



New South Wales

# **State Environmental Planning Policy Amendment (Rural Land Sharing) 2018**

under the

**Environmental Planning and Assessment Act 1979**

His Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

**ANTHONY ROBERTS, MP**  
Minister for Planning

## **State Environmental Planning Policy Amendment (Rural Land Sharing) 2018**

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### **1 Name of Policy**

This Policy is *State Environmental Planning Policy Amendment (Rural Land Sharing) 2018*.

### **2 Commencement**

This Policy commences on 6 August 2018 and is required to be published on the NSW legislation website.

### **3 Repeal of Policy**

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

## **Schedule 1      Amendment of State Environmental Planning Policy (Rural Lands) 2008**

### **Schedule 3**

Insert after Schedule 2:

## **Schedule 3      Rural land sharing communities**

### **1      Application of Schedule**

This Schedule applies as if it formed part of each of the following local environmental plans and has effect despite any other provision of those plans:

- (a) *Bega Valley Local Environmental Plan 2002,*
- (b) *Bega Valley Local Environmental Plan 2013,*
- (c) *Bellingen Local Environmental Plan 2010,*
- (d) *Clarence Valley Local Environmental Plan 2011,*
- (e) *Coffs Harbour City Local Environmental Plan 2000,*
- (f) *Coffs Harbour Local Environmental Plan 2013,*
- (g) *Gloucester Local Environmental Plan 2010,*
- (h) *Great Lakes Local Environmental Plan 2014,*
- (i) *Guyra Local Environmental Plan 2012,*
- (j) *Inverell Local Environmental Plan 2012,*
- (k) *Kyogle Local Environmental Plan 2012,*
- (l) *Port Stephens Local Environmental Plan 2013,*
- (m) *Richmond Valley Local Environmental Plan 2012,*
- (n) *Tenterfield Local Environmental Plan 2013,*
- (o) *Tweed Local Environmental Plan 2000,*
- (p) *Tweed Local Environmental Plan 2014.*

### **2      Aims of Schedule**

This Schedule aims to encourage and facilitate the development of rural land sharing communities committed to environmentally sensitive and sustainable land use practices by:

- (a) enabling people who collectively own a single lot to erect multiple dwellings on that lot without dividing the lot (such as by subdivision or by contractual arrangements), and
- (b) enabling the sharing of facilities and resources to allow a wide range of communal rural living opportunities at a lower cost, and
- (c) facilitating development on rural land (preferably in a clustered style) without undue harm to the environment and without creating a demand for the unreasonable or uneconomic provision of public amenities or services, and
- (d) creating opportunities for an increase in rural population in areas that are experiencing population loss.

### 3 Land to which Schedule applies

This Schedule applies to land in any rural zone but not to the following land:

- (a) land in an environmentally sensitive area for exempt or complying development within the meaning of clause 3.3 of the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*,
- (b) land to which a wilderness protection agreement under the *Wilderness Act 1987* relates,
- (c) land that is a forestry area within the meaning of the *Forestry Act 2012*,
- (d) land that is within a special area or a controlled area under the *Hunter Water Act 1991*, the *Sydney Water Act 1994* or the *Water NSW Act 2014*.

### 4 Rural land sharing community permitted with consent

- (1) The consent authority may grant development consent to development on land to which this Schedule applies for the purposes of 3 or more dwellings if satisfied of the following:

- (a) the land is a single lot with an area of not less than 10 hectares,
- (b) the height of any building on the land will not be more than 8 metres,
- (c) no more than 25% of the land is prime crop and pasture land and no building containing a dwelling will be on any such land,
- (d) no building will be on land that is a wildlife refuge, wildlife corridor or wildlife management area and the development will not adversely affect any such land,
- (e) the development will not include a camping ground, caravan park, eco-tourist facility or tourist and visitor accommodation, except where otherwise permissible on the land,
- (f) no building will be on land that has a slope in excess of 18 degrees or that is prone to mass movement,
- (g) the development is consistent with the aims of this Schedule.

- (2) In this clause:

***prime crop and pasture land*** means:

- (a) land identified as prime crop and pasture land under *State Environmental Planning Policy No 15—Rural Landsharing Communities* as in force immediately before the repeal of that Policy, or
- (b) land identified by the Secretary of the Department of Industry that has been notified in writing to the consent authority as prime crop and pasture land for the purposes of this Schedule.

### 5 Matter to be considered

The consent authority must not grant development consent under this Schedule unless it has taken into account the following:

- (a) the arrangements for operating and managing the community,
- (b) the design of the proposed development,
- (c) the physical and heritage characteristics of the proposed site and surrounding land,
- (d) the availability of roads, utilities and other services,

- (e) the impact of the development on the environment and any present or future use of the land,
- (f) any other matter that the consent authority considers to be relevant.

## 6 Future management

The consent authority must not grant consent to development under this Schedule unless it is satisfied that adequate provision will be made for the following:

- (a) water and waste management,
- (b) prevention, control and management of soil erosion,
- (c) bush fire management,
- (d) flora and fauna management, including the control of noxious weeds and noxious animals,
- (e) provision and maintenance of internal roads, boundary fences, water reticulation, service corridors for telephone and electricity cables and similar matters.

## 7 Density of development

- (1) The consent authority must not grant consent to development under this Schedule if the development would result in more than the following number of dwellings on the land:
  - (a) if the land has an area of 10 hectares or more but not more than 210 hectares—4 dwellings plus 1 additional dwelling for every 4 hectares of land greater than 10 hectares,
  - (b) if the land has an area of 210 hectares or more—54 dwellings plus 1 additional dwelling for every 6 hectares of land greater than 210 hectares up to a maximum of 80 dwellings.
- (2) The consent authority must not grant consent to development under this Schedule if the development would result in the number of persons reasonably accommodated in all the dwellings on the land being greater than 4 times the maximum number of dwellings otherwise permitted by this clause.

## 8 Subdivision prohibited

Subdivision (other than a subdivision permitted under clause 2.75 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*) of land is prohibited if development has been carried out on the land under this Schedule or under provisions similar to this Schedule.

**Note.** For example under the former *State Environmental Planning Policy No 15—Rural Landsharing Communities*.

There should be no application for a strata certificate under this Schedule as subdivision is prohibited.

## 9 More than 1 dwelling may be treated as a single dwelling

The consent authority may, for the purposes of this Schedule, treat 2 or more dwellings as a single dwelling if it is satisfied that, having regard to the sharing of any cooking or other facilities and any other relevant matter, the dwellings comprise a single household.