



New South Wales

# **Wentworth Local Environmental Plan 2011 (Amendment No 20)**

under the

**Environmental Planning and Assessment Act 1979**

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

**KEN ROSS, GENERAL MANAGER  
WENTWORTH SHIRE COUNCIL**  
As delegate for the local plan-making authority

## **Wentworth Local Environmental Plan 2011 (Amendment No 20)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Plan**

This Plan is *Wentworth Local Environmental Plan 2011 (Amendment No 20)*.

### **2 Commencement**

This Plan commences on the day on which it is published on the NSW legislation website.

### **3 Land to which Plan applies**

This Plan applies to land to which *Wentworth Local Environmental Plan 2011* applies.

### **4 Maps**

The maps adopted by *Wentworth Local Environmental Plan 2011* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

## **Schedule 1      Amendment of Wentworth Local Environmental Plan 2011**

### **[1]    Clause 2.1 Land use zones**

Insert after the matter relating to Zone RU3—

RU4 Primary Production Small Lots

### **[2]    Land Use Table**

Omit the matter relating to Zone RU1. Insert instead—

#### **Zone RU1 Primary Production**

##### **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 encourage and promote the growth and diversification of economic and employment opportunities in agriculture, horticulture and tourism.
- To enable the development of restaurants and cafes and kiosks as part of agritourism development.

##### **2            Permitted without consent**

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

##### **3            Permitted with consent**

Aquaculture; Artisan food and drink industries; Cellar door premises; Dual occupancies (attached); Dwelling houses; Extractive industries; Farm buildings; Heavy industries; Home industries; Intensive livestock agriculture; Kiosks; Landscaping material supplies; Markets; Open cut mining; Plant nurseries; Restaurants or cafes; Roadside stalls; Rural supplies; Rural workers' dwellings; Secondary dwellings; Self-storage units; Any other development not specified in item 2 or 4

##### **4            Prohibited**

Amusement centres; Commercial premises; Correctional centres; Crematoria; Early education and care facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Function centres; Health services facilities; Heliports; Highway service centres; Hotel or motel accommodation; Industries; Information and education facilities; Liquid fuel depots; Marinas; Mortuaries; Passenger transport facilities; Places of public worship; Port facilities; Public administration buildings; Recreation facilities (indoor); Residential accommodation; Respite day care centres; Restricted premises; Service stations; Serviced apartments; Sex services premises; Storage premises; Vehicle

body repair workshops; Warehouse or distribution centres; Wharf or boating facilities; Wholesale supplies

**[3] Land Use Table, Zone RU4**

Insert after the matter relating to Zone RU3—

**Zone RU4 Primary Production Small Lots**

**1 Objectives of zone**

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

**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; Jetties; Landscaping material supplies; Local distribution premises; 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); Any other development not specified in item 2 or 3

**[4] Clause 4.1 Minimum subdivision lot size**

Omit clause 4.1(1)(b)–(e). Insert instead—

- (b) to establish minimum lot sizes that are consistent with relevant zone objectives,
- (c) to prevent the fragmentation of productive rural land,

- (d) to ensure 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 with access to commercial quantities of irrigation water.

**[5] Clause 4.1AA Minimum subdivision lot size for community title schemes**

Insert after clause 4.1AA(2)(a)—

- (aa) Zone RU4 Primary Production Small Lots,
- (ab) Zone R5 Large Lot Residential,

**[6] Clause 4.1AA(2)(c)**

Insert after clause 4.1AA(2)(b)—

- (c) Zone C4 Environmental Living,

**[7] Clause 4.1B Minimum subdivision lot sizes for certain split zones**

Omit “but that” from clause 4.1B(1)(a). Insert instead “and that”.

**[8] Clause 4.1B(2)(b)**

Omit the paragraph. Insert instead—

- (b) land in Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone C4 Environmental Living.

**[9] Clause 4.1B(3)(a)(ii)**

Omit the subparagraph. Insert instead—

- (ii) all of the land in Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots, Zone E2 Environmental Conservation, Zone E3 Environmental Management and Zone C4 Environmental Living that was in the original lot, and

**[10] Clause 4.2A, heading**

Omit “No strata plan subdivision in certain rural zones”.

Insert instead “Strata plan subdivision in certain rural, residential and conservation zones”.

**[11] Clause 4.2A(2)(aa) and (ab)**

Insert after clause 4.2A(2)(a)—

- (aa) Zone RU4 Primary Production Small Lots,
- (ab) Zone R5 Large Lot Residential,

**[12] Clause 4.2A(2)(c)**

Insert after clause 4.2A(2)(b)—

- (c) Zone C4 Environmental Living.

**[13] Clause 4.2B, heading**

Omit “Zones RU1 and E3”.

Insert instead “Zones RU1, RU4, E3 and C4”.

**[14] Clause 4.2B(2)(aa) and (ab)**

Insert after clause 4.2B(2)(a)—

- (aa) Zone RU4 Primary Production Small Lots,
- (ab) Zone R5 Large Lot Residential,

**[15] Clause 4.2B(2)(c)**

Insert after clause 4.2B(2)(b)—

- (c) Zone C4 Environmental Living.

**[16] Clause 4.2B(3)**

Omit “, and on which no dwelling house has been erected,”.

**[17] Clause 4.2B(3)(c)–(e)**

Omit “or” from the end of clause 4.2B(3)(c) and omit clause 4.2B(3)(d) and (e).

**[18] Clause 4.2B(4)–(6)**

Omit the subclauses, including the note. Insert instead—

- (4) Subclause (3) does not apply if—
  - (a) there is a lawfully erected dwelling house on the land, and
  - (b) the dwelling house to be erected is intended only to replace the existing dwelling house.

**[19] Clauses 4.2C and 4.2D**

Omit the clauses. Insert instead—

**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 workers’ dwellings and secondary dwellings does not impair agricultural or rural uses of the land.
- (2) This clause applies to land in the following zones—
  - (a) Zone RU1 Primary Production,
  - (b) Zone RU4 Primary Production Small Lots.
- (3) Development consent must not be granted to the erection of rural workers’ dwellings or secondary dwellings on land to which this clause applies unless the consent authority is satisfied the development will not impair the use of the land for agricultural or rural industries.

**4.2D Boundary adjustments in Zones RU1, RU4 and C3**

- (1) The objective of this clause is to facilitate boundary adjustments between lots where 1 or more resulting lots do not meet the minimum lot size shown for the land on the Lot Size Map 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 RU4 Primary Production Small Lots,

- (c) Zone C3 Environmental Management.
- (3) Development consent may be granted to a subdivision of land to which this clause applies for the purposes of a boundary adjustment between adjoining lots if at least 1 lot resulting from the subdivision does not meet the minimum lot size shown for the land on the Lot Size Map.
- (4) Development consent must not be granted unless the consent authority is satisfied—
  - (a) the subdivision will not create additional lots or the opportunity for additional dwellings, and
  - (b) the number of dwellings on each lot after the subdivision will be the same as before the subdivision, and
  - (c) the subdivision will not create the potential for land use conflict, and
  - (d) for land in Zone RU1 Primary Production—the subdivision will not have a significant adverse effect on the agricultural viability of the land, and
  - (e) for land in Zone RU4 Primary Production Small Lots—the subdivision will not have a significant adverse effect on the intensive agricultural viability of the land, and
  - (f) for land in Zone C3 Environmental Management—the subdivision will result in the continued protection and long-term maintenance of the land, and
  - (g) the subdivision will not result in increased bush fire risk to an existing building.
- (4) In deciding whether to grant development consent, the consent authority must consider whether the subdivision—
  - (a) is likely to be incompatible with the dominant land uses in the surrounding area, and
  - (b) is likely to have a significant adverse effect on the dominant land uses in the surrounding area, and
  - (c) is appropriate with regard to natural and physical characteristics of the land, and
  - (d) is likely to have a significant adverse impact on the environmental values of the land.
- (5) This clause does not apply—
  - (a) to the subdivision of individual lots within a strata plan or community scheme, or
  - (b) if the boundary adjustment would create a lot that may be subdivided under clause 4.1.

**[20] Clause 5.5**

Omit the clause. Insert instead—

**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—

- (a) the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—
  - (i) 110 square metres,

- (ii) 60% of the total floor area of the principal dwelling, and
- (b) [Not adopted]

**[21] Part 7 Additional local provisions**

Insert at the end of the Part, with appropriate clause numbering—

**Tourist and visitor accommodation in Zone RU1 or RU4**

- (1) This clause applies to development for the purposes of tourist and visitor accommodation on land in Zone RU1 Primary Production or Zone RU4 Primary Production Small Lots.
- (2) Development consent must not be granted unless the consent authority is satisfied—
  - (a) all-weather vehicular access that is suitable considering the nature and location of the development will be provided to the site, and
  - (b) the development is complementary to the surrounding rural environment, and
  - (c) the development will not have a significant adverse impact on surrounding agricultural production, and
  - (d) the development will not create a land use conflict, and
  - (e) the development will not have a significant adverse impact on the scenic amenity, significant natural features or biodiversity of the area, and
  - (f) all of the services that are essential for the development are available or adequate arrangements have been made to make them available when required, including—
    - (i) the supply of water, and
    - (ii) the disposal and management of sewage, and
    - (iii) the supply of electricity, and
  - (g) the site is not located on flood prone land.

**Heavy industrial storage establishments in Zone RU1 or RU4**

- (1) This clause applies to development for the purposes of heavy industrial storage establishments on land in Zone RU1 Primary Production or Zone RU4 Primary Production Small Lots.
- (2) Development consent must not be granted unless the consent authority is satisfied—
  - (a) all-weather vehicular access that is suitable considering the nature and location of the development will be provided to the site, and
  - (b) the development will not have a significant adverse impact on surrounding agricultural production, and
  - (c) the development will not create a land use conflict, and
  - (d) the development will not have a significant adverse impact on the scenic amenity, significant natural features or biodiversity of the area, and
  - (e) all of the services that are essential for the development are available or adequate arrangements have been made to make them available when required, including—
    - (i) the supply of water, and
    - (ii) the disposal and management of sewage, and
    - (iii) the supply of electricity, and



- (f) the site is not located on flood prone land or within 1km of an existing dwelling or a waterway.

**Self-storage units, transport depots, truck depots and vehicle repair stations in Zone RU1 or RU4**

- (1) This clause applies to development on land in Zone RU1 Primary Production or Zone RU4 Primary Production Small Lots for the following purposes—
  - (a) self-storage units,
  - (b) transport depots,
  - (c) truck depots,
  - (d) vehicle repair stations.
- (2) Development consent must not be granted unless the consent authority is satisfied—
  - (a) all-weather vehicular access that is suitable considering the nature and location of the development will be provided to the site, and
  - (b) the development will not have a significant adverse impact on—
    - (i) the surrounding rural environment, or
    - (ii) surrounding agricultural production, and
  - (c) the development will not create a land use conflict, and
  - (d) the development will not have a significant adverse impact on the scenic amenity, significant natural features or biodiversity of the area, and
  - (e) all of the services that are essential for the development are available or adequate arrangements have been made to make them available when required, including—
    - (i) the supply of water, and
    - (ii) the disposal and management of sewage, and
    - (iii) the supply of electricity, and
  - (f) the site is not located on flood prone land.

**[22] Schedule 1 Additional permitted uses**

Omit clauses 1–4.

**[23] Dictionary**

Insert in alphabetical order—

***annual exceedance probability*** has the same meaning as in the *Floodplain Development Manual*.

***flood prone land*** means land susceptible to inundation as a result of a 1% annual exceedance probability flood.

***Floodplain Development Manual***—see clause 5.21.