisions of dwellings and creation of lots smaller than that specified in the Schedule to the Rural Zone.

Objectives

To ensure that the excisions of dwellings and creation of lots smaller than that specified in the Schedule to the Rural Zone is consistent with the purposes of the zone.

To limit the subdivision of land that will be incompatible with the utilisation of the land for sustainable resource use.

To ensure that the subdivision of land which excises a dwelling is designed in a manner which does not prejudice surrounding rural production activities.

Implementation

It is policy that:

- Lots created under the provisions of Clause 35.01-4 should have a maximum size of 2 hectares, except as otherwise required by a provision of this planning scheme.

- Dwellings excised under the provisions of Clause 35.01-4 will be in a habitable condition and comply with the Building Code of Australia to this extent.

- The excision of dwellings will take place in a manner which will ensure the dwelling does not have the potential to restrict agricultural production on adjacent land. It should ensure that adequate distance is maintained within the existing lots around the dwelling to reasonably limit likely impacts (if any) of adjacent agricultural activity. The permit may require the planting of vegetation within the excised lot to reduce any potential impacts.

- Subdivision that is likely to lead to such a concentration of lots as to change the general use and character of the rural area will be discouraged unless it can be shown that the clustering of lots will not limit the productive use and development of the larger lots in the subdivision or that surrounding.

- Subdivision within water supply catchment areas will be strongly discouraged in order to protect water quantity and quality.

22.04-2 Fire SAFETY

This policy applies to developments in Rural Zones and the Low Density Residential Zone.

Policy Basis
Planning can assist in the reduction of risk to life and property in relation to fire. This can be achieved through ensuring appropriate building design and siting criteria are applied to new developments in potential fire risk areas within the Shire.

**Objectives**

- Assist efforts to mitigate the risk to life, property and the environment from wildfire.
- To ensure that new land use and development does not increase the level of fire risk.
- To ensure that new land use and development includes adequate fire protection measures.

**Implementation**

**Construction of buildings and land use**

It is policy that all proposals for the construction of a building or the use of land or a building in areas affected by this policy comply with the following criteria:

**Water Supply**

- An adequate supply of water be readily available to landholders and emergency services to enable life and property to be defended from wildfire.
- A reticulated or non-reticulated water supply be able to provide a water discharge at a rate, and in a location, that is able to provide an appropriate level of protection to life and property.

**Road Access**

- Road access to and within the site be designed to provide safe access to both fire fighting vehicles and other vehicles at all times.
- Appropriate access to, and surrounding, the property and the water supply be provided to allow emergency and other vehicles to traverse with ease and safety.

**Buildings AND WORKS**

- The design and siting of any building or works, including outbuildings, driveways, vegetation and storage areas for flammable materials, minimise the fire risk to life and property.
- The design of any building incorporate fire protection construction features to prevent the entry and build up of embers to the building and reduce the likelihood of direct flame contact.
- The siting of any building in relation to slope, access, aspect, orientation and vegetation minimise the fire risk to life and property.
- Fuel for a wildfire (in the form of ground fuel and shrubs) in the vicinity of buildings on the site be managed to reduce potential fire intensity.
- A landscaped building protection zone be established around any dwelling or other building, utilising fire retardant species, to assist in the:
  - Reduction of vegetation which is conducive to the build-up of fine fuels.
  - Minimisation of the spread of a fire.
Minimisation of fire risk to life and property.

Land use or development associated with residential or public use incorporate fire protection measures.

In addition to matters contained in this policy, in areas covered by a Wildfire Management Overlay, regard also be had to the requirements of that overlay.

**Subdivision OF LAND**

Any subdivision of land in an area affected by this policy:

- Ensure that the level of protection from fire, in terms of the level of fire risk and potential loss of life, is reduced by the design, siting and layout of the subdivision.
- Utilise topographical features to best advantage to prevent the spread of wildfire both into the subdivision and within the subdivision.
- Be designed so that any building constructed on the lots created is able to be separated from any surrounding fire hazard.
- Road access to and within the land being subdivided be designed to provide safe access to both fire fighting vehicles and other vehicles at all times.
- In any subdivision where a road is to be created, such a road:
  - Provide suitable access for emergency vehicles.
  - Have adequate width and a stable surface, which will not restrict the movements of emergency vehicles.
  - Not be a dead-end road, unless there is sufficient width to allow two vehicles to pass or adequate passing bays are provided.
  - All lots being subdivided be provided with a water supply adequate to serve the needs of landholders and to enable emergency services to protect property and life from fire.
  - For residential and rural residential subdivisions, provision be made for a fuel managed buffer between a potential or existing fire hazard and the subdivision. Where appropriate, areas of public open space should be used as a fuel modification buffer zone.
  - The design and layout of subdivisions recognise the effect of vegetation on the level of fire intensity and:
    - The location of vegetation in relation to existing and potential building envelopes and its potential to increase the fire risk to property.
    - The ability of vegetation to be used as a windbreak to protect buildings from radiated heat and windblown debris.

**Policy references**

Planning conditions and Guidelines for Subdivisions, Country Fire Authority, 1991

Code of Practice for Fire Management on Public Land, Dept of Conservation and Natural Resources, 1995

Design and Siting Guidelines: bushfire Protection for Rural Houses, Country Fire Authority and Ministry for Planning and Environment, 1990

Building in Bushfire-Prone Areas, CSIRO and Standards Australia (SAA HB36-1993), May 1993

Municipal Fire Prevention Plan, Mitchell Shire Council
22.04-3 Subdued Tones

This policy applies to all applications for new buildings and extensions to existing buildings within the area of this planning scheme.

Policy Basis

The Shire has significant natural landscapes and related views which provide an important asset and opportunity for tourism and economic development. Buildings can be intrusive in this type of environment if constructed in materials which may not blend with the surrounding environment. This policy provides a basis and guideline for sympathetic external treatment of buildings in their context.

Objective

- To ensure that all structures blend in with the surrounding environment.
- To ensure that the aesthetic amenity of the area is preserved and/or enhanced.

Implementation

It is policy that:

- The external cladding of all buildings within the Shire be of a subdued tone except in the following instances:
  - where the clear majority of adjoining lots have buildings constructed with external cladding of a material consistent with that being sought; or
  - in rural zones where the buildings are not readily visible from roads, public land or adjoining properties due to the topography or existing vegetation.
- The colour of building materials should minimise the visual intrusion of structures in any area by use of a soft earthy tone.
- Subdued toning will be used which is a non-reflective surface whereby the cladding either:
  - Have a surface finish of factory painted oven cured colour.
  - Be painted by hand or by other means in a subdued toning.
  - Be screen planted to form an effective visual buffer from adjoining landowners and/or roadways or any other public space.
- Should an applicant wish to paint the cladding in a subdued toning or screen plant in accordance with the policy, then a monetary bond may be required to be lodged with Council prior to the commencement of any works on the building to ensure compliance with the policy. The building will be required to be painted or screen planted within 6 months of the completion date. The amount of the bond will reflect the actual cost of painting the structure by a professional painter, or in the case of planting, reflect the cost of purchasing the required mature plants and watering system.

22.04-4 CONSTRUCTION OF DWELLINGS ON SMALL LOTS IN THE RURAL ZONE

This policy applies to all land in rural zones.
Policy Basis

Inappropriate development of existing allotments with dwellings in the rural area can cause a de facto rural residential environment. Council believes that broad scale farming land should be maintained for agricultural operations and that the construction of dwellings unconnected with agricultural activities on adjoining land can cause adverse effects, e.g.

- distortion of land values against its agricultural value
- conflicts over farming practices
- demand for services and infrastructure

In combination with Clause 22.04-1 (Small Lot Subdivisions in the rural zone) this policy provides guidelines when it is proposed to allow the erection of dwellings on a holding which consists of a number of allotments and the landowner proposes to sell the allotments to separate buyers. This would have the effect of allowing the erection of additional dwellings in the rural area even though no subdivision had taken place.

Objective

To ensure that houses on existing allotments in the rural zone are only erected in conjunction with the agricultural use of the site.

To ensure that farming operations in the rural zone are not adversely constrained by the inappropriate construction of additional dwellings in nearby areas.

Implementation

It is policy that:

- The construction of dwellings should be planned so that the existence of the dwelling does not adversely affect agricultural production of adjacent land. The dwelling should be sited so that adequate distances are maintained from boundaries.

- The construction of dwellings in locations which lead to a concentration of developed lots in the midst of a rural area will be discouraged.

- The construction of dwellings in such locations as to require the upgrading of adjacent road access or other infrastructure will be discouraged.

- The construction of a dwelling on an allotment which has no formed road frontage will be discouraged, unless the applicant can provide proof of access by other legal means, e.g. carriageway easement. Applicants should note that Council may require construction at the applicant’s cost of unformed government road reserves to provide access and egress.

- Council will request that the applicant demonstrate that the construction of a dwelling will not adversely affect the capacity of the surrounding land to be used for farming purposes.