

Land Use Table

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 ensure that the productive capacity of agricultural land is appropriately recognised and managed.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Intensive plant agriculture.

3 Permitted with consent

Airstrips; Aquaculture; Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Cellar door premises; Community facilities; ~~Dual occupancies—(attached); Dual occupancies~~; Dwelling houses; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Helipads; Home businesses; Home Industries; Industrial training facilities; Intensive livestock agriculture; Open cut mining; Recreation areas; Roads; Roadside stalls; Rural industries; Rural worker's dwellings; ~~Secondary dwellings~~; Turf farming; Veterinary hospitals; Water supply systems.

4 Prohibited

Any development not specified in item 2 or 3.

Zone RU2 Rural Landscape

1 Objectives of 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 provide for agricultural processing and support facilities directly related to the use and development of resources in the zone.
- To encourage development that involves restoration and/or enhancement of the natural environment where consistent with the production and landscape character of the land.
- To enable development that does not adversely impact on the natural environment, including habitat and waterways.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based

child care; Home occupations; Intensive plant agriculture.

3 Permitted with consent

Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Crematoria; ~~Dual occupancies (attached)~~; **Dual occupancies**; Dwelling houses; Eco-tourist facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Function centres; Helipads; Home businesses; Home Industries; Industrial training facilities; Intensive livestock agriculture; Places of public worship; Recreation areas; Recreation facilities (outdoor); Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural worker's dwellings; **Secondary dwellings**; Turf farming; Veterinary hospitals; Water supply systems.

4 Prohibited

Any development not specified in item 2 or 3.

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; Home-based child care; Home occupations; Intensive plant agriculture.

3 Permitted with consent

Agricultural produce industries; Animal boarding or training establishments; Backpackers' accommodation; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Community facilities; Dairies (pasture-based); ~~Dual occupancies (attached)~~; **Dual occupancies**; Dwelling houses; Entertainment facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Function centres; Home businesses; Home Industries; Neighbourhood shops; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Restaurants or cafes; Roads; Roadside stalls; **Secondary dwellings**; Turf farming; Veterinary hospitals; Viticulture; Water supply systems.

4 Prohibited

Any development not specified in item 2 or 3.

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To promote housing development that efficiently utilises existing communities, infrastructure, services and employment centres.
- To enable non-residential land uses where they are compatible with the amenity of the area.

2 Permitted without consent

Home-based child care; Home occupations.

3 Permitted with consent

Attached dwellings; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Caravan parks; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Residential flat buildings; Respite day care centres; Restaurants or cafes; Roads; **Secondary dwellings**; Semi-detached dwellings; Seniors housing; Shop top housing; Tourist and visitor accommodation; Water recreation structures; Water recycling facilities; Water supply systems.

4 Prohibited

Farm stay accommodation; Any other development not specified in item 2 or 3.

Zone R5 Large Lot Residential

1 Objectives of zone

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To increase housing choice where it is appropriately linked to the nearest urban centre.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations.

3 Permitted with consent

Backpackers' accommodation; Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; **Dual occupancies**; Dwelling houses; Emergency services facilities; Environmental facilities; Exhibition homes; Flood mitigation works; Home businesses; Home industries; Neighbourhood shops; Places of public worship; Recreation areas; Research stations; Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; **Secondary dwellings**; Seniors housing; Shop top housing; Water recreation structures; Water recycling facilities; Water supply systems.

4 Prohibited

Bee keeping; Dairy (pasture-based); Any other development not specified in item 2 or 3.

4.2A Erection of dwelling houses and dual occupancies (**attached**) on land in certain rural and environmental protection zones

- (1) The objectives of this clause are as follows:
 - (a) to minimise unplanned rural residential development; and
 - (b) to enable the replacement of lawfully erected dwelling houses or dual occupancies (**attached**) in rural and environmental protection zones.
- (2) This clause applies to land in the following zones:
 - (a) Zone RU1 Primary Production;
 - (b) Zone RU2 Rural Landscape; and
 - (c) Zone RU4 Primary Production Small Lots.
- (3) Development consent must not be granted for the erection of a dwelling house or dual occupancy (**attached**) on a lot in a zone to which this clause applies, and on which no dwelling house or dual occupancy (**attached**) has been erected, unless the land:
 - (a) is at least the minimum lot size specified for that lot by the Lot Size Map, or
 - (b) is a lot created before this Plan commenced and on which the erection of a dwelling house or dual occupancy (**attached**) was permissible immediately before that commencement, or
 - (c) is 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 or dual occupancy (**attached**) would have been permissible if the plan of subdivision had been registered before that commencement, or
 - (d) is an existing holding, or
 - (e) 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, public reserve or for another public purpose, or

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) Development consent may be granted for the erection of a dwelling house or a dual occupancy ~~(attached)~~ on a lot in a zone to which this clause applies if there is a lawfully erected dwelling house or dual occupancy (attached) on the land and the dwelling or dual occupancy ~~(attached)~~ house to be erected is intended only to replace the existing dwelling house or dual occupancy ~~(attached)~~.

(5) In this clause:

Existing holding means all adjoining land, even if separated by a road or railway, held in the same ownership:

(a) on;

(i) 22 October 1976 for land where *Interim Development Order No. 1-Shire of Kyogle* applied prior to the commencement of this Plan, or

(ii) 29 November 1974 for land where *Interim Development Order No. 1-Shire of Terania* applied prior to the commencement of this Plan, and

(b) at the time of lodging a development application for the erection of a dwelling house under this clause, and includes any other land adjoining that land acquired by the owner since the dates referred to in (i) and (ii) above.

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.

5.4 Controls relating to miscellaneous permissible uses

(9) Secondary dwellings

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

(a) 60 square metres,

(b) ~~43~~ 60% of the total floor area of the principal dwelling.