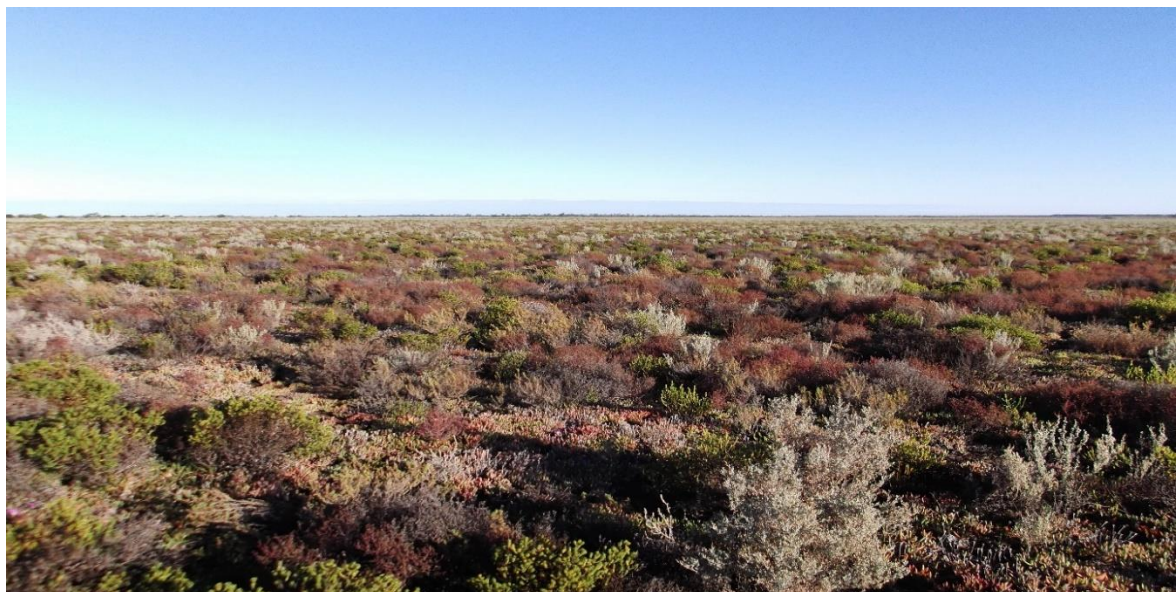




**REVIEW OF RURAL LAND PLANNING CONTROLS
LAND USE TABLE & PART 4 PRINCIPAL DEVELOPMENT
STANDARDS**



Statement of Acknowledgement of the Barkindji First Nations People

We wish to recognise the generations of the local Aboriginal people of the Barkindji Nation who have lived in and derived their physical and spiritual needs from the land, rivers, lakes and streams of this beautiful Shire over many thousands of years as the traditional owners and custodians of these lands.

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Document details

Version	Purpose	Author	Review
October 2021 V1	Council Meeting 20/10/21	Michele Bos	Matthew Carlin
March 2021 V2	Public Exhibition & Agency Consultation	Michele Bos	Matthew Carlin

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Appendix 1 Strategic context

Appendix 2 Recommended WLEP amendments

Section 1 Introduction

1.1 Purpose of the Review

This document provides an overall summary of the rural land planning controls in the Wentworth LEP 2011 and a list of identified rural land use planning issues.

The primary purpose of the Review of Rural Land Use Planning Controls is to:

- Identify issues relating to the RU1 Primary Production land use table
- Review issues relating to Part 4 Principal development standards
- Establish a policy direction to resolve the identified issues
- Detail the desired outcome to be achieved through the implementation of the policy direction
- Include housekeeping amendments

The final outcomes of this review will be implemented by amending the Wentworth Local Environmental Plan 2011.

1.2 Structure of the document

Section 2 – outlines the context of the local government area, our community, background planning issues and existing development controls for rural lands.

Section 3 – identifies proposed policy change and why this is needed.

Section 4 – provides actions and an implementation plan to achieve the desired policy changes.

1.3 Strategic Context

State and local strategies and plans provide the strategic context within which land use planning needs to be considered. A list of the key strategic reports relevant to rural land is provided below. A detailed summary is provided in Appendix 1.



Figure 1 Strategic context

Section 2 Local Context

2.1 Statistics

2.1.1 Demographic statistics

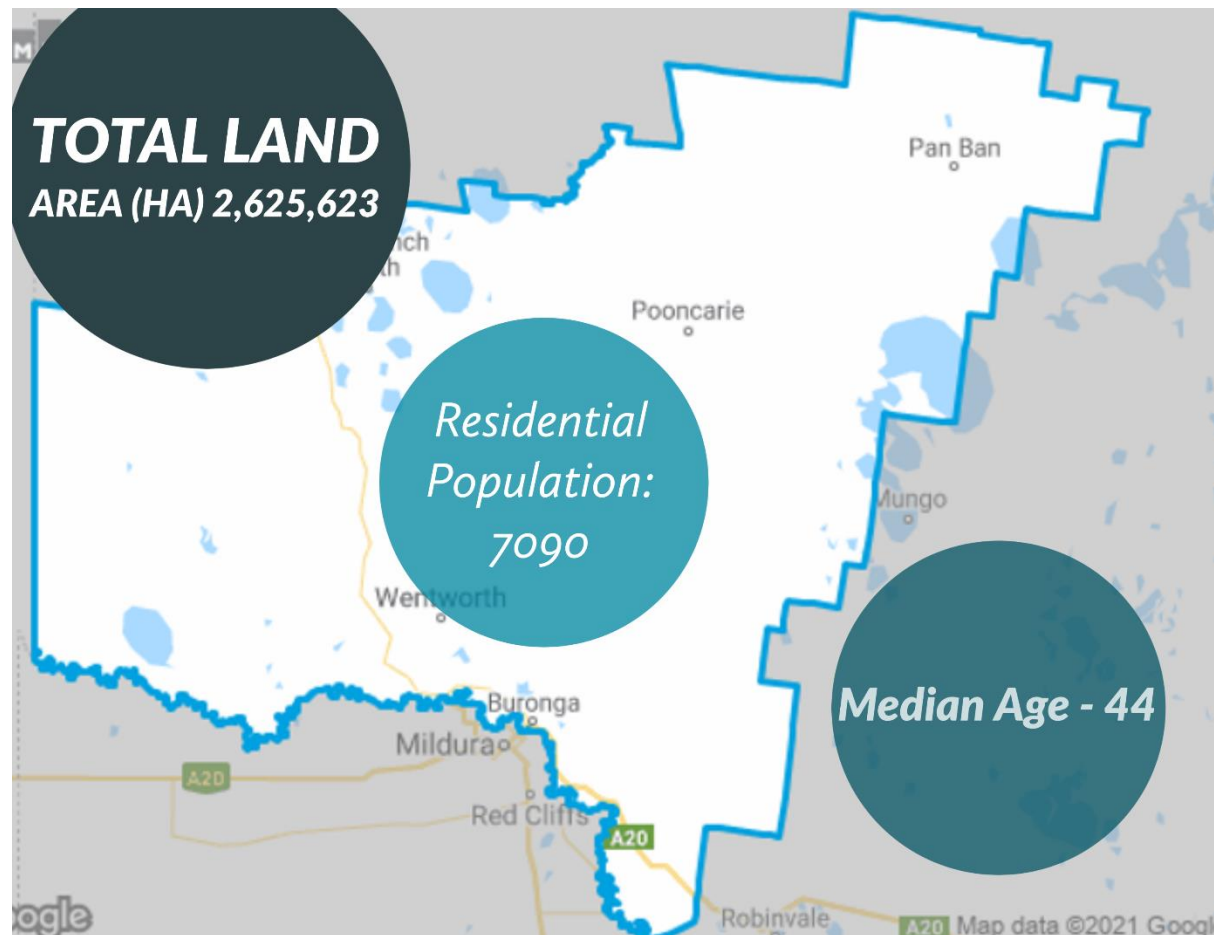


Figure 2 Boundary of Wentworth LGA (REMPAN Economy)

The ABS 2016 Census Place of Usual Residence Population statistics for Wentworth local government area was 6,798. The ABS 2020 Estimate Residential Population shows an increase of 292 persons or 4.3% during the period from 2016 to 2020. This equates to annual growth rate of 1.1%. Almost double the growth rate of 0.6% from 2011 to 2016.

2.1.1.1 Population by Age - 2016 Census

The single largest age cohort in Wentworth LGA is “55-59 years” with 538 people representing 7.9% of the population. The median age is 44 years and the overall ratio of males to females is 1 to 0.936.

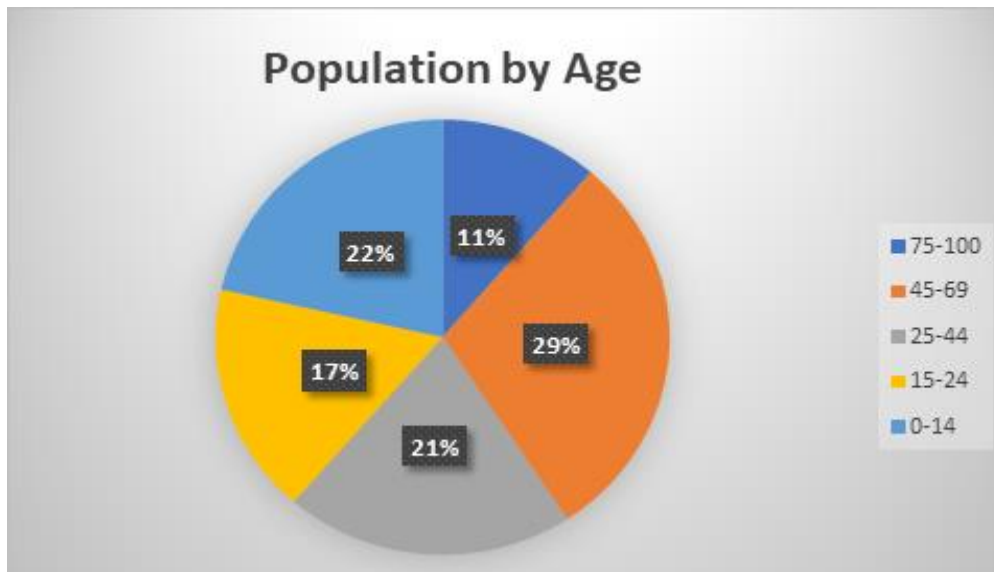


Figure 3 Population by Age Cohort (REPLAN Community)

2.1.1.2 Population by Life Stage – 2016 Census

The largest life stage group in Wentworth (A) is “Working Age (30 to 64 years)” representing 45.9% percent of the overall population.

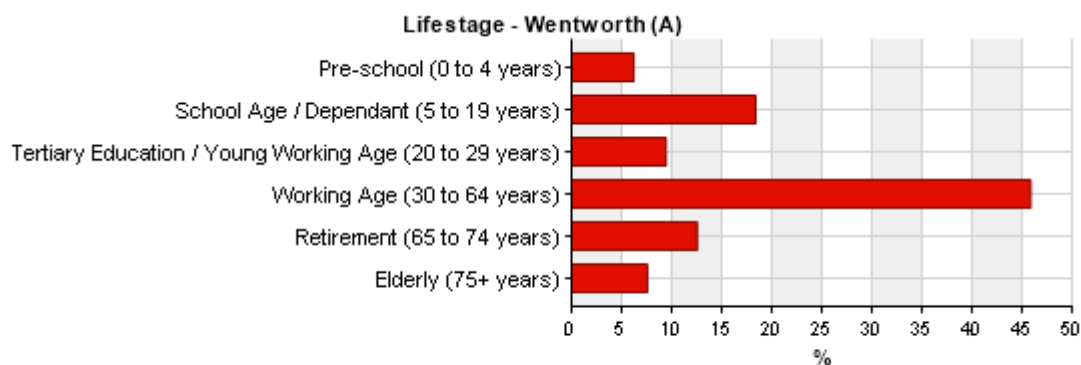


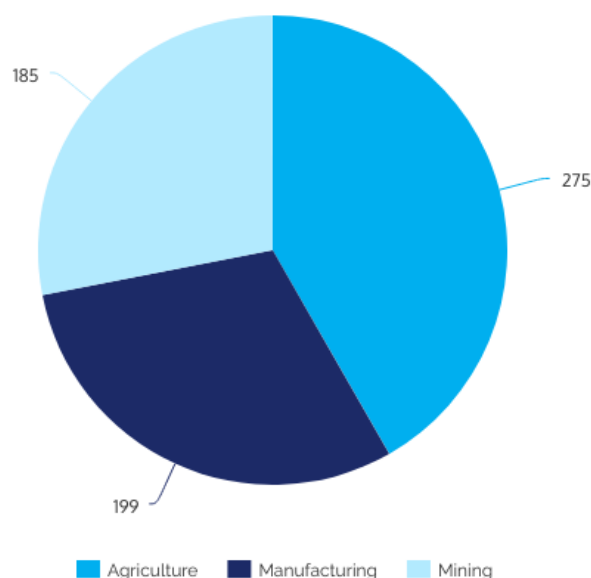
Figure 4 Population by Life Stage (REPLAN Community)

2.1.2 LGA economy and employment statistics

2.1.2.1 Wentworth economy

The total output estimate for Wentworth (A) is \$1,131.943 million. The agriculture, forestry and fishing industry had the highest economic output followed by manufacturing and mining.

WSC Economic Output Statistics



\$ Total Output estimate

\$1,131.943 million

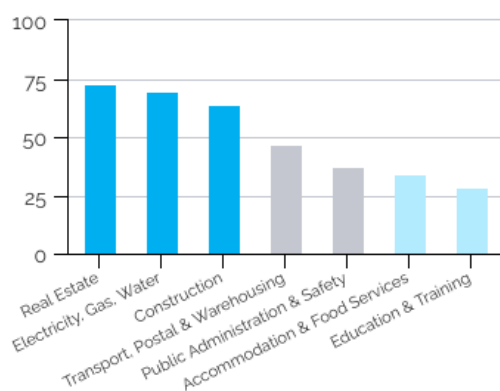
Top 3 sectors for economic output:

Agriculture, forestry & fishing

Manufacturing

Mining

Economic Output - other sectors \$ in millions



Other sectors continued

Health Care & Social Assistance		\$28.055
Wholesale Trade	80	\$17.303
Administrative & Support Services	250	\$16.881
Retail Trade	300	\$16.021
Professional, Scientific & Technical Services	85	\$12.674
Financial & Insurance Services	300	\$10.594
Other Services	650	\$9.690
Arts & Recreation Services	250	\$5.838
Information Media & Telecommunications		\$3.146

Figure 5 Total output estimate 2019 (REMPAN Economy)

2.1.2.2 Wentworth employment

The total employment estimate for Wentworth LGA is 2,837 jobs, with Agriculture, forestry and fishing being the largest industry of employment.



Figure 6 Employment per industry sector (REMPPLAN Economy)

Of the 2,837 employed people who reside in Wentworth LGA, 1,459 of those residents work in Wentworth LGA, while the remaining 1,378 people work outside the LGA. Therefore, close to 49% of people who reside in Wentworth work outside the Wentworth LGA.

2.1.2.3 Tourism economy and employment

The total value of tourism related output for Wentworth (A) is estimated at \$51.919 million, with agriculture rating the third highest after accommodation and food and manufacturing.

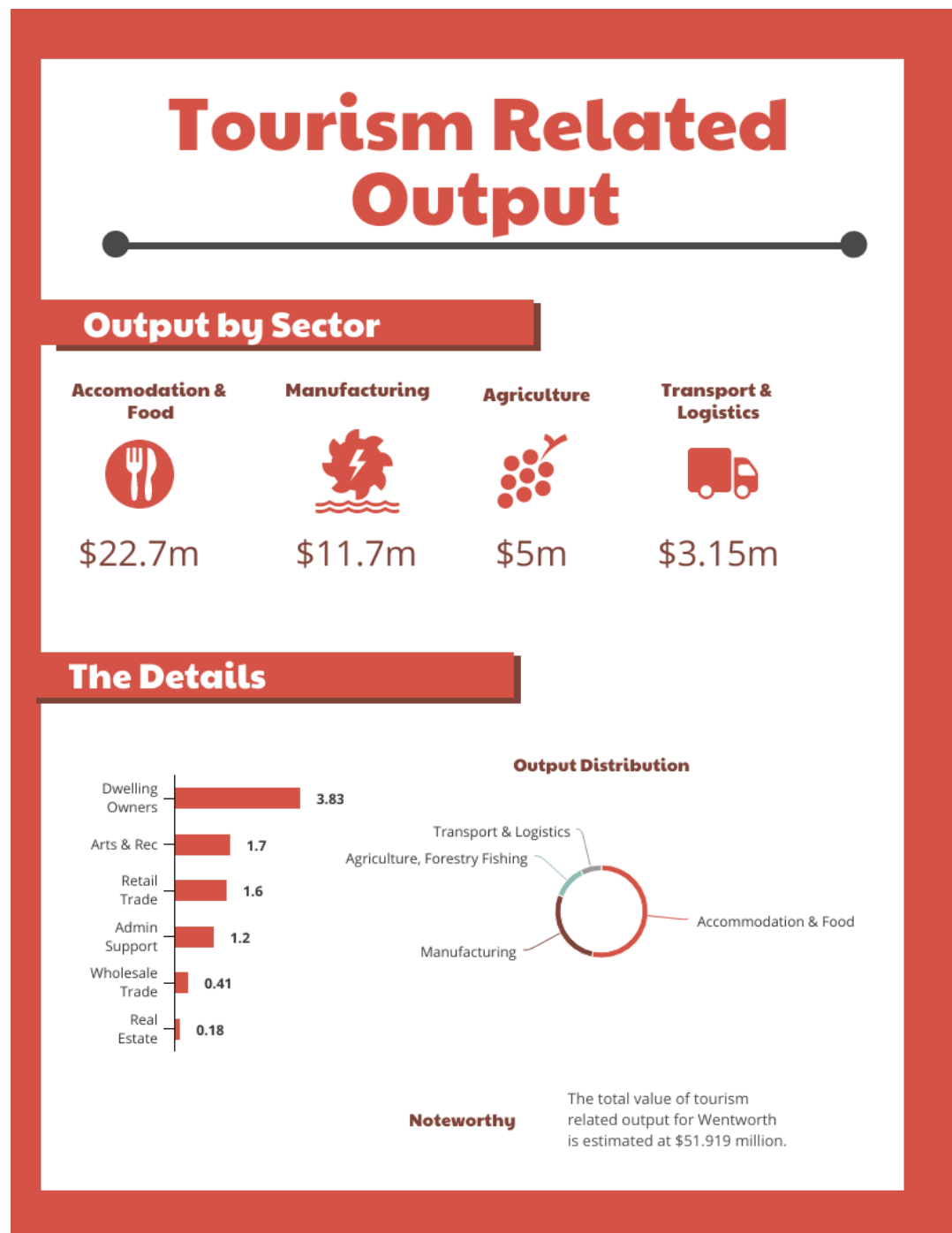


Figure 7 Output attributable to Tourism in Wentworth (REMPAN Economy)

In the Wentworth LGA there is a significant difference in the provision of employment between the accommodation and food industry and the agriculture, forestry, fishing, retail trade, manufacturing, transport/postal warehousing and arts and recreation services industries.



Figure 8 Employment attributable to Tourism (REMPPLAN Economy)

2.1.3 Agricultural economy and employment statistics

2.1.3.1 Agricultural economy

The total output estimate for Wentworth (A) is \$1,131.943 million.

The agriculture, forestry and fishing sectors contribute \$275.389 million (24.3%) of the total output.

Primary Industry Economic Financial Output

Output Ag, forestry & fishing & Others



Figure 9 Total output of Agriculture, forestry and fishing sectors (REMPLAN Economy)

2.1.3.2 Agricultural employment

Of the 2,837 jobs in Wentworth LGA, 789 people (27.8%) are directly employed in the agriculture, forestry and fishing industries as follows:

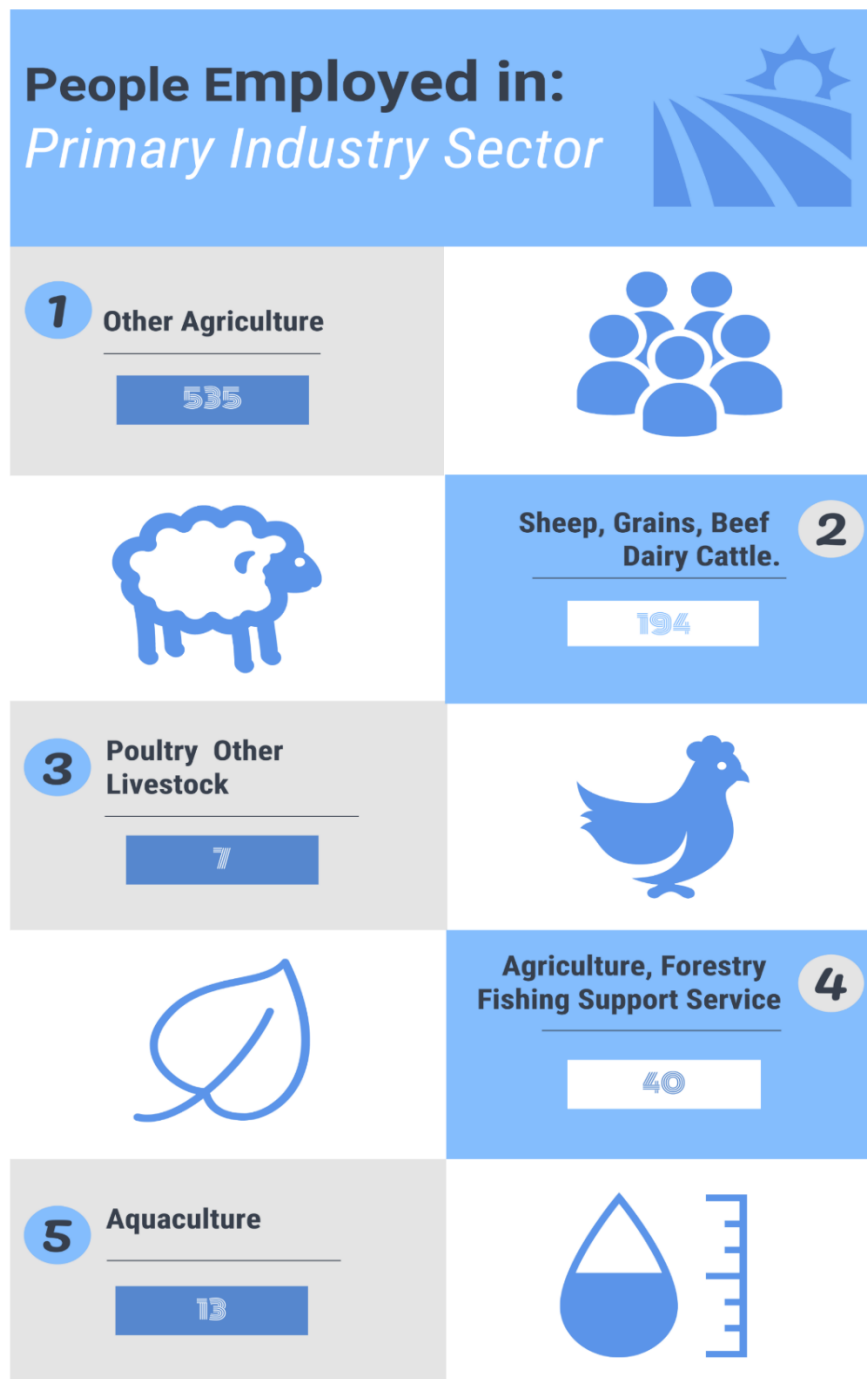


Figure 10 Employment in the Agriculture, Forestry & Fishing industry (REMPLAN Economy)

2.2 Background planning issues

2.2.1 Land & Environment Consent Orders

Following a legal challenge by the Murray Darling Wetlands Association with Wentworth Shire Council and the Department of Planning and Infrastructure being respondents, mediation lead by the NSW Land and Environment Court resulted in Consent Orders which were essentially reflected in stage one of a brief for a Rural Lands Strategy.

This section has been prepared in response to Consent Orders No 40255 of 2012 issued by the Land and Environment Court on 30 October 2012.

The Orders directed Wentworth Shire Council to evaluate the conversion of the Wentworth Local Environmental Plan 1993 (WLEP 1993) to the Wentworth Local Environmental Plan 2011 (WLEP 2011):

“Review all submissions made to the Wentworth LEP 2011 concerning rural land use and consider all rural land use mapping and identify:

- 1 Any inaccuracies in current mapping under the Wentworth LEP 2011;*
- 2 Any rural lands, local planning provisions under the Wentworth LEP 1993 which were not incorporated into the Wentworth LEP 2011; and*
- 3 Those matters arising from submissions or item (b) above which support an amendment to the Wentworth LEP 2011 or warrants specific consideration in a broader land use strategy”.*

Following a review of the public submissions received during the exhibition of the draft WLEP 2011, it was concluded that the following were considered to be the key issues:

- Inaccuracy of the natural resource mapping for terrestrial biodiversity, wetlands and rivers/watercourses
- The restrictions of the land use table applicable to the RU1 Primary Production zone
- The validity and lack of justification for the application of the proposed minimum lot sizes to be applied in the RU1 Primary Production zone
- River setbacks
- The ‘Sunset’ clause relating to dwelling permissibility on existing holdings, former rural lots and schedule of permitted uses
- The process by which the LEP 1993 was converted to LEP 2011.

2.2.2 Previous work undertaken

Wentworth Shire Council resolved to “*undertake a Shire wide rural land use study to determine the justification of zoning issues*” in April 2011. Following that resolution consultants were appointed with the project commencing in September 2013.

A draft Agricultural Strategy and draft Rural Land Use and Rural Residential Strategy were presented to Council and the executive management team in a workshop forum July 2015. Prior to the draft documents being endorsed by Council for public exhibition and state agency consultation, all Councillors declared a pecuniary interest in rural land.

A request was submitted to the Minister for Local Government seeking the removal of the pecuniary interest disability. The response from the Minister advised that the pecuniary interest disability would not be removed and that Council should delegate its decision-making powers to the Western Region Planning Panel to finalise the Rural Land Use and Rural Residential Strategy.

Following the resolution of Council to delegate their decision-making powers to the Western Region Planning Panel in May 2018, Council staff worked closely with the Department of Planning, Industry & Environment and members of the Western Region Planning Panel on this project.

A thorough review of the 2015 draft Rural Land Use and Rural Residential Strategy determined that statistical data, relevant documentation references and information contained in the draft were outdated and ineffectual.

The issues identified in the 2015 draft Rural Land Use and Rural Residential Strategy are still somewhat consistent with the current land use issues.

It has been determined that of the remaining issues, some of these can be resolved directly by undertaking a review of the current land use planning controls relating to rural land, whilst others will need to be addressed and resolved within other strategic work. Further details are provided in Section 2.4.

2.3 Existing rural land planning controls

2.3.1 Zone applicable to rural land

Rural land in the Wentworth LGA is predominantly used for pastoral grazing, broad acre cropping and irrigation purposes. These areas occupy over 88% of the LGA, approximately 2,320,731.74 hectares. The zone applied over these areas is RU1 Primary Production zone, as shown in Figure 11 below:

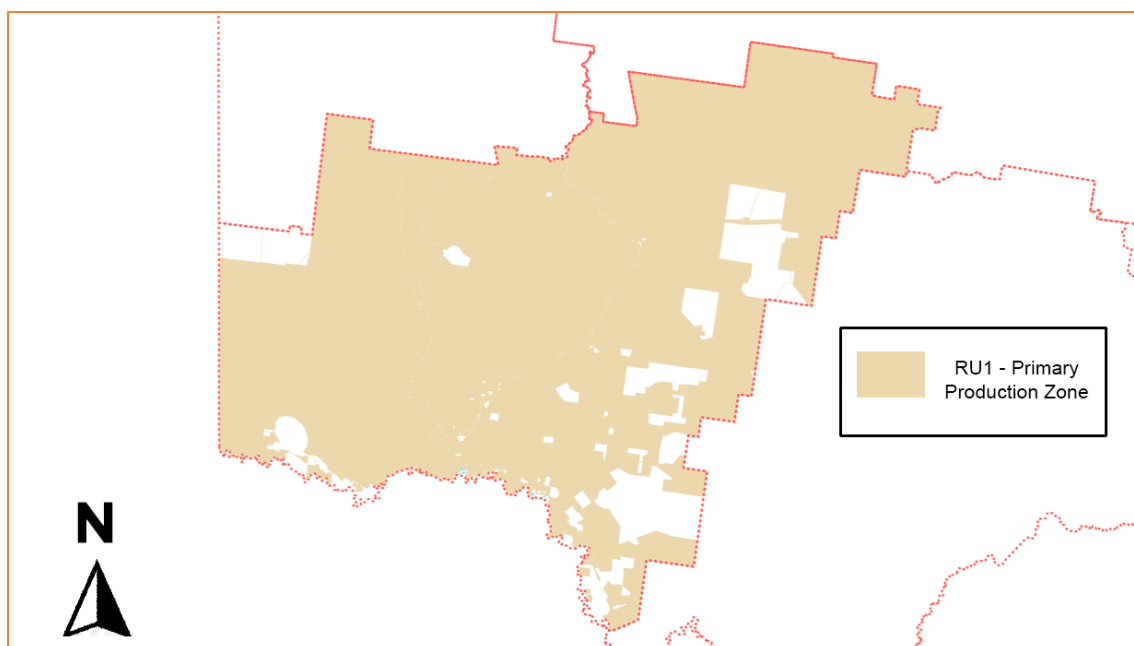


Figure 11 RU1 Primary Production zone map

2.3.2 Minimum lot size, property sizes & holdings

The current minimum lot sizes applicable to the RU1 Primary Production zone are:

- 10,000 for pastoral grazing, broad acre cropping, new horticulture
- 10 hectares for irrigation districts.

The map below shows the distribution of the two minimum lot sizes across the Wentworth LGA.

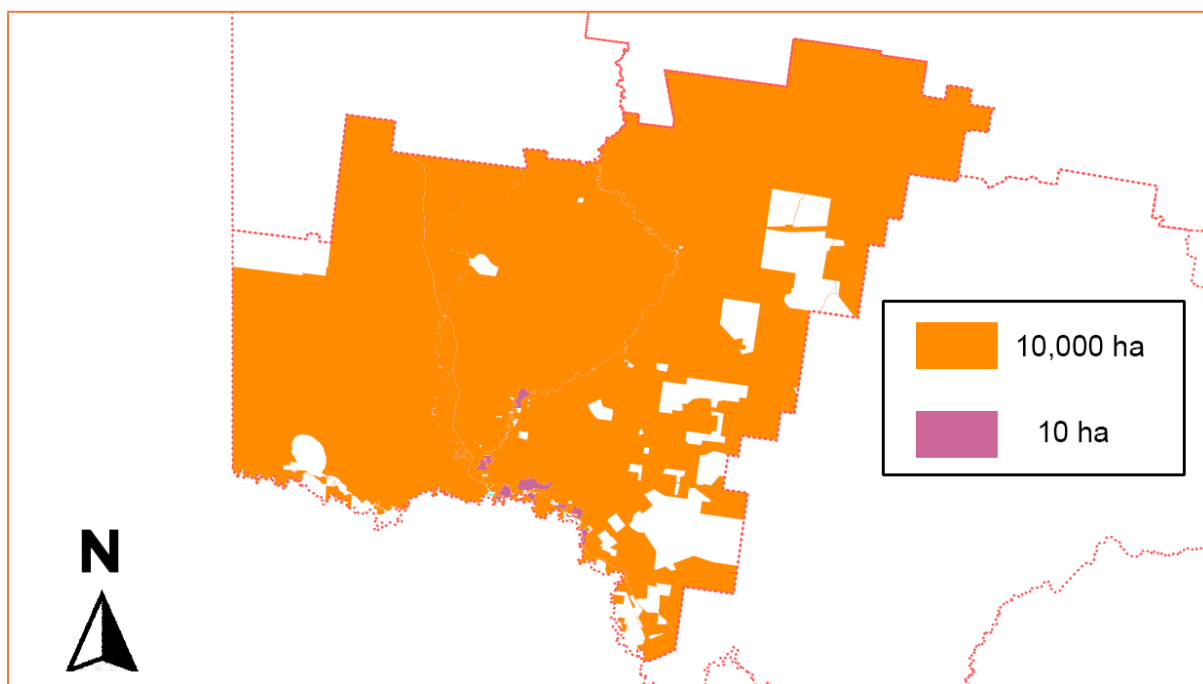


Figure 12 RU1 Primary Production zone minimum lot size map

2.3.3 Subdivision & Dwelling provisions

A summary of the development standards for subdivision and dwellings in rural zones are provided below:

- Clause 4.1 Minimum lot size – sets out the criteria to meet the minimum lot size for rural land subdivision and specifies objectives to promote suitable land uses, minimise cost to the community, prevent fragmentation of rural land, protect biodiversity and maximise economic potential of intensive agriculture. It is recommended that the objectives of this clause be updated to simplify, yet provide greater clarity of the objectives of the clause.

Proposed minor modifications are provided in Appendix 2.

- Clause 4.1AA Minimum lot size for community schemes – specifies that subdivision of land for community title development must meet the minimum lot size. It is recommended that the R5 Large Lot Residential and E4 Environmental Living zone be included in this clause.

Proposed minor modifications are provided in Appendix 2.

- Clause 4.1B Minimum subdivision lot sizes for certain split zones – specifies the objectives and requirements for subdivision of allotments that are within more than one zone. It is recommended that E4 Environmental Living zone be included in this clause.

Proposed minor modifications are provided in Appendix 2.

- Clause 4.2 Rural subdivision – sets out the ability to create a lot less than the minimum lot size for the purpose of agriculture, where there is no ability for an existing dwelling or development of a new dwelling on the lot. Aimed to allow the subdivision of and transfer of vacant allotments between farm holdings.
- Clause 4.2A - sets out the prohibition for subdivision of RU1 and E3 zones for the purposes of residential accommodation or tourist and visitor accommodation. It is recommended that E4 Environmental Living and R5 Large Lot Residential zones be included in the clause.

Proposed minor modifications are provided in Appendix 2.

- Clause 4.2B - this clause details the requirements for dwelling houses in the RU1 and E3 zones, which are that the lot must meet the minimum lot size. This clause also included the 'existing holding' and 'former rural lot' provisions which have now expired. It is recommended that the expired provisions be removed.

Proposed modifications are provided in Appendix 2.

- Clause 4.2C – this clause requires that there must be a 'demonstrated economic capacity' to support the employment of rural workers and that the development must be on the same lot as an existing 'lawfully erected' dwelling house. It is recommended that Secondary dwellings are included in this clause.

Proposed minor modifications are provided in Appendix 2.

- Clause 4.2D – the interpretation of this clause is subjective and has caused confusion in the past as it alludes to the permissibility of dwelling houses on RU1 zoned land where the allotment is less than the minimum lot size provided, it is proven that the development will support intensive plant or extensive agriculture. This clause, in its current form, contradicts the requirements of Clause 4.2 regarding minimum lot size and dwelling permissibility in the RU1 zone. It is recommended that this clause be removed from the Wentworth LEP 2011.

2.3.4 Additional planning provisions affecting rural zoned land

Clause 5.4 Controls relating to miscellaneous permissible uses

Additional controls and conditions apply to the following permissible uses in the RU1 Primary Production zone:

- bed and breakfast

- home businesses
- home industries
- farm stay accommodation
- roadside stalls

Clause 5.5 Controls relating to secondary dwellings on land in a rural zone

Not adopted.

It is recommended that controls relating to secondary dwellings be adopted in Clause 5.5. This will ensure there is clarity in the definition of this type of development, which is recommended to be included as permissible with consent in the RU1 Primary Production zone land use table.

Proposed secondary dwelling controls are provided in Appendix 2.

Clause 5.13 Eco-tourist facilities

The objective of this clause is to ensure that the environmental and cultural values are maintained and to ensure that proposed facilities will have a minimal impact on the environment.

Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones

This clause aims to minimise any potential land use conflict between the existing and proposed land uses.

Clause 5.18 Intensive livestock agriculture

This clause aims to ensure that appropriate environmental assessment is undertaken and to provide thresholds for which development consent is not required.

Clause 5.19 Pond-based, tank-based and oyster aquaculture

The objective of this clause is to encourage sustainable aquaculture development and to set out local and operational requirements.

Schedule 1 Additional permitted uses

1 to 4 of this schedule permitted the development of a dwelling on 17 lots in Curlwaa and Mourquong. These provisions expired 16 December 2018 and need to be removed from the schedule.

The proposed amended Schedule 1 is provided in Appendix 2.

2.4 Identified issues

2.4.1 RU1 Primary Production zone land use table

The current land use table for RU1 Primary Production zone is very restrictive in its permissible uses.

Regular enquiries from rural landholders are received seeking to obtain permission for additional uses that are considered compatible with agricultural activities, particularly where those activities supplement or provide additional income to maintain financial independence and security.

A review of the current land use table is undertaken in Section 3, including recommended amendments to the objectives and land use table for the RU1 Primary Production zone.

2.4.2 Minimum lot sizes

It is considered that there has been insufficient justification to support the continued application of the 10,000 or 10 hectare minimum lot sizes over RU1 Primary Production zoned land in the Wentworth local government area.

The minimum lot size provisions directly affect dwelling permissibility in the RU1 Primary Production zone.

Due to the complexity of issues subsequent of the application of the current minimum lot sizes, these will be reviewed and resolved in a separate rural residential strategy.

2.4.3 Dwelling permissibility, Former Rural Lots, Existing Holdings & Additional Permitted Uses

Dwelling permissibility or prohibition on rural land is determined by the application of the minimum lot size provisions in an LEP.

Previous permissibility was also granted under the now expired:

- existing holding and former rural lot provisions of Clause 4.2B and
- Schedule 1 Additional permitted uses (1-4).

The issue relevant to the development of new dwellings on rural lots includes the prohibition of such development should the lot not meet the minimum lot size standard, despite the necessity for a new or additional dwelling to support the current rural use and business enterprise.

Due to the complexities subsequent of the application of the current minimum lot sizes and dwellings on rural land, these will be reviewed and resolved in a separate rural residential strategy.

2.4.4 Boundary realignment/adjustment

Council is receiving an increasing number of requests to realign allotment boundaries. Under the current planning controls in the Wentworth LEP 2011, there is no provision to adjust boundaries where the allotments do not meet the MLS. To enable the sale of allotments to adjoining or nearby landholders for consolidation or expansion or the reconfiguration of property boundaries to support the ongoing agricultural activities, planning controls need to facilitate the expansion of landholdings for financial sustainability, where these boundary adjustments achieve the objective of the zone.

A review of this issue is undertaken in Section 3, including recommended amendments to the Wentworth LEP 2011.

2.4.5 Riverfront clauses and setback

While the LEC consent orders required the application of the river setbacks to be reviewed as part of the overall Rural Land Use Strategy project, it will be necessary for any review to be consistent with the outcomes and recommendations of the DPIE River Murray Management Strategy (RMMS) or any such similar project. This strategy is currently being developed and will inform any new SEPP, the current draft Murray Regional Strategy or revised Murray Regional Environmental Plan No. 2.

Therefore, any review of the riverfront clauses and setback provisions should be undertaken following completion of the RMMS.

2.4.6 Inaccuracy of natural resource mapping for terrestrial biodiversity, wetlands, watercourses and flood areas

It is acknowledged that the terrestrial biodiversity and wetlands mapping is not 100 percent accurate. However, where inaccuracies are identified, amendments to the applicable maps in the WLEP 2011 can be made. The mechanisms for amending the LEP include, but are not limited to, amendments as a consequence of this review of current rural land planning controls, an LEP review and periodic anomaly or 'housekeeping' amendments. Any proposed amendments to the mapping will be undertaken following consultation with potentially affected landholders.

It is considered that the watercourse mapping is satisfactory. Any inaccuracies that are identified can be resolved through 'housekeeping' planning proposals.

Inaccuracies or inconsistencies in the current flood mapping will be rectified and updated following completion of the Flood Study and Flood Risk Management Study and Plan project.

Section 3 Proposed Policy Direction

3.1 Policy Direction – Tourism, value-adding and diversification

3.1.1 Intent

Encourage and facilitate the establishment of diverse value-added industries and tourism development whilst having regard to and respecting agricultural, environmental and scenic values.

3.1.2 Outcomes to be achieved

1. Enable rural landholders to diversify and value add to their existing enterprise.
2. Support the on-farm production of local produce, including the marketing and sale of the final product.
3. Ensure planning instruments facilitate a range of tourism uses on rural land.
4. Facilitate a broader range of residential development on rural land.

3.1.3 Discussion

One of the issues with the current rural land use planning controls is the limited permissible land uses under the RU1 Primary Production zone.

For many rural land owners, their farm is their livelihood and operated as any other business, often at a much larger scale. Not all farmers are able to generate an income solely from their agricultural property and therefore, rely on employment for off farm income.

To support the ongoing financial stability and independence of full-time primary producers, planning provisions need to provide more flexibility and opportunities for farming enterprises to use their land for alternative uses that complement the existing on farm activities, without reducing the agricultural productivity.

There is a growing national trend for rural land owners, both large and small, to launch in to less traditional farming ventures by either value adding to farm produce, diversifying into alternative farming or alternative rural land use activities, that complement the farming enterprise or are conducive to being located in a rural setting.

The Wentworth local government area contains a broad range of lot sizes and diverse agricultural enterprises which provides an enormous opportunity for rural land holders and operators to explore additional value-added or diverse activities. This should be seen as a positive attribute to living and working in rural Wentworth.

The Western Murray REDS refers to the importance of identifying and capitalising on 'endowments' to support economic development and growth. The strategy identifies the following endowments for the western Murray region:

- natural features of the rivers and landscape, national parks
- industry features relating to tourism, agriculture and water security
- human features of the local and indigenous cultures
- physical features including rail and road networks and access to aviation services

An increase in enquiries for permissibility in the establishment of value-added industries and alternative, compatible land uses to support existing rural enterprises, demonstrates a growing demand for a broader range of permissible uses in the RU1 zone.

While the current land use table for the RU1 zone allows for home industries and rural industries, the resultant product can only be sold on site via approval for a roadside stall. The only permissible retail sale of product on site is through development approval of a cellar door premises.

Similarly, there are limited permissible land uses that support low key tourism such as bed and breakfast accommodation, camping grounds, eco-tourist accommodation and farm stay accommodation.

The *Agritourism and small-scale agriculture development* (Agritourism) reforms proposed by the Department of Planning, Industry & Environment, will help to alleviate some of the current constraints to permissibility for farm stay accommodation, farm events and farm gate activities.

The Agritourism reforms will provide the opportunity for the sale of locally grown, processed and packaged produce directly from rural properties and include permissibility to host functions and events that benefit from being held in a rural environment.

There is an active and valued tourism industry in Wentworth, however, there is also untapped opportunity and potential to share the real rural experience with visitors to our region.

Well-designed tourism development which respects the natural features of the area, particularly rural and environmental features, can provide opportunities for innovative diversification of existing enterprises.

Tourism is also a desirable and stable employment opportunity for both the community and new residents to the area. Flow on effects to both rural landholders and their community include economic and social benefits collectively through an increase in visitor numbers to the Wentworth region, as a result of a growth in tourism attractions and associated businesses.

Therefore, this paper proposes that an amendment to the Wentworth LEP 2011 RU1 Primary Production zone land use table is required to enable additional tourism, value-added and diversification uses that will support the ongoing financial viability of rural enterprises. It is also suggested that additional controls related to caravan parks and heavy industry development, are adopted to guide Council and the community with the standards required for these types of development.

The proposal to allow for additional tourism uses in the RU1 land use table is also supported by the Far West Regional Plan under Direction 5.9 Promote tourism opportunities. This direction suggests that activities relating to tourism that extend visitors stay in the region should be explored.

The recommendation to include additional tourism uses in the RU1 land use table enacts upon Action 5.9 of the Far West Regional Plan.

Planning Priority 1 of the Wentworth Local Strategic Planning Statement also highlights the growing trend and demand for tourism on rural land. Strategic Direction E under this planning priority also recommends that tourism uses that are compatible with agriculture be included in the land use table for rural land.

The establishment of tourism development on rural land is also affirmed under Planning Priority 2 where it is to be encouraged *where it would benefit from being established on agricultural land or in a rural setting*.

Dual occupancies and secondary dwellings offer a variety of positive and future-focused advantages that include, but are not limited to:

- succession planning for generational farming families
- leasing opportunities for additional on-farm income (thus potentially reducing the need for off-farm income to be generated)
- provision of short-term accommodation such as bed and breakfast or the potential to host farm/nature related retreats.

Where there is a dwelling entitlement the current planning provisions only allow for attached dual occupancy which limits the variety of housing opportunities on rural land.

Despite current dual occupancy permissibility in the RU1 zone, being two dwellings of similar or identical size and built form, the inclusion of permissibility for a secondary dwelling provides additional flexibility for residential accommodation on rural properties. A secondary dwelling would commonly be described as a smaller, perhaps less substantial type of residential dwelling. This in turn proactively

responds to anticipated changes and emerging trends in residential requirements on rural land ie. Older generations downsizing, but not yet ready or wanting to relocate to town.

Table 1 below shows a comparison between the existing and proposed land uses. The legend below highlights the proposed changes to the existing land use table in the RU1 Primary Production zone as outlined in Table 1:

- Proposed change to objectives
- Proposed additional permissible uses without consent
- Proposed additional permissible uses with consent
- Proposed additional prohibited uses

Table 1 Land use table comparison

<p>RU1 Primary Production zone</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> • To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. • To encourage diversity in primary industry enterprises and systems appropriate for the area. • To minimise the fragmentation and alienation of resource lands. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth. • To ensure land is available for intensive plant agricultural activities. • To encourage diversity and promote employment opportunities related to primary industry enterprises, including those that require smaller holdings or are more intensive in nature. 	<p>Proposed RU1 Primary Production zone</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> • To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. • To encourage diversity in primary industry enterprises and systems appropriate for the area. • To minimise the fragmentation and alienation of resource lands. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth. • To ensure land is available for intensive plant agricultural activities. • To encourage and promote the growth and diversification of economic and employment opportunities in agriculture, horticulture and tourism. • To enable restaurants and cafes as part of an agritourism development.
<p>2 Permitted without consent</p> <p>Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems</p>	<p>2 Permitted without consent</p> <p>Agriculture; Environmental protection works; Forestry; Home-based child care; Home businesses; Home occupations; Roads; Water reticulation systems</p>
<p>3 Permitted with consent</p>	<p>3 Permitted with consent</p>

<p>Agricultural produce industry; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm stay accommodation; Freight transport facilities; Heavy industrial storage establishments; Helipads; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Moorings; Offensive industries; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Sewerage systems; Veterinary hospitals; Water recreation structures; Water supply systems</p>	<p>Agricultural produce industry; Air transport facility; Airstrips; Animal boarding or training establishments; Aquaculture; Artisan food and drink industry; Backpackers' accommodation; Bed and breakfast accommodation; Boat building and repair facility; Boat launching ramp; Boat sheds; Building identification signs; Business identification signs; Camping ground; Caravan Parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishment; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Freight transport facilities; Heavy industry; Helipads; Home Industries; Home occupations (sex services); Industrial retail outlet; Industrial training facilities; Intensive livestock agriculture; Jetties; Kiosk; Landscaping material supplies; Markets; Moorings; Mooring pens; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Restaurant or café; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Self storage units; Sewerage system; Telecommunications facility; Transport depot; Truck depots; Vehicle repair station; Veterinary hospitals; Waste or resource management facility; Water recreation structures; Water supply system;</p>
<p>4 Prohibited Amusement centre; Artisan food and drink industry; Attached dwellings; Back packers' accommodation; Boarding house; Boat building and repair facility; Car parks; Caravan parks; Centre-based child care facilities; Commercial premises (Business, Office, Retail (food & drink premises, garden centres, hardware/building supplies, kiosks, markets, retail, rural supplies, shops, vehicle sales/hire); Crematorium; Early education and care facility; Emergency services facility; Entertainment facilities; Exhibition home; Exhibition village; Function centres; Funeral home; General industry; Group home; Hazardous industry; Health services facilities; Heavy industry; Heliport; High technology industry; Highway service centre; Hospital; Hostel; Hotel or motel accommodation; Industrial retail outlet; Industry; Kiosk; Marina;</p>	<p>4 Prohibited Amusements centre; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Correctional centres; Crematorium; Early education and care facility; Entertainment facilities; Exhibition homes; Exhibition villages; Function centres; Funeral home; General industry; Group homes; Health services facilities; Heliport; High technology industries; Highway service centres; Home occupations (sex services); Hospital; Hostel; Hotel or motel accommodation; Industries; Information and education facilities; Marinas; Mortuaries; Multi dwelling housing; Neighbourhood shop; Passenger transport facilities; Places of public worship; Port facilities; Recreation facilities (indoor); Residential care facility; Residential flat buildings; Respite day care centres; Restricted premises; Retail</p>

<i>Market; Mining; Mooring pen; Mortuary; Multi dwelling housing; Neighbourhood shop; Offensive storage establishments; Passenger transport facility; Places of public worship; Recreation facilities (indoor); Residential flat buildings; Schools; Semi-detached dwellings; Seniors housing; shop top housing; Residential care facility; Resource recovery facility; Respite day care centre; Restricted premises; Retail premises; Secondary dwelling; Self-storage units; Seniors housing; Service stations; Serviced apartment; Sex services premises; Storage premises; Telecommunications facility; Transport depot; Truck depot; Underground mining; Vehicle body repair workshop; Vehicle repair station; Warehouse or distribution centre; Waste or resource management facility; Wharf or boating facilities; Wholesale supplies;</i>	<i>premises; Semi-detached dwellings; Seniors housing; Service stations; Serviced apartments; Sex services premises; Shop; Storage premises; Take away food and drink premises; Tourist and visitor accommodation; Truck depots; Vehicle body repair workshop; Vehicle sales or hire premises; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies;</i>
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It should be noted that:

- Farm buildings are currently permissible without consent. Table 1 above shows an amendment that proposes to move farm buildings to permissible with consent
- With the inclusion of Agriculture in permissible without consent, Extensive and Intensive plant agriculture will be removed from the permissible without consent table
- Educational establishments are currently permissible with consent, however the sub category of school is prohibited. The amended land use table rectifies this oversight to include both schools and tertiary/secondary/TAFE establishments as permissible with consent under the Educational establishment definition
- Heavy industrial storage establishments and offensive industries are currently permitted with consent. However, heavy industrial uses and offensive industrial storage establishments are both prohibited. For consistency and to facilitate heavy/offensive industrial development (both offensive and hazardous), particularly as the WLEP 2011 does not include the heavy industrial zone, heavy industry is recommended to be introduced as permitted with consent.
- Emergency services facility is permitted under the Infrastructure SEPP and Mining is permitted under the Mining, Petroleum Production and Extractive Industries SEPP.

Council has received feedback as a result of conducting early consultation with the Department of Primary Industries – Agriculture. The uses proposed for inclusion in the RU1 land use table, of which

DPI Agriculture do not support, are listed below, together with the purpose and justification for their inclusion:

Table 2 Non-supported uses and justification

Backpackers accommodation	This use will serve three purposes: 1) provide additional and variety of tourism accommodation facilities for visitors to the region 2) fill a major gap in the provision of accommodation for seasonal workers 3) facilitates an additional income stream for rural landholders.
Boat building and repair facility	This type of activity requires space and ease of access to a river and should preferably be located outside of urban environments. Industrial zones are not located within close proximity to rivers and therefore, this use should be permissible in the RU1 zone.
Caravan parks	To take advantage of the natural outback environment and provide a variety of rurally located accommodation facilities, similar to other far west local councils such as Balranald, Central Darling, Bourke and Carrathool.
Emergency services facility	To legalise the existence of numerous Rural Fire Services facilities that are located in remote districts and managed by the RFS volunteers and facilitate the development of additional remote services if required.
Heavy industry	This type of development requires separation from other more sensitive developments, particularly away from townships. While normally it would be located in a heavy industrial zone, where that land would have previously been RU1 zone, Wentworth LGA does not have sufficient enquiry or demand to warrant rezoning tracks of rural land to facilitate the establishment of this type of use. However, by permitting this use in the RU1 zone, Council facilitates the establishment of this type of development in locations where there would be adequate separation from sensitive uses and space.
Industrial retail outlet	This use is generally used in conjunction with rural industry (and industry which will remain prohibited) and permits the sale of goods that have been manufactured on the land on which the rural industry is located.

Kiosk	This use facilitates the provision of refreshments or convenience items where there are other uses or activities occurring on the site. For example, uses such as camping ground, eco-tourist accommodation and the proposed farm experience premises uses in the Agritourism amendment would benefit from including the provision of quick/light food and drinks to those who are utilising those services. A kiosk is a small-scale activity as per Section 5.4(6) of the WLEP.
Light industry	This use includes artisan food and drink industry (new use supported by DPI Agriculture), home industry (currently permissible), high technology industry (currently prohibited) and creative industry (currently prohibited). It is considered that there is no compelling reason not to include home industry and artisan food and drink industry as permissible in the RU1 zone.
Restaurant/Café	There is a growing trend in the rural sector of processing and manufacturing raw produce for retail sale on site. This activity can be successfully operated in conjunction with an associated restaurant or cafe, similar to cellar door sales with associated food provision services. These types of rural enterprises are becoming increasingly popular with tourists and the local community. This type of development would form part of an agritourism development.
Transport depot	May require larger areas of land to operate this type of use and would be more suitable outside of town boundaries. Considered compatible with rural land uses.
Truck depot	May require larger areas of land to operate this type of use and would be more suitable outside of town boundaries. The type of machinery stored and serviced also includes farm machinery. Considered compatible with rural land uses.
Vehicle repair station	This type of use includes the permissibility to repair all machinery including agricultural machinery and is considered compatible with rural land uses. It would also facilitate an additional income stream for rural land holders

3.1.4 Recommendations

1. Amend the objectives and land use table for RU1 Primary Production to permit additional uses that support diversification of value added and tourism uses on rural land in the Wentworth LEP 2011.

3.2 Policy Direction – Boundary adjustments

3.2.1 Intent

Facilitate opportunities for agricultural enterprises to expand or adjust business operations through boundary adjustments of allotments.

3.2.2 Outcomes to be achieved

Enable boundary adjustments where existing or created allotments do not meet the minimum lot size or create additional allotments.

3.2.3 Discussion

During the past few of years, Council has received an increasing number of requests to realign or adjust allotment boundaries. These enquiries include land where the allotments do not satisfy the MLS.

The SEPP (Exempt and Complying Development Codes) 2008 provides for exemption from development approval for boundary adjustments where the proposal satisfies certain standards. Should those standards not be satisfied, development consent is required.

However, under the current planning controls in the Wentworth LEP 2011, there is no provision to adjust boundaries where the allotments do not meet the MLS.

This needs to be rectified to assist with:

- enabling the sale of allotments to adjoining or nearby landholders to encourage the expansion of landholdings and facilitate financial sustainability
- facilitating succession planning or family requirements where there is a necessity for allotment boundaries to be changed
- supporting newcomers to the agricultural industry, particularly on allotments that are smaller than the designated minimum lot size.

The proposed new clause would not permit the creation of any new allotments or additional dwelling entitlements.

3.2.4 Recommendations

1. Replace existing Clause 4.2D with a new clause that facilitates boundary adjustments in zones RU1 and E3 where the allotments do not meet the minimum lot size, as shown in Appendix 2.

Section 4 Implementation Plan and Review

4.1 Implementation Plan

The following table presents an implementation plan outlining the specific recommended actions contained within this Review of Rural Land Planning Controls paper.

Table 3 Implementation Plan

No	Action	Timeframe (Years)	Funding source
1	Prepare a planning proposal to amend the Wentworth LEP 2011 by replacing the objectives and land use table for RU1 Primary Production to permit additional uses that support diversification of value-added development and tourism uses on rural land in the Wentworth LEP 2011, as outlined in Appendix 2.	0-1	WSC Operational budget
2	Prepare a planning proposal to amend the Wentworth LEP 2011 by updating Part 4 Principal Development Standards, as outlined in Appendix 2.	0-1	WSC Operational budget
3	Prepare a planning proposal to amend the Wentworth LEP 2011 by replacing existing Clause 4.2D with a new clause that facilitates boundary adjustments in zones RU1 and E3 of allotments that do not satisfy the minimum lot size requirements, as outlined in Appendix 2.	0-1	WSC Operational budget
4	Prepare a planning proposal to amend the Wentworth LEP 2011 by inserting secondary dwelling size provisions in Clause 5.5 Controls relating to secondary dwellings on land in a rural zone, as outlined in Appendix 2.	0-1	WSC Operational budget
5	Prepare a planning proposal to amend the Wentworth LEP 2011 by updating Schedule 1 Additional permitted uses, as outlined in Appendix 2.	0-1	WSC Operational budget

References

Western Murray Regional Economic Development Strategy 2018-2022

Far West Regional Plan 2036

Wentworth Local Strategic Planning Statement 2020

REMPAN Economy [REMPAN Economy](#)

REMPAN Community [REMPAN Community](#)

Appendix 1: Strategic context

A short summary of the key strategic reports relevant to rural land that articulate government aspirations and directions relevant to Wentworth Shire Council and this Review of Rural Land Planning Controls papert, are as follows:

Far West Regional Plan 2036

The Far West Regional Plan 2036 sets out the following vision for the wider region:

A unique part of Western NSW with a diverse economy supported by the right infrastructure, an exceptional natural environment and resilient communities.

The Plan sets out the following directions and actions relevant to this review document:

- ***Direction 2: Protect productive agricultural land and plan for greater land use compatibility***
 - 2.2 Manage the interface between agricultural lands and other land uses to minimise land use incompatibility and fragmentation
- ***Direction 5: Promote tourism opportunities***
 - 5.9 Identify opportunities for tourism uses and associated land uses in local plans

Wentworth Local Strategic Planning Statement (2020)

The WSC Local Strategic Planning Statement gives effect to:

- ***Priority 2: Protect productive agricultural land and plan for greater land use compatibility***

Through six strategic directions:

- i. Protect irrigated horticultural land uses in pumped irrigation districts and general irrigation lands outside pumped districts
- ii. Manage change in pumped districts of Pomona and Curlwaa by balancing the need to support the productive and sustainable function of existing water infrastructure with pressure for new rural and hobby farm living
- iii. Prioritise new irrigated horticulture on suitable land
- iv. Support other agricultural land uses including dryland cropping and pastoral farming
- v. Facilitate the development of new, innovative and compatible non-agricultural land uses and development, particularly tourism on or near productive agricultural land and by reviewing and amending the rural zone land use table
- vi. Prioritise new value-added manufacturing (food processing, packaging and manufacturing) including on site sales (farm gate retail) and related transport facilities on land with safe access to the key regional freight route consisting of the Sturt and Silver City Highways.

▪ **Priority 2: Grow Tourism**

Through eleven strategic directions:

- a. Encourage a range of tourism and visitor accommodation development where it benefits from cl-location with a primary productive use or benefits from a rural landscape setting
- b. Consider ecotourism facilities as a land use to manage conflicts between horticulture and residential areas in Buronga
- c. Encourage a range of tourism development and amenities within settlement boundaries
- d. Leverage existing access to the rivers to embellish public along rivers
- e. Support tourism developments along the river that do not impact on the health and amenity of the rivers
- f. Reinforce Wentworth township's riverfront precinct
- g. Locate cluster moorings and commercial mooring sites close to towns
- h. Promote high quality public spaces
- i. Improve and maintain access for connectivity to places of heritage significant, adjoining states/towns and popular tourist destinations
- j. Deliver new or upgraded infrastructure across the shire
- k. Consolidate the far west tourism experience by working with the FWJO and associated Councils to prepare a heritage trail

Regional Development Framework (2017): Making it happen in the regions

The Regional Development Framework aims to improve investment coordination and decision making to provide quality services and infrastructure in regional NSW, align efforts to support growing regional centres and identify opportunities to activate local economies.

20 Year Economic Vision for Regional NSW (2021)

The 20-year Vision for Regional NSW sets out the State Governments strategy to drive sustainable, long-term economic growth in regional NSW. It is essentially a roadmap to unlock significant economic potential in regional NSW.

New major investments and economic injections in to projects has provided insight in to the merging sectors of advanced manufacturing, renewable energy and gas and technology enable primary industries. The merging future industries have also been identified as critical minerals, ecotourism, recycling and high-quality food products.

The Western Murray Region includes Wentworth Shire Council where one of the focuses of the document is to develop areas with tourism potential to attract both domestic and international tourists, whilst managing energy and water resources to supply will meet the long term regional needs.

NSW Government Right to Farm Policy (2015)

A Right to Farm Policy was developed by the NSW government in 2015 that aims to protect farmers' desire to undertake lawful agricultural practices without conflict or interference from complaints from neighbours and other land users. The policy brings together a suite of actions including:

- Reinforcing rights and responsibilities
- Establishing a baseline and ongoing monitoring and evaluation of land use conflicts
- Strengthening land use planning
- Ensure environmental planning instruments, where appropriate, consider rural land use conflict
- Consideration of legislative options should additional Government intervention be required.

The policy also considers a range of legislative options available to the NSW government if the experience and evidence informed by the implementation of the policy suggest that a legislated response is warranted.

State Environmental Planning Policy (Primary Production and Rural Development) 2019

The aims of the Policy relevant to this review of rural land use controls are as follows:

- To facilitate the orderly economic use and development of lands for primary production
- To reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources
- To identify state significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations
- To simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts
- To encourage sustainable agriculture, including sustainable aquaculture.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The aims of this Policy are as follows:

- Providing exempt and complying development codes that have state-wide application
- Identifying the types of development that are of minimal environmental impact that may be carried out without the need for development consent
- Identifying the types of complying development that may be carried out in accordance with a complying development certificate
- Enabling the progressive extension of the types of development in this policy

- Providing transitional arrangements for the introduction of the state-wide codes including the amendment of other environmental planning instruments

Part 2 of the SEPP exempts certain development from requiring development approval. The types of development exempt from requiring approval relative to rural land, providing certain development standards are met include farm buildings, stock holding yards, grain silos and bunkers and fences.

Part 3A of the SEPP outlines the complying development standards for rural dwellings on RU1 Primary Production zoned land.

Ministerial Section 9.1 Direction 1.5 Rural Lands

The objectives of this direction are to:

- protect the agricultural production value of rural land,
- facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- assist in the proper management, development and protection of rural lands to promote the social, economic and, environmental welfare of the State,
- minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,
- encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land
- support the delivery of the actions outlined in the New South Wales Right to Farm Policy.

Appendix 2: Recommended Wentworth Local Environmental Plan 3011 Planning Proposal Amendments

Disclaimer: Please be advised that the proposed amendments detailed in the tables below may be subject to change during the legal and Parliamentary Counsel drafting process.

RU1 PRIMARY PRODUCTION ZONE OBJECTIVES & LAND USE TABLE

Key to proposed changes to the RU1 land use table

- Proposed change to objectives
- Proposed additional permissible uses without consent
- Proposed additional permissible uses with consent
- Proposed additional prohibited uses

Current RU1 Primary Production zone land use table

RU1 Primary Production zone

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth.
- To ensure land is available for intensive plant agricultural activities.
- To encourage diversity and promote employment opportunities related to primary industry enterprises, including those that require smaller holdings or are more intensive in nature.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture; Roads; Water reticulation systems

3 Permitted with consent

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm stay accommodation; Freight transport facilities; Heavy industrial storage establishments; Helipads; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Moorings; Offensive industries; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural workers' dwellings; Sewerage systems; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Dual occupancies (detached); Schools; Any other development not specified in item 2 or 3

Amendments

RU1 Primary Production zone

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth.
- To ensure land is available for intensive plant agricultural activities.
- To encourage and promote the growth and diversification of economic and employment opportunities in agriculture, horticulture and tourism.
- To enable restaurants and cafes as part of an agritourism development.

2 Permitted without consent

Agriculture; Environmental protection works; Forestry; Home-based child care; Home businesses; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

Agricultural produce industry; Air transport facility; Airstrips; Animal boarding or training establishments; Aquaculture; **Artisan food and drink industry;** **Backpackers' accommodation;** Bed and breakfast accommodation; **Boat building and repair facility;** Boat launching ramp; Boat sheds; Building identification signs; Business identification signs; Camping ground; **Caravan Parks;** Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishment; Environmental facilities; Extractive industries; **Farm buildings;** Farm stay accommodation; Freight transport facilities; **Heavy industry;** Helipads; Home Industries; Home occupations (sex services); **Industrial retail outlet;** Industrial training facilities; Intensive livestock agriculture; Jetties; **Kiosk;** Landscaping material supplies; **Markets;** Moorings; **Mooring pens;** Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; **Restaurant or café;** Roadside stalls; Rural industries; **Rural supplies;** Rural workers' dwellings; **Secondary dwellings;** Self storage units; Sewerage system; **Telecommunications facility;** **Transport depot;** **Truck depots;** **Underground mining;** **Vehicle repair station;** Veterinary hospitals; **Waste or resource management facility;** Water recreation structures; Water supply system; Any other development not specified in item 2 or 4

4 Prohibited

Amusements centre; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; **Correctional centres;** Crematorium; Early education and care facility; Entertainment facilities; Exhibition homes; Exhibition villages; Function centres; Funeral home; General industry; Group homes; Health services facilities; Heliport; High technology industries; Highway service centres; Home occupations (sex services); Hospital; Hostel; Hotel or motel accommodation; Industries; **Information and education facilities;** Marinas; Mortuaries; Multi dwelling housing; Neighbourhood shop; Passenger transport facilities; Places of public worship; Port facilities; Recreation facilities (indoor); Residential care facility; Residential flat buildings; Respite day care centres; Restricted premises; Retail premises; Semi-detached dwellings; Seniors housing; Service stations; Serviced apartments; Sex services premises; Shop; Storage premises; Take away food and drink premises; Tourist and visitor accommodation; Truck depots; Vehicle body repair workshop;

Vehicle sales or hire premises; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies.

Proposed RU1 Primary Production zone land use table

RU1 Primary Production zone

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure the protection of both mixed dryland and irrigation agricultural land uses that together form the distinctive rural character of Wentworth.
- To ensure land is available for intensive plant agricultural activities.
- To encourage and promote the growth and diversification of economic and employment opportunities in agriculture, horticulture and tourism.
- To enable restaurants and cafes as part of an agritourism development.

2 Permitted without consent

Agriculture; Environmental protection works; Forestry; Home-based child care; Home business; Home occupations; Roads; Water reticulation system

4 Permitted with consent

Air transport facility; Aquaculture; Artisan food and drink industry; Backpackers' accommodation; Bed and breakfast accommodation; Camping ground; Caravan Parks; Cellar door premise; Dual occupancies; Dwelling house; Eco-tourist facility; Extractive industry; Farm building; Farm stay accommodation; Heavy industry; Helipad; Home industry; Intensive livestock agriculture; Kiosk; Landscaping material supplies; Market; Plant nursery; Restaurant or café; Roadside stall; Rural industry; Rural supplies; Rural workers' dwelling; Secondary dwelling; Self storage units; Sewerage system; Transport depot; Truck depot; Any other development not specified in item 2 or 4

4 Prohibited

Airport; Amusements centre; Centre-based child care facility; Commercial premises; Correctional centre; Crematorium; Early education and care facility; Entertainment facility; Exhibition home; Exhibition village; Function centre; Health services facility; Heliport; Highway service centre; Hospital; Industry; Information and education facility; Liquid Fuel Depot; Marina; Mortuary; Passenger transport facility; Place of public worship; Port facility; Recreation facility (indoor); Residential accommodation; Respite day care centres; Restricted premises; Service station; Serviced apartment; Sex services premise; Storage premises; Tourist and visitor accommodation; Truck depots; Vehicle body repair workshop; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

PART 4 PRINCIPAL DEVELOPMENT STANDARDS

Key to proposed changes to the Principal Development Standards

- Removal of existing development standard provisions
- Proposed changes/additions to development standard provisions

Current Clause 4.1 Minimum subdivision lot size

4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows—
- (a) to ensure subdivision of land occurs in a manner that promotes suitable land uses and development,
 - (b) to ensure subdivision occurs in a staged manner that minimises the cost to the community from the provision of public infrastructure and services,
 - (c) to ensure rural lands are not fragmented in a manner that threatens their future use for agriculture or primary production,
 - (d) to ensure that subdivision is not likely to result in inappropriate impacts on the natural environment including native vegetation, natural watercourses and habitats for threatened species and populations and endangered ecological communities,
 - (e) to maximise the economic potential of, and provide for more intensive, small lot agricultural uses in areas able to access commercial quantities of irrigation water.
- (2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This clause does not apply in relation to the subdivision of any land—
- (a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or
 - (b) by any kind of subdivision under the [Community Land Development Act 1989](#).

Amendments

4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows—
- (a) to ensure subdivision of land occurs in a manner that promotes suitable land uses and development,
 - (b) ~~to ensure subdivision occurs in a staged manner that minimises the cost to the community from the provision of public infrastructure and services~~ **to establish minimum areas for lots that are consistent with the relevant zone objectives,**
 - (c) ~~to ensure rural lands are not fragmented in a manner that threatens their future use for agriculture or primary production~~ **to prevent the fragmentation of productive rural lands,**
 - (d) ~~to ensure that subdivision is not likely to result in inappropriate impacts on the natural environment including native vegetation, natural watercourses and habitats for threatened species and populations and endangered ecological communities~~ **does not inappropriately impact on the natural environmental values of the area,**
 - (e) ~~to maximise the economic potential of, and provide for more intensive, small lot agricultural uses~~ **to provide for more intensive, small lot agricultural uses** in areas able to access commercial quantities of irrigation water.

- (2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This clause does not apply in relation to the subdivision of any land—
 - (a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or
 - (b) by any kind of subdivision under the [Community Land Development Act 1989](#).

Proposed Clause 4.1 Minimum subdivision lot size

4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows—
 - (a) to ensure subdivision of land occurs in a manner that promotes suitable land uses and development,
 - (b) to establish minimum areas for lots that are consistent with the relevant zone objectives,
 - (c) to prevent the fragmentation of productive rural lands,
 - (d) to ensure that subdivision does not inappropriately impact on the natural environmental values of the area,
 - (e) to provide for more intensive, small lot agricultural uses in areas able to access commercial quantities of irrigation water.
- (2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This clause does not apply in relation to the subdivision of any land—
 - (a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or
 - (b) by any kind of subdivision under the [Community Land Development Act 1989](#).

Current Clause 4.1AA Minimum subdivision lot size for community title schemes

4.1AA Minimum subdivision lot size for community title schemes

- (1) The objectives of this clause are as follows—
 - (a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to a subdivision (being a subdivision that requires development consent) under the [Community Land Development Act 1989](#) of land in any of the following zones—
 - (a) Zone RU1 Primary Production,
 - (b) Zone E3 Environmental Management,
 but does not apply to a subdivision by the registration of a strata plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the [Community Land Development Act 1989](#)) is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.
- (4) This clause applies despite clause 4.1.

Amendments

4.1AA Minimum subdivision lot size for community title schemes

- (1) The objectives of this clause are as follows—

(a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.

(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the [Community Land Development Act 1989](#) of land in any of the following zones—

(a) Zone RU1 Primary Production,

(b) Zone E3 Environmental Management,

(c) Zone E4 Environmental Living,

(d) Zone R5 Large Lot Residential,

but does not apply to a subdivision by the registration of a strata plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the [Community Land Development Act 1989](#)) is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

(4) This clause applies despite clause 4.1.

Proposed Clause 4.1AA Minimum subdivision lot size for community title schemes

4.1AA Minimum subdivision lot size for community title schemes

(1) The objectives of this clause are as follows—

(a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.

(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the [Community Land Development Act 1989](#) of land in any of the following zones—

(a) Zone RU1 Primary Production,

(b) Zone E3 Environmental Management,

(c) Zone E4 Environmental Living,

(d) Zone R5 Large Lot Residential,

but does not apply to a subdivision by the registration of a strata plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the [Community Land Development Act 1989](#)) is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

(4) This clause applies despite clause 4.1.

Current Clause 4.1B Minimum subdivision lot sizes for certain split zones

4.1B Minimum subdivision lot sizes for certain split zones

(1) The objectives of this clause are as follows—

(a) to provide for the subdivision of lots that are within more than one zone but that cannot be subdivided under clause 4.1,

(b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.

(2) This clause applies to each lot (an **original lot**) that contains—

(a) land in a village, residential, business or industrial zone, and

(b) land in Zone RU1 Primary Production, Zone E2 Environmental Conservation or Zone E3 Environmental Management.

(3) Despite clause 4.1, development consent must not be granted to subdivide an original lot to create other lots (the **resulting lots**) unless—

(a) one of the resulting lots will contain—

(i) land in a residential, business or industrial zone that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land, and

(ii) all of the land in Zone RU1 Primary Production, Zone E2 Environmental Conservation or Zone E3 Environmental Management that was in the original lot, and

(b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

Amendments

4.1B Minimum subdivision lot sizes for certain split zones

(1) The objectives of this clause are as follows—

(a) to provide for the subdivision of lots that are within more than one zone and cannot be subdivided under clause 4.1,

(b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.

(2) This clause applies to each lot (an **original lot**) that contains—

(a) land in a village, residential, business or industrial zone, and

(b) land in Zone RU1 Primary Production, Zone E2 Environmental Conservation, Zone E3 Environmental Management or E4 Environmental Living.

(3) Despite clause 4.1, development consent must not be granted to subdivide an original lot to create other lots (the **resulting lots**) unless—

(a) one of the resulting lots will contain—

(i) land in a residential, business or industrial zone that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land, and

(ii) all of the land in Zone RU1 Primary Production, Zone E2 Environmental Conservation, Zone E3 Environmental Management or E4 Environmental Living that was in the original lot, and

(b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

Proposed Clause 4.1B Minimum subdivision lot sizes for certain split zones

4.1B Minimum subdivision lot sizes for certain split zones

(1) The objectives of this clause are as follows—

(a) to provide for the subdivision of lots that are within more than one zone and cannot be subdivided under clause 4.1,

(b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development.

(2) This clause applies to each lot (an **original lot**) that contains—

(a) land in a village, residential, business or industrial zone, and

(b) land in Zone RU1 Primary Production, Zone E2 Environmental Conservation, Zone E3 Environmental Management or E4 Environmental Living.

(3) Despite clause 4.1, development consent must not be granted to subdivide an original lot to create other lots (the **resulting lots**) unless—

(a) one of the resulting lots will contain—

(i) land in a residential, business or industrial zone that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land, and

(ii) all of the land in Zone RU1 Primary Production, Zone E2 Environmental Conservation, Zone E3 Environmental Management or E4 Environmental Living that was in the original lot, and

(b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

Current & Retain Clause 4.2 Rural subdivision

4.2 Rural subdivision

(1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.

(2) This clause applies to the following rural zones—

- (a) Zone RU1 Primary Production,
- (b) Zone RU2 Rural Landscape,
- (baa) Zone RU3 Forestry,
- (c) Zone RU4 Primary Production Small Lots,
- (d) Zone RU6 Transition.

Note—

When this Plan was made, it did not include Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lots or Zone RU6 Transition.

(3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

(4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.

(5) A dwelling cannot be erected on such a lot.

Note—

A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

Current Clause 4.2A No strata plan subdivision in certain rural zones

4.2A No strata plan subdivision in certain rural zones

(1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.

(2) This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation—

- (a) Zone RU1 Primary Production,
- (b) Zone E3 Environmental Management.

(3) Development consent must not be granted for the subdivision of a lot to which this clause applies for a strata plan that would create lots below the minimum size shown on the [Lot Size Map](#) for that lot.

Amendments

4.2A ~~No~~ Strata plan subdivision in certain rural zones

(1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.

(2) This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation—

- (a) Zone RU1 Primary Production,
- (b) Zone E3 Environmental Management,

(c) Zone E4 Environmental Living,

(d) Zone R5 Large Lot Residential.

(3) Development consent must not be granted for the subdivision of a lot to which this clause applies for a strata plan that would create lots below the minimum size shown on the [Lot Size Map](#) for that lot.

Proposed Clause 4.2A Strata plan subdivision in certain rural zones

4.2A Strata plan subdivision in certain rural zones

- (1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.
- (2) This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation—
 - (a) Zone RU1 Primary Production,
 - (b) Zone E3 Environmental Management,
 - (c) Zone E4 Environmental Living,
 - (d) Zone R5 Large Lot Residential.
- (3) Development consent must not be granted for the subdivision of a lot to which this clause applies for a strata plan that would create lots below the minimum size shown on the [Lot Size Map](#) for that lot.

Current Clause 4.2B Erection of dwelling houses on land in Zones RU1 and E3

4.2B Erection of dwelling houses on land in Zones RU1 and E3

- (1) The objectives of this clause are as follows—
 - (a) to minimise unplanned rural residential development,
 - (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones.
- (2) This clause applies to land in the following zones—
 - (a) Zone RU1 Primary Production,
 - (b) Zone E3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house on land in a zone to which this clause applies, and on which no dwelling house has been erected, unless the land is—
 - (a) a lot that is at least the minimum lot size specified for that land by the [Lot Size Map](#), or
 - (b) a lot created under an environmental planning instrument before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or
 - (c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, or
 - (d) an existing holding, or
 - (e) a former rural lot.

Note—

A dwelling cannot be erected on a lot created under clause 9 of [State Environmental Planning Policy \(Rural Lands\) 2008](#) or clause 4.2.

- (4) Land ceases to be an existing holding for the purposes of subclause (3)(d) or a former rural lot for the purposes of subclause (3)(e) if—
 - (a) an application for development consent referred to in the relevant subclause is not made in relation to that land before the seventh anniversary of the commencement of [Wentworth Local Environmental Plan 2011](#), or
 - (b) development consent has been granted for the erection of a dwelling on the land and that development consent has been surrendered in accordance with the Act.
- (5) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if—
 - (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house, or
 - (b) the land would have been a lot or a holding referred to in subclause (3) had it not been affected by—
 - (i) a minor realignment of its boundaries that did not create an additional lot, or

(ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or

(iii) a consolidation with an adjoining public road, a public reserve or for another public purpose.

(6) In this clause—

existing holding means land that—

(a) was a holding on 7 May 1993, and

(b) is a holding at the time the application for development consent referred to in subclause (3) is lodged,

whether or not there has been a change in the ownership of the holding since 7 May 1993, and includes any other land adjoining that land acquired by the owner since 7 May 1993.

former rural lot means a lot created for the purpose of a rural dwelling before 7 May 1993.

holding means all adjoining land, even if separated by a road or railway, held by the same person or persons.

Note—

The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.

Amendments

4.2B Erection of dwelling houses on land in certain residential, rural and environmental zones

(1) The objectives of this clause are as follows—

(a) to minimise unplanned rural residential development,

(b) to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones.

(2) This clause applies to land in the following zones—

(a) Zone RU1 Primary Production,

(b) Zone E3 Environmental Management,

(c) Zone E4 Environmental Living,

(d) Zone R5 Large Lot Residential.

(3) Development consent must not be granted for the erection of a dwelling house on land in a zone to which this clause applies, **and on which no dwelling house has been erected**, unless the land is—

(a) a lot that is at least the minimum lot size specified for that land by the [Lot Size Map](#), or

(b) a lot created under an environmental planning instrument before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or

(c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement, ~~or~~

~~(d) an existing holding, or~~

~~(e) a former rural lot.~~

Note—

A dwelling cannot be erected on a lot created under clause 9 of [State Environmental Planning Policy \(Rural Lands\) 2008](#) or clause 4.2.

~~(4) Land ceases to be an existing holding for the purposes of subclause (3)(d) or a former rural lot for the purposes of subclause (3)(e) if—~~

~~(a) an application for development consent referred to in the relevant subclause is not made in relation to that land before the seventh anniversary of the commencement of [Wentworth Local Environmental Plan 2011](#), or~~

~~(b) development consent has been granted for the erection of a dwelling on the land and that development consent has been surrendered in accordance with the Act.~~

~~(5) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if—~~

- ~~(a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house, or~~
~~(b) the land would have been a lot or a holding referred to in subclause (3) had it not been affected by—~~
~~(i) a minor realignment of its boundaries that did not create an additional lot, or~~
~~(ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or~~
~~(iii) a consolidation with an adjoining public road, a public reserve or for another public purpose.~~
~~(6) In this clause—~~

~~existing holding~~ means land that—

- ~~(a) was a holding on 7 May 1993, and~~
~~(b) is a holding at the time the application for development consent referred to in subclause (3) is lodged,~~

~~whether or not there has been a change in the ownership of the holding since 7 May 1993, and includes any other land adjoining that land acquired by the owner since 7 May 1993.~~

~~former rural lot~~ means a lot created for the purpose of a rural dwelling before 7 May 1993.

~~holding~~ means all adjoining land, even if separated by a road or railway, held by the same person or persons.

~~Note—~~

~~The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.~~

Proposed Clause 4.2B Erection of dwelling houses on land in Zones RU1 and E3

4.2B Erection of dwelling houses on land in certain residential, rural and environmental zones

- (1) The objectives of this clause are as follows—
 (a) to minimise unplanned rural residential development,
 (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones.
- (2) This clause applies to land in the following zones—
 (a) Zone RU1 Primary Production,
 (b) Zone E3 Environmental Management,
 (c) Zone E4 Environmental Living,
 (d) Zone R5 Large Lot Residential.
- (3) Development consent must not be granted for the erection of a dwelling house on land in a zone to which this clause applies, unless the land is—
 (a) a lot that is at least the minimum lot size specified for that land by the [Lot Size Map](#), or
 (b) a lot created under an environmental planning instrument before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or
 (c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement.

Current Clause 4.2C Erection of rural workers' dwellings

4.2C Erection of rural workers' dwellings

- (1) The objective of this clause is to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries.
- (2) This clause applies to land in Zone RU1 Primary Production.
- (3) Development consent must not be granted to the erection of a rural worker's dwelling on land to which this clause applies unless the consent authority is satisfied that—
 (a) the development will not impair the use of the land for agricultural or rural industries, and

- (b) there is a demonstrated economic capacity of the agricultural or rural industry being carried out on the land to support the ongoing employment of rural workers, and
- (c) the development will be on the same lot as an existing lawfully erected dwelling house, and
- (d) the development is necessary considering the nature of the agricultural or rural industry land use lawfully occurring on the land or as a result of the remote or isolated location of the land.

Amendments

4.2C ~~Erection of~~ Rural workers' dwellings and secondary dwellings

- (1) The objectives of this clause ~~is to ensure the provision of~~ are –
 - (a) to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries, and
 - (b) to ensure that the erection of rural worker's dwelling or secondary dwellings does not have an adverse impact on the agricultural or rural industries use of the land.
- (2) This clause applies to land in Zone RU1 Primary Production.
- (3) Development consent must not be granted to the erection of a rural worker's dwelling ~~or a secondary dwelling~~ on land to which this clause applies unless the consent authority is satisfied that –
 - (a) the development will not impair the use of the land for agricultural or rural industries.
 - ~~(b) there is a demonstrated economic capacity of the agricultural or rural industry being carried out on the land to support the ongoing employment of rural workers, and~~
 - (c) the development will be on the same lot as an existing lawfully erected dwelling house, and
 - ~~(d) the development is necessary considering the nature of the agricultural or rural industry land use lawfully occurring on the land or as a result of the remote or isolated location of the land.~~

Proposed Clause 4.2C Rural workers' dwellings and secondary dwellings

4.2C Rural workers' dwellings and secondary dwellings

- (1) The objectives of this clause are –
 - (a) to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries, and
 - (b) to ensure that the erection of rural worker's dwelling or secondary dwellings does not have an adverse impact on the agricultural or rural industries use of the land.
- (2) This clause applies to land in Zone RU1 Primary Production.
- (3) Development consent must not be granted to the erection of a rural worker's dwelling or a secondary dwelling on land to which this clause applies unless the consent authority is satisfied that –
 - (a) the development will not impair the use of the land for agricultural or rural industries.
 - (b) the development will be on the same lot as an existing lawfully erected dwelling house.

Current Clause 4.2D Dwelling houses in Zone RU1 Primary Production

4.2D Dwelling houses in Zone RU1 Primary Production

- (1) The objective of this clause is to ensure dwelling houses are developed only where they support the permitted agricultural use of the land.
- (2) This clause applies to development for the purposes of dwelling houses on land in Zone RU1 Primary Production other than land that is a former rural lot under clause 4.2B.
- (3) Before granting consent to development to which this clause applies, the consent authority must be satisfied that—
 - (a) the land is being or is intended to be used for the purpose of intensive plant agriculture or extensive agriculture, and
 - (b) the dwelling house will be required to support the carrying out of any such purpose, and

- (c) the dwelling house is not likely to cause any land use conflict with existing agricultural uses being undertaken on neighbouring properties, and
- (d) services for the supply of water and electricity to support the agricultural activity are available or adequate arrangements have been made to make them available when required.

Amendments

~~4.2D Dwelling houses in Zone RU1 Primary Production~~

- ~~(1) The objective of this clause is to ensure dwelling houses are developed only where they support the permitted agricultural use of the land.~~
- ~~(2) This clause applies to development for the purposes of dwelling houses on land in Zone RU1 Primary Production other than land that is a former rural lot under clause 4.2B.~~
- ~~(3) Before granting consent to development to which this clause applies, the consent authority must be satisfied that—~~
 - ~~(a) the land is being or is intended to be used for the purpose of intensive plant agriculture or extensive agriculture, and~~
 - ~~(b) the dwelling house will be required to support the carrying out of any such purpose, and~~
 - ~~(c) the dwelling house is not likely to cause any land use conflict with existing agricultural uses being undertaken on neighbouring properties, and~~
 - ~~(d) services for the supply of water and electricity to support the agricultural activity are available or adequate arrangements have been made to make them available when required.~~

4.2D Boundary adjustments in Zones RU1 and E3

- (1) The objective of this clause is to facilitate boundary adjustments between lots where one or more of the lots created do not meet the minimum lot size shown on the **Lot Size Map** in relation to the land but the objectives of the relevant zone can be achieved.
- (2) This clause applies to land in the following zones—
 - (a) Zone RU1 Primary Production,
 - (b) Zone E3 Environmental Management.
- (3) Despite clause 4.1, development consent may be granted to subdivide land to which this clause applies by way of a boundary adjustment between adjoining lots where one or more of the lots created by the subdivision do not meet the minimum lot size shown on the **Lot Size Map** in relation to that land, if the consent authority is satisfied that—
 - (a) the subdivision will not create additional lots, and
 - (b) the number of dwelling houses or opportunities for dwelling houses on each lot after the subdivision will remain the same as before the subdivision, and
 - (c) the potential for land use conflict will not be increased as a result of the subdivision, and
 - (d) if the land is in Zone RU1 Primary Production—the subdivision will not have a significant adverse effect on the agricultural viability of the land, and
 - (e) if the land is in Zone E3 Environmental Management—the subdivision will result in the continued protection and long-term maintenance of the land, and
 - (f) the subdivision will not result in any increased bush fire risk to existing buildings.
- (4) In determining a development application for the subdivision of land under this clause, the consent authority must consider the following—
 - (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
 - (b) whether the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
 - (c) whether the subdivision is likely to be incompatible with a land use on any adjoining land,
 - (d) whether the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
 - (e) whether the subdivision is likely to have a significant adverse impact on the environmental values of the land.
- (5) This clause does not apply—

- (a) in relation to the subdivision of lots in a strata plan or community title scheme, or
- (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.

Proposed Clause 4.2D Boundary adjustments in Zones RU1 and E3

4.2D Boundary adjustments in Zones RU1 and E3

- (1) The objective of this clause is to facilitate boundary adjustments between lots where one or more of the lots created do not meet the minimum lot size shown on the [Lot Size Map](#) in relation to the land but the objectives of the relevant zone can be achieved.
- (2) This clause applies to land in the following zones—
 - (a) Zone RU1 Primary Production,
 - (b) Zone E3 Environmental Management.

(3) Despite clause 4.1, development consent may be granted to subdivide land to which this clause applies by way of a boundary adjustment between adjoining lots where one or more of the lots created by the subdivision do not meet the minimum lot size shown on the [Lot Size Map](#) in relation to that land, if the consent authority is satisfied that—

- (a) the subdivision will not create additional lots, and
- (b) the number of dwelling houses or opportunities for dwelling houses on each lot after the subdivision will remain the same as before the subdivision, and
- (c) the potential for land use conflict will not be increased as a result of the subdivision, and
- (d) if the land is in Zone RU1 Primary Production—the subdivision will not have a significant adverse effect on the agricultural viability of the land, and
- (e) if the land is in Zone E3 Environmental Management—the subdivision will result in the continued protection and long-term maintenance of the land, and
- (f) the subdivision will not result in any increased bush fire risk to existing buildings.

(4) In determining a development application for the subdivision of land under this clause, the consent authority must consider the following—

- (a) the existing uses and approved uses of other land in the vicinity of the subdivision,
- (b) whether the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
- (c) whether the subdivision is likely to be incompatible with a land use on any adjoining land,
- (d) whether the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
- (e) whether the subdivision is likely to have a significant adverse impact on the environmental values of the land.

(5) This clause does not apply—

- (a) in relation to the subdivision of lots in a strata plan or community title scheme, or
- (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.

PART 5 MISCELLANEOUS PROVISIONS

Current Clause 5.5 Controls relating to secondary dwellings on land in a rural zone
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5.5 Controls relating to secondary dwellings on land in a rural zone

[Not adopted]

Proposed Clause 5.5 Controls relating to secondary dwellings on land in a rural zone

5.5 Controls relating to secondary dwellings on land in a rural zone

If development for the purposes of a secondary dwelling is permitted under this plan on land in a rural zone –
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- | |
|--|
| <ul style="list-style-type: none"> (a) The total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater – <ul style="list-style-type: none"> (i) 110 square metres (ii) 60% of the total floor area of the principal dwelling. |
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SCHEDULE 1 ADDITIONAL PERMITTED USES

Current Schedule 1 Additional permitted uses

Schedule 1 Additional permitted uses

1 Use of certain land at Church Road, Creek Road, Delta Road and Silver City Highway, Curlwaa

(1) This clause applies to the following land at Curlwaa—

- (a) Lot 19, DP 804043 at Church Road,
- (b) Lots 3, 4 and 6, DP 729492 and Lots 15, 17 and 19, DP 804040 at Delta Road,
- (c) Lot 3, DP 804041 at Creek Road,
- (d) Lot 192, DP 822094 and Lots 8, 10, 18 and 19, DP 729494 at Silver City Highway.

(2) Development for the purpose of a dwelling house is permitted with development consent on each lot.

(3) Development consent under subclause (2) must not be granted after 7 years from the commencement of this Plan.

2 Use of certain land at Manly Road, Curlwaa

(1) This clause applies to Lot 8, DP 807828, Manly Road, Curlwaa.

(2) Development for the purpose of subdivision resulting in lots with a minimum area of 1,000m² is permitted with development consent.

(3) A dwelling house is permitted with development consent on each lot created from the subdivision.

(4) Development consent under subclause (2) must not be granted after 7 years from the commencement of this Plan.

3 Use of certain land at Silver City Highway, Curlwaa

(1) This clause applies to Lot 5, DP 807831, Silver City Highway, Curlwaa.

(2) Development for the purpose of subdivision resulting in lots with a minimum area of 2,000m² is permitted with development consent.

(3) A dwelling house is permitted with development consent on each lot created from the subdivision.

(4) Development consent under subclause (2) must not be granted after 7 years from the commencement of this Plan.

4 Use of certain land at Silver City Highway, Mourquong

(1) This clause applies to Lot 1, DP 1040128 and the part of Lot 2, DP 1040128 that was part of former Lot 1043, DP 39753, being Silver City Highway, Mourquong.

(2) Development for the purpose of subdivision resulting in lots with a minimum area of 6,000m² is permitted with development consent.

(3) A dwelling house is permitted with development consent on each lot created from the subdivision.

(4) Development consent under subclause (2) must not be granted after 7 years from the commencement of this Plan.

5 Use of land marked “Community facilities” in Zone SP1 Special Activities

(1) This clause applies to land within Zone SP1 Special Activities and marked “Community facilities” on the [Land Zoning Map](#).

(2) Development for the purposes of dwelling houses or educational establishments is permitted with development consent.

6 Use of certain land at Sturt Highway, Trentham Cliffs

(1) This clause applies to the following land at Sturt Highway, Trentham Cliffs—

- (a) Lot 38 and part of Lot 42, DP 756936, identified as “B” on the [Additional Permitted Uses Map](#),
- (b) part of Lot 1, DP 1128099, identified as “C” on the [Additional Permitted Uses Map](#).

(2) Development for the purposes of—

(a) a highway service centre is permitted with development consent on land referred to in subclause (1)(a), and

(b) a caravan park is permitted with development consent on land referred to in subclause (1)(b).

Amendments

Schedule 1 Additional permitted uses

~~1 Use of certain land at Church Road, Creek Road, Delta Road and Silver City Highway, Curlwaa~~

~~(1) This clause applies to the following land at Curlwaa—~~

- ~~(a) Lot 19, DP 804043 at Church Road,~~
- ~~(b) Lots 3, 4 and 6, DP 729492 and Lots 15, 17 and 19, DP 804040 at Delta Road,~~
- ~~(c) Lot 3, DP 804041 at Creek Road,~~
- ~~(d) Lot 192, DP 822094 and Lots 8, 10, 18 and 19, DP 729494 at Silver City Highway.~~

~~(2) Development for the purpose of a dwelling house is permitted with development consent on each lot.~~

~~(3) Development consent under subclause (2) must not be granted after 7 years from the commencement of this Plan.~~

~~2 Use of certain land at Manly Road, Curlwaa~~

~~(1) This clause applies to Lot 8, DP 807828, Manly Road, Curlwaa.~~

~~(2) Development for the purpose of subdivision resulting in lots with a minimum area of 1,000m² is permitted with development consent.~~

~~(3) A dwelling house is permitted with development consent on each lot created from the subdivision.~~

~~(4) Development consent under subclause (2) must not be granted after 7 years from the commencement of this Plan.~~

~~3 Use of certain land at Silver City Highway, Curlwaa~~

~~(1) This clause applies to Lot 5, DP 807831, Silver City Highway, Curlwaa.~~

~~(2) Development for the purpose of subdivision resulting in lots with a minimum area of 2,000m² is permitted with development consent.~~

~~(3) A dwelling house is permitted with development consent on each lot created from the subdivision.~~

~~(4) Development consent under subclause (2) must not be granted after 7 years from the commencement of this Plan.~~

~~4 Use of certain land at Silver City Highway, Mourquong~~

~~(1) This clause applies to Lot 1, DP 1040128 and the part of Lot 2, DP 1040128 that was part of former Lot 1043, DP 39753, being Silver City Highway, Mourquong.~~

~~(2) Development for the purpose of subdivision resulting in lots with a minimum area of 6,000m² is permitted with development consent.~~

~~(3) A dwelling house is permitted with development consent on each lot created from the subdivision.~~

~~(4) Development consent under subclause (2) must not be granted after 7 years from the commencement of this Plan.~~

5 Use of land marked “Community facilities” in Zone SP1 Special Activities

(1) This clause applies to land within Zone SP1 Special Activities and marked “Community facilities” on the [Land Zoning Map](#).

(2) Development for the purposes of dwelling houses or educational establishments is permitted with development consent.

6 Use of certain land at Sturt Highway, Trentham Cliffs

(1) This clause applies to the following land at Sturt Highway, Trentham Cliffs—

- (a) Lot 38 and part of Lot 42, DP 756936, identified as “B” on the [Additional Permitted Uses Map](#),
- (b) part of Lot 1, DP 1128099, identified as “C” on the [Additional Permitted Uses Map](#).

(2) Development for the purposes of—

- (a) a highway service centre is permitted with development consent on land referred to in subclause (1)(a), and

(b) a caravan park is permitted with development consent on land referred to in subclause (1)(b).

Proposed Schedule 1 Additional permitted uses

Schedule 1 Additional permitted uses

1 Use of land marked “Community facilities” in Zone SP1 Special Activities

(1) This clause applies to land within Zone SP1 Special Activities and marked “Community facilities” on the [Land Zoning Map](#).

(2) Development for the purposes of dwelling houses or educational establishments is permitted with development consent.

2 Use of certain land at Sturt Highway, Trentham Cliffs

(1) This clause applies to the following land at Sturt Highway, Trentham Cliffs—

(a) Lot 38 and part of Lot 42, DP 756936, identified as “B” on the [Additional Permitted Uses Map](#),

(b) part of Lot 1, DP 1128099, identified as “C” on the [Additional Permitted Uses Map](#).

(2) Development for the purposes of—

(a) a highway service centre is permitted with development consent on land referred to in subclause (1)(a), and

(b) a caravan park is permitted with development consent on land referred to in subclause (1)(b).

Additional development criteria for Caravan Parks and Heavy Industry in RU1 Primary Production zone

Caravan Parks

- The site must be provided with adequate all-weather access to service the development
- The development is complementary to the surrounding rural and natural environment
- The development will not have a significant adverse impact on surrounding agricultural production
- The development will not create land use conflict
- The development will not have an adverse impact on the scenic amenity or significant natural features and biodiversity of the area
- Adequate on-site waster systems must service the development whilst not having an adverse impact on the water quality in the area
- Adequate water supply must be provided for potable and firefighting purposes
- Demonstrated access to other services required to support the development (power, waste collection etc.)
- The development is not located on flood prone land or within the riverfront area, as defined by the Wentworth LEP 2011, of the Murray and Darling Rivers

Heavy Industry

- The site must be provided with adequate all-weather access to service the development
- The development will not have a significant adverse impact on surrounding agricultural production
- The development will not create land use conflict
- The development will not have an adverse impact on the scenic amenity or significant natural features and biodiversity of the area
- Adequate on-site waster systems must service the development whilst not having an adverse impact on the water quality in the area
- Adequate water supply must be provided for potable and firefighting purposes

- Demonstrated access to other services required to support the development (power, waste collection etc.)
- The development is not located on flood prone land
- A buffer of a minimum of 1000m must be provided between the subject site and any existing dwelling and riverfront area