



# Differences between Rural and Urban Development

## Frequently Asked Questions

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Development applications in rural areas can be more complex than infill development in an urban setting (particularly for dwellings).

There are often significant differences between urban planning issues and rural planning issues. In urban areas, many of the constraints affecting future land use are identified and dealt with during the subdivision phase. However, in rural areas there is less baseline data available and less supporting infrastructure in place. This means that to address both planning and other relevant legislation, as well as establishing site suitability, further site specific technical studies or information is typically required and must be provided at lodgement stage of the development application.

There are numerous examples of issues associated with development in a rural context and information that may be required, includes:

- The primary purpose of rural land is for rural activities, therefore not all rural land attracts a dwelling entitlement. Early identification of whether a lot has a dwelling entitlement needs to be satisfied. A dwelling entitlement search should be undertaken with a solicitor or Council prior to any substantial work on an application if the lot is below the minimum lot size specified in the *Goulburn Mulwaree Local Environmental Plan 2009*.
- Whether legal and practical access is available to the site i.e does the lot have direct frontage and access to a Council road, or access via a right of carriageway etc. When access is proposed via Crown roads prelodgement discussions with Department of Industry – Crown Land are required. Should any minor maintenance and upkeep works on Crown Road be proposed, the authorisation of the Department of Industry – Crown Land; prior to any works being undertaken and prior to lodging a Development application for a dwelling is necessary. Additionally, the use of a Crown road for practical access may necessitate the transition of ownership of the road to Council in accordance with the Policies of Council. Generally, works undertaken on a Crown Road are at the landowners expense. Furthermore, the impacts of the development of an unformed road must be assessed when preparing the development application, and these relevant issues may include planning for bushfire prone land, biodiversity, Aboriginal cultural heritage, engineering constraints etc.
- Rural sites are not connected to reticulated Council water and sewer systems and are generally located in the Sydney drinking water catchment. A water cycle management assessment undertaken by a Registered Soil Scientist to determine site capacity for onsite effluent disposal is typically always required.
- Almost the entirety of the rural area is identified as bushfire prone land. A Bushfire Hazard Assessment Report in accordance with the NSW Rural Fire Service document *Planning for Bushfire Protection 2019* is required for most development except for farm infrastructure such as sheds or stockyards.
- There is higher potential for geotechnical issues due to topography (slip/highly erodible soils) and salinity, which may trigger a site stability and/or soil assessment report.

- The Council area contains significant native vegetation which can include areas of native pasture which can regenerate quickly despite years of farming. A Flora and Fauna Assessment (undertaken by a qualified Ecologist) is required to determine the presence and nature of plants/ecological communities and fauna on site. Dependant on the Flora and Fauna present on the land, a higher level 'Biodiversity Development Assessment Report' undertaken by an Accredited Assessor may be required.
- Additionally, all trees and vegetation within the Goulburn Mulwaree Local Government Area are subject to preservation under Chapter 3.9 of the *Goulburn Mulwaree Development Control Plan 2009* and cannot be picked, pruned, removed or cleared without a permit or development consent. Council can only issue a permit or development consent for the removal of native vegetation (which includes grassland) where the application demonstrates there will be no significant impact on any threatened species, habitat, population or ecological communities.
- There can be a high potential for the presence of Aboriginal cultural sites in the rural area as indicated in the predictive map contained in Council's Development Control Plan. Development Applications involving any site mapped as containing Potential Indigenous Artefacts are to address Part 3, Section 3.1 and Appendix A of the DCP; and Part 7, Section 7.1A of the *Goulburn Mulwaree Local Environmental Plan 2009* (the LEP). Council requires that applications on sites indicated in the predictive map as a minimum contain a risk assessment as to the presence of Potential Indigenous Artefacts on the site – as per the matrix in Appendix A of the *Goulburn Mulwaree Development Control Plan 2009*. Such a risk assessment shall be included in a Statement of Environmental Effects and include an AHIMS search. In cases where sites are in a more natural state or items are located in close proximity to the development, an Aboriginal Cultural Heritage Assessment is required and/or consultation with the Pejar Local Aboriginal Land Council is advised.
- Land use conflict with existing agricultural enterprises, land contamination, extractive industries or rail corridors may necessitate noise assessments and/or site management plans.

A detailed site plan is critical for development in rural areas. All site plans must:

- Be dimensional and to scale.
- Clearly show the whole of the site and the proposed development in proximity to the existing structures including identification of their uses.
- Include the north point, site boundaries and distance to the boundaries.
- Indicate the location of legal and practical access from the road to the development site.
- Identify vegetation proposed to be cleared in accordance with the Flora and Fauna Report and Bushfire Assessment Report.
- Identify the extent of any proposed cut and fill.
- Include stormwater and effluent disposal management areas.

As can be seen above, the assessment of an application in a rural context is considered more complicated than that of a typical dwelling house in an urban release area in Goulburn. Such applications require more site-specific studies and have referral components to other agencies, such as:

- WaterNSW
- NSW Rural Fire Service
- Crown Lands
- Transport for NSW
- NSW Office of Water
- Essential Energy
- Australian Rail Track Corporation (ARTC)

Accordingly, in order for Council to consider a development application to be complete, an application must contain all relevant technical studies/reports at the time of lodgement. This will ensure the timely review and assessment of the development application as many applications require referrals. The timeframe for Referral Agency assessments can be up to 60 days, Council will then consider their responses. Unfortunately, if insufficient information is provided at lodgement, the application will take longer to assess and may be rejected or determined by way of refusal.

## **What can you do to assist your application suitability for lodgement?**

In the first instance, pre-lodgement advice can be sought from Council's Development Liaison Team. This will assist to understand and identify, early in the planning phase, any specific site constraints that may require addressing as part of any forthcoming development application. Complex proposals may require a formal pre-lodgement meeting with Council's Development Assessment unit.

Council's experience is that seeking out this information in the early stages of preparing an application can greatly improve lodgement success, reduce the time taken to obtain approval and reduces unexpected costs associated to the development. In addition to the above, a Town Planning Consultant (separate and independent of Council's Development Assessment Team) may need to be engaged to assist in the preparation and lodgement of an application.

If you require further information please utilise Council's Development Liaison Team. The Team can be contacted on (02) 4823 4444 or by email to [council@goulburn.nsw.gov.au](mailto:council@goulburn.nsw.gov.au).