

# Rural Zones

*Our Place...  
Our Future*

This fact sheet explains the rural zones in the Lithgow Draft LEP 2013 and the key rural development standards.

## Rural Zones

The Draft LEP 2013 proposes to adopt four out of the possible six rural zones of the Standard Instrument.

Please refer to the **Land Use Matrix** for quick reference of the permissibility of all land uses and to compare between zones. A definition of all land uses referred to is available at the back of the Draft LEP 2013 written instrument.

These zones are outlined below:

### RU1 Primary Production

This zone covers the largest area of land within the LGA and is the most suitable conversion zone for the existing General Rural 1(a) and Outer Rural 1(e) zones.

The zone is allocated to land where the primary function is primary production and covers land used for most kinds of commercial primary industry production including extensive and intensive agriculture, private forestry, mining and extractive industries. The zone is aimed at utilising the natural resource base in a sustainable manner.

#### What are the objectives of the 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 minimise the environmental and visual impact of development on the rural landscape.
- To provide for recreational and tourist development and activities of appropriate type and scale that do not detract from the economic resource, environmental or conservation value of the lands.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

#### What uses are permitted without development consent?

Extensive agriculture; Home occupations; Roads;

#### What uses are permitted with development consent?

Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Crematoria; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home industries; Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Markets; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roadside stalls; Rural industries; Rural supplies; Secondary dwellings; Service stations; Sewerage systems; Veterinary hospitals; Water recreation structures; Water supply systems.

#### What uses are prohibited?

Any development not specified as permitted with or without consent.

#### Key change

A key change from the existing range of permitted land use proposed within this zone relates to the prohibition of all forms of industry, except home industry and the prohibition of a range of residential accommodation forms including detached dual occupancy. These and other less significant land use changes are necessary to meet consistency with the core mandated zone objectives and drafting directions provided by DP & I as set out in PN 11-002.

## RU 2 Rural Landscape

This new zone applies to land identified as having high environmental sensitivity and biodiversity connectivity and scenic quality, most notably due to topographical features such as steep slopes, escarpment areas and heavy vegetation, whilst still being used for some forms of low impact commercial primary production.

Additional local objectives have been added in this zone to properly consider the type and intensity of development within this zone.

### What are the main objectives of the zone?

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To ensure that the type and intensity of development is appropriate in relation to the rural capability and suitability of the land, the preservation of the agricultural, mineral and extractive production of the land, the rural environment (including scenic resources) and the costs of providing services and amenities.
- To facilitate tourism and recreational uses that are compatible with the capability and suitability of the land.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

### What uses are permitted without development consent?

Extensive agriculture; Home occupations; Roads;

### What uses are permitted with development consent?

Agricultural produce industries; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Cemeteries; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood

mitigation works; Forestry; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Jetties; markets; Plant nurseries; Recreation areas; Research stations; Roadside stalls; Secondary dwellings; Sewerage systems; Water recreation structures; Water supply systems..

### What uses are prohibited?

Any development not specified as development without or with consent.

### Key Change

This is a new zone and allows for differentiation of high environmentally sensitive lands from the standard RU1 zone.

The range of permitted uses within this zone are more limited than the RU 1 zone in that intensive livestock agriculture and intensive plant agriculture are prohibited within this zone.

Like the RUI zone this zone proposes to prohibit all forms of industry, except home industry and the prohibition of a range of residential accommodation forms including detached dual occupancy. These and other less significant land use changes are necessary to meet consistency with the core mandated zone objectives and drafting directions provided by DP & I as set out in PN 11-002.

## RU 3 Forestry

This zone is a straight conversion of the existing Zone 1(f) Rural (Forestry).

### What are the main objectives of the zone?

- To enable development for forestry purposes.
- To enable other development that is compatible with forestry land uses.

### What uses are permitted without development consent?

Roads; Uses authorised under the Forestry Act 1916;

### What uses are permitted with development consent?

Nil

### What uses are prohibited?

Any development not specified as development without or with consent.

### Key Change

New zone name.

## RU 5 Village

This zone is applied to the core areas of all existing rural villages at Rydal, Cullen Bullen, Capertee and Tarana.

This zone is a flexible zone where a mix of residential and business and other allied uses are permitted to support the viability of the rural village.

It is important to note here that the Village zone will no longer be used for the Portland and Wallerawang townships. These towns given their size, structure and role within the adopted settlement hierarchy are proposed under the Draft LEP 2013 to have a suite of land use zones applied to more provide for more orderly and sustainable planning outcomes.

### What are the main objectives of the zone?

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To maintain and enhance the unique character of each of the rural villages.
- To encourage and promote opportunities for population and local employment growth opportunities commensurate with available services and infrastructure capacity.
- To minimise the impact of non-residential uses and ensure those uses are compatible with surrounding residential development.
- To maintain or improve the water quality of receiving water catchments in accordance with the NSW water quality objectives.

### What uses are permitted without development consent?

Home occupations; roads.

### What use are permitted with development consent?

Agricultural produce industries; Amusement centres; Bed and breakfast accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Business premises; Camping grounds; Caravan parks; Car parks; Cemeteries; Child care centres; Community facilities; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Highway service centres; Home-based child care; Home businesses; Home industries; Hotel or motel accommodation; Information and education facilities; Jetties; Kiosks; Markets; Office premises; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Roadside stalls; Rural supplies; Schools; Secondary dwellings; Service stations; Sewage treatment plants; Shops; Vehicle sales or hire premises; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Water recreation structures; Water recycling facilities; Water supply systems; Wholesale supplies.

### What uses are prohibited?

Any development not specified as permitted without or with consent.

### Key Change

This zone no longer applies to the townships of Wallerawang and Portland.

The range of permissible uses has been reduced.

Significantly detached dual occupancies are proposed to be prohibited within this zone.

## Key Rural Development Standards

### Minimum lot size for subdivision

The rural minimum lot size for the erection of a dwelling has remained unchanged as per Council's resolution of 31 October 2011.

The Table below provides a comparison between the current and proposed rural minimum lot size standard.

**NOTE:** The performance criteria attached to the 40ha minimum lot size in the current LEPs are also transferred into the new LEP. This means that there is a general restriction on subdivision of consolidated lands created under Clause 12(1) of Lithgow LEP 1994 as well as a prohibition of subdivision of prime crop and pasture land identified under the Clause 13(1) (c) Rylstone LEP 1996. These areas are identified as Area 2 and Area 1 on the Lot Size Map. Please refer to Clause 4.1(5) of Draft LEP 2013.

Lithgow City Council LEP 1994/Rylstone LEP 1996		Draft LEP 2013	
Land Use Zone	Minimum Lot Size	New Related Land Use Zone	Proposed Minimum Lot Size
1 (a) Rural (General)	40ha with general restriction on subdivision of consolidated lands created under Clause 12(1)	RU 1 RU 2 E3 E4	40ha with general restriction on subdivision of consolidated lands created under Clause 12 (1) as identified as Area 2 on Lot Size Map.
1 (e) Outer Rural	100ha	RU1	100ha
1 (a) General Rural (Rylstone)	40ha with prohibition on further subdivision of lands comprising of prime, crop and pasture land.	RU 1 RU 2	40ha with prohibition of further subdivision of prime, crop and pasture land as identified as Area 1 on Lot Size Map.
1 (c) Rural Small Holdings	1ha with an average of 2ha created from an existing holding	R5	Varying - 2ha or 4000m <sup>2</sup> in some areas surrounding the villages and towns.
2 (v) Village	2000m <sup>2</sup>	RU 5	4000m <sup>2</sup>
2 (v) Village	2000m <sup>2</sup>	RU 5  Capertee, Rydal, Tarana, Cullen Bullen	4000m <sup>2</sup>

## Minimum lot size for attached dual occupancy in RU 5 Village

The minimum lot size for attached dual occupancy is 6000m<sup>2</sup>.

**Note: Detached dual occupancies are proposed to be prohibited within this zone.**

## Erection of a Dwelling in the rural zones

To accord with Council's resolution of 31 October 2011, all current provisions relating to the erection of a dwelling within the rural zones has been retained. Please refer to Clauses 4.2A and 4.2B of Draft LEP 2013.

**However, significantly an absolute minimum lot size for the erection of a dwelling in any unsewered area of 4000m<sup>2</sup> is proposed within Draft LEP 2013.** This does not relate to any lot created from a subdivision for which development consent was granted under an environmental planning instrument (LEP or IDO), and on which the erection of a dwelling house would have been permissible, immediately before the new Plan commences.

This means that some lots within the RU5 and some smaller existing holdings within the RU1 and RU2 zones will not retain entitlement to have a development application considered for the erection of a dwelling.

If you think this may affect you, you are encouraged to speak to a Council Planner.

## Enhanced Protection for Environmental Sensitive Areas

Draft LEP 2013 introduces enhanced provision to protect and conserve land identified as Environmentally Sensitive Areas.

Clauses 7.4 to 7.7 of Draft LEP 2013 introduce increased assessment criteria for riparian lands and waterways, areas of groundwater vulnerability, areas of terrestrial biodiversity

and sensitive land areas.

These areas are identified on a series of maps that support the Draft LEP. To determine if your land is affected by these clauses you are referred to the online mapping on Council's website at <http://www.lithgow.com/lep/> or you can view hardcopy maps at any one of the static public exhibition displays.

### Further Rural Lands Study

It is important to note when reviewing the Draft LEP 2013 that Council at its Ordinary Meeting of 15 April resolved to prepare a further rural land study to inform a possible future planning proposal to provide for rural small lots within the Lithgow LGA including areas around Hartley and Portland.

Please refer to Minute No No 13-116 of April 15 2013.

At the completion of this study, Council may consider its findings and recommendations and if necessary seek to amend the LEP.

### For information

Further information on this or any other aspect of Draft LEP 2013 can be obtained:

- Online at [www.lithgow.com/lep/](http://www.lithgow.com/lep/); or
- By contacting a Council Planner on 0263549906 or 0263549920; or
- Emailing [lep@lithgow.nsw.gov.au](mailto:lep@lithgow.nsw.gov.au)

**Please note: this document has been prepared to assist you in understanding the Draft Lithgow LEP 2013 and should not be relied on in preparing a formal submission. Any submission should be based on the formal exhibition material and documents exhibited at Council's Administration Centre, town libraries or online at [www.lithgow.com/lep/](http://www.lithgow.com/lep/).**