



Q&A INFORMATION SHEET

May 2008

STATE ENVIRONMENTAL PLANNING POLICY (RURAL LANDS) 2008

Q. Why was the Rural Lands SEPP introduced?

A. Agriculture is a significant industry worth approximately \$7.3 billion to the economy of NSW (2006–07) and contributes 79,000 jobs to the State's workforce. The ongoing orderly and economic development of the rural lands in NSW is vital to the State economy. In addition to the importance of agriculture to the State's economy the proper planning of rural lands provides opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities.

It is vital that we properly plan for these issues, so that rural NSW can enjoy the best of both worlds – a strong commercial farming economy and rural lifestyle and housing growth opportunities.

There was concern about the lack of a clear State-wide planning framework to properly plan for these issues. State Environmental Planning Policy (Rural Lands) 2008 (the Rural Lands SEPP) moves to provide this framework, while still ensuring the local councils have flexibility to undertake local planning in line with local conditions.

Q. What does the Rural Lands SEPP say about my ability to subdivide rural land?

A. Each council in NSW has planning controls – their local environmental plan (LEP) – to regulate subdivision in rural areas. In most instances an LEP specifies the minimum lot size(s) for rural subdivision. Some LEPs also permit rural residential subdivision or other forms of rural subdivision. The SEPP does not change these rules, with the exception of concessional lots provisions discussed below. You should contact your local council to see what subdivision controls apply to your land.

Q. Does the Rural Lands SEPP require a council to change its minimum rural lot size provisions?

A. No. The SEPP does not require councils to review their minimum lot size(s) or change those lot sizes in an existing LEP. Councils have the option to transfer the existing minimum lot size(s) currently applying in its local government area into a new LEP. However, if a council chooses to review its minimum lot size(s) it must do so in accordance with the Rural Subdivision Principles (clause 8). The Minister for Planning may direct a council to review its minimum lot size(s) under section 55 of the *Environmental Planning and Assessment Act 1979*.

Q. Does the Rural Lands SEPP prohibit dwellings in rural areas?

A. No. The Rural Lands SEPP does not remove any dwelling entitlements in rural areas (clause 11). The existing rules in the LEP applying to the land for the erection of dwellings in rural areas remain unchanged.

Q. What does the Rural SEPP say about subdividing rural land for agriculture (with no dwelling entitlement)?

A. There is a special provision in the Rural Lands SEPP to allow farmers to subdivide land below the minimum lot size in the LEP to sell it to another farmer for agricultural purposes. This will enable flexibility in primary production and allow farm adjustment to respond to changing trends in agriculture. The lot proposed to be subdivided for

primary production can not be created if a dwelling is built on it. A dwelling can not be built on a vacant lot created under this provision of the SEPP (clause 9).

Q. If I want to subdivide my land to sell a lot to my neighbour for agriculture can I still retain my house?

A. Yes, provided the lot subdivided for primary production does not have a house erected upon it (clause 9).

Q. What does the Rural Lands SEPP say about concessional lots?

A. As noted above, the Rural Lands SEPP does not prohibit rural subdivision. The only change the SEPP makes to subdivision is removing the ability to subdivide concessional lots if permitted by the local planning controls applying to the land (clause 11). This is in line with the recommendation of the Central West Rural Land panel (see below).

Any other types of subdivision currently permitted by the local planning controls are unaffected by the SEPP i.e. subdivision to the minimum lot size, rural residential subdivision etc.

Q. Why remove concessional lots?

A. Concessional lot provisions have traditionally allowed the creation of one or more small rural residential lots within a much larger farm. The report of the Central West Panel strongly recommended the removal of this type of subdivision. This panel was chaired by former State MP and Minister Garry West and also included NSW Farmers' Association president Jock Laurie, Local Government and Shires Associations secretary Bill Gillooly and former Department of Planning Director-General Gabrielle Kibble. As such, its findings were guided by farmers and local government. Clearly issues in regard to concessional lots in the Central West are relevant to all parts of NSW.

As noted by the panel, concessional lot provisions have in many instances in the past been misused. The provisions have resulted in the unplanned creation of rural residential lots occupied by out-of-town rural lifestylers located next to large commercial farms. As such concessional lots have resulted in a range of unintended impacts, e.g. fragmentation of rural land, land use conflicts and increased demand for infrastructure and services in remote areas.

Q. Can minimum lot sizes standards in an LEP be varied?

A. Yes. Under the provisions of State Environmental Planning Policy No 1 – Development Standards a development standard such as minimum lot size can be varied with the concurrence of the Director General of Planning. The Rural Lands SEPP enables the Minister to establish an independent Rural Lands Planning Panel to provide advice to the Director-General of the Department of Planning on applications which seeks to vary a development standard (clauses 14–22). The report from the Central West Panel strongly recommended this approach to ensure applications of exceptional merit could be considered by an expert panel and such advice could be given to the Director General prior to determining the matter. At the time of gazettal of the SEPP no Panels have been established.

Q. Does the Rural Lands SEPP assist in protecting agriculture in NSW?

A. Yes. The SEPP provides for protection of rural lands in NSW while at the same time enabling flexibility on planing controls to respond to the changing nature of agriculture. The SEPP contains a framework to identify agricultural land of State significance for special protection (clauses 12 and 13).