



Development Control Plan 53

Siting, Design and Landscaping of Rural Developments



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PART 1: PRELIMINARY

1.1 Commencement

This Development Control Plan (DCP) has been prepared in accordance with Section 72 of the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation 2000*.

This DCP came into force on 8 September 2004, in accordance with Clause 21 of the *Environmental Planning and Assessment Regulation 2000*.

1.2 Name of the Plan

This DCP is called "*Development Control Plan No. 53 : Siting, Design and Landscaping of Rural Developments*".

1.3 The Parent Local Environmental Plan

This DCP conforms to the provisions of *Wingecarribee Local Environmental Plan 1989 (the Shire Plan)*, which contains the primary statutory planning controls for the development of land in Wingecarribee Shire. The DCP referred to in the Table for 7(a) zone in clause 9 of the Wingecarribee LEP is DCP 53.

1.4 Land to Which This Development Control Plan Applies

This DCP applies to all the land zoned Rural 1(a), Rural 1(b), Rural 1(c) , 5(c) Special Uses "C" (Water Catchment) Zone, Environmental Protection 7(a) and Environmental Protection (Landscape Conservation) 7(b) under *Wingecarribee Local Environmental Plan 1989*.

1.5 Purpose of the Development Control Plan

This DCP supplements those planning provisions contained in *Wingecarribee Local Environmental Plan 1989*. It provides detailed guidelines for the siting, design and landscaping for development in non-urban zones of the Shire. These detailed design guidelines are intended to promote the community's desired planning outcomes for these developments.

1.6 Status of the Development Control Plan

The status of a DCP is prescribed under the *Environmental Planning and Assessment Act, 1979*. It is a matter Council is obliged to consider in the determination of a development application [Section 79C (1) (a) (iii)].

1.7 Relationship with Other Plans

Where there is any inconsistency between this DCP and any environmental planning instrument (ie State Environmental Planning Policy, Regional Environmental Plan or Local Environmental Plan), that applies to the land, the provisions of the environmental planning instrument shall prevail.

This plan shall be read in conjunction with the following Environmental Planning Instruments and other Development Control Plans (DCP) of Wingecarribee Council, including:

- DCP 10 - Dog Boarding, Breeding, Keeping And Training.
- DCP 16 - Rural & Residential Development Standards
- DCP 33 - Advertising And Signage
- DCP 34 - Managing Our Flood Risks

- DCP 39 - Energy Smart Homes
- DCP 41 - Development & Subdivision –Engineering Standards And Planning Guidelines
- DCP 44 - Requirements For The Erection Of Buildings
- DCP 45 - Public Notification Of Proposed Development
- DCP 49 - Waste Minimisation And Management
- DCP 51 - Wind Energy Generation Facilities.
- Wingecarribee Local Environmental Plan (LEP) 1989.

1.8 The Objectives of the Development Control Plan

Council has the following objectives for the siting, design and landscaping of rural developments

- To ensure that development is responsive to the scenic and historic landscapes of the Shire.
- To ensure that development recognises, protects and promotes the scenic qualities of its immediate and wider setting. Rural developments must respect the landscape setting, not attempt to dominate it.
- To recognise and protect the scenic resources and values of the Shire with regard to existing and future tourism potential, particularly in relation to any views and vistas from a public place.
- To ensure that landscape features such as prominent ridge lines, hill tops, horizons, slopes and topographic features that are prominent when viewed from a public place are protected from the siting and design and landscaping of rural development that conflicts with their prominence and scenic qualities.
- To maintain the dominant scenic character and quality of the Shire by ensuring that new developments are located designed, coloured and landscaped in a way that complements the existing and desired future character of the area in which they are situated.
- To ensure that developments are landscaped in a way that complies with the definition and standards of a *vegetative barrier planting* and is compatible with and which complements and enhances the scenic quality and historic character of the locality, using plant species that are appropriate to the natural and cultural landscape features.
- To ensure that the siting of rural development leads to appropriate outcomes for the community while considering the privacy and amenity of adjacent property owners.
- To ensure development proceeds in a manner that recognises the principles of Ecologically Sustainable Development. This includes relevant issues such as the siting of development in a manner that limits exposure to the elements.

1.9 Definitions

Definitions are provided below for terms used within the DCP:-

Ecologically sustainable development means development using, conserving and enhancing the community's resources so that ecological processes, on which life

depends, are maintained, and the total quality of life, now and in the future can be increased.

Public-place includes any place to which the public has or is permitted to have access.

Rural Development includes all buildings, including additions and alterations to existing buildings, roads and infrastructure associated with occupancy and use of a non- urban zoned property within the Shire.

The Shire means Wingecarribee Shire Council.

Vegetative barrier planting means the planting of trees and shrubs whether in the form of a hedge or otherwise, which constitutes or may constitute at maturity, a barrier to scenic rural landscape views and vistas.

PART 2: HOW THIS DEVELOPMENT CONTROL PLAN WORKS

2.1 Why has this Format Been Selected?

The format selected for this Development Control Plan (DCP) is as follows:-

Objectives:- Explains the desired outcomes for Rural development within the Shire. Development must be consistent with the objectives.

Performance Standards:- Council is committed to assess each land use application on its merits. It is not always applicable and hence practical to specify a prescriptive means of how to comply with the objectives.

The advantage of including performance guidelines is that it provides applicants and Council staff with an indication on what may be an appropriate means of complying with the objectives.

2.2 How it Works for Applicants and Designers

When a development application (DA) is submitted to Council then the DCP will inform planning applicants on how to go about satisfying Council's requirements. Applicants and designers may avail themselves of pre DA lodgment advice with Councils Planning staff that are available between 8.30 and 10a.m. Monday to Friday.

In the submission of a DA the following information, in addition to that specified in Schedule One of the Environmental Planning and Assessment Regulations 2000, may be requested by Council:

A site analysis that includes

- i. A large scale map that shows the site in the context of public places and on which view lines from these features, if they exist, are plotted.
- ii. At smaller scale, contours and significant topography, landform features and natural structures on the site, such as escarpments, rock outcrops and water features.

- iii. Location and scale of trees and groups of trees, dams, watercourses, wetlands and so on.
- iv. Locations from which views are possible to external features and directions from which views into the development site are possible public land, heritage items or landscapes.
- v. Development constraints, such as steep land, slippage areas, fire prone vegetation, flooding or other environmental hazards.
- vi. Directions from which climatic features affect the site, such as sun, wind, cold air drainage and so on.
- vii. On the advice of Council, a montage or montages of the building alone and with landscape added, (if landscape is proposed), showing its visual presentation and setting in scale. The montage is to be prepared to show the view from one or more directions and locations that are considered most relevant to the application.
- viii. Colours and materials are to be specified on DA drawings and shown in the montages.
- ix. A Landscape Concept plan, prepared by a person with appropriate qualifications, must accompany the Site Analysis and Assessment documents.

2.3 What will Council consider when assessing a Development Application?

Applicants are required to submit plans and details that show an appreciation of the objectives and performance standards. If these are not considered an application will **not** receive favourable consideration.

In assessing a DA a site inspection will be undertaken and an assessment pursuant to Section 79 (C) of the Environmental Planning and Assessment Act 1979 undertaken.

The types of issues Council will consider will include:

- Ø Visual Character of the area including physical description, development pattern and rural character and Landscape character.
- Ø Viewing Places (visual catchment) and view composition.
- Ø Change to the character of the surrounding area.
- Ø Contrasts of proposed and existing development
- Ø Interruption of view lines
- Ø Prominence of development proposal
- Ø Visual fit of the proposed development
- Ø Visual sensitivity being the number of viewers who would likely see the site and their expectations for visual quality, particularly from a public place.
- Ø Whether the siting, design and landscaping of the development will detrimentally affect the ability of the community to enjoy scenic rural landscape views and vistas from a public place.

An overall assessment of the above aspects of a development proposal would then occur.

PART 3: Performance Standards for the Siting, Design and Landscaping of Rural Developments

3.1 Background Information

Buildings in non-urban zones on the Shire have traditionally been located in areas that are sheltered from the elements to make it convenient for the farmer to work their land.

Recently new land owners have moved away from the traditional approach to take advantage of views and in doing so exposing their developments to the elements. This approach causes intrusions into the natural vistas, views and horizons in the Shire. These relatively undeveloped areas are possibly one of the most well known and valuable assets of the Shire.



For many years Council has been protecting these landscapes through good strategic and statutory planning and astute decision making, including many site visits.

In Wingecarribee Shire there is a great variety of rural land uses, including a significant rural residential component. Council is mindful of the need to maintain a reasonable separation between different rural land uses and to maintain existing high levels of amenity. This DCP outlines the development restrictions and importantly, the desired development outcomes for Rural development.

3.2 Performance Standards

Applicants are required to consider and address these standards in their plans and documentation to accompany a DA.

a. Development location

- i. Development will be placed in locations on the land where visual impacts on views, features such as ridge lines, hill tops, horizons, prominent slopes and topographic features will be minimised, when these are viewed from a public place.



- ii. The visual impact of buildings with respect to siting and visibility will be assessed from all locations from which they are reasonably capable of being viewed (its visual catchment). A building will generally be acceptable if it has a low impact on its overall visual catchment, provided that it does not have significant impacts on individual viewing places of a public place or Heritage Conservation areas..
- iii. Buildings shall be responsive to the landscape character and scenic features of the locality in which they are situated. Different approaches to design, siting and landscape will be appropriate to areas with predominantly pastoral character compared to others characterised by native vegetation.
- iv. The visual impact of buildings will vary between viewing locations and some will be more affected than others. In the case of higher impacts that are confined to an individual or a small number of places, an application must still demonstrate that the impact does not unacceptably impact on that place. A building may not be permitted that has an impact on only one viewing location, if that location is judged to be of sufficient significance.
- v. Rural Developments shall be sited so that they do not impact upon horizons. Buildings that are sited so that they project partly or wholly above the horizon and are seen against the skyline from a public place are generally not permitted.
- vi. Buildings that would be situated close to the horizon must be vertically separated from it to the extent that the background horizon and the elements that comprise it, for example natural

features, topography, vegetation and so on, remain the dominant scenic feature of the horizon.



- vii. Buildings will be preferred if placed in traditional relationship to the landform and topography. Typically, rural buildings are sited on lower and mid-slopes, on benched areas below horizons and hill tops and away from cold valley floors. Buildings sited in these ways are generally acceptable.

b. Landform and Vegetation Modification

- i. Rural Development shall make use of existing natural topography and vegetation to provide an appropriate visual setting. Landform modified by cutting and filling, grading and retained earth works is permitted within Councils specified limitations.
- ii. Rural Development shall be accessed in ways that minimise impacts on views from public places, prominent landscape features, existing vegetation and culturally significant landscapes. Access that requires extensive earth works, cut and fill, retaining structures and removal of natural vegetation will generally not be permitted.
- iii. Rural Development shall respond to the existing pattern of remnant and cultural vegetation in siting and in the mitigation of visual impacts. Buildings that are sited so as to retain existing vegetation and which use it, whether with or without addition of new vegetation, to provide an appropriate setting or screen, are generally acceptable.
- iv. Rural Development shall not require the clearing of native vegetation or established cultural plantings if this results in an increase in the prominence or visibility of the building from a public place or Heritage Conservation Zones.
- v. Rural Development shall be appropriately landscaped if necessary, with either indigenous native species or appropriate cultural plantings, to provide amenity and, screening of views from

any viewing directions and to reduce the apparent scale of buildings in relation to horizons, hill tops or ridge lines. Landscaping may be required to screen development from privately owned places.



c. Building design, materials and colours

- i. Buildings shall be of a mass and scale that is responsive to the need to minimise visual impacts on rural landscapes.
- ii. Buildings that are visible from a public place or in the context of scenic features such as ridge lines, hill tops, horizons, prominent slopes and topographic features, or heritage items and landscapes, shall be of forms that have the effect of minimising their bulk.
- iii. Where there are two or more buildings, for examples homes, sheds and ancillary buildings, they will be clustered to reduce the space that they occupy and be landscaped to reduce their accumulated impacts. Building groups that spread across the landscape and increase the visibility and bulk of the built form will not be permitted. Replacement buildings are to be sited in a location that complies with this DCP. The existing siting of a building that is to be demolished may not be approved for the siting of a new building.
- iv. Buildings shall minimise their impacts on views, if necessary, by being composed of appropriate materials. Appropriate materials are either natural components of the environment such as local stone and timber or materials capable of being finished and coloured in a way that minimises their prominence in views.



- v. Buildings shall have roof materials, where necessary, that minimise visibility and prominence of the roof plane and surfaces. In general, roofs of slate, tile and steel or other metal materials in appropriate colours will be permitted. Plain galvanised steel may be permitted if a glare nuisance is not anticipated and it is proven that the material will not be visually obtrusive from any public place. Treatments to dull the glare may be required by Council. Zinalume and unpainted aluminium roofing will not be permitted.
- vi. Buildings that are in prominent locations will be coloured in ways that reduce their visibility and help to blend into the existing natural and cultural landscape. Variations in colour between wall and roof and variations in colour of details is encouraged. Colours that emulate natural materials or earthy colours and that are darker will generally be permitted. Other colour schemes will be assessed on their merits.

d. Landscape and Landscaping

- i. Landscape comprised of indigenous native plants endemic to the particular area and/or appropriate ornamental plants will be used to provide amenity, privacy and protection and an attractive setting to buildings. Development applications may require a Concept Landscape Plan drawn by an appropriately qualified person. Where a site has a frontage to a public road exceeding 50 metres in length, a Concept Landscape Plan shall be submitted with the Development Application, specifically detailing the plantings around the boundary of the property, compliance with the definition and standards for *vegetative barrier planting* as well as any landscaping required for the screening of buildings or effluent or BASIX requirements. The following standards apply to *vegetative barrier planting*:-
 - a) They shall not exceed a maximum linear distance of continuous planting of 50 metres;
 - b) There shall then be a minimum separation distance of 50 metres before the next group of plantings can occur;
 - c) plantings not to exceed half of the total allotment frontage to a public road.
- ii. Where landscape is designed to blend the building into the visual setting of an area featuring remnant native vegetation, the species will be chosen from indigenous native species and the planting designed to provide a natural vegetation structure

including shrubs, small and larger trees. Landscape schemes for these contexts that rely totally on ornamental species will not generally be permitted.

- iii. In landscape types predominantly of a pastoral character, landscape will reflect the predominant cultural plantings associated with farm buildings, homesteads and windbreaks. Buildings proposed with no amenity or ornamental landscape surrounding them will generally not be permitted.
- iv. Screen planting shall not be relied upon as a sole means of mitigating the visual impact of rural development located on land where visual impacts on views, features such as ridge lines, hill tops, horizons, prominent slopes and topographic features will occur, when these are viewed from a public place. For example, buildings that are screened solely from the road by windbreak plantings or avenues will not be permitted. Plantings that do not comply with the standard set out in 3d(i) for a *vegetative barrier planting* above will not be permitted.
- v. Landscape is not required to hide buildings from sight, provided that the buildings are located in ways that respond appropriately to the locality and minimise visual impacts in other ways. However, it will be considered that if a rural development requires screening by vegetation because of its potential prominence from a public place, then it is inappropriately sited and generally will not be permitted.

